



**Town of West Newbury
Board of Selectmen**

Monday, August 7, 2017 7:00 p.m.
381 Main Street, Town Office Building
www.wnewbury.org

Chairman Archibald called the meeting to order at 6:43pm. In attendance were Selectmen David W. Archibald, Chairman, Glenn A. Kemper and Joseph H. Anderson, Jr. Also in attendance Town Counsel Michael McCarron and Executive Administrator Mary Winglass.

Chairman Archibald moved to go into Executive Session under MGL Chapter 30A §21(a) 7: To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements (Elliot Fund); 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; MGL Chapter 30A §21(a) 3: To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares. (Police Department Union Contract). Second by Selectman Anderson with a unanimous roll call vote: Archibald – aye, Anderson – aye, Kemper – aye.

Chairman Archibald moved to close the Executive Session at 7pm. Second by Selectman Kemper with a unanimous roll call vote: Archibald – aye, Kemper – aye, Anderson – aye.

Chairman Archibald reconvened the open session at 7:07 PM in the First-Floor Hearing Room

Announcements

Chairman Archibald made an announcement that there is a proposal request for a survey on historic properties due September 1, 2017 10AM. The complete proposal is available online at www.wnewbury.org

Chairman Archibald made an announcement that there is an essay contest by the Mass Municipal Association. The essay would begin with the following: If I were elected a leader of my committee I would make a difference by... This contest is for 8th graders, and an inaugural poster contest for 3rd graders. This essay contest is to raise public awareness and promote attributes of good government encouraged the future leaders of Massachusetts to take an active interest in the hometown government. Information will be posted on the website.

Selectman Anderson made a motion to support the participation of our third grades and/or eighth grade students in the MMA's 2017 Statewide Essay and Poster contest. Seconded by Selectman Kemper. Motion Passed.

I. Police Chief Reed: Reserve Officers

Chief Reed requested the Selectman's approval to appoint John O'Connor and Chris Reed as Reserve Officers. Reed stated that each officer will be required to completed at least 4 shifts a month.

Selectman Anderson made a motion to approve John O'Connor as a Reserve Police Officer through June 30, 2018. Seconded by Chairman Anderson. Motion Passed.

Selectman Anderson made a motion to approve Chris Reed as a Reserve Police Officer through June 30, 2018. Seconded by Chairman Anderson. Motion Passed.

II. Surplus Police Equipment: Drug Forfeiture Vehicle

Chief Reed stated that in 2015 a vehicle was involved in a drug related case, the District Attorney and the Police Department have that vehicle secured and now it can be put out to auction. Reed stated that the funds received from the sale is expected to be around \$3,500 and that it will be split between the District Attorney's office and the West Newbury Police Department. He stated the Police Department will place the funds in the Drug Forfeiture Account, in which can be used for drug related cases.

Selectmen Kemper made a motion to handle the surplus request as any other surplus they have done in the best. He requested that Andy Gould provide an update at the following meeting. Seconded by Chairman Archibald. Motion Passed.

III. Open Space Committee: 61A Property and Trails

Patricia Reeser, Open Space Committee stated that there are two open associate member positions. She requested that Brad Buscher be appointed and the Selectmen stated he needs to submit his conflict of interest (COI) before he can be appointed.

Patricia Reeser also discussed the renewal process of 61A properties. She stated that land owners are selling off their land by piece meal which is not enough land that the Open Space Committee can pursue. Patricia is requesting that the Open Space Committee receive a list of all the properties that didn't renew to allow the Open Space Committee to research if there is a possibility to pursue open space land. The bylaw states that the landowner is obligated to give notice of intent to sell or to convert within one year of not renewing 61A. Richard Baker, Board of Assessors stated that for any chapter land there is a deed restriction on the property. To come out of chapter land there are many reason such as a sale, or converting it to non-chapter use such as agricultural use or to do nothing. He added that Meredith Stone, Chief Assessor has a book on Chapter 61A programs for reference.

