

The regular meeting of the Danvers Select Board was held on Tuesday, June 29, 2021, at 6 P.M. in the Daniel J. Toomey Hearing Room, Town Hall, 1 Sylvan Street, Danvers.

Present were Gardner S. Trask III, Chairman; Daniel C. Bennett; Maureen A. Bernard; Matthew E. Duggan; and David A. Mills. The Pledge of Allegiance was recited by all in attendance.

On a motion by Select Board member Bernard, seconded by Select Board member Duggan, the Board voted 5-0 to approve the **Select Board Minutes** of June 1, 2021.

New public business: Precinct 1 TM member Bill Bradstreet commented on the disparity of the media's rendition of the pop-up park. The Town Manager assured him that a more realistic photographic rendition of the park would be available upon its completion, and that back-ordered supplies are starting to arrive. Mr. Bradstreet also expressed concern for the expiration of the demolition delay and the train station located on Townsend Oil property. Select Board member Bennett, Chair of the Preservation Commission, noted that a public meeting is scheduled on Thursday, July 1, 4 P.M. at which time this issue would be discussed.

Mark McDermott, lifelong resident of Danvers and 37-year Town Meeting member, appeared before the Board as a **candidate for the Cable Advisory Committee**. Mr. McDermott presented himself as willing and able to join this group, which assists the Town in renegotiating agreements with Comcast and Verizon, and which has had several vacancies over the years. With the unanimous approval of the Board, Select Board member Bennett motioned the Board to appoint Mr. McDermott to the Cable Advisory Committee, the motion was seconded by Select Board member Mills, and approved 5-0, with the Board's thanks for his willingness to serve.

The Board had been asked to consider **reducing Cable Advisory Committee membership** from nine to five members, given recent difficulties in producing a quorum. With the recent appointment of Mr. McDermott, the Committee will seek to provide a candidate for the remaining fifth opening, and Board members were in agreement that it made sense to reduce the Cable TV Advisory Committee from nine (9) to five (5) members. On a motion by Select Board member Bennett, seconded by Select Board member Mills, the Board approved the membership reduction 5-0.

Lauren Rothwell appeared before the Board to request a **One-Day Wine & Malt Beverage License** for a celebration of life event memorializing her husband on July 18, 2021, 3-7 P.M., at Endicott Park (57 Forest St.). The applicant informed the Board that this private, catered event (as it pertains to alcohol service) will take place in a roped-off area of the Park with proper signage indicating that alcohol is not permitted beyond the confines of the marked perimeters. Assurances were given that alcohol service will be by TIPS-certified, alcohol insured personnel. Board members expressed their condolences with the hope that the event, at such a lovely venue, would provide comfort for family and friends. Select Board member Bennett motioned the Board to approve the application as presented, the motion was seconded by Select Board member Duggan, and approved 5-0.

The Board considered the application of the Danvers Historical Society (11 Page St.), Louis George, Manager, for a **One-Day Wine & Malt Beverages License** on Tuesday, August 3, 2021, from 5-9 P.M. for a Summer Beer Garden Event at Glen Magna Farms (29 Ingersoll St.). Mr. George, DHS Board of Trustees member, noted that this is one of three events (others on August 31 & September 21) the Trustees have planned as fund raisers for continued restoration efforts at the National Historic landmarked Summer House. The ticketed event will include Vinwood-catered offerings, cash bar, and some music, as pandemic restrictions are lifted. DHS member Laura Cilley reported that the event will be publicized via their website, through social media, and by

handouts throughout Town. Select Board member Bennett, as a DHS Board member refrained from comment and recused himself from the final vote. Select Board member Duggan motioned to approve the application as presented, the motion was seconded by Select Board member Mills, and approved 4-0-1 (Bennett abstaining).

A public hearing was held on the application of Berati, Inc., d/b/a Supreme Roast Beef (18 Maple St.), Elton Caushaj, owner, for a **transfer of a Common Victualler License** at that location. Having recently purchased the business after eight years as an employee, the Board was informed that no significant changes in hours, personnel, or menu are anticipated. With the good wishes of Board members for this “landmark Danvers restaurant,” Select Board member Bennett motioned the Board to close the Public Hearing, the motion was seconded by Select Board member Mills, and approved 5-0. Select Board member Mills motioned the Board to approve the application as presented, the motion was seconded by Select Board member Bennett, and approved 5-0.

