



**Town of West Newbury  
Board of Selectmen  
Monday, July 12, 2021  
381 Main Street, Town Office Building  
[www.wnewbury.org](http://www.wnewbury.org)**

RECEIVED  
TOWN CLERK  
WEST NEWBURY, MA  
2021 SEP 14 PM 3:13

**Minutes of Meeting**

**Open Session:** 7:03 p.m. by in-person attendance or remote participation (see below)

**Addendum to Meeting Notice regarding Remote Participation**

*Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 23, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the West Newbury Board of Selectmen will be conducted via remote participation to the greatest extent possible.*

*Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of West Newbury website, at [www.wnewbury.org](http://www.wnewbury.org). For this meeting, members of the public who wish to listen to the meeting may do so in the following manner:*

**GoToMeeting**

Phone: (646) 558-8656

Access Code: 898 8345 8906

Passcode: 088797

Or from computer, tablet, or smartphone:

<https://us06web.zoom.us/j/89883458906?pwd=RHhReUhZa05yNEprUD1QMnZpN0V3UT09>

*No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the Town of West Newbury website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as practicable after the meeting.*

*The meeting was called to order at 7:03 p.m. by Select Board Chair, Richard Parker.*

**Participation at the Meeting:**

- ❖ Select Board Members: Richard Parker, David Archibald (Remote) and Wendy Reed
- ❖ Town Clerk/Counsel & Procurement Officer, Michael McCarron
- ❖ Assistant to Town Manager and Finance Department, Jennifer Walsh
- ❖ Stephanie Frontiera
- ❖ Charles Wegrzyn
- ❖ Elsa Francescone

### **Announcements:**

- Summer Concert Series, Thursdays at the Bandstand, 6:30 to 8:00, rain or shine (Details on the Town website)
- This meeting is being broadcast on local cable TV and recorded for rebroadcast on the local cable channels and on the internet. Meeting also accessible by remote participation (instructions above)
- Reminder to subscribe for e-mailed Town news/announcements at <https://www.wnewbury.org/subscribe>

### **REGULAR AGENDA**

#### **A. Requests for Placement of Temporary Roadside Signs:**

- a) Cultural Council (See Exhibit Aa, pages 2 through 5 for information)
- b) West Newbury Youth League (See Exhibit Ab, pages 6 through 8 for information)
- c) Seacoast Youth Flag Football (See Exhibit Ac, page 9 for information)

Select Board Chair Parker stated that the Cultural Council is requesting that signs be posted for a fairly long period of time regarding a yard art event that they're hosting the weekend of October 23<sup>rd</sup> and 24<sup>th</sup>. He further stated that information is available on the website at <https://www.mosesianarts.org/yardart>. They're requesting to post signs from early August through the event date above at a number of locations requested, not all of which are possible, and certain of which have not historically been allowed.

Select Board Member Archibald stated that historically don't allow signs to be posted on the Training Field since that location is a memorial to those who fought for our country and don't want to commercialize that area, stating that this policy goes back a long time and signs are only allowed for events that are grandfathered in. Regarding the Town Hall, his personal feeling is that he doesn't think we should promote or endorse non-town-related announcements and feels that an LED sign is more appropriate. Finally, he stated that a month is a long time, so this request is too long.

Further discussion ensued on this topic. Select Board Member Reed stated that we should have a blanket policy of where signs are allowed and for how long and feels that we shouldn't have signs on every intersection throughout the town. Select Board Chair Parker stated that considering these three requests, it would be best to try not to overlap and inquired as to what would be an appropriate amount of time. Select Board Member Reed suggested a two-week timeframe, to which Select Board Chair Parker stated that a two-week window in the beginning would be important but would need to have it closer to the event.

