

Board of Selectmen Minutes 07/13/2015

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Board of Selectmen	July 13, 2015
Regular Meeting	Selectmen's hearing room, Town Hall

Present:	Philip Crawford, Chairman
	Thomas Terranova Jr., Selectman
	Christopher Barrett, Selectman

Chairman Crawford called the meeting to order at 7:00 p.m. He announced that the meeting was being recorded for transmission via cable television. He led those assembled in the Pledge of Allegiance.

Hearing on allegations of liquor license violations, Yard House USA, dba Yard House, Market Street

Chairman Crawford opened the hearing on alleged liquor license violations at the Yard House restaurant. In attendance from Yard House were outside counsel Timothy Perry, manager Edward Maclean, server Ashley Blazewitz, and director of operations Jeremy Wilks. Chairman Crawford said this hearing is being held to determine whether to impose disciplinary action as a result of incidents on May 1, 2015 and May 9, 2015, which were referred to the Board of Selectmen by the Lynnfield Police Department. He reviewed the procedure for the hearing.

Mr. Perry said that the Yard House is a national franchise with 61 locations in the United States and three in Massachusetts. He thanked Chief Breen and the officers for being in attendance and working with the Yard House. He said those in attendance from the Yard House were those most responsible regarding the issues brought before the Board. He said Chief Breen would attest that Yard House has been active in trying to operate within the law. It is important to achieve a good working relationship with the police, Board and the public. Safety is of the utmost importance, as potential liability issues and the business's reputation are at stake. He said those in attendance from the Yard house would answer questions and address the two incidents.

Town Counsel Thomas Mullen administered the oath to the following persons giving testimony: Chief David Breen, Patrolman Scott Fitzmeyer, Patrolman James Caponigro, Mr. Wilks, Mr. Maclean and Ms. Blazewitz.

Chief Breen read the incident reports from May 1, 2015 and May 9, 2015 and entered them into evidence. They were marked Exhibit 1 and Exhibit 2, respectively. The May 1 report, written by Officer Fitzmeyer, related his being dispatched to the Yard House for a report of an intoxicated party. Officer Fitzmeyer found the party, whom he determined was intoxicated, in the parking lot adjoining the Yard House restaurant in the Market Street development. He advised the party, who said he had come from the Yard House, he should not be driving. The May 9 report, by Officer Caponigro, stated he was dispatched to the Yard House for a report of an intoxicated subject who was passed out at the bar. He arrived on the scene along with a Lynnfield Fire Department rescue crew, which transported the party to Union Hospital in Lynn. Portions of this report were redacted to protect the party's privacy under the provisions of the federal Health Insurance Portability and Accountability Act (HIPAA).

In response to questioning from Chairman Crawford, Officer Fitzmeyer said that he came to the conclusion that the party in the May 1 incident was highly intoxicated, in violation of state law. He observed him stumbling with the keys in his hand looking for his vehicle. Yard House security assisted the officer in locating the party.

In response to questions from Selectman Barrett, Officer Fitzmeyer said he entered the restaurant to thank Yard House management for notifying the police about the party. He said neither the party nor the management said how long the party had been in the restaurant. In response to questions from Selectman Terranova, Officer Fitzmeyer said he did not inquire about any credit card charges the party may have made, and that he believed it was the party's intention to drive his vehicle before he was confronted by police. He said the party told him he was in no condition to drive. He did not know whether anyone at the restaurant had been aware of the party's condition.

In response to questioning from Chairman Crawford, Officer Caponigro said that he came to the conclusion that the party in the May 9 incident was highly intoxicated, in violation of state law. He found the party sitting at the bar and unresponsive, and revived him only through yelling and a sternum rub. The party was mumbling. The party's friends said they were at the Yard House for a couple of hours.

In response to questions from Selectman Barrett, Officer Caponigro said that open member of the group appeared entirely sober, while the others had apparently consumed alcohol. In response to questions from Selectman Terranova, Officer Caponigro said he did not speak with the server, as the incident became more of a medical call than a police investigation. He said he could not recall whether the manager offered any explanation for the incident. He said that the party had apparently consumed beer and some sort of hard liquor.

Town Administrator James Boudreau said that because there is no criminal investigation, the police cannot require that the bar tabs be turned over. Mr. Perry said that the Yard House has the tab for the group in the May 9 incident, which indicated that three beers were served to three patrons.

