

Danvers Select Board Minutes

March 7, 2023

The regular meeting of the Danvers Select Board was held on Tuesday, March 7, 2023, at 6:30 P.M. in the Daniel J. Toomey Hearing Room, Town Hall, 1 Sylvan Street, Danvers. Present: Daniel C. Bennett, Chair; Maureen A. Bernard; Matthew E. Duggan; David A. Mills, and Gardner S. Trask III. The **Pledge of Allegiance**, led by Select Board Chair Bennett, was recited by all in attendance.

Select Board member Trask motioned the Board to approve the **Minutes of February 21, 2023**, seconded by Select Board member Bernard, and voted 5-0.

New Public Business: [1] Bill Bradstreet, TMM Precinct 1, in reference to January 19 “Strategic Danvers” meeting: will there be additional meetings to talk about plan? TM reported that the goal is to have a report back by the end of the year and that there would be multiple opportunities to stay engaged and talk about the plan. (b) More light at Senior Center? Any funds left from this year’s snow budget we could use? We’re about 55% expended, ask again in April. How close is Town to 10% affordable threshold? Under current (not new uncertified 2020) census, we’re about 10.4% and not subject to “unfriendly” 40B projects. [2] Mark Zuberek asked for regular follow-up to “new public business” requests; Beverly Airport PILOT and urged DSB to help push Rep. Kerans’ airport bill forward; should the future include an Airport Authority?

Newly-formed “**Accessibility Commission**” (formerly Disability) members Christi Farrar (Chair) and JD Martz (Vice Chair) introduced goals the seven-member Commission hopes to achieve in the coming months, including: Ensuring availability of closed captioning capabilities; presence of accessible pathways between parking lots; updating pedestrian walk signals for vision impaired; advocating for public transportation for the community and begin to look beyond the “letter of the law.” At present, the Commission, beginning to prioritize their goals, is hoping to engage members of the community at the public meetings on the fourth Thursday each month at 6 P.M. in the Toomey Room. Their mission is to offer education, foster inclusion, and raise awareness about equitable access to resources for all, including those who require accommodations with topics such as transgender health care and linguistic barriers. Board members were welcoming encouraged by the professionalism of the presentation and the way the Commission’s purpose was articulated.

A **public hearing** was held on the application of Danvers Electric Division and Verizon New England, Inc, **Pole Petition No. 20230201-1** dated February 1, 2023, requesting permission to locate poles, wires, cables, and fixtures, including anchors, guys and other necessary sustaining and protecting fixtures, along and across the following public ways: North Street-near lot #29 (Pole 99-6-1) and North Street-near lot #69 (Pole 99-11-1). Distribution Engineer Edward Bandar was present to answer questions, including who bears cost(s) for installation [developer, after installation of first pole] and future, ongoing maintenance [Electric Division], as well as necessity for easement(s) “[no; underground wires follow line of the street”]. Select Board member Trask motioned to close the public hearing, seconded by Select Board member Bernard, and voted 5-0. Select Board member Trask motioned to approve the pole installation as presented, seconded by Select Board member Bernard, and voted 5-0.

A **public hearing** was held on the application of **Savoie Nolan Architects LLC**, 130 Liberty Street, William Nolan, owner, to hang signage over the public way at that location Mr. Nolan appeared before the ZBA to request permission to hang a sign which exceeds 12” projection (approved) and is before DSB for permission to hang over public way [**Note:** Plot plan indicated “planter bed” section actually owned by the Town]. Blue/yellow/gray signage (c. 2’x4’) is fixed, no motion, no illumination; providing better visibility of location of business (wayfinding). With approval of DSB, Mr. Bill will be securing the necessary \$5,000 bond to complete the process. He advocated for better signage by-laws, and has been working with Land Use Department to help craft language in concert with character based zoning. Select Board member Trask motioned to close the public hearing, seconded by Select Board member Bernard, and voted 5-0. Select Board member Trask motioned to approve the application as presented, seconded by Select Bord member Bernard, and voted 5-0.

A **public hearing** was held to consider whether the license to sell alcoholic beverages held by **Torito Danvers, LLC, d/b/a Torito Mexican Restaurant**, Ramon Michel, Manager, 10 Newbury Street should be suspended, revoked, or limited in any way. In light of the December 20, 2022 DPD compliance check failure, principals of the establishment in question [Ramon Michel; Edgar Martinez; Katie Clemens] were present and accompanied by their attorney to review the circumstances documented and subsequent corrective measures to ensure that this *“blemish never happens again.”*

Select Board concerns included:

1. No manager (2) named on the present license was on site. **Response:** Within a 30-day period, two (2) additional names will be added to the current license, ensuring that there is “always a named manager in the restaurant when liquor is being sold during the 79 hours the restaurant is in operation, in adherence to the terms of the license.
2. In addition to bartender(s), waitstaff should be TIPS-certified. **Response:** Outside agency has been engaged by the restaurant (proof of such provided to DSB along with list of TIPS-certified employees) to ensure that everyone is aware of the obligations when serving alcohol. All employees, including those already TIPS-certified, will be re-certified through this program. *“If they aren’t TIPS-certified now, they will be shortly.”*
3. A major concern is that officers were stonewalled, employees failed to accept responsibility for the violation, and response from restaurant came in days later, these actions showing a disrespect to DPD for their procedures and to the Town for failure to follow liquor guidelines. **Response:** In future, you should expect 110% cooperation; and we acknowledge that this was a serious error in judgment.
4. Select Board members noted that it’s their responsibility to protect the community and make sure guidelines are followed. From discussion, it is apparent that the restaurant has grasped the situation, recognizes that the town is serious about underage sales, is doing what’s appropriate while continuing to provide training to make sure guidelines are followed, and consider it corporate policy to *“card everyone, whether they’re 21 or 91.”*

