

# Town of Newbury, MA

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## Board of Selectmen's Meeting Minutes 2-12-13

### BOARD OF SELECTMEN'S MEETING FEBRUARY 12, 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.

The Capital Planning Committee report was postponed to the next meeting on February 26<sup>th</sup>.

Kathleen Pearson, Chair of the Planning Board, updated the Selectmen on the zoning articles being worked on for the ATM. These include use table changes, boundary changes, BLI defined by parcel, Byfield Village defined by parcel and extended to include the Library, Pearson Plaza economic development, commercial highway district development and boundaries, special permit bylaw criteria, solar bylaw, and minimal changes to the accessory apartment bylaw. These should be ready for the next BOS meeting for review.

TA Blais asked the Board to declare a "snow & ice emergency" as there is only \$6K left in the account and it will be in deficit after the 2013 blizzard bills. The special town meeting held prior to the ATM will transfer from the reserve fund the final deficit amount upon approval of the Finance Committee. **Selectman Bear moved to declare a snow & ice emergency, seconded by Selectman Bulgaris and voted unanimously.** Blais advised there are six homes on Plum Island that cannot be occupied due to the blizzard and erosion problems. These will need an engineer's inspection and okay prior to occupancy. There were no other damages reported in Town. The claim for a busted pipe at NES is being completed for MIAA by Chris Walsh. A short term and long term engineer's report is being compiled for the window issue at the Library. The Finance Committee will be requested to transfer from the reserve fund \$10K for a short term fix. Records storage at the Woodbridge School must be addressed soon. Sam is investigating purchase or rental of storage units. Electronic copying will also be investigated for the future. Blais noted that the Newbury Recreation Committee is looking for new members, especially to fill the Chair's position.

Interested parties should contact the Selectmen's Office. The Historic Commission would like to move forward with the proposed "snuff mill memorial". They have inquired if there is any intention to sell this property. It was determined that the property will not be sold but the outcome of the Larkin Mill Dam might have an influence on the property. Selectman Walker commented that parking should be included in the plan for the memorial location.

Blais advised that the Newbury Improvement Trust is no longer an active committee. There appears to be approximately \$15K in their account which includes \$4300 donated for trees. She asked if the Selectmen wished to appoint new members. The committee will be researched for the next meeting.

Town Clerk, Leslie Haley proposed combining the ATE with the special State Primary, thereby moving the town election from May 14<sup>th</sup> to April 30<sup>th</sup>. Special legislation signed by the Governor February 1<sup>st</sup> allows cities and towns this option. She cited cost savings, increase in voter turnout and voter convenience, election preparation and staff impact as reasons she supported this change. She noted there is a sense of urgency in the timing as residents will need to be notified. TA Blais is supportive and Counsel concurs that the town can legally make this change. **It was moved by Selectman Bear, seconded by Selectman Bulgaris and voted unanimously to change the date of the ATE to April 30<sup>th</sup> to coincide with the state primary.**

A request from the Beachcoma Restaurant for a **special permit for music on Sundays from 4-8 p.m.** starting February 17<sup>th</sup> and including St. Patrick's Day **was approved on a motion by Selectman Bulgaris, seconded by Selectman Walker and voted unanimously.**

Carol Baum of Hay Street reported on her meetings with Conservation, Board of Health and Historical Commission regarding her trash tower project. Packer of Conservation had no issues as long as the tower was more than 100' from the pond, no wet trash be placed in the tower and the top was capped and locked. Board of Health was enthusiastic about the project but would agree only to a one year trial with the possibility of an extension for another year. The Historical Commission felt that the project had merit but the Upper Green was not the place for it. Baum

noted she envisions this as a public art project for the entire community to view and respond to. **Selectman Mountain moved to approve the project on the Green, seconded by Selectman Story** and discussions ensued. It was the unanimous feeling of the Board that while the project has merit, the Town Greens were not the proper place for tower. Other locations were suggested as alternatives and the upkeep and repair of the tower were briefly questioned. **The original motion was withdrawn and it was moved by Selectman Walker, seconded by Selectman Bear to table the matter to the February 26<sup>th</sup> meeting** so that alternate locations could be investigated.

**The motion was voted unanimously.**

**A request from the American Diabetes Association Tour de Cure to locate a rest stop on the Upper Green Sunday, May 19<sup>th</sup> was approved on a motion by Selectman Walker, seconded by Selectman Bear and voted unanimously.**

**A request from the American Hand Fire Engine Society to hold an old fashioned Firemen's Muster on the Upper Green Saturday, July 27<sup>th</sup> was approved on a motion by Selectman Bear, seconded by Selectman Bulgaris and voted unanimously.**

**Three one-day liquor licenses were approved for Protection Fire Co. #2 for events on February 23<sup>rd</sup>, March 23<sup>rd</sup> and April 20<sup>th</sup>, all from 6-10 p.m. on a motion by Selectman Bulgaris, seconded by Selectman Bear and voted unanimously.**

**2013 business licenses were renewed** for Rocknt @ 247 High Road (general business), Seacoast Cycle @ 4 Newburyport Tpke. (Class II) and Surfand Bait and Tackle Shop @ 28 P.I. Blvd. (bait/tackle, Sunday, ice cream) **on a motion by Selectman Bear, seconded by Selectman Bulgaris and voted unanimously.**

**The minutes of the January 22<sup>nd</sup> meetings were accepted as presented on a motion by Selectman Mountain, seconded by Selectman Bulgaris and voted unanimously**

A request from Triton Art and Music to place a **banner on the Upper Green backstop** to advertise their show @ Governor's Academy on March 23<sup>rd</sup> was briefly discussed. Questions on the size and make up of the banner and who would be responsible for the upkeep could not be answered as there was no representative in attendance.

**Selectman Walker moved to table the request to the next meeting on February 26th and to request a representative be present at the meeting, seconded by Selectman Bear and voted unanimously.**

**A request from Circus Smirkus for use of Manter Fields August 2<sup>nd</sup> and 3<sup>rd</sup> was moved by Selectman Bear, seconded by Selectman Walker and open to discussion.** Chairman Story noted that due to issues from last year, if the request is granted, occupancy will not be allowed until the Building Commissioner and Wiring Inspector sign off on the structures. Police and Fire will also be involved. Warren Manter, Chair of the Recreation Committee advised that his committee had voted to go forward with the event subject to approval of the Selectman. **The motion was withdrawn and the matter tabled to the meeting of February 26th** so that a representative can be present to answer these concerns.

Selectman Mountain noted that he had been investigating the i-pad issue. There are some software services that specialize in school boards and municipalities. A suggested on-line price seems to be \$3K for basic service. More information will be forthcoming.

**Letters of appreciation were signed on a motion by Selectman Walker, seconded by Selectman Bear and voted unanimously** for Yankee Pine Corp. of Rowley and Timberline Lumber of Newburyport for their assistance (machinery and manpower) in unloading sand bags delivered to Plum Island by the National Guard during the Blizzard Friday, February 8<sup>th</sup>. Thanks were also extended to the National Guard for their services.

Warrants were signed for TA Blais.

**The meeting was adjourned at 8:35 p.m. on a motion by Selectman Bear, seconded by Selectman Mountain and voted unanimously.**

Respectfully submitted,

Kathleen Sirois, Admin. Asst.

