



**Town of West Newbury  
Select Board  
Monday, November 15, 2021 @ 7:00pm**  
381 Main Street, Town Office Building  
[www.wnewbury.org](http://www.wnewbury.org)  
**Open Session Meeting Minutes**

**Open Session:** Chairperson Parker called Open Session to order at 7:10pm.

**Participation at the Meeting:**

Richard Parker, David Archibald, and Wendy Reed; *Select Board Members*  
Angus Jennings, *Town Manager*  
James Blatchford, *Town Clerk*  
Jeff Durand, Police Chief  
Carly Ramos  
Patricia Reeser  
Christian Kuhn, *Town Assessor*  
Tony Roselli, *Roselli & Clark Associates*

**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; see agenda for details.
- Regional Vaccination Clinics, ages 5-11. November 15, 22, 29 (see page 2 and the Town website for details).
- Community Preservation Committee: Public Informational Hearing to solicit input from citizens regarding the needs, possibilities and resources of the Town relative to the Act in the areas of Community Housing, Historic Preservation, Open Space and Recreation regarding the development of the Community Preservation Plan. Thurs., Nov. 18, 2021, at 8:00 PM in the First Floor Hearing Room (see page 3 for details).
- Call for 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. Police Department staffing updates**

Jeff Durand appeared before the Select Board in person and publicly announced the intention to retire as the Police Chief effective June 30, 2022 (see exhibit A page 5 for details). **No motion was made at this time.**

**B. Applications for Committee appointments:**

**a. Carly Ramos – Cultural Council**

Carly Ramos appeared before the Select Board in person (see exhibit Ba pages 6-7 for details). The Select Board thanked Ramos for volunteering to serve on the Cultural Council. **Parker made a motion to appoint Carly Ramos to the Cultural Council. Archibald seconded.** Parker stated the term would be effective through June 30, 2024. **Motion was unanimously passed (3 Yes, 0 No, 0 Abstain).** Jennings stated the Town Clerk's Office would make arrangements to get sworn in and would provide the required paperwork for appointment.

**b. Patricia Reeser – Community Preservation Committee (at-large seat)**

Patricia Reeser appeared before the Select Board in person (see exhibit Bb page 8 for details). The Select Board and Reeser discussed how the appointment, if approved, would provide representation for the Open Space Committee on the CPC. Jennings clarified the appointment would fill the vacancy of a member that had stepped down and the term would be effective through June 30, 2022. **Parker made a motion to appoint Patricia Reeser to the CPC effective through June 30, 2022. Archibald seconded. Motion was unanimously passed (3 Yes, 0 No, 0 Abstain).**

**C. FY22 Tax Classification Hearing – joint Select Board meeting with Board of Assessors**

Christian Kuhn appeared before the Select Board in person (see exhibit C pages 9-20 for details) and stated a Tax Classification Hearing was required each year.

Kuhn discussed theprecedented growth in the real estate market that had led to a large jump in valuations. Kuhn stated the DOR had certified the valuations November 1<sup>st</sup> and the Select Board would need to vote on the single tax or split tax rate, the open space discount, the residential exemption, and the small commercial exemption. Kuhn informed the Select Board the Board of Assessors had recommended a single tax rate as it had done so in previous years. **Parker made a motion to adopt a single tax rate. Archibald seconded. Archibald made a motion to amend the original motion to include not recommending the open space discount, the residential exemption, or the small commercial properties. Reed seconded.** Kuhn briefly explained that the residential exemption was generally used by communities with a large quantity of second homes or rental properties. **Motion was unanimously passed (3 Yes, 0 No, 0 Abstain).**

Jennings explained the tax rate would not be set that evening, but the estimated tax rate was likely to decrease to 13.06, the lowest in more than a decade. Jennings estimated that typical bill would decrease roughly 2%. The Select Board discussed how valuations could impact the ability to pay tax bills for the financially vulnerable or senior citizens on fixed incomes. Richard Baker appeared before the Select Board in person and stated that there were a lot of programs available for the elderly and lower income residents. Baker stated exemptions forms were available in the Assessor's Office and residents were welcome to fill one out.