Selectmen Kemper made a motion that a list of the 61A properties be sent to the Selectmen annually, and that they will send it to the Open Space Committee. Seconded by Chairman Archibald. Motion Passed.

IV. Energy Advisory Committee: HeatSmart Program & Municipal Vulnerability Preparedness (MVP) Program

Liz Callahan, Energy Advisory Committee stated that Newburyport requested for them to apply for the Mass HeatSmart program. The Mass HeatSmart program is similar to the solarized Mass Heat program except that it has four heating and cooling technologies in it. Callahan is not recommending that West Newbury pursue this program as it wouldn't be attractive for the residents.

Previously the Energy Committee came before the Board to apply for a Resiliency Campus Feasibility Study. She stated they did apply but did not receive the grant. She stated that they were advised to apply for the MVP program, Municipal Vulnerability Preparedness program. If granted, a consultant will conduct a survey assessing the town for vulnerability primarily focused on climate changes. Callahan stated that they can apply for this grant in the Spring of 2018. The Board gave their approval to the Energy Committee to discuss this grant with others such as the Fire Chief, Police Chief, DPW, and LeeAnn from the Emergency Management Committee.

Rick Parker, Energy Advisory Committee stated that there is a National Grid Street Light Buyback program. Currently the town spends \$12,000 on street lights. With the buyback program, the town would purchase new and better lights and receive incentives. Parker will research the benefits the town would obtain from participating in the buyback program.

V. Planning Board: Drakes Landing/Carr Post

It was previously agreed by the Selectmen that there be 12-parking spaces behind the Carr Post. It was brought to the Selectmen's attention that before this agreement was made it should have been discussed with the Planning Board. The Planning Board has the right to change that decision during the Site Plan Review. An agreement was signed by the Selectmen for a curb radius cut sent to the DOT. The Planning Board requested that at least one of the Selectmen attend the August 15, 2017 meeting to discuss the Carr Post parking. The Selectmen discussed sending a letter to the state requesting that their contract be placed on hold.

Chairman Archibald made a motion to write a letter to the DOT requesting a hold on their previous Carr Post contract for the short term. Seconded by Selectman Anderson. Motion Passed.

VI. Cont. Lodging House License Application: Colin M. Hodgson, 15 Norino Drive

The Board previously put a hold on giving a lodging application to Colin Hodgson because there were the following conditions that needed to be repaired, and inspected by the building inspector: repairing of the deck posts, guard rails, and decking on the rear of the deck, to replace the cracked ceiling of the car port. The Board has received a notice from the building inspector stating that those repairs have all been completed. The Board discussed that they want to stick

with the lodging bylaw regulations that states 2 people per bedroom including the owner's bedroom.

Rosemary Carbone of 16 Norino Dr. stated her concern for the amount guests that will be allowed. She thought there would be a maximum of 4 guests not 10 guests. The Board stated that there are two kinds of application, one is a request for 1-3 lodgers, and then one for 4 or more lodgers. Chairman Archibald discussed the policy approved at Town Meeting in which the septic approved number of bedrooms in a house would determine the number of bedrooms with 2 guests allowed per bedroom.

Selectman Kemper stated that he would like to deny this application, due to the fact there is too many people and it is not suitable to the neighborhood. He stated that its not conducive to the traffic as well as the safety and disrupts the neighborhood.

Selectman Kemper made a motion to deny the application. He states that the owners have the right to have up to 3 guests under the current policy and that a written decision be completed for the following meeting to vote on. Seconded by Selectman Anderson.

Chairman Archibald stated the requests was for 16 lodgers and the most he would approve is per the policy. Selectmen Anderson, and Selectmen Kemper stated that will not agree with anything more than 3 lodgers. McCarron proposed that the Board write a decision with their requirements and vote on it during the following meeting.

