

APPROVED

**TOWN OF NEWBURY
SELECT BOARD**

MINUTES

DATE: March 28, 2023

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

Finance Committee: Chair Erica Jacobsen; Vice Chair Marshall Jespersen; Eugene Case; Thomas Howard;
Frank Visconti; Joseph Ali; Susan Noyes

Staff:

Tracy Blais, Town Administrator
Julie O'Brien, Executive Administrator
Martha Taylor, Town Planner
Patty Fisher, Police Chief

Speakers:

Lisa Mead, Mead, Talerman, and Costa
Alex Costa, Mead, Talerman, and Costa
Nolan Smith, Alliance of Climate and Environmental Stewards

Call to Order:

At 6:00 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, D. Packer

Discussion: None

Vote: Voted unanimously

Board and Committee Reports

Report of Chair Greco:

Signed PR23-19, Julie O'Brien

Grants, Gifts & Donations - None

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

Public Hearings: None

New Business:

Town Counsel Presentation - Massachusetts Superior Judicial Court ruling

Discussion: Lisa Mead, Town Counsel, addressed the Board regarding the Mass Superior Judicial Court ruling regarding public comment. Attorney Mead recommends adopting a policy for public comment, which includes time, place, and manner. Attorney Mead went on to explain this is different than speaking during a specific item, on an agenda. The Board first does not have to take any comment and second can limit that discussion to that specific item on the agenda. Also, under Massachusetts Opening Meeting Law, the Board does not have to have public comment on their agenda. Cannot regulate content of public comment.

Public Hearings can limit comment to the matter at hand for example a special permit

This Court ruling does not apply to Town Meeting

Attorney Mead addressed questions from the Board

Nolan Smith an intern with ACES Group (Alliance of Climate and Environmental Stewards) addressed the Board regarding his beach cleanup project

Discussion: Mr. Smith addressed the Board and presented a slide show providing details to the beach cleanup he organized for April 7th

Joint Meeting with Fincom, budget review and vote

Finance Committee confirmed a quorum and opened their meeting

TOWN OF NEWBURY ANNUAL TOWN MEETING APRIL 25, 2023

ESSEX SS.

TO: ONE OF THE CONSTABLES FOR THE TOWN OF NEWBURY, MASSACHUSETTS

GREETINGS:

IN THE NAME OF THE COMMONWEALTH OF MASSACHUSETTS, YOU ARE HEREBY DIRECTED TO NOTIFY AND WARN THE INHABITANTS OF THE TOWN OF NEWBURY, QUALIFIED TO VOTE IN TOWN AFFAIRS, TO MEET AT THE **NEWBURY ELEMENTARY SCHOOL GYMNASIUM AT 63 HANOVER STREET** IN SAID TOWN OF NEWBURY ON TUESDAY, THE **25TH DAY OF APRIL 2023**, AT 7:00 P.M., TO ACT ON THE FOLLOWING ARTICLES, VIZ:

GENERAL GOVERNMENT MATTERS

ARTICLE 1. To meet in our respective voting districts on Tuesday, May 9, 2023, the polls will open at 7:00 AM and close at 8:00 PM, to vote on the following offices:

Pct. 1 – Firefighter’s Memorial Hall, 3 Morgan Ave.

Pct. 2 – Newbury Town Library – 0 Lunt St.

<u>Position</u>		<u>Term</u>
Board of Assessors	(1)	Three Years
Board of Health	(1)	Three Years
Constable	(1)	Four Years

Fish Commissioner (1)	Three Years
Fish Commissioner (1)	One Year
Library Trustee (2)	Three Years
Moderator	Three Years
Planning Board (1)	Five Years
Select Board (2)	Three Years
Town Clerk	One Year
Tree Warden	Three Years
Triton Regional School Committee - Newbury	Three Years
Triton Regional School Committee - Rowley	Three Years
Triton Regional School Committee - Salisbury	Three Years
Trustee of First Settlers Burial Ground	Three Years

ARTICLE 2. To receive the reports of the Select Board, School Committee, Regular and Special Committees, and all other Town Officers, or take any other action in relation thereto.