In response to questions from Mr. Perry, Mr. Maclean said that he serves as the general manager for Yard House and has worked in the service industry for 20 years. He said he has never been charged with any violations at the Yard House and is TIPS and ServSafe certified. He said Yard House requires any bartender, server or manager to become TIPS certified within 30 days of employment and these employees cannot work if their certification expires. All servers are certified. About 500,000 patrons were served at the Lynnfield location last year. Mr. Perry submitted as Exhibit 3 a listing of Yard House employees and their certification status. Mr. Maclean said this showed all servers and managers were currently certified in alcohol service.

Mr. Maclean said that after Chief Breen contacted Yard House about the alleged violation, Yard House contracted with JBS Services to provide additional alcohol service training for all front-of-house personnel. This three-hour class took place one June 5. JBS also monitored alcohol service at the restaurant on June 4 and June 12 and found no violations. All servers are trained to recognize intoxicated patrons by various behaviors.

There were no credit card charges made in the name of the allegedly intoxicated party on the incident of May 1. Mr. Maclean said he first encountered the patron in the May 1 incident not in the restaurant but in the parking lot. Mr. Maclean said the evening of May 1 was a busy one at Yard House, and that he was on the floor and in the kitchen for most of the night. Just before 9:00 p.m. a Yard House employee taking the trash out of the restaurant saw a person walking unsteadily in the parking lot, clocking his electronic keys in an apparent attempt to find his vehicle. The employee alerted two managers, who went into the lot and found the party staggering. The party said he was OK but Mr. Maclean told him he should not be driving, and offered him a cab. Mr. Maclean said that he told the person that if he attempted to drive, he would call police. He stayed with the person until Market Street security arrived.

Selectman Barrett asked Mr. Maclean when he checked whether this person had been a customer that evening. He said that he was concerned that there had been two incidents within about a week's time. He said the May 9 violation appeared to be a serious one. Mr. Maclean said about the May 1 incident that he asked the manager on duty if anyone recognized the patron found in the parking lot, and no one did. Managers could not find a bar tab or charge in that person's name made at the restaurant. Selectman Barrett said that he appreciated the efforts of Yard House to provide alcohol service training, but questioned how a patron could have been passed out for 20 to 30 minutes at the bar without some action being taken sooner.

Mr. Maclean said he had left for the evening prior to that incident, but said the party has been there only 30 minutes in total. Mr. Perry said that the police were reporting what they were told by an intoxicated member of the ill person's party. Yard House records show a tab was opened at 10:11 p.m. and closed at 10:52 p.m. Three patrons were served a total of three Budweiser Light beers. The records indicate the patrons had not been there for two hours. Selectman Barrett said that if some person arrived severely intoxicated, they should not be served. Mr. Perry said that ill party was not intoxicated, and passed out not from one beer served at the Yard House, but due to some other medical issue.

Ms. Blazewicz said she has worked in all three Massachusetts Yard House locations, and has worked for the company for five years. She has TIPS certification and is a certified trainer for Yard House, providing training in safe alcohol service to servers and new managers. She said she knew one of the three men in the May 9 party, as he is a regular patron, and spoke with all three. They said they planned to stay to the end of the night and were planning to order food. She said she checked identification of all three members, opened a tab for them after seating them at the bar, and served them three beers in total. She said they did not order food. She was released from work at 10:15 p.m. and complete some side work in the back. When she re-entered the main portion of the establishment at about 10:25 p.m. and 10:30 p.m., she found the managers giving attention to the person who appeared ill. She spoke to the member of the party who was a regular. She said the ill person drank half his beer, was pale, sweating, and vomiting. She said by 10:35 p.m. the ambulance had arrived.

Under questioning by Chairman Crawford, Ms. Blazewicz said that the party who was taken ill did not appear intoxicated when she had spoken to him when he had entered the restaurant. She said the man became ill shortly after his arrival. Chairman Crawford said the police report indicated the man was intoxicated and that it is a concern that this was not recognized by Yard House staff, whether he became intoxicated at the Yard House or at a location prior to his arrival there. He said there are no reports that he was anything other than intoxicated. Officer Caponigro said he had non information on the person's medical condition.

Chief Breen said that due to HIPAA laws, the police cannot share medical information about the person or inquire of the hospital about it. Office Caponigro said the ill person's friends said they had been drinking before they arrived at the Yard House and that the drinking included hard alcohol.

