

Danvers Select Board Minutes

April 4, 2023

The regular meeting of the Danvers Select Board was held on Tuesday, April 4, 2023, at 6:30 P.M. in the Daniel J. Toomey Hearing Room, Town Hall, 1 Sylvan Street, Danvers. Present: Daniel C. Bennett, Chair; Matthew E. Duggan; David A. Mills, and Gardner S. Trask III. [Select Board member Bernard was absent.] The **Pledge of Allegiance** was recited by all in attendance.

Select Board member Trask motioned the Board to approve the **Minutes of March 21, 2023**, seconded by Select Board member Mills, and voted 4-0.

New Public Business: Nova Samodai TMM 1 inquired as to updates on resilient Danvers' CASPR Plan? Information gathering ongoing prior to presentation. (2) Bob Gamer requesting Select Board to endorse five (5) "Acts" before the State Legislature in connection with indigenous peoples (3) Bill Bradstreet TMM Precinct 1: (a) "Is Pope's Landing designated as a dog park?" (b) "Any progress on permits to unclog silt from Mill Pond?" (c) "Can we find a way (eminent domain?) to turn corner of Maple & Hobart Streets into a 'showpiece' park for the Square?"

A public hearing was held on two (2) Danvers Electric Division Pole petitions, with Kelly Kobrenski representing DED, and reporting that all direct abutters had been notified of these installations without negative comment. Brief discussion of each installation (1 & 2) ensued, descriptions of which follow, after which Select Board member Trask motioned to close the public hearing, seconded by Select Board member Mills, and voted 4-0.

Full descriptions of the petitions follow, along with the individual votes.

(1) **Pole Petition No. 20230214-1** dated February 14, 2023, requesting permission to locate poles, wires, cable, and fixtures, including anchors, guys and other such necessary sustaining and protecting fixtures, along and across the following public way or ways: **Locust Street** install one (1) new Danvers Electric sole owned pole #13C-115-1 and anchor. This pole is required for the Town of Danvers Lakeview Avenue Pump Replacement Project

Select Board member Trask motioned to accept the application as presented for **Pole Petition No. 20230214-1 (Locust Street)**, seconded by Select Board member Mills, and voted 4-0.

(2) **Pole Petition No. 20230214-2** dated February 14, 2023, requesting permission to locate poles, wires, cable and fixtures, including anchors, guys and other such necessary sustaining and protecting fixtures, along and across the following public way or ways: **Braman Street** to install one (1) new Danvers Electric sole owned pole #34-13 and anchor. This pole is required for the proposed electric line upgrade in this neighborhood.

Select Board member Trask motioned to accept the application as presented for **Pole Petition No. 20230214-2 (Braman Street)**, seconded by Select Board member Mills, and voted 4-0.

Representatives of **FalconFest** [Michael Trainor; Rebecca Froncki; Amy Ciancarelli; Jocelyn Marchand] submitted an application for a Block Party/Oldies Night [June 27 | rain date June 29] in the Square (closure along Maple to Cherry) with a live band, vendors, games & contests, and antique car display, in partnership with Danvers Rotary in celebration of their 100th Anniversary. They spoke of other events in the planning stages; Select Board member Duggan commented that volunteers are the key to a successful event, while Select Board member Trask offered his assistance, both having been involved with Danvers Family Festival over the years. DPW will provide trash bags to be picked up after the event. Good wishes were expressed by the Select Board for this "community-building event," and Select Board member Trask motioned to approve the application as presented, seconded by Select Board member Mills, and voted 4-0.

In conjunction with the above-referenced event, the group requested (first time) permission to display a **banner across High Street** from June 19-25, and Select Board member Trask motioned to approve the request, seconded by Select Board member Mills, and voted 4-0.

Under the guidance of Town Manager Steve Bartha and Finance Director Rodney Conley, the Select Board began its review of the **May 15, 2023 Annual Town Meeting** warrant, beginning with the **Special Town Meeting** involving **ARTICLE 1: Unpaid bills; ARTICLE 2: Budget transfers; ARTICLE 4: Special Education Supplemental Appropriation;** and **ARTICLE 6: Planning Board Performance Guarantee** (a vote to permit the Town to expend funds from a surrendered performance guarantee at Folly Hill/Hilltop Estates).

There were explanations and brief discussions on the articles, after which Select Board member Trask motioned the Board to forward the articles to the Finance Committee with **FAVORABLE** recommendations, seconded by Select Board member Mills, and voted 4-0.

