

The regular meeting of the Board of Selectmen was held on Tuesday, August 2, 2016 at 6:00 P.M., in the Daniel J. Toomey Hearing Room, Town Hall, Danvers.

Present: Chairman Diane M. Langlais; Daniel C. Bennett; William H. Clark; David A. Mills; Gardner S. Trask, III

The Pledge of Allegiance was recited by all in attendance.

On a motion by Selectman Trask and seconded by Selectman Clark, the Board voted 5-0 to approve the Minutes of June 21, 2016.

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New public business brought forth:

- Town Meeting Member Andrea Daley read a statement of concern about an action by the Planning Board regarding allowing access to 29 Elm St. through the Town Parking lot for a new Beverly Bank drive thru.
- Town Meeting Member Mark Zuberek also expressed concern over 29 Elm St. and Town Parking lot, in addition, Mr Zuberek:
 - Also request of a final cost for the DHS project.
 - Concerns regarding the annual Electric Dept. budget.
- Town Meeting Member John Zavaglia expressed concern regarding Beverly Airport operations.
- Town Meeting Member Andrea Daley expressed concern about the lack of a sidewalk on Endicott St. near Econolodge.

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The Board was in receipt of a first-time application by Brian Harrison for a block party at 24 Garfield Ave to the end of the cul-de-sac on Saturday, August 27, 12- 10P.M. On a motion by Selectmen Trask and seconded by Selectmen Clark, the Board voted 5-0 to approve the application.

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The Board was in receipt of a first-time application by Ronda Malone for a block party at 7 Damon St. (Damon & Conant to Damon & Park) on Saturday, September 17, 3-10 P.M. On a motion by Selectmen Clark and seconded by Selectmen Trask, the Board voted 5-0 to approve the application.

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The Board was requested to accept a gift of \$5,000 from Abiomed to the Danvers Fire Department in accordance with M.G.L. Chapter 44, § 53A. The gift will be used for the SAFE program. On a motion by Selectman Trask and seconded by Selectman Bennett, the Board voted 5-0 to accept the gift. The Board requested the Town Manager send a letter of thanks.

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The Town Manager provided an update to the Board on various items of interest, as follows:

- New HR Director Kate Green
- IT Director hiring process
- Management evaluations underway
- Board/ Committee member assignments
- S&P rating review call
- DHS fields project
- Liberty St. bridge to reopen Aug 18th
- Dog park update
- Water valve exercise program
- Citizen survey
- Presentation on Smart Growth at Board of Selectmen meeting on Sept 6th

Finance Director Travis Ahearn addressed the Board of Selectmen on updated financial practices to address Standard & Poors concerns from prior rating conversations.

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Police Captain Phil Tansey addressed the board on recent liquor compliance checks. There was one violation by Leajoe Inc., d/b/a Danvers Mobile, Manager, Richard Elkhoury, 420 Newbury Street. On a motion made by Selectman Trask and seconded by Selectman Bennett the Board voted 5-0 to set the date of September 6, 2016, for public hearing to consider whether this license to sell Wine & Malt beverages should be suspended, revoked, or limited in any way. The licensee will be notified by certified mail of the hearing.

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A public hearing was held under Chapter 138 of the General Laws on the application of American Multi-Cinema, Inc., d/b/a AMC Theatre Liberty Tree Mall 20, for an All Alcoholic Common Victualler's License at 100 Independence Way. Atty Andrew Upton, George Patterson and Manager Lida Parsons appeared on behalf of AMC and gave a presentation of plans to refurbish the location at LTM and their desire to offer alcohol. On a motion by Selectman Clark and seconded by Selectman Bennett, the Board voted 5-0 to close the public hearing. A motion was made by Selectman Trask and seconded by Selectman Clark to approve the application with sales to end by 12:30A.M. daily. An amended motion was made by Selectman Bennett and seconded by Selectman Trask to approve the application with sales to end one half hour before closing, the Board voted 2-3 with Langlais, Clark, and Mills opposed. The original motion made by Selectman Trask and seconded by Selectman Clark to approve the application with sales to end by 12:30A.M daily was approved 4-1 with Bennett opposed.

