

**TOWN OF NEWBURY
SELECT BOARD**

MINUTES

DATE: June 14, 2022

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

Staff:

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

Speakers:

Tom Hughes – Hughes Environmental Consulting

Call to Order:

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

Motion: G. Walker moved to open the meeting seconded D. Packer, and voted unanimously

Public Comment

David Maida 61 Larkin Road, addressed the article in the Daily News last week regarding the opening of Larkin Road. Stated he was quoted in article and wanted to comment on that. Stated safety is his number one concern. Discussed why they proposed the gate. Mentioned road will become a high traffic short cut with unlimited weight capacity. Further mentioned the current construction trucks, they are heavy, cannot stop quickly and take up the whole road. Commented spoke with Fire Department on Central and asked how many emergency calls they receive on Larkin Road, reported a few times a year. Provided statistics 31 homes on Larkin Road, 10 of 31 purchased homes after, road was closed. Georgetown, 9 closest to culvert were built after 1983, now adding 10 more homes. Mentioned laws cited by the Town from the 1800's does not apply to current situation. Feels this is not reopening a public way and restoring what was there before it is creating a whole new situation in his opinion. Reiterated his conversation with the paper was all about safety.

Justin Londergan, 38 Larkin Road, mentioned Gerry Heavey asked for item to be on agenda tonight and that didn't happen so stated would use this time as efficiently as he could. Stated Select Board left the fate of Larkin Road to annual Town Meeting and turn over to the Will of the People and at town meeting the people spoke. Stated will of the people ignored. Stated this situation has become far bigger than Larkin Road. Said this is about honoring the vote. Thanked everyone for their support on their petition he launched four days ago. Spoke to MGL Part 1, Title 7, Chap 39, Section 10. Stated he has over 300 signatures on petition to request a Special Town Meeting. Stated was the first Special Town Meeting to be called in Newbury's 386-year history. Asked the Chair to accept this as a formal receipt of request to hold a Special Town Meeting.

There was discussion regarding who should receive the petition first, Select Board or Town Clerk. The Town Clerk must certify all the signatures on the Petition.

Jack Rybicki, 37 Larkin Road, stated his understanding of the process. Because petition was requesting a Special Town Meeting, needs formal acceptance from the Select Board, then goes to Town Clerk for verification and then the clock starts ticking.

Motion: A. Greco moved to accept the Special Town Meeting seconded, G. Walker and voted unanimously

Board and Committee Reports

Report of Chair Greco:

Signed VW22-25, Staples.

Signed VW22-26, North of Boston

Signed PR22-24, Julie O'Brien

Chair Greco reported the Eagle Scout project on Central Street was complete, the flag pole is up

Mentioned Newbury Town Day takes place be June 18th and read a list of activities

Grants, Gifts & Donations

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

None

Public Hearings:

None

New Business:

Renew Business License – Geraldine Dorr (Geraldine Madigan-Dorr Trust), dba Wheelhouse Parking, 49 Northern Blvd., parking lot, popcorn machine, slush machine/water

Motion: G. Walker moved to approve the business license renewal seconded D. Packer, and voted unanimously

Discussion: none

Request for Public Property Use – American Hand Fire Engine Society, Newbury Green, Old Fashion Fireman's Muster

Motion: G. Walker moved to approve the Public Property Use request, seconded D. Packer and voted unanimously

Motion: G. Heavey moved to waive umbrella insurance and have participants sign a consent and release form seconded G. Walker, and voted unanimously

Discussion: Discussion ensued

One Day Liquor License – BCAC, Newbury Town Day Rev Up Concert, June 18, 2022

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

Discussion: None

One Day Liquor License – North Shore Bartending, Wedding at Governor’s Academy, June 18, 2022

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

Discussion: Discussion ensued

Request to grant permission to file a Notice of Intent with the Conservation Commission

Motion: G. Walker moved that the Board authorize the filing of a Notice of Intent for work to be done in 33rd Street by Sea Chanty LCC or their representative, so long as Right of Entry is entered into by the Applicant at the time work is to be undertaken and so long as the road is restored to its prior condition, seconded D. Packer, and voted unanimously

Discussion: Tom Hughes with Hughes Environmental Consulting provided details to the Board regarding 3, 33rd Street. Provided an aerial shot showing where the proposed driveway will be. Displayed a site plan to provide a visual to the Board. Stated needs the Boards permission to file a Notice of Intent with the Conservation Commission. Entertained questions from the Board members.