ARTICLE 3. To see if the Town will fix the salaries and compensation of certain elective officers of the Town as follows:

Town Moderator		\$ 500.00
Select Board	Each Member	\$ 7,500.00
Board of Assessors	Chair	\$ 3,500.00
Board of Assessors	Each Member	\$ 2,500.00
Town Clerk		\$65,171.88
Tree Warden		\$ 5,000.00
Fish Commissioner	Each Member	\$ 1,300.00
Planning Board	Chair	\$ 1,500.00
Planning Board	Each Member	\$ 1,000.00
Board of Health	Chair	\$ 1,500.00
Board of Health	Each Member	\$ 1,000.00

Motion: A. Greco moved to recommend Article 3 seconded, JR Colby

Discussion: Discussion ensued

Vote:

A. Greco - Yes
 JR Colby - Yes
 G. Walker - Yes
 G. Heavey - Yes
 D. Packer - Yes

CITIZEN'S PETITIONS

ARTICLE 4. Resolution in Support of Changing the State Flag & Seal of Massachusetts

Whereas The history of the Commonwealth of Massachusetts is replete with instances of conflict between the European Colonists and the Native Nations of the region, who first extended the hand of friendship to the Colonists on their shores in 1620, and helped them to survive starvation during the settlements first winter on their land;

Whereas members of the Native Nation for whom the Commonwealth of Massachusetts is named were ambushed and killed by Myles Standish, first commander of the Plymouth Colony, at Wessagussett (now Weymouth) in April of 1623, barely two years after the Pilgrims arrived;

Whereas the Colonial broadsword held by a white hand above the head of the Indigenous person on the Massachusetts Flag and Seal is modeled after Myles Standish's own broadsword, borrowed for that purpose from the Pilgrim Hall in Plymouth by the illustrator Edmund Garrett in 1884;

Whereas the belt binding the Native's cloak on the Flag and Seal is modeled after a belt worn by Metacomet, known to the English as King Philip, who was among the Indigenous leaders that resorted to a mutually destructive war in 1675-76 in defense of Native lands against Colonial encroachment;

Whereas the proportions of the body of the Indigenous person on the Flag and Seal were taken from the skeleton of an Indigenous person unearthed in Winthrop, the bow modeled after a bow taken from an Indigenous man shot and killed by a colonist in Sudbury in 1665, and the facial features taken from a photograph of an Ojibwe chief from Great Fall, Montana, considered by the illustrator to be a "fine specimen of an Indian", though not from Massachusetts;

Whereas the history of relations between Massachusetts since Colonial times and the Native Nations who continue to live within its borders includes the forced internment of thousands of so-called "praying Indians" on Deer Island, in Boston Harbor, where they died by the hundreds of exposure in the winter of 1675, the enslavement of Indigenous people in Boston, Bermuda, and the Caribbean Islands, the offering of 40 pounds sterling as bounty for the scalps of Indigenous men, women and children in Massachusetts beginning in 1686, increased to 100 pounds sterling for the scalps of Indigenous adult males in 1722, half that amount for Indigenous women and children;

Whereas Indigenous people were legally prohibited from even stepping foot into Boston from 1675 until 2004, when that Colonial law was finally repealed;

Whereas the 400th anniversary of the landing of the Colonists at Plymouth Plantation, which gave rise to the long chain of genocide wars and deliberate government policies of cultural destruction against Native Nations of this continent, occurred in the year 2020, affording every citizen of the Commonwealth a chance to reflect upon this history and come to an appreciation of the need for better relations between the descendants of the Colonial immigrants and the Native Nations of the Commonwealth;

