



**Town of West Newbury  
Select Board  
Monday, January 31, 2022 @ 7:00pm**  
381 Main Street, Town Office Building  
[www.wnewbury.org](http://www.wnewbury.org)  
**Open Session Meeting Minutes**

**Open Session:** Open session was called to order at 7:21pm by Chairperson Parker.

**Participation at the Meeting:**

Richard Parker, David Archibald, and Wendy Reed; *Select Board Members*  
Angus Jennings, *Town Manager*  
James Blatchford, *Town Clerk*  
Gail DiNaro  
Christian Kuhn, *Chief Assessor*  
Sgt. Michael Dwyer, *West Newbury Police Department*  
Vanessa Johnson-Hall, *Essex County Greenbelt Association*

**Announcements:**

- 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; <https://www.youtube.com/watch?v=2-VbUwdjIfA>
- Regional Vaccination Clinics for COVID vaccination and booster shots. Town website for dates/details.
- Council on Aging meals, events and activities – see Town website or pages 3-9 for details.
- **Urgent call for residents interested in appointment to Finance Committee!** See page 10 for details. Call for other volunteers: current opportunities at <https://www.wnewbury.org/volunteer>
- Reminder to subscribe for emailed Town news/announcements at <https://www.wnewbury.org/subscribe>

**Regular Business**

**A. Special Event Permit Request: Annual Plant & Bake Sale May 21, 8am-12pm – WN Garden Club**

Gail DiNaro appeared before the Select Board remotely for this request (see exhibit A pages 11-14 for details). Although the Garden Club had been grandfathered in to allow for a banner to be displayed on the Training Field, Archibald requested for the display time to be limited. After discussion, the Select Board decided to approve the banner to be hung for one week prior to the event. Parker stated that if the sign had been displayed for a long period of time in prior years the display time for the banner could be adjusted. **Archibald made a motion to approve the special event permit for the West Newbury Garden Club for the plant sale, May 21, 2022, with the sign posted at the Training Field for one week prior to the sale, subject to change if found the sign was displayed for a longer period the prior year. Parker seconded. Motion unanimously passed (3 Yes, 0 No, 0 Abstain).**

**B. Proposed ballot question regarding farm equipment excise tax – Christian Kuhn, Chief Assessor**

Christian Kuhn, Chief Assessor, appeared before the Select Board on behalf of the Board of Assessors for the proposed ballot question (see exhibit B pages 15-16 for details). Kuhn stated the ballot question would refer to Local Option Chapter 59 §8a that would exempt all personal property used for farm activity to be exempt from the tax rolls. Kuhn stated that currently \$140,000 of personal property was taxed across six properties, equaling roughly \$1800 of tax dollars. The personal property included machinery and equipment, but could extend to livestock if the local option was not adopted. **Archibald made a motion for the Select Board support the Local Option eliminate farm excise taxes and include the proposed ballot question on the ballot. Parker seconded.** Blatchford stated the ballot question would appear at the bottom of the ballot after all candidates. Blatchford suggested including pending language approval. The Select Board agreed language would need to be approved before appearing on the ballot. No further discussion. **Motion unanimously passed (3 Yes, 0 No, 0 Abstain).**

**C. Interview of Michael Dwyer as candidate for Police Chief**

Michael Dwyer appeared before the Select Board in person (see exhibit C pages 17- 27 for details). Parker stated prior to the meeting, each Select Board member had reviewed the candidate's resume, qualifications, and had conducted an individual interview. The Select Board asked an additional round of interview questions that addressed the Police Reform Act of 2021, policing in a small community, training of officers, and the transition from peer to management within the department. Upon the conclusion of the question-and-answer round with Dwyer, **Parker made a motion to enter into contract negotiations with Sgt. Dwyer. Reed seconded.** The Select Board commended Dwyer for his continued service to the town. Dwyer thanked the Select Board for the opportunity to continue to serve the town in the role of Police Chief. **Motion unanimously passed (3 Yes, 0 No, 0 Abstain).**

