

Danvers Select Board Minutes

September 19, 2023

The regular meeting of the Danvers Select Board was held on Tuesday, September 19, 2023, at 6:30 P.M. in the Daniel J. Toomey Hearing Room, Town Hall, 1 Sylvan Street, Danvers. Present: David A. Mills, Chair; Daniel C. Bennett; Maureen A. Bernard; Matthew E. Duggan, and Gardner S. Trask III. The **Pledge of Allegiance**, led by Select Board member Duggan, was recited by all in attendance.

Approval of Minutes: Select Board member Trask motioned to approve the Minutes of August 15, 2023, as presented, seconded by Select Board member Bennett, and voted 5-0. Select Board member Bennett motioned to approve the Minutes of September 5, 2023, as presented, seconded by Select Board member Trask, and voted 5-0.

New Public Business: Bill Bradstreet, TMM Pct. 1, commented on (a) A review of rules for public meetings? The Town Manager explained that board/committee meetings follow Roberts Rules of Order and Select Board adopted Code of Conduct. (b) Could trees at Pope's Landing (when replacement needed) be trees with "some girth" and perhaps include an evergreen to be decorated for the holidays?

The Board welcomed Talent Pool applicant **Kim Brisbois** to the **Cultural Council**. Kim mentioned that she has worked for 14 years at Riverside School, conducting cultural enrichment events and attending Cultural Council meetings. Another individual will be making application in the future for Cultural Council grants. The Select Board welcomed her and extended thanks for her willingness to volunteer.

The Select Board was requested to approve the **sale of a General Obligation Bond Anticipation Note**, and Finance Director Rodney Conley and Treasurer Jill Summit were on hand to take questions from the Board. Mr. Conley noted that interest rates were not as favorable as in previous years, but that 3.6% was a great result, made possible in part by S&P's affirmation of the Town's AAA credit rating. He further explained that the issue primarily included a rollover of an outstanding note for the landfill project, as well as the remaining authorization for the project (\$4.5 million in total). Amounts for other authorized Water/Sewer projects were also included. The Town still anticipates paying the outstanding landfill notes using the receipts from soil collection revenue. Select Board member Bennett motioned that the Board vote to approve the sale of a \$5,730,000 General Obligation Bond Anticipation Note to Piper Sandler & Company at par and accrued interest, if any, plus a premium of \$51,570, as presented, seconded by Select Board member Bernard, and voted 5-0. [Full narrative of vote appears on pgs. 4.]

A Public Hearing was held to review an amendment to the Traffic Rules & Regulations as they pertain to the vicinity of 20 Locust Street. Land Use & Community Services (LUCS) Director Aaron Henry was on hand to describe the background and ultimate decision of Danvers Traffic Advisory Committee (DTAC) to amend allowable parking (c. five spaces) in front of 20 Locust from 2 hours to 15 minutes. The intent is to make it more convenient for patrons of "in-and-out businesses," i.e., Betty Anns, corner grocer, and smoothie shop. Discussion followed with comments and/or suggested solutions, in no particular order:

- Exacerbating the parking problem is the property owner's non-compliance with the parking plan presented to the Planning Board. There have been some productive discussions lately with the hope there will be spaces made available to commercial businesses for their patrons' use, as was anticipated when approvals were given. It would certainly be appropriate to designate parking in the lot for businesses (e.g., hair salon, nutrition center, etc.) whose clientele is in need of longer term parking availability.
- Fifteen (15) minute parking for the five spaces is what was recommended by DTAC members, given the nature of the "quick stop" businesses in question (noted above). Two hour parking (sometimes by employees) allowance is proving detrimental to the six businesses. Enforcement of 15-min. parking is likely to be an issue. The tea house on the opposite side of Locust has a designated 2-hr., striped parking spot to accommodate customers.
- This has the appearance of "*spot traffic enforcement, which seems to be alleviating a problem for two businesses and creating a problem for four.*" If employees are using the designated spaces, they should be instructed not to do so. "*A business created problem, should be solved by the business.*" What recourse will there be when other downtown businesses request similar considerations? There have always been parking problems downtown.