A public hearing was held under Chapter 140, § 181 of the General Laws on the application of Byrne & Byrne LLC, d/b/a Pub 49, Melissa Bucci, Manager (49 Maple St.) for a **7-Day Entertainment License and a Juke Box (COAD) at that location [Agenda item No. 8]**. Ms. Byrne appeared before the Board and explained her request as it appeared on the application. The Board had questions and comments as follows: (1) Where is beer on tap dispensed from, as there is no tap location indicated on diagram? Ms. Byrne indicated the tap locations, and it was requested that the Town Clerk reflect this information on the submitted diagram so that we have an accurate representation. (2) Application states: “*one acoustic singer with guitar*,” and the suggestion was made that this be modified to read “*up to two entertainers*” (whether the entertainment in question be singers, trivia, or karaoke). Select Board member Bennett motioned the Board to close the public hearing, the motion was seconded by Select Board member Duggan, and approved 5-0. Select Board member Bennett motioned the Board to approve the modified application to include a jukebox (COAD), up to two entertainers, with the establishment’s doors to remain closed except for purposes of access or egress, the motion was seconded by Select Board member Bernard, and approved as noted 5-0.

The Board received an application submitted by Byrne & Byrne LLC, d/b/a Pub 49, Melissa Bucci, Manager (49 Maple St.), for **Temporary Outdoor dining** in accordance with Chapter 20 of the Acts of 2021 **[Agenda item No. 9]**. Ms. Byrne reported that they are requesting to place four (4) low tables (2 right/2 left of entrance) with 2 chairs per table (total 8) in a roped off area. The Building Inspector has requested to inspect seating arrangement once in place. At present, temporary outdoor provisions have the Governor’s approval up to 4/1/22. Discussion and suggestions followed, including: (1) Perhaps consider umbrellas; (2) Ensure sufficient pedestrian sidewalk access by placing tables against building; (3) No outside music; (4) Control seating by means of signage, disallowing additional chairs from inside; (4) Consider alternate outside area for smokers. In conclusion, Select Board member Bennett requested that the “temporary outdoor dining arrangements” be considered for incorporation into zoning bylaws at a fall Town Meeting, after determining what worked and what didn’t. Select Board member Bennett motioned the Board to approve the application as per the diagram presented, the motion was seconded by Select Board member Duggan, and approved 5-0.

A public hearing was held under Chapter 140, § 181 of the General Laws on the application of GMRI, Inc., d/b/a **The Olive Garden Italian Restaurant**, Cherise Schreiber, Manager, for a **Change of Manager** at that location. Ms. Schreiber appeared before the Board as the newly-named General Manager for this Danvers location. She is recently TIPs-certified (5/31/21), having had no such requirement in either of her past positions in New Hampshire or Maine. Having assured the Select Board of her experience, the extensive training programs provided by her employer in terms of State laws, and the availability of two TIPs-certified employees to be on site when she is not present, Select Board member Bennett motioned the Board to close the public hearing, the motion was seconded by Select Board member Duggan, and approved 5-0. Select Board

member Mills motioned the Board to approve the application as presented, the motion was seconded by Select Board member Bennett and approved 5-0.

(The Board agreed to discuss this topic [**Agenda item No. 14**] out of numerical order.) The Board discussed the **naming rights request** (submitted at 6/1/21 meeting) at the Peabody Institute Library's Archival Center for Richard B. Trask, which has the support of the Library's Board of Trustees, as reflected in their letter of 6/28/21. Select Board members were unanimous in their enthusiastic support of this appropriate request, characterizing Mr. Trask's lifelong work as a "*world class archival center and a gem of the Town.*" Select Board Chair Trask noted that Richard is humbled by the honor and would hope to have the center recognized as the "**Richard B. Trask Danvers Archival Center.**" The plan is to have the name etched in glass, perhaps in the transom over the door. A final proposal will come before the Select Board when the design is completed, the cost of which will be borne by Trask family members. Select Board member Bernard motioned the Board to approve the naming rights of the Archival Center at the Library in honor of Richard B. Trask, the motion was seconded by Select Board member Bennett, and approved 5-0. In closing, Select Board Chair Trask noted that the Center is always grateful for donations of pictures, artifacts, or anything that speaks to the Town's history.

