



**Town of West Newbury
Select Board
Monday, April 25, 2022
381 Main Street, Town Office Building
www.wnewbury.org
Open Session Meeting Minutes**

Open Session: The open session was called to order at 7:20pm by Chairman Parker.

Participation at the meeting:

- Select Board Members: Richard Parker, David Archibald, and Wendy Reed
- Town Manager, Angus Jennings
- Town Clerk, James Blatchford
- Board of Fire Engineers: Chief Mike Dwyer, Dave Evans, and Ben Jennell (Jennell appeared virtually)
- Lark Madden
- Conservation Commission Chair, Judy Mizner (virtually)

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.
- Arbor Day events organized by West Newbury Tree Committee – Saturday, April 30th (See pages 3 and 4 for additional information)
- Special and Annual Town Meeting – Saturday, May 14, 2022 at 9am, Bandstand
- Town Elect Monday, May 2, 2022- Polls open 7am-8pm
- May/June Council on Aging Newsletter now available! (See pages 5-14 for additional information)
- Thank you to all those who participated in the roadside cleanup!
- Reminder to subscribe for emailed Town news/announcements at <https://www.wnewbury.org/subscribe>

Regular Business

A. Request for appointment of members to Board of Fire Engineers

Dave Evans and Chief Mike Dwyer appeared before the Select Board with Ben Jennell appearing remotely. The Select Board discussed the number of members currently on the Board of Fire Engineers and stated 5 applications had been received (see exhibit A pages 15-21 for additional details). Parker and Archibald spoke in support of increasing the number of members on the Board of Fire Engineers, citing the addition of new members and furthering the professional resumes of firefighters as a benefit.

Parker made a motion to appoint Dave Evans, Mike Dwyer, Ben Jennell, Cooper Carifio, and Mark Marlowe as members of the Board of Fire Engineers. Archibald seconded.

Chief Dwyer addressed the Select Board and discussed benefits of moving from the current 3-member board to the proposed 5-member board. Chief Dwyer stated that after appointment, the Board of Fire Engineers would meet and the division of responsibilities would be determined amongst the members. Operational control would be handled through the Fire Department structure while the Board of Fire Engineers would be responsible for capital planning, capital assets, special requests, and budget planning.

Motion passed (Yes 3, No 0, Abstain 0)

James Blatchford, the Town Clerk, stated an email would be generated to the appointees with information relevant to being sworn in.

B. Update on request for temporary road closure, of a portion of Church Street, for use as staging area for Rocks Village Bridge repairs

Jennings stated the contractor in communication with DPW was not yet under contract with MassDot and recommended to wait until the vendor was formally under contract before moving forward. Correspondence that addressed a number of questions concerning the staging area was presented (see exhibit B pages 22-30 for additional information). Traffic flow and access to the boat launch area were not addressed in the correspondence. It was stated that follow-up on whether motor vehicle access from Church Street to Bridge Street through the use of Ferry Lane would be needed. The Select Board discussed the substantial additional costs for transportation for Pentucket and Whittier Vocational school students due to the closure of the bridge. It was suggested to contact Town Counsel to see if the trucking company would be liable for any of the additional transportation costs for the school districts. Jennings stated contact would be made with Town Counsel concerning this matter.

Select Board member Archibald exited the meeting.

C. Consider sending request to MassDOT to restrict truck traffic from Rocks Village Bridge

Parker spoke favorably to restricting truck traffic from the Rocks Village Bridge and suggested the Town request MassDOT to consider additional exclusionary systems to prevent over height trucks from attempting to cross the bridge. Parker stated height restriction warning sign did not deter the truck driver from attempting to cross the bridge and something more than a sign was needed (see exhibit C pages 31-34 for additional details). A letter from the Haverhill City Council President was presented requesting the Town of West Newbury to join Haverhill in lobbying MassDOT for permanent truck restrictions for the bridge. Reed asked if the Haverhill City Council had included Merrimac in this request. It was stated the letter from the City Council was only sent to the West Newbury community as the town directly abutted the bridge.

