



**Town of West Newbury
Board of Selectmen
Monday, October 4, 2021
381 Main Street, Town Office Building
www.wnewbury.org**

Minutes of Meeting-DRAFT

Open Session: 7:17 p.m. by in-person attendance or remote participation (see below)

Addendum to Meeting Notice regarding Remote Participation

Public participation in this meeting of the West Newbury Select Board will be available via remote participation. 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: 851 4501 4183

Passcode: 101489

Or from computer, tablet, or smartphone:

<https://us06web.zoom.us/j/85145014183?pwd=cWU3YTM5SWpRM0h5a2pCenJnZHFudz09>

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 of proceedings as soon as practicable after the meeting.

The meeting was called to order at 7:17 p.m. by Select Board Chair, Richard Parker.

Participation at the Meeting:

- Select Board Members: Richard Parker, David Archibald, and Wendy Reed
- Town Manager Angus Jennings
- Jim Blatchford, Town Clerk
- Stephanie Frontiera
- Fred Chanaan, Tree Committee Chair
- Wayne Amaral, DPW Director
- Molly Hawkins
- Albert Ting
- Vanessa Johnson-Hall, Greenbelt
- Jennifer Hughes, MVPC
- KC Swallow

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 instructions below.
- Trick or Treating: Sunday, October 31st from 5:30-7:30 (See pages 2 through 6 for information)
- Public Meeting regarding Soldiers & Sailors Building, Monday, October 25th at 7:00 p.m.
- Call for volunteers: Current Opportunities at <https://www.wnewbury.org/volunteer> (See pages 7 through 8 for information)
- Reminder to subscribe, e-mailed Town news/announcements <https://www.wnewbury.org/subscribe>

REGULAR AGENDA

A. Tree Committee Report on Results of Community Survey (Fred Chanania, Tree Committee Chair):

Fred Chanania updated on this topic. (See Exhibit A, pages 12 through 26 for information) He stated that there were 151 responses to the survey, and he provided a breakdown of answers, a word-for-word narrative of responses, key findings, and stated that in doing this project he found that people really value trees. He further stated that with regard to what to prioritize, the list would include wildlife habitat, enhance natural beauty, and mitigating climate change. He also stated that threats to trees would include insects.

Chanania stated that the list of priorities would include advising the Planning Board in order to protect trees during construction, and to facilitate tree planting along roads. He stated that people value the semi-rural character of the Town, but the question comes when there are threats, how to go about implementing that priority of invasive species and stating that the Spotted Lantern Fly is not here yet.

Select Board Chair Parker inquired as to whether the Tree Committee will put together a recommended list of trees that reflect climate change and trees that will track well with climate change, and Chanania stated that's been on the website for months on the climate change tab and could be promoted again.

Select Board Member Archibald inquired as to the tree canopy along Route 113, any trees that would be more desirable where we don't want a lot of height, with Chanania responding that the nature of trees and where they're planted is critical, that trees are sensitive, especially for the first three years and need a lot of individual care. He also stated that salt creates a lot of stress on trees.

Select Board Member Reed inquired regarding the Emerald Ash Borer, whether we should line up a firm to do an independent study so that it will be on the record as having investigated the problem. Chanania stated that he did talk with a state entomologist, and she referred him

to the Tree Warden's Association, and that one thing we would not be able to do is go down streets and count trees since a survey to capture the number of trees is quite difficult. Chanania also stated that he inquired as to what the treatment options would be on a community scale for the Spotted Lantern Fly.

With regards to the tree inventory, DPW Director Amaral stated that these are great points. He stated that the only problem with doing an inventory is that street rows vary a great deal in depth. He stated that an audit was talked about a few years ago, that the EAB was here already, and that a majority of the trees are unhealthy. Chanania stated that 90% of the ash trees would be lost if there was an infiltration and that a roadside survey wouldn't accomplish anything.

B. Continued Discussion of Parking Options for Coffin Street Property, Including Potential Parking On/Off of Cortland Lane (Essex County Greenbelt):

Select Board Chair Parker updated on this topic. (See Exhibit B, pages 27 through 38 for information) Town Manager Jennings displayed a plot plan of the area in question. Parker explained that what has been discussed is putting in two parking spaces on the L-shaped town owned right-of-way at Cortland Drive. He stated that a site walk was completed last week of the 20 by 20 area, and the plan is to put in a gravel surface with split rail fences. He stated that the abutter to the north is not happy with that idea and an alternative has been proposed is marked parking spaces on the pavement, but that off-street parking has more advantages since there always needs to be spaces available. Discussion ensued on how this would work.

