

Town of Newbury, MA

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Board of Selectmen's Meeting Minutes 1-14-14

BOARD OF SELECTMEN'S MEETING JANUARY 14, 2014

Chairman Story opened the meeting at 7:00 p.m. with the pledge of allegiance to our flag. In attendance were Selectmen Story, Bear, Bulgaris, Mountain, Walker and Town Administrator Tracy Blais.

Bob Connors, Chair of the Capital Planning Committee, presented to the Board a report of their joint meeting (CPC, Finance and Board of Fire Engineers) and a summary of the report on Protection #2's emergency request for a fire truck to replace their pumper E10. The original request was made October 30th and in November the CPC took the request under advisement and forwarded it to the Board of Fire Engineers. As a follow up Fire Protection #2 requested emergency action on this truck request which was presented to the BOFE on November 18th. The BOFE approved this request and recommended replacement with a new fire pumper. At a joint meeting December 16th after discussion on coverage, funding and ownership options, the CPC voted unanimously to recommend the purchase of a Fire Truck with a not to exceed amount of \$450,000. Funding and ownership are to be determined by the Selectmen. The BOFE determined no emergency existed by a split vote of 3 to 2 and identified a contingency plan for service area coverage in the event of future breakdowns. Subsequently a letter dated 1/14/14 was presented to the Board by Chief Pearson requesting the Selectmen support the purchase of a new fire engine for Protection 2 station and asking the Town to appropriate funding as soon as possible. Mountain asked how we would pay for this truck and Bulgaris asked about a municipal lease option. Blais advised she was looking at all options. Story commented that the next step would be to place a warrant article on the Annual Town Meeting warrant for town approval. Connors was thanked by the Board for his input.

Town Administrator Tracy Blais noted she had met with the Mayor, Sam Joslin, Doug Packer and Newburyport's Department of Public Service to air our concerns to defend the water/sewer system during storms. She advised they were working on a protocol to be brought before the Selectmen and City Council and will keep the Board updated. At the request of Blais a snow & ice emergency, which under state law allows deficit spending in that account, was **declared on a motion by Selectman Bear, seconded by Selectman Bulgaris and voted unanimously.** Blais reminded all of the scheduled Community Preservation Act presentation for tomorrow evening (1/15) here at Town Hall at 7 p.m. On her recommendation Donald Jarvis was appointed Graves Registration Officer **on a motion by Selectman Bear, seconded by Selectman Bulgaris and voted unanimously.** On the recommendation of Blais, Curtis Walton and Keith Grant were appointed to the Public Safety Complex Committee **on a motion by Selectman Bulgaris, seconded by Selectman Walker and voted unanimously.**

On the recommendation of Chief Reilly, Charles Colby Jr. was appointed as a Reserve Police Officer **on a motion by Selectman Bear, seconded by Selectman Walker and voted unanimously.**

Two one-day liquor licenses were approved for the Byfield Community Arts Center for functions on January 25th and February 14th from 7:30 – 10:30 p.m. **on a motion by Selectman Bear, seconded by Selectman Bulgaris and voted unanimously.**

Business license renewals for 2014 were **approved on a motion by Selectman Bear, seconded by Selectman Mountain and by Bear, Mountain, Story and Bulgaris (Walker abstained from the vote)** for the following: Williamson Parking Lots (34 P.I. Blvd. & 3 Northern); Angie's Service Inc. (1 P.I. Tpke.-class II); Applied Automotive Technology Inc. (4 Old Point Rd.); US#1 Auto/Marine (84 Newburyport Tpke.-class II); Olde Newbury Boat Co. (84 Newburyport Tpke.); Newbury Auto Sales (60 Newburyport Tpke.-class III); A&M Motors Inc. (4/6 Newburyport Tpke.-class II); All American Automotive LLC (61 Main St. – class II); Jaiden Auto (6 Newburyport Tpke.-class II); Special Interest Auto 9196 Scotland Rd. –class II); Surfand Bait & Tackle; P.I. Beachcoma Restaurant Inc.; Dick's Variety; Plum Island Bicycle Rentals; Ampet Inc.; Flukes & finds; Anastasia's Flowers on Main; BGS Variety; Bill's Auto Repair; High Tail Acres; Main St. Mini Mart/D&J Liquors; Parker River Dental; The Quilted Acorn; Wilco Marine Restorations, Henry C. Becker Custom Building Ltd.; Newbury Butchery; Wheelhouse Parking; Romp & Roll Inc.; the Sanctuary B & B; Mad Martha's Island Café; Fernald's Marine; Colonial Coiffures; Bob Lobster; Little River Realty Trust; Pearson Hardware; Sadie's for Hair; Volpone Towing Service; Plum Island Taxpayers Assoc.; Karen's Dog Grooming; Dietz & Lynch Capital; Josette's Adz & Loom; Olde Newbury Golf Club Inc.; Pheasant Meadow Farm; Tolman Automotive; Parker River Marine Services, LLC; Diamonds from the Ruff and J. Gallant Pool & Spa.

