



**Town of West Newbury
Select Board
Monday, September 18, 2023 @ 5:30pm
381 Main Street, Town Office Building
www.wnewbury.org
Meeting Minutes**

Open Session: Chairwoman Reed opened the session at 5:32pm.

Participation at the Meeting:

- Rick Parker, Wendy Reed, Chris Wile- Select Board
- Ross Capolupo, Dan Innes, Ann O'Sullivan, Rob Phillips- Finance Committee
- Angus Jennings- Town Manager
- Jim Blatchford- Town Clerk
- Christian Kuhn- Town Assessor
- Paul Niman- Capital Improvements Committee applicant
- Mia Thurlow- Cultural Council applicant
- John Duggan, Mark Marlowe- Water Department representatives
- Elisa Grammer- Town resident
- Invasive Plant Working Group

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.
- Fall Special Town Meeting to take place on Monday, Oct. 23, 2023 at 7pm in the Annex
- Call for volunteers! FY24 positions on Boards/Commissions/Committees. See www.wnewbury.org/volunteer
- Reminder to subscribe for emailed Town agendas/news/announcements at www.wnewbury.org/subscribe

Regular Business:

- A. Request for installation of temporary sign to promote Jeanne Geiger's 32nd Annual Walk Against Domestic Abuse on October 1st in Newburyport – *Jeanne Geiger Crisis Center*
See Exhibit A, p. 2-5. Item withdrawn.**

B. Applications for Committee appointments

- a. Applications for appointment to Cultural Council: Cynthia Coburn; Yetti Frenkel; Brian Kitely; Kimberly Scott; Mia (Flaminia) Thurlow**

See Exhibits Ba1-Ba5, p. 6-10. Parker asked why there were suddenly so many Council applicants and Blatchford explained that due to a drop in Council membership a targeted letter to demographics with potential interest in joining the Council had been sent out. This yielded the five applicants. Parker confirmed the term limit was three years for each applicant. **Parker motioned to appoint the five applicants to three-year terms on the Cultural Council. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

- b. Paul Niman to Capital Improvements Committee**

See Exhibit Bb, p. 11. Reed asked what Niman had done for the DEP, and the applicant replied he was a prominent engineer within the Department for almost 20 years. Niman also revealed he had worked as a DPW director in numerous nearby communities. **Parker motioned to appoint Niman to the Capital Improvements Committee for a three-year term. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

C. Presentation of conceptual plans & route options for Indian Hill Water Pump Station & Pipeline project expected to be proposed by the City of Newburyport – *N'port Dept. of Public Services/Water Dept.*

See Exhibit C, p. 12-36. Representatives from Newburyport and the Water Department spoke to the Select Board. The first speaker stated that environmental concerns (algae blooms, manganese overloads, and inundations from heavy rains) were challenging the infrastructure. Reed and Parker questioned why manganese was found at such high levels lately, and Marlowe informed them that it was most likely from runoff. Other concerns raised by the speaker included higher temperatures, flooding, and more intense storms that can undermine the drinking water supply for Newburyport, Newbury, and West Newbury. The plan to connect Indian Hill, Lower, and Upper Artichoke Reservoirs would provide the City of Newburyport more flexibility to mitigate these challenges. The new piping would pump water versus distributing through a gravity feed. During the discussion of the water pressure, Marlowe asked if it would be possible to hook up West Newbury hydrants to the piping (it would). The representative from Newburyport provided a detailed overview of the project including the field work to be done, the timeline, and additionally, provided the Board with a map of major project components throughout West Newbury specifying land ownership, potential pipeline routes, buildings and infrastructure concerned, and access points. When the presentation concluded, Board Member Parker inquired if purging the reservoirs could remove manganese buildups to improve water quality. The representative from Newburyport admitted that such a draining was an interesting concept, but difficult. Reed asked about the impacts on West Newbury's streets and received a recap of the impacted portions of the roadways. Wile asked for a cost estimate on the project, but the Newburyport representative was unable to disclose it since the project had yet to be formally approved. The representative instead provided Wile with start dates of the project's two phases (2025 and 2026) should the City decide to go ahead. Reed wanted to be assured of West Newbury's place at the table in the project once things became clearer, since it was West Newbury property was being impacted. On that note, Duggan commented that the pipeline being installed would be "a permanent occupation" of West Newbury's land, and that an equitable exchange should be thought up such as guaranteed water rates or access to it in the future. Duggan also was concerned about the aesthetic impacts of the project (namely power lines running through natural

Select Board Open Session Meeting September 18, 2023.