#### **D. Presentation of FY21 Town Audit – Tony Roselli, Roselli & Clark Associates**

Tony Roselli appeared before the Select Board remotely (see exhibit D pages 21-82 for details). Roselli gave a brief overview of the Town Audit and stated the Town had a very good chance at getting a AAA bond rating. Roselli recommended three actions that could benefit the Town. The first, Roselli recommended staff to continue to receive cyber security training with an emphasis on fishing emails. The second, Roselli recommended the town open a new vendor account and stated it would take roughly 6 months to complete the process. Lastly, Roselli recommended more staffing to support the Finance Department and the current staff within the office. **No motion was made at this time.**

#### **E. Discussion of Free Cash / tax rate reductions**

The Select Board and Jennings discussed turnbacks as the major contributing factor to the increase of Free Cash each year (see exhibit E page 83 for details). Jennings stated that emergency service departments, such as Fire and Police, were always conservatively budgeted as there was no way of knowing how many emergencies would occur any given year. Jennings stated that solid waste, recycling, and employee health care coverage were other area that were conservatively budgeted. The Select Board discussed whether the Town should continue tax rate reductions through use of Free Cash or if the Town Budget could be tightened up to reduce the amount of turnbacks. **No motion was made at this time.**

#### **F. Discussion re process to determine uses for American Rescue Plan Act (ARPA) funds**

Jennings stated \$704,000 in ARPA funds were in the bank and the town had until December 31, 2024 to use them (see exhibit F pages 84-87 for details). Jennings suggested the funds to be put toward big dollar project that was a known need for the town. The Select Board and Jennings discussed whether APRA funds could be used to cover administration costs needed for the project. It was decided that a list of significant Capital projects that would be eligible for the use of ARPA funds would be created and reviewed by the Select Board. **No motion was made at this time.**

#### **G. Public hearing: proposed Personnel Policy re advance approval for OT/time worked above budget**

**Parker made a motion to open the public hearing for the proposed Personnel Policy. Archibald seconded. Motion unanimously passed (3 Yes, 0 No, 0 Abstain).**

Jennings stated the policy amendment was never intended to apply to first responders or union members and the clarification would need to be noted within the policy (see exhibit pages 88-92 for details). Jennings informed the Select Board that a request for clarification concerning compensatory time versus pay overtime had been received. Jennings stated that the choice was generally up to the employee, but Town Counsel had advised that under FLSA (Fair Labor Standards Act) an understanding or agreement, before the performance of the work, must be reached between the employee and employer. The Select Board discussed unavoidable scenarios where an employee could work over the budgeted hours. Jennings stated the spirit of the policy was to initiate conversation beforehand and the Town was obligated to pay employees for any time that was worked. **Parker made a motion to approve the amendment to the personnel policy regarding advanced approval of OT/time worked above budgeted hours, with the inclusion that the amendment would not apply to Fire or EMA services.** The Select Board discussed where in the policy the clarification to exclude Fire and EMA services from the amendment could be placed. Jennings suggested creating a separate applicability section in the beginning of the policy specifically for that clarification. **Reed seconded. Motion unanimously passed (3 Yes, 0 No, 0 Abstain).**

**Parker made a motion to close the public hearing. Reed seconded. Motion unanimously passed (3 Yes, 0 No, 0 Abstain).**

#### **H. Update on work to establish a Housing Trust, Board of Trustees**

The Select Board and Jennings discussed how a bylaw would further define the powers and authorities of a Housing Trust beyond the adoption of the state statute (see exhibit H pages 93-107 for details). Reed stated the acceptance of the statue had been expressed to the residents as the first step, therefore the town should move forward and establish a committee to define the responsibilities of the trust with the intention of creating a bylaw. The Select Board and Jennings reviewed the draft charge provided in the packet and the proposed composition of the committee members. **Parker made a motion to establish an affordable housing trust bylaw committee and to adopt the charge as written. Reed seconded. Motion unanimously passed (3 Yes, 0 No, 0 Abstain).** The Select Board stated any interested party willing to serve on the Affordable Housing Bylaw Committee should submit an application.