Selectman Terranova asked Mr. Mullen about responsibility for serving an intoxicated patron. Mr. Mullen said both the bar that served a person to the point of intoxication and a bar that further served that person after the point of intoxication could be held legally responsible. He said it is the second establishment's duty to determine whether he is intoxicated and to refuse service if it is determined the patron is intoxicated. Ms. Blazewicz said the person was not belligerently drunk, and that she had had a conversation with him and he seemed fine. She said she has refused to serve customers before.

Selectman Terranova asked if it would be acceptable for the Fire Chief to give testimony about the observations of the ambulance personnel. Mr. Mullen said it would be best to hear directly from the ambulance personnel, but it would be acceptable for the chief to testify about what they had

told him. In response to a question from Selectman Terranova, Officer Caponigro said he had seen over one hundred intoxicated people during his three years as a police officer.

Selectman Terranova pointed out that Market Street traffic empties directly into Lynnfield neighborhoods, and said this is alarming. He questioned why the man from the May 1 incident would say he came from the Yard House if he did not. Mr. Maclean said he did not know why, but said that the only visible sign in the area of the parking lot where he was standing was that of the Yard House. He said on the May 9 issue, it would have been to the benefit of the Yard House to reach out to that person to determine if there had been a medical issue. Mr. Perry said that Yard House would have much less ability than the police to investigate the person's medical condition. He said the police report does not include much of the information to which the officer testified to today. He understands why the police cannot release information due to HIPAA. He said there is no evidence that Yard House over-served any person. He said Yard House is concerned about this issue, but has served over 500,000 patrons in the time it has been open, and said he understands any one incident could be catastrophic.

Mr. Maclean said there were about 300 patrons at Yard House on the evening of May 1. Chairman Crawford said that his concern is that someone who said he had been at the Yard House that evening and was intoxicated, and no one at the restaurant seemed to have noticed. For the May 9 incident, he said he is concerned that the officer was told by the person's friend that they were drinking hard liquor before arriving at the Yard House.

Ms. Blazewitz said that Yard House has a stoplight system for patrons who may be of concern. When patrons are in yellow, all managers are notified. In this case, the manager noted that the patron was acting strange when the party was being set up for food service. Chairman Crawford said that something slipped through the cracks if after one beer and 20 minutes in the restaurant, the party was passed out. He said he said that person must have been intoxicated when entering the restaurant. He said that strict enforcement of these rules is necessary for the protection of Yard House patrons and the townspeople.

Mr. Maclean said that Yard House also believes in strict enforcement of these policies, and said that is why the additional alcohol training was implemented. He said this topic has also been addressed in pre-shift meetings, and Yard House officials met with Nanci Horn of Market Street, Market Street security and Chief Breen and Police Captain Karl Johnson. He said the president of the company flew up to attend the meeting with the chief and captain. He said that the person who fell ill on May 9 became ill in a very short time and that it seemed to personnel, whom he said were not medically trained, to be a problem related to something other than alcohol.

Chairman Crawford asked the members of the public in attendance if they had any questions. One resident asked if there could be a Breathalyzer placed at the premises, where the staff could ask a patron who seemed to have an issue to use the device. Mr. Maclean said he had never heard of this request. Mr. Mullen said some establishments have a coin-operated device of this type. Chief Breen said such devices were found in some restaurants and bars in the late 1980s, and some establishments had problem with patrons using them to see how high a reading they could attain. Resident Heather Keane said that she hopes an action plan will be in place to prevent injuries from drunk drivers to Market Street employees, patrons and townspeople.

Mr. Perry submitted the bar tab for the May 9 incident (marked Exhibit 4) and the opening and closing printout for tax purposes for that same evening (marked Exhibit 5).

In response to a question from Selectman Terranova, Mr. Maclean said that about 300 customers, maybe fewer, were in the restaurant on the night of the second incident.

Mr. Perry said that a 2010 decision by the Alcoholic Beverages Control Commission (ABCC) created the standard by which licensing authorities handle allegations of service to an intoxicated patron. He said it is insufficient to find a violation after the fact through a police department interview of a witness. A toxicology report or witnesses must come before the Board and testify. He said Ms. Blazewitz was very credible and saw no signs of intoxication. He submitted the ABCC decision in the Crossroads case (Exhibit 6). He said he understands that the neighbors must be protected.

Chief Breen said the person in the May 1 incident made a statement to Officer Fitzmeyer. Officer Fitzmeyer said that the patron in question handed him the keys to his vehicle and asked if he could go back inside the Yard House. He called his daughter for a ride.