- The Hobart Street lot is available; *“maybe patrons have to walk a little bit more.”* Customers or employees should not expect to be able to park directly in front of a business.
- *“What’s in store when Maple Square project comes on line? We need a more thought out plan for the area in general, and a better understanding how tenants will park and where long-term parking is supposed to go.”* Signage along Maple Street, permitting two hour parking near the old fire station (now Cataldo Ambulance) has been removed; LUCS staff looking into that.
- Aaron (and DTAC) commended for their hard work, and there’s no reason not to support this parking accommodation because other businesses may request the same.

Could there be two 15-minute spaces and three for longer duration? The suggestion appealed to Select Board member Trask, and he motioned to approve this plan, without garnering a second. Public comment included that perhaps it’s time to consider parking meters; it’s done in other cities and towns. There was additional discussion about outreach to affected parties and a question as to whether the proposal, if adopted this evening, could later be amended after witnessing how it works out (*“Yes”*).

Select Board member Trask motioned to close the public hearing, seconded by Select Board member Bennett, and voted 5-0. Select Board member Bennett motioned to approve the proposal as presented, seconded by Select Board member Mills, and voted 3-2 [Select Board members Duggan and Trask opposed].

The Board considered an application from MIK Construction, Angelo Liapis, Manager, for **permission to occupy the public way** in front of Berry Tavern 2 High Street, for roof work at that location. Mr. Liapis, accompanied by the Berry Tavern manager, explained that the work to be done on the roof by means of ladders would be ongoing in early morning with provisions made to cordon off the area in question, with a police detail present to ensure pedestrian safety. With questions answered to the satisfaction of the Board, Select Board member Bennett motioned to approve the permission as requested, seconded by Select Board member Trask, and voted 5-0

A public hearing was held under Chapter 138 of the General Laws on the application of Aimbridge Hospitality LLC **d/b/a DoubleTree Boston North Shore**, 50 Village Drive, Mike Frotten, General Manager, for a Change of Officer/ Directors. Mr. Frotten noted that this is a corporate change only, and the Town Clerk confirmed that there are no changes (including to the liquor license) to the local operation. Select Board member Trask motioned to close the public hearing, seconded by Select Board member Bennett, and voted 5-0. Select Board member Bennett motioned to approve the application as presented, seconded by Select Board member Trask, and voted 5-0. Town Clerk will look into whether such corporate changes need to be endorsed by the Select Board or whether she has authority to endorse these changes, contingent upon whether or not this is mandated by corporate management.

[The Board was to have considered two **(2) applications for One-Day Wine & Malt Beverage License(s) by The Cellar Door**, Bea Tiberii & Bruce Flynn, Event Managers, for **2023 Paint & Sip** series at Endicott Park, 57 Forest Street, from 5:30-7:00 P.M. on Wednesday September 27 & October 25, 2023.] The Town Clerk reported that this item had been withdrawn from consideration for presentation at a later date.

[The Board was to have considered the application for a **One-Day Wine & Malt Beverage License by Gluten-Free New England**, Abby Helman Kelly, Event Manager, at Danvers Indoor Sports, 150 Andover Street on Saturday, October 21, 2023, from 9:00 A.M.-3:30 P.M.] There was no one available to speak to this request, and it is likely to appear on a later agenda.

Town Manager update

- Budget Conference Committee, Thursday, October 12, 6 P.M. at Senior Center. Meeting to be publicized in advance for public participation. Select Board Chair’s discretion whether this is a public hearing. Important discussions need to be held regarding how to pay for everything we need/want in Town.
- FalconFest working with staff on several events in 2024 i.e., a smaller fireworks demonstration and a bonfire in January, for which a Select Board endorsed permit is required; they will attend a Select Board meeting in October.
- Originally scheduled to be hosted by Danvers in 2020, in 2023 Danvers is hosting the Suffolk University program in the DPD Training Room in partnership with MMA. Thus far, Danvers has the highest number of graduates from this program!