Discussion: Discussion ensued

Review, approve, and sign – FY23 Appointments

Select Board FY23 Appointments

Agricultural Commission (3 year term) 7/1/22 – 6/30/25

- John Nutile

Motion: G. Walker moved to approve the agricultural appointment seconded D. Packer, and voted unanimously

Discussion: None

Border to Boston Trail Committee (1 year term) 7/1/22 – 6/30/23

- Martha Taylor
- Steve Fram
- Cynthia Raschke
- Ted Russell

Motion: G. Walker moved to approve the Border to Boston appointments seconded D. Packer, and voted unanimously

Discussion: None

Conservation Commission (3 year term) 7/1/22 – 6/30/25

- Anthony Conte
- Robert Connors
- Dianne O'Brien

Motion: G.Walker moved to approve the Conservation Commission appointments seconded D. Packer, and voted unanimously

Discussion: None

Council on Aging (1,2,3 term) 7/1/22 – 6/30/23

- Damon Jespersen
- Susan Grillo

Motion: G. Walker moved to approve the COA appointments seconded D. Packer, 3 in favor, 1 opposed, the motion passes

Discussion: None

Cultural Council (3 year term) 7/1/22 – 6/30/25

- Bart Bracken

Motion: G. Walker moved to approve the Cultural Council appointment seconded D. Packer, and voted unanimously

Discussion: None

Executive Administrator to the Select Board (1 year term) 7/1/22 – 6/30/23

- Julie O'Brien

Motion: G. Walker moved to approve the Executive Administrator to the Select Board appointment seconded D. Packer, and voted unanimously

Discussion: None

Election Workers 6-14-22 to 12-31-22

- Richard Keys, 38 Parker St.
- Barbara Murray, 12 Columbia Way

Motion: G. Walker moved to approve the election worker appointments seconded D. Packer, and voted unanimously

Discussion: None

Finance Committee (3 year term) 7/1/22 – 6/30/25

- Eugene Case

- Thomas Howard
- Marshall Jespersen
- Susan Noyes

Motion: G. Waller moved to approve the finance committee appointments seconded D.Packer and voted unanimously for Eugene Case, Thomas Howard and Marshall Jespersen. 3 voted in favor and 1 opposed for Susan Noyes

Discussion: Discussion ensued

Historical Commission (3 year term) 7/1/22 – 6/30/25

- Jan Forrest
- Eva Jackman

Motion: G. Waller moved to approve the Historical Commission appointments seconded G. Heavey, and voted unanimously

Discussion:

Human Resource Board (3 year term) 7/1/22 – 6/30/25

- Diane Doyle
- John Nelson Ferrara
- Anthony Antico

Motion: G. Walker moved to approve the Human Resource Board appointments seconded D. Packer, and voted unanimously

Discussion: None

Merrimack Valley Planning (1 year term) 7/1/22 – 6/30/23

- Martha Taylor/Commissioner (Planning Board vote 6/1/22)
- Lawrence Murphy/Alternate Commissioner (Planning Board vote 6/1/22)

Motion: G. Walker moved to approve the MVP appointments seconded D.Packer, and voted unanimously

Discussion: Discussion ensued

Municipal Vulnerability Task Force (1 year term) 7/1/22 – 6/30/23

- Tracy Blais
- Douglas Janvrin, Jr.
- John Lucey
- Peter Binette
- John O'Connell
- Samantha Holt
- Deborah Rogers
- James Sarette
- Martha Taylor

- Geoffrey Walker

Motion: D. Packer moved to approve the MV Task Force appointments seconded G. Heavey, 3 votes in favor, 1 abstained the motion passes

Discussion: M. Taylor, Town Planning Director, provided information regarding the purpose of the Task Force

Newbury Improvement Trust Fund Trustees (1,2,3 year term)

- Lynn Kattleson – 7/1/22 – 6/30/23

Motion: G. Walker moved to approve the Newbury Improvement Trust Fund Trustees appointment seconded D.Packer, and voted unanimously

Discussion: None

Open Space Committee (1 year term) 7/1/22 – 6/30/23

- Martha Taylor
- Mike Carbone
- McDonough Scanlon

Motion: G. Walker moved to approve the Open Space Committee appointments seconded D. Packer, and voted unanimously

Discussion: None

Planning Board Associate Member (1year term) 7/1/22 – 6/30/23

- Mary Stohn (Planning Board vote 6/1/22)

Motion: G. Walker moved to approve the Planning Board Associate Member appointment seconded D. Packer, and voted unanimously

Discussion: None

Recreation Committee (1 year term) 7/1/22 – 6/30/23

- Mark Sandt
- Mary Anastasio
- JR Colby – Select Board Rep.
- Cindy Currier – COA Rep
- Ben Norton – Triton High School Rep

Motion: G. Walker moved to approve the Recreation Committee appointments seconded D. Packer, and voted unanimously

Discussion: None

Special Municipal Employee Consultant to the Town (1year term) 7/1/22 – 6/30/23

- Timothy Meehan
- Thomas Hughes

Motion: G. Walker moved to approve the Special Municipal Employee Consultant to the Town appointments seconded G. Heavey, and voted unanimously

Discussion: None

Town Counsel (3 year term) 7/1/22 – 6/30/25

- Mead, Talerman & Costa

Motion: G. Walker moved to approve the Town Counsel appointment seconded D. Packer, 3 votes in favor, 1 opposed the motion passes

Discussion: Discussion ensued

Zoning Board of Appeals (3 year term)

- Eric Svahn (3 year term) 7/1/22 – 6/30/25
- Jack Kelly - Associate Member (1 year term) 7/1/22 – 6/30/23
- Michelle Weidler – Associate Member (1 year term) 7/1/22 – 6/30/23

Motion: G. Walker moved to approve the Zoning Board of Appeals appointments seconded D. Packer, and voted unanimously