Chief Breen asked if Yard House accepts cash at the bar in addition to charging a tab and asked if Yard House checked the video of the incidents. He said he understands servers have a difficult job and said that Yard House staff has been willing to work with police. He said he did not know what medical expertise Ms. Blazewitz had to assess the patron's medical condition.

Chairman Crawford said that in the May 1 case, it was obvious that the patron was over-served, and he told police he was at the Yard House and wanted to go back in. In the May 9 case, the party's friends said they had been drinking hard liquor before arriving. He said he thinks the Board has grounds to take action, and asked Chief Breen for a recommendation. Chief Breen said that after listening to the testimony and considering the evidence, he believes mistakes were made at the Yard House and there has to be a consequence. He said he believes that a suspension of license would be appropriate and that the length of the action should be up to the Board.

Chief Breen confirmed this was the first report of a violation at Market Street. He commended Mr. Maclean for calling police for assistance, but said in the May 1 incident it was possible that if police were not present the party may have driven away. He suggested one remedy may be

requiring Yard House to hire police details on nights where there are larger crowds or problems, such as Friday and Saturday. Chairman Crawford said Thursday nights tend to be busy as well and suggested that requiring details on all three nights may be a reasonable condition.

Mr. Wilks said he would agree to these conditions on the police chief's recommendation, and that these could be implemented immediately if necessary.

Selectman Barrett said that this is a first violation at Market Street and said this outcome would set a precedent. He said one incident of serving an intoxicated patron is too many and two incidents occurring within eight days is a serious issue and something that will not be tolerated in Lynnfield. He agreed with the imposition of the condition regarding police details on three evenings per week and a four-day suspension of the license would send a serious message that this would not be tolerated.

Mr. Wilks said that respectfully he would not want to have a four-day suspension imposed and does not want to be punished as an example, but wants to serve as an example and leader on safer service issues. He understands the concerns about safety of community members as a parent of two teenagers.

Selectman Terranova said he looked into how other communities dealt with similar cases and found that license suspension of two to eight days had been imposed and police details were required in some cases. He said the police details should be required for the three days per week, and said if this was not acceptable to Yard House he would favor a longer suspension.

Mr. Wilks said Yard House executives had discussed police details with Chief Breen and they want to do whatever is desired by the community. Selectman Terranova said that a strong message has to be sent to Yard House and other Market Street establishments. He said a three-day suspension would be appropriate, from Thursday to Saturday.

Mr. Wilks said there are three to six managers on hand during busy evenings, and noted that Yard House has done additional training.

Mr. Wilks asked about the appeal process. Chairman Crawford said that the appeal would be made to the ABCC. Mr. Boudreau said imposition of penalties would be held in abeyance until an appeal was heard and ruled upon.

Selectman Barrett said he would like to see the requirement of details on Thursday, Friday and Saturday nights be a permanent condition. Mr. Wilks said Yard House had looked at details for Friday and Saturday nights, as that is in place in other locations. Chairman Crawford asked about the number of patrons served on Thursday nights. Mr. Wilks and Mr. Maclean said they could provide that data. Mr. Wilks said Thursdays can be as busy, but patrons tend to depart earlier. He said total guests on Thursday from 11:00 a.m. to 11:00 p.m. is about 1,000.

Chairman Crawford said he would like to see permanent police details on Thursday, Friday and Saturday nights. He said some suspension of the license is reasonable. He said the minimum suspension he has seen in ABCC cases is two days. He would favor a four-day suspension, with two days held in abeyance. Should there be no other violations within a two-year period, the third and fourth day of suspension would be waived. Should there be another violation within two years, the additional two days of suspension would be imposed, along with whatever punishment would be imposed as a result of the new violation.

Selectman Barrett said he could agree to that penalty. Mr. Mullen said unless the police details were a condition of the license, he has never seen a permanent requirement imposed as a penalty. He recommended making it a requirement for two years, as this would coincide with the periods that the third and fourth days of suspension were being held in abeyance. Mr. Wilks said he will recommend to the Yard House president that the request for details on those three nights be implemented. He said he would inform the Board as soon as he receives an answer.

Mr. Boudreau clarified that the Town cannot impose the detail requirement as a penalty, but could take it up as part of the licensing process. Mr. Perry said he could work with town counsel and the police chief. Yard House has expressed willingness to add the requested details. He said he thinks this does not have to be included in the Board's decision.