- Citizens' Academy kicked off last week, with welcoming comments by Select Board Chair Mills.
- Noteworthy but potentially overlooked on page 3 of recent credit report is the fact that our largest liabilities (pension & Other Pension Entitled Benefits [OPEB]) was \$190 million and is down \$125 million from two years ago.

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

Select Board member Duggan

- "*How has conversion to new trash containers been going? and Does the town retain ownership of containers?*" Town Manager reported that roll-out is near completion and Town does retain ownership of containers. In addition, there is potential for a second and/or smaller cart to accommodate some residents; by November 1, DPW and Town Manager will look into the numbers.
- There was a sign welcoming visitors to Sandy Beach; it's been removed, and signage at Pope's Landing restricting parking to boat owners is curtailing public access to waterfront.

Select Board member Bernard

- Select Board member Bennett spoke at Kiwanis, updating members about what we do as a Board.
- It may be helpful to have an update by DPW on roadways and what is scheduled to be done.
- Attended NS Chamber breakfast, "nice event" and good to hear the pros and cons of what other cities and towns are facing.
- Rail trail a great asset; users should be mindful to pick up their trash.

Select Board member Bennett

- August 31 trash presentation by DPW and Republic noted that cardboard overflow location would be Plains Park; perhaps Canal Street would be a better location. "*Can we look at that?*"
- "*Thanks*" to Governor Healey for banning single use plastic bottles; other communities have done this as well.
- We should look at by-laws as they pertain to ADUs (Accessory Dwelling Units) as a way to provide smaller, affordable housing. It has already been adopted in Salem, with Beverly and Peabody getting ready to vote on it. Perhaps a Select Board appointed committee to look at this after the Town Moderator-appointed sub-committee completes their work.

Select Board member Mills

- In agreement that Sandy Beach should be made more welcoming to people by enhancing parking.
- Fourth Citizens' Academy opened with a new slate of excited "cadets," for this wonderful community-building experience.
- Remain concerned about State Supreme Court's decision regarding how public meetings are to be regulated.
- Advocating for brief, 5-10 minute, presentations by department managers (i.e., Library Director, etc.) at upcoming Select Board meetings.

Select Board member Trask

- He has fielded some questions about trash and advised that residents watch the presentation on DCAT where there is a lot of good information available. "*If we kept old model of trash collections, our increase would have been more than twofold.*"
- Bill Kossowan's appointment to the Beverly Airport Commission was endorsed by Beverly Cit Council, and his appointment letter from the Town Manager has been mailed.

In closing, Select Board member Bennett asked that "*If you meet a veteran, thank him or her for their service,*" and the meeting adjourned at 8:00 P.M.

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 September 19, 2023, 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:

Voted: to approve the sale of \$5,730,000 4.50 percent General Obligation Bond Anticipation Notes of the Town dated September 28, 2023 and payable September 27, 2024 (the "Notes") to Piper Sandler & Co. at par and accrued interest, if any, plus a premium of \$51,570.00.

Further Voted: that in connection with the marketing and sale of the Notes, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated September 6, 2023 and a final Official Statement dated September 13, 2023, 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 Town Treasurer and the Select Board be, and hereby are, authorized to execute and deliver a significant events 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 Notes for the benefit of the holders of the Notes 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 Notes and to comply with relevant securities laws.

Further Voted: that any certificates or documents relating to the Notes (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 Document; 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 Notes were taken in executive session, all in accordance with G.L. c.30A, §§18-25, as amended.

Dated: September 19, 2023

_____*Catherine S. Ellsworth*_____
Clerk of the Select Board

Attest: Catherine S. Ellsworth, Town Clerk