

**BOARD OF SELECTMEN**  
**Minutes of January 18, 2011**

Chairman Dick Gandt called the meeting to order at 7:30PM. Board members present, in addition to Chairman Gandt, were Martha Morrison, Nancy Luther, and Laura Powers. 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, Tri-Town Transcript Kathy O'Brien, Town Clerk Paula Burke, Treasurer/Collector Barbara Michalowski, resident Ken Vogel and Dan Philpot, Housing Authority Members Gerry Buckley and Jack Minnehan, Housing Authority nominee Rose David, Renewable Energy/Green Communities Committee members George Hall, Bob Winship, Joe Geller and Bruce Dyas.

**ANNOUNCEMENTS:** Chairman Gandt announced that the Board would go into Executive Session at the end of regular session to discuss the Fire Chief Contract and would not return to Open Session.

Selectman Powers announced that the Treasurer Collector's office has mailed the 3rd quarter tax bills for Fiscal 2011. Tax payments will be due Tuesday February 1<sup>st</sup>.

Chairman Gandt announced that the Conservation Commission will be sponsoring a presentation on vernal pools with guest presenters Leo Kennedy and Matt Burneon on Thursday, January 27, 7:00 PM at the Topsfield Town Library Conference Room.

**APPOINTMENTS:**

**7:30 – Approval of Bond** – Chairman Gandt explained that the Town is refinancing the remaining portion of the town's 'General Obligation Municipal Purpose Loan of 2001 Bonds' by issuing new bonds. In addition to funding refinancing of the 2001 Bonds, the new bonds will also include financing for three recently completed projects: the Ipswich Road Water Main Project, the Asbury Street Bridge Project and the purchase of Engine 3. There are 9 votes that relate to approval these bond transactions. Treasurer/Collector Barbara Michalowski was present to answer any questions and Town Clerk Paula Burke was present to witness the signing and certify the vote.

Clerk Powers read the following: "I, the Clerk of the Board of Selectmen of the Town of Topsfield, Massachusetts (the "Town"), certify that at a meeting of the board held January 18, 2011, 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."

Clerk Powers made a motion to vote: 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 a portion of the Town's \$4,226,000 General Obligation Municipal Purpose Loan of 2001 Bonds dated March 1, 2001 maturing on March 1 in the years 2012 through 2021 (inclusive), (the "Refunded Bonds") and that the proceeds of any refunding bonds issued pursuant to this vote shall be used to pay the principal of and redemption premium on the Refunded Bonds and costs of issuance of the refunding bonds, seconded by Selectman Morrison; so voted: 4-0.

Clerk Powers made a motion to vote: that the sale of the \$4,040,000 General Obligation Municipal Purpose Loan of 2011 Bonds of the Town dated January 15, 2011 (the "Bonds"), to Fidelity Capital Markets, a Division of National Financial Services LLC, at the price of \$4,143,504.95 and accrued interest is hereby approved and confirmed. The Bonds shall be

payable on January 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>
2012	\$435,000	3.00%	2018	\$385,000	2.50%
2013	445,000	3.00	2019	290,000	3.00
2014	455,000	4.00	2020	295,000	3.00
2015	455,000	4.00	2021	190,000	3.20
2016	380,000	2.00	2026	330,000	3.75*
2017	380,000	2.25			

\*Term Bond

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

Clerk Powers made a motion to vote: that the Bonds maturing on January 15, 2026 (a “Term Bond”) shall be subject to mandatory redemption or mature as follows:

Term Bond due January 15, 2026

Mandatory Redemption Payment Amounts  
Due January 15 in the Following Years:

<u>Year</u>	<u>Amount</u>
2022	\$70,000
2023	65,000
2024	65,000
2025	65,000
2026*	65,000

\*Final Maturity

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

Clerk Powers made a motion to vote: 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 December 30, 2010, and a final Official Statement dated January 11, 2011 (the “Official Statement”), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted, seconded by Selectman Luther; so voted: 4-0.

Clerk Powers made a motion to vote: 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, second by Selectman Morrison; so voted: 4-0.

Clerk Powers made a motion to vote: that the consent to the financial advisor bidding for the Bonds, as executed prior to the bidding for the Bonds, is hereby confirmed, seconded by Selectman Luther; so voted: 4-0.

Clerk Powers made a motion to vote: to authorize the execution and delivery of a Refunding Escrow Agreement to be dated January 21, 2011, between the Town and U.S. Bank National Association, as Refunding Escrow Agent, seconded by Selectman Luther; so voted: 4-0.

Clerk Powers made a motion to vote: 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, seconded by Selectman Luther; so voted: 4-0.

Clerk Powers made a motion to vote: 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 Luther; so voted: 4-0.

