



**Town of West Newbury  
Board of Selectmen  
Monday, August 9, 2021  
381 Main Street, Town Office Building  
[www.wnewbury.org](http://www.wnewbury.org)**

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WEST NEWBURY, MA

2021 NOV -2 PM 2:11

**Minutes of Meeting**

**Open Session:** 7:07 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: 861 7166 2284

Passcode: 311105

Or from computer, tablet, or smartphone:

<https://us06web.zoom.us/j/86171662285?pwd=c3Nua3RsbTRuQUVLANR1MDQ3UzBQdz09>

*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 7:07 p.m. by Select Board Member, David Archibald.*

**Participation at the Meeting:**

- Select Board Members: Richard Parker (Remote), David Archibald and Wendy Reed
- Town Manager Angus Jennings
- Jennifer Walsh
- Stephanie Frontiera
- Adam Stone
- Police Chief Jeff Durand
- Jessica Eng
- Matthew Ritvo-Cabezas
- Vanessa Johnson-Hall, Asst Director of Land Conservation, Essex County Greenbelt Assn

- Nancy Pau

### **Announcements:**

- New Assistant Town Clerk, Christine Marshall, beginning on August 16<sup>th</sup>. New Town Clerk, James Blatchford, beginning on August 30<sup>th</sup>. Temporary Town Clerk hours, Monday through Thursday, 9:00 a.m. to 1:00 p.m. until August 16<sup>th</sup>. Thanks to Dot Cavanaugh and Interim Assistant Town Clerk, Wilma McDonald for assistance through transition!
- Summer Concert Series: Thursdays, 6:30 to 8:00 p.m. at the Bandstand (rain or shine). More details on the Town website.
- Reminder to subscribe, e-mailed Town news/announcements <https://www.wnewbury.org/subscribe>
- Town Manager Jennings stated that there was a fire on Friday at the High School, caused by a spark from welding going on that ignited the roof a portion of the school that's under construction, the adhesive glue, which is very flammable. Investigation is going on by the Building Inspector, the Fire Department, Fire Marshall, Project Manager and school administration.

Also a second fire on Sunday, which raises real concern, so met with Sam and Chief Dwyer who were headed to a meeting at the school site, and also met with Brad Dore, Project Architect, who stopped by to make sure that we were aware that he was also concerned.

Reading from an update received from Sam this afternoon, "The cause of the second fire is still undetermined and most likely may remain undetermined. The Fire Marshals are interviewing the roofers that were on site Saturday. There will be multiple safety meetings for staff and subcontractors, they're increasing the number of walk-throughs by safety staff, sending additional safety staff to the site to oversee the current staff, and sending an independent fire investigator to review the fire and recommend changes in protocol and perform a site cleanup tomorrow.

The site was secured yesterday through the end of the day today to allow the investigators to do their work without any access allowed by contractors or others. So, West Newbury Fire Department, Groveland Fire and our Building Inspector will conduct an end-of-day inspection tomorrow afternoon to check progress and will continue with one to two additional site visits per week for purpose of inspecting site conductions until confidence is restored."

### **REGULAR AGENDA**

#### **A. Request for Appointment of Jessica Eng as Full-Time Police Officer (Police Chief Durand):**

Police Chief Durand updated on this topic. (See Exhibit A, page 2 for information) Stated Jessica Eng currently works for the Hamilton Police Department as a Reserve Officer, did well in all aspects of the hiring process, and shows a great deal of interest in working in the town. Has a Bachelor's Degree in Criminal Justice. Upon questioning by Select Board Member Reed, Jessica Eng added that she has worked in Hamilton for a little over a year, and prior to that, worked security.

**Motion made by Select Board Chair Archibald to Appoint Jessica Eng as a Full-Time Police Officer for the Town of West Newbury for a term ending 6/30/2022. Seconded by Select Board Member Reed.**

Town Manager Jennings noted that's a standard appointment period of time and the Board annually does automatic reappointments, so the end date is routine.

**Yes 3, No 0**

**B. Request for Appointment of Matthew Ritvo-Cabezas as Reserve Police Officer (Police Chief Durand):**

Chief Durand updated on this topic. (See Exhibit B, page 3 for information) Stated that he currently works for the Essex County Sheriff's Department, also served in the Marine Corp for seven years, and did well on his interviews. Select Board Chair Parker inquired as to how many hours would be available on a weekly or monthly basis, to which Chief Durand stated that even though he works full-time, he understands the commitment that is needed.

