

Approved

**TOWN OF NEWBURY
SELECT BOARD**

MINUTES

DATE: January 11, 2022

PRESENT: **Select Board:** Chair Alicia Greco; Vice Chair JR Colby(participating remotely); Clerk Geof Walker; Mike Doyle(participating remotely); Geraldine Heavey

Staff:

Tracy Blais, Town Administrator (participating remotely)
Julie O'Brien, Executive Administrator
John Lucey, Chief of Police
Alex Castro, Town Counsel

Call to Order:

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

Motion: M.Doyle moved to open the meeting seconded, G. Heavey

Discussion: A. Greco read the remote participation policy

Roll Call Vote:

Alicia Greco – Yes
JR Colby – Yes
Geof Walker – Yes
Mike Doyle – Yes
Gerry Heavey- Yes

Public Comment:

None

Board and Committee Reports

Report of Chair Greco:

Signed PR22-12, Select Board
Signed PR22-12, Julie O'Brien
Signed PR22-13, Julie O'Brien
Signed PR22-14, Select Board
Signed PR22-14, Julie O'Brien
Signed VW22-15, Staples

Grants, Gifts & Donations

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

COA donation – J. Brogan - \$10.00

COA donation – M. Gill - \$25.00

COA donation – R.D. Stoehr - \$100.00

COA donation – M. Smith – \$100.00

COA donation – D. Loring - \$300.00

Police Department Private Citizen donation - \$500.00

Police Department Private Citizen donation - \$250.00

Motion: G. Walker moved to accept the donations as listed and read seconded, G. Heavey

Discussion: Discussion ensued

Roll Call Vote:

Alicia Greco – Yes

JR Colby – Yes

Geof Walker – Yes

Mike Doyle – Yes

Gerry Heavey- Yes

Public Hearings:

None

New Business:

Approve to sign revised Liquor License - ABCC approved Change of Manager – Oldtown Country Club Inc.

Motion: G. Walker moved to approve to sign the revised Liquor License with Change of Manager seconded, G. Heavey

Discussion: Discussion ensued

Roll Call Vote:

Alicia Greco – Yes

JR Colby – Yes

Geof Walker – Yes

Mike Doyle – Yes

Gerry Heavey- Yes

Review, approve, and sign 2022 Business License Renewals as follows:

Angie's Service, Inc., 101 Newburyport Turnpike, Units 4-5, buy and sell second hand vehicles

Gary Machiros dba Angie's Service Inc., 101 Newburyport Turnpike, Unit 4-5, Auto Repair

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

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

Braza Car Auto Sales, Inc. (owner Durce Machado Moreira), 86 Newburyport Turnpike, buy and sell second hand vehicles

Michelle & Peter Abren dba By Coco, 12 Grove Street, Mobile Coffee Trailer

Fit by John dba c/o John A. DesOrmeaux, Jr., 89 Hanover Street, Unit #3, General Business – Personal Training

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

Henry C. Becker dba Henry C. Becker Custom Building LTD, 8 Riverview Drive, General Business

Colby Jackman dba Outdoor Dog Training & Trails, 48 Low Street (office), Dog training at client sites and on public trails. *No on-site boarding or day care, per Zoning Enforcement Officer.

Robin Davies dba Parker River Dental, 3 Kent Way, General Business

Charon Pearson dba Pearson Hardware, 6A Fruit Street, General Business

Ralph Johnson, Jr. – President dba Pert Lowell Co., Inc., Lanes End, Boat Restoration

Elizabeth Moulton-Cowie/Martha Moulton dba Surfand Bait and Tackle LLC., 30 Plum Island Blvd., General Business: Bait Shop

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

Matthew Kozazcki dba Tendercrop Farms, 108 High Road, Retail Foods/Common Victualer, Crafts/Gifts

Rana Bonfa dba Walk My Paws, 90 Newburyport Turnpike, Dog Training/Dog Playcare

Motion: G. Walker moved to approve the Business License renewals as listed and read seconded, M. Doyle

Discussion: None

Roll Call Vote:

Alicia Greco – Yes

JR Colby – Yes

Geof Walker – Yes
Mike Doyle – Yes
Gerry Heavey- Yes

Old Business:

None

Emergency Management Director Update – Chief Lucey

M. Doyle commented regarding the nice set up the Police had for child pickup. The Chief further explained also includes online purchases to make exchanges, in addition to custodial arrangements. Provides a safe place to perform these tasks. There are marked spaces and video cameras. Chief explained this setup was the Deputy Chief, Patty Fishers idea.