Whereas the land area once now known as the Town of Newbury, shares a rich Native history with modern tribal Nations such as the Abenaki and the Mi'kmaq, who have lived here for thousands of years before the first colonial settlers arrived, in 1635;

Now, therefore, **BE IT RESOLVED** that the Town of Newbury hereby adopts this resolution in support of the work of the Special Commission Relative to the Seal and Motto of the Commonwealth, established by a Resolve of the General Court in 2021 and appointed by the Governor **to recommend changes to the current flag and seal of Massachusetts**, and in support of a new seal and motto for the Commonwealth that may better reflect our aspirations for harmonious and respectful relations between all people who now call Massachusetts home. The town clerk shall forward a copy of this resolution to Sen. Marc Pacheco and Rep. Antonio Cabral, co-chairs of the Joint Committee on State Administration, who serve as members of the Special Commission Relative to the Seal and Motto of the Commonwealth, and to Rep. Leonard Mirra and Sen. Bruce Tarr, with the request that they support the work of the aforementioned Special Commission and a new flag and seal for the Commonwealth. Submitted by: Annah Powers, 32 Main St and others

Motion: Board decided to pass on Article 4

Discussion: Discussion ensued

APPROPRIATIONS

ARTICLE 5. To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide to meet the salaries and wages of Town Officers and employees, expense and outlays of the Town Departments, and other sundry and miscellaneous, but regular expenditures necessary for the operation of the Town for Fiscal Year 2024;

General Government	\$ 2,743,242
Public Safety	3,493,218
Education	11,630,402
DPW	1,457,674
Human Services	511,097
Culture & Recreation	451,648
Debt Service	921,471
Benefits	2,236,986

Total Budget **\$23,445,738**

or take any other action in relation thereto.

Motion: A. Greco moved to recommend Article 5 seconded, G. Walker

Discussion: Police Chief Patty Fisher spoke to POST

Vote:

A. Greco - Yes
JR Colby - Yes
G. Walker - Yes
G. Heavey - Yes
D. Packer - Yes

ARTICLE 6. To see if the Town will vote to raise and appropriate the sum of \$150,000.00, or any other sum, to be added to the Stabilization Fund; or take any other action in relation thereto.

Motion: G. Walker moved to recommend Article 6 seconded, JR Colby

Discussion: Discussion ensued

Vote:

A. Greco - Yes
JR Colby - Yes
G. Walker - Yes
G. Heavey - Yes
D. Packer -Yes

ARTICLE 7. To see if the Town will vote to transfer from available funds the sum of \$200,000.00, or any other sum, to fund Other Post-Employment Benefits; or take any other action in relation thereto.

Motion: JR Colby moved to recommend Article 7 seconded, D. Packer

Discussion: Discussion ensued

Vote:

A. Greco - Yes
JR Colby - Yes
G. Walker -Yes
G. Heavey - Yes
D. Packer - Yes

ARTICLE 8. To see if the Town will vote to transfer or appropriate the sum of \$95,000.00, or any other sum, from the Receipts Reserved Cable Television PEG Access Special Revenue Fund, for the support of PEG access service and programming; or take any other action in relation thereto.

Motion: JR Colby moved to recommend Article 8 seconded, G. Walker

Discussion: Discussion ensued

Vote:

A. Greco - Yes
JR Colby - Yes
G. Walker - Yes
G. Heavey - Opposed
D. Packer - Yes

ARTICLE 9. To see if the Town will vote to authorize the total expenditures for the following revolving funds pursuant to G.L. c. 44 Section 53E ½ for the fiscal year beginning July 1, 2023 to be expended in accordance with the bylaws heretofore approved;

Fund	Spending Limit
Recreation Revolving Fund	\$50,000.00
Municipal Waterways Improvement and Maintenance Fund	\$59,553.00

or take any other action in relation thereto.

