

Town of Newbury, MA

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Board of Selectmen's Meeting Minutes 4-9-14

BOARD OF SELECTMEN'S MEETING
APRIL 9, 2014

Chairman Story opened the meeting at 7:30 p.m. with the pledge of allegiance to our flag. In attendance were Selectmen Story, Bear, Bulgaris, Mountain, Walker and Town Administrator Tracy Blais.

Blais reported that the "snow & ice" deficit now stands at \$156,693. The budget and warrants will be discussed later this evening.

Deadline for signing the warrants is April 22, 2014, town election is May 13th and town meetings are May 20th.

A 2014 business license was renewed for Walton's Auto Lab @ 78 Hanover Street on a **motion by Selectman Bear, seconded by Selectman Walker and voted unanimously.**

A new business license for Beverly Seamans @ 2 Newman Road for the sale of art and antiques was reviewed and approved on a **motion by Selectman Bear, seconded by Selectman Walker and voted unanimously.**

Gregg Pugh of the P.I. Beachcoma requested permission to have music at his restaurant Sunday, July 6, 2014 from 3-7 p.m. to celebrate the 3rd anniversary of the restaurant. After a brief discussion, **it was moved by Selectman Bear and seconded by Selectman Walker to approve this request.** Pugh also asked the Board to consider an entertainment license for his establishment.

Walker advised that complaints had been received on the volume of the music and late hours, which present a problem. Pugh agreed that he had in the past pushed the envelope. He advised he was in the process of sound proofing the building and knows he should have low impact music rather than the loud bands he previously engaged. Pugh noted he would like the license for music on Sundays only from 3-7 p.m. Pugh was reminded that he ran a restaurant and not a night club. Mountain asked if there was an issue of legality. While we want to encourage business in town, the acoustics of the building and low frequency sound is a problem. You must reduce the sound level outside and insure the bands keep the noise level down. Bulgaris questioned whether or not a restaurant can have an entertainment license. Deputy Chief Lucey was asked for his input. He advised that the Beachcoma was always responsive to their visits. Pugh noted he now knows what is acceptable and what is not. A vote was taken for the motion on the floor to allow music on July 6th from 3-7 p.m. **Bear, Mountain, Story and Walker voted in favor, Bulgaris voted opposed.** Regarding the entertainment license, Walker noted that if the one time goes well there may not be any problem with Sundays from 3-7 p.m. Story advised he would like to talk to Sam and investigate the legal requirements associated with this. He asked if anyone wished to speak in favor or opposition of the entertainment license. Bob Connors of 39 Annapolis Way commented that Kathy and Gregg had done a great job bringing the restaurant back and their hours seem very reasonable. The matter was tabled to the next meeting to allow time to obtain more information from Sam.

A request from the North Shore Cyclists for use of the Upper Green was tabled to the next meeting to accommodate their representative.

A request on behalf of Neurofibromatosis Northeast to include Newbury on the route of their 4th Annual Coast to the Cure bike ride on Saturday, September 6, 2014 was approved **on a motion by Selectman Bear, seconded by Selectman Bulgaris and voted unanimously.**

A one-day liquor license for the Bakers and North Shore Bartending for a wedding at the SPLF on May 31, 2014 from 4:30 -10:00 p.m. was **approved on a motion by Selectman Bear, seconded by Selectman Mountain and voted unanimously.**

Proof of residency was provided by Peter Morin for his 2014 Commercial Clamming License. The license was **approved and signed on a motion by Selectman Bear, seconded by Selectman Bulgaris and voted unanimously.**

A request for a banner on the back stop to advertise the Newburyport Choral Society's "spring concert" on May 3rd and 4th was **approved on a motion by Selectman Bulgaris, seconded by Selectman Bear and voted unanimously.**

The minutes of the March 25th meeting were accepted as presented **on a motion by Selectman Bear, seconded by Selectman Walker and voted by Bear, Bulgaris, Walker and Story. Mountain abstained.**

A letter of notification from Comcast regarding their FCC filing date was read and filed.

A letter from DEP regarding their new Sustainable Materials Recovery Program (SMRP) grant program was read and will be forwarded to the Board of Health for their review.

An article from the Christian Science Monitor Magazine concerning "heroin use in Newburyport" was accepted and filed.

Selectman Mountain updated the Board on the Media Committee. He noted they are working on the final stages of equipment needs.

A ceiling mounted projection screen, ceiling mounted projector, plugs for lap tops and possibly a podium on wheels are in the works. The committee is working with the state bid list and he noted that these purchases are funded through Comcast funds.

Blais addressed the warrants starting with the Special Town Meeting Warrant which contains only two articles: payment of a prior year bill to NE Mosquito Control and a transfer from free cash to cover the "snow and ice" deficit in the amount of \$156,694.00.