Albert Ting stated that the only way to do forestry management is to access through there, that there are things that need to be done every 5-10 years, and that a forestry plan requires selective cutting every 10 years. Discussion ensued as to different options that could be looked into. Vanessa Johnson-Hall stated that there's a way that they could either not fence the back or have some kind of a gate that could be opened. Archibald stated that a split rail fence can be removed easily, especially if it's only every 5-10 years.

Town Manager Jennings stated that he had spoken with Town Counsel and on the issue of fence, to have an impediment to existing access, because she confirmed that any landowner with property abutting that right-of-way has access rights and said she had some caution about something that blocks access such as a fence or a gate, but also since it's not clear what the access is, that there's probably a design solution, but also feels that there has to be some more shared understanding among the various property owners as to what's being proposed. He also discussed on-street parking as it might impact emergency apparatus and explained that he had spoken to Chief Dwyer who is happy to bring vehicles for testing in the area if the Board requests and it would be helpful.

Select Board Member Reed commented that there would be a different feel to on or off-street parking. Parker stated that it may be in the Town's interest to financially participate in the survey, with Reed inquiring as to whether the Town should hire a surveyor, with discussion regarding working with the abutters on a joint survey. Johnson-Hall explained what land they plan to develop and how they plan to do so with the parking area and creating a trail and stated that parking on Coffin Street is not ideal, but if there is a need to exercise that right, need to start drafting documents to close on time.

Motion made by Select Board Chair Parker to agree to use one of the two options discussed on the cul-de-sac and not use what is shown as Parking Option B on Coffin Street. Seconded by Select Board Member Archibald.

Yes 3, No 0

Town Manager Jennings will speak with Chief Dwyer regarding going forward with testing the turning radius in the area. Johnson-Hall will provide suggestions for surveyors.

PUBLIC HEARINGS:

C. Public Hearing Re: Changes to Personnel Policy: Qualified Part-Time Holiday Pay; Internal Hiring Policy:

Select Board Chair Parker updated on this topic. (See Exhibit C, pages 39 through 46 for information) He explained that these were both introduced in working groups recently and were posted for ten days. This public hearing will be opened to consider a change in the personnel policy for qualified part-time holiday pay.

Motion made by Select Board Chair Parker to open the public hearing.

Town Manager Jennings provided a background stating that the intent at the time the policy was adopted in 2014 was to be fair to part-time employees defined as working 20 or more hours a week for 52 weeks a year would be compensated for every one of the recognized town holidays, but proportionally to their percentage of full-time and that employee would be compensated whether they were scheduled to work that day for now. In practice, it's played out that employees that feel that on the day that they were normally scheduled to work a number of hours and only paid 2/3 of that time, has generated discontent when there is a holiday and complaints are made. Select Board Member Archibald stated that the idea was that somebody that worked on a Monday got several more holidays than someone that worked on a Thursday, which wasn't fair. Further discussion ensued regarding how this has been working as opposed to what was originally envisioned.

Select Board Chair Parker invited public comments, none ensued.

Motion by Select Board Member Reed to accept changes in the Minutes of the Personnel Policy dated 10/4/21. Seconded by Select Board Member Archibald.

Yes 3, No 0

Motion by Select Board Chair Parker to close the public hearing. Seconded by Select Board Member Reed.

Yes 3, No 0

Motion made by Select Board Chair Parker to open the public hearing to discuss a change in personnel policy regarding the internal hiring policy.

Motion made by Select Board Member Archibald to approve the new Subsection on Recruitment and Hiring 2.2.1.

Town Manager Jennings read the new subsection as it would read if approved, and also explained that the proposal would further amend Section 4.3, "Employee Development and Training" by adding a sentence and read that new section into the record. He also stated that the proposal would also amend Appendix A, Affirmative Action Plan subsection, "Responsibilities for Affirmative Action, also reading into the record the proposed changes.

Select Board Chair Parker invited public comments, none ensued.

Town Manager Jennings initiated a discussion regarding portions of the new subsection, stating that parts of it are confusing regarding the order in which posting and hiring is done and whether the language in this portion should be clarified further. Discussion ensued on what the proposed language could be.

