

**TOWN OF NEWBURY
BOARD OF SELECTMEN**

MINUTES

DATE: January 26, 2016

PRESENT: Chairman Geoffrey Walker, Selectmen Chuck Bear, Damon Jespersen, J.R. Colby and Selectwoman, Alicia Greco

At 7:01 p.m. a motion was made by Chairman Walker, seconded by Selectman Bear and voted unanimously to open the meeting. Chairman Walker called the meeting to order with the salute to the flag.

Call to Order

Board and Committee Reports:

Eric Svahn, 14 Old Farm Way, Chairman of the Municipal Building Committee updated the Board on the progress of the charge that the Board of Selectmen had given to the Municipal Building Committee of comparing the original plan for a Public Safety Facility Complex, which included Town Hall renovations and a Public Safety Police and Fire Complex to the plan for a combined Town Hall and Police Station and a plan for a combined Town Hall and Police Station with the future ability to address the needs of the Fire Department. Eric updated the Board about the time-line of information currently being compiled, and the schedule of joint meetings and public workshops which will be held prior to bringing the information to the April 26, 2016 Annual Town Meeting.

Eric noted that following a track similar to the Town of Newbury, the Town of Rowley had announced their plan to build a combined police and fire public safety building at a cost of just over \$11 million.

New Business:

Christopher Horan, 11 Lunt St., Byfield – Submission of Special Permit Application for residential redevelopment located at 11 Central St. Byfield, Assessors Map U14 Lot 12, located in the Water Supply Protection Overlay District. Vote to accept the Special Permit Application and set the public hearing date.

Town Planner, Martha Taylor explained to the Board that the application and plan would require three (3) approvals, one (1) from the Board of Selectmen and two (2) from the Planning Board. She suggested a joint Public Hearing with the Board of Selectman and Planning Board to address the three (3) approvals.

Motion: A motion was made by Selectman Jespersen, seconded by Selectman Bear and voted unanimously to accept the Special Permit Application and set the Public Hearing date at a joint meeting of the Board of Selectmen and the Planning Board, to be held March 8th, 2016 at 7:15 p.m.

Review and approve the current, Town of Newbury Regulations for Shellfish Industry and Harvesting of Seaworms, Eels and Crabs, April 1, 2016 – March 31, 2017 in preparation for the February 1, 2016 distribution for the 2016/2017 season.

Fish Commissioner, Peter Fotino reviewed the 2016/2017 Regulations for the Shellfish Industry and Harvesting of Seaworms, Eels and Crabs.

Motion: A motion was made by Selectman Bear, seconded by Selectman Jespersen and voted unanimously to accept the Town of Newbury Regulations for Shellfish Industry and Harvesting of Seaworms, Eels and Crabs, April 1, 2016 – March 31, 2017

Public Hearings:

Public Hearing continued from December 8, 2015.

In accordance with the provision of M.G.L. Ch 61A "Notice of Intent to Sell" 255 High Road, Newbury, MA, Assessors' Map R27, Lot 64, for other than agricultural use, specifically for residential use.

Motion: At 7:18 p.m. the Public Hearing Legal Notice was read by Selectman Jespersen. A motion to open the Public Hearing was made by Selectman Jespersen, seconded by Selectman Bear and voted unanimously.

Town Planner, Martha Taylor reviewed the process for selling land under Chapter 61A. Under the law the town has 120 days of mailing by the landowner, (3/2/2016), to 1. To vote to exercise its Right of First Refusal Option to Purchase, (to meet a bona fide purchase offer, or in case of intended conversion by the landowner, an option to purchase at full and fair market value.), or 2. To vote to assign its rights to a non-profit conservation organization or the Commonwealth, or any of its political subdivisions, under terms and conditions as the Board of Selectmen may consider appropriate, or 3. Use the Default Provision.

Discussion:

Channing Howard, Chair of the Historical Commission reported that although the Town has a demolition delay by-law, the Commission has no control pertaining to renovations. The Commission understands that Adam and Lauren True of Newburyport, who have made an offer to purchase the property from Paul J. Hurley, Trustee of the WJH Realty Trust, wish to keep and maintain the barn. The Historical Commission is concerned with the preservation of the barn. The Commission suggested that any changes to windows or the exterior of the barn be kept in context, as tasteful as possible, and close to the original design of the barn.

