

**Approved**

**TOWN OF NEWBURY  
SELECT BOARD**

**MINUTES**

**DATE:**           **November 9, 2021**

**PRESENT:**       **Select Board:** Chair Alicia Greco; Vice Chair JR Colby; Clerk Geof Walker;  
Mike Doyle; Gerry Heavey

**Staff:**

Tracy Blais, Town Administrator  
Julie O'Brien, Executive Administrator  
Patty Fisher, Deputy Police Chief  
Tim Lamprey, Tree Warden

**Call to Order:**

At 7:00 p.m. Chair Alicia Greco called the meeting to order with a salute to the flag

**Motion:** JR Colby moved to open the meeting, seconded G. Walker and voted unanimously

Discussion: None

**Board and Committee Reports**

Report of Chair Greco:

Signed PR22-08, Julie O'Brien  
Signed PR22-08, Select Board  
Signed PR22-09, Julie O'Brien  
Signed VW22-10, Staples (printer ink M. Doyle)  
Signed VW22-10, Amazon (Bench Plaque)

**Grants, Gifts & Donations**

(Chapter 44: Section 53A Grants and gifts; acceptance and expenditure)

COA Donation - \$8.00 – Tricia Walker

**Motion:** JR Colby moved to accept the donation seconded G. Walker, and voted unanimously

Discussion: None

COA Donation - \$23.00 – Mary Simboli

**Motion:** JR Colby moved to accept the donation seconded G. Walker, and voted unanimously

Discussion: None

COA Donation - \$5.00 – Mary Fisk

**Motion:** JR Colby moved to accept the donation seconded G. Walker, and voted unanimously

Discussion: None

COA Donation - \$1.00 – Mary Gill

**Motion:** JR Colby moved to accept the donation seconded G. Walker, and voted unanimously

Discussion:

COA Donation - \$5.00 – Janice Martel

**Motion:** JR Colby moved to accept the donation seconded G. Walker, and voted unanimously

Discussion: None

COA Donation - \$10.00 – June Brogan

**Motion:** JR Colby moved to accept the donation seconded G. Walker, and voted unanimously

Discussion: None

COA Donation - \$500.00 – Central Congregational Church

**Motion:** JR Colby moved to accept the donation seconded G.Waker, and voted unanimously

Discussion: None

COA Donation - \$20.00 – Ginny Nichols

**Motion:** JR Colby moved to accept the donation seconded G. Walker, and voted unanimously

Discussion: None

COA Donation - \$25.00 – Eleanor Taylor

**Motion:** JR Colby moved to accept the donation seconded G. Walker, and voted unanimously

Discussion: None

COA Donation - \$15.00 – Anonymous

**Motion:** JR Colby moved to accept the donation seconded G. Walker, and voted unanimously

Discussion:

COA Donation - \$500.00 – Central Congregational Church

**Motion:** JR Colby moved to accept the donation seconded G. Walker, and voted unanimously

Discussion: None

COA Donation - \$5.00 – Avril&Ray Merrick

**Motion:** JR Colby moved to accept the donation seconded G. Walker, and voted unanimously

Discussion: None

COA Donation - \$3.00 – Patricia Walker

**Motion:** JR Colby moved to accept the donation seconded G. Walker, and voted unanimously

**Motion:** M. Doyle moved to write a thank you letter to Central Congregational Church seconded JR Colby, and voted unanimously

Discussion: None

**Public Hearings:** 7:15 p.m. In accordance with Chapter 369, Acts of 1982, Section 1, the Select Board of the Town of Newbury will hold a public hearing on the determination of the percentage of tax levy to be borne by each class of real property for fiscal year 2022.

G. Walker read the Public Hearing Legal Notice

Discussion: Jason DiScipio, Town Principal Assessor, spoke regarding the Tax Rate Analysis report. Discussion ensued

**Motion:** A. Greco moved to accept the recommendation of the Board of Assessors to have a residential uniform factor of one and authorize the Town Administrator to sign the LA5 and do not adopt any small commercial or residential exemptions seconded M. Doyle, and voted unanimously

Audience member noted public was not invited to comment

A.Greco asked to Reopened the public hearing for public comment

**Motion:** M. Doyle moved to remove the vote until they hear from the public seconded, JR Colby and voted unanimously

A.Greco asked to note for the record that no correspondence was received from the public