Motion made by Select Board Member Archibald to approve the new Subsection on Recruitment and Hiring 2.2.1, with changes made to the first sentence. Seconded by Select Board Member Reed.

Yes 3, No 0

Town Manager Jennings inquired of the Select Board as to what would be the best way of notice that the policy is updated and at what point should it be recirculated and have each employee acknowledge receipt of the changes. Discussion ensued that perhaps the best thing would be to recirculate it once important revisions have been made, with Select Board Member Reed suggesting it could be circulated and signed on an annual basis.

Motion by Select Board Chair Parker to close the public hearing. Seconded by Select Board Member Reed.

Yes 3, No 0

D. Discussion of Draft Stormwater Bylaw and Regulations (Jennifer Hughes, MVPC):

Town Manager Jennings updated on this topic. (See Exhibit D, pages 47 through 87 for information) Stated that Jennifer Hughes is available to answer questions on this topic. He further stated that there have been a couple of changes that are redlined in the packet, which are a combination resulting from the KP Law review and the other people involved in the review. Town Manager Jennings went over what those changes are to update the Select Board.

Questions ensued by Select Board Member Archibald regarding the changes to the bylaw and regulations, with Jennifer Hughes and Town Manager Jennings providing explanation and answers to the proposed changes, including questions regarding the special surety pursuant to G.L. c. 44, Section 53G1/2 and forestry management plans. Town Manager Jennings also stated that with the bylaw in its current form is proposed as a Town bylaw and not a zoning bylaw, so unlike the floodplain amendments which are sponsored by the Planning Board, this is listed with the Select Board as the sponsor, so this is probably the last chance before Town Meeting to have a direct line with the primary consultant and questioned whether the Select

Board is comfortable with the bylaw as written and if there's any questions, they should be shared now. Select Board members stated that they are fine with the bylaw.

E. Review of Determination/Consent for Joint Legal Representation by KP Law to Prepare Intermunicipal Agreement (IMA) Re: Regional Vaccination Clinics; Update on Costs Incurred and Status of Reimbursements:

Select Board Chair Parker updated on this topic. (See Exhibit E, pages 88 through 94 for information) Stated that there is a proposed agreement provided by KP Law and that the Board would have to agree that we don't believe there is a conflict in representing both towns. Town Manager Jennings stated that once they're giving license to start working on the agreement, it would then be drawn up and brought back to the Board for review and approval. He stated that he has been in contact with the Chief of Staff of Amesbury and was advised that the Mayor of Amesbury is intending to sign the consent to joint representation and along with the Board's approval, that would give KP Law the green light to draw up a simple agreement.

Motion made by Select Board Chair Parker that the Board make a determination pursuant to Rule 1.7 of the Massachusetts Rules of Professional Conduct that the Select Board of the Town of West Newbury consents that KP Law, P.C. representing the City of Amesbury with regard to the municipal agreement for COVID-19 Vaccination Clinics, as disclosed in the letter to the Select Board dated September 24, 2021, notwithstanding that KP Law, P.C. also serves as City Solicitor for the Town of Amesbury. Seconded by Select Board Member Reed.

Yes 3, No 0

F. Updates on Finance Committee and Capital Improvements Committee Recommendations Re: Special Town Meeting (STM) Warrant Articles:

Town Manager Jennings updated on this topic. (See Exhibit F, page 95 for information) Stated that there is a summary memo on page 95 and inquired as to whether there are any questions. Also wanted to draw everyone's attention to the fact that the Farm Excise Tax has been proposed for deletion but will get into that with the warrant.

KC Swallow was available to answer questions regarding the upcoming Special Town Meeting and with regards to the pros and cons regarding a morning meeting versus an afternoon meeting and an outdoor meeting as opposed to indoor. She stated that she would prefer to hold the meeting outdoors rather than indoors due to COVID concerns, but that competing with the soccer games that are going on could be a concern, as well as not obtaining a quorum of 90 residents.

DPW Director Amaral provided information on different locations that could be possibilities for an option to hold an outdoor venue, including the Page School or indoors at Pentucket in the auditorium or cafeteria, but also stated that this needs to be decided pretty quickly so that the booklet could be printed, as well as the logistics of getting things up for an outdoor venue, including port-a-potties and other things that need to be set up.

