

**TOWN OF NEWBURY
SELECT BOARD**

MINUTES

DATE: June 13, 2023

PRESENT: **Select Board:** Chair Alicia Greco; Vice Chair Bill DiMaio; Geof Walker; Dana Packer; Clerk Leslie Matthews

Staff:

Tracy Blais, Town Administrator
Julie O'Brien, Executive Administrator
Martha Taylor, Town Planner
Patty Fisher, Police Chief
Tim Lamprey, Tree Warden

Call to Order:

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

Motion: A. Greco moved to open the meeting, seconded D. Packer and voted unanimously

Discussion: None

Public Comment

Christopher Smith, 16th street, spoke to the Business License, Plum Island Beach Walk, LLC, parking lot. Asked if the Town had tax records and proof of insurance from the past two to three years. Mentioned this is a Grandfather permit, questions regarding transferring to a Trust. What are the Town regulations And bylaws regarding Zoning. Now going from Trust to private entity, what does the Zoning Board say. What is the precedent. Restated have questions regarding moving a grandfathered permit to private trust to another private entity. How many cars are allowed via commercial insurance. Spoke to egresses. Mentioned owner not living on site. Stated home is a two bedroom home being advertised for rent, as a 5 bedroom. Spoke to hygiene on the beach more people, no bathrooms, more trash etc. Stated was told for years this Grandfathered permit was not transferable.

Allen Romano, 16th Street, spoke to the parking lot business license. Spoke to using the lot across the street as overflow lot. Blocking streets as cars wait in the cue. Asked Town to come up with regulations if going to allow the lot. And lot density, how many cars are allowed and handicap parking needs to be addressed. The two apartments should have two spots each designated to them.

Board and Committee Reports

Report of Chair Greco:

Signed PR23-23, Select Board
Signed PR23-23, Julie O'Brien
Signed PR23-24, Julie O'Brien

Grants, Gifts & Donations

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

COA Donation - Friends of the COA - \$18,000

Motion: L. Matthews moved to accept the donation seconded, G. Walker

Discussion: Bill DiMaio spoke to the donation

Voted unanimously

COA Donation - Alba Gouldthorpe - \$10.00

Motion: L. Matthews moved to accept the donation seconded, G. Walker

Discussion: None

Voted unanimously

COA Donation - Dennis&Alanna Casey - \$20.00

Motion: L. Matthews moved to accept the donation seconded, G. Walker

Discussion: None

Voted unanimously

COA Donation - Nancy Story - \$50.00

Motion: L. Matthews moved to accept the donation seconded, G. Walker

Discussion: None

Voted unanimously

Public Hearings: None

New Business:

Public Property Use request - ALS Ride

Motion: G. Walker moved to approve the request seconded, L. Matthews

Discussion: Kevin Sweeney spoke to the ALS event. Chief Fisher spoke to the Police Detail

Voted unanimously

Business License Renewal - Brandon Kelly, dba Store-U-Self Storage, 12 Kent Way, General Business/Self Storage

Motion: G. Walker moved to approve the renewal seconded, D. Packer

Discussion: None

Voted unanimously

New Business License (new owner) - Thomas Ryan, dba Plum Island Beach Walk, LLC. (formerly Wheelhouse Parking), 49 Northern Blvd., Parking Lot/Water in Cooler

Motion: G. Walker moved to accept seconded, D. Packer

Discussion: A. Greco spoke to the new license history. Read General Law, Chapter 97, 10, spoke to the Select Boards purview and took inquiries from concerned citizens. Chief Fisher spoke to parking complaints and agrees the area is a traffic concern. Discussion occurred regarding the amount of cars allowed in the lot and ADA requirements.

Motion: G. Walker moved to withdraw the original motion seconded, D. Packer and voted unanimously

Motion: B. DiMaio moved to table until June 27th Select Board meeting seconded, G. Walker. Requested applicant; Building Commission and Town Counsel be present at the next meeting, and voted unanimously

Entertainment License approval - Sunset Club, 4 Old Point Road, Music/Small speakers, M - S

Motion: G. Walker moved to approve the Entertainment License seconded, D. Packer

Discussion: Kevin Hunt provided a complaint letter late Tuesday afternoon with recommendations. Gerry Shipiro spoke to the letter Kevin provided. Concerns such as volume of music, the application requesting seven nights a week, and mitigation options were discussed. Suggested to have applicant present at next Select Board meeting.

Motion: G. Walker moved to withdraw the original motion seconded, L. Matthews and voted unanimously

Motion: A. Greco moved to table the Entertainment License renewal until June 27th Select Board Meeting seconded, D. Packer and voted unanimously

Upper Green Committee update

T. Blais spoke to the Upper Green committee report. Stated she met with DPW Director and Tree Warden addressing the items identified by committee a couple years ago.

Tree Warden:

- Newman Road update

Discussion: Tim Lamprey, Tree Warden addressed the Board. Stated removed trees and researched what trees are best for the area, which takes time. Explained many elements that need to be considered. Have agreed on trees and marked for dig safe. Decided on the Common Hack Berry, is a native and in the Elm family. Bartlett Tree Service will do planting and watering. Trees will start at about 10 to 12 feet tall. Mr. Lamprey answered questions from the Board.