Chief provided a Covid update:

Referred to a memo he had in hand

C19 case status, first week of December there were 24 cases, the next week 33, the week after that 46, now we are at 67. There is an uptick after the Holiday season, however dramatically lower in our community then other surrounding communities. Explained unified command is focusing on slowing spread. Impact on work places is pretty significant. Indicated protocols have been implemented, including mask awareness. Read his memo out loud.

G. Heavey asked what protocol/requirement is there regarding first responders and town workers to be vaccinated. Chief replied no requirement for vaccination, it is a personal choice however, there are protocols how we respond to the public, including mask wearing and proximity awareness.

A.Greco asked about the reduced guidance of the CDC. Chief stated the unified team has been trying to implement to best of their ability and what works best for our community.elayed the directive if you are going to be within 6 feet of someone for 5 minutes or more, wear your mask and no loitering in common areas.

G. Heavey asked who has medical background on the team. Chief Lucey replied Deb Rogers. The Unified Team consists of Chief Lucey, Town Administrator, Health Director and Fire Chief.

The Chief discussed how the COA continues to monitor and assist the elderly and financially challenged residents regarding the distribution and usage of rapid tests. State provided test kits to the Town of Newbury. There was specific guidance provided from the State as to which residents the kits may be distributed to. The Police have also been helping out with distribution.

A.Greco, asked how many have been distributed. Chief stated believes COA distributed 2 ½ cases, there are 90 kits per case, two tests per kit. Education has also been provided on when to use the testing kits.

M. Doyle asked if he could get a test. The Chief stated they are supposed to be ear marked for lesser means residents but if someone states they are in need, we will provide.

G. Walker thanked the COA and Unified Command team for all their help.

Chief commented have approximately 600 test kits still in stock and determining what is the best use and mentioned bridging the lack of availability on the retail side.

Chief stated he learned just today that Newburyport acquired 5,000 kits and will be distributing to their residents from the DPW. Chief will be speaking with Newburyport EMD to find out how they acquired.

M. Doyle asked if can buy kits with Covid money received.

Chief stated that's the next step now that the kits are available and will be a conversation the Unified Command Team will be having.

Also found out today that Governor Baker announced 26 million kits to be received over the next 3 months many going to schools.

A. Greco asked about climbing numbers, that does not capture those testing at home. Chief Lucey responded correct.

G. Heavey, spoke regarding an invite to COA game night. Surprised no mention of masks required, was surprised no mention of that on invite.

Chief mentioned Newbury is member of the Lower Merrimack Valley Regional Collaborative, every Monday from 5:00 p.m. to 8:00 p.m. for the month of January, distributing boosters at West Newbury Annex Building. Link to register is available on the Town and Police Department website.

Chief reminded everyone this situation is fluid and information is always changing. The websites are the best bet for current information.

Motion: G. Heavey moved to resume Select Board Meetings by Zoom until after the February meetings, A. Greco seconded

Discussion: Discussion ensued

Alex Castro, Town Counsel, advised to wait until on a Select Board Agenda.

The conversation continued regarding discussing/voting on an item that is not on the Agenda.

It was asked of Attorney Castro to look into if the Chair can decide to go remote with the vote of the Board

Roll call vote:

M. Doyle - Yes
G. Heavey - Yes
JR Colby - Abstained
G. Walker - No
A. Greco - No

Town Administrators Report: None

Correspondence:

Letter from Xfinity regarding changes to service
OUI Last Drink Data

A.Greco read the Xfinity letter and provided an explanation regarding the OUI list and data

Meeting Updates:

M. Doyle working with Triton coaches and Cindy, and have the snow angels going again. The sports teams work with senior citizens, to perform such activities as shoveling.