Parker made a motion to make a request to MassDOT to put a truck restriction on the bridge to include an appropriate system for sensing and warning over height vehicles. Reed seconded. Archibald absent. Motion passed (Yes 2, No 0, Abstain 0)

D. Update on MBTA Communities legislation, and responses to questionnaire due to State DHCD on/by May 2, 2022

Jennings asked for clarification as to who should be listed under 5b1 of the questionnaire (see exhibit D pages 35-42 for additional details).

Parker made a motion to list Angus Jennings as the responsible individual for the MBTA Communities for the compliance with section 3A of c40A. Reed seconded. Archibald absent. Motion passed (Yes 2, Abstain 0, No 0)

Jennings stated the meeting minutes of the presentation from the planning board would need to be submitted.

E. Request for authorization to submit Mill Pond ANRAD to Conservation Commission

Parker and Reed stated there were no questions concerning this item (See exhibit E pages 43-65 for additional details).

Parker made a motion to authorize Mill Pond ANRAD to Conservation Commission. Reed seconded. Archibald absent. Motion passed (Yes 2, No 0, Abstain 0)

It was decided to take item G out of order from the agenda.

G. Review/make recommendations on proposed warrant articles, including proposed FY23 operating budget (updated with Finance Committee recommendations), for spring Annual and Special Town Meetings scheduled for Saturday, May 14, 2022 at 9am

Parker stated the 3 changes to the operating budget involved an increase of \$20,000 in the Financial Committee budget, a reduction of \$18,000 to the waste disposal portion of the Board of Health, and an increase of roughly \$8600 for the 10hr library support position (see exhibit G pages 85-126 for additional details). Jennings asked if the Select Board was in agreement with the 3 changes. **At this point Archibald re-entered the meeting.** Jennings explained the reasoning behind the reduction in budget for solid waste disposal and the increase to the Financial Committee reserve fund. The Select Board members briefly discussed the solid waste budget and the recycling budget. It was clarified the recycling budget was separate from the solid waste disposal budget.

Parker made a motion to accept the changes proposed on the FY23 operating budget for the spring Annual and Special Town meeting with the updated Finance Committee recommendations. Reed seconded. Motion passed (Yes, 3 Abstain 0, No 0)

Jennings asked if any edits in the language used within the draft warrant were required. It was noted that the bylaws were most likely to be placed at the end of the warrant and had not been placed in the draft at that time.

Parker made a motion to accept the proposed warrant articles for the spring Annual and Special Town Meetings. Reed seconded. Motion passed (Yes 3, No 0, Abstain 0)

It was decided to address agenda item F at this time.

F. Review of updated proposed Wetlands Protection Bylaw

Archibald stated the new bylaw would create additional workload for the Conservation Committee and over 100 properties in the community would be affected (see exhibit F pages 66-84 for additional details). Archibald stated concern for property owners as simple property maintenance decisions would require appearance before the Conservation Committee for approval. Archibald was not favorable towards the tone of the bylaw and read an excerpt to illustrate the point. Parker stated it would be good for the Town to have a wetlands bylaw where the Select Board could make certain discretionary changes, but the proposed bylaw went too far.

Conversation ensued surrounding the restrictions associated with the proposed bylaw and how the areas of wetlands would need to be identified. Jennings asked if the Finance Committee booklet should include the Select Board recommendation. The Select Board discussed whether a vote had been taken to recommend the bylaw or to approve the bylaw on the warrant. Jennings stated the Select Board had previously voted to recommend the bylaw.

Parker made a motion to reconsider the prior recommendation for the proposed bylaw.

Archibald seconded. Motion passed (Yes 3, No 0, Abstain 0)

Parker discussed the reasoning for reconsideration of recommendation. Jennings stated one of the requirements of the storm water permit included the mapping of areas with swales and water quality testing, but was unsure of the timeline of when this would need to occur. The Select Board continued discussion concerning the impact on the community and the needed administrative resources associated with the bylaw.

