



**Town of West Newbury
Board of Selectmen**

Tuesday, September 25, 2017 7:00 p.m.
381 Main Street, Town Office Building
www.wnewbury.org

Chairman Archibald called the meeting to order at 6:48pm. In attendance were Selectmen David W. Archibald, Chairman, Glenn A. Kemper and Joseph H. Anderson, Jr. Also in attendance were Town Counsel Michael P. McCarron and Executive Administrator Mary Winglass.

Chairman Archibald moved to go into Executive Session under MGL Chapter 30A §21(a) 6: To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body. Second by Selectman Anderson with a unanimous roll call vote: Archibald – aye, Anderson – aye, Kemper – aye.

Chairman Archibald reconvened the open session at 7:00 PM in the First-Floor Hearing Room

Regular Business

- I. Joint meeting with the Town Moderator and the Finance Committee to review the 2017 Fall Town Warrant and Meeting set for October 23, 2017

The Board along with the Finance Committee, and Town Moderator reviewed the articles for the October 23, 2017 Meeting.

Mr. DeLena stated that Finance Committee voted 6-0-0 in favor, for Article 2, which states: *To see if the town will vote to transfer \$1,471.78 from available funds to pay outstanding bills from prior years' expenditures: \$1,024.00 – FY'16 Board of Registrars, \$ 389.94 – FY'16 Town Clerk, \$57.84 – FY'15 Town Clerk*

Selectmen Kemper made a motion that they are all in favor for the Article 2. Seconded by Selectman Anderson. Motion Passed.

Mr. DeLena stated that the conditions of the vote for Article 3 were 5-0-0 in favor with the provision that 500,000 would be added from free cash account to school stabilization. Article 3 states the following: *To see if the town will vote to transfer from Free Cash the sum of \$114,000 to reduce the current year tax rate*

Selectman Anderson made a motion to approve the Article 3. Seconded by Selectman Kemper. Motion Passed.

John McGrath requested that Article 3 be stated that up to \$500,00 be put in the fund to help reduce the tax rate. He voiced his concern that it is not fair that tax payer's money will be put into an account for the school stabilization fund in which there is not a set cost of the school project. He feels that there is too much uncertainty with the school stabilization fund and buying down the tax rate is more important; relocating excess funds which is taxpayers' money, by dedicating the money to something with no cost. Selectman Anderson stated that the town is going to need it shortly for the school project and doesn't want to have to considerably raise the tax rate. Other members of the Finance Committee stated that they are in favor of this article, and feel that while there is not an amount on the school project that the tax payers would be satisfied knowing the money is going into a dedicated fund.

The Board and the Finance Committee agreed to have a joint meeting on October 16, 2017 to discuss Capital planning, free cash and the school project.

Mr. DeLena stated they voted 5-0-0 in favor for Article 4. Article 4 states: *To see if the town will vote to raise and appropriate and/or transfer from available funds the sum of \$150,000 for the town manager's salary, benefits and expenses.*

Selectman Anderson made a motion to approve Article 4. Seconded Selectman Kemper. Motion Passed.

Mr. DeLena stated that they voted 5-0-0 in favor for Article 5, which states: *To see if the Town will vote to amend Section XL of the Town Bylaws by deleting the present section 5.2.1 thru 5.2.5 and replacing it with the following in order to establish a revolving fund for allocating fines and penalties collected by the G.A.R. Library for the purchase of library materials, to wit:*

5.2.1 G.A.R. Library Fines and Penalties Revolving Fund.

5.2.2 Department. There shall be a separate fund called the G.A.R. Library Fines and Penalties Revolving Fund authorized for use by the Trustees of the G.A.R. Library.

5.2.3 Revenues. The town accountant shall establish the G.A.R. Library Fines and Penalties Revolving Fund as a separate account and credit to the fund all the monies received in connection with the collection of fines and penalties for lost, damaged or destroyed library materials.

5.2.4 Purposes and Expenditures. During each fiscal year, the Trustees of the G.A.R. Library may incur liabilities against and spend monies from the G.A.R. Library Fines and Penalties Revolving Fund for the purchase of library materials.

5.2.5 Fiscal Years. The G.A.R. Library Fines and Penalties Revolving Fund shall operate for fiscal years that begin on or after July 1, 2018 and shall continue until such time as town meeting votes to eliminate the fund.

Selectmen Anderson made a motion to approve Article 5. Seconded by Selectmen Kemper. Motion Passed.

Mr. DeLena stated that they were 5 in favor with one 1 abstaining of Article 6. Article 6 states: *To see if the town will amend the Zoning Bylaw, Section 10 Groundwater Protection Overlay District by amending the Groundwater Protection Map to incorporate 31 Dole Place and Wellfield #1 located at 999 Main Street and to revise the title of the map to correspond to the Zoning Bylaw and to amend the date of the Map in Section 10.D.*

Selectman Anderson motioned to approve Article 6. Second by Selectman Kemper. Motion Passed.

The Finance Committee voted 6-0-0 on Article 7, which states the following: *To see if the town will amend the Zoning Bylaw, Section 4.E to add a temporary moratorium on the use of land or structures for the operation of any marijuana establishments, as defined in G.L. c. 94G Section 1. This moratorium shall be in effect through December 31, 2018.*

Selectman Anderson read a document from the Mass DEP that stated that both well sites were approved, with the stipulation that the ground water protection overlay district map be modified to include zone 1 and zone 2 for both proposed sources.

McCarron stated Zone 3 is a designation for DEP, and has no effect per the ground water protection bylaw. He further clarifies that there is nothing in Zone 2 that isn't prohibited with a residential zone with the possible exception that proper storage for animal waste. Chairman Archibald stated that they are not aware of existing operations within the radius of the zones.

Selectmen Anderson made a motion to approve Article 7. Seconded by Selectmen Kemper. Motion Passed.

The Finance Committee was 4 in favor, and 1 opposed for Article 8. Article 8 states *to see if the town will amend the zoning bylaw section 4.E to add temporary moratorium on the use of land or structures for the operation of any marijuana establishments as defined in general law Chapter 94 G section 1. This moratorium will be in effect through December 31, 2018.*

The opposition opinion was because the majority of the town already voted to legalize it. Selectman Anderson stated that this article is to legalize it for commercial purposes. He also stated that there would have to be a vote on the ballot. McCarron stated that many towns have adopted the moratorium, and that this gives the opportunity to know the rules and regulations from the state.

Selectman Anderson made a motion to approve Article 8. Seconded Chairman Archibald. Motion Passed.

Selectman Anderson recommended for Elise Grammer to include the ground water protection map, and the Marijuana Bylaw in the appendices. He also proposed to have a large color Zoning map for display at the meeting.

II. Invoice Warrant

Selectman Anderson moved to approve and signed the invoice warrant. Second by Selectman Kemper. Motion passed.

Respectfully Submitted,

Lori Dawidowicz
Recording Secretary