The Board discussed the need and desire for a Town wide **Climate Action Plan** with Clint Allen (Asst. Utility Director) and Jeff Elie (Energy Resource Manager), both of whom acknowledged that there is a clear directive from the Town as well as a need for a definitive plan, particularly as it relates to emissions reduction targets (i.e., 85% CO2 reduction by 205, or some baseline date we choose to establish). Board members expressed their support for the formation of a Steering Committee (comprised of, for example, employees from Engineering, Planning, Conservation, Electric, etc.) to provide direction and then come together with a consultant to establish an action plan because "*there's lots of work to be done and time is running out.*" Mr. Elie noted that there are opportunities at the State level for funding to mitigate the cost of a consultant, and they will be actively engaged in seeking sources the Town is able to tap into. The Board also supported the concept of regionalization with surrounding cities and towns as a way to reduce costs and help each other; and there was a suggestion that the sustainability issue should be one that is brought to the forefront during budget discussions. The Board commended both gentlemen for their commitment to the effort. "*Good project kick-off.*"

IT Director Colby Cousens reported on his investigation into the concept of providing **municipal broadband** internet services to the community, given that Danvers has the necessary components such as an electric light plant and our own fiber backbone. There are cities/towns in the States who have launched successful efforts. However, cautionary notes to consider are: (1) Build-out costs would be significant, on the order of \$20-30 million. (2) States have seen significant losses up to \$100 million owing to an inability to capture enough of the market to finance the process, with equitable access barrier most problematic. (3) Currently, Comcast and Verizon supply over 90% of the homes in Danvers with an 84% satisfaction rate, leaving 16% available when 60% is required merely to break even, leading us to conclude that we don't identify a demand in this market at this time, and the risks are considerable. Discussion followed and, while the Select Board supported the concept, further investigation seems warranted, perhaps by means of a feasibility study to gauge public's interest and then run numbers from a capital perspective, being mindful of the Town's enviable credit rating which we are eager to maintain. The Board expressed their appreciation for the time and effort put into this project, believing it to be inadvisable to pursue a municipal broadband offering at this time or until we see the market change.

The Board heard an update by the Police Chief James Lovell on the status of **dangerous and/or nuisance dogs** at 35 Longbow Road at the request of Select Board Chair Trask in response to several recent e-mails from neighbors.; Chief Lovell recapped for the Board the events prior to this evening's update (9/2/20 dog bite;

10/6/20 DSB mtg./discussion; 11/10/20 hearing; 1/29/21 “Findings of Fact and Recommended Disposition”: and 2/8/21 distribution to involved parties, including witnesses. The “**Findings of Fact and Recommended Disposition from Hearing to Determine Nuisance or Dangers Dog**” are available in their entirety upon request from the Town Clerk’s Office, Town Hall. Taking into consideration the allegations of neighbors (i.e., dogs unrestrained, unmuzzled), Chief Lovell met with both parties in question, offering to mediate in hopes of reaching an acceptable compromise but there has been no outreach along those lines. Board members agreed that perhaps installation of a fence between the two properties would provide a level of comfort to both parties and diffuse an emotionally charged situation. However, Select Board members can see no evidence from the investigation that the conditions imposed by the Board are not being met and, therefore, will not revisit the issue unless there’s a demonstrable change in conditions which has first been reported to the Danvers Police Department.

Finance Director Rodney Conley appeared before the Board to request their vote to approve a revised **Town/School agreement** for reporting the allocation of expenditures as part of the Department of Elementary and Secondary Education’s [DESE] End of Year Report. Mr. Conley reported that the document, vetted by School’s senior administration and the Town’s independent auditor, has undergone minor revisions that do not change the nature of the reporting. Select Board member Bennett motioned the Board to approve the document as presented, the motion was seconded by Select Board member Mills, and approved 5-0.

Town Manager report included the following:

- First opportunity to congratulate James Lovell for assuming position of Police Chief on 6/14
- Lt. Ashley Sanborn will advance to the rank of Police Captain on 7/5, highest ranking women in DPD history
- CALEA (accreditation) exit interview very complimentary, provided constructive feedback, no issues
- **Recruitment efforts:** Working with Library Trustees to select new Director; three good candidates. Re-advertising Chief Assessor position, as we and other communities struggle to fill a position for which there is a dearth of candidates; grateful for assistance of Bruce Symmes. Working to complete job description for Director of Equity and Inclusion; hope to have filled before calendar year’s end.
- Met with staff (Taverna; Lyons; Crane; Conley; Breaker) to debrief regarding Essex Tech and admissions policies; likely more to report at August meeting.