On a motion by Selectman Bear, seconded by Selectman Bulgaris and voted unanimously the commercial clamming

regulations and application for 2014 were accepted as presented with the caveat that paragraph II of the regulations be amended at the next meeting to mirror the tolerance of the State law. The amended regulations will be distributed with the licenses.

A one day liquor license for SPLF and Protection Fire Co. #2 for the bonfire rescheduled due to the weather for January 25th from 4-9 p.m. **was approved on a motion by Selectman Bear, seconded by Selectman Mountain and voted unanimously.**

Seven one-day liquor licenses for Protection Fire Co. #2 for functions on Feb. 8th; March 15, 22, 28; April 19; May 17 & 31 from 7-11 p.m. were **approved on a motion by Selectman Bear, seconded by Selectman Bulgaris and voted unanimously.**

The minutes of the December 10th meeting were accepted as presented on a **motion by Selectman Bear, seconded by Selectman Bulgaris and voted by Bear, Bulgaris and Walker. Selectmen Story and Mountain abstained from the vote as they were not present at the meeting of the 10th.**

Planner Martha Taylor advised the Planning Board was working on zoning changes for the spring meeting. To that end, there will be a workshop for the public on the proposed medical marijuana bylaw on Saturday, January 25th at 10 a.m. at Town Hall. All are invited to participate.

A letter from the Division of Marine Fisheries regarding improving passage for migratory diadromous fish at the Larkin Mill Dam was read by Chairman Story. Mr. Ben Gahagan of Marine Fisheries and a representative of the Byfield Water District will be invited to attend a future selectmen's meeting to discuss solutions for passage, maintenance and/or improvements of the dam.

A letter from the American Diabetes Association Tour de Cure was read regarding their event on May 18th that will include traveling through Newbury. The Board endorsed the proposal and will ask that a map of the route, when finalized, be forwarded to the Town.

As mandated by the Department of Elementary and Secondary Education, an overview report card for the River Valley Charter School is on file and can be reviewed at the Selectmen's Office.

Chairman Story advised that teleconferences and meetings with our legislators were ongoing but there has been no word from State as yet on our P.I. problems. Patty Schuler of 6 Independence Way said she found that unacceptable. Rep. Mirra asked us to wait and be patient – why don't we have a response. We need to push the Governor as well as Tarr and Mirra. She noted she was very angry as to how the recent articles were written in the News. It is the community's responsibility to prevent another house from falling in and we need to decide what we want to do. Bob Watt of Ivy Lane commented that DEP considers houses built on a barrier beach expendable. Schuler continued, we need an alliance/task force to get attention from the State House. How do we get on their list for receiving emergency funds? Story noted that first we need to change the DEP regulations. Mountain commented, our immediate problem is getting through this winter. Regulations are easier to change than laws. Everyone needs to write to the Governor and Secretary of Environmental Affairs – not emails but letters. Our immediate problem is protecting the 30+ homes in jeopardy this winter. Then we need to think about long range plans. Mark Newburg, 33 Southern Blvd., said he understood everyone's frustrations. Can the Town declare an emergency? The rocks appear to have been beneficial. We seem to get the most attention when a house is lost or there is police intervention. We need funding to save Newbury not just Bennett Hill. Cheryl Comeau of Fordham Way noted that "coastal retreat" is national policy from NOAA and it suggests we allow the ocean to take over property all over the nation. We put rocks on the beach last year and didn't get arrested. We need to continue protecting our homes by whatever means necessary. Walker commented that by order of the DEP, water/sewer was put in place on P.I. and now that infrastructure is in jeopardy. All of P.I. should unite including Newburyport to protect this infrastructure. Mountain recommended approval tonight of the Declaration of Emergency as amended by counsel. **It was moved by Selectman Bulgaris, seconded by Selectman Bear and voted unanimously to adopt the amended "declaration of emergency".** Richie Capolupo suggested hiring a specialty law firm to address our rights to protect our property. Perhaps a well positioned legal team could prevail. Use of town funds and the availability of monies were discussed as well as the legality of the town becoming involved. Blais agreed to look into the betterment fund to see what monies might be available, but advised the town could only be involved within the confines of the law. This is private property and permission from the homeowners would be needed to put anything on their property.

Williamson proposed the homeowners build the rock walls but sand for backfill might be supplied by the Town. Chairman Story suggested that a subsequent meeting be held after some research is done on these matters. After some discussion the meeting was set for Tuesday, January 21st at 6 p.m.

Warrants were signed for TA Blais

The meeting was adjourned at 9:20 p.m. **on a motion by Selectman Bear, seconded by Selectman Bulgaris and voted unanimously.**

Respectfully submitted,

Kathleen Sirois, Admin. Asst.