

**TOWN OF NEWBURY
SELECT BOARD**

MINUTES

DATE: December 13, 2022

PRESENT: **Select Board:** Chair Alicia Greco; Geof Walker; Gerry Heavey

Staff:

Tracy Blais, Town Administrator
Julie O'Brien, Executive Administrator
Patty Fisher, Police Chief

Speakers:

Senator Bruce Tarr
House Representative Lenny Mirra
Mark Cappadona – Colonial Power Group

Call to Order:

At 7:00 p.m. Chair Alicia Greco called the meeting to order with a salute to the flag

Motion: G. Walker moved to open the meeting, seconded G. Heavey and voted unanimously

Discussion: None

Public Comment

None

Board and Committee Reports

Report of Chair Greco:

Signed VW23-11, Staples
Signed VW23-10, Amazon
Signed VW23-10, North of Boston
Signed PR23-10, Select Board
Signed PR23-10, Julie O'Brien
Signed PR23-11, Julie O'Brien

Grants, Gifts & Donations

(Chapter 44: Section 53A Grants and gifts; acceptance and expenditure)

FY23 State 911 Department Emergency Medical Dispatch Grant

FY23 State 911 Department Support and Incentive Grant

FY23 Firefighter Safety Equipment Grant

Sustainable Materials Recovery Program Grant

Massachusetts Cultural Council Grant

Motion: G. Walker moved to approve all the above Grants as listed and read seconded, G. Heavey and voted unanimously

Discussion: Discussion ensued

COA Donation, Ruth Rock, \$20.00

COA Donation, Francis P. Bertolino III, \$250.00

COA Donation, June Grogan, \$35.00

COA Donation, Nancy Story, \$16.00

COA Donation, Dean&Judith Robertson, \$30.00

COA Donation, Central Congregational Church, Chocolate Tour - \$2,000.00

Motion: G. Walker moved to approve all the COA donations as listed and read seconded, G. Heavey and voted unanimously

Discussion: None

Public Hearings: None

New Business:

Colonial Power Group – Electricity Aggregation Program, Mark Cappadona

Mark and Denise from Colonial Power addressed the Board

Stated are here tonight to discuss Municipal Aggregation for the Town of Newbury which Mark further explained Municipal Aggregation is about electricity and having choice in your electric bill which approximately 175 communities have across Massachusetts.

Mentioned process is a bit cumbersome and went on to explain the steps involved including a Warrant article at Annual Town meeting, which must pass at Town Meeting and creating a plan

Informed the Board at this time the Department of Public Utilities is not functioning correctly and currently at about three plus years to get a plan through

Explained the Program is opt out, which means if you do not opt out, everyone on basic service would be included in the pool. This is state statute.

Further went on to explain consumer does nothing once in the plan and still continue to receive all the benefits from National Grid such as low income programs

Denise explained in more detail Opt Out. Stated you can opt in and out of program without fee or penalty

Mark explained National Grid indifferent about price and how their pricing works.

Program also allows the option to “green things up”.

Answered questions from the Board

Motion: G. Walker moved to asked the Town Administrator to explore going forward seconded, G. Heavey and voted unanimously

Staff recognition- John Lucey Police Chief

Senator Tarr and Representative Mirra spoke to the honorable career of John Lucey as Police Chief of Newbury, thanked him for his many years of service and presented the Mr. Lucey with Certificates of Recognition

Quick recess was called to take photos

ARPA request Historic Records Preservation

Motion: G. Walker moved to approve the ARPA funds request of \$126,730.00 for Historical records preservation seconded, G. Heavey and voted unanimously

Discussion: Leslie Haley, Town Clerk conducted a brief slide show presentation representing the types of historical records that will be preserved and answered questions from the Board members

ARPA request completion Municipal Fiber Area Network

Motion: G. Walker moved to approve the ARPA funds request of \$150,000 to complete Municipal Fiber Area Network seconded, G. Heavey and voted unanimously

