

The regular meeting of the Danvers Select Board was held Tuesday October 6, 2020 at 5:30 P.M., in the Multi-Purpose Room- Holten Richmond Middle School, 55 Conant Street, Danvers.

Present: Daniel C. Bennett, Chairman; William H. Clark Jr; Maureen A. Bernard; David A. Mills; Gardner S. Trask, III

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The Pledge of Allegiance was recited by all in attendance

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On a motion by Select Board Member Trask and seconded by Select Board Member Clark, the Board voted 5-0 to approve the minutes of September 15, 2020.

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On a motion by Select Board Member Trask and seconded by Select Board Member Clark, Select Board Member Bennett confirmed that the vote taken on September 29, 2020 via remote participation directing the Town Manager to submit the prepared response to the Attorney General's Office regarding an open meeting violation complaint along with the complaint by Mr. Lucy should have been a Roll Call vote. Select Board Member Bennett confirmed it was a clear unanimous 5-0 vote, on a motion by Select Board Member Trask and seconded by Select Board Member Mills, the Board voted 5-0 to approve the minutes of September 29, 2020.

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New Business:

- Town Meeting Member Dan Gagnon questioned the mission and membership requirements of the Preservation Commission.
- Resident Keith Lucy addressed the Board regarding the minutes of September 29, 2020 and the lack of a Roll Call vote at that meeting. Mr. Lucy references several Open Meeting Law complaints in various communities, indicating that all remote meeting votes must be by Roll Call to be certain it is clear how each member voted. On a motion by Select Board Member Trask and seconded by Select Board Member Clark the Board voted 5-0 to reconsider the approval of the minutes of September 29, 2020. On a motion by Select Board Member Trask and seconded by Select Board Member Clark by a Roll Call vote, the Board reaffirmed its 5-0 vote (this time by roll call) to direct the Town Manager to submit the prepared response to the Attorney General's Office regarding an open meeting violation complaint along with the complaint by Mr. Lucy. On a motion by Select Board Member Trask and seconded by Select Board Member Mills, by a Roll Call vote, the Board reaffirmed its 5-0 vote (this time by roll call) to adjourn the meeting of September 29, 2020. On a motion by Select Board Member Trask and seconded by Select Board Member Mills, by a Roll Call vote, the Board voted 5-0 accepted the revised minutes of September 29, 2020.
- Members of the Human Rights and Inclusion Committee appeared before the Board regarding a contest for students to design a Community Yard Sign.

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A public hearing was held on the application of **GIAMAR Corp.**, 126 Newbury Street, Adriana Travaglione, Manager, for a Transfer of an All Alcohol Common Victualler's License at that location. This license previously held by Triple T. Café, Inc. d/b/a Calitri's. Attorney Paul Delory and Manager Adriana Travaglione appeared before the Board and answered various questions. Attorney Delory indicated that the d/b/a name is still being negotiated and that the current plan is to be open by May, 2021. A motion to close the public hearing was made by Select Board Member Trask and seconded by Select Board Member Clark. On a motion by Select Board Member Trask and seconded by Select Board Member Bernard, the Board voted 5-0 to approve the application with the clock of non-use to start no sooner than May, 2021.

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A public hearing was held on the application of Packaging Center, Inc., d/b/a Super Stop & Shop, 301 Newbury Street, William Hanlon, Manager, for a Change of Officers at that location. Attorney Eugene Richard appeared before the Board and answered various questions by the Board. A motion to close the public hearing was made by Select Board Member Clark and seconded by Select Board Member Mills. On a motion by Select Board Member Trask and seconded by Select Board Member Mills, the Board voted 5-0 to approve the application.

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The Board considered a request from the attorney representing the project at 44 Maple Street to extend their license to occupy the ROW at that location until not later than February 1, 2021. Attorney Nancy McCann and Builder Ben Pyburn appeared before the Board and answered various questions by the Board. The Builder indicated that delays in delivery of materials has caused the project to be delayed. On a motion by Select Board Member Trask and seconded by Select Board Member the Board voted 4-1 (Select Board Member Bernard opposed to fines) to approve the extension with \$300 per day fine to begin February 2, 2020.