Parker made a motion to support the bylaw. Archibald seconded. Parker and Archibald voted in opposition. Reed voted in favor. Motion failed (Yes 1, No 2, Abstain 0)

It was decided to take item L out of order from the agenda.

L. Discussion of West Newbury Investment Policy Statement, and potential to incorporate guidelines and/or requirements regarding divestment from fossil fuels

Parker spoke in favor of consideration in rebidding the management of funds and potentially moving away from investment in fossil fuels (see exhibit L pages 150-172 for additional details). Archibald spoke in opposition, stating the dislike of one business could snowball into dislike of multiple businesses and therefore minimize the ability of the investment manager to maximize returns. Archibald stated the fiduciary responsibility of any pension system was to provide the maximum return for the benefit of the pension holder. Jennings recommended the Select Board to take no further action than to refer this item for future study.

Lark Madden appeared before the Select Board. Madden stated data suggested ESG (environmental, social, and governance) investing has outperformed over the long term. In the short term, the OPEB portfolio was not invested aggressively in oil stocks and could have performed better if a more balanced portfolio was present. Madden stated this was a policy matter for the Town and not an IPC level decision. Madden recommended the Select Board to look into ESG managers and their relative performance against benchmarks as ESG was a broader approach to investment.

The Select Board discussed various funds and their levels of performance. Jennings stated a draft RFQ had been created. Conversation continued surrounding the language and objectives to be included in the RFQ, as well as what roles the Treasurer, Select Board, and the ICP Committee would have in the process. Jennings stated by statute the Treasurer would ultimately have sole authority on this matter. Parker stated continued discussion and exploration of options was needed on this topic as it involved more than divestment from fossil fuels. Jennings stated communication would be sent to the IPC as support to discuss this matter further was expressed from the Select Board. **No motions were made at this time.**

H. Discussion of potential proposal (for future Town Meeting) to amend zoning applicable to site of the Soldiers & Sailors Memorial Building

Jennings discussed an email that suggested referring this item for analysis to the Planning

Board (see exhibit H page 127 for additional details). Archibald asked if any strategy was gained from the consultant. Jennings stated the consultant verified the restoration of the building by an outside party was going to come at a big cost where the zoning did not allow for very much. Jennings discussed what would be required if a zoning amendment was supported and asked if the parcel would be included in an existing zoning district or if it would be a stand-alone zoning district. Jennings stated this item was placed on the agenda in order for the Select Board to discuss questions that might arise before the Town Meeting. The Select Board discussed spot zoning and the historic use of the parcel of land in question. It was decided to wait until after Town Meeting to refer this matter to the Planning Board. **No motions were made at this time.**

I. Update regarding consideration of potential Municipal Vulnerability Preparedness action grant proposal

Parker stated at the prior Select Board meeting it was decided the proposed grant was too extensive and the town did not have the administrative resources to support the workload at this time (see exhibit I pages 128-133 for additional details). Instead of continuing with the grant as a whole, the Resilience Committee would work over the course of the summer to determine the amount needed in order to pursue an analysis of the risk to River Road, specifically from climate change. The matching funds amount would be included at the Special Town Meeting in the Fall. **No motions were made at this time.**

J. Review of potential policy to waive 15-day waiting period for effective date of Town Manager personnel appointments

Jennings presented a draft of the policy for the Select Board to review (see exhibit J page 134 for additional details). **Archibald made a motion to approve the policy to waive 15-day waiting period for effective date of Town Manager personnel appointments. Reed seconded. Motion passed (Yes 3, No 0, Abstain 0)**

K. Consideration of referring potential amendments to Personnel Policy (regarding sick and personal-day accruals for qualified part-time employees) for public hearing

The Selectboard discussed the increments of accrual for personal leave for qualified part-time employees (see exhibit K pages 135-149 for additional details). Jennings stated the amendment would increase the amount of personal leave for all employees and would address the ambiguity of how many hours of personal leave were in a day as some employees worked part-time. Parker stated the proposed policy would increase the personal leave from 8hrs to 16hrs per year for full time employees. For part-time employees, the time would be pro-rated dependent upon the number of hours the qualified part-time employee worked per week. **Archibald made a motion to refer the personal leave policy for amendment to a public hearing May 9, 2022. Parker seconded. Motion passed (Yes 3, No 0, Abstain 0)**