Minutes approved October 16, 2023.

Posted Agenda on September 15, 2023 at the Town's Offices and the Town's Official Website www.wnewbury.org

spaces) and wanted clarity on public outreach efforts. He suggested that West Newburian conservationists and outdoor enthusiasts be given a seat at the table along with the Select Board. **No motion was made at this time.**

- D. Discussion of Sea Level Rise design parameter for potential new public water supply site, incl. cont'd discussion from Sept. 8 mtg regarding draft Weston and Sampson peer review of 31 Dole Place**
See Exhibit D, p. 37-48. Continuing discussion on Weston & Sampson's findings. The 31 Dole Pl. field would be swamped by higher sea levels, so the firm suggested reevaluating the site. The Board wanted to better define and set a sea level rise number (in feet) before proceeding with a reevaluation. Jennings relayed that Weston & Sampson could create maps for the Town showing impacts of 100-year storm flood levels (which would be helpful in evaluating a site) but require reconfiguring the scope of the firm's directive. The Board and Manager discussed if the money allotted for the Dole Place study could be applied to these projects. Wile asked if Weston & Sampson had said how many work-hours a different project would consume, and Jennings told him that eight hours had been proposed for the mapping but beyond that it would be unclear until a new deliverable was established. Parker suggested that the mapping would be a valuable resource to determining where new construction might be. Duggan urged the Board to consider building in a shorter time frame to mitigate the upcoming water shortages in West Newbury, i.e. accepting Dole Place, but also urged the Town to look at the cost of adapting and bolstering infrastructure under threat by flooding. Phillips urged greater emphasis to be placed on educating the public on climate change. The discussion continued on the value of putting 30 million dollars toward Dole Place wellfields even with climate change posing a threat, and whether the water there could be sold to other communities. Parker reminded the room they should be aspiring to avoid all additional expenses in the future- the numbers at present with regard to sea level rise and other matters may not reflect the future reality. **No motion was made at this time.**

6:45pm: Convene Joint Session with Finance Committee regarding proposed STM Warrant Articles