Discussion ensued as to penalty levied for this first offense with Select Board member Trask suggesting that a 3 or 4 day suspension, to be held in abeyance for one year, be voted. However, a motion by Select Board member Bernard to revoke (*sic. suspend*) the license for one day (with TIPS training and an employee list provided to Town Clerk) had been made, seconded by Select Board member Duggan, and voted 3-2 (with Select Board members Trask and Mills voting *“no; haven’t had occasion to go immediately to revocation (sic. suspension) for first offense”*). In conclusion, on a motion by Select Board member Bernard (conditions noted above), seconded by Select Board member Duggan, the liquor license was to be revoked (*sic. suspended*), turned into the Town Clerk’s office (license to be turned in to Danvers Police Department no later than midnight on Monday, March 20, 2023) for one day on **Tuesday, March 21**, and voted 3-2 (with Select Board members Trask and Mills voting *“no”*). * License to be turned in at Danvers Police Department no later than midnight on March 20, 2023.

Danvers Retirement Board Chair Joe Collins, with a unanimous vote of the full Retirement Board, asked for the Select Board to support a one-time **5% COLA increase** (calculated on the first \$13,000) for retirees. Given that a 3% increase is already in effect, the request represents an additional 2%, the sum of which (\$95,900) is available in the DRB budget. Select Board member Trask motioned the Board to approve the increase as requested, seconded by Select Board member Mills, and voted 5-0.

Town Clerk Cathy Ellsworth provided an **update on the upcoming Town elections**, Tuesday, May 2:

- ✓ Polls open in DHS Field House 7 A.M. to 8 P.M. DSB opted out of vote by mail for this election.
- ✓ One (1) in-person early voting opportunity on Saturday, April 22, 10 A.M.-4 P.M., Toomey Rm., Town Hall.
- ✓ Declaration papers (incumbents) due March 14; other nomination papers due by March 21 (5 P.M.)
- ✓ Election details available on Town website under *“Town Clerk.”*
- ✓ Call/stop by office, or view DCAT episodes (*“Town Clerk”*) for more information.
- ✓ Single ballot question.

After review of the **volunteer board/commission position eligible for reappointment**, Select Board member Mills motioned to approve the slate of candidates as presented below for three-years terms (to 9/30/26), seconded by Select Board member Bernard, and voted 5-0.

Board of Registrars:	Wally Tipert	Historic District Commission:	Dan Gagnon
Zoning Board of Appeals:	John Boughner	Cable Advisory:	Bill Bates
Danvers Affordable Housing Trust:	Anne Casale-Skinner		

Town Manager Steve Bartha recommended that the Board consider **closing the warrant for the May 15, 2023 Annual Town Meeting on Friday, March 24, at noontime**, which is one week prior to the beginning of the Select Board's review of the document. Select Board member Mills motioned to close the 5/15/23 ATM Warrant on the date and at the time noted above, seconded by Select Board member Bernard, and voted 5-0.

Town Manager Update

- Several workshops to familiarize community with the Town's new website: Thursday, March 9, 6P.M., Toomey Room and on Thursday, March 16, 1:15 P.M. at the Senior Center.
- Select Board's Budget Workshop, March 18, 9 A.M. to 4 P.M.
- Memo enclosed with draft budget covered a great deal, including Special Ed and current uncertainty about trash removal (one proposal in hand; expecting a second, and "chasing down" a third).
- State Aid figures in earlier than expected, reducing our deficit position by about 75% (Student Opportunity Act). Figures always subject to reduction by Legislature, but rare that it happens.

Select Board member Trask motioned to accept the **Consent Calendar** as presented, seconded by Select Board member Bernard, and voted 5-0.

2nd Hand Dealer: ecoATM, LLC 55 Brooksby Village Way (inside Walmart)

Banner: Danvers CARES, 7th Annual Light the Night Purple Event, over Maple Street, May 8-14

Plant Sale: Danvers Garden Club Plant Sale, Elm Street lot, Sat., May 20, 2023, beginning at 9:00 AM

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

Select Board member Bernard

- Reminder of Kiwanis pancake breakfast on Saturday, March 11, 8 A.M.

Select Board member Mills

- PILOT programs make me furious Essex Aggie, hospitals, NS Community College are not taxed and rely on the rest of us to pay for the services they receive. Mass. Legislature has to act to change this; it's terribly unfair to taxpayers.
- Grateful for website tutorial for website tutorial on how to navigate the town's new website. "People need to know how to use it."

Select Board member Duggan

- Website workshops an opportunity for feedback and user suggestions; photos of town too large; looking for ability to export calendar items to phones or devices.
- Water Street (154) project "neighbors feel like they're not being heard." In October, conservation checked for wetlands encroachment (no evidence) but survey was done during historic drought. ConCom should revisit this question. Density over the top and now four stories from two. Traffic issues with new school and development of Pulaski Street.

Select Board member Trask

- Water Street project answers on Planning's environmental study; traffic study extended out 7 years; and there's need for low income housing for deaf, blind and near blind.

- Side benefit affordable housing with overwhelming support from closest residents; ZBA variance required for height.
- Airport taxation set by MGL and governed by FAA/MAA.

Select Board member Bennett

- Is cable company contractually able to increase charges for equipment which has depreciated?
- If you meet a vet, thank him or her for their service.

The meeting adjourned at 8:20 P.M.

Prepared by Ann Freitas

Attest: Catherine S. Ellsworth, Town Clerk