Select Board Member Reed suggested to reach back out to Alyson and ask what two-week windows would be most beneficial, that only specific locations would be allowed (i.e. Page School, High School, Bridge Street, one sign per location). Select Board Chair Parker stated that a proposed policy could be established at the next meeting with a limit of the number of

signs on town-owned property, perhaps capped at five. and providing a list of locations where signs can be placed. Select Board Member Archibald stated that if they meet the sign limitations, they can post their signs on private property. It was decided that hopefully by the next meeting, a proposed policy will have been drafted so that these requests could then be voted on at the next meeting.

**B. Proposed FY22 Committee Appointments/Reappointments:**

Select Board Chair Parker updated on this topic. (See Exhibit B, pages 10 through 16 for information) Read off the list of names as follows: Chuck Wegrzyn, Finance Committee, Susan Dougherty, Tree Committee, Paul Kelly, ZBA. Mr. Wegrzyn was present at the meeting and gave a background of things that he's worked on within the Town.

**Motion made by Select Board Member Reed to approve all three applicants. Seconded by Select Board Member Archibald.**

**Yes 3, No 0**

**C. Review of Proposed FY21 Line-Item Transfer Requests:**

Select Board Chair Parker read all line-item transfer request located in the packet. (See Exhibit C, pages 17 through 44 for information)

**Motion made by Select Board Member Archibald to approve all line-item transfer requests as read and as appears in the packet. Seconded by Select Board Member Reed.**

Select Board Members Archibald and Reed inquired about specific line items that they weren't clear about, which were both fully explained by Stephanie Frontiera.

**Yes 3, No 0**

**D. Learning Tree Lease:**

Select Board Chair Parker updated on this topic. (See Exhibit D, pages 45 through 55 for information) Stated there were some changes proposed by the owner of Learning Tree after discussion with DPW Director Amaral. A sketch plan showing some proposed changes to the lawn area and other building access points are contained in the packet, which was presented as an alternative to the Town providing a mower and weedwhacker to the owner of Learning Tree to take over care and maintenance and mowing of the yard area. This proposal will remove grass in the yard area and replace it with engineered wood fiber, which is what's already used in some of the other spaces, removing the maintenance problem. So, inquiring as to whether the changes to the lease are acceptable to the lease that's already been previously approved. Further questions were asked and answered regarding the submission.

**Motion made by Select Board Member Reed to amend the Learning Tree Lease by replacing the lawnmower and weedwhacker grass maintenance with modification of the site as shown in the drawing in the packet, with Learning Tree responsible for the maintenance of that area. Seconded by Select Board Member Archibald.**

**Yes 3, No 0**

**E. Proposed MOA with Merrimac for Joint Posting/Hiring of Conservation Agent:**

This topic was updated by Select Board Chair Parker. (See Exhibit E, pages 56 through 57 for information) Stated that there hasn't been progress to discuss and there will be at the next meeting since we need to get this done as soon as possible. Stated that the Merrimac Board of Selectmen is meeting tonight and since their Finance Director was out last week, no ability to get that item in front of the BOS. Stephanie Frontiera stated that the goal is to have the MOA in final form by the 7/26 meeting. Select Board Member Reed stated that we need to define expense sharing (or not). Discussion ensued on this topic.

**F. Discussion of Potential Date for Fall Special Town Meeting; Preview of any Known/Anticipated Warrant Articles:**

Select Board Chair Parker updated on this topic. He stated that typically would be the last Monday in October, that we've had three very successful outdoor meetings and wondering if we're at a point where we should perhaps fall back to what we've done historically. Discussion ensued regarding the continuation of holding outdoor meetings and when.

Select Board Member Reed talked about alternating the two meetings each year, holding one on a Saturday indoors and one on a Monday evening. Select Board Member Archibald stated that we've been lucky so far with regards to outdoor meetings, but not sure we can roll the dice on another since it can be really cold in October. Select Board Member Reed stated that she had heard from some parents that Saturdays can be tough with children's sports but Select Board Member Archibald added that we're never going to make everybody happy. Town Counsel McCarron stated that another thing to consider is the cost of a Saturday meeting, considering overtime, more extensive to set up, etc. and not all of the costs associated with this would be able to be attributed to COVID now.