Jennings discussed sick day accruals and the language used within the current policy. The Select Board discussed how the current policy could be misinterpreted and how the pro-rated language from the proposed personal leave policy for qualified part-time employees could be used within the sick policy. **Parker made a motion to refer the sick accrual rate for reclarification to a public hearing May 9, 2022. Archibald seconded. Motion passed (Yes 3, No 0, Abstain 0)**

Town Manager Updates

M. Discussion of practice of scheduling site visits on Sundays and holidays, including Easter Sunday

Jennings presented a proposal for consideration to disallow any board, commissioner, or committee appointed by the Select Board to schedule any work event where attendance is required on any Sunday that is part of a 3-day weekend or any holiday recognized as such in the West Newbury personnel policies or Easter Sunday (see exhibit M page 173 for additional details). Archibald stated the opinion that employees should not be required, unless on an emergency basis, to have regular responsibilities on any Sunday. This would exclude the Board of Fire Engineers as some trainings /drills are scheduled on the weekends. Judy Mizner, Conservation Commission Chair, appeared before the Select Board. Mizner stated Sunday site visits were scheduled to accommodate members of the commission, as they are unable to attend during the weekday working hours, and the Conservation Agent was not required to attend. Mizner stated the site walk completed Easter Sunday of 2022 was scheduled at the applicant's request as an accommodation for the applicant. Parker stated in roughly the past 6 months, there were 3 different site walks scheduled during weekends or holiday weekends. Jennings clarified a site walk was scheduled for Columbus Day weekend and had been rescheduled, but a site walk did take place on New Years Day. Mizner and Jennings disagreed as to whether attendance of employees was required at site walks. Jennings stated that presenting employees with the choice to either miss a work obligation or give up a holiday entitled to under the personnel policy was profoundly disrespectful. The Select Board, Jennings, and Mizner discussed how site walks were scheduled around the Conservation Commission meetings that occur twice a month. Parker suggested this item to be placed on the following agenda as a proposed policy. Jennings stated the proposal would be sent to Mizner. **No motions were made at this time.**

N. Update on recent attendance at Lappin Foundation's Two Steps Forward against Antisemitism Summit

Jennings reviewed the recommendations from the Antisemitism Summit (see exhibit N pages 174-178 for additional details). The recommendations included recognition of International Holocaust Remembrance Day and January as Holocaust Education month. Jennings stated these items would be brought before the Select Board in December to vote for a proclamation.

O. Update on Board of Assessors transfer of \$100,000 from Overlay Account to Overlay Surplus Account

Jennings presented a memo of recommendation from the Chief Assessor to the Board of Assessors concerning the transfer of \$100,000 from Overlay Account to Overlay Surplus Account (see exhibit O page 179 for additional details). Jennings stated the Board had already voted on this matter and this was merely informational.

P. Follow up meeting assignment; placing items for future agendas

- Parker requested to discuss starting a Town Charter and the steps needed to complete this. Jennings discussed the differences between creating a Charter Commission, a Town Charter Study Committee, and a Town Government Study Committee.

- Jennings discussed creating a work plan for the Select Board for the next year to clearly illustrate the commitments already in place and to determine what capacity is left to take on additional items.
- Reed requested road race organizers to be required to notify residents of the event through signage or other means. It was suggested to include the requirement on the event application.
- It was stated that Parker would be out of town May 15th-30th. Contingency plans in the event of rain for the Annual and Special Town Meeting May 14th were briefly discussed. It was decided to maintain the scheduled Select Board meeting May 23, 2022 in Parker's absence but to potentially make adjustments to the summer schedule of meetings.

Archibald made a motion to adjourn. Parker Seconded. Motion unanimously passed (Yes 3, Abstain 0, No 0). Open session adjourned at 10:51pm