Mr. Boudreau and Mr. Mullen said the Board has to vote a finding before it imposes a penalty.

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted unanimously to find that on the dates of May 1, 2015 and May 9, 2015 Yard House USA was in violation of Mass. Gen. L. c. 138 and 2.04204 CMR 2.05(2) by serving an intoxicated patron.

The Board took up the matter of imposing a penalty for the infractions. Selectman Terranova asked if the detail requirement could be included in the penalty. Mr. Boudreau said it could not. Mr. Mullen said Yard House will have five business days to appeal the Board's decision after the Board notified them of the findings. Mr. Wilks asked if Yard House implemented the police details on the three nights per week starting this week if the Board would not impose a suspension. Mr. Boudreau said the Board could impose a penalty as severe as revocation of the license, although this would not survive an appeal to the ABCC. Selectman Barrett asked if Yard House would agree to make the police detail permanent. All Board members said they would like this to happen.

Chairman Crawford said he believes a penalty of a four-day suspension, with two days to be served and two held in abeyance for two years that would only be imposed if another violation occurred within a two-year period was reasonable. He said he would accept a motion to that effect. Mr.

Mullen said the Board should specify the day of the week and said the penalty should have a time frame, such as to be imposed as soon as possible after the appeal process concluded or the appeal period expired. Selectman Terranova said he would like to see what the response is on the police details before deliberating on the penalty.

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted unanimously to continue the penalty deliberation on the liquor license hearing to its meeting of August 17, 2015 at 7:00 p.m.

Chairman Crawford asked if town counsel could work out an agreement in writing with Yard House on the provision of police details. Mr. Mullen said he would work with Yard House counsel on the matter.

Chief Breen said that everyone at Yard House has been good to work with. He said there may be periods when a detail may not be able to be filled due to lack of officer availability. Mr. Wilks said Yard House could hire additional security on those occasions. Chief Breen said Lynnfield could arrange for police details with officers from surrounding communities in these cases. Selectman Terranova said he would prefer police details.

Mr. Boudreau said there would be no need to bring witnesses to the August 17 meeting, as no additional testimony would be taken.

Interview – Historical Commission

Shelley Lynch appeared before the Board to interview for a vacant position of the Historical Commission created by the resignation of Linda Gillon. She has resided in Lynnfield since 1966 except for a brief period living in New Hampshire. She became involved in local history after seeing a newspaper article about the Bancroft House, attended meetings of the Historical Commission and worked as a volunteer on its inventory of historical properties. She also compiled significant research on the Bancroft and Danforth houses and other historical properties, including Center Farm. She is a high school teacher and holds a master's degree and a certificate of graduate studies.

Board members thanked her for her willingness to serve and praised her involvement and qualifications.

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted unanimously to appoint Shelley Lynch to the Historical Commission for a term expiring on June 30, 2016.

Petition for change of manager, Kings Bowl, Market Street

Coy Lee Whiting appeared before the Board for approval as manager of Kings Bowl at Market Street, holder of an all alcohol restaurant license. Attorney Mark Vaughn of Reimer Braunstein LLP represented Kings Bowl and noted Kings Lynnfield has had no alleged violations of its license. Mr. Whiting has worked for Kings in Lynnfield and Orlando, FL locations as well as at other restaurants. He is ServSafe and Alcohol Intervention certified. Board members told Mr. Whiting that they are concerned that alcoholic beverages are served in accordance with the law.

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted unanimously to approve the appointment of Coy Lee Whiting as manager of Kings Bowl, Market Street. Board members signed the ABCC Form 43 approving the change.

Appointment of police captain and police sergeant

Chief Breen presented to the Board his recommendation for appointment of a new police captain. Sgt. Karl Johnson has served as provisional captain since September of 2010. He joined the Lynnfield department as a transfer from Lynn in 2002 and was promoted to sergeant in December of 2005. He achieved a score of 93 on the captain's exam. Chief Breen said he is highly respected in the department and has performed the duties of a captain over the past four years.

Chief Breen presented as his recommendation for appointment of a new police sergeant. Sgt. Karl Johnson Patrolman Alfred Scotina joined the Lynnfield department as a transfer from Peabody in 2012. He achieved a score of 90 on the sergeant's exam. Chief Breen said he is highly respected in the department.