**Motion made by Select Board Member Reed to appoint Matthew Ritvo-Cabezas as a Reserve Police Officer for the Town of West Newbury. Seconded by Select Board Member Archibald.**

**Yes 3, No 0**

**C. Request for Appointment of Associate Planning Board Member, Deb Hamilton or Nancy Keller:**

Select Board Member Archibald updated on this topic. (See Exhibit C, pages 4 through 6 for information) Stated both candidates have long-time West Newbury background, both have strengths in areas that would be helpful to the Planning Board, so was at a loss as to which individual to pick. Town Manager Jennings stated that under the Planning Board Rights, just a single member. Select Board Member Reed stated she's been at the last several Planning Board meetings over the last several months and that Deb Hamilton has attended each one even though she's not on the Board yet, and Town Manager Jennings stated that Leah had said that Deb had been proactive in attending meetings and learning about the Board's current workload.

Select Board Chair Parker offered that even though one can only be on the Planning Board, that several committees are looking for volunteers and perhaps one would be interested in filling one of those openings.

**Motion made by Select Board Member Archibald to appoint Deb Hamilton to the Associate Planning Board Member with a term to end 6/30/2022. Seconded by Select Board Member Reed.**

Town Manager Jennings noted that the Planning Board is put in a tough spot every time due to its own regulations because that requires that the Planning Board bring to the Select Board two or more candidates for Associate Member, so even though there's only one spot, they're compelled to bring multiple options even if they feel that they have someone they would recommend.

**Yes 3, No 0**

**D. Request for Finding of Public Benefit from Proposed Conservation Restriction at 117 Indian Hill Road (Essex County Greenbelt):**

Town Manager Jennings updated on this topic. (See Exhibit D, page 7 through 29 for information) Upon inquiry from Select Board Member Archibald as to whether this document is just informational, he was advised that the Board does have to sign off but it's not a moving document at this point, but is a requirement in order for a CR to be recorded for the Select Board in the town in which it's located to approve that, but because of the process that's preceded this with many other parties including the state, Newburyport, and Greenbelt, it's coming to the Board later in the process than it normally would.

Vanessa Johnson-Hall stated that the Town is not a party to this conservation restriction, so it's not a holder of a conservation restriction, but under Massachusetts law, in order for that conservation restriction to be permanent and to be signed by the Executive Office of Energy and Environmental Affairs, has to be approved at the local level as an acknowledgment that it's happening in the community and also acknowledgment that it's a public asset with a conservation restriction. She also updated the Board on the area itself and how everything is going to move forward with this land, and further questions and answers ensued on this topic.

**Motion made by Select Board Member Reed to approve the conservation restriction at 117 Indian Hill Road and find a public benefit of protection of water quality. Seconded by Select Board Member Archibald.**

**Yes 3, No 0**

**E. Request for Authorization to Install Pull-Off Parking Area at Ordway Reservation on Turkey Hill Road (Essex County Greenbelt):**

Select Board Member Archibald updated on this topic. (See Exhibit E, page 30 through 33 for information) Stated that it's in a residential area and discussion further ensued on this topic regarding the layout and whether there are wetlands in the area, as well as the size of the proposed lot. Select Board Members came to the conclusion that before voting on this request, they would like more questions answered. David Rimmer of Essex County Greenbelt will be invited to the next meeting.

**F. Correspondence from Pentucket Regarding Potential FY22 Budget Impacts Due to Restrictions of Use of ESSER II Funds:**

Town Manager Jennings updated on this topic. (See Exhibit F, page 34 through 41 for information) He stated there will be a meeting on Wednesday at 5:00 at Pentucket and each Pentucket towns has been asked to send its Administrator, as well as a rep from the Select Board and the Fin Com. He has accepted the invitation and will see who else wants to attend. Explained that the topic is Pentucket's request for authorization to use ESSER II funds, which is similar to the Cares Act but is targeted towards schools and would like to get authorization to allocate some of the ESSER funds to each town's contribution to the school budget, having the effect of reducing the town's assessment for the current FY22 budget cycle. At the time, we were told that didn't come into play in West Newbury because of the three-town funding formula, that our assessment was modest this year. He further explained how this process would work as far as funding, etc.

**G. Review of Proposed Intermunicipal Agreement with Merrimac for Shared Conservation Agent:**

Select Board Member Archibald updated on this topic. He stated that West Newbury and Merrimac are looking at hiring a shared Conservation Agent, so the respective boards have been evaluating an agreement to bring this to fruition. Want to get this going in order to get the hiring process going. He also stated that the Board has looked at the proposed agreement, made some small changes, but in principal are okay going forward with it, but the big sticking point is Merrimac's agreement on the number of hours and the pay rate that they would be willing to offer the shared Conservation Agent, and this is in flux at the moment.