ARTICLE 33: Citizens' petition (sponsored by Mark Zuberek): **Real Estate Taxes or PILOT payments from Beverly Regional Airport Commission.** There was a lengthy discussion of the airport's environmental impact on the area and disruption to neighbors and whether what has been proposed in this article would, in any way, counter the negative effects or rather remove any representation by Danvers on the BAC for the yearly tax payment of \$6k for the Town's 170-acre parcel. Select Board members were in agreement that a letter of support should be sent to the State Legislature for House bill No. 1726 filed by Rep. Kerans. Select Board member Trask motioned to forward the Article to the Finance Committee with an **UNFAVORABLE** recommendation, seconded by Select Board member Mills, and voted 3-1 (Select Board member Duggan opposed the recommendation).

ARTICLE 34: Citizens' petition (sponsored by Mark Zuberek): **Establish a Beverly Airport Authority.** Discussion ensued as to whether the petition language "*gets us where we want to be,*" if the intent is to guarantee some sort of control over what happens at the airport. There was agreement that a legal opinion by Town Counsel is necessary given the various entities involved, including the Federal Aviation Administration (FAA), Massachusetts Aviation Authority (MAA) and the airport itself. Select Board member Trask motioned to forward the Article to the Finance Committee with an **UNFAVORABLE** recommendation, seconded by Select Board member Mills, and voted 3-1 (Select Board member Duggan opposed the recommendation).

ARTICLE 35: Citizens' petition (sponsored by Mark Zuberek): **Town Moderator to appoint a Town Charter/Town Manager Act Review Committee.** It was acknowledged that several "tweaks" have been proposed to the TM Act (i.e., residency requirement for Town Manager) and that the population has changed over the years. Select Board members commented that the mere passage of time is not a good reason to "*just throw open the gates,*" without specific areas to be addressed. In addition, it was thought prudent to wait for input from the Strategic Plan public outreach before choosing to undergo a "refresh" approach of these documents. Select Board member Trask motioned to forward the Article to the Finance Committee with a **NO ACTION** recommendation, seconded by Select Board member Mills, and voted 3-1 (Select Board member Duggan opposed the recommendation).

ARTICLE 8: Citizens' petition (sponsored by Michael Trainor): **Home Rule Petition – Recall Elections.** Mr. Trainor defined the parameters which he believes to be more restrictive than a previously submitted petition in 2022 and suggested that it is a mechanism to have in place, should the need arise. After discussion and public comment supporting the petition, Select Board member Mills noted that it was "*too open ended.*" Select Board member Mills motioned to forward the article to the Finance Committee with an **UNFAVORABLE** recommendation, seconded by Select Board member Bennett, and voted 3-1 (Select Board member Trask opposed the recommendation).

ARTICLE 36: Special Education Stabilization Fund. Acting Supt. Wermers and the Town Manager explained the necessity for the \$600,000 appropriation to add to last year's \$150,000 as a "backstop" for increasing out of district (OOD) tuitions, excluding transportation costs for, at present, 69 students requiring services unavailable to them in Danvers public schools. There is a reimbursement mechanism (75%) in place by the State over and above a base threshold. Select Board member Trask motioned to forward this article to the Finance Committee with a **FAVORABLE** recommendation, seconded by Select Board member Mills, and voted 4-0.

ARTICLE 9: Historic District Designation By-law. Historic District Chair Dan Gagnon described the HDC's desire to preserve this "historically significant" parcel from demolition on 5/13/23, citing the current owner's agreement that the new lot not be included in the designation, if the by-law is approved. A few questions were answered by Mr. Gagnon following his articulate, credible presentation and Select Board member Trask motioned the Board to forward

this article to the Finance Committee with a **FAVORABLE** recommendation, seconded by Select Board member Mills, and voted 4-0.

ARTICLE 1: Election of Officers' slate of candidates will be available at Town Meeting. Select Board member Trask motioned to forward the article to the Finance Committee with a **FAVORABLE** recommendation, seconded by Select Board member Mills, and voted 4-0.

ARTICLE(S): 2: Budget Fiscal Year 2024; 3: Electric Division Budget; and 4. Essex North Shore Agricultural & Technical School District Assessment required no action at this meeting, having been voted 3-0 (Select Board members Duggan and Mills absent) on March 18, 2023, to be forward to the Finance Committee with a **FAVORABLE** recommendation on each article.