Larry Guay, Finance Committee Member asked about the feasibility in the future of putting the S&I deficit on the ballot and warrant for an over ride vote. Blais agreed this was a good point to consider perhaps for the fall meeting or next year's budget.

The STM warrant was accepted as presented on a **motion by Selectman Bear, seconded by Selectman Mountain and voted unanimously.** The ATM warrant was addressed. Story asked to take Article 34 first as there were people in the audience to address the article. Connie Gutierrez of Richard M. Magnan, Attorney at Law, explained the history of the taking by the Division of Fisheries and Wildlife, the Boudreaus ownership of the land and the request for a home rule petition to transfer the property back to the Boudreaus. **It was moved by Selectman Bear and seconded by Selectman Bulgaris to accept the article for the warrant.**

After a brief discussion, the Board agreed they were in favor of asking for a home rule petition to clear this land. **The motion was voted unanimously 5-0.**

Blais noted Article 2 may be removed. She was checking with Counsel to see if this article was necessary. Article 3, appropriations, was reviewed line by line. Blais noted there was a 2% increase included for salaries and wages for non-contractual employees. The savings in the Assessor's Salary and Wage account has been delegated to the COA Salary and Wage Account. A new position of Shellfish Constable adds \$36K to Shellfish Salary and Wages. To define this position, Guay noted that the shellfish commissioners were elected and set policy and regulations while the constable was appointed and was enforcement, sampling and testing. It was determined that revenues from permits support this new position. The next issue discussed was the Fire budget line items. Blais noted that a Fire Maintenance Expense item had been added in the amount of \$10K. Bob Connors of Finance suggested \$30K be added to the "lease payment" account and the "road inspection program" be reduced by that amount. He also suggested \$44K be added to the wage account for weekend staffing. A long discussion ensued regarding staffing, requests from the BOFE, where to add additional funds and where to find the funds. As a compromise and show of good faith, it was **moved by Selectman Mountain, seconded by Selectman Walker and voted unanimously to increase the Fire Protection Wage account by \$22K and reduce the Road Improvement Program account by that amount. Selectman Walker moved to add \$10K to Lease Payments and take that amount from Road Improvements, seconded by Selectman Bulgaris and voted by Story, Bear, Bulgaris and Walker. Mountain voted opposed.**

Article 4 to add \$50k to the Stabilization Fund was accepted **on a motion by Selectman Walker, seconded by Selectman Bulgaris and voted in favor 5-0.**

Article 5 to fund OPEB by \$25K was accepted **on a motion by Selectman Walker, seconded by Selectman Bulgaris and voted in favor 5-0.**

Article 6 to transfer from free cash \$9K for the purchase of portable radar units was accepted **on a motion by Selectman Bulgaris, seconded by Selectman Bear and voted in favor 5-0.**

Article 7 to accept Chapter 90 funds in the amount of \$273,931 was approved **on a motion by Selectman Bear, seconded by Selectman Mountain and voted in favor 5-0.**

Article 8 to take from Stabilization for the purchase of a wheeled excavator the amount of \$140K (a 2/3 vote required) was approved **on a motion by Selectman Bulgaris, seconded by Selectman Walker and voted in favor 5-0.**

Article 9 for the purchase of an asphalt roller in the amount of \$15,495 was withdrawn on the recommendation of CPC **on a motion by Selectman Walker, seconded by Selectman Mountain and voted in favor 5-0.**

Article 10 the purchase of a pumper in the amount of \$450K. Monies to come from the land sale account, free cash, or a lease/purchase. **Selectman Bulgaris moved to fund the pumper through a lease/purchase, seconded by Selectman Walker and voted in favor 5-0.**

Article 11 to take from the Stabilization Fund \$36K to purchase structural firefighter gear was approved **on a motion by Selectman Bear, seconded by Selectman Bulgaris and voted in favor 5-0.**

Article 12 to transfer \$7800 from the Receipts Reserved Fire Alarm account to repair the fire alarm system was approved **on a motion by Selectman Bear, seconded by Selectman Bulgaris and vote in favor 5-0.**

Article 13 to take from the Stabilization Fund \$59,410 to make repairs to the Newbury Library was approved **on a motion by Selectman Walker, seconded by Selectman Bulgaris and voted in favor 5-0.**

Article 14 to take from the Stabilization Fund \$50K to repair/replace the septic system at Manter Field was postponed to a subsequent year, possibly the fall STM on the recommendation of CPC, **as moved by Selectman Mountain and seconded by Selectman Walker.** A discussion ensued. Guay of Finance noted the delay was to allow the Town time to get a full picture of the total costs required to complete this project. **The motion to remove the article was voted by Selectmen Story, Bulgaris and Mountain and Walker. Selectman Bear voted opposed.**