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The Board considered a third (3rd) one-year extension of an appointment to the Danvers Housing Authority Board. On a motion by Select Board Member Trask and seconded by Select Board Member Bernard, the Board 5-0 to appoint Wayne Eisenhower to the Danvers Housing Authority Board of Commissioners for one year or until the DHCD elects a tenant representative, whichever is sooner.

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The Board considered appointing a hearing officer related to a dangerous dog complaint for finding of facts and recommendations to the Board consistent with Massachusetts General Law. On a motion by Select Board Member Clark and seconded by Select Board Member Trask, the Board voted 5-0 to appoint Police Chief Patrick Ambrose and/or Acting Police Chief James Lovell as the hearing officer.

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The Board reviewed a draft of the October 26, 2020 Special Town Meeting Warrant and made the following motions:

- Article 1: On a motion by Select Board Member Trask and seconded by Select Board Member Clark, the Board voted 5-0 to forward the Article to FinCom with a favorable recommendation.
- Article 2: On a motion by Select Board Member Trask and seconded by Select Board Member Clark, the Board voted 5-0 to forward the Article to FinCom with a favorable recommendation.
- Article 3: Director of Land Use and Development Aaron Henry addressed the Board and answered various questions by the Board. Town Meeting Member Mark Zuberek addressed the Board and asked various questions. On a motion by Select Board Member Clark and seconded by Select Board Member Trask, the Board voted 5-0 to forward the Article to FinCom with a favorable recommendation.
- Article 4: Town Engineer Stephen King addressed the Board and answered various questions by the Board. Town Meeting Member Matt Duggan addressed the Board and asked various questions. Town Meeting Member Mark Zuberek addressed the Board and asked various questions. On a motion by Select Board Member Trask and seconded by Select Board Member Mills, the Board voted 4-1 (Select Board Member Clark opposed) to forward the Article to FinCom with a favorable recommendation.
- Article 5: Director of Land Use and Development Aaron Henry addressed the Board and answered various questions by the Board. A public hearing is scheduled on this Article on October 13, 2020. On a motion by Select Board Member Trask and seconded by Select Board Member Bernard, the Board voted 4-1 (Select Board Member Clark opposed) to forward the Article to FinCom with a favorable recommendation.
- Article 6: Various members of the community addressed the Board regarding this Article. A motion to move the Article was made by Select Board Member Clark and

seconded by Select Board Member Trask was voted 5-0. On a motion by Select Board Member Trask and seconded by Select Board Member Clark, the Board voted 5-0 to forward the Article to FinCom with an unfavorable recommendation (*see below).

- Article 7: Town Meeting Member Matt Duggan addressed the Board and asked various questions. Town Meeting Member Mark Zuberek addressed the Board and asked various questions. On a motion by Select Board Member Trask and seconded by Select Board Member Clark, the Board voted 5-0 to forward the Article with a favorable recommendation.
- *Article 6: A motion made by Select Board Member Bernard and seconded by Select Board Member Clark to reconsider the 5-0 vote on Article 6. On a motion by Select Board Member Trask and seconded by Select Board Member Clark, the Board voted 4-1 (Select Board Member Bernard opposed) to forward the Article to FinCom with an unfavorable recommendation.

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

- Gift from Rotary \$70,000, \$35,000 for next two years to Friends of Endicott Park
- Outside use of Town Buildings
- Relocate Credit Union to Food Pantry shared space
- Town Hall reopened to public on Oct 5th
- Town Manager FY20 Performance Evaluation and FY21 Goals

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On a motion by Select Board Member Trask and seconded by Select Board Member Bennett, the Board voted 5-0 to approve the consent calendar items appearing below

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Correspondence, Select Board “*New Business*,” previous “*New Public Business*” updates and Select Board closing comments:

- Working together, communication
- No fines issued to date by Board of Health for mask violations
- Concern for Minorities
- Police Support

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↳ Consent Calendar ↳

Banner

- Lynda J. Talbot (Virtual) Memorial Road Race, over High Street, October 12-18

Remember the Veterans

The meeting was adjourned at 9:35 P.M.

Attest: Catherine S. Ellsworth
Town Clerk