ARTICLE 5: Authorization of Collector of Taxes to Act. Select Board member Trask motioned to forward the article to the Finance Committee with a **FAVORABLE** recommendation, seconded by Select Board member Mills, and voted 4-0.

ARTICLE 6: Committee Reports (2022 Annual Town Report sent to Town Meeting members in January 2023). Select Board member Trask motioned to forward the article to the Finance Committee with a **FAVORABLE** recommendation, seconded by Select Board member Mills, and voted 4-0.

ARTICLE 32: Transportation Network Funding. The Town Manager explained that the State remits a portion of the proceeds from ride-hailing services and the Town deposits those funds into the Senior Center Transportation Revolving Fund. With clarification, Select Board member Select Board member Trask motioned to forward the article to the Finance Committee with a **FAVORABLE** recommendation, seconded by Select Board member Mills, and voted 4-0.

ARTICLE 30: Revolving Fund Accounts. Annual vote to approve the use by various departments (i.e. Fun Club; senior transportation, etc.). The Town Manager noted that *"we're setting the upper limit of spending, but funds have to generate revenue in order to spend from them."* Select Board member Trask motioned to forward the article to the Finance Committee with a **FAVORABLE** recommendation, seconded by Select Board member Mills, and voted 4-0.

ARTICLE 37: General Stabilization Fund. Select Board member Trask motioned to forward the article to the Finance Committee with a **FAVORABLE** recommendation, seconded by Select Board member Mills, and voted 4-0.

ARTICLE 38: Debt Stabilization Fund. Used for tax-supported debt such as Smith School project. Select Board member Trask motioned to forward the article to the Finance Committee with a **FAVORABLE** recommendation, seconded by Select Board member Mills, and voted 4-0.

ARTICLE 39: OPEB Trust Fund. Part of Town's ongoing, annual commitment. Select Board member Trask motioned to forward the article to the Finance Committee with a **FAVORABLE** recommendation, seconded by Select Board member Mills, and voted 4-0.

ARTICLE 40: Fiscal 2024 Budget Amendments. Included on each warrant in the event adjustments are made on Town Meeting floor. Select Board member Trask motioned to forward the article to the Finance Committee with a **FAVORABLE** recommendation, seconded by Select Board member Mills, and voted 4-0.

ARTICLE 12: School Transportation Vehicles. School request for two (2) 8-passenger vans. Select Board member Trask motioned to forward the article to the Finance Committee with a **FAVORABLE** recommendation, seconded by Select Board member Mills, and voted 4-0.

ARTICLE 17: Maintenance Dredging. This sum appropriated each toward an eventual dredging project. Select Board member Trask motioned to forward the article to the Finance Committee with a **FAVORABLE** recommendation, seconded by Select Board member Mills, and voted 4-0.

ARTICLE 25: Mill Pond Safety Inspections. State required to ensure dam's adequacy; sometimes funded through Water and sometimes Sewer. Select Board member Trask motioned to forward the article to the Finance Committee with a **FAVORABLE** recommendation, seconded by Select Board member Mills, and voted 4-0.

Town Manager Update

- Danvers Electric earned "Honorable Mention" from Public Power Association and "Best in Class" for safety programs due to the work of Safety & Risk Manager Anthony Calascibetta.
- Town wide clean-up on April 22; sign-ups are under way and more information may be found on Town's website.
- "Diaper Drive" ongoing with donation boxes available at Town Hall, Senior Center, and various other Town buildings.

Items of note: (1) 4/4/23 Agenda item No. 6 was tabled for discussion at Select Board meeting on 4/6/23. (2) Town Elections held in the Danvers High School Field House (**not** the Vye Gym).

Select Board member Trask motioned to accept the **Consent Calendar** as presented, seconded by Select Board member Mills, and voted 4-0.

Common Victualler

- Boston Bread, LLC, d/b/a Panera Bread, Liberty Tree Mall
- Wendy's of New England, LLC, d/b/a Wendy's Old Fashioned Hamburgers, 188 Endicott Street

Gas Storage

- Gibbs Oil Company Limited Partnership, 100 Maple Street
- Leslie's Swimming Pool Supplies, 8 Newbury Street, aka 20 Archmeadow Drive
- The Stop & Shop Supermarket Company, LLC, c/o Danvers S&S LLC, 250 Newbury Street

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

Select Board members Bennett, Mills, and Trask had no closing comments except, in closing, to "*thank a vet if you meet a vet.*"

The meeting adjourned at 8:55 P.M.

Prepared by Ann Freitas

Attest: Catherine S. Ellsworth, Town Clerk