



**Town of West Newbury
Select Board
Tuesday September 5, 2023 @ 7:00pm
381 Main Street, Town Office Building
www.wnewbury.org
Meeting Minutes**

Open Session: Chairwoman Reed opened the session at 7:04pm.

Participation at the Meeting:

- Rick Parker, Wendy Reed, Chris Wile- Select Board
- Angus Jennings- Town Manager
- Jim Blatchford- Town Clerk
- Jenny Walsh- Town Accountant
- Robert Janes- Water Commissioners representative
- Allison, Jamie- Apple Harvest Road Race representatives
- Dennis Unger, Phyllis Unger- Owner of 21 Maple St.

Regular Business:

A. Request to recognize Pregnancy and Infant Loss Remembrance Day, Oct. 15th

See Exhibit A, p. 17-22. Reed explained the purpose of the commemoration (accompanied by a display of blue and pink lights on public buildings). Jennings briefed the Board on what the Town could do, within reason, to meet the lighting requirements. He said they had reached out to Pentucket to see what they could do with respect to illuminating the school buildings, and also stated that promotional posts could be put up on social media. Following the brief back and forth, Jennings clarified the next steps: that the Select Board could vote to recognize the Day, and the Town would execute an appropriate tribute with existing infrastructure. **Parker motioned to recognize the Remembrance Day. Reed seconded.** The Board continued discussion. Parker inquired whether the recognition should be recurring, and Reed said she preferred revisiting the holiday each year. **Parker amended his motion to state they would recognize the Remembrance Day on October 15th, 2023, and reconsider next year.** Wile suggested developing a list of criteria a policy for displays on Town property. Reed suggested Wile be charge of developing this policy. **The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

B. Requests for Special Event Permits:

a. Apple Harvest Road Race – Oct. 15, 2023 from 8am to 3pm

See Exhibit Ba, p. 23-28. With new maps in hand, the Board was curious about whether alcohol would be served. The Clerk stated that at the time of the meeting it would not be provided during the event. A member of the Apple Harvest team testified to this. The discussion concluded with who the Apple Harvest representatives needed to speak with to get signage at certain Town properties, confirmation of police details, and whether or not a certificate of insurance was on its way to the Board. Parker and Reed encouraged the representatives to provide the documents in future as if it was a “brand new” event and the Board “knew nothing” so that all details would be covered from the get-go in the initial application. **Wile motioned to approve the event contingent upon the organizers getting permission to put in signage, further information on police details, and receipt at Town Offices of proof of insurance. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

b. Myopia Hunt Club fox hunts, Oct. 14 2:30 to 4:30, Oct. 31 10am to 12pm, Nov. 11 1 to 3pm

See Exhibit Bb, p. 29-40. The event applications covered a trio of dates for the Board to review. The Board established that the certificate of insurance Myopia Hunt Club provided covered all of these events. Reed got clarification that the volunteer crossing guards provided by the Club were acceptable to the West Newbury Police Department, and if it opened the Town to any insurance liability. Jennings told them the Department had been agreeable. Parker requested an improved route map as he had in previous years. The Board hoped for a similar approach they had suggested to Apple Harvest- brand new materials and maps for each year. **Reed motioned to approve the permit contingent on map submittals and signatures. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

C. Public Hearing regarding Short Term Rental application, 12 Maple St.

See Exhibit C, p. 41. The application had made for a nuanced ongoing issue, and the Select Board meeting gave the applicants a chance to speak to the Board directly. The Building Inspector had made it known that the proposed use was unacceptable under local ordinances. Jennings and Reed then explained their reasoning for not sending out abutter’s notices which would have encouraged neighbors to speak during the meeting, though Wile felt that this had not been the best course of action. Jennings

and Reed also reiterated the purpose of having the hearing despite the previous judgement made by the Inspector. Dennis Unger then testified to the Board, providing documentation from prior court cases, and a history of the property and its infrastructure. He highlighted the environmental friendliness of his proposed construction, and the proposed usage of the property as a “five star” AirBnB. Wile suggested returning to the issue following the upcoming Fall Town Meeting and its legislation related Accessory Dwelling Units (and potential abolition of the Short Term Rental Bylaw). The proposed Town Meeting Article would clarify vague language and allow for a 900 sq.ft. building: with the anticipated Town Meeting action, the restrictions on zoning that plagued the Unger project would be eliminated. The Board and the Ungers went back and forth on the next course of action- Reed pointing out that the application was framed in the context of the possibly soon-to-be-defunct Short Term Rental Bylaw. Reed presented options to the room: 1. Deny the application based on the Inspector’s opinion 2. Approve the proposal contingent on occupancy and septic permits, or 3. Defer the application to a future meeting. The Ungers hoped the Board would select option 2. The Select Board debated extensively, largely framing their decision on what would happen if the Short Term Rental Bylaw would be eliminated. **Wile motioned to continue the Item at the next meeting in order to prepare a written draft of the options for the Ungers. Reed seconded.** Parker stated that he felt pushing the discussion to the next meeting would not bring the needed clarity- only after Fall Town Meeting would things be clearer. **The original motion failed. (1 Yes, Reed and Parker No, 0 Abstain). Parker motioned to return to the Item at the first Board meeting after Special Town Meeting. Reed seconded. The motion passed. (2 Yes, Wile No, 0 Abstain).**