Discussion: IT Director, Matt Cooper spoke to the ARPA request and answered questions from the Board

Review, approve and sign Appointments:

- Appoint Fish Commissioner
 - Augustus Campatelli
 - Alexander Maxon

Discussion: Fish Commissioner Appointment was rescheduled to appear on a future Select Board agenda when a full Board would be present

- John Ferrara – Council on Aging Board

Motion: G. Walker moved to approve the appointment seconded, G. Heavey and voted unanimously

Discussion: None

- Katelyn M. Tully – Full time Patrol Officer

Motion: G. Walker moved to approve the appointment seconded, G. Heavey and voted unanimously

Discussion: Chief Patty Fisher spoke to the appointment. Reading her recommendation letter that was included in the Select Board packet and answered questions from the Board members

Declare Surplus: 2009 Ford F250, Police Department

Declare Surplus: 2017 Ford Explorer, Police Department

Motion: G. Walker moved to approve both surplus declarations as listed and read seconded, G. Heavey and voted unanimously

Discussion: Discussion ensued

Public Property Use Request – Newburyport Lions Club, 10 mile road race

Motion: G. Heavey moved to approve the Lions Clubs use of High Road to Rolfs Lane to Ocean Ave. for approximately one hour on August 1, 2023 during the Yankee Homecoming celebration seconded, A. Greco and voted unanimously

Discussion: Lion's members Bob Lafrance and Don Carey spoke to the request and answered questions from the Board. The Board requested messaging prior to race, such as message boards and reverse 911, to notify residents and businesses of the race and the impact it may have on road travel

Approve One Day Liquor License, Mercury Brewing, Old Newbury Bonfire

Motion: G. Walker moved to approve the One Day Liquor License seconded G. Heavey and voted unanimously

Discussion: None

Executive Session:

Motion: G. Walker moved that the Board enter into Executive Session in accordance with Massachusetts General Law, Chapter 30A, § 21 (a)(3) to review, discuss, and consider its response to the Open Meeting Law complaint filed against it dated December 1, 2022, filed by Jack Rybicki, and on file with the Town Clerk, whereas discussion of this matter in open session would have a detrimental effect on the Board's litigating position (and the Chair so declares it) and to reconvene in open session to vote to approve the same.

Second G. Heavey

Roll Call Vote

Geof Walker Yes
Gerry Heavey Yes
Alicia Greco Yes

Motion: A. Greco moved to accept response proposed by Town Counsel regarding the OML Complaint dated December 1, 2022 seconded, G. Walker and voted unanimously

M.G. L. Chapter 138, Section 15: Off Premise Licenses/all alcohol as follows:

- #89184-PK-0794 Adele Scrivo, dba Corner Cupboard, 4 Hanover St.

Motion: G. Walker moved to approve the 2023 Retail License Renewal for, Adele Scrivo, dba Corner Cupboard however, the license shall not be issued until the following criteria have been met:

1. Approval of any changes in the license management, premises of other ABCC requirements be received from the ABCC.
2. Receipt of a Worker's Compensation Insurance Affidavit

Seconded, G. Heavey and voted unanimously

- #00007-PK-0794 Sylvanowicz Family Associates, Inc. dba D&J Liquors, 53 Main St.

Motion: A.Greco moved to approve the 2023 Retail License Renewal for, Sylvanowicz Family Associates, Inc. dba D&J Liquors, 53 Main St. however, the license shall not be issued until the following criteria have been met:

1. Approval of any changes in the license management, premises of other ABCC requirements be received from the ABCC.
2. Receipt of a Worker's Compensation Insurance Affidavit

Seconded, G. Walker and voted unanimously

- #00010-PK-0794 Plum Island Fine Wine & Spirits, Inc. dba The Cottage Wine & Spirits, 14 Plum Island Blvd.