**I. Town Manager request for authorization, pursuant to Interim Regulations for Housing Contribution Payments and Resale Fees, to enter contract for services bringing total costs above \$10,000 in FY22**

Jennings discussed finding the right vendor for the community that could provide consulting services for the Affordable Housing Committee until support was no longer needed (see exhibit I pages 108-120 for details). Parker believed it would be best to wait until the make up of the committee had been established to determine the level of support needed. Jennings stressed the importance of procuring support for the committee and avoiding additional workload on the Town Manager and Town Planner. It was decided to revisit this topic after the committee membership was established. **This item was tabled.**

**J. Review of updated draft Employee COVID-19 Exposure Protocols**

The Select Board and Jennings reviewed the updated Employee COVID-19 Exposure Protocols draft (see exhibit J pages 121- 123 for details). The Select Board and Jennings discussed continuing not to take from employee accrued sick leave for time away due to COVID-19, the addition that an employee may be required to provide a positive/negative test, and the addition of noting the policy would apply to any employee with a work station within the Town Office Building or whose regular work schedule includes work within the Town Office Building. The Select Board chose a sunset date of June 30, 2022. **Parker made a motion to approve the updated Employee COVID-19 Exposure Protocols as amended. Reed seconded. Motion unanimously passed (3 Yes, 0 No, 0 Abstain).**

**K. Set date and time for annual Holiday Tree Lighting**

Jennings stated the annual Holiday Tree Lighting had historically been held the Thursday after Thanksgiving at 6pm. Jennings stated DPW would set up the lights beforehand and Glen Kemper would bring the hot chocolate and cookies as has been done in the past. Archibald suggested moving the time to 6:30pm to accommodate for parents with children. It was decided the Annual Tree Lighting would be December 2<sup>nd</sup> at 6:30pm.

**Town Manager Updates**

**L. Draft timeline, FY23 budget process**

Jennings discussed timeline for gathering budget proposals from departments, boards, and committees (see exhibit L pages 124-127 for details). The Select Board and Jennings discussed whether the Annual Town Meeting would be held April 25<sup>th</sup> or if an outdoor venue would be more suitable and the meeting would be held in May. The Select Board and Jennings discussed the firm date of the local election, May 2<sup>nd</sup>, and potentially holding the Town Meeting the following Saturday. **No motion made at this time.**

**M. Soldiers & Sailors Building: disc. w Lynne Spencer re procedure needed to propose disposition (via sale or long-term lease) with accompanying preservation restriction**

Jennings stated a cost proposal had been requested from Sullivan, Spencer & Vogt for assistance in preparing the proposal for disposition, for either sale or long-term lease, and KP Law for assistance in preparing a preservation restriction (see exhibit M pages 128-131 for details). Jennings and the Select Board discussed how drafting a preservation restriction would be a lengthy process and requested to review examples of what other towns have done in the past. **No motion was made at this time.**

**N. Proposal received for safety audit of Pipestave/Page intersection**

Jennings reviewed the virtual meeting held with TEC and DPW Director, Wayne Amaral (see exhibit n pages 132-136 for details). Jennings reviewed amendments to the agreement that were discussed which included; completion of the traffic counts in April, increasing the public meetings from one to at least 2 or more, and submission of multiple conceptual layouts to chose from for the final conceptual plan. Jennings stated billing clarification would be requested to outline if payment would be contingent upon a percent complete or milestone model. The Select Board and Jennings discussed how TEC had completed roughly 90% of all Safe Route to School Grants in Massachusetts. **No motion was made at this time.**

**O. Follow up meeting assignments**

No items were discussed at this time.

**P. Placing items for future agendas**

The Select Board requested an update on the Pentucket Middle/High School project. Jennings stated the item would appear on the next agenda.

**Parker made a motion to adjourn. Archibald seconded. Motion unanimously passed (3 Yes, 0 No, 0 Abstain). Open Session adjourned at 10:37pm.**