



Town of West Newbury
Select Board Meeting
 Monday, December 4, 2023 @ 7:00pm
 381 Main Street, Town Office Building
www.wnewbury.org
Meeting Minutes

Open Session: Chairwoman Reed opened the session at 7:05pm.

Participation at the Meeting:

- Rick Parker, Wendy Reed, Chris Wile- Select Board
- Angus Jennings- Town Manager
- Jim Blatchford- Town Clerk
- Brian Richard- Building and Grounds Supervisor
- Matthew Shwom- Mill Pond Committee representative

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.
- Page School Musical Performance & Holiday Luncheon – Thurs., Dec. 7th at 11:30am in the Annex. Free of charge, and all are welcome – but advance registration is required, 978-363-1104 or coa@wnewbury.org
- Public information session (in-person and via zoom) regarding proposed Wetlands Bylaw – Wed., Dec. 6th at 6pm
- Certificate of Achievement awarded to Conservation Agent Michelle Greene by MA Assn. of Cons. Comms.
- 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. **Public Comment. Limited to 2 minutes per resident on any topic, with the understanding that the Board will not discuss or take action at this meeting).**
 No comments were made.
- B. **Consent agenda – Request to approve the following:**
 - a. **Meeting minutes: Nov. 6, 2023; Nov. 13, 2023**
 See Exhibit Ba1 and Ba2, p. 6-9. Parker motioned to approve the November 6th Minutes as amended. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Wile motioned to approve the Minutes as amended. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).
- C. **Town Manager Updates, including:**
 - a. **Presentation of updated proposed Capital Improvements Program**
 Item Ca was discussed during Item G. Jennings took over as host of the meeting on Zoom and walked the Board through the present status of the Program with emphasis on the fact that numbers would be winnowed down as Annual Town Meeting approaches to a more manageable total. A closer look by the Capital Improvements Committee would provide that more manageable number, Jennings said. He went through components of the CIP across various subject areas such as DPW, the Fire Department, and others. Going forward, the Town will use ClearGov to manage their CIP. **No motion was made at this time.**
 - b. **Execution of Mutual Aid Agreement with NEMLEC (Northeast MA Law Enforcement Council)**
 See Exhibit Cb, p. 10-32. Jennings said he had authorized Chief Michael Dwyer to enter this compact, and wanted to share it with the Board prior to executing it. He acknowledged its length and wanted to entertain any questions the Board might have (bringing in Dwyer if necessary). Wile felt that the 10% commitment of West Newbury's force to any operations under the organization was not previously mentioned and wondered if the Town needed to add further personnel in future. Reed wondered if it was possible to hold off acting until they could get answers from the Chief. Discussion then turned to the phrasing in the agreement, some of which seemed unusual and some which would need clarification. The Manager said legal counsel had not reviewed the document. **No motion was made at this time.**
 - c. **Continuing work with Water Dept./BOWC re Water Hydraulic/Distribution Study**
 Jennings reported he had had a meeting with Tata and Howard to submit comments to them, with the contractors intending to incorporate the Town's feedback. Jennings said he received some clarity on the lack of reconciliation between the water main replacement program run by the Water Department and the capital project list in the Distribution Study. Tata and Howard said the projects in the Distribution Study were focused on pressure-related repairs and replacements West Newbury would need to make. It was apparent that the original scope given to the contractors had not included a request to look into *all* water-related projects, and Reed asked if it was necessary to hire another party to do that analysis. Parker opined that the Water Department should be tasked with coming up with a list of capital projects based on its own knowledge as a first step. Reed and Wile expressed concern with the increased pay-out to Tata and Howard which in fact was not producing what the Town had thought they were receiving. Wile and Jennings agreed that the Water Department would be responsible for looking into the matter, with Jennings promising to meet with Water Superintendent Mark Marlowe. **No motion was made at this time.**
 - d. **Ongoing/active projects/initiatives**
 See Exhibit Cd, p. 33-36. **No motion was made at this time.**

D. Department Updates/Discussion

See Exhibit Da, p. 37. Reed acknowledged a letter from the Massachusetts Association of Conservation Commissions (MACC) which said that Conservation Agent Greene had successfully completed eight units of the MACC Fundamentals for Massachusetts Conservation Commissioners training program and received a Certificate of Achievement- and Reed further lauded the Agent's efforts on wetlands bylaws. **No motion was made at this time.**

E. Board/Commission/Committee Updates/Discussion (and Select Board liaison updates), including:

a. Review of Committee charge / function: Mill Pond Committee

See Exhibit Ea, p. 38-41. Wile queried Shwom on the policies regarding dogs at Mill Pond. Shwom replied by saying that the Committee was revising its Management Plan for the land at its Spring meeting. Wile expressed his concern about the prevalence of unleashed dogs. Shwom stated that the Mill Pond area is probably the most highly used recreation space in Town, but suggested that enforcement of the rules in that space is difficult. Reed said that there had been increased ACO presence at Mill Pond. Wile also queried Shwom on whether or not there would be any overlap between the Mill Pond and Saw Mill Brook properties' caretaking and management. Reed spoke up on this point saying that the Conservation Commission would be overseeing the property under a different management plan. Reed commended the Committee on its increased membership, its invasive species mitigation, and other successes. Shwom spoke about upcoming events and collaboration with Open Space Committee, others, and Jennings chimed in at the end with his own comments. Jennings suggested that he would like to see an easier process for changing the Management Plan, and had taken on the project earlier in his tenure before running up against problems with the language which necessitated additional Town Meeting votes that had not been taken. Reed urged the Committee to mark up the Plan to get the ball rolling. Jennings also offered his take on expanding trail networks in West Newbury, and cautioned Shwom that the completion of new trails would be in a later timeframe than some anticipated, and suggested the idea of a cross-Committee meeting for a shared setting of priorities. Shwom reiterated Mill Pond Committee's support to the ongoing process and a joint meeting with Open Space Committee and Town officials. **No motion was made at this time.**

Prior to taking up Item Eb, the Board heard updates on River Road resiliency and activities related to the MVP Action Grant. Parker promoted a drone flight along the Merrimack River which would provide a view of vulnerable locations in the River Rd./Coffin St. areas. Parker expected some of the footage would be used in future as part of the grant. **No motion was made at this time.**

b. Consider expansion of Tree Committee charge to add two full or associate members
Not discussed during the meeting.

c. Green