

Town of Newbury, MA

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Board of Selectmen's Meeting Minutes 1-22-13

BOARD OF SELECTMEN'S MEETING

JANUARY 22, 2013

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

TA Blais noted that Gregg Pugh of the Beachcoma had presented a check in the amount of \$8,903 to the Town for a Special Revenue Fund for the sandbag project on P.I. A letter of thanks will be sent to Mr. Pugh. Blais asked that the Annual Town Meeting be rescheduled for May 21st as we are unable to use the facilities at NES on the 28th.

The Board was in agreement with the change and Blais will finalize this date by the next meeting. In response to an inquiry from the Triton School Committee, Blais advised that Newbury has an anticipated ability to fund an increase of \$205K for fixed costs or improvement efforts. This information will be sent to the School Committee and SC Finance Subcommittee for their January 26th budget meeting. The purchase of I-Pads for the Selectmen was discussed. Selectman Mountain was skeptical and noted he would like to try it out before purchases are made. It was suggested that small laptops might be a better choice. More information will be compiled for the next meeting.

Brad Chase from the Division of Marine Fisheries and Ben Cahagan, Biologist spoke on improving passage for migratory diadromous fish at the Larkin Road Dam and restoration or removal of the dam itself. This dam is degraded and a feasibility study done in 2010 demonstrated favorable conditions for dam removal. Under MGL chapter 130, section 19, Newbury as owner of this dam is obligated to maintain fish passage. While Marine Fisheries understands the concerns of Byfield Fire and Byfield Water District, the only two options for the town are removal or reconstruction of the dam. Storm water containment and public safety issues can be addressed. Chase noted that Marine Fisheries is not interested in telling property owners which course to follow but to find a practical solution for passage maintenance and improvements. In the past year DMF has rebuilt failed fishway weirs at the Woolen Mill Dam and Snuff Mill Dam. Culvert weir repair below the Woolen Mill has been funded and contracted and a two-year river herring habitat assessment is ongoing at Pentucket Pond in Georgetown. Selectman Walker asked about new ideologies (green fisheries). Chase advised these are still engineered structures and very costly.

Partial removal is not far from nature –like fishways. Chase noted he will stay involved, but he advised, Ben Cahagan will lead the project from this point. The Board opted to take the matter under advisement and take no action at this time.

The Board unanimously approved a schedule of inspectional service fees for FY14 for the Building Commissioner on a motion by Selectman Bear, seconded by Selectman Bulgaris.

On the recommendation of the Library Board of Trustees, **Jeffrey Wardwell of Paul's Way was appointed as a member of the Library Board of Trustees**, to replace Catherine Dullea who retired in December, **on a motion by Selectman Bulgaris, seconded by Selectman Bear and voted unanimously.**

The filing of a NOI for installation and maintenance of a coir sandbag system on P.I. to stem erosion was the topic of a lengthy discussion. DEP has questioned the validity of the Town as sole applicant on the NOI when it is private property and the homeowners are doing the work. Resident Bob Connors contended that an October 2011 appeals decision signed by the Commissioner found that property owners were free to undertake directly or through contractors the work outlined in an order of conditions, provided it was authorized by the town and the property owners were clearly identified in the permit. He noted this made sense as the town is protecting its infrastructure and tax base. **Selectman Mountain moved that the homeowners be the sole applicant on the NOI, seconded by**

Selectman Bear, which opened the subject to further discussion. Doug Packer noted that all the information and work has been done for the NOI (engineering, attachments and back up) so all that was needed was a new cover page. This NOI would get us past the time of the emergency cert and is good for three years with extensions possible but it is imperative that we move quickly. The consensus of the Board was to pursue a compromise approach and have the Town and the homeowners as co-applicants on separate NOI's for each of the four identified priority areas. **Selectman Mountain amended his original motion for the town to be sole applicant on the NOI and moved to have the Town and homeowners as co-applicants on NOI's for each of the four identified areas with Annapolis Way being first in order, seconded by Selectman Walker and voted unanimously.**

A one-day liquor license was approved for Anna Jaques Hospital Aid Assoc. for an event at Governor's Academy March 22nd from 6-11 p.m. on a motion by Selectman Mountain, seconded by Selectman Bear and voted unanimously.

A one-day liquor license was approved for the Friends of the Rowley Public Library for a function at Governor's Academy on March 9th from 5-8 p.m. on a motion by Selectman Bear, seconded by Selectman Mountain and voted unanimously.

A suitable location for the Webster tree will be determined at the next meeting.

The minutes of the January 8th meeting were accepted as presented on a motion by Selectman Bear, seconded by Selectman Bulgaris and voted unanimously.

2013 license renewals were approved for Pert Lowell Co. (general business/marine) on a motion by Selectman Bulgaris, seconded by Selectman Bear and voted unanimously and Ampet Inc. (general business/automotive) on a motion by Selectman Bear, seconded by Selectman Mountain and voted unanimously.

A transit mobility plan draft from MVPC and MRTA was read and filed.

Warrants were signed for TA Blais.

At 9:15 p.m. Selectman Walker moved to enter into an executive session with respect to litigation, as an open meeting may have a detrimental effect on the litigation position of the Town, **seconded by Selectman Bear**. A roll call vote was taken: Bear, yes; Bulgaris, yes; Mountain, yes; Story, yes and Walker, yes. Walker advised that the meeting would not reconvene at the conclusion of the executive session.

The meeting was officially adjourned at 9:40 p.m.

Respectfully submitted,
Kathleen Sirois, Admin. Asst.