Select Board Chair Parker stated that two potential Town Meeting dates would be Saturday, October 23<sup>rd</sup> or Monday, October 25<sup>th</sup>, and the date that the warrant must be posted in either case is October 8<sup>th</sup>, so that being the case, probably want to think about what is the last day that articles can be submitted so that we can give people the heads-up, and after looking at dates, Wednesday, September 8<sup>th</sup> seemed like a reasonable date that if articles were in by that date, they could be included in the packet for the next Select Board meeting and the Select Board could begin to move forward to prepare for the Town Meeting.

**G. Discussion of Town Mailbox Policy:**

Select Board Chair Parker updated on this policy. (See Exhibit G, pages 58 through 62 for information) Stated that this is referring to when mailboxes get damaged by plowing.

Elsa Francescone spoke with regards to a mailbox policy, stating that since it happens so often, understands that the Town cannot afford to replace everybody's mailbox post, and wondered if it has been considered whether or not there's insurance for things like that or are there things that we can do to make sure that mailboxes don't get damaged, even if it's just a reflector on the mailboxes or posts so that they're able to be seen better. Select Board Member Reed stated that one of the issues is the placement of the mailbox, and in Elsa's situation, the placement was approved by the DPW Director.

So, since we have an example policy before us that in addition to dealing with damage also makes it much more clear about where mailboxes have to be placed to prevent damage and looking at preventive measures as well as dealing with this problem after the fact, Elsa added that it would be important to post the policy so that everyone in Town knows that policy so would consider what would be put in the area where it could be damaged and what would not.

Select Board Chair Parker added that during a snowstorm where it's difficult to see, plows sometimes cannot see where the mailboxes are. Further discussion ensued on this topic. Select Board Member Archibald stated that the Board had two or three meetings on this a few years ago, researched the cost, and found that mailboxes and posts can be purchased for \$50.

Select Board Chair Parker stated that we have a model that was had been used in a town in Maine which was pretty well thought through and would be a good place to start.

**Motion made by Select Board Member Parker to adopt the policy as used by the Town of Hampden, Maine.**

It was decided that it would be good to draft a policy for the Town, have it reviewed by DPW Director Amaral, then be able to vote on the policy for the next meeting.

**H. Meeting Management Proposals (Select Board Member Reed):**

Select Board Member Reed provided information on this topic. (See Exhibit H, pages 63 through 64 for information) She stated that with regards to meetings that are extremely long, she had spoken with Town Counsel McCarron, who proposed continuing the meeting to another night, which she thinks is a good idea.

She also suggested setting a 4-hour limit or a cut-off time and if there are still many things on the agenda, the meeting can be continued to another date, or if only a few items left on the agenda, can continue with the current meeting. She stated that holding a second would perhaps put a burden on Town Manager Jennings and his staff but would not require an additional packet of materials. She also feels that if we do that, it would be good to have a standard continued time so that everyone can plan ahead in their schedules.

Town Counsel McCarron stated that the problem that might be run into is different meetings in town such as Fin Com or School Committee that hold meetings on Tuesday and a discussion was had on what other meetings are held during the week in town.

Select Board Member Archibald stated that in the past, anytime we had to pick a day for another meeting, items always got added to the agenda, and if people know there is a possibility of adjourning to a time certain, it takes away from the pressure to finish, and also, it's not fair for those who take a night to participate having to come back another day. Select Board Member Reed suggested that items could not be added to an agenda if it has already been posted, and that items that involve participants should be taken up first.

Select Board Chair Parker stated that he hears what is being said and that he can also try to manage the meetings better, but that he prefers in the meantime to try and manage the meetings the way things are, which was agreed by Select Board Chair Archibald.