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A public hearing was held under Chapter 138 of the General Laws on the application of Massachusetts Fine Wines & Spirits, LLC, d/b/a Total Wine Spirits Beer & More, 100 Independence Way, Danvers for transfer of an All Alcoholic Beverage Package Store License to that location. Atty Jill Mann and Ed Cooper appeared on behalf of Total Wine, Spirits Beer & More. The transfer comes from Ventura Enterprises, d/b/a Waterfront Wine & Spirits, 128 Water St. Atty Mann indicated the application consists of Transfer of All Alcohol Beverage Package Store License, Change of Location, Change of Manager, Pledge of License, and Pledge of Stock. The applicant indicated the store will bring economic activity to the Liberty Tree Mall, their approach is a destination location rather than a convenience operation. Various residents in the audience spoke to both sides of the proposal. Police Captain Phil Tansey indicated the police had no concerns regarding the operation or location but not was not advocating for or against the proposal. On a motion by Selectman Bennett and seconded by Selectman Clark, the Board voted 5-0 to close the public hearing. On a motion by Selectman Clark and seconded by Selectman Mills the Board voted 3.1.1 with Bennett opposed and Trask abstaining to approve the application to transfer with the hours of Monday-Saturday 9:00A.M-10:00P.M, and Sunday 10:00A.M.-6:00P.M..

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A public hearing was held on an application by Care Dimensions for a One-Day Wine & Malt license for an annual fundraising event to benefit Hospice of the North Shore to be held at Honda North, 382 Newbury St., on Thursday, September 8, 5:30-8:00 P.M. On a motion by Selectman Bennett and seconded by Selectman Trask, the Board voted 5-0 to close the public hearing. On a motion by Selectman Trask and seconded by Selectman Bennett, the Board voted 5-0 to approve the application.

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A public hearing was held under Chapter 138 of the General Laws on the application of Breakaway, Inc., d/b/a Breakaway, 221 Newbury St., for a Pledge of All Alcoholic License to New England Certified Development at that location. On a motion by Selectman Bennett and seconded by Selectman Clark, the Board voted 4-0 to close the public hearing. On a motion by Selectman Bennett and seconded by Selectman Clark, the Board voted 4-0 to approve the application. Selectmen Trask removed himself from discussion and vote due to prior business relationship with the applicant.

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The Board was in receipt of an application from Danvers Snack Shop d/b/a Orange Leaf; 2 High St, James W. Amatucci, Manager, for Common Victualler's License change of ownership for Orange Leaf of Danvers. The Clerk indicated the application has been withdrawn.

Correspondence, Selectmen "New Business," previous "New Public business" updates and Selectmen closing updates were provided, as follows:

- 29 Elm Street – refer to DTAC for concern over traffic flow
- Upcoming ballot question for marijuana legalization and zoning
- Recreation concerts
- Recent deaths of Betty Almeida, Gerry Orlando and Ethel Lee

Consent Calendar

On a motion by Selectman Clark and seconded by Selectman Mills the Board voted 5-0 to approve the following Consent Calendar items with Trask abstaining on Block Party vote:

Constable Reappointment

- Raymond J. Felice, 7 Freedom Way, Merrimac, MA - Civil Constable

Banners

- "A Reason to Ride" fundraising cycling event, over Maple Street, August 8-14

Block Party

- Gardner Trask, August 27, 12-10 P.M., blocking from Weston to end of Fellows

Car Wash

- DHS Soccer Boosters, Saturday, September 10 [rain date September 11], 3 Holten Street parking lot

Selectmen Notes & Reminders

- Town Hall closed on **Monday, September 5**, in observance of Labor Day
- Next Selectmen's Meetings, **Tuesday, September 6**, and **Tuesday, September 20, 7 P.M.**, Daniel J. Toomey Hearing Room
- Massachusetts State Primary Elections, **Thursday, September 8**; polls open from **7 A.M. to 8 P.M.**, Danvers High School, Cabot Road

The Selectmen closing comments were offered, as follows:
Remember Veterans, as well as all active servicemen and women.

The meeting was adjourned at 10:20 P.M.

Attest: Joseph L. Collins (Clerk)