Article 15 to take from the Stabilization Fund \$37K for repairs/windows for the Grange Hall was recommended for deferral by the CPC. **Selectman Bulgaris moved to accept the article, seconded by Selectman Bear and after a short discussion voted in favor 4-1 with Selectman Mountain voting opposed.**

Article 16 to continue the Recreation Revolving Fund was accepted **on a motion by Selectman Bear, seconded by Selectman Bulgaris and voted in favor 5-0.**

Article 17 to continue the Waterways Revolving Fund was accepted **on a motion by Selectman Bear, seconded by Selectman Walker and voted in favor 5-0.**

Article 18 to transfer \$35K from the Waterways Maintenance and Improvement Fund was amended to include "for the purpose of purchasing and equipping a boat". The amended article was accepted **on a motion by Selectman Bear, seconded by Selectman Walker and voted in favor 5-0.**

Article 19 to transfer from free cash \$31K to fund a town wide inventory and analysis of Newbury's roads was accepted **on a motion by Selectman Mountain, seconded by Selectman Walker and voted 4-1 with Selectman Bear opposed.**

Article 20 to transfer \$60K from free cash to fund a Master Plan and Open Space and Recreation Plan Update was accepted **on a motion by Selectman Mountain, seconded by Selectman Bear and voted in favor 5-0.**

Blais noted she might have an additional article for the final warrant to update OPEB by \$5,700. This will be voted at the meeting of 4/22/14.

Article 21 and 22 were accepted pending Counsel's opinion **on a motion by Selectman Bulgaris, seconded by Selectman Bear and voted in favor 5-0.**

Article 23 through 25 are pending the Planning Board's public hearing scheduled for 4/16/14.
No vote was taken.

Article 26 to amend the Code of Newbury Chapter 87 was accepted **on a motion by Selectman Bear, seconded by Selectman Walker and voted 5-0 in favor.**

Article 27 to amend the Capital Planning Committee Bylaw was discussed. The two issues are Section 12-1 Membership and 12-3 Criteria for \$ amount. **Selectman Mountain moved to amend Article 27, seconded by Selectman Walker and open to discussion. Selectman Bear moved to amend Section 12-3 (3) to \$50K from \$25K, seconded by Selectman Bulgaris and voted in favor by Story, Bulgaris and Bear. Walker and Mountain voted opposed as they were fine with the \$25K threshold. Selectman Mountain moved to amend Section 12-1 to establish membership as two Finance Committee members, one Selectman, two general public members and Blais as ex-officio (advisory), seconded by Selectman Walker and voted in favor 5-0. The motion on the floor to amend Article 27 was voted in favor 5-0.**

Article 28 to accept sections 3-7 of Chapter 44B of the MGL (Mass Community Preservation Act) was accepted **on a motion by Selectman Mountain, seconded by Selectman Bear and open to discussion. The article was amended to read surcharge of 1 ½% rather than 3% and the exemption of the first \$100K of value was added on a motion by Selectman Mountain and seconded by Selectman Walker. The amendment was voted in favor 5-0. A motion to accept Article 28 as amended was approved on a motion by Selectman Mountain, seconded by Selectman Bear and voted in favor 5-0.**

Article 29 to amend the Newbury Charter (act establishing a selectmen/administrator form of government) was reviewed. Section 15 "90 days" was struck, section 16 "on or before the thirtieth day" was changed. **Article 29 was accepted as amended on a motion by Selectman Bear, seconded by Selectman Bulgaris and voted in favor 5-0.**

Article 30 a change in the Personnel bylaw (Chapter 12) to allow vacation carry forward language was still being written. The vote was postponed until the meeting of April 22nd.

Article 31 a petition to the General Court to allow firefighters (Haynes, Stern and Reetz) to work until age 70 was approved **on a motion by Selectman Bulgaris, seconded by Selectman Walker and voted in favor 5-0. This act will sunset with the retirement of these three firefighters.**

Article 32 to accept MGL Chapter 41, section 108P to allow the Treasurer/Collector to receive an additional \$1K in annual compensation was approved **on a motion by Selectman Bear, seconded by Selectman Mountain and voted in favor 5-0.**

Article 33 authorization for the Selectmen to negotiate payment in lieu of tax agreements (PILOT) was accepted **on a motion by Selectman Bear, seconded by Selectman Bulgaris and voted in favor 5-0.**

Article 34 was accepted at the onset of the meeting.

The meeting was adjourned at 12:05 a.m. **on a motion by Selectman Mountain, seconded by Selectman Walker and voted**

unanimously.

Respectfully submitted,

Kathleen Sirois, Admin. Asst.