A.Greco asked if anyone in the audience wanted to speak. No response

**Motion:** JR Colby moved to close the public hearing seconded G. Walker, and voted unanimously

**Motion:** A. Greco re-motined to accept the recommendation of the Board of Assessors to have a residential uniform factor of one and authorize the Town Administrator to sign the LA5 and do not adopt any small commercial or residential exemptions seconded M. Doyle, and voted unanimously

Erica Jacobsen Chair of Finance committee. opened the finance committee meeting, and conducted roll call vote

E. Jacobsen read the public comment section of the Agenda

### **Oral Communications From Citizens**

Steve Mangion 14<sup>th</sup> Street, mentioned his comments concern the reconstruction of the Plum Island Bathroom. Asking Select Board to get involved in reconstruction of the property. Stated currently the plans that went to the State are seeking a waiver, where building does not need to go up on stilts or the walk ways out of the flood way. Currently the Town proposing an expensive reconfiguring of the existing building which will be in the flood way. Stated makes no sense spending money to rehab when subject to flooding. Money will need to be re-spent time and time again. Town should not go around environmental rules. Suggests Select Board add a future agenda item to discuss if Town should be applying for a variance. Offered to send information regarding other options that are ADA compliant. Mr. Mangion was told he does not have standing to appeal to the State.

Bill DiMaio, 12 Orchard Street, spoke regarding persons criticizing that the Board needs to hear about citizens concerns. Spoke regarding Select Board members having email addresses. Stated there were 53 speakers at the Select Board meetings so far this year of which 26 the topic was Larkin Road. Commented there are 5,600 registered voters in the Town. Mentioned on every agenda there is a list of correspondence. Stated there were 43 emails received and listed on the various agendas. 18 of those were Larkin Road emails. Mentioned many repeats of subjects. Discussed Zoom meetings (coffee time) commented on the low rate of attendance at those meetings. 21 persons participated in the Zoom meetings, 16 persons were repeats. Concluded with use the data as you like but 5,600 registered voters' and number of concerned citizens that actually speak or write in is miniscule in my opinion

Brent Mitchell, 275 High Road, spoke regarding trees on Cottage Road. Mentioned the neighborhood coming together a year ago to save the trees. Discussed the silver maples standing strong in the last storm. Mentioned the history of the area being farm and field. Stated many trees have been sacrificed in this area, land impacted. Asked to let the trees live out their natural life or re plant with native trees

Sara Seabury Ward, 12 Riverfront, Newbury, read a short piece she prepared. Discussed having witnessed the Cottage Road trees being cut and what she described as a thriving and diverse forest. Discussed climate change and the role trees play to mitigate

Jessica Brown, 275 High Road, discussed the Cottage Road trees. Mentioned having spoken her concerns a year ago to the Board and the Tree Warden regarding the trees. Asked town to understand the neighbors pay attention to what happens to the trees on Cottage Road. Reminded Board trees are part of the land heritage and play an important with water cycle and animals. Also offer a buffer from the development. Discussed flooding issues and a letter that was written by an Irene Martynuk who lives on Riverfront Road. Asked to let the trees stand and offer care and pruning instead. Trees damaged due to the developer. Also requested a planting of a new tree if decide to remove the tree. Also asked the Board is it the Town's responsibility to pay for a new tree when it was the developer who caused the harm

Angie Ackroyd, 4 Cottage Road, discussed the tree asking to be removed. Stated an avid gardener and described all the landscaping she has done to the property. Stated tree in front of her property is dead and has been for a long time. Does not want to worry tree will fall down and hurt a person or an animal. Mentioned limbs coming down during a storm. Stated happy to replant a tree. One year of construction did not kill the tree. Understands persons are sensitive to the trees but time to plant a new tree.

### **New Business:**

Meeting with Superintendent Forget to discuss Comprehensive Facilities Assessment

Discussion: A. Greco explained what the vote of the Select Board would entail tonight. Stated was simply a vote to request funding from the State

Erica Jacobsen, Finance Chair, provided an overview. Explained was a vote to submit a statement of interest

Brian Forget, Triton Regional Superintendent, addressed both the Boards and provided some additional information regarding the assessment. Recommends a statement of interest and explained what it means

Discussion: The Board members (Finance Committee and Select Board ) asked B. Forget questions

Motion: JR Colby moved to support the school committee in moving forward with a statement of interest with the Massachusetts School Building Authority seconded, M. Doyle and voted unanimously