**D. Review of proposed Conservation Restriction (CR) and CR Stewardship Memorandum of Agreement for Coffin Street conservation area – Vanessa Johnson-Hall, Essex County Greenbelt**

*Select Board Open Session Meeting January 31, 2022      Minutes Approved March 27, 2023  
Posted Agenda on 1/27/2022 at the Town Offices and the Town's Official Website [www.wnewbury.org](http://www.wnewbury.org)*

Vanessa Johnson-Hall, Land Conservation Division Director of Essex County Greenbelt, appeared before the Select Board remotely (see exhibit D pages 28-88 for details). Jennings stated late communications had been received from Patricia Reeser and Judy Mizner and read the messages to the Select Board. Reeser noted housekeeping language to be edited. Mizner agreed with the edits and supported the submission of the conservation restrictions. Johnson-Hall discussed the edits requested and requested authorization to submit the documents for EEA review as there was currently a two month turn-around time. Johnson-Hall stated the conservation restrictions would be brought back before the Conservation Commission and the Select Board for final approval and signatures. Parker asked for clarification on how the removal of invasive species could be handled. Johnson-Hall stated the language used in the conservation restriction was intentionally broad to allow for a means necessary to remove invasive species. Johnson-Hall noted that any removal over ½ acre would require approval from Greenbelt. The Select Board, Johnson-Hall, and Jennings discussed if a formal vote was required to submit the documents. It was decided a formal vote was not needed and Johnson-Hall could submit the documents to the EEA for review. **No motion was made at this time.**

#### **F. Update on work toward preparing proposed FY23 operating budget and capital proposals**

Jennings stated this item would be postponed until the following week as the proposed Pentucket budget would be received the following day at the School Committee meeting and stated the likelihood of a significant increase to Town budget. The Select Board and Jennings briefly discussed the Select Board & Town Manager Retreat date of February 5, 2022 at 9am and if there would be enough time to assemble the materials needed for the packet for the February 7<sup>th</sup> Select Board meeting. Jennings stated it was a short timeframe but did not foresee a problem completing the packet for the meeting. **No motion was made at this time.**

#### **G. Confirm date spring Annual and Special Town Meetings (ATM/STM)**

It was stated that Park & Recreation had confirmed there were no scheduled games on May 14<sup>th</sup> (see pages 89-90 for details). **Parker made a motion to schedule the Annual and Special Town Meeting for Saturday, May 14, 2022. Reed seconded.** The Select Board and Jennings discussed the time needed to set up the outdoor area by DPW and holding a short Select Board Meeting prior to the Special and Annual Town meeting. **Parker amended the motion to schedule the Annual and Special Town meeting for Saturday, May 14, 2022 at 9:00am. Reed seconded. Motion unanimously passed (3 Yes, 0 No, 0 Abstain).**

#### **H. Review referral from Parks & Rec Commission re 2022 Summer Rec Program budget/wages**

Jennings stated Park & Recreation had voted in support of the staffing change for the Summer Recreation Program to include two Co-Director positions and one Assistant Director position. Jennings reviewed the proposed wage for each of the Co-Director positions was \$10,000. The proposed wage for the Assistant Director position was \$22 per hour based on a budget of \$4,620 for 35-hour week for 6 weeks. Jennings stated a vote was requested as the Select Board was required to approve all wage changes. It was clarified the camp counselor rates of \$14.25-\$16.00 per hour would need to be included in the vote. **Parker made a motion to approve the wage schedule of \$10,000 for each of the co-directors, \$22 per hour for the assistant director, and the proposed rate range of \$14.25-\$16.00 per hour for the camp counselors for the six-week program. Archibald seconded.**

#### **I. Recap of Affordable Housing Trust Bylaw Committee listening session held on Jan. 26, 2022**

Reed stated roughly 25 people attended the listening session and comments had been received subsequent to the listening session (see pages 91-108 for details). The Select Board and Jennings discussed the authority the Trust would have in statute and where some oversight could be built in surrounding financial borrowing and land acquisition. Conversation continued as to what types of activities should require Select Board authorization. The Select Board, Jennings, and Blatchford briefly discussed a member of the Select Board, the CPC, and Planning Board would be required for the composition of the Trust, as well as volunteers with skill levels in finance and/or legal services. **No motion was made at this time.**