Jennifer Solis questioned their motion due to the fact that there could be other 5-bedroom homes seeking a lodging application, and asked for a better understanding for the reasoning behind their decision. Selectman Kemper stated that he will provide his stipulations of the decision at the following meeting.

Colin Hodgson stated his concern that he has future reservations and due to the fact that his lodging license was not approved those guests will sue him and or the town. Selectmen Kemper stated that he shouldn't be taking reservations for guests as he currently does not hold a lodging license.

VII. Review of sign ordinance

Chairman Archibald read Section G of the Sign Ordinance, and questioned how to handle real estate signs with directional arrows. Jennifer Poliseno, a local realtor stated that real estate signs should be removed after the property has sold. She also stated that Newburyport has removed directional real estate signs. The Board will review this further at their next meeting.

VIII. Town Manager Search Committee

Selectman Kemper made a motion to appoint Bill Bachrach, Catherine Conrad, Gary Roberts, Lark Madden, and Selectman Joe Anderson to the Town Manager Search Committee. Seconded by Chairman Archibald. Motion Passed.

The Board also discussed to advise all applicants of other open positions on committees in town which may be applicable and thank them for applying.

IX. Town Manager Legislation

The Board along with Mike McCarron reviewed and discussed the edits sent by legislature. The Board agreed to communicate that the elected officials will not change; Town Counsel McCarron recommended the acceptance of the edits be approved for the following meeting.

X. Street Opening Permit: 7 & 7A Archelaus Hill Road

Selectmen Kemper made a motion to approve the street opening permit, number 2017-3 for 7 Archelaus Hill Rd. Seconded by Selectmen Anderson. Motion Passed.

Selectmen Kemper made a motion to approve the street opening permit, number 2017-4 for 7A Archelaus Hill Rd. Seconded by Selectmen Anderson. Motion Passed.

XI. Investment Policy Update

Selectmen Anderson made a motion to amend the Investment Policy Statement Section IV, Article 2.1 to read "The Investment Policy Committee shall consist of five (5) members, who shall include a member of the Board of Selectmen voted annually by that board, a member of the Finance Committee voted annually by that committee, and three members of the community appointed to 3-year rotating terms by the Board of Selectmen. The Town Treasurer shall serve as an ex-officio member of the committee. Seconded by Chairman Archibald. Motion Passed.

XII. FY'18 Board of Selectmen Goals

Selectmen Anderson had consolidated a list of the following goals:

- Town Manager
 - Establish clear division of responsibilities between Selectmen, Town Manager, Executive Assistant, Administrative Assistant, Town Accountant, Treasurer/Collector and Town Clerk (on paper). The Board discussed that a Representative from each department or committee give a brief list of their major responsibilities.
 - Establish 30-day introduction and create initial six-month priorities to familiarize the Town Manager with West Newbury
- Pursue a new water source by:
 - Make a purchase offer for 31 Dole Place
 - Put establishing a water protection district to a Town Meeting vote
- Continue to support High School building strategy & funding
- Discuss and possibly put to a town vote a Marijuana moratorium
- Increase communication with employees & residents

Selectmen Kemper made a motion to accept the Board of Selectmen FY' 18 Goals as edited. Seconded by Selectmen Anderson.

XIII. Request for Use of Facilities

Chairman Archibald stated there was a facility request from the Michell Card of the Apple Harvest Run. Melissa Card met with the Board and stated that at 9:45am is for registration, 10:45am warm up, 11am the one-mile fun run will begin, 11:30am 5mile, and 11:40am 5K. Card stated that she is not sure of road closure and re-opening times. She stated that she doesn't believe there will be another road closure but will follow up with the Police Chief. Kemper stated that he will work with Melissa Card on the notification process to the residents of the road closures.

Card stated that there will be no painting on the streets, just signs with arrows and that they will be up an hour before and after the race. She stated that porter potties will be delivered on Friday and be removed on Monday.

