

Approved

**TOWN OF NEWBURY  
SELECT BOARD**

**MINUTES**

**DATE:** September 14, 2021

**PRESENT:** **Select Board:** Chairwoman Alicia Greco; Clerk Geof Walker;  
Mike Doyle; Gerry Heavey

**Staff:**

Tracy Blais, Town Administrator  
Julie O'Brien, Executive Administrator  
Matt Cooper, IT Director  
John Lucey, Chief of Police

**Call to Order:**

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

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

Discussion: None

**Public comment**

Richard and Phyllis Hibbard 35 16<sup>th</sup> Street – spoke in regards to the proposed Plum Island emergency access road. Chairwoman Greco advised that this topic was not on the agenda therefore would not be up for discussion rather would be taken under advisement. Mr. Hibbard expressed he understood. Stated was concerned about the process of emergency access issue. Understood there was a vote from Select Board to approve a motion to engage the Conservation Committee to consider the tolerance of an alternate route at the next meeting which did not happen. The Hibbard's stated they have personal concern regarding the reduction of size and value of their property. Mentioned the alternate proposed road is straighter therefore safer than the current proposed plan. Concerned why issues is not on tonight's agenda as there was a majority vote at the last meeting.

G. Heavey spoke of the matter of Plum Island emergency access road not being on tonight's agenda. Stated she will ask once again to have on the agenda and have a representative of the Conservation Commission attend. Selectwoman Heavey referred back to a Town Administrator email and stated her intent in that motion was not to influence any other board. Referred to the Mission Statement of the Conservation Commission. Stated if persons have questions regarding their property they should have someone come before us and answer their questions.

A.Greco reiterated that this topic was not on tonight's Agenda. Stated would be placed on a future agenda when we can have everyone in the room that can provide the constituents answers.

M. Doyle interjected cannot wait two weeks

A.Greco stated that was her ruling

M. Doyle and G.Heavey stated they objected

Evelyn Noyes, Downfall Road, discussed the civil war monument and provided pictures of the monument. Stated base is in bad shape and asked if anything could be done

Stephen Mangion, 14<sup>th</sup> street, Plum Island, commented on the Plum Island bathrooms. Stated not here to talk about the purchase of the property. Mentioned he is aware of issues with the reconstruction. Mentioned part of it came up at the most recent Conservation committee meeting, where apparently the Building Commissioner is going to request a waiver from the state so that some of the normal requirements about building in a floodway, for example stilts would not apply. Mentioned Building Commissioner was not in today so was not able to obtain a copy of the document. Stated sent an email asking what the waiver document entailed. Does not agree or feel a good idea. Stated would like a copy of the waiver request when it is written in draft form and encouraged the board to take a look at the waiver also. Asked if waiver is put forth and okayed by the State, do the local bylaws and the wetlands bylaws trump that? Reiterated not here to talk about the purchase rather how will be built. Stated feels important construction is done correctly to avoid over wash destroying a newly constructed bathroom.

Bill DiMaio, Orchard Street, thanked town for bringing the Moving Wall to Newbury. Thanked the Board for allowing him to place a wreath. Mentioned he is a veteran who served in Vietnam. Also, wanted to be certain Chief Lucey had a copy of the letter he had sent to the Newburyport daily news congratulating the five police officers who were promoted at the August 24<sup>th</sup> Select Board meeting. Felt could have been a joyous night where the officers and their family could have celebrated their promotions. Mr. DiMaio believes this was diminished by having their ethnicity and diversity challenged. Stated this was his motivation to write the letter and his intent was to have Chief Lucey to post at the station to give these officers something to be proud of.

### **Board and Committee Reports**

Report of Chairwoman Greco:

Signed PR22-04 Julie O'Brien

Signed PR22-05 Julie O'Brien

Signed PR22-05 Select Board

A.Greco reminded the Board there is a cyber training for the Board to participate in

M. Doyle asked if was a legitimate request. Mentioned he called the State and was informed was a scam

M. Cooper, IT director, confirmed legitimate and is ongoing online cybersecurity. Stated happy to answer any questions after the meeting

A.Greco stated was not required the Board participates

### **Grants, Gifts & Donations**

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

None

**Public Hearings:** Plum Island Blue LLC, application for new all alcoholic beverages, section 12, on premise hotel license