Board members congratulated both officers and thanked them for their service and praised them for their qualifications. Mr. Boudreau said that as the appointing officer under the personnel bylaw he executes appointments and no formal vote of the Board is necessary, but believes it is important to bring the appointees forward to the Board.

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted unanimously to concur with the appointment of Karl Johnson as police captain and Alfred Scotina as police sergeant.

Proposed warrant article CVS Pharmacy on Salem Street at Broadway

Attorney John H. Kimball Jr. of Kimball and Kimball of Lynnfield appeared before the Board representing CVS Pharmacy, which is seeking to locate a store at the former Bridgewell location. Three meetings have been held with the neighbors, who have provided feedback on traffic concerns. CVS has eliminated the proposed drive-through and reduced the size of the building as a result.

Mr. Kimball submitted a proposed warrant article which would change the zoning bylaws to rezone a parcel at 834 Salem Street, an abutting property, from Residence A to Limited Business, to allow for sufficient space for the building and parking lot. He said further meetings with neighbors, a Planning Board public hearing on the proposed zoning change, culminating with consideration at town meeting. He said he was

supplying a petition with signatures of ten registered voters, the number required to place an article on a charter-called town meeting, and was also submitting the article with the signature of the landowner, which would suffice under state law for a zoning article affecting the owner's land.

Selectman Barrett asked whether it is possible the building footprint could be reduced further so no rezoning would be necessary. Mr. Kimball said that the size of the building dictates the amount of on-site parking required, which varies by Town. He said CVS will try to reach a compromise with its neighbors. He said most of the land to be rezoned will be used for parking. A two-story building with a mezzanine and eaves used for storage is under consideration.

Selectman Terranova said that neighbors are concerned about adding to the existing traffic issues in that location. The traffic engineer on the project said a traffic plan is needed to find out how much additional traffic can be handled. This could be very hazardous. Mr. Kimball said there have been discussions with the state about looking at the timing of the traffic signal cycles at the intersection. He said that if there is too much traffic, people will not use the store.

Selectman Terranova said that the biggest issue for neighbors is whether a CVS pharmacy is the best use of that site. Mr. Kimball said that is hard to know, but CVS believes this would be a great location for several reasons. He noted some use will be made of the property.

Chairman Crawford said traffic is the largest issue in that area. He said that CVS is a good company. He met with Mass Highway representatives and believes that even changes to the traffic light cycles will not alleviate traffic. He said he does not traffic from the site using Munroe Street. Mr. Kimball said that there has not yet been talk of cutting into the property to create a right turn only lane on Salem Street. He said CVS and he are happy to hear from all parties on ideas to improve the proposal and traffic.

Chairman Crawford asked what the difference in traffic would be now that the drive-through window is no longer part of the proposal. Mr. Kimball said he would provide that information. He said only one or two CVS locations have closed, and that CVS would be a long-term partner with the Town.

Chairman Crawford said that the Board has to put the article on the warrant. He said it would be referred to the Planning Board as required, as a procedural matter. He said he would like to receive the traffic numbers prior to the next meeting and plans to widen the street to create a right-turn-only lane on Salem Street at Route 1 North.

Resident Heather Keane said there is an active group of neighbors opposed to locating CVS at that site. Selectman Barrett said there is strong opposition to the project. Mr. Kimball said the proponent understands that,

Selectman Terranova asked about oversight by the project traffic engineer. Mr. Kimball urged him to call the engineer with any questions.

Resident Lauren West asked if there was a plan to change the zoning of the limited business zone. Mr. Kimball said there was not.

Resident Patricia Campbell said that this is a Town-wide issue, as it affects traffic problems. She noted that roadway is the route from Lynnfield to Union Hospital, the closest emergency room.

Resident James Fox said he was attending to support the neighbors. He asked if the existing building would be torn down and replaced with a new building. Mr. Kimball said that is correct. He said it would be a larger footprint and require more parking spaces as a result.

Resident Katy Shea said the proposal is not allowed under current zoning and neighbors will face a hardship due to increase traffic. She asked what the positive would be for the Town, other than the incremental increase to the tax base.

Chairman Crawford said the additional tax revenue would not be significant and he saw no upside to the proposal. Mr. Boudreau said that even with the rezoning of the other parcel, the additional taxes would not be large.

Ms. Keane urged the Board to research CVS further. She raised the issue of traffic and the effect on the property values on neighboring properties. She asked the three Board members how they feel about the project. All three said they are opposed to the project. Ms. Keane said she did not want to hear about threats of other possible uses.