D. Select Board review of Committees’ charge/function: Finance Committee

See Exhibit D, p. 42-43. Reed asked Wile if the Committee had discussed the charge/function, and he reported he thought they had. Parker said he thought that the materials were excellent. Reed thought the collaborative direction trending between the Select Board and the Finance Committee was ideal. **No motion was made at this time.**

E. Receipt of draft Weston & Sampson report regarding potential water testing at 31 Dole Pl.

See Exhibit E, p. 44-60. Reed stated she wanted to establish whether the community should continue to utilize the “six foot benchmark” for potential flooding of the site in the future, which would render it useless to the Town. She intimated that Weston & Sampson needed guidance from the Town on whether that metric was being maintained in order to best chart a course for their future work (or whether it would make sense to continue doing work). The Board discussed Newburyport’s approach to flood preparation based on their careful research and their metric (100-year flood level plus six feet). The Board aired their hope that a representative from Weston & Sampson would attend a Board meeting to help guide the Board’s analysis. Parker stated that the Town should proceed conservatively, keeping in mind the cost of the project (\$20,000,000) and the Town’s potential dependency on the water source, a source which could become unviable in the future. Given the pitfalls, Bob Janes offered his opinion that other sites in Town the Water Commissioners were engaged with might be better sites. Reed asked Jennings what the appropriate course of action would be with respect to Weston & Sampson- if the consultants desired feedback or other materials from the Select Board. Jennings told the Board they would need to “own” their decision with regard to the “six foot benchmark”, so that an appropriate course could be charted with Weston & Sampson such as a revised scope or consideration of other sites for wellfields. The Board agreed to schedule a meeting for future with Weston & Sampson and the Water Commissioners. **No motion was made at this time.**

F. Vote to close Warrant for Fall Special Town Meeting

See Exhibit F, p. 60. Parker motioned to close the Warrant. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).

G. Review of requests for Warrant Articles for Fall Special Town Meeting, and determination of which Articles to include on Special Town Meeting Warrant

Reed suggested that prior to determining what to approve for inclusion, parameters should be established for the process, since tradition usually meant the inclusion of emergency funding items. Wile stated he was in favor of bringing anything to the Fall Special Town Meeting. The Board then turned to the proposed Warrant. Reed had no items she wanted to withdraw, neither did Wile. Parker did not opine. Jennings jumped in and asked the Board to weigh in on Article 11- the replacement of flooring in the Town Offices Annex- and whether it was appropriate to pursue the funding at Special Town Meeting (versus Annual). Blatchford suggested it might be wise to take into consideration all of the shortcomings of the Annex into one Article for a future date, versus pursuing just the flooring at STM. The group decided to discuss the matter with the Finance Committee. Wile then raised concerns about Articles 26-28 on certification stipends which he thought should be included as part of the job-holder’s background. Blatchford explained, with respect to Town Clerk’s certifications, that certain certifications would not be available without clerking experience (a situation similar to those for other municipal roles). Jennings stated he brought the three Articles forward to codify what the Town was already doing- when hired many positions had incentives to get certification in their fields. **Wile motioned to accept all the Warrant Articles as presented except for Article 11 which would be removed. Reed seconded. The**

motion unanimously passed. (3 Yes, 0 No, 0 Abstain). The Board and Manager wrapped the discussion by conversing about joint Finance Committee-Select Board meetings to review the Articles. The first of such meetings would take place on September 14th. The Board and Manager also touched on the purpose of Article 12, which proposes to solve a drainage problem from private land impacting public and private land. At present, the stormwater causes a public safety issue and nuisance to homeowners. The Board expressed their reservations on funding private land improvements/studies, but also agreed on the potential necessity of addressing the flooding. Parker described it as a “Pandora’s Box” to open. Homeowners on Zoom testified to the problems in their neighborhood, and hoped that MassDOT would be pulled in to help by the Town. **No motion was made at this time.**

H. Consideration of draft Elliot Fund form of application (continued from July 24)

See Exhibit H, p. 61-64.

Wile and Reed discussed edits that had been made to the application. Wile requested that the sentence stating the borrower would repay funds be underlined or bolded. Parker suggested assorted grammatical changes. **Wile motioned to approve the application. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

Items J-P were taken out of order at this time. Subsequent to Item P, the Board return to Item I.