G. Walker, Select Board Clerk read the Legal Ad Posting into record

**Motion:** G. Walker moved to open the Public Hearing seconded, M. Doyle and voted unanimously

Discussion: Attorney Marci Costa and Proposed Manager of Record Tyler Thompson provided details regarding the request for a new liquor license application and proposed manager of record

Attorney Costa mentioned the intent was to provide guests the ability to purchase alcohol on the property and enjoy on the property. Is an added amenity for the guests only to purchase the beverages from the lobby and sit on their deck, the lounge area or the private beach area. Mentioned Tyler is the Manager at the hotel, he is with Lark Hotels which is the proposed management company. Stated Tyler has been in the property management business for over five years and he also is a USA citizen, Massachusetts resident and over the age of twenty-one. Lark has been managing the Blue Inn since January 2021. Mention Lark has a number of properties in New England therefore are experienced in the industry.

A.Greco entertained any questions from the Board members

M. Doyle commented he had visited the Inn and felt the set up was perfect and wished them much success

G. Heavey asked to clarify that this would allow the guest to purchase alcohol on site and enjoy in their rooms

Attorney Costa replied with the on-premise license allows guest to purchase alcohol on site and enjoy in any of the spaces on the property which includes the private beach and outdoor lounge area

G. Walker, wished them well. Also, asked to confirm there is not a bar area that is open to the public

Attorney Costa confirmed no bar area and that the beverages will be served in cans, no bottles/glass that can break

A.Greco inquired if there were any emails or inquiries from the public regarding the license

J. O'Brien confirmed no correspondence was received from the public

A.Greco invited the public to speak regarding the license

Chief Lucey, asked regarding the serving of alcohol and usage on the private beach. Inquired if there was anything that delineates what is private? Concerned with persons walking along the beach with the alcohol onto public beach

T. Thompson stated there is a rock wall and only two staircases which go down to the public beach and each of those will have signs

A.Greco addressed the Board and mentioned the purview of the Board was to keep the alcohol on the premises Asked the Board how they feel about granting the license

M. Doyle stated great idea

G. Heavey confirmed she had no problem granting

G. Walker confirmed he is comfortable granting also

A.Greco confirmed the hours the Inn is requesting

Attorney Costa confirmed they are requesting the maximum hours legally allowed by the State of Massachusetts

Discussion ensued regarding the hours requested and comparing to the other local establishment's hours of operation.

Attorney Costa confirmed only breakfast is served and is brought in

Attorney Costa stated again the alcohol is to be consumed only on the premises. Only paying guests of Inn will be allowed to purchase alcohol

L. Matthews, 111 Main Street, asked to approach the Board with a question. Inquired how will the Inn police persons in regards to removing the alcohol off the property

Attorney Costa explained this is the responsibility of the Manager to ensure that the guests follow the rules And also, to look for signs for over service

L. Matthews inquired if a guest comes back to the Inn and it is found they have legally had their limit of alcohol will they ensure they will not be served

T. Thompson replied this is part of the TIPs certification

L. Matthews inquired if everyone will be TIPs certified

T. Thompson stated that is the plan. The Manager on Record will be

L. Matthews asked if it was a Massachusetts law that everyone behind the bar had to be TIP certified after a certain amount of time?

Attorney Costa responded yes, the Manager is TIP certified and the assistant manager will get TIP certified as well

G. Walker commented may get complicated if hotel guests, invite guests to visit during their stay

Attorney Costa responded will be the same standard as the hotel guests. The goal and priority is to ensure no one leaves the property drunk and drives way

A.Greco stated the Board could request signage stating all alcohol is to remain within specific boundaries

T. Thompson stated all their properties have gated entrances so plenty of space for signage

**Motion:** M. Doyle moved to approve the new Liquor License application with hours of 8:00 a.m. to 2:00 a.m. Monday through Saturday and 10:00 a.m. to 2:00 a.m. on Sunday seconded G. Heavey, and voted unanimously

#### **New Business:**

Appointment review, approve, and sign

- Samantha Holt – Stormwater Management Team

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

Discussion: None

Approve One Day Liquor License – Wedding, Spencer Peirce Little Farm

**Motion:** M. Doyle moved to approve the One Day Liquor License seconded, G. Walker and voted unanimously

Discussion: None

Approve One Day Liquor License – Barktoberfest, Spencer Peirce Little Farm

**Motion:** M. Doyle moved to approve the One Day Liquor License seconded, G. Walker and voted unanimously

Discussion: None

Approve One Day Liquor License – Concert, Byfield Community Arts Center

**Motion:** M. Doyle moved to approve the One Day Liquor License seconded, G. Walker and voted unanimously

Discussion: None

### **Town Administrators Report**

- Received notification of Chapter 90 grant award in the amount of \$269, 580.00. T. Blais asked for a motion to accept the grant