Selectman Barrett said that that Town officials and neighbors should consider what possible uses could be placed at that site under current zoning. Chairman Crawford said the Board's job is to review the proposal before it. He said traffic is the biggest concern. He said some business will use that land. He said since this proposal requires rezoning, the proponents need to convince townspeople to support it, which he believes will be difficult. Selectman Terranova said he strongly supports the neighborhood, and said it is up to the neighbors if something can be worked out. He said traffic is atrocious in that intersection and additional traffic will make further problems.

Resident Joe Jacoby said the traffic issue at that location is a Town-wide problem. He said people illegally cut across to turn left from Salem Street into Donovan's parking lot. He asked about the Town taking the property by eminent domain for use as a park. Selectman Barrett said that there are no recreational areas in South Lynnfield presently. Chairman Crawford said that use might work better at the Perley Burrill location. He said he has met with state Department of Transportation (Mass DOT) representatives about the intersection and said an engineering study was prepared about

eight years ago that would channel traffic behind the Holiday Inn property coming from Lynn and Peabody to Goodwin Circle. He has also spoken to State Sen. Thomas McGee, who serves on the Transportation Committee, about having a regional meeting on the issue.

Selectman Terranova said he spoke to representatives of the Herb Chambers dealership about its plans to purchase the Donovan property along Route 1 North and possibly making a donation to the Town if this purchase is made. He recommended that his attorney communicate with the neighbors to find their preferences, whether they would seek solutions to drainage issues, a public park, a gate between Canterbury Road and the access road for the Lynnfield Commons property would be appropriate. He said the engineer for the CVS proponents is reaching out to Mass DOT and that a traffic plan is needed for this area. He said an eminent domain taking may be needed to gain additional area.

On the motion of Selectman Barrett, duly seconded by Selectman Terranova, the Board voted to refer the warrant article presented by Mr. Kimball to the Planning Board to schedule a public hearing on the proposed article as required by law.

MAPC traffic study of Town center

Planning Board Co-Chair Alan Dresios appeared to discuss a study of traffic in the Town center. He said the Planning Board asked the Metropolitan Area Planning Council (MAPC) to help with a visioning session for the Town center based on the master plan's recommendations. This includes closing one street along the common, restrictions of truck traffic and additional police presence. There will be no cost to the Town for this study. MAPC will be on hand during the July 22 concert on the common to ask residents for their input. Townscape, Inc., and the Historical Commission have weighed in on the matter, and MAPC officials will meet with Town officials and businesses.

Selectman Terranova asked if citizens are complaining about these roads recently. Mr. Dresios said the master plan was created after multiple meetings attended by hundreds of people. Resident Patricia Campbell agreed that the recommendations in the master plan were based on citizen input regarding the goals and policy statements completed in June 1998. Chairman Crawford mentioned that Donald Ross also had a plan years ago for improving the center. He noted the postal service renewed the lease on the center post office.

Resident Linda Gauvreau asked what the problem was with South Common Street. Mr. Dresios said eliminating that street would allow the expansion of the common, bringing the meeting house, Center Farm and the area next to the Town Hill into one large green area. Resident Jason Kimball said that his plan would be to make no changes, and that shutting down South Common Street would exacerbate traffic issues, forcing people to turn around on side streets. He said South Common Street was moved many years ago, but the meeting house has remained at its historical location. He noted that the recently approved scenic road bylaw was intended to protect historic roadways and that moving the meeting house and altering this common area would seem to run contrary to this impulse.

Union Hospital letter

Chairman Crawford said that a year ago Board members signed a petition to retain current services offered at Union Hospital in Lynn. In response to recent plans to move services from Union Hospital to Salem Hospital, Mr. Boudreau has drafted a letter from Chairman Crawford to Partners Health Care expressing the Board's opposition to these changes. The letter will be sent to the attorney general, the Department of Public Health, Union owner Partners Healthcare and local legislators.

Chairman Crawford said he will be attending a meeting this week on that issue. Selectman Barrett said that it is important to have an emergency room close to the Town, and its loss would be a big blow to the region. Fire Chief Mark Tetreault said the closure process could take up to three years. Ms. Keane asked how this could be stopped. Chairman Crawford said he is working with the state legislators on the matter. Ms. Campbell said that the feasibility study on closure did not reflect the many newer residential developments in Lynnfield and the region.