#### **J. Review of Municipal Vulnerability Program (MVP) Action Grant, Letter of Intent**

Jennings stated the letter of intent was a non-binding letter and feedback from the grant administrators was anticipated (see pages 109-122 for details). Reed asked if anyone from the school was aware of the intention to review the section of the Merrimack River behind Pentucket. Parker was uncertain if any dialogue had taken place and stated the proposed review would not have any implications for the daily operations of the school. Parker explained that the review would focus on the stream that flowed through the campus and if there would be any implications from construction or activity upslope. Reed offered make the school building committee aware of the letter of intent at the next meeting. **No motion was made at this time.**

#### **K. Discussion of plantings at Middle/High School**

The Select Board and Jennings discussed the draft letter that supported alternative plantings of native species plants on the Pentucket Middle/High School grounds (see page 123 for details). **Parker made a motion for the Select Board to endorse the letter and for the Select Board Chairperson (Parker) to sign on behalf of the Select Board. Archibald seconded. Motion unanimously passed (3 Yes, 0 No, 0 Abstain).**

#### **L. Discussion of dog waste near the Reservoir**

Archibald discussed the large amount of dog waste at the Moulton Street Reservoir and stated the addition of signage to encourage members of the community to pick up after their dogs had not been effective (see page 124 for details). Archibald thanked the DPW as they had gone to the location and cleaned up the waste. The Select Board discussed the importance of cleaning up dog waste at that location as it was the drinking water reservoir. Blatchford suggested distributing an informational pamphlet that highlighted how dog waste could affect the water supply if not cleaned up with each dog registration that was processed in the town. The Select Board and Jennings agreed to try that strategy. **No motion was made at this time.**

#### **M. Discussion of 2022 Memorial Day Parade**

Jennings and the Select Board discussed whether a Memorial Day Parade should be organized that year as Covid-19 was still a factor. Jennings stated the Health Agent, Paul Sevigny, did not have any objection to holding this outdoor event. The Select Board and Jennings discussed creating a working group to organize the parade and how the addition of a Parade Czar had proved beneficial the previous parade. It was decided the town would organize a Memorial Day Parade that year. **No motion was taken at this time.**

#### **N. Request for authorization to seek MIIA Wellness Grant – Stephanie Frontiera, Town Acct./Bus. Mgr.**

Jennings stated authorization to submit the MIIA Wellness Grant application was requested (see page 125-131 for details). **Reed made a motion to approve the Town Account Business Manager's request to submit the application for the MIIA Wellness Grant. Parker seconded. Motion unanimously passed (3 Yes, 0 No, 0 Abstain).**

#### **O. Meeting minutes: September 7, 2021**

Archibald and Parker noted two sections to be amended (see pages 132-140 for details). **Archibald made a motion to accept the minutes from September 7, 2021 as amended. Parker seconded. Motion passed (2 Yes, 0 No, 1 Abstain).**

### **Town Manager Updates**

#### **P. Recent meeting between Town Manager and Newburyport Mayor Sean Reardon**

Jennings gave an overview of the meeting that took place with Newburyport Mayor Sean Reardon. Jennings stated that over the course of an hour discussion concerning items of common interest had been discussed, which included the Middle Street Bridge, water supply, and climate resiliency. Jennings stated the intermunicipal agreement for the shared Animal Control Officer was working well and potential expanded collaboration between the Newburyport and West Newbury had been discussed. Jennings thanked Blatchford for scheduling the meeting and opening the line of communication between the two municipalities. **No motion was made at this time.**