Clerk Powers continued: “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, 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. “

Nominations for Housing Authority member: Members of the Housing Authority, John Minnehan, and Gerald Buckley, presented Rose David’s name for nomination as a member to the Housing Authority to replace Joan Emerson who submitted a letter of resignation to the Town Clerk for the position she held that was to expire in May 2011. Ms. David gave a brief overview of why she wanted to be a member of the Housing Authority and was endorsed by the Housing Authority Board members. Chairman Gandt opened the meeting to nominations. John Minnehan nominated Rose David; seconded by Gerald Buckley. There being no other nominations, the Chairman closed nominations. Clerk Powers called the Roll Call vote with Ms. Rose David’s name as the sole nominee to fill the vacant position until the Town’s next annual election on May 5, 2011. The following votes were recorded for Rose David: John Minnehan voted yes, Gerald Buckley voted yes, Selectman Luther voted yes, Selectman Morrison voted yes, Chairman Gandt voted yes, and Selectman Powers voted yes. Rose David was elected unanimously, 6-0.

## **GENERAL BUSINESS**

### **New Business**

Banner Request: Selectman Morrison made a motion to approve Boys Scout Troop 81’s request to place a banner between Town Hall and Proctor School for the Bottle and Can Drive event on June 11<sup>th</sup>. The banner would be permitted between Town Hall and Proctor School for 10 days prior to the event, beginning June 1<sup>st</sup> – June 12<sup>th</sup>, seconded by Selectman Luther; so voted: 4-0.

MASCO Annual Scholarship: Selectman Powers made a motion to approve three (3), \$400 scholarships to be awarded to three Topsfield 2011 graduates, seconded by Selectman Luther; so voted: 4-0.

### **APPOINTMENTS:**

**8:00PM - Renewable Energy/Green Communities Committee Update:** Members present were George Hall, Bob Winship, Joe Geller, and Bruce Dyas. Chairman of the Committee George Hall addressed the Board stating that over a year ago the committee was formed, with no expertise or a budget, and proceeded ahead exploring available grant funds and opportunities that would be helpful in achieving Green Communities status in order to apply for State funded grants. George stated that it would be the committee’s recommendation that the Town move forward on the process. George went on to explain the five criteria in detail, stating that two items require Town Meeting approval including changes to the Zoning Bylaws. In closing,

George announced that the committee would be holding an informational forum on February 24<sup>th</sup> at the Library beginning at 7:30PM to provide more details on the process and criteria.

## **GENERAL BUSINESS**

### **New Business (continued)**

**Capital Improvement Program:** Ms. Wilder gave a review of the Capital Improvement Program items that had been received by Town Administrator. The Finance Committee has provided a \$100,000 amount and the Finance Team had met to review the requests from various Departments. (See attached letter outlining the review process and the Financial Team's recommendations for funding in FY2012.)

**Warrant Articles discussion:** Chairman Gandt read through the list of Warrant Articles that are known to date.

### **Liaison Reports**

Selectman Morrison reported that the Open Space Plan has been accepted by the Department of Conservation and Recreation.

Selectman Morrison reminded the Board that the Stormwater Management Committee needs to be appointed as there have been changes made to the Phase II requirements.

### **Town Administrator's Report:**

- Draft of initial Town Warrant is in process.
- Annual Report is in process.
- Attended a meeting relative to a potential re-precincting of the Town into two precincts as opposed to one due to the 2010 census results.
- Reminder of the spring MMA Legislative Breakfast to be held in Peabody on March 11<sup>th</sup>.

### **Selectmen Minutes:**

Selectman Powers made a motion to accept the Minutes of November 8, 2010 as amended; seconded by Selectman Luther; so voted 4-0.

Selectman Morrison made a motion to accept the Executive Session Minutes of November 8, 2010 as written and to hold until all issues have been resolved; seconded by Selectman Luther; so voted 4-0.

Selectman Morrison made a motion to accept the Working Session Minutes of November 15, 2010 as written; seconded by Selectman Luther; so voted 4-0.

Selectman Powers made a motion to accept the Minutes of December 6, 2010 as amended; seconded by Selectman Morrison; so voted 4-0.

Selectman Powers made a motion to accept the Executive Session Minutes of December 6, 2010 as written and to hold until all issues have been resolved; seconded by Selectman Luther; so voted 4-0.

## **Correspondence & Reports**

### **Correspondence**

**Speed Sign Request:** Marie Masse submitted a letter of concern regarding speeding vehicles on Ipswich Road.

**MIIA's Answers to Questions:** Patricia Sullivan, MIIA Sr. Account Executive, sent answers to the outstanding insurance questions/concerns.

**Audit Report:** Giusti, Hingston and Company sent the Town Audit, management letter and letter of standards.

Reports

Conservation Commission submitted a monthly report for December.

Fire Department submitted a monthly report for December.

Police Department submitted a monthly report for December.

NS Vocational School District submitted minutes of November 18<sup>th</sup> and an agenda for January 13<sup>th</sup>.

**Warrants:** The Selectmen signed and approved warrants in the amount of \$ **1,963,723.24**. The breakdown is as follows:

Warrant FY11:	
059T	\$ 79,678.88
060	\$ 1,884,044.36

At 10:25 PM, Selectmen Luther made a motion to go into Executive Session to discuss the Fire Chief contract; seconded by Selectman Powers. In a roll call vote, a yes vote was recorded for Chairman Gandt, Selectman Morrison, Selectman Luther, and Selectman Powers. The Board would not return to open session.

Respectfully submitted,

Donna Rich, Secretary  
Selectmen's Office

*Approved as written at the March 14, 2011 Board of Selectmen's 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.
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