Discussion ensued as to whether there could be a mask mandate for an indoor meeting and whether that could be legally required, with Town Clerk Blatchford stated that there has been significant discussion on the Town's webpage, with one suggestion that because it's school property you have to follow school rules, but then there's a question regarding a vote, and another suggestion would be having a non-masked area to keep them separate, in the same way that you would have a smoking versus non-smoking areas. There was also discussion regarding what should be provided if there is another room and how the residents in that room would be able to be heard if they had questions or comments, and if there should be video simulcast. KC Swallow stated that if it's held inside, she would be happy to help regarding details to use the school cafeteria or auditorium.

Motion made by Select Board Member Parker to hold an outdoor Special Town Meeting in the Bandstand parking lot on 10/23/21 at 2:00 p.m. Seconded by Select Board Member Reed.

Yes 3, No 0

G. Review of Whether/What Amount to Propose at STM for Free Cash Transfer to Reduce FY22 Tax Rate:

Town Manager Jennings updated on this topic. (See Exhibit G, pages 96 through 106 for information) He provided information stating that significant increase in assessed values would be an 11% increase in values, which leads to a significant reduction of the tax rate from the current \$14.88 to an estimate \$13.36, which would translate to about \$105/year increase, or 1.29% for the median value single-family home, but with a free cash transfer, that could reduce that down to a 0% or even a tax reduction, which is up to what the Board wants to sponsor and what Town Meeting wants to approve.

Discussion ensued on this topic with Select Board Member Archibald providing information as to funds that were available this year as opposed to last year, stating that there is more money available, that in a sense, this is over taxation, which is all the more reason to give money back to the taxpayers.

Motion made by Select Board Chair Parker to propose the transfer of \$200,000 from free cash to reduce the FY22 tax rate. Seconded by Select Board Member Archibald.

Yes 2, No 1 (Select Board Member Reed opposed)

H. Approve and Sign Special Town Meeting Warrant:

Town Manager Jennings updated on this topic. (See Exhibit H, pages 107 through 113 for information) He discussed the removal of the farm warrant and his reasons for doing so. He also stated that anything that is redlined is not very substantive but preserves flexibility. Further discussion ensued on redline changes to the Warrant.

Motion made by Select Board Chair Parker to approve the Warrant for Special Town Meeting as presented. Seconded by Select Board Member Archibald.

KC Swallow questioned why Town Counsel added language to all of the Articles, "or take any other action relative thereto," and further discussion ensued on this topic. Town Manager Jennings stated that he feels that perhaps it should be in some of the Articles and not others and went through those that he thought should contain the language with Select Board Chair Parker stating that he would like to stay with what Town Counsel recommended.

Yes 3, No 0

KC Swallow questioned the wording in Article 1 as to why there would need to be a vote to hear and act upon town reports. Discussion ensued on this topic.

Motion made by Select Board Chair Parker, in regard to Article 1 on the working draft of 10/1/21 for the Special Town Meeting Warrant, to remove the words "will vote to hear and act upon the reports." Seconded by Select Board Member Reed.

Yes 3, No 0

I. Discussion of Process for Response to Proposed/Potential Warrant Articles:

Town Manager Jennings updated on this topic. (See Exhibit I, pages 114 through 117 for information) He stated that he was asked to bring it to the Board to make them aware. Discussion ensued on this topic as to how the process works in this regard. There was also discussion regarding proposed Articles that weren't included in the Warrant, such as the Parks & Rec Article and a leaf blower ordinance, with Town Manager Jennings stating that the main purpose was that there wasn't Town personnel available to handle this request.

J. Request for Authorization to Pursue Municipal Energy Technical Assistance (META) Grant Application:

Select Board Chair Parker updated on this topic. (See Exhibit J, Supplemental Packet, pages 1 through 76 for information) He stated that this regards the proposal from Solect and that there was concern about whether or not the process that we were using was the best way to do things.

He stated that he reached out to get other options and other clients and also discussed with Town Counsel regarding this, who was somewhat skeptical of the references in Chapter 156, Section 137 of MGL and whether that would assure us of the best overall arrangement for the Town in terms of risk exposure and things like that and suggested caution. He stated that after speaking with him it seemed prudent to seek other options and use the typical process of following more typical procurement procedures and put together an RFQ to have potential vendors make proposals and quotes.