Motion: JR Colby moved to recommend Article 9 seconded, G. Walker

Discussion: Discussion ensued

Vote:

A. Greco - Yes
JR Colby - Yes
G. Walker - Yes
G. Heavey - Yes
D. Packer - Yes

ARTICLE 10. To see if the Town will vote to raise and appropriate or transfer from available funds the following sums, or any other sums, to operate the Ambulance Enterprise;

Salaries & Wages	\$ 115,500.00
Expenses	98,364.00
Capital Outlay	12,000.00
Debt Service	0.00
Insurance	5,000.00
Medicare	2,195.00
Indirect Costs	62,518.00
Extraordinary/Unforeseen	12,000.00
Prior Year Deficit	0.00
Total:	\$ 307,577.00

And further that \$307,577.00 be raised as follows:
Departmental Receipts \$307,577.00

or take any other action in relation thereto.

Motion: JR Colby moved to recommend Article 10 seconded, G. Walker

Discussion: Discussion ensued

Vote:

A. Greco - Yes
JR Colby - Yes

G. Walker - Yes
G. Heavey - Yes
D. Packer - Yes

ARTICLE 11. To see if the town will vote to transfer from available funds the sum of \$6,039.43 to pay the following outstanding bill from Fiscal Year 2022:

Morton Salt \$6,039.43

Or take any other action in relation thereto.

Motion: JR Colby moved to recommend Article 11 seconded, G. Walker

Discussion: Tracy Blais provided an explanation regarding outstanding bill

Vote:

A. Greco - Yes
JR Colby - Yes
G. Walker - Yes
G. Heavey - Yes
D. Packer - Yes

ARTICLE 12. To see if the Town will vote to transfer from available funds the sum of \$50,000.00 or any other sum, to purchase Firearms; or take any other action in relation thereto.

Motion: JR Colby moved to recommend Article 12 seconded, G. Walker

Discussion: Discussion ensued

Vote:

A. Greco - Yes
JR Colby - Yes
G. Walker - Yes
G. Heavey - Yes
D. Packer - Yes

ARTICLE 13. To see if the Town will vote to transfer from available funds the sum of \$11,000.00 or any other sum, to purchase solar powered speed signs; or take any other action in relation thereto.

Motion: JR Colby moved to recommend Article 13 seconded, G. Walker

Discussion: Police Chief Fisher addressed the Board and confirmed the speed signs are mobile

Vote:

A. Greco - Yes
JR Colby - Yes
G. Walker - Yes
G. Heavey - Yes
D. Packer - Yes

ARTICLE 14. To see if the Town will vote to transfer from available funds the sum of \$13,500.00 or any other sum, to purchase flashing crosswalk beacon systems; or take any other action in relation thereto.

Motion: JR Colby moved to recommend Article 14 seconded, G. Walker

Discussion: Discussion ensued

Vote:

A. Greco - Yes
JR Colby - Yes
G. Walker - Yes
G. Heavey - Yes
D. Packer - Yes

ARTICLE 15. To see if the Town will vote to transfer from available funds the sum of \$150,000.00, or any other sum, to make repairs to the Newbury Elementary School Roof; or take any other action in relation thereto.

Motion: JR Colby moved to recommend Article 15 seconded, G. Walker

Discussion: Discussion ensued

Vote:

A. Greco - Yes
JR Colby - Yes
G. Walker - Yes
G. Heavey - Yes
D. Packer - Yes

ARTICLE 16. To see if the Town will vote to transfer from available funds the sum of \$72,645.00, or any other sum, to purchase a dump truck; or take any other action in relation thereto.

Motion: JR Colby moved to recommend Article 16 seconded, G. Walker

Discussion: Discussion ensued

Vote:

A. Greco - Yes
JR Colby - Yes
G. Walker - Yes
G. Heavey - Yes
D. Packer - Yes

ARTICLE 17. To see if the Town will vote to transfer from available funds the sum of \$1,000,000.00, or any other sum, to the Town Hall Project Account; or take any other action in relation thereto.

