

**TOWN OF NEWBURY  
SELECT BOARD**

**MINUTES**

**DATE:** August 23, 2022

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

**Staff:**

Julie O'Brien, Executive Administrator  
Martha Taylor, Town Planning Director  
James Sarette, DPW Director  
Peter Binette, Building Commissioner  
Patty Fisher, Deputy Chief of Police  
John Lucey, Chief of Police

**Speakers:**

Jay Talerman, Town Counsel (via Zoom)

**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 PR23-03, Julie O'Brien  
Signed PR23-03, Select Board  
Signed VW23-03, Dana Packer  
Signed VW23-02, Staples

**Grants, Gifts & Donations:**

- COA donation – Dave Winters - \$25.00

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

Discussion: None

- COA donation – Alan & Mark Fisk - \$10.00

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

Discussion: None

- Purple Heart Ceremony donation – Wreath – Bill and Gerry DiMaio

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

Discussion: None

**New Business:**

- Coastsweep – Plum Island Beach cleanup event

Motion: JR Colby moved to approve Coastsweeps clean up event on Plum Island, Sunday, September 18<sup>th</sup> rain date the following Sunday, September 25<sup>th</sup> from 9:00 a.m. to 12:00 p.m. seconded, G. Walker and voted unanimously

Discussion: Becky MacKnight spoke to the Board regarding the proposed cleanup event

**Public Hearing: 7:15 p.m.**

- National Grid and Verizon Pole Petition

Motion: G. Walker moved to open the Pole Petition Public Hearing seconded, G. Heavey and voted unanimously

Chair confirmed with Executive Assistant copies of Legal Ad cutsheet and Certified Mail green cards have been received

Chair invited applicant to present project to the Board.

John Butler with National Grid approached the Board and provided details to the project

Discussion: John Butler answered questions from the Board members

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

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

- Approval of Transfer of Liquor License

Motion: JR Colby moved to open the Transfer of Liquor License public hearing seconded, G. Walker and voted unanimously

Chair confirmed with Executive Assistant that the Legal Ad cutsheets were received

Chair invited the applicant to present project to the Board

Attorney Joe Devlin for the applicant and James Sullivan, proposed manager, approached the Board and provided a summary of their application

Discussion: Discussion ensued

Motion: JR Colby moved to approve sending the Transfer of Liquor License application to the ABCC seconded, G. Walker and voted unanimously

Motion: JR Colby moved to close the Transfer of Liquor License public hearing seconded, G. Walker and voted unanimously

- Special Permit Application

Motion: JR Colby moved to open the Special Permit Application public hearing seconded, G. Walker and voted unanimously

Chair confirmed with the Executive Assistant copies of the Legal Ad cutsheets and Certified mail green cards have been received

The Chair asked the applicant what propose of use was. Damon Jespersen approach the Board read a prepared statement.

A.Greco asked for a clarification from D. Jespersen what he is going to use the barn for

D. Jespersen replied, Craft fairs, weddings, classes. Stated his understanding is Entertainment is not allowed which he believed includes music

D. Jespersen asked for clarity as to what is allowed, what is a good fit for the Town and asked for Town Counsel to speak to the matter

Jay Talerman, Town Counsel, Mead, Talerman and Costa, spoke to the matter via Zoom. Spoke to the process as to where we are. Explained we are not in a good place to receive the application. Mentioned a discussion at the Building Department level. It was discussed that the proposed uses were not allowed under Zoning bylaws. After more review including by Town Counsel, it was suggested though not an ideal fit, some of the items might fit under a Commercial indoor/outdoor recreational context. The expectation was that there would be a Special Permit application for Recreational area. That did not happen rather there was an application for Commercial Entertainment which is not an allowed use in the district. Explained important to have the wording on the application correct as it guides not only the Board and applicant but more importantly informs the public of what may be proposed on this project. The Public Hearing process is for interested members of the public. Requirements of the public notice. Mentioned the discussion with the Building commissioner. Therefore, if the applicant does not want to pursue the Commercial Entertainment, and instead wants to proposed a special permit for something that may be allowed, then Hearing needs to be re noticed. Stated cannot have a Public Hearing that was not properly before the Board

D. Jespersen, inquired regarding the ad posting stating Commercial and Entertainment uses, feels commercial and recreational should be covered under that and asked Attorney Talerman why it is not

Attorney Talerman, explained it does not describe anything nor did the application mention recreational

A.Greco explained the options currently available. If Board moves forward on application as it stands, Board will have to deny as use not allowed; if applicant chooses to amend the application to commercial recreation, the

hearing must be continued so new notice may be sent to abutters and re published in the newspaper; If unsure which direction we can continue the matter but cannot have any discussion on the matter tonight

D. Jespersen stated would like to continue with a date certain and resubmit an amendment or application. Stated would consult with his own legal counsel to be certain he does everything correctly

Motion: G. Walker moved to continue the Public Hearing to October 25, 2022 at 7:15 p.m. seconded, JR Colby and voted unanimously

#### **New Business:**

- Establish Local Historic District Study Committee for the Lower Green

Motion: JR Colby moved to approve establishing a local historic district study committee for the Lower Green seconded, D. Packer and voted unanimously