Motion: A.Greco moved to approve the 2023 Retail License Renewal for, Plum Island Fine Wine & Spirits, Inc. dba The Cottage Wine & Spirits, 14 Plum Island Blvd. however, the license shall not be issued until the following criteria have been met:

1. Approval of any changes in the license management, premises of other ABCC requirements be received from the ABCC.
2. Receipt of a Worker's Compensation Insurance Affidavit

Second, G. Walker and voted unanimously

M.G. L. Chapter 138, Section 15: Off Premise Licenses/Wine & Malt as follows:

- #00009-PK-0794 Pizza Factory, Inc. dba Plum Island Provisions 29 Plum Island Blvd

Motion: A.Greco moved to approve the 2023 Retail License Renewal for, Pizza Factory, Inc. dba Plum Island Provisions, 29 Plum Island Blvd. however, the license shall not be issued until the following criteria have been met:

1. Approval of any changes in the license management, premises of other ABCC requirements be received from the ABCC.
2. Receipt of a Worker's Compensation Insurance Affidavit

Seconded, G. Walker and voted unanimously

- #00018-PK-0794 The Butchery, Inc. dba Newbury Butchery, 2 Morgan Ave

Motion: A. Greco moved to approve the 2023 Retail License Renewal for, The Butchery, Inc. dba Newbury Butchery, 2 Morgan Ave. however, the license shall not be issued until the following criteria have been met:

1. Approval of any changes in the license management, premises of other ABCC requirements be received from the ABCC.
2. Receipt of a Worker's Compensation Insurance Affidavit

Seconded G. Walker and voted unanimously

- #90392-PK-0794, Wyatt's Market dba Wyatt's, 6 Fruit St, Unit D

Motion: A. Greco moved to approve the 2023 Retail License Renewal for, Wyatt's Market dba Wyatt's, 6 Fruit St. , Unit D however, the license shall not be issued until the following criteria have been met:

1. Approval of any changes in the license management, premises of other ABCC requirements be received from the ABCC.
2. Receipt of a Worker's Compensation Insurance Affidavit

Seconded, G. Walker and voted unanimously

M.G.L. C. 138, Section 12: Licenses authorizing sale of beverages to be drunk on premises – Wine and Malt:

- #04762-RS-0794 Bob Lobster, 49 Plum Island Tpke.

Motion: A.Greco moved to approve the 2023 Retail License Renewal for, Bob Lobster, 49 Plum Island Tpke. However, the license shall not be issued until the following criteria have been met:

1. Approval of any changes in the license management, premises or other ABCC requirements be received from the ABCC
2. Issuance of a Certificate of Inspection
3. Receipt of the Liquor Liability Insurance Certificate
4. Receipt of a Worker's Compensation Insurance Affidavit

Seconded, G.Walker and voted unanimously

M.G.L. C. 138, Section 12: Licenses authorizing sale of beverages to be drunk on premises – Wine and Malt/Club

- #00002-CL-0794 Oldtown Country Club, Inc., Marsh Ave

Motion: A.Greco moved to approve the 2023 Retail License Renewal for, Oldtown Country Club, Inc., with current manager Christopher Muse, Marsh Ave. However, the license shall not be issued until the following criteria have been met:

1. Approval of any changes in the license management, premises or other ABCC requirements be received from the ABCC

2. Issuance of a Certificate of Inspection
3. Receipt of the Liquor Liability Insurance Certificate
4. Receipt of a Worker's Compensation Insurance Affidavit

Seconded, G. Walker and voted unanimously

M.G.L. C. 138, Section 12: Licenses authorizing sale of beverages to be drunk on premises – All Alcohol

- #03245-RS-0794 Rusty Can LLC, dba Rusty Can, 9 Fruit St.

