

**TOWN OF NEWBURY  
BOARD OF SELECTMEN**

**MINUTES**

**DATE:** February 23, 2016

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

**Call to Order:**

At 7:03 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.

**Board and Committee Reports - None**

**Public Hearings - None**

**New Business:**

Appointment of Christina Hunt as Reserve Police Officer

**Motion:** A motion was made by Selectman Bear, seconded by Selectman Jespersen and voted unanimously to approve the appointment of Christina Hunt as Reserve Police Officer.

One Day Liquor License – Newbury Elementary School PTA Silent Auction & Cocktail Party at The Governor’s Academy, 1 Elm St. Byfield, on Saturday, 3/19/2016 from 7:00 to 9:00 p.m.

**Motion:** A motion was made by Selectman Bear, seconded by Selectman Jespersen and voted unanimously to approve the One Day Liquor License – Newbury Elementary School PTA Silent Auction & Cocktail Party at The Governor’s Academy, 1 Elm St. Byfield, on Saturday, 3/19/2016 from 7:00 to 9:00 p.m.

One-day Liquor License – Byfield Community Arts Center – Cat in the Cradle Coffeehouse, Saturday, March 12, 2016 from 7:30 to 10:30 p.m.

One-day Liquor License – Byfield Community Arts Center – Local Lounge, Friday, March 18, 2016 from 7:30 to 10:30 p.m.

One-day Liquor License – Byfield Community Arts Center – Local Lounge, Saturday, March 26, 2016 from 7:00 to 10:00 p.m.

**Motion:** A motion was made by Selectman Bear, seconded by Selectman Jespersen and voted unanimously to approve the One Day Liquor Licenses for Byfield Community Arts Center, March 12, March 18, and March 26, 2016

Request for public property use - Margaret Gillis of the Museum of Old Newbury, to place a banner on the Upper Green backstop and road signs throughout the Town of Newbury from May 30 through June 13, 2016, (2 wks.), for the 37th Annual Garden Tour to be held June 11th and 12th, 2016.

**Motion:** A motion was made by Selectman Jespersen, seconded by Selectman Bear and voted unanimously to approve the request for public property use - Margaret Gillis of the Museum of Old Newbury, to place a banner on the Upper Green backstop and road signs throughout the Town of Newbury from May 30 through June 13, 2016, (2 wks.), for the 37th Annual Garden Tour to be held June 11th and 12th, 2016.

Request for public property use - Margaret Gillis of the Museum of Old Newbury, to place a banner on the Upper Green backstop and road signs throughout the Town of Newbury from June 24 through July 11, 2016, (2 wks), for the Museum of Old Newbury Designer Show House, (fundraiser), @ 284 Water Street, Newburyport, to be held July 2nd – July 29th, 2016.

**Motion:** A motion was made by Selectman Jespersen, seconded by Selectman Bear and voted unanimously to approve the request for public property use - Margaret Gillis of the Museum of Old Newbury, to place a banner on the Upper Green backstop and road signs throughout the Town of Newbury for the Museum of Old Newbury Designer Show House, (fundraiser), @ 284 Water Street, Newburyport, to be held July 2nd – July 29th, 2016, as follows: June 24 through July 11, 2016, (2 wks.) for the banner on the backstop. The road signs may be installed June 24th and may remain in place throughout the event but must be removed within days following the conclusion of the event.

Request for public property use - Joanne L Johnson, President, Newburyport Choral Society, to place a banner on the Upper Green backstop from April 8th through April 25th, 2016, (2 wks.), for the Newburyport Choral Society Spring Concert to be held April 23rd & 24th, 2016.

**Motion:** A motion was made by Selectman Bear, seconded by Selectman Jespersen and voted unanimously to approve the request for public property use - Joanne L Johnson, President, Newburyport Choral Society, to place a banner on the Upper Green backstop from April 8th through April 25th, 2016, (2 wks.), for the Newburyport Choral Society Spring Concert.

Request for public property use - Stan Dixon, Muster Chairman, American Hand Fire Engine Society, Inc., old fashioned Firemen's Muster at the Upper Green on Saturday, July 30, 2016, from 11:00 a.m. to 4:00 p.m.

Selectman Colby is a member of the American Hand Fire Ending Society and he therefore recused himself from the vote.

**Motion:** A motion was made by Selectman Bear, seconded by Selectman Jespersen and voted unanimously to approve the request for public property use - Stan Dixon, Muster Chairman, American Hand Fire Engine Society, Inc., old fashioned Firemen's Muster at the Upper Green on Saturday, July 30, 2016, from 11:00 a.m. to 4:00 p.m.

Peter Fotino, Chairman of the Fish Commission – State funding for Green Crab trapping:

Peter Fotino, Chairman of the Fish Commission explained the requirements of the FY2016 Great Marsh Green Crab Trapping Program and Contract administered by the Commonwealth of Massachusetts,

Division of Marine Fisheries. A grant in the amount of \$15,000.00 provided by the contract represents the total project cost for trapping, removal, and disposal of green crabs, with no cost match required. The program/contract end date is June 30, 2016. The Shellfish Warden will be responsible for oversight and implementation of the program. The Town would have discretion over participant eligibility in the Program. Traps purchased would be owned by the Town and participant trappers would store and maintain the traps. Peter Fotino suggested adding language to the contract regarding participant trappers.

Chairman Walker suggested contacting the Ipswich Shellfish Department to ask if they had a contract between the Town of Ipswich and trappers in that community.

**Motion:** A motion was made by Selectman Bear, seconded by Selectman Jespersen and voted unanimously to design the contract as suggested by Peter Fotino and to move forward with the program.