Discussion: Glenna and Robin Etheridge, 6 Newman Road, spoke to the project. Have a Petition signed by 141 residents. Robin read the petition in to record. Currently no preservation protection for the lower green. There would be no cost to the town should designation be awarded

A. Greco read the steps involved in establishing a Historical District

Discussion: Discussion ensued amongst the Board members

G. Heavey mentioned a monument on the Lower Green that mentioned the First Settlers had inquired regarding a monument with names inscribed. Stated she believes just listed men and suggested perhaps that was something that could be worked on

Jan Forest, Historical Commission, spoke to the monument. Stated not a complete list. List includes only persons who paid for the monument. Historic society has a complete list of the first settlers

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

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

Discussion: None

- New Business License, Ahrie Shin, dba Ahrie.ttt, 65 Newburyport Turnpike, Newbury, Tattoo Studio

Motion: JR Colby moved to approve the new Business License seconded, G. Walker and voted unanimously

Discussion: Applicant Ahrie Shin approached the Board and provided information regarding her new business application

- Review, approve and sign FY23 Appointment:
  - Human Resource Board - Patty Fisher
  - Special Police Officer – R. Perry Collins

Motion: JR Colby moved to approve the Human Resource Appointment seconded, G. Walker and voted unanimously

Discussion: Patty Fisher, Deputy Police Chief, approached the Board and discussed why she requested the nomination

A.Greco read a letter from Mark Gleckman, Human Resource Board chair, in support of Patty joining the HR Board

Chief John Lucey thanked the Board for the opportunity to serve on the Human Resource Board for the past several years

Motion: JR Colby moved to approve the Special Police Officer appointment seconded, G. Walker and voted unanimously

Discussion: Chief Lucey spoke to the appointment

- Request to reduce speed limits on Plum Island Blvd. and Coleman Road to 25

Motion: JR Colby moved to approve reducing the speed limit to 25 on Plum Island Blvd. seconded, G. Walker and voted unanimously

Motion: JR Colby moved to approve reducing the speed limit to 25 on Coleman Road seconded, G. Walker and voted unanimously

Discussion: Chief Lucey spoke to the matter and answered questions from the Board. Deana Sullivan, Coleman Road, spoke to the traffic on Coleman Road. Stated grateful for the speed limit reduction and asked that when the signs are posted that they be visible

- Municipal Building Committee Charge

Motion: JR Colby moved to accept the Municipal Committee Charge seconded, G. Walker and voted unanimously

Discussion: Discussion ensued

- Municipal Building Committee Appointments:
  - John Kellar
  - Eric Svahn
  - Bob Connors
  - Dana Packer
  - Martha Taylor

Motion: JR Colby moved to approve the appointment of the Municipal Building Committee appointments as listed seconded, G. Walker, 4 votes in favor, one vote opposed, the motion passes

Discussion: Discussion ensued

**Old Business:** None

**Town Administrator Report:**

## **Declare Surplus:**

Town Clerk is requesting a safe currently housed in their storage unit be declared surplus and auctioned off

Motion: JR Colby moved to declare the safe surplus seconded, D. Packer and voted unanimously

## **ARPA Fund Requests**

### **1. Poll Pad - \$6,100**

- The Town Clerk is asking for funds for poll pads which have replaced the outdated and inefficient paper model.
- The Poll Pad solution provides a seamless electronic voter check-in and verification process for election authorities
- Requesting 2(two) poll pads per precinct

**Motion:** JR Colby moved to approve using \$6,100 of ARPA Grant Funds towards the purchase of Four new poll pads, seconded, G. Walker and voted unanimously

Discussion: Discussion ensued

### **2. AED Standardized Replacement \$ 49,000**

- Town of Newbury Police, Fire and Town Offices requesting 22 AED Devices to be deployed in Town Offices and facilities, emergency response vehicles
- The Town of Newbury Fire, Police and Town offices are currently utilizing inconsistent and outdated AED devices
- This appropriation will standardize all AED devices, providing training units, provide start-up pediatric and adult pads for each device

Motion: JR Colby moved to approve the use of \$49,000 ARPA funds for 22 AED standardized replacements, seconded, G. Walker and voted unanimously

### **3. DPW - Wheeled Excavator \$195,000**

- Replace 2013 Wacker Neuson wheeled excavator
- Projected to be replaced next year on Capital Improvement list
- Experiencing issues with the machine, broken more often than not
- Currently only machine DPW has that does this type of work

Motion: JR Colby moved to approve the use of \$195,000 ARPA funds to purchase a Wheeled Excavator Seconded, G. Walker and voted unanimously

Discussion: James Sarette, DPW director spoke to the ARPA request

## **Public Comment:**

None

## **Correspondence:**

- Letter from Xfinity regarding changes to service

## **Meeting Updates:**

A.Greco mentioned the upcoming DCC meetings

### **Review of Meeting Minutes**

- Approve Draft Meeting Minutes 7.26.22

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

Discussion: None

### **Warrants**

VW2227

VW2301

PR2227

PRVW2301

PRVW2226

PR2226

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

Discussion: None

### **Executive Session:**

None

### **Adjourn**

**Motion:** At 8:50 p.m. JR Colby moved to adjourn seconded, A Greco and voted unanimously

Discussion: None

Respectfully submitted,  
Julie O'Brien  
Executive Administrator