On a motion by Select Board member Bennett, seconded by Select Board member Mills, the Board voted 5-0 to accept the **Consent Calendar** as presented.

Entertainment: Polish, Russian, Lithuanian American Citizens Club, 12 Cheever St., 7-Day Entertainment, 1 COAD, Juke Box

Livery: PFM Services, LLC, d/b/a PFM Services, 11 Archer Street

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

Select Board member Mills:

- Complaints from residents regarding noise from training flights (Beverly Municipal Airport)
- HRIC’s Juneteenth event, Town’s first ever; hopefully, it will continue
- Display of Pride flags was a beautiful expression of welcome
- Summer band concerts? *“A few later in the summer, not a full schedule.”* Pandemic restrictions delayed scheduling

- Potential for traffic accident exiting driveway at High St. McDonald's; vegetation on both sides of exits is a "growing" problem.
- Is Elec. Div. prepared for these long stretches of hot weather? "*System designed to bend but not break.*"

Select Board member Duggan:

- Reiterated his concern that boards and committees begin to transition back to in-person, public meetings at least by the end of summer, believing it to be a disservice to residents without access to equipment or the technical skills to join meetings remotely.
- Proposed Peabody power plant remains topical; not promoted publicly but extensive coverage provided by Salem News; more engagement needed with Town of Danvers
- Rail trail experiencing temporary detours for vegetation management; continue to stress safety as #1 priority, including road crossings, and appearance of electric bicycles on the trail, sometimes traveling 20 mph
- Happy, safe Independence Day weekend; a time to celebrate our freedom

Select Board member Bernard:

- Has also had complaints of airplane noise over neighborhoods; what can we do about that Airport?
- Praise for Rail Trail; they've introduced bike repair stations; "*wonderful organization*"
- Praise for Cindy Dunn and DHA; new tenant member Virginia Sidmore attended first meeting; there's early talk of housing at NE Home for Deaf site
- Congratulations to Chief Lovell and Captain Sanborn

Select Board member Bennett:

- Thanks to Chairman Trask for attending meeting regarding MMWEC plant – "*Why a fossil fuel plant? I'm against it 100%. Their plan is to use technologies dating back to 2015.*" Perhaps consider polling members regarding an official DSB statement. [Other Board members felt they did not have sufficient information to either support or condemn power plant request, particularly as Danvers has no official standing and is not affiliated with MMWEC. More information needed as well as discussion regarding health effects, safety protocols, and environmental impact.]
- A request can be made for a public meeting (**not public hearing**) to include DPW; Fire; other Town departments, MMWEC officials, and town/State officials to discuss the proposed power plant.
- Public versus virtual meetings a question; perhaps a hybrid version if people know how to run such, otherwise, it's a distraction throughout the meeting.
- When Pop-up Park is dismantled, perhaps a survey of businesses would be valuable to solicit feedback

Select Board member Trask:

- Regarding peaker plant, my concerns center around safety protocols; why no environmental/health impact study? I need to be convinced that this plant is the solution. Members of the Board should send questions to Town Manager, so MMWEC comes with informed answers. I believe these types of plants are necessary, but I want to be convinced that this plant is the solution.
- Discussion ensued of proper, available venue. Town Manager's office will reach out to solicit dates/times from DSB and MMWEC representatives. DCAT will be asked to televise the meeting for viewers' information.
- **Next Select Board August 17**; available to meet at an earlier date, if necessary.

- **Pop-up Park:** this civic space in downtown is chance to learn how people experience that space. Point person(s) for questions about specific activities is Recreation; let's see how that works before giving authority to others to endorse activities.
- **Airport complaints:** Fill out noise complaint as often as necessary; attend public airport meetings; acquire as much data as possible (Data24 app) to make an *"informed complaint."*

Select Board member Bennett asked that we remember all veterans, and extend thanks for keeping us safe and protected.

The meeting was adjourned at 9:20 P.M.

Attest: Catherine S. Ellsworth, Town Clerk