Discussion: Discussion ensued

Motion: E. Jacobsen entertained a motion for the Finance Committee to support the school committee in moving forward with a statement of interest with the Massachusetts School Building Authority. So, moved M. Jespersen seconded, L. Allen and voted unanimously

Request for Public Property Use – Marine Biology Laboratory – Proposed Research Station

**Motion:** JR Colby moved to approve the Public Property Use request for five years seconded A. Greco, and voted unanimously

Discussion: Evin Guvendiren with DeRosa Environmental spoke regarding the research station. Discussion ensued

Approve Council on Aging member appointment – Christina Howe – 10/26/21 – 6/30/23

**Motion:** JR Colby moved to approve appointment seconded G. Walker, three in favor and two opposed, motion passes

Discussion: A. Greco read Ms. Howes letter. Discussion ensued

Surplus Declaration – Police Patrol Vehicle

**Motion:** JR Colby moved to approve the surplus seconded G. Walker, and voted unanimously

Discussion: Discussion ensued

Approval New Business License – Michael Bakhtiari dba Salisbury Beach Rentals, 20 R Old Point R, Newbury, Real Estate Short Term Rentals

**Motion:** M. Doyle moved to approve the new Business License seconded G. Walker, and voted unanimously

Discussion: None

Approve a letter of support for use of ARPA funds for the First Parish Newbury Food Pantry

**Motion:** JR Colby moved to approve the use of ARPA funds, \$100,000, for the First Parish Newbury Food Pantry, seconded G. Walker, and voted unanimously

Discussion: Discussion ensued

Approve a letter of recognition for Eagle Scout Skylar Patterson of Rowley

**Motion:** JR Colby moved to approve a letter of recognition for Eagle Scout Skylar Patterson, seconded M. Doyle and voted unanimously

Discussion: Discussion ensued

Approval revised Liquor License Application for Plum Island Blue LLC

**Motion:** JR Colby moved to approve the revised Liquor License Application and sign the revised Licensing Authority Certification, seconded G. Walker, and voted unanimously

Discussion: Tyler Duane Thompson, Manager of the Plum Island Blue, spoke regarding the revised application

4 Cottage Road tree removal request – Angie Ackroyd

**Motion:** M. Doyle moved to approve the removal of tree #5 located at 4 Cottage Road and replace with another using money from tree fund, seconded Walker, three in favor, two opposed, motion passes

Discussion: A.Greco read Angie Ackroyd's letter to the Board. Tim Lamprey spoke to the matter. Discussion ensued. Ms. Ackroyd offered to donate money to the tree fund

Approve letter of support regarding concerns with the evacuation plan of the Seabrook Nuclear Plant

**Motion:** A.Greco moved to approve a letter of support which mirrors the letter provided in 2017, seconded G.Walker. JR Colby recused himself, M. Doyle left the meeting, three in favor, motion passes

Discussion: Discussion ensued

Discuss starting back up Select Board Office Hour for Citizens Concerns

**Motion:** G.Walker moved to table the discussion until all Board members were present seconded, JR Colby, four voted in favor, the motion passes

## **Old Business**

Social Media Policy Review

**Motion:** JR Colby moved for A. Greco and G. Heavey to form a subcommittee in which the two of them will discuss/review the Social Media Policy together and report back to the Select Board, seconded G. Walker, four voted in favor, the motion passes

Discussion: Discussion ensued

## **Town Administrators Report**

### Free Cash Certification

- Definition of Free Cash
  - Free Cash is a revenue source that results from the calculation –as of July 1<sup>st</sup> – of a community’s remaining, unrestricted funds from its operations of the previous fiscal year based on the balance sheet as of June 30<sup>th</sup>.
  - It includes:
    - Actual receipts in excess of revenue estimates
    - Unspent amounts in departmental budget line items
    - Unexpended Free Cash from the previous year
  - It is offset by:
    - Property tax receivables
    - Deficits
- Newbury’s Free Cash was certified on 10/19 in the amount of \$4,931,255 (FY 21 - \$3,232,957, \$1,698,298 increase) and the Ambulance Enterprise Fund Free Cash was certified at \$202,440
- DOR DLS recommends that communities understand the role that Free Cash plays in sustaining a strong credit rating (AAA) and suggests the adoption of policies on its use
- In September of 2017, we did just that:
  - We will not use FC to fund the operating budget
  - We will set our Free Cash goal at 3-5% of the general fund operating budget (\$1,171,435) and maintain a minimum balance of \$1M
  - Amounts in excess of \$1M may be used for capital or other one-time expenses
- With the Boards approval I’d like to work on a financing plan for funding the Town Hall Project that includes utilizing up to \$3Million of our Free Cash to offset the borrowing required to meet the project expenses and therefore mitigate the impact on Newbury’s taxpayers - \$1.9 M already saved for the project to date

