

Town of Newbury, MA

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Board of Selectmen's Meeting Minutes 8-20-13

BOARD OF SELECTMEN'S MEETING

AUGUST 20, 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.

Harbormaster Brendan Stokes updated the Board on the permitting process for the ramp and dock area, noting that approval had been received from DEP and ACOE and he had met with the Capital Planning Committee. He plans to redo the ramp, replace the pier on pilings and replace the shed/trailer with a small building on pilings for storage etc. The design work is completed and signed off and the next step is securing bids and funding. Selectman Walker asked if there were priorities and Stokes stated that the project could be done in stages if necessary. Stokes was thanked for his input.

Planner Martha Taylor presented zoning amendments for the Special Town Meeting. The first was to add a temporary moratorium on medical marijuana treatment centers and registered marijuana dispensaries through June 30, 2014. The second amendment was to correct scrivener's errors in the ground-mounted solar photovoltaic installations special permit section for site plan review. The Board reviewed the amendments and **voted unanimously on a motion by Selectman Mountain, seconded by Selectman Walker to refer these amendments back to the Planning Board for a public hearing.** Taylor also advised that there was an application before the Planning Board for site plan review for 67/69 Newburyport Turnpike which is in the water protection district which will include an application for a special permit to come before the Selectmen as they are proposing an increase in impervious surface with parking and additional driveways. She proposed a joint hearing on September 18th. **It was moved by Selectman Bulgaris, seconded by Selectman Bear and voted unanimously to hold a joint hearing for 67/69 Newburyport Turnpike on September 18, 2013.**

Steve Fram, Chair of the Board of Health and Jack Card of North East Mosquito Control briefed the Board on the mosquito situation in Town. Card spoke about the spraying operation and the different types of mosquitoes.

Species in our area have been found to be carriers of the West Nile Virus as well as EEE. Card noted that when a positive hatch is located the DPH notifies the town directly and then NE Mosquito who notifies the Board of Health so that spraying can move quickly. Fram advised that residents are advised of threats as soon as the information is provided to them. Mr. Card was thanked for taking time to update the Board.

At the request of Town Administrator Tracy Blais, **it was moved by Selectman Walker, seconded by Selectman Bear and voted unanimously to set October 22, 2013 as the date for the Special Town Meeting.** Notification has been received from FEMA that the town has been awarded a grant in the amount of \$37,763.95. There is still one property sale pending in the amount of \$550K. To date the town has received \$638,949 for surplus properties sold.

The Beachcoma fundraiser raised \$2,986.50 to be used for the Greenhead Program. The 2012 audit is completed and copies of the audit and management letter are available for review by the Board. Copies of the Media Committee's policy document is also available for review. A five-year update on road repairs from the Capital Planning Committee is pending.

On the recommendation of the Historical Commission, Molly Shamas and Lon Hachmeister were appointed to the commission to replace Marcia Peirce and Barbara Rogers respectfully **on a motion by Selectman Bear, seconded by Selectman Bulgaris and voted unanimously.**

Recently installed stop signs at the intersections of Sea View Lane and Old Pine Island Road were discussed.

Chief Reilly advised he took full responsibility for moving so quickly. A resident filed a complaint siting safety concerns and the complaint was forwarded to the DPW who installed signs a few days later. Complaints were then received from residents unhappy with the signs. We jumped the gun, Reilly said and I agreed to remove the sign at the east entrance to the two roads but felt the other intersection had poor site line visibility and the area was more thickly populated so it was my decision to let it remain. Selectman Mountain suggested holding a public hearing to get neighborhood input but Reilly stated he felt it was not advisable at this time. In the future Reilly said only after residents have a chance to voice their opinions would he bring a recommendation for signage to the Selectmen for further action. **It was moved by Selectman Bulgaris, seconded by Selectman Walker and voted unanimously to follow the Chief's recommendation and let the one sign remain.**

On a motion by Selectman Bear, seconded by Selectman Bulgaris and voted unanimously a dog hearing was set for September 9, 2013 at 7:30 p.m. in accordance with GL Chapter 140, section 157 for a dog owned by Hanscom, 18 South Pond St.

Kevin Hunt gave an update on Veterans Service District options for the Town. The first is to join with Amesbury and Newburyport, Merrimac, and Salisbury in a pending regional system. However, the State will not accept a regional district involving two cities. An inter-municipal agreement was drawn up, but it would not be a state sanctioned district. Option two is for Newbury to establish its own agent which would be expensive and difficult to facilitate.

The third is to join the already established Eastern Essex District of seven towns under state guidelines. Hunt advocated for the first option. Chairman Story advised the Board they had their homework to review the information provided and a decision would be made at the next meeting. Hunt was thanked for his input.

The question of mandatory retirement for firefighters at age 65 was discussed with input from Counsel Lisa Mead.