I. Town manager recommendations re draft Select Board/Town Manager Goals and Priorities for FY24

Jennings walked the Board through his matrix, focusing on a handful of items. He underlined the importance of interdepartmental working groups to enhance efficiency, though he admitted there is still much work to be done. Jennings said wanted to assign more internal project managers, and establish better clarity on staff support roles for Boards, Committees, and Commissions to provide regular assistance to them. Jennings also reiterated his hope that the Town could finish the “projects” portion of the Town webpage, and complete the reorganization of Town computer servers. He lauded the Select Board’s liaising with Town BCCs. The discussion continued, touching on other priorities on the matrix (DPW restructuring, meeting packets, Town Manager’s time constraints). Reed asked if the Manager’s priorities (in his opinion) matched up with the Board’s, and he tentatively agreed. **No motion was made at this time.**

J. Meeting Minutes: August 7, 2023

See Exhibit J, p. 65-68. Reed motioned to approve the Minutes as amended. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).

Town Manager Updates

K. Discussion of draft water rate study

See Exhibit K, p. 69-81. This portion of the meeting begins at 2 hours 20 minutes in West Newbury Cable recording. Jennings stated he had ideas on how the study could be improved. He had hoped it would dig into policy questions underlying the rate structure, for example, the threshold for very high conservation rate. The rates were not employed in hypothetical contexts about usage and revenues at differing levels. The hope had been that the study would be able to prompt Board of Water Commissioner examination of how the Commissioners set their rates. The study did not do this, and was also imbued with other flaws (such as incorrect numbers and others which were supplied without citation). Reed, Parker, and Wile offered their own critiques of the numbers and the study’s content and lack of answers to pressing questions (Reed citing the arbitrary number set as the rate used in the study, a sentiment Wile echoed. Parker looking at Table 1 was curious about the imposition of a semi-annual base charge and what it would accomplish, and had the same curiosity about the gallonage rate. Parker wondered if a fixed based rate would pay for the operation of the system, and a variable rate on gallonage cover additional expenses in an effort to keep the budget as stable as possible). Reed asked if the Water Commissioners were going to accept the finished product, to which Jennings responded that he hoped Manager and Board comments would be taken into account as part of a revised study by the contractor prior to the subcontractor being paid for the work. **No motion was made at this time.**

L. Update from recent meeting with Mayor Reardon and Newburyport personnel re water projects

At a prior Monday meeting attended by Rick Parker, Mark Marlowe, Jennings, and infrastructure/government officials from Newburyport the group discussed numerous topics. Among them was the pipeline project and the need for a public presentation on the endeavor. Jennings admitted he felt it would be hard to get the City’s attention on issues due to the fragmented nature of their operations. Parker suggested to pick one or two priorities to push the City on with regard to water projects. The group discussed the distribution of a memo from Ivria Glass-Fried, Special Counsel, on water issues pertinent to West Newbury. **No motion was made at this time.**

M. Hazard Mitigation Plan, process update

See Exhibit M, p. 82. No motion was made at this time.

N. Notice of Free Cash and Water Retained Earnings certification by MassDOR

See Exhibit N, p. 83-88. Jennings wondered aloud if the accumulation of Free Cash was so substantial

if it ought to be put toward tax relief at some juncture. **No motion was made at this time.**

O. Town Planner Report, September

See Exhibit O, p. 89-90. No motion was made at this time.

P. Updates on other ongoing/active projects and initiatives

See Exhibit P, p. 91-105. The group looked at a notice received from Pentucket that they had over-borrowed (as a result of conscious choices in prior years). Jennings said he had been told but wanted to confirm that this resulted in the Town being able to expend this fund on other Page School capital projects without further appropriation. Reed suggested putting the funds toward a need that had already been identified- Jennings agreeing. Some ideas included the Page School HVAC upgrade.

Next, Jennings brought up an email sent to the Town and several other communities from Colonial Power Group, with whom West Newbury is working on municipal energy aggregation. The email lays out the objections (see p. 92-93) CPG has to new approaches from the Department of Public Utilities, and encourages West Newbury government officials to attend meetings to address the Group's concerns and search for alternatives. Jennings said he would not be attending the meeting. Jennings stated he would plan to attend an information session on the Bipartisan Infrastructure Law (see p. 94-105) since it could be potentially relevant to West Newbury. Parker was curious if anything in the Law/session would be relevant to the fight to repair West Newbury's bridges. **No motion was made at this time.**

Q. Follow up on meeting assignments; place items for future agendas

No motion was made at this time.

Parker motioned to adjourn the session. Wile seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). The session adjourned at 11:00pm.

To access a video recording of the meeting, use the link below:

<https://www.youtube.com/watch?v=FULHFoYUfik>