Motion: A. Greco moved to approve the 2023 Retail License Renewal for, Rusty Can LLC, dba Rusty Can, 9 Fruit St. However, the license shall not be issued until the following criteria have been met:

1. Approval of any changes in the license management, premises or other ABCC requirements be received from the ABCC
2. Issuance of a Certificate of Inspection
3. Receipt of the Liquor Liability Insurance Certificate
4. Receipt of a Worker's Compensation Insurance Affidavit

Seconded, G. Walker and voted unanimously

- #00020-CL-0794 Ould Newbury Golf Club Inc. dba Ould Newbury Golf Club, 319 Newburyport Turnpike

Motion: A. Greco moved to approve the 2023 Retail License Renewal for, Ould Newbury Golf Club Inc. dba Ould Newbury Golf Club, 319 Newburyport Turnpike. However, the license shall not be issued until the following criteria have been met:

1. Approval of any changes in the license management, premises or other ABCC requirements be received from the ABCC
2. Issuance of a Certificate of Inspection
3. Receipt of the Liquor Liability Insurance Certificate
4. Receipt of a Worker's Compensation Insurance Affidavit

Seconded, G. Walker and voted unanimously

- #00021-RS-0794 Plum Island Beachcoma, Inc. dba Plum Island Beachcoma, 23 Plum Island Blvd.

Motion: A. Greco moved to approve the 2023 Retail License Renewal for, Plum Island Beachcoma, 23 Plum Island Blvd. However, the license shall not be issued until the following criteria have been met:

1. Approval of any changes in the license management, premises or other ABCC requirements be received from the ABCC
2. Issuance of a Certificate of Inspection
3. Receipt of the Liquor Liability Insurance Certificate
4. Receipt of a Worker's Compensation Insurance Affidavit

Seconded, G. Walker and voted unanimously

- #00016-RS-0794 Plum Island Grille, Inc., dba Plum Island Grille, 2 Plum Island Blvd, Newbury, MA

Motion: A. Greco moved to approve the 2023 Retail License Renewal for, Plum Island Grille, Inc. dba Plum Island Grille, 2 Plum Island Blvd. However, the license shall not be issued until the following criteria have been met:

1. Approval of any changes in the license management, premises or other ABCC requirements be received from the ABCC
2. Issuance of a Certificate of Inspection
3. Receipt of the Liquor Liability Insurance Certificate
4. Receipt of a Worker's Compensation Insurance Affidavit

Seconded, G. Walker and voted unanimously

- #06141-RS-0794 The Sunset Club, LLC, 2 and 8R Old Point Road, Newbury, MA

Motion: A. Greco moved to approve the 2023 Retail License Renewal for, The Sunset Club, LLC, 2 and 8R Old Point Road However, the license shall not be issued until the following criteria have been met:

1. Approval of any changes in the license management, premises or other ABCC requirements be received from the ABCC
2. Issuance of a Certificate of Inspection
3. Receipt of the Liquor Liability Insurance Certificate
4. Receipt of a Worker's Compensation Insurance Affidavit

Seconded, G. Walker and voted unanimously

M.G.L. C. 138, Section 12: Licenses authorizing sale of beverages to be drunk on premises – All Alcohol – Hotel

- 06455-HT-0794 Plum Island Blue, LLC dba Blue-Inn on the Beach, 18-20, and 22 Fordham Way, Plum Island, Newbury, MA

Motion: A. Greco moved to approve the 2023 Retail License Renewal for, Plum Island Blue, LLC dba Blue-Inn on the Beach, 18-20 and 22 Fordham Way However, the license shall not be issued until the following criteria have been met:

1. Approval of any changes in the license management, premises or other ABCC requirements be received from the ABCC
2. Issuance of a Certificate of Inspection
3. Receipt of the Liquor Liability Insurance Certificate
4. Receipt of a Worker's Compensation Insurance Affidavit

Seconded, G. Walker and voted unanimously

Vote to sign the ABCC Renewal Certification 2023

Motion: A. Greco moved to sign the ABCC 2023 Renewal Certification seconded, G. Walker and voted unanimously