**Motion made by Select Board Member Reed to approve the Intermunicipal Agreement on principal, contingent on resolution of the hour and wage. Seconded by Select Board Member Archibald.**

**Yes 3, No 0**

**H. Continued Discussion of Animal Bylaw/Leash Law and ACO Enforcement Activities:**

Further discussion ensued on this topic with Chief Durand updating on the topic. (See Exhibit H, page 42 through 47 for information) Stated that the Police Department has increased enforcement activities in each shift in the area. Questions by Select Board Members answered by Chief Durand as to how animal enforcement is handled by the officers patrolling the area and what type and level of enforcement should be taken. Chief Durand stated that once the Town decides what level of enforcement is approved by the Town, then they would enforce that level of enforcement. It was suggested that Kayla come in to provide her experiences in the area and what level of enforcement is there now.

**I. Discussion of Site Walk in September (Date/Time TBD) for Consideration of Erosion Risk Indicators on River Road:**

Background on this topic was provided by Select Board Chair Parker. He stated that a site walk was performed with Nancy Pau this past spring to view erosion areas along River Road and to see some of the erosion indicators and why erosion was happening from areas flowing into the Merrimack River.

Nancy Pau stated that the committee was looking for grant opportunities and looking to see if there is anything that can be done pro-actively in the River Road area with regards to flooding. She stated that they invited Jeff Wilson out who is knowledgeable in that area and she has been working with him on that portion and perhaps being able to apply for a grant. She stated that they decided to delay the grant for a year since they wanted more input on the issue and didn't have time to research and put a grant together.

Select Board Chair Parker inquired as to who the Select Board would think would be appropriate people to be on the site walk, which would be open to anybody but don't want to encourage large groups of people to be there, but areas that should be represented would be DPW, Select Board, Climate Change Resiliency Committee, Con Com, Sam Joslin, Director of Inspectional Services, River Road residents, and any stakeholders, as well.

As far as dates for the site walk, Nancy Pau spoke with Jeff Wilson, who is more than willing to do this, so it would be dependent on his schedule, perhaps mid to late September might work better for him, and requested dates, and also feels it would be more effective to try to limit the number of people on the walk, and perhaps there could be a separate outreach to residents, perhaps in the form of a survey or they could recruit college students to perform interviews concerning what they see as problems in the area.

Discussion ensued regarding grant opportunities and dates to which the grants would have to be applied for by and what would be needed to apply for the grants and what the grant would look at, such as a feasibility study and nature-based solutions, etc. as well as what the next steps in the process should be.

**J. Outreach to Boards/Commissions regarding September Meeting to Discuss Personnel Policy:**

Select Board Member Reed updated on this topic. (See Exhibit J, page 48 for information) She stated that she drafted the e-mail, spoke to Angus about the bullet points, who stated that the idea had been to send this e-mail to Boards and Commissions that have a role in appointing or overseeing staff, as opposed to all committees. Further discussion ensued on which boards or committees this should be sent to and steps to be taken from here, and all Select Board Members were in agreement that this should be done, and further discussion ensued with regards to dates when this should be done.

**K. Letter from MVPC re Potential Designation of Rep to Metropolitan Planning Organization (MPO):**

Select Board Chair Parker updated on this topic and explained his e-mail dated 8/6/21. (See Exhibit K, page 49 through 51 for information) Discussion ensued on this topic since the MVPC is looking for a jointly signed letter from all communities and not sure where things stand in other communities. Questions and answers also ensued on how this would work, requesting TIP fund for projects such as the bridge, etc. It was decided that Town Manager Jennings would send an e-mail to inform MVPC of the Board's endorsement of Bob Snow continuing as the Subregion 2 rep. Further discussion also ensued regarding TIP funding and items getting on the list.

**L. Discussion of Known/Anticipated Warrant Articles for Fall Special Town Meeting:**

Town Manager Jennings updated on this topic. Stated there are notes in the packet materials and didn't intend for going into detail on this at this meeting but advised that if any warrant articles that the Select Board wants to go forward, a decision can be made to invite someone to a further meeting for discussions and presentation of warrants.

Further discussion ensued including questions and answers on various topics such as the adoption of a stormwater bylaw and an addressing bylaw, the mooring study, the emerald ash borer issues, the noise bylaw and the animal bylaw.

Select Board Chair Parker provided an update on funding for next phase of town offices HVAC work.