Motion: JR Colby moved to recommend Article 17 seconded, G. Walker

Discussion: Discussion to ensued

Vote:

A. Greco - Yes
JR Colby - Yes
G. Walker - Yes
G. Heavey - Opposed
D. Packer - Abstained

ARTICLE 18. To see if the Town will appropriate \$11,775,000.00 or any other amount, to pay costs of designing, constructing, reconstructing, furnishing and equipping the Town Hall, including the payment of all costs incidental and related thereto; to determine whether this amount should be raised by transfer from available funds, borrowing or otherwise; or take any other action in relation thereto.

Motion: JR Colby moved to recommend Article 18 seconded, G. Walker

Discussion: Discussion ensued

Vote:

A. Greco - Yes
JR Colby - Yes
G. Walker - Yes
G. Heavey - Opposed
D. Packer - Abstained

Bylaws

ARTICLE 19. To see if the Town will vote to accept Massachusetts General Laws Chapter 59, Section 5C1/2, which provides for an additional real estate exemption for taxpayers, as defined by state law, who are granted personal exemptions on their domiciles under Massachusetts General Laws Chapter 59, Section 5, Clauses 22 (a-f), for qualifying veterans and surviving spouses, and to provide that the additional exemption shall be up to 100 percent of the personal exemption, to be effective for exemptions granted for any fiscal year beginning of after July 1, 2023; or take any other action in relation thereto.

Motion: A. Greco moved to recommend Article 19 seconded, D. Packer

Discussion: Discussion ensued

Vote:

A. Greco - Yes
JR Colby - Yes
G. Walker - Yes
G. Heavey - Yes
D. Packer - Yes

ARTICLE 20. To see if the Town will vote to initiate the process to aggregate electrical load pursuant to M.G.L. c. 164, § 134 and, further, to adopt the following resolution:

WHEREAS, the Commonwealth of Massachusetts has engaged in a process to establish a competitive market place through the restructuring of the electricity market; and

WHEREAS, citizens of Newbury have a substantial economic and social interest in terms of greater customer choice and opportunities for savings in this restructured market; and

WHEREAS, the Town of Newbury hereby finds that it may be in the interest of its citizens who are electric ratepayers, both residential and commercial/industrial, to develop and secure such approvals and enter into appropriate agreements with consultants, experts and attorneys in connection with the establishment and operation of an electricity aggregation plan.

BE IT THEREFORE RESOLVED that the Town of Newbury hereby:

Publicly declares its intent to become an aggregator of electric power on behalf of its residential and business electric customers and to reestablish such plan if its operation is suspended; and

To negotiate and enter into such contracts for power supply pursuant to the plan or services for such plan, with the understanding that if a power supply contract is executed, individual consumers would retain the option not to participate in the aggregation plan and, instead, to choose any electricity alternatives they desire and, further; or take any other action in relation thereto.

Motion: G. Walker moved to recommend Article 20 seconded, JR Colby

Discussion: None

Vote:

A. Greco - Yes
JR Colby - Yes
G. Walker - Yes
G. Heavey - Yes
D. Packer - Yes

ARTICLE 21. To see if the Town will vote to amend the Town of Newbury Bylaws by adding a new Section 118, Temporary Repairs to Private Ways to read as follows:

Chapter 118: Temporary Repairs to Private Ways

§ 118-1. Purpose and Applicability

- 1) Pursuant to Massachusetts General Laws Chapter 40, Section 6N, the Select Board is hereby authorized to make temporary repairs to private ways which have been open to the public for a period of at least five (5) years and have a current paved condition, out of funds appropriated for said purpose by Town Meeting. Repair does not mean new construction.
- 2) The repairs shall be those required by public necessity, including but not limited to:
 - a) The necessity of providing adequate passable ways for public safety vehicles and other Town vehicles from public ways to private residences and Town-owned land and facilities.
 - b) The Select Board upon recommendation by the Director of Public Works, shall make the determination of public necessity.

