

## TOWN OF NEWBURY SELECT BOARD

### MINUTES

**DATE:** January 25, 2022

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

**Staff:**

Julie O'Brien, Executive Administrator  
John Lucey, Police Chief

**Call to Order:**

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

**Motion:** JR Colby moved to open the meeting, seconded M. Doyle

Discussion: None

**Roll Call Vote:**

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

**Public Comment**

Jim Moran, 104 Elm Street, inquired about the cost for solar farm proposed on the landfill on Boston Avenue and status of drawings, information and cost for Town Hall

Justin Londergan, 38 Larkin Road, stated has heard a lot of developments. Reiterated the group takes issue with how and why the bridge repair on Larkin Road is transpiring. Stated agrees regarding public safety. Believes however the use should be for emergency access not through traffic. Reasons being road narrow, fresh pavement will cause speeding, and dangerous to children who live on the street. Stated he understands the MOU will be signed by the Newbury Select Board February 8<sup>th</sup>. Asked to consider and discuss at the February 8<sup>th</sup> meeting mitigation efforts including the breakaway gate. Believes can satisfy all parties involved and similar gates have been used. Asked for this to be on Agenda ASAP. Stated they are prepared to bring the gate proposal to Town Meeting in April.

A.Greco clarified February 8<sup>th</sup> is not a set date for this topic to be on agenda

Catherine Londergan, 38 Larkin Road, spoke regarding discussions she has had with other mothers on the street with small children and stated she does not support opening the road to through traffic. Mentioned road too narrow for two-way traffic, approximately 20 small children on the Newbury side, is a critical safety hazard. Asked to discuss mitigation efforts including a gate option. Ms. Londergan read a statement from another community member who was unable to attend the meeting

Bernadette Forti, 79 Larkin Road asked if the Army Corps of Engineers approved the same type of bridge that is there now

A.Greco reiterated this topic is not on the Agenda tonight therefore there cannot be a discussion

Ms. Forti went on to express she is concerned about safety. Mentioned mitigation and specifically a break away gate as an option. Stated she sensed resistance from the Board regarding the gate and asked if any of the Board members opposed the breakaway gate

A.Greco again stated there cannot be a conversation regarding this tonight

Ms. Forti asked when will be on the Agenda, who decides when will be on an Agenda and how does she get notified of that

A.Greco replied you can sign up on the Town of Newbury website and you will receive an email. Stated she sets the Agenda

Jack Rybicki, 37 Larkin Road, spoke regarding Georgetown Select Board and how they provided the Agreement that Newbury is currently reviewing, to residents. Asked for the Board to think about a couple provisions. 2.7 , asked that there be communication to the neighborhood during construction. 2.8, stated need peer review control, spoke regarding paving why allowing Georgetown person to emergency open up our road and asked if this would be something you would also do in the future with Newbury developers and asked for these to be considered when on a future Agenda

### **Board and Committee Reports**

Report of Chair Greco: None

### **Grants, Gifts & Donations**

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

Fire Department Grant from the Commonwealth of MA Department of Fire Services for Ice Rescue Equipment - \$15,493.66

**Motion:** JR Colby moved to accept the grant seconded, M. Doyle

Discussion: Discussion ensued

### **Roll Call Vote:**

Alicia Greco – Yes

Michael Doyle - Yes

Gerry Heavey - Yes

Geof Walker – Yes

JR Colby - Yes

**Public Hearings:** None

**New Business:**

Town of Newbury Business License Renewals 2022:

J.R. Colby & Elizabeth Knight (Common Pastures, LLC) dba Colby Farm, 50 Scotland Road, Retail Foods/Common Victualer; Crafts/Gifts

Motion: M. Doyle moved to approve the Business License for J.R. Colby & Elizabeth Knight seconded, G. Walker

**Roll Call Vote:**

Alicia Greco – Yes

Michael Doyle - Yes

Gerry Heavey - Yes

Geof Walker – Yes

JR Colby - Recused

Linda M. Delande dba Sports & Therapeutic Massage, 65 Newburyport Turnpike, General Business – Massage Therapy

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)

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

David Williamson dba Plum Island Enterprises/Williamson Parking Lot, 34 Plum Island Blvd (U02-0-111), Parking Lot

David Williamson dba Plum Island Enterprises/Williamson Parking Lot, 3 Northern Blvd (U02-0-195), Parking Lot

**Motion:** M. Doyle moved to approve the 2022 Business License Renewals as listed and read seconded, J.R. Colby

Discussion: none

**Roll Call Vote:**

Alicia Greco – Yes

Michael Doyle - Yes

Gerry Heavey - Yes

Geof Walker – Yes

JR Colby - Yes

**Motion:** M. Doyle moved to approve the Request from Fish Commission to change existing regulations concerning Sunday openings as per the documentation provided in the Select Board packet seconded, JR Colby