Selectman Kemper made a motion to approve the application with the stipulation that there is a proper plan notifying the residents on the road closures. Seconded by Selectman Anderson. Motion Passed.

XIV. Marijuana Zoning and Bylaws

The Board discussed voting on a zoning and/or bylaw for the Spring Town Meeting. Town Counsel McCarron stated that if the Board does not move forward then it's possible that a retail business could open to sell marijuana for retail sale. They would have to get licensing from the state and then the town could request for additional taxes. McCarron discussed a prohibition vs a moratorium. Selectman Anderson proposed to place a moratorium article for the Fall Town Meeting and then if necessary have a prohibition at the Spring 2018 Town Meeting.

Selectmen Kemper made a motion to have a marijuana moratorium as a Selectmen Warrant Article at the Fall Town Meeting. Seconded by Selectmen Anderson. Motion Passed.

XV. Warrants for the Special Town Meeting, October 23, 2017

The Board discussed the following articles for the Town Meeting in October: Town Manager position regarding salary and expenses, an article to discuss water distribution, and one for the Marijuana Zoning Bylaw.

The Board briefly discussed having an electronic sign. Selectman Kemper stated the potential of a possible donation for a sign, that would be placed in front of the Public Safety building.

XVI. Appointments

Selectman Anderson made a motion to appoint, Robert S. Phillips Jr. as a member of the River Access Committee with a term ending June 30, 2018. Seconded by Selectmen Kemper. Motion Passed.

Selectman Anderson made a motion to appoint, Elizabeth Callahan as a member of the Energy Advisory Committee with a term ending June 30, 2018. Seconded by Selectmen Kemper. Motion Passed.

Selectmen Kemper made a motion to appoint Cindy Sauter as an Associate Member of the Planning Board with a term ending June 30, 2018. Seconded by Chairman Archibald. Motion Passed. Mary Winglass stated that the Board received a recommendation from the Planning Board.

Selectman Anderson made a motion to appoint Michael Welch as a member of the Mill Pond Committee with a term ending June 30, 2018 with a stipulation that there is a full member vacancy. Seconded by Selectmen Kemper. Motion Passed.

The Board stated that William (Brad) Buschur needs to submit his COI to be a member for the Open Space Committee 2020.

Selectman Anderson made a motion to appoint Chris Wilde as a member of the Investment Policy Committee with a term ending June 30, 2020. Motion Passed.

Mary Winglass stated she has been trying to contact Margaret Spalding regarding her membership on the Walnut Hill Cemetery Committee. Selectmen Kemper stated that he will assist with contacting her.

XVII. Selectmen's Meeting minutes dated May 1, 2017 and May 15, 2017

Selectmen Kemper made a motion to accept the May 1,2017 meeting minutes as amended. Second by Selectman Anderson. Motion Passed.

XVIII. Payroll and Invoice Warrants

Selectman Anderson made a motion to accept the Invoice Warrants with the exception to hold an invoice from the Post Office for \$200 that doesn't have a receipt. Seconded by Chairman Archibald. Motion Passed.

Selectman Anderson made a motion to accept the Payroll Warrant. Seconded by Chairman Archibald. Selectman Kemper abstained. Motion Passed.

XIX. Placing items for future agendas

Selectman Anderson wanted to know the status of the Bicentennial Committee. Selectman Kemper requested that the Bicentennial Committee attend the first meeting in September.

Selectman Kemper would like to have a discussion on the re-organization structure within the building.

XX. Ash Street Wetlands/Swamp

The Board of Selectman had previously received a letter from Terry Berns stating her concern with the Swamp on Ash St. Selectman Kemper stated that Chairman Archibald is handling the situation and will have a conversation with the Chief of Police regarding the letter that was sent.

Selectmen Kemper made a motion to adjourn at 10pm. Seconded by Chairman Archibald. Motion Passed.

Respectfully Submitted,

Lori Dawidowicz
Recording Secretary