§ 118-2. Types of Repairs

- 1) The repairs must be temporary in nature, such as filling, grading, patching and surface coating, and may include such repairs to existing drainage swales, conduits and structures as are necessary to preserve the integrity of surface repairs to the roadway, and shall not be such as to constitute a reconstruction of the roadway.
- 2) The work may include removal of brush or limbs to the extent they are impeding safe passage on the way.
- 3) The repairs shall not include the construction of new drainage structures or features.
- 4) The temporary repair shall have a minimum expected life equal to five (5) years.

§ 118-3. Petition

A minimum of two-thirds (2/3) of the owners of property abutting the portion of the way proposed to be repaired must petition for the repair, with each lot ownership entity counting as one. The Select Board is authorized to waive this requirement.

§ 118-4. Status of Way

- 1) This bylaw does not confer any obligation or duty on the Town or its agents to either initially place or to thereafter maintain and repair said private ways so that they are reasonably safe and convenient for travel by being free from defects or want of repair.
- 2) The making of such temporary repairs to private ways, no matter how often or to what extent, does not constitute an acceptance by the Town of such private ways as public ways, nor does it constitute a way being "maintained and used as a public way" under the Massachusetts Subdivision Control Law.
- 3) Any private way repaired under the provisions of this bylaw need not be brought up to full Town standards and may continue to remain a private way. Repaired private ways may be brought to Town Meeting for acceptance as a public way by completing the steps required to construct a new way under the Town's Subdivision Control Regulations, which may be amended from time to time or otherwise as allowed by law. The Town shall have no obligation to pay for the improvements of a road to bring it up to Subdivision Standards.

§ 118-6. Liability

The Town, in making repairs under this section shall not be liable for any damages to persons or property caused by negligent repair or maintenance of the private way.

§ 118-7. Indemnity Agreement

1) No repair of a private way shall be undertaken until the Select Board has in its possession agreements executed by at least two-thirds (2/3rds) of abutting owners on the portion of the way to be repaired holding the Town harmless from any additional damage arising from any negligent repair, and which includes the following provisions:

- a) that the Town assumes no liability to any owners by making the repairs;
- b) jointly and severally, to indemnify and hold harmless the Town with respect to such statutory liability and any and all other liability for claims of injury, death or property damage to such owners or third parties caused by alleged defects in the way, including attorneys' fees and other costs of defense;
- c) that should the Town decide not to continue to provide temporary repairs to such way, the owners will themselves keep such way in good repair so as to minimize the liability of the Town for having undertaken such repairs;
- d) that such repair shall not constitute "maintenance" of such way, so as to give the way the status of a way "maintained and used as a public way" under the Massachusetts Subdivision Control Law; and
- e) that if assessed for repairs, the owners will not appeal the amount of the assessment and agree that the assessment may be apportioned over the number of years of the expected lifetime of the repair to be determined by the Select Board.

§ 118-8. Continually Open to Public Use

The indemnity agreement required in Section 118-7 shall provide that any private way for which repairs and maintenance are performed pursuant to this bylaw shall remain open to public use for a period of at least twenty (20) years.

§ 118-9. Severability

If any portion of this bylaw should be determined by a court of competent jurisdiction to be invalid, such invalidity shall not affect the validity of this bylaw as a whole or impact any other portion thereof.

Or take any other action in relation thereto.

Motion: JR Colby moved to recommend Article 21 seconded, G. Walker

Discussion: Discussion ensued

Vote:

- A. Greco - Yes
- JR Colby - Yes
- G. Walker - Yes
- G. Heavey - Yes
- D. Packer - Yes

Review and approve Commercial Clam License Applications 2023/24 as listed and read:

Charlie Colby, 142 High Road
Gavin Colby, 56R Central Street
Mason Colby, 56R Central Street
Laura Colby, 171 Hay Street
Bob Colby, 171 Hay Street
Ben Colby, 158 Elm Street
Charles Colby Jr., 56R Central Street