Mr. Lamprey discussed the Survey on the upper green, specifically what does the state own and what does the town own on the side that faces 1A. Suggested the Town find out.

Mr. David Powell, 5 Kent Way, asked what the tree type was to be planted. Alicia reiterated, Common Hack Berry. Explained he was involved in bringing the Newman Road tree issue to the Board. Passed around a recent photo of Newman Road. Mentioned three old trees that are left should be taken down also. Spoke that the Trustees are involved and willing to do what they can to help and have a list of suggested trees. A.Greco confirmed with Tim Lamprey that he met with JR Colby and Peter Pinciario with the Trustees to discuss the trees. Mr. Powell mentioned gates that had fallen. Tracy Blais let him know we had spoken with Trustees to take care of.

FY24 Appointments:

The Chair instructed the Board, as they are going through the appointments for approval, to indicate if they needed discussion

Border to Boston Trail Committee (1 year term) 7/1/23 – 6/30/24

- Martha Taylor
Motion: B. DiMaio moved to approve seconded, D. Packer and voted unanimously
- Kristen Grubbs
Motion: B. DiMaio moved to approve seconded, G. Walker and voted unanimously
- Steve Fram
Motion: D. Packer moved to approve seconded, G. Walker and voted unanimously
- Cynthia Raschke
Motion: G. Walker moved to approve seconded, B. DiMaio and voted unanimously
- Ted Russell
Motion: G. Walker moved to approve seconded, B. DiMaio
Votes in favor: G. Walker, A. Greco, B. DiMaio , L. Matthews
Vote Opposed: D. Packer

Capital Planning Committee (2 year term) 7/1/23 - 6/30/25

- Nicholas Orem

Motion: G. Walker moved to approve seconded, L. Matthews and voted unanimously

Conservation Commission (3 year term) 7/1/23 – 6/30/26

- Woody Knight, Planning Board Member
- Michael Brown

Motion: G. Walker moved to approve as listed seconded, B. DiMaio and voted unanimously

Council on Aging (1,2,3 year terms)

- Damon Jespersen, 3 Year Term
Motion: B. DiMaio moved to approve seconded, L. Matthews and voted unanimously
- Susan Grillo, 3 Year Term
Motion: G. Walker moved to approve seconded, B. DiMaio and voted unanimously
- Chuck Bear, 2 Year Term
Motion: G. Walker moved to approve seconded, B. DiMaio and voted unanimously
- Christina Howe, 3 Year Term

- Motion:** G. Walker moved to approve seconded. L. Matthews and voted unanimously
- Geraldine DiMaio, 1 Year Term

Motion: G. Walker moved to approve seconded, L. Matthews

Vote: B. DiMaio recused

Votes in Favor: A. Greco, G. Walker, L. Matthews, D. Packer
- Jeanne Cunningham, 2 Year Term

Motion: G. Walker moved to approve seconded B. DiMaio and voted unanimously

Cultural Council

- Jeanne Anderson, thru 1/31/24

Motion: G. Walker moved to approve seconded D. Packer and voted unanimously

Executive Administrator to the Select Board (1 year term) 7/1/23 – 6/30/24

- Julie O'Brien

Motion: G. Walker moved to approve seconded, L. Matthews and voted unanimously

Finance Committee (3 year term) 7/1/23 – 6/30/26

- Erica Jacobsen

Motion: G. Walker moved to approve seconded, D. Packer and voted unanimously

Historical Commission (3 year term) 7/1/23 – 6/30/26

- Channing Howard

Motion: G. Walker moved to approve seconded, L. Matthews and voted unanimously

Human Resource Board (3 year term) 7/1/23 – 6/30/26

- Mark Gleckman

Motion: G. Walker moved to approve seconded, B. DiMaio

Votes in Favor: A. Greco, B. DiMaio, G. Walker, L. Matthews

Vote Opposed: D. Packer

Local Historical District Study Committee (1 year term) 7/1/23 - 6/30/24

- Robin Etheridge

Motion: G. Walker moved to approve seconded, B. DiMaio and voted unanimously
- Lon Hachmeister

Motion: G. Walker moved to approve seconded, B. DiMaio and voted unanimously
- Elizabeth Paglia

Motion: G. Walker moved to approve seconded, B. DiMaio and voted unanimously
- Joy Michaud

Motion: G. Walker moved to approve seconded, B. DiMaio and voted unanimously
- Madison Vlass

Motion: G. Walker moved to approve seconded, B. DiMaio and voted unanimously

Merrimack Valley Planning (1 year term) 7/1/23 – 6/30/24

- Martha Taylor/Commissioner
Motion: G. Walker moved to approve seconded, L. Matthews and voted unanimously
- Lawrence Murphy/Alternate Commissioner
Motion: G. Walker moved to approve seconded D. Packer and voted unanimously