- E. Consideration of recommendations regarding proposed Warrant Articles for fall Special Town Meeting**
- a. Discussion of potential priority locations and costs for 2024 invasive species management, related to proposed fall Special Town Meeting Article – *ad hoc invasive species working group***
See Exhibit Ea, p. 52-53. On draft Article 12, members of the Invasive Plant Working Group presented, beginning with a recap of the intern's work on IDing invasive plants and their effects in West Newbury. The proposal would incorporate into the project Cherry Hill Reservoir, Garden St., Middle St., and Mill Pond, with professional help being introduced to expedite the progress. The removal of the invasives would be accompanied by replanting native shrubs. Reed asked about the workload on Michelle Greene the Conservation Agent, and the IPWG member stated her main workload would be managing the multiyear contract. Phillips wanted further education to the community to encourage them to monitor invasives on their own property to help the removal efforts Town-wide. Capolupo of the Finance Committee suggested examining the maintenance costs associated before proceeding full speed to prevent spending vast sums. A member of the Working Group assured Capolupo that if needed they would be able to reverse course. Jennings suggested in future that the invasives prevention become a regular part of the Town budget and Phillips suggested that data be provided to analyze future expenses. Parker agreed on the need for data on the impacts of the treatment program to determine future investment, later saying he felt the Town had been negligent in maintaining Town-owned land. **Wile motioned to approve draft Article 12 to support professional invasive species management. Parker seconded.** He mentioned that he felt the Cherry Hill property might make a good site for a wild and native nursery. **The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Innes motioned to approve draft Article 12. O'Sullivan seconded. The motion unanimously passed. (4 Yes, 0 No, 0 Abstain).**
- On Article 13 (to raise funds for the invasive species intern summer program) Jennings provided context on the invasive species internship program. Part of the cost for the interns would be picked up by the anticipated funding of invasive species treatment built into the Town budget, but the initial monies would enable Greene to post the job listings and prepare for the work in late Winter. **Wile motioned to approve draft Article 13. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Innes motioned to approve draft Article 13. O'Sullivan seconded. The motion unanimously passed. (4 Yes, 0 No, 0 Abstain).**
- b. Presentation of Article regarding process and costs associated with Assessing FY25 Certification (including Town-wide Revaluation) – *Christian Kuhn, Chief Assessor***
On Article 27 (to provide funds for FY25 Assessor Recertification) The Chief Assessor provided contextual information on the recertification and specified the five major components of the process. He identified the two components that would require external help from contractors, the first one being cleaning up personal property delisting and devaluation records from businesses in Town. Kuhn provided recommendations for preferred firms to handle the work. The second component also requiring external help was evaluation of utility properties. The three other components of the recertification process include land, commercial, and residential evaluations. Kuhn told the Board about ideas he had to improve and modernize the evaluation processes. Phillips asked questions on the specifics of where the \$25,000 being asked for was going, and as the group worked out the math, it came up far above what was needed to perform the work. This led to a prolonged discussion on what would be an appropriate amount to ask the Meeting for to accommodate unforeseen expenses. **Wile motioned to accept draft Article 27 with an appropriation of \$20,000. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Innes motioned to accept draft Article 27 with an appropriation of \$20,000. O'Sullivan seconded. (4 Yes, 0 No, 0 Abstain).**
- c. Other Articles included on draft Special Town Meeting warrant**
See Exhibit Ec, p. 54-61. On Article 14 (to provide funds for an interior scan of Page School), Jennings told the group about how the interior scan came onto the radar, largely as a result of the conditions study undertaken in the building. The Town Manager felt the scan was interesting and potentially good for outreach, but not completely necessary. Phillips asked if the scan would be helpful to the creators of the conditions study but Jennings said that the scan would not come on-line until later in 2023, which would not have an impact on the study. Jennings relayed that Chief Dwyer had cautioned about sharing the scan publicly outside of controlled Town events. The group debated the efficiency of spending the money when potentially more would need to be spent on the Page School project going forward, and whether a set of photos/videos instead would be good enough. Jennings again said that the scan could be provided after the report from Gienapp Architects, so the VR tour would have no bearing on the completion of it. **Wile motioned to remove draft Article 14 from the Warrant. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

Dan Innes of the Finance Committee motioned to adjourn the Committee. O’Sullivan seconded. The motion unanimously passed. (4 Yes, 0 No, 0 Abstain). The Finance Committee adjourned. The Select Board meeting continued.

Item G was taken out of order at this time.

F. Review/approve MESA checklist for submittal to MA Dept. of Fish & Wildlife regarding Ash Street management; including vote to authorize Town Manager to sign application on Board’s behalf

See Exhibit F, p. 62-88. Jennings told the Board that a portion of Ash Street had been identified as an endangered species habitat, meaning that roadwork in the swamp section would need further state oversight through permitting. In light of this, work had been done to create a checklist for submission to MESA by Town staff including members of Public Safety, DPW, and Conservation. The submission would bring the community back into compliance with the Commonwealth. **Parker motioned to approve submission of the checklist and the Town Manager signing the application on the Board’s behalf. Wile seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

G. Authorize Town Manager to sign and submit Request for Determination of Applicability (RDA) to Conservation Commission for removal of invasive water chestnut from Mill Pond

See Exhibit G, p. 83-95. The Town Manager updated the Board on where things stood regarding the water chestnut removal. **Wile motioned to authorize the Manager to sign and submit the Request. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

At this time the Board took up Item F.