Discussion: Mr. Fotino, Fish Commissioner spoke and provided details to the Board. The Board exchanged comments with Mr. Fotino

**Roll Call Vote:**

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

**Old Business**

Covid Remote meeting discussion and vote

**Motion:** A.Greco moved to stay with how we are currently meeting and with the remote meeting policy that is currently in place seconded, JR Colby

Discussion: A. Greco reiterated the discussion from the last Select Board meeting. Mentioned having done some research regarding surrounding communities on how their Select Boards are meeting. Stated majority of communities meeting in person. Stated the Governor's allowance of virtual meetings only allowed until April 1<sup>st</sup> unless extended. A. Greco opened up to the Board for comments

G. Heavey asked if the other Town's had mask mandates and or vaccine mandates. Stated does not feel we should go by what other Town's are doing without having their full policy such as mask wearing requirements. Also commented as to why we are following a Policy from 2017 when the Governor allows to meet virtually until April 1<sup>st</sup>.

M. Doyle commented he will be attending a Veteran's meeting this week which is held virtually and also stated felt should have the option to hold the meeting virtually

A.Greco would like to put this up to our Board and vote on as a Board

JR Colby no comment

G. Walker no comment

A.Greco asked Chief Lucey to provide an update regarding COVID numbers

Chief Lucey reported the numbers were down 28% compared to the last report. Stated with home tests we may not be given all the data. But testing at home, not sick enough to go to hospitals and recovering at home, that is a good sign. Commented hospitalization, which he gets from the DCH website, were down. There were 88 cases about 10 days ago now down to 28. Stated the numbers are trending down but also mentioned it is a fluid situation

There was mention that the Town Hall does currently have a mask policy in place. Employees must wear a mask if interaction is indoors and within six feet of one another

**Roll Call Vote:**

Alicia Greco – Yes

Michael Doyle - No  
Gerry Heavey - No  
Geof Walker – Yes  
JR Colby - Yes

M. Doyle asked about tests in Town, how many they have and how the Town is distributing. Is it a financial requirement?

Chief Lucey responded, parameters remain focused on special cases, indigency, non-ambulatory(people who cannot get out). We have about 610 kits available for those who qualify. Cindy Currier helping out with senior citizens

M. Doyle asked if Triton had received tests?

Chief Lucey responded not that he was aware

### **Correspondence**

Letter from Xfinity regarding changes to service

Letter from the DEP regarding the Boston Road Landfill

Letter from the Commonwealth of Massachusetts Local Election Districts Review Commission

**Meeting Updates:** None

### **Review of Meeting Minutes**

Approve Draft Meeting Minutes, January 11, 2022

**Motion:** JR Colby moved to approve the draft meeting minutes seconded, M. Doyle

Discussion: None

### **Roll Call Vote:**

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

### **Warrants**

**Motion:** JR Colby moved to sign the Warrants seconded, M. Doyle

Discussion: None

### **Roll Call Vote:**

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

**Executive Session:**

A.Greco moved that the Select Board enter into Executive Session pursuant to Massachusetts General Law, Chapter 30A, § 21(a)(7) **to review for release and/or approve** the following executive session minutes in accordance with Chapter 30A, §§ 22(f), (g) and to reconvene in open session to vote **to release and/or 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
- Executive Session on 7.27.21 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
- Executive Session on 1.11.22 pursuant to Massachusetts General Law, Chapter 30A, § 21(a)(7) to review for approval the foregoing executive session minutes in accordance with Chapter 30A, §§ 22(f), (g)
- Executive Session on 1.11.22 pursuant 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 and to review the Board's July 27, 2021 executive session minutes regarding said Open Meeting Law Complaint.

Second: M. Doyle

**Roll Call Vote:**

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

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

Motion: A. Greco move **to release** the following approved 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
- Executive Session on 7.27.21 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

Second: JR Colby

Discussion: None

Roll Call Vote:

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

Motion: A.Greco move to **approve and release** the following minutes:

- Executive Session on 1.11.22 pursuant to Massachusetts General Law, Chapter 30A, § 21(a)(7) to review for approval the foregoing executive session minutes in accordance with Chapter 30A, §§ 22(f), (g)
- Executive Session on 1.11.22 pursuant 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 and to review the Board's July 27, 2021 executive session minutes regarding said Open Meeting Law Complaint.

Second: JR Colby

Discussion: None

Roll Call Vote:

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

Motion: A.Greco move to **approve** the following minutes:

- Executive Session Pursuant to 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

Second: JR Colby

Discussion: None

Roll Call Vote:

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

**Adjourn**

**Motion:** At 8:00 p.m. M. Doyle moved to adjourn seconded, JR Colby

Discussion: None

**Roll Call Vote:**

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

Respectfully submitted,  
Julie O'Brien  
Executive Administrator