Vote to sign ABCC 2023 Seasonal Population Increase Estimation Form

Motion: A.Greco moved to sign the ABCC 2023 Seasonal Population Increase Estimation form seconded, G. Walker and voted unanimously

Town of Newbury Business License Renewals 2023:

Elizabeth/Michael Houlihan, dba Roots to Wings, 76 Newburyport Turnpike, General Business: Health & Wellness

William Difrancesco/stowaway storage, dba Newbury Self Storage, 131 Newburyport Turnpike, General Business/Self Storage

Nassar Abu-Eid, dba A.L. Prime Energy Consultant Inc., 17 Central Street, auto/marine gasoline, car repair, sale of related goods

Jeffrey Christensen, dba Plum Island Fine Wine & Spirits dba The Cottage Wine & Spirits, 14 Plum Island Blvd., General Business package store

Jeff Christensen, dba PI Rentals, LLC dba The Cottage, 14 Plum Island Blvd., General Business: surf/paddle/kayak/skate sales&rentals

Jeffrey Christensen, dba Plum Island Fine Wine & Spirits dba The Cottage Wine & Spirits, 14 Plum Island Blvd., Parking Lot

David/John Moulton, dba Riverfront Marine Sports, Inc., 292 High Road, Auto/Marine, Sales/Storage of boats, marine supplies, gasoline

Alana L. Matses Dunn, dba Flippin Out Enterprises, 109 High Road, Coach/Consultant

Kendall Bowie, dba Mad Martha's Island Café, 51 Northern Blvd., Common Victualler, Hours of operation: Tuesday – Sunday 7 am to 2 pm; Thursday – Saturday 5 pm to 10 pm

Elise Guay, dba Boston Born Ink, 65 Newburyport Turnpike, Tattoo Shop

Sylvanowicz Family Associates, Inc., Main St. Mini Mart and D&J Liquors, 53 Main Street, Common Victualler

James Sullivan, dba Rusty Can, 6G Fruit Street, Common Victualler

Ronald Barrett, dba Barrett Transportation, 18 Hutchins Road, General Business/Vehicle Transport

Ronald Barrett, dba Plum Island Taxpayers Association, 8 Plum Island Blvd., Common Victualler, Parking Lot

James Noyes, dba Noyes Auto Service, 1 Noyes Lane, Auto/Marine; Auto Repair

Jaiden Auto, Inc., Jeremy P. Keohane, 6 Newburyport Turnpike, Used Car Dealer's License – Class II, to buy and sell second hand motor vehicles

Frances Broadbery, dba Plum Island Grille, 2 Plum Island Blvd., Common Victualler

Carla Capolupo dba Carla Capolupo, 26 Plum Island Blvd., Parking Lot (U02-0-115 to U02-0-119) Entrance and exit on Plum Island Blvd. only

Stephen Andreottola, dba Steve's Service Inc., 52 Main Street, Auto/Marine: Auto Repair and sale of related items

Steven J. Keville, dba SK Tree Service, 71 Main Street, General Business/Tree Service

Steve's Services, Inc., C/O Stephen Andreottola, 52 Main Street, Used Car Dealer's License – Class II, to buy and sell second hand motor vehicles

Newbury Auto Sales, Inc. James R. Motzkin, 60 Newburyport Turnpike, Motor Vehicle Junk License – Class III, buy second hand vehicles for the purpose of remodeling, taking apart or rebuilding and selling the same, or the buying or selling of parts of second hand motor vehicles or tires, or the assembling of second hand motor vehicle parts

William & Louise Robitaille, dba Pheasant Meadow Farm, 7 Paul's Way, Farm Products

Linda M. Gamache, dba Sadie's For Hair, 6J Fruit St., General Business – Beauty Shop

Ryan Guthrie/Brendon Guthrie, dba The Inn on the Beach, 20 Fordham Way, Common Victualler/Inn