**M. Review of Potential Revisions to Personnel Policy for Referral to Future Select Board Meeting:**

Town Manager Jennings updated on this topic. He recommends that the Select Board consider. Stated that in order to propose an amendment to the personnel policy, it needs to be advertised for staff input at no less than 10 days ahead of when the Board would vote on the change, and one change that the Board spoke about in June is whether to add Juneteenth as a recognized holiday under the personnel policy, and if the Board is comfortable doing so, suggested to refer that question to the next meeting on August 30<sup>th</sup> and his office would send something around so that all staff are aware that would be considered, and then could take up the question on the 30<sup>th</sup>.

A separate topic that he doesn't have a specific proposal for, but would recommend that the Board put out a call for staff input, and on the 30<sup>th</sup> hear whatever input comes in, then can make a decision that night or at a subsequent meeting whether to propose a specific change or not is regarding the method of compensation for qualified part-time employees for holiday pay, which has been a question over a number of years as to fairness, consistency, as well as administrative complexity, so feels it would benefit the Board to hear the different thoughts on what's good, not good about the policy, then based on that input, can decide if there's a change that the Board wants to propose or not. His office will provide backup to get a clear sense of what the issues are on that, which is Section 7.3 of the personnel policy.

**Motion made by Select Board Chair Parker to take the observance of Juneteenth as a recognized holiday at the next Select Board meeting on August 30<sup>th</sup>. Seconded by Select Board Member Reed.**

**Yes 3, No 0**

With regards to the part-time employee holiday pay issue, Town Manager Jennings stated this topic will be included on the 8/30 meeting agenda and a memo will be sent out to staff regarding this topic.

**TOWN MANAGER UPDATES**

**N. Bid Opening for Soldiers & Sailors Memorial Building Rehabilitation This Friday, August 13<sup>th</sup> at 1:00 p.m.:**

Town Manager Jennings updated on this topic. (See Exhibit N, page 52 for information) Stated that the bids are due Friday at 1:00, sub-bids were due this past week, and the indications are that it is trending above budget, so will wait to see what the results show and then will talk about what to do about that.

**O. Upcoming Mass Housing Partnership Meeting with Planning Board re Affordable Housing Trusts, August 17<sup>th</sup> at 8:30 p.m.:**

Town Manager Jennings updated on this topic. (See Exhibit O, page 53 through 54 for information) Stated that Shelly Goehring of the Mass Housing Partnership will attend next Tuesday's Planning Board, believes she understands what we're trying to do in setting up a trust and can provide information on getting this on the correct path.

**P. Town Manager Vacation, August 16-20:**

Town Manager Jennings updated this topic, making sure that everyone knows that according to his contract, has keep the Select Board up to date. Select Board Chair Parker inquired as to who should speak to with questions while he is away, and he advised to contact Jenny.

**Motion made by Select Board Chair Parker to approve Town Manager Jennings' vacation from 8/16 to 8/20. Seconded by Select Board Member Reed.**

**Yes 3, No 0**

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

Town Manager Jennings updated on this topic. Stated that he sent around a list this afternoon but wanted to highlight a couple of things.

Regarding wanting to get pedestrian-activated signals at the crossing from Pipestave to Page, but the problem is that you can't get those installed on a non-compliant crosswalk, so triggered the need for a safety audit of that intersection, which has been initiated, got an earmark in the state budget, and stated got the contract today, signed and sent it back to them, so once we have an executed contract, perhaps this week, will have the funds to go forward and engage a traffic engineering firm to do the safety audit, which we expect will lead to recommendations for physical changes to that crosswalk and roadway geometry and driveways, and will keep everyone updated.

Regarding housekeeping items, looking to standardize how we receive information on new developments and infrastructure so can get that built into the GIS more expeditiously. Christian has been very proactive and doing a great job in helping to ferret out different issues with the GIS and make sure that updates are made timely. He's also signed up for the ICMA Cybersecurity Leadership Academy, which is costly, but will be worth it for the Town and is also an example of him doing work that's a direct outgrowth of the Finance Administration, and he could share what he's learned at a future public meeting. He also stated that working to integrate recent new hires into the Town and working with them to get them up to speed.

**R. Follow-up Meeting Assignments and Placing Items for Future Agendas:**

Update of school building project and extra costs incurred, with an update provided by Town Manager Jennings of how things are going at this point in time.

**Motion was made by Select Board Member Archibald to adjourn the meeting at 10:13 p.m. Seconded by Select Board Chair Parker.**

**Yes 3, No 0**

Respectfully submitted,

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