Blais advised that at a meeting with two insurance providers there were some deficiencies noted but that can be taken care of. The VFIS policy does not have an age limit. The Town of Newbury Fire Department is headed by Chief Pearson and the facilities and equipment are leased to the Town and covered by a flat rate fee. A contract document is to be put in place per the legislation. If retirement is extended to age 70 it must be part of a revised job description that limits their duties. Selectman Bulgaris stated he wanted to also pursue a home rule petition through our ATM like Chelmsford, Merrimac and Georgetown have done. He noted these firefighters are very valuable to the companies for their experience and investigative work as long as they pass annual physicals. Mead advised that absent special legislation, the Town must follow the law or be open to liability. Mead asked if there was any objection to reclassifying those over age 65, limiting their duties and appointing them as support firefighters.

Chief Pearson will take these suggestions to the BOFE and a home rule petition will be initiated.

The minutes of the July 9th meeting were approved as presented on a motion by Selectman Bear, seconded by Selectman Bulgaris and voted unanimously.

Four one-day liquor licenses for Protection Fire Co. #2 for functions on August 24, September 21, October 19 and October 26 from 6-10 p.m. **were approved on a motion by Selectman Bear, seconded by Selectman Walker and voted unanimously.**

A request from the Beachcoma to have live entertainment on Saturday, September 21st from 7-10 p.m. **was approved on a motion by Selectman Bulgaris, seconded by Selectman Bear and voted unanimously.** A request from the Beachcoma to change their entertainment license from Sundays to Saturdays, effective September 21st, was also **approved on a motion by Selectman Bulgaris, seconded by Selectman Bear and voted unanimously.** Mr. Pugh advised the reason for this change was due to the football season. TA Blais thanked Mr. Pugh for hosting the fundraiser for the Greenhead Fund

On the recommendation of Chief Reilly, Stephen Jenkins was appointed full time Police Sergeant, **as moved by Selectman Bear, seconded by Selectman Bulgaris and voted unanimously.**

A request from Protection Fire Co. #2 to hold a "boot drive" for MDA on Saturday, August 31st and Sunday, September 1st from 9-5 at the intersection of Rolfe's Lane and High Road was **approved on a motion by Selectman Walker, seconded by Selectman Mountain and voted unanimously.**

Disclosure forms for Shellfish Constable Charles Colby were **reviewed and signed by the Selectmen on a motion by Selectman Bulgaris, seconded by Selectman Bear and voted unanimously.** Colby asked to have his schedule increased to twenty hours from the current 12 hours. This increase would allow him to be eligible for health insurance. Chief Reilly will research Colby's past record of hours worked to be presented to the Personnel Board and if warranted the request for an increase in the annual appropriation will be placed on the fall Town Meeting warrant.

A new business license was approved **on a motion by Selectman Bear, seconded by Selectman Mountain and voted unanimously** for Dietz & Lynch Capital who is moving headquarters from Forrester Street, Newburyport to 28 Green Street, Newbury.

A request from the Byfield Days Committee for their usual road closures for "Byfield Days" on September 7th and 8th **was approved on a motion by Selectman Bear, seconded by Selectman Mountain and voted unanimously.**

These road closures will be coordinated with Chief Reilly and DPW Director Tim Leonard.

A one-day liquor license for Mercury Brewing Co. for "Harvest Fest" at Spencer-Pierce-Little Farm on Saturday September 14th from 12-6 p.m. was **approved on a motion by Selectman Bear, seconded by Selectman Mountain and voted unanimously.**

It was **moved by Selectman Bulgaris, seconded by Selectman Bear and voted unanimously** to establish two emergency parking areas at Manter Fields with the aid of Chief Pearson, Chief Reilly and the Recreation Committee.

Seven one-day liquor licenses were **approved on a motion by Selectman Bear, seconded by Selectman Bulgaris and voted unanimously** for the Byfield Community Arts Center for their "Cat in the Cradle Coffeehouses" on September 7 & 21, October 5 & 26, November 2 & 23 and December 7th from 7:30 to 11 p.m.

The Board acknowledged the receipt of Comcast's PEG Access Support check in the amount of \$27,218.87.

A notice from Senator Tarr's office that Bill S.973, Chapter 48 was signed into law on July 29, 2013 was read and filed.

A letter of introduction to "Friends of Newbury Inc." from Eileen Wallwork, Chair was read and filed. Ms. Wallwork will be invited to attend a Selectmen's meeting to introduce this organization to the Town.

Warrants were signed for TA Blais.

At 8:50 p.m. Selectman Bulgaris moved to enter into an executive session to discuss strategy with respect to litigation because an open meeting may have a detrimental effect on the litigating position of this body, seconded by Selectman Walker. A roll call vote was taken: Story, yes, Bulgaris, yes, Bear, yes, Mountain, yes and Walker, yes.

It was announced that the regular meeting would not be reconvened at the close of the executive session. At 9:15 p.m. at the close of the executive session the meeting was adjourned on a motion by Selectman Bear, seconded by Selectman Mountain and voted unanimously by roll call.

Respectfully submitted,

Kathleen Sirois, Admin. Asst.