**Motion:** JR. Colby moved to allow the Town Administrator to work on a financing plan for the funding of the Town Hall Project that includes up to \$3 million on our Free Cash to offset the borrowing that might be required to meet the project expenses and therefore mitigate the impact on Newbury’s taxpayers seconded G. Walker

**Discussion:** Discussion ensued

### Tax Rate History

- \$9.73 projected for this year
  - 2021 \$10.66
  - 2020 \$10.99
  - 2019 \$10.81
  - 2018 \$10.90
  - 2017 \$10.61
  - 2016 \$11.40
  - 2015 \$11.52
  - 2014 \$11.32
  - 2013 \$11.40
  - 2012 \$11.07
  - 2011 \$10.18
  - 2010 \$ 9.52

### Community Compact Grant Award

- Awarded \$15,000 to work with the Collins Center to update our Capital Improvement Plan so that it will be more user friendly and easier to read

### **Nearshore Disposal of Dredged Piscataqua Materials**

- At their meeting on October 19<sup>th</sup>, the Conservation Commission approved the modifications that were presented allowing for up to an additional 100 cubic yards of sand in the disposal site the expense of the additional sand will be borne by the state

### **31 Plum Island Blvd**

- At the same meeting, the Conservation Commission unanimously approved the Notice of Intent for the Plum Island Bathroom Project
- Still awaiting a hearing date before the BBRS

A.Greco reviewed the history of the votes regarding the Plum Island Bathroom and discussed the need to keep the project moving forward

### **The Senate has announced a \$3.67 B Spending Plan for ARPA (American Rescue Plan Act) and State Surplus which will include:**

- Investments in housing – housing production, capital improvements
- The environment and climate change mitigation – climate resiliency, upgrades to parks & recreational facilities
- Workforce and Economic development –
- Health & Human Services – local health department training and data collection
- Does NOT include funding for municipal roads & bridges which MMA has identified as a priority and does NOT include HVAC grants for distribution by the Department of Elementary and Secondary Education
- Our legislative delegation reached out for a list of projects that Newbury has pending which we provided on 10/26 and included the following:
  - Recreational/Human Service Activities
  - Emergency Response
  - DPW
  - Coastal Resiliency

### **Update on the Covid Unified Team**

- Numbers low, currently 17 cases
- Pfizer vaccine available for ages 5 to 11
- Running three clinics with West Newbury over on the Annex at 381 Main Street. Held November 15, 22 and 29 from 4:00 to 7:00. More information available on the Town website

### **Correspondence**

Audit engagement letter from Giusti, Hingston and Company

G. Heavey, asked J. O'Brien to inquire regarding a more current peer review letter from Giusti, Hingston and Company

Letters from the Commonwealth of Mass Division of Marine Fisheries dated Oct. 13, 2021, Oct. 17, 2021, Oct. 25, 2021, Oct. 27, 2021 and Oct. 31, 2021 regarding Shellfishing closures and restrictions

Notice from the Commonwealth of Mass Dept of Transportation – Highway Division. A. Greco read the notice out loud



Email from Robert & Jan Tyler-Nelson in support of proposed 12 Kent Way COA location. A.Greco read the email out loud

Letter from Jim Moran regarding Public Comment agenda item

**Meeting Updates:** None

**Review of Meeting Minutes:**

Select Board meeting minutes October 12, 2021

**Motion:** JR Colby moved to approve the meeting minutes seconded G. Walker, and four in favor, motion passes

Discussion: None

**Warrants:**

VW2208  
VW2208a  
PR2206  
PRV2207  
PR2205  
PR2207  
VW2209  
VW2209A  
SepRfd21

**Motion:** JR Colby moved to sign the Warrants seconded G. Walker, four in favor, motion passes

Discussion: None

**Executive Session:**

None

**Adjourn**

**Motion:** At 9:54 p.m. JR Colby moved to adjourn, seconded G. Heavey, four in favor, motion passes

Discussion: None

Respectfully submitted,  
Julie O'Brien  
Executive Administrator