Ryan Guthrie/Brendon Guthrie, dba The Inn on the Beach, 20 Fordham Way, Parking Lot, 11 Fordham Way (U01-0-26)

John Gallant dba J. Gallant Pool & Spa, 96 Newburyport Turnpike, General Business

Elizabeth Moulton – Cowie/Martha Moulton dba Surfland Bait and Tackle LLC, 30 Plum Island Blvd., General Business bait shop

William Koski, Jr., dba Bill's Auto Repair, 24 Middle Road, Auto Marine, "subject to the restrictions and conditions of the special permit issued on 2/26/86 and the decision of the Zoning Board of Appeals 8/6/99 for the property located at 24 Middle Road."

Gary Machiros, dba Applied Automotive Technology, Inc., 101 Newburyport Turnpike, Unit 4-5, Auto Repair

Angie's Service Inc., 101 Newburyport Turnpike, Units 4-5, Used Car Dealer License – Class II, to buy and sell second hand motor vehicles

Schneller BMW Performance, dba Michael Morris, 26 Middle Road, Unit 1, General Business/Automotive, "subject to the restrictions and conditions of the special permit issues on 2/26/1986 and the variance issued on 11/17/1994 by the Newbury Zoning Board for the property at 24 Middle Road"

Norma D. Reader, dba High Tail Acres, 120 High Road, Farm Products – Feeds and related items

Christine & Doug Rupp, dba Harmony Natural Learning Center, 67/69 Newburyport Turnpike, General Business/Education

Lynne Deschene dba The Access Clinic for Wellness, 19 Central St., Suite C, Acupuncture

Braza Car Auto Sales Inc., (owner Durce Machado Moreira), 86 Newburyport Turnpike, Use Car Dealer License – Class II, to buy and sell second hand motor vehicles

Motion: A. Greco moved to approve all 2023 Business License renewals as listed and read second, G. Walker

and voted unanimously

Town Administrators Report

- Having received official notice from the Town Clerk that she is retiring from her position effective on December 31st I will need a vote of the SB to appoint Gretchen Girard as Town Clerk until the next election
 - Pursuant to G.L.c. 41 § 14

Motion: G. Walker moved to appoint Gretchen Girard as Town Clerk until the next election seconded, A. Greco and voted unanimously

Discussion: Discussion ensued

FY 2023 Tax Rate Set

- New tax rate is \$8.67 down \$1.06 from last year's rate of \$9.73

Teamsters Local 170

- Department of Public Works negotiations are underway
- Library waiting for dates to begin negotiations

Recount Results

- Mirra 1987
- Kassner 1875

ACO

- all calls should continue to be directed to the Newbury Police Department
- Chief Fisher and I are currently exploring the possibility of entering into a regional agreement for ACO services with Rowley, Ipswich, & Boxford
- Met with Bruce Tarr to discuss regional incentive aid

Old Business

None

Correspondence

Letter from Comcast regarding fee increases

Meeting Updates

G. Walker commented regarding the dredging project currently underway. Heard little dredge departed and big dredge in the river now and noted is a tough job. Also mentioned boats found in the river

G. Heavey noted 119 boats that sank in the river where the river meets the ocean, in the mouth

Review of Meeting Minutes

Draft minutes 11.3.22

Motion: A. Greco moved to approve the draft meeting minutes seconded G. Walker and voted unanimously

Discussion: none

Draft minutes 11.7.22

Motion: A. Greco moved to approve the draft meeting minutes seconded, G. Walker and voted unanimously

Discussion: None

Warrants

VW2311

PR2310

PRVW23SWO

PR2309

PRVW2311

PRVW2310

VW2310

Motion: A. Greco moved to sign the Warrants seconded, G. Walker and voted unanimously

Discussion: None

Adjourn

Motion: At 9:10 p.m. A. Greco moved to adjourn, seconded G. Walker and voted unanimously

Discussion: None

Respectfully submitted,
Julie O'Brien
Executive Administrator