Prior to Item H, Elisa Grammer spoke to the Board regarding Municipal Energy Aggregation, an Item which was not on the Agenda. Grammer urged the Board to submit comments to the Department of Public Utilities and the state legislature regarding changes to the Department’s processes and sign on to a letter sponsored by Colonial Power Group, with whom West Newbury had been working on municipal energy aggregation. In her view, the changes would be slowing down even further the DPU’s work and disrupting the present statutes, and that legislation would be needed to rectify the situation. Previously the Select Board had been urged by Colonial Power Group to do this as well. Reed asked what exactly the regulatory agency was attempting to do and why. Grammer answered that the concern was municipalities would be less regulated under the changes and that the Department was concerned about the ability of the utility companies to sell energy as a default backup- she referred to the DPU as a “troubled agency” whose motives were unclear. Reed asked Parker if the Energy and Sustainability Committee had looked into the matter. Parker said they were aware of it but had not taken it up. After hearing more about what was required to submit their feedback, **Parker motioned to submit a letter as amended by Grammer to the state legislature. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). The Board tabled for future discussion sending comments to the Department of Public Utilities directly.**

H. Updated proposed schedule, and revised project approach, for Church/Prospect water main replacements

See Exhibit H, p. 96-98. West Newbury planned to carry out the replacement project in one bloc versus in pieces as it had been previously structured. Jennings explained the next steps (meetings, payment of fees, etc.) Jennings said that the Board would be asked to vote on a revised Memorandum of Understanding in two weeks. The three Board members debated what the cost of the project might be given funding sources, supply chain issues, and estimates the Town had received. **No motion was made at this time.**

I. Review of letter from Merrimac Select Board regarding PRSD Regional Agreement

See Exhibit I, p. 99. The Board looked over portions of the Regional Agreement that other Town officials were concerned about. Their concern stemmed from language regarding consolidation of elementary schools, with Reed feeling that the individual believed the consolidation would be involuntary. The consolidation, as West Newbury envisioned it, would be intended for mutual financial benefit and agreed upon by the three PRSD municipalities. **No motion was made at this time.**

J. Request for authorization to apply for Community Compact Municipal Best Practices grant to fund new software for budgeting, personnel budgeting and capital budgeting

See Exhibit J, p. 100-105. Reed asked about the categories of the Grant and when the next time West Newbury would be eligible was, and Jennings stated the Town was eligible every two years. As the discussion continued, Jennings explained why he felt the need for the software (largely as a way to reduce labor costs and manage internal communication better). The new software would enhance accuracy by allowing the Town to work with hypothetical numbers (for inflation, COLA, and other aspects) for budgeting purposes and bring together more collaborators with ease through cloud-based technology. The Board discussed how the software could be optioned (a la carte or packaged) and what the fees would be. The Grant would cover \$40,000, but annual costs after the Grant would expire would be \$28,000. **Wile motioned to allow the Town to apply for the Grant. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

K. Discussion of Personnel Policy vacation policy; potential referral for future public hearing

See Exhibit K, p. 106. Jennings briefed the Board on the status of unused vacation time, and then launched into an update on the repeal of the Personnel Bylaw. It had been decided that an amended Policy, with edits made by Reed, should be floated instead. **Parker motioned to have public hearing on the Personnel Policy. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

L. Review/confirm Select Board mtg schedule for last part of 2023 through April 2024

See Exhibit L, p. 107. Wile motioned to accept the tentative dates. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).

M. Meeting minutes: August 21, 2023; September 5, 2023

See Exhibit M, p. 108-116. Wile motioned to approve the August 21 and September 5 Meeting Minutes. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).

Town Manager Updates:

N. Update regarding paving contract, including confirmation of roads and sites included in paving scope

See Exhibit N, p. 117. Jennings briefed the Board on the history of paving in the last couple years, highlighted by the prior paving company withdrawing from their contract with the Town due to financial stresses, and the signing of a contract with a new firm. Jennings laid out timelines on various Town projects, including culvert replacements on River Rd./Coffin St. that require permitting and greater state oversight. Discussion took place on the culvert replacements and their locations. The Town Manager touched on the challenges of funding various studies and analysis related to the culvert replacements and this flowed into talk on road repair master planning. **No motion was made at this time.**

O. Updates on other ongoing/active projects/initiatives

There was brief discussion on Board Committee Commission contact information, and Wile suggested analysis of the Andreas Property as a Town-owned property able to be tapped for water. **No motion was made at this time.**

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

No motion was made at this time.

Wile motioned to enter Executive Session. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). The Board entered Executive Session at 9:31pm.

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

<https://www.youtube.com/watch?v=4cjvpBOomwI>