G. Heavey inquired if a senior needs the service who should they contact?

M. Doyle replied the Council on Aging.

Review of Meeting Minutes:

Approve Draft Minutes, PB/SB Golf Center, October 14, 2020

Approve Draft Minutes, SB 12.28.21

Motion: M. Doyle moved to approve the 10.14.2020 meeting minutes seconded G. Heavey

Discussion: None

Roll Call Vote:

Alicia Greco – Yes

JR Colby – Recused

Geof Walker – Yes

Mike Doyle – Yes

Gerry Heavey- Yes

Motion: M. Doyle moved to approve the 12.28.21 meeting minutes seconded, G. Walker

Discussion: None

Roll Call Vote:

Alicia Greco – Recused

JR Colby – Yes

Geof Walker – Yes

Mike Doyle – Yes

Gerry Heavey- Yes

Warrants:

RfdNov2021

VW2214

PRVW22SWO

PR22SWO

PRVW2213

Motion: G. Walker moved to sign the Warrants seconded, M. Doyle

Discussion: None

Roll Call Vote:

Alicia Greco – Yes
JR Colby – Yes
Geof Walker – Yes
Mike Doyle – Yes
Gerry Heavey- Yes

Executive Session:

Executive Session 1: Motion: A. Greco moved that the Select Board enter into Executive session pursuant to Massachusetts General Law, Chapter 30A, § 21(a)(7) to review and approve the following executive session minutes in accordance with Chapter 30A, §§ 22(f), (g) and to reconvene in open session to vote to approve said minutes:

- Executive Session on 9.22.20 pursuant to G.L. c. 30A sec21(a)(2) to conduct contract negotiations with non-union personnel, namely the Police Chief and Deputy Police Chief.
- Executive Session on 8.24.21 pursuant to Massachusetts General Law, Chapter 30A, § 21 (a)(3) to discuss strategy with respect to collective bargaining with the Newbury Police Association
- Executive Session on 8.24.21 pursuant to Massachusetts General Law, Chapter 30A, § 21 (a)(3) to discuss strategy with respect to collective bargaining with the Newbury Professional Firefighters Local 5312

Second: M. Doyle

Roll Call Vote:

Alicia Greco – Yes
JR Colby – Yes
Geof Walker – Yes
Mike Doyle – Yes
Gerry Heavey- Yes

The Board proceeded to enter into Executive Session to review then returned to open session to vote

Motion: G. Walker moved to approve the minutes as listed above and read seconded, G. Heavey

Roll Call Vote:

Discussion: None

Alicia Greco – Yes
JR Colby – Yes
Geof Walker – Yes
Mike Doyle – Yes
Gerry Heavey- Yes

Executive Session 2: Motion: G. Walker moved that the Board of Selectmen enter into Executive Session pursuant to Massachusetts General Law, Chapter 30A, § 21 (a)(3) to discuss potential litigation related to the July 12, 2021 Open Meeting Law Complaint filed against the Board by Jack Rybicki, 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 review the Board's July 27, 2021 executive session minutes regarding said Open Meeting Law Complaint.

Second: G. Heavey

Roll Call Vote:

Alicia Greco – Yes
JR Colby – Yes
Geof Walker – Yes
Mike Doyle – Yes
Gerry Heavey- Yes

The Board proceeded to enter into Executive Session to discuss then returned to open session to vote

Motion: G. Walker moved to approve the Executive Session Minutes from July 27, 2021 seconded, G. Heavey

Discussion: None

Roll Call Vote:

Alicia Greco – Yes
JR Colby – Yes
Geof Walker – Yes
Mike Doyle – Yes
Gerry Heavey- Yes

Executive Session 3: Motion: G. Walker moved that the Select Board enter into Executive Session in accordance with the provisions of Massachusetts General Law, Chapter 30A, § 21 (a)(3) to review, discuss, and consider the Board's response to the Open Meeting Law complaint against it dated January 4, 2022, filed by William Dimaio, 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:

Alicia Greco – Yes
JR Colby – Yes
Geof Walker – Yes
Mike Doyle – Yes
Gerry Heavey- Yes

The Board proceeded to enter into Executive Session to discuss then returned to open session to vote

Motion: G. Walker moved to accept town counsel's response to William DiMaio's January 4, 2022 Open Meeting Law complaint seconded, M. Doyle

Discussion: None

Roll Call Vote:

Alicia Greco – Yes
JR Colby – Yes
Geof Walker – Yes
Mike Doyle – Yes
Gerry Heavey- Yes

Adjourn

Motion: At 9:05 p.m. G. Walker moved to adjourn seconded, G. Heavey

Roll Call Vote:

Alicia Greco – Yes
JR Colby – Yes
Geof Walker – Yes
Mike Doyle – Yes
Gerry Heavey- Yes

Respectfully submitted,
Julie O'Brien
Executive Administrator