#### **Q. Update on Middle Street Bridge; recent engineering change order due to MassDEP Ch. 91 permitting**

Jennings stated the consultant for the town had submitted comment to Department of Environmental Protection disputing the reservoir as a navigable waterway due to Newburyport ordinance prohibiting boating in entirety. The consultant argued due to the prohibition of boating, the reservoir was non-navigable by the public and thus should be considered non-jurisdictional under Chapter 91. The response received stated the department did not agree with the consultant's interpretation of Chapter 91 and that the regulations and the MEEPA comments would remain as submitted. It was noted the town could file a request for determination of applicability if they chose to do so. Jennings informed the Select Board the permitting process for Chapter 91 could take upwards of one year to complete. Archibald asked if the grant would automatically get extended due to the Chapter 91 requirement. Jennings stated it would not automatically get extended, but the grant administrator at MassWorks believed the Town's request to extend the grant funding through the current fiscal year would be supported. The Select Board and Jennings discussed the soft costs associated with the Chapter 91 permitting process estimated at \$35,800 (see pages 141-144 for details). Discussion continued surrounding the DOT Small Bridge Grant of \$500,000 Newburyport had been awarded where half had been put toward engineering and half had been earmarked for the construction. After further discussion, it was decided to table this item until a future meeting. **No motion was made at this time.**

#### **R. Update on project kickoff and timeline for Mill Pond All Persons Trail site analysis/conceptual planning**

Jennings stated the kickoff meeting had been penciled in for February 14, 2022. Jennings stated the landscape architect planned to hold individual meetings with the Mill Pond Committee, Open Space Committee, Park and Recreation Commission, Planning Board, and Select Board to gather feedback and brainstorm ideas for the Mill Pond project (see pages 145-147 for details). The Select Board and Jennings discussed the timeline outlined in the landscape architect's proposal and the need for a meeting where all members of the committees listed could attend. **No motion was made at this time.**

**S. Informational update regarding Federal Infrastructure Bill and potential applicability**

Jennings briefly reviewed this item and stated the presentation was much shorter than anticipated (see exhibit R pages 148-155 for details). **No motion was made at this time.**

**T. Upcoming process/timeline for MPO updates to regional Transportation Improvement Plan (TIP)**

Jennings and the Select Board reviewed the list of ongoing TIPS projects within the Merrimack Valley (see pages 156-159 for details). Jennings stated projects of a certain scale, with sound cost estimates and at minimum 25% design completion, would meet the competitive threshold for TIP projects. **No motion was made at this time.**

**U. Bids received for Pipestave water tank rehabilitation**

Jennings stated the town had received two bids for the Pipestave water tank rehabilitation and they were currently vetting the two proposals to ensure they met all qualifications. Jennings informed the Select Board that both bids were under the \$270,000 appropriated for the project with the higher bid of the two proposals around \$220,000. **No motion was made at this time.**

**V. Notice of Finance Committee approval of FY22 Reserve Fund transfer request (legal counsel costs)**

Jennings discussed the two Reserve Fund requests (see pages 160-164 for details). The Select Board and Jennings discussed the expended dollars on legal fees due to the change to General Counsel as opposed to Special/Outside Counsel. Jennings discussed how an average monthly cost of General Counsel could not be determined at this point as a number of backlogged one-time expenses, complex land use matters, and numerous personnel matters had been addressed since the change. The Select Board discussed how the current legal costs were an anomaly and were not thought to be reoccurring costs going forward. **No motion was made at this time.**

**W. Invitation to Lappin Foundation Virtual Summit on March 28: Two Steps Forward against Antisemitism**

Jennings informed the Select Board of the intention to attend the summit in March and invited the Select Board members to sign up if any of them wished to attend (see pages 165-166 for details). **No motion was made at this time.**

**X. Notification of Town Manager vacation, Feb. 22-25, 2022**

Jennings informed the Select Board of the intention to take vacation time February 22-February 25, 2022. **No motion was made at this time.**

**Y. Follow up meeting assignment; placing items for future agendas**

Parker informed the Select Board of a planned absence for the meeting May 23, 2022.

**Parker made a motion to adjourn. Archibald seconded. Motion unanimously passed (3 Yes, 0 No, 0 Abstain). Open session adjourned at 10:39pm.**