Town Planner, Martha Taylor reported that the Planning Board had looked at all options. The Planning Board concluded that 255 High Road did not have potential to serve municipal needs and therefore did not recommend that the Town exercise its right of first refusal option. However, the Board did see benefit to assigning the property to a qualified non-profit land trust or other conservation organization if one was willing to purchase the property. Martha reported that Essex County Greenbelt Association, who had initially voiced an interest in the property, withdrew their interest. The Parker River National Wildlife Refuge did not respond. Therefore, it was the recommendation of the Planning Board that the Selectmen vote not to exercise its right of first refusal so that the proposed sale of the property to the Trues can proceed.

Chairman Walker reported that the Conservation Commission concluded that although 255 High Road abuts an Area of Critical Environmental Concern and land owned by Parker River Wildlife Refuge and

Trustees of Reservations, it was determined that the property does not contribute to the resource interest of the Town.

The Agricultural Commission suggested that the Selectmen assign the interest in the property located at 255 High Road to Essex County Greenbelt Association. As the Essex County Greenbelt Association withdrew their interest this is no longer an option.

Motion: A motion was made by Selectman Jespersen, seconded by Selectman Bear and voted unanimously that the Board not exercise its Right of First Refusal to purchase the property located at 255 High Road, Newbury, Assessors' Map R27, Lot 64.

Motion: A motion was made by Selectman Jespersen, seconded by Selectman Bear and voted unanimously that the Board not assign its rights to a non-profit conservation organization or to the Commonwealth or any of its political subdivisions, for the property located at 255 High Road, Newbury, Assessors' Map R27, Lot 64.

Motion: At 7:27 p.m., a motion was made by Selectman Jespersen, seconded by Selectman Bear and voted unanimously to close the Public Hearing.

Town Administrators Report

New Business:

Appointment of Election Workers for 2016 elections, term 2/1/2016 – 12/31/2016

Nancy Burke	
Donna Callahan	
Barbara Cohen	Terry Litterst
Charles Colby, Jr.	Wilma MacDonald
James Cunningham	Alix McCardle
Paul Daubitz	Kathy Muse
Joyce Davis	Susan Noyes
Elaine Demers	Ann Reardon
Alba Gouldthorpe	Peg Reardon
Anne Hathaway	Paula Rock
Ann Hickey	Alice Rogers
Joanne Johnson	Nancy Thurlow
Wendy Kaminske	Martha Webb
Marlene Koslow	Rita West

Motion: A motion was made by Selectman Bear, seconded by Selectman Jespersen and voted unanimously to approve the Appointment of Election Workers for 2016 elections, term 2/1/2016 – 12/31/2016, as listed.

Review, approve and sign - 2016 Business License Renewals as follows:

All American Automotive, LLC, c/o James Richards, 61 Main Street, Byfield, MA 01922
Used Car Dealer's License – Class II
Elizabeth Moulton-Cowie/Martha Cowie dba Surfland Bait & Tackle, LLC, 30 Plum Island Blvd,
General Business: Bait Shop
John Gallant, J. Gallant Pool & Spa, 96 Newburyport Turnpike - General Business
Robin Davies, Parker River Dental, 3 Kent Way - General Business

Motion: A motion was made by Selectman Jespersen, seconded by Selectman Bear and voted Unanimously to approve and sign the 2016 Business License Renewals as listed.

Old Business - None

Citizen's Concerns - None

Correspondence - None

Review of Meeting Minutes

January 12, 2016

Motion: A motion was made by Selectman Bear, seconded by Selectman Jespersen and voted unanimously to accept the January 12, 2016 minutes as presented.

Warrants

Motion: A motion was made by Selectman Bear, seconded by Selectman Jespersen and voted unanimously to sign the warrants as presented.

Meeting Updates

Executive Session: 8:30 p.m.

Motion: At 7:34 p.m. a motion was made by Selectman Jespersen, seconded by Selectman Bear to enter into Executive Session to:

1. Discuss Strategy with respect to pending litigation because an open meeting may have a detrimental effect on the litigating position of this body.
2. Discuss Collective Bargaining Session
3. Investigate charges of criminal misconduct or to discuss the filing of criminal complaints.

A roll call vote was taken: Chairman Walker, yes; Selectman Bear, yes; Selectman Jespersen, yes; Selectman Colby, yes; and Selectwoman Greco, yes. Selectman Jespersen announced that the meeting would not reconvene at the conclusion of the Executive Session.

Respectfully submitted,
Ellen Jameson
Executive Administrator