Motion: G. Walker moved to approve the 2023/2024 Commercial Clam Licenses for the Colby's, as read and listed seconded, D. Packer

Vote: A. Greco; G. Walker; G. Heavey; D. Packer approved; JR Colby recused

New Applicants:

Alexander Atwater, 11 Bittersweet Lane
Jack Cuddy, 46B Cottage Road
Arlen Dubus, 7 Myers Lane
Gage Foley, 9 Bittersweet Lane
Russell W. Laky, 30 Riverview Drive
Paxton Laky, 30 Riverview Drive
Tyler Laky, 30 Riverview Drive
Michael D. Leahy, 12 Temple Blvd

Motion: JR Colby moved to approve the new Commercial Clam applications 2023/2024 as listed and read seconded, G. Walker

Vote: All voted unanimously to approve

Renewals:

Kyle Adams, 42 Cottage Road
Frank Bennett, 131 High Road
Peter Britz, 79 Pine Island Road
Augustus Campatelli, 12 Main Street
Timothy Castine, 6A, Rogers Lane

Joshua L. Dodge, 45 Fruit Street
Jay Dodge, 45 Fruit Street
David Elwell, 48 Fruit Street
Kailey Foley, 9 Bittersweet Lane
Douglas Foley, 9 Bittersweet Lane
Zachary Fournier, 12 Wayside Avenue
Robert Fournier, 15 Springhill Road
Fred Hoysradt, 35 Old Rowley Road
Dan Iwanowicz, 14 Wayside Avenue
Jeffrey Janvrin, 32 Forest Street
Alexander Maxon, 7 Myers Lane
Noah Merrow, 131 High Road
David Morse, 119 Main Street
Cody Nixon, 53 Plum Island Turnpike
Michael Nixon, 53 Plum Island Turnpike
Corey Nixon, 53 Plum Island Turnpike
Casey O'Brien, 2 Church Street
Travis W. Papoulias, 48 Cottage Road
William Papoulias, 48 Cottage Road
John W. Short, 120 Main Street
William Short, 145 Main Street
Paul Thistlewood, 26 Central Street
Peter Thistlewood, 26 Central Street
John K. Thistlewood, 26 Central Street
Tim West, 7R Moody Street
Thomas White, 36 Downfall Road
Jacob Wood, 9 Lunt Street

Stephen Wood, 9 Lunt Street

Motion: G. Walker moved to approve the remaining Commercial Clam Licenses 2023/2024 as listed and read seconded, D. Packer

Discussion: None

Vote: All voted unanimously to approve

Review and approve Election Worker appointments 4-1-23 to 12-31-23 as listed and read

Karen Barry, 12 Parker River Drive
Esta Bernier, 55 Elm Street
Nancy Burke, 10 Larkin Road
Alexander Burke, 10 Larkin Road
Donna Callahan, 4 Tory Lane
Deb Casey, 64 Carter St., #8 Newburyport
Carolyn Casey, 6 Forest Street
Wanda Crowe, 28 Hay Street
Jeanine Cunningham, 143 Scotland Road
Lisa Dorval, 46 Low Street
Heidi Fram, 21 Forest Street
Marlene Koslow, 36 Caldwell Farm Road
Terry Litterst, 45 Northern Boulevard
Jessica McHale, 60 Old Rowley Road
Wilma McDonald, 229 North End Blvd. Salisbury
Kathy Muse, 10 Marsh Avenue
Dave O'Neill, 31 Pearson Drive
Bernadette Powers, 11 Central Street, Unit 1
Molly Shamas, 35 Hanover Street
Joan Weyburn, 4 Harts Way, Rowley
Richard Keys, 38 Parker Street

Motion: JR Colby moved to approve the Election Workers as listed and read seconded G. Walker