**Motion:** M. Doyle moved to accept seconded G. Walker and voted unanimously

- Received ARPA grant funding, specifically the Essex County reallocation, in the amount \$1, 388, 415.00. T. Blasi commented stringent guidelines for usage. Utilized in response to the public health emergency and its negative impacts
- US Army Corps of Engineers, we are engaged with them for the Portsmouth Harbor federal navigation dredge project. The \$200,000 that was voted previously to help with the transportation of materials, DCR notified that the Commonwealth will be covering the cost of the partnership

G. Walker commented would like to recognize Bruce Tarr and Lenny Mirra for contributing their time to this cause

- Covid Team began meeting again
- Merrimack Valley Planning Commission held a regional round table last week. Announced the launch free assistance program for small businesses. Information can be found on the Town website
- Fiscal Year 2021 closeout we expect to have all reports completed and sent to DOR for the end of September
- T. Blais requested a carryover for 33 hours of unused vacation time through the end of December

**Motion:** G. Walker moved to approve the carry over seconded, M. Doyle and voted unanimously

**Motion:** G. Walker moved to accept the ARPA funds of \$1,388, 415.00 seconded, M. Doyle and voted unanimously

**Discussion:** Discussion ensued

G. Heavey inquired of the Chief if the Covid numbers are rising.

Chief Lucey responded there was a slight increase. As of last check in a 14-day period there was 14 cases. Does not have the numbers as of today.

G. Heavey asked if they are breaking down cases regarding who was vaccinated and who has not been

Chief Lucey responded we have just reconvened so do not have an answer right now

G. Heavey asked has there been any conversation in your group to have all employees vaccinated as the Federal Government has just required all their employees to be vaccinated

Chief Lucey reiterated the group just started up meeting again and there is no path set as of yet for recommendations

M. Doyle expressed his thanks to Chief Lucey for quickly addressing the Newbury Elementary School crossing guard situation

### **Old Business**

Review and approve recognition bench plaque

**Motion:** G. Walker moved to approve the recognition bench plaque in brass seconded, M. Doyle and voted unanimously

Discussion: Discussion ensued

Social Media Policy

**Motion:** A. Greco moved to table the Social Media Policy discussion seconded, M. Doyle and voted unanimously

Discussion: A. Greco read through the comments G. Heavey had submitted in reference to the Draft policy and also reviewed Attorney Lisa Mead responses to the comments. Discussion ensued

A. Greco requested that G. Heavey research other social media policies from local towns and share her findings with Board members

### **Correspondence**

Letters from Commonwealth of Mass Division of Marine Fisheries regarding shell fishing closures dated August 20, and 22, 2021

Letter from Shannon George with Teamsters Union Local 170 regarding possible disruption to service

**Motion:** G. Heavey moved for board to send a letter of support seconded, M. Doyle, vote two in favor two opposed

### **Review of Meeting Minutes**

Draft Meeting Minutes August 24, 2021

**Motion:** M. Doyle moved to approve the 8.24.21 Meeting Minutes seconded, G. Walker and voted unanimously

Discussion: None

### **Warrants**

VW2206  
VW2206A  
AugRfd21  
VW2206B  
PR2203  
PR2204  
PRVW2204

**Motion:** G. Walker moved to sign the Warrants seconded, G. Heavey and voted unanimously

Discussion: None

### **Executive Session:**

None

### **Meeting Updates**

M. Doyle discussed an article in the paper regarding how Amesbury received two million dollars for eight firefighters. Feels Newbury is short on firefighters. Stated he was told there was one firefighter in the Town of Newbury on Labor Day night.

A.Greco stated that is not something that is under the Boards purview and asked to entertain a motion to adjourn

G. Heavey inquired as to why the Town Administrator is not looking into these grants

T. Blais stated she was made aware of this today and will have a conversation with the Chief as she had already explained to Selectman Doyle and is happy to discuss with him

### **Adjourn**

**Motion:** At 8:37 p.m. M. Doyle moved to adjourn, seconded G. Walker and voted unanimously

Respectfully submitted,  
Julie O'Brien  
Executive Administrator