Discussion: none

Police Department

(1 year term) 7/1/22 – 6/30/23:

- Brad DiCenzo – Reserve Police Patrolman
- Theodore Dillion – Reserve Police Patrolman
- Peter Forgione – Reserve Police Patrolman
- Carol Larocque – Animal Control Officer & Animal Inspector
- Martha Leahy – Administrative Assistant
- Martha Leahy – Police Department Chaplain
- Michael Mailhot – Reserve Police Patrolman
- Roger Merry – Special Police Officer
- Jay Routhier – Special Police Officer
- James Velonis – Reserve Police Patrolman
- Reed Wilson – Assistant Animal Control Officer

Motion: G. Walker moved to approve the 1 year police appointments seconded D. Packer and voted unanimously

Discussion: Patty Fisher, Deputy Chief of Police, provided definitions of Reserve and Special police officer

Police Departement

(3 year term) 7/1/22 – 6/30/25

- John Baker – Full Time Police Patrolman
- Jason daCunha – Police Sergeant
- Nathan Hunter – Full Time Police Patrolman
- Douglas Janvrin, Jr - Deputy EMD
- Stephen Jenkins – Police Sergeant
- John Lucey III – Full Time Police Patrolman
- Alexander MacMullen – Full Time Police Patrolman
- Mark Smigielski – Police Sergeant
- Stephen Smith – Full Time Police Patrolman
- Aaron Wojtkowski – Police Detective Sergeant

Motion: G. Walker moved to approve the 3-year police appointments seconded D. Packer, and voted unanimously

Discussion: None

Town Administrators Report

Shellfish Constable

- Paul Thistlewood has been hired to fill the Full time DPW Laborer position leaving the Shellfish Constable position vacant
- I have been in contact with the Chairman of the Shellfish Commission and we will be working with Chief Lucey to review the existing position to consider consolidating it with other municipal functions before advertising the role
- In the meantime, Chief Lucey has informed me that he has been in touch with the MA Environmental Police Agency and informed them of the vacancy. In order to assure compliance, they will be assisting us with patrolling our clam flats until a new enforcement official is hired.

Discussion: Deputy Chief Patty Fisher offered some information regarding the topic

Library

- Has been painted and has had the carpets replaced

Senior Center

- Majority of the work has been completed and we have been handed the keys
- Waiting for furniture before we can officially transition the majority of the operation to the new location

Conservation Agent is working on grant funding for the Larkin Dam Removal Project

Paving Continues

- Portion of Elm and Central Streets; beginning at Elm St from School St to the Georgetown line
- Central St from School St to Elm St

Finance Department

- Efforts will be focused on the closing of the fiscal year which ends on June 30th

Newbury Town Day is Saturday June 18th

- Byfield Fire Company will be celebrating their 100th anniversary with an open house from 12-4pm with a food truck, bounce house and a touch a truck event. Newbury Fire Station on Morgan Ave will also be holding their touch a Truck event from 12-1:30pm

Old Business

None

Correspondence

Letter from Xfinity regarding revised information
Letter from Xfinity regarding changes to service

Meeting Updates

None

Review of Meeting Minutes

Draft Meeting Minutes 5/24/22 for approval

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

Discussion: None

Warrants

PR2224
PRVW2224
VW2225
PR2223
VW2225A
VW2224
VW2224A
PRVW2223

Motion: A. Greco moved to sign the warrants seconded G. Walker and voted unanimously

Discussion: None

Executive Session:

Motion: G. Walker moved, Pursuant to Massachusetts General Law, Chapter 30A, § 21(a)(7) to review for approval and release the following executive session minutes in accordance with Chapter 30A, §§ 22(f) and (g) and to reconvene in open session to vote whether to approve and release said minutes:
Executive session on February 23, 2021 pursuant to Massachusetts General Law, Chapter 30A, § 21 (a)(3) to discuss strategy regarding litigation to wit Seacoast Canine, LLC and Jennifer Ford v. Town of Newbury Zoning Board of Appeals, et al, Land Court 21 MISC 00067, concerning property at 35 Downfall Road, and subject to the Chairperson's declaration that the holding of a discussion on this matter in open session would be detrimental to the public interest and would have a detrimental effect on the Town's litigation position.

Second: G. Heavey

Roll call vote:

Alicia Greco – Yes

Geof Walker – Yes

Dana Packer – Yes

Gerry Heavey – Yes

Motion: G. Waller moved to approve the February 23, 2021 Executive Session minutes

Second: G. Heavey

Roll call vote:

Alicia Greco – Yes

Geof Walker – Yes

Dana Packer – Abstained

Gerry Heavey – Yes

Motion: G. Heavey moved to release the February 23, 2021 Executive Session minutes

Second: G. Walker

Roll call vote:

Alicia Greco – Yes

Geof Walker – Yes

Dana Packer – Abstained

Gerry Heavey - Yes

Adjourn

Motion: At 8:06 p.m. G. Walker moved to adjourn, seconded D. Packer and vote unanimously

Discussion: None

Respectfully submitted,

Julie O'Brien

Executive Administrator