Discussion: None

Vote: All voted unanimously to approve appointments

Appointment Cary Stratton Boyd - Board of Registrar - 4-1-23 to 3-31-26

Motion: JR Colby moved to appoint Cary Stratton Boyd seconded, G. Walker

Discussion: Ms. Stratton Boyd addressed the Board

Vote: All voted unanimously to approve appointment

Town Administrators Report

None

Old Business

Discuss April 15th meeting time and April 22nd meeting place and time

A. Greco stated the April 15th meeting will take place at 12 Kent Way, second floor Hearing Room from 9:00 - 11:00 a.m.

A. Greco indicated in regards to the April 22nd meeting a discussion is ongoing to opening up the old town hall building will firm up the decision for the April 22nd meeting at April 11th Select Board meeting

Correspondence

Letter from Comcast regarding changes to service

Meeting Updates

D. Packer, spoke to Town Day and a meeting he attended last Saturday. Inquired of Bill DiMaio if he had information regarding a helicopter. Mr. DiMaio replied has not been confirmed. Dana stated team wanting to work in Plum Island into the Town Day event. Model jets will be on display. Discussions regarding the model jet plane group will have a food truck at event. Would like an event to get the kids involved at the airport. Invited anyone to join in on the meetings.

A. Greco, discussed the DCC meeting last week. Superintendent explained the chapter 70 monies and the impact. Met with MMA today, discussed chapter 70 monies also. 212 school districts sharing 41 million. Legislative aid offered assistance and the subject will be elevated to top of list of fiscal policy meeting.

Review of Meeting Minutes

Draft Meeting Minutes March 7, 2023

Motion: JR Colby moved to approve the draft meeting minutes seconded, D. Packer

Discussion: None

Vote: A. Greco; JR Colby; G. Walker; D. Packer approved; G. Heavey abstained

Draft Meeting Minutes March 16, 2023

Motion: JR Colby moved to approve the draft meeting minutes seconded, G. Walker

Discussion: None

Vote: Vote unanimously to approve

Warrants:

VW2319

PR2319

RfdFeb23

PR2318

Motion: JR Colby moved to sign the Warrants seconded, G. Walker

Discussion: None

Vote: Voted unanimously to approve

Public Comment

Leslie Mathews, 111 Main Street, mentioned the Select Board has ability to be public in front of entire community and Select Board opinions are valued. Stated however, when you state your opinion may be swaying the public to go in their direction. Feels Select Board should stay in a neutral position. Feels by the Select Board professing their judgements to the community it may convolute the publics way of thinking

Bill DiMaio, 12 Orchard Street, stated at the Upper Green, civil war and WWII monument. Byfield Community Art Center there is a Civil War statue. Behind the Byfield Post Office there is a WWII monument. Went on to state a lot of veteran's activity beyond WWII. He would like to launch a team to establish a monument to be inclusive of the men and women of Newbury who will serve, are serving and have served with some words of gratitude, added to a future Select Board agenda.

Executive Session:

A. Greco moved Pursuant to Massachusetts General Law, Chapter 30A, § 21 (a)(3) to review, discuss, and consider the Board's response to the Open Meeting Law complaint against it dated March 1, 2023, filed by Jack Rybicki, and on file with the Town Clerk, whereas discussion of this matter in open session would have a detrimental effect on the Board's litigating position (and the Chair so declares it) and to reconvene in open session to vote to approve the same.

Second: G. Walker

Roll Call Vote:

A. Greco - Yes
JR Colby - Yes
G. Walker - Yes
G. Heavey - Yes
D. Packer - Yes

Motion: JR Colby moved to approve the response letter provided by Town Counsel seconded, G. Walker

Discussion: None

Vote:

A. Greco - Yes
JR Colby - Yes
G. Walker - Yes
G. Heavey - Abstained
D. Packer - Yes

Adjourn

Motion: At 8:00 p.m. JR Colby moved to adjourn, seconded G. Walker

Vote: Voted unanimously

Respectfully submitted,
Julie O'Brien
Executive Administrator