Municipal Vulnerability Task Force (1 year term) 7/1/23 – 6/30/24

- Tracy Blais
- Douglas Janvrin, Jr.
- Patricia Fisher
- Peter Binette
- John O’Connell
- Samantha Holt
- Deborah Rogers
- James Sarette
- Martha Taylor
- Kristen Grubbs

Motion: G. Walker moved to approve as listed seconded B. DiMaio and voted unanimously

Planning Board Member (1 year term) 6/13/23 – 5/14/24

- Mary Stohn
Motion: G. Walker moved to approve seconded, L. Matthews and voted unanimously

Recreation Committee (1 year term) 7/1/23 – 6/30/24

- Mark Sandt
- David Broll
- Mary Anastasio
- Courtney Boudrow
- Cindy Currier – COA Rep
- Ben Norton – Triton High School Rep

Motion: G. Walker moved to approve as listed seconded, B. DiMaio and voted unanimously

Special Municipal Employee Consultant to the Town (1 year term) 7/1/23 – 6/30/24

- Timothy Meehan
- Thomas Hughes

Motion: G. Walker moved to approve as listed seconded L. Matthews and voted unanimously

Storm Water Management Team (3 year term) 7/1/23 - 6/30/26

- Deborah Rogers
- James Sarette
- John OConnell
- Martha Taylor
- Tracy Blais

- Julie O'Brien
- Samantha Holt

Motion: G. Walker moved to approve as listed seconded, D. Packer and voted unanimously

Zoning Board of Appeals (3 year term) 7/1/23 - 6/30/26

- Jack Kelly
Motion: G. Walker moved to approve seconded, L. Matthews and voted unanimously
- Michelle Weidler – Associate Member (1 year term) 7/1/23 – 6/30/24
Motion: G. Walker moved to approve seconded, D. Packer and voted unanimously

Police Department

(1 year term) 7/1/23 – 6/30/24:

- Theodore Dillion – Reserve Officer
Motion: G. Walker moved to approve seconded D. Packer and voted unanimously
- Martha Leahy – Administrative Assistant geof leslie yes
- Martha Leahy – Police Department Chaplain
Motion: G. Walker moved to approve both appointments for Martha Leahy seconded, L. Matthews and voted unanimously
- Roger Merry – Special Police Officer
Motion: G. Walker moved to approve seconded, L. Matthews and voted unanimously
- Jay Routhier – Special Police Officer
Motion: G. Walker moved to approve seconded, D. Packer and voted unanimously
- James Velonis – Reserve Officer
Motion: G. Walker moved to approve seconded, B. DiMaio and voted unanimously

Town Administrators Report

Plovers

- Audubon has reported that there are 7 Piping Plover pairs and 4 active nests as well as a Least Tern Colony on our beach
- Issues with unleashed dogs running through fenced areas are still being reported
- Reminder - dogs are only allowed on the Town Owned Beach before 8:30am and after 5:30pm from May 15th – September 15th
- Audubon, MAFWS and USFWS all recommend that Newbury consider amending the bylaw (Chapter 109-2) to restrict dogs on the beach to coincide with plover nesting season; which begins on April 1st (April 1st-Sept 15th before 8:30am and after 5:30pm). They would prefer to see a complete dog prohibition on the Newbury beach beginning on April 1st.

Fire Chief Doug Janvrin

- Notified of his intention to retire effective on August 8th
- Served the Fire Department for 36 years

IT Director

- Matt Cooper has provided his resignation effective June 30th

Inspector of Animals

- Nominated Kayla Provencher, the current Newburyport ACO, as our back up Inspector of Animals

Bylaw Issue

- An issue with the Finance Committee bylaw was recently brought to my attention; specifically, that there was an appointed member who was also elected to another town position
- The bylaw states that “No member of the Finance Committee shall be an elected official, a paid board or committee member or an employee of the town”
- Further review of the bylaws indicated that we may also be an issue with the Select Board bylaws
- The law states that “A member of the select board, regional school committee, or of the finance committee, during the term for which the member was elected or appointed, shall be ineligible either by election of appointment to hold any other town office”
- If members of these boards/committees are restricted from serving on other boards/committees then we could have other problems as well:
- Issue has been referred to Town Counsel for a legal opinion

Old Business

None

Correspondence

Essex County’s Sheriff Dept. Annual Report 2022

Meeting Updates

D. Packer stated Karen Tyler, Essex Veteran’s , asked about the Grave Officer. Dana will let Karen know is an open position.

B. DiMaio discussed attending on June 9th at Devon’s Massachusetts Select Board Association a training session for newly elected members.

Review of Meeting Minutes

Draft Minutes 5.23.23

Motion: L. Matthews moved to approve seconded B. DiMaio

Discussion: None

Voted unanimously

Warrants

VW2324

PR2323

RfdMay23

RfdApr23

Motion: G. Walker moved to sign the Warrants seconded, B. DiMaio

Discussion: None

Voted unanimously

Executive Session:

None

Adjourn

Motion: At 9:17 p.m. B. DiMaio moved adjourn seconded, L. Matthews and voted unanimously

Respectfully submitted,
Julie O'Brien
Executive Administrator