Delegation of emergency medical services billing

Chief Tetreault said that over the years insurance companies have paid "usual and customary" amounts for certain services offered by the Town's and other communities' emergency medical services and not the billed price for those services. A new law has been passed that disallows this practice. Action Ambulance has worked with the Fire Department on a plan to bill insurance companies for the difference over a six-year period. There would be no additional cost to the Town, but the Town would have to authorize Action Ambulance to represent the Town in the collection of these matters. He said there will be no attempt to bill residents, only insurance companies.

Mr. Boudreau said if the Board approves, this would authorize this organization to act as the Town's attorney in this matter. In response to a question from resident Mark McDonough, Mr. Boudreau and Chief Tetreault said that there would be no change in practice in billing of the users.

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted unanimously to authorize Action Ambulance to act as the Town's representative in the collection of uncollected billings for emergency medical services from insurance providers.

Fire chief contract

Mr. Boudreau said that the Town's contract with Fire Chief Tetreault specifies that a salary adjustment would be negotiated in the second year of the contract to be effective in January of 2015. The chief never received that adjustment as required. Mr. Boudreau recommended that the Board vote to approve a two-percent salary increase as was granted to other Town employees. He said a full review based on performance will take place next year.

Selectman Terranova said he would support the pay raise because it was already factored into the budget and not an increase to the budget.

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted unanimously to grant Fire Chief Mark Tetreault and two-percent annual salary increase effective January 1, 2015.

Year-end transfers

Mr. Boudreau presented to the Board the proposed year-end transfers to close out Fiscal Year 2015. Funding totaling \$69,166.08 will be transferred from the health insurance line item due to a surplus in the line.

He explained that \$4,800 would be added to the town administrator salary line item due to a one-week overlap in service between Mr. Gustus and him, and because Mr. Gustus's accruals were higher than estimated.

An additional \$22,238.30 would be added to full-time firefighter salaries to account for an additional position added in Fiscal Year 2014 but not fully funded in Fiscal Year 2015, as well as additional salary costs incurred above those projected when a firefighter who had indicated he would be retiring changed his mind. An additional \$1,232.46 will be added to the fire alarm line for additional master box connections performed during the year above the usual number. The Town receives connection fees from the companies. An additional \$19,218.17 will be added to unemployment insurance; funds were transferred from this line at the April town meeting, but two pending cases that had been denied were appealed by the former employees, who prevailed. The Town is self-insured. An additional \$21,676.61 will be added to the FICA line item as it was underfunded in the original budget due to failure to account for salary changes due to steps and lanes called for in contracts. He said this will be reviewed for subsequent budgets.

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted unanimously to approve the year-end transfers for Fiscal Year 2015 as presented.

Administrative matters

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted unanimously to approve the 2015-2016 meeting schedule as presented.

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted unanimously to approve a block party on a portion of Homestead Road on July 26, 2015 with the requirement that the street remains passable for emergency vehicles.

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted unanimously to approve a one-day liquor license for the Knights of Columbus on July 18, 2015, 2:00-6:00 p.m. for a private party.

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted unanimously to approve the minutes of the meeting of June 15, 2015 with correction of two typographical errors.

At the request of Selectman Terranova, the draft minutes of June 1, 2015 will be reviewed to add additional information regarding the discussion of appointment of liaisons. Selectman Barrett asked how information can best be conveyed among members about such matters without violating the Open Meeting Law. Mr. Boudreau said if one selectman tells him he would like a change in a liaison assignment, he can relay that to a second member, but he cannot convey any back-and-forth between members. Selectman Barrett said the School Committee had a practice of discussing a matter at one meeting and not voting until the next meeting.

Chairman Crawford said Board members should work through the town administrator to ensure the communications were permissible. Mr. Boudreau said he could pass on factual information but Board members could not have a discussion, through him, on what course of action to take. Such discussions must be held at posted meetings.

Board members signed a letter congratulating local resident Anthony DiPietro on the occasion of his 80th birthday.

Chairman Crawford thanked Mass DOT for acting so quickly for changing the programming of traffic lights at Market Street as discussed in the previous meeting. Selectman Terranova thanked Mr. Boudreau and the Department of Public Works for acting quickly on other issues relating to that area.

On the motion of Selectman Terranova, duly seconded by Selectman Barrett, the Board voted unanimously to adjourn at 10:19 p.m.