With the Town Manager's suggestion and due to the time constraints, Select Board Chair Parker stated that he went ahead with the grant and is now bringing it to the meeting for discussion and approval, and the grant application is to have the five sites originally considered and discussed with Solect, which can only pick one, to have those five sites reviewed for feasibility by existing state approved vendors. He further stated that he has spoken to a vendor who reached out who had worked with the Town before. Discussion ensued on this topic with questions and answers by Board members.

Motion made by Select Board Chair Parker to that we approve the application that has previously been made for the grant regarding sites for solar. Seconded by Select Board Member Reed.

Yes 3, No 0

K. Review Draft Employee COVID-19 Exposure Protocol:

Town Manager Jennings updated on this topic. (See Exhibit K, pages 118 through 123 for information) Stated that there were just a couple of minor changes in the draft to make it better and clearer and explained what those changes were. Further discussion ensued on this topic as to how this would apply to Town employees and union members, and it was decided to circulate the protocol for comment.

L. Draft Policy to Require Advance Town Manager Approval of Overtime and Hours Worked Above Budgeted:

(See Exhibit L, pages 124 through 129 for information) This topic was tabled until the next meeting.

M. Review of Proposed Amendment to FY22 Wage Schedule:

(See Exhibit M, page 130 for information)

Motion made by Select Board Member Archibald to change the Council on Aging grade from 1 to 3 with a rate increase to \$20.00. Seconded by Select Board Member Parker.

Yes 3, No 0

N. Update on Community Compact Grant Application Re: Wage Study, Preparation for Meeting with Boards/Commission Chairs Regarding Personnel Policy/Administration:

Town Manager Jennings updated on this topic. (See Exhibit N, pages 131 through 132 for information) Stated that the grant has already been submitted and stated that in order to discuss this topic fully, it should be discussed at a stand-alone meeting.

O. Discussion of Affordable Housing Policy/Strategy:

(See Exhibit O, pages 133 through 166 for information) (no discussion on this topic)

P. Meeting Minutes: July 26, 2021, July 28, 2021:

Town Manager Jennings updated on this topic. (See Exhibit P, pages 167 through 185 for information)

Motion made by Select Board Chair Parker to approve the Meeting Minutes of 7/26/21 and 7/28/21. Seconded by Select Board Member Archibald.

Yes 3, No 0

TOWN MANAGER UPDATES

Q. Update on Initial Orientation With New Conservation/Land Agent, Michelle Green:

Town Manager Jennings updated on this topic. (See Exhibit Q, page 186 through 199 for information) Stated that this is a great hire and it's great to have a new dedicated person who is very positive with a lot of energy and a good knowledge base.

R. Update Regarding New Signage at Mill Pond/Pipestave (Re: Applicability of Dog Leash Requirements):

Town Manager Jennings updated on this topic. (See Exhibit R, pages 200 through 204 for information) Stated that Parks & Rec was fine with putting up signs and have a good game plan with that.

S. MS4 Stormwater FY21 Annual Report (As Submitted):

Town Manager Jennings updated this topic. (See Exhibit S, pages 205 through 221 for information) Stated that the Annual Report was put in.

T. Follow-up Meeting Assignments:

(No discussion on this topic)

U. Placing Items on Future Agendas:

Select Board Member Reed inquired as to the packets going public, was thinking that maybe could be done via e-mail with Town Manager Jennings providing information on this.

Select Board Chair Parker stated that an unexpected agenda item on which a decision should be made is regarding employee vacation that was not used from FY20/21, and whether there should be a single time extension reflecting the fact that a number of people have vacation time left over because of the situation surrounding COVID and people were not able to use their earned vacation.

Motion made by Select Board Chair Parker to add this topic to tonight's agenda as an unexpected agenda item. Seconded by Select Board Member Archibald.

Yes 3, No 0

Motion made by Select Board Chair Parker to allow people until December 31, 2021 to use unexpended vacation from FY20/21, that this is a single time extension, will not be repeated for FY22. Seconded by Select Board Member Archibald.

Yes 3, No 0

Select Board Chair Parker asked that agenda items for the next meeting, whenever possible, be introduced at a prior meeting since a significant amount of time is spent regarding what should be carried to the next meeting and having a heads-up as to new items would be helpful in formulating an agenda for the next meeting.

**Motion was made by Select Board Member Archibald to enter into Executive Session.
Seconded by Select Board Chair Parker.**

Yes 3, No 0

Respectfully submitted,

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