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

Paula Garrant, MSW, LICSW, dba Seascope Therapeutic Counseling & Consulting, 19 Central St., 2<sup>nd</sup> Floor, Suite B, Byfield – General Health & Wellness

**Motion:** A motion was made by Selectman Bear, seconded by Selectman Jespersen and voted unanimously to approve the 2016 Business License Renewal for Paula Garrant, MSW, LICSW, dba Seascope Therapeutic Counseling & Consulting, 19 Central St., 2<sup>nd</sup> Floor, Suite B, Byfield – General Health & Wellness.

Appointment of Election Workers for 2016 elections, term 2/23/2016 – 12/31/2016:

Matthew Kaminske  
Robert Locke  
Kathy Spurling  
Diane White  
Barbara Whitmore

**Motion:** A motion was made by Selectman Bear, seconded by Selectman Jespersen and voted unanimously to appoint the Election Workers for 2016 elections, term 2/23/2016 – 12/31/2016 as presented.

Vote to set May 10, 2016 Election time from 7:00 a.m. to 8:00 p.m.

**Motion:** A motion was made by Selectman Jespersen, seconded by Selectman Bear and voted unanimously to set May 10, 2016 Election time from 7:00 a.m. to 8:00 p.m.

#### **Town Administrators Report:**

Town Administrator, Tracy Blais reported that although the timeline has been shortened by a month with the rescheduling of Town Meeting to April 26<sup>th</sup>, the budget preparation is moving forward and is on schedule. The original schedule of meetings, forwarded to the Board early in the process will change. The presentation by Municipal Building Committee Chair, Eric Svahn may move to March 22<sup>nd</sup>. A joint

meeting with the Finance Committee has been requested for April 5<sup>th</sup> and the warrant would have to be posted by April 11<sup>th</sup>.

The issues of the Plum Island Study Committee, which may make an impact on the upcoming budget cycle, include the dog waste stations and the dumpster proposal. The Board of Health has requested that both items be included in their preliminary budget and they will administer the program.

Preliminary information on the comprehensive parking plan for Plum Island will be presented at the Board of Selectmen meeting scheduled for Thursday, March 3<sup>rd</sup>.

The management letter from Municipal Resources, Inc. is complete and has been forwarded to the Board for review. Recommendations will be included on the draft warrant for Selectmen review.

DPW employees Bernie Field and Brian Lombara came out on their own time to assist the Fire Department during the recent fire on Newbury Neck Road. Their efforts, which kept the roadway to and from the house, sanded and safe, were greatly appreciated.

Ms. Blais reminded the Board that the temporary trailer rentals must be terminated in 4 months. Quotes have been received for leased space in town for Town Hall employees and transferring records into one location. All price quotes were close in range. Lease payments of \$175,000 annually have been calculated which does not include utilities, which may add another \$16,000 per year. The figures do not include logistics to relocate and set up all the networking. This cost may necessitate a special article request in the magnitude of \$250,000.

#### **New Business continued:**

Vote to sign Conservation Restriction for 18 Marsh Avenue (approved and signed by Conservation Commission 2/16/16)

Chris LaPointe, Director of Land Conservation at Essex County Greenbelt, reviewed the Conservation Restriction which Joseph and Sharon Stichter intend to donate to Greenbelt over 7 acres of their 9-acre property on Marsh Avenue.

**Motion:** A motion was made by Selectman Jespersen, seconded by Selectman Bear and voted unanimously to sign the Conservation Restriction for 18 Marsh Avenue.

#### **Old Business:**

Chief Michael Reilly – Review of M.G.L. Ch. 140 § 157 which regulates Board of Selectmen/Hearing Authority in Dog Hearings

During the 2/9/2016 Nuisance/Dangerous Dog Hearing, there was a question as to whether the Board of Selectmen, as the Hearing Authority, had the authority to banish a dog deemed to be a nuisance/dangerous dog from a jurisdiction. Chief Reilly reviewed M.G.L. Ch. 140 § 157 pertaining to Nuisance Dogs and Dangerous Dogs. He confirmed that under the law, the Hearing Authority MAY NOT issue an order directing that a dog deemed a nuisance or dangerous, be removed from the town or city in which the owner of the dog resides.

However, Chief Reilly explained that during the hearing it was determined that Nicholas Dorazio, the owner of the nuisance/dangerous dog Trooper, resided in Beverly, while the dog resided with Dorazio's parents in Byfield. Therefore, had the Hearing Authority chosen to do so, the dog could have been ordered to live with its owner. This was confirmed by Town Counsel, Ginny Kremer.

Monthly, Saturday Selectman coffee meetings - assessment and decision to continue or not.

**Motion:** A motion was made by Selectman Jespersen, seconded by Selectwoman Greco and voted unanimously to table the discussion to the 3/8/16 Board of Selectmen meeting.

**Citizen's Concerns:**

Darcy Johnson of 9 Olga Way asked the Selectmen if they had received the summary of concerns regarding the proposed Olga Way parking lot. The Selectmen confirmed they had received it.

**Correspondence:**

All correspondence was reviewed.

**Review of Meeting Minutes:**

**Motion:** A motion was made by Selectman Bear, seconded by Selectman Jespersen and voted unanimously to accept the February 9, 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:**

To discuss strategy with respect to pending litigation because an open meeting may have a detrimental effect on the litigating position of this body.

**Motion:** At 8:10 p.m. a motion was made by Selectman Jespersen, seconded by Selectman Bear to enter into executive session.

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