**I. Town Manager Performance Evaluation (Schedule):**

Select Board Member Reed updated on this topic. (See Exhibit I, pages 65 through 70 for information) Stated that at the last meeting, it was informally decided not to have outside input, then talked about schedules, but Town Manager Jennings felt he couldn't do his part of it in the near term, so if we are going to do this for the next Town Meeting, need to make a schedule so that this happens. Further discussion ensued on the timing for the near future with Stephanie Frontiera updating everyone on what has to be done in the near future.

Select Board Member Reed inquired of Town Manager McCarron as to what does it mean if we don't satisfy the contractual requirement to provide a performance evaluation to which he responded that it's time critical and it's more important to decide when an evaluation would be done and perhaps December would be better since we need to get Town Manager Jennings' input.

**J. Meeting Minutes, 4/26/21, 5/10/21:**

Select Board Member Reed updated on this topic. (See Exhibit J, pages 71 through 89 for information) Select Board Chair Parker stated that the only change that Select Board Member Archibald noted was that on page 80 of the packet, the number of vote was wrong. With regards to Select Board Member Reed's inquiry as to typos, etc., Select Board Chair Parker stated that he doesn't feel it's that important.

**Motion made by Select Board Chair Parker to accept the meeting minutes for 4/26/21 and 5/20/21, as amended. Seconded by Select Board Member Archibald.**

**Yes 3, No 0**

**TOWN MANAGER UPDATES**

**K. Preliminary Update Re FY21 Financial Closeout:**

(See Exhibit K, pages 90 through 97 for information) (No discussion on this topic)

**L. Soldiers & Sailors Building, Update on Bidding Progress:**

Town Counsel McCarron updated on this topic. He provided an update on the bidding processing, stating that July 21<sup>st</sup> is the pre-bid conference on site, and August 6<sup>th</sup> is the bid deadline, with the date for subs being July 29<sup>th</sup>. Everything will be done electronically through the contractor who was hired to run it.

**M. Middle Street Bridge, Documents for Submittal to MassDOT for Chapter 85 Review:**

(No discussion on this topic)

**N. Potential Stormwater Bylaw, Circulation Draft:**

Select Board Chair Parker updated on this topic since Town Manager Jennings was not at the meeting. (See Exhibit N, pages 98 through 108 for information) He wanted to point out that comments were requested from the Select Board, the Planning Board, the Board of Health,

and the Con Com no later than the end of July and it's important that those are available for any changes to the draft. Further discussion ensued on this topic. Select Board Member Archibald suggested to see what other towns are doing with regards to setting up a Board.

Select Board Member Reed noted that the Conservation Agent usually does this type of work, adding that we need to think about jurisdiction, maybe don't want to limit it to the MS4 area, because if we have a developer putting in a large development outside of that area, she would like to have that included in this, and discussion ensued on this topic. She stated that she will reach out to Jennifer Hughes regarding how the bylaw was drafted.

**O. Updates Regarding Active and Pending Town Manager and DPW Projects:**

(See Exhibit O, pages 109 through 110 for information) (No discussion on this topic)

**P. Report on Reduction of FY22 Essex Retirement Assessment:**

(No discussion on this topic)

**Q. Follow-Up Meeting Assignments and Placing Items for Future Agendas:**

Select Board Member Reed suggesting having a standing agenda item for updates from the Select Board e-mail since things often come up after the agenda is posted. Select Board Chair Parker suggested that the e-mails should be forwarded to wherever they need to be handled and discussion ensued as to how this would be more efficiently handled, such as adding the dog bite issue on a future agenda, and it was decided to continue with things as they are currently being handled.

Dog bite issue to be added to the next agenda.

**Motion was made by Select Board Chair Parker to adjourn the meeting at 9:17 p.m.  
Seconded by Select Board Member Reed.**

**Yes 3, No 0**

Respectfully submitted,

Susan M. Lobie, Certified Electronic Transcriptionist  
Office Solutions Plus  
15 Marion Road, Salem, MA 01970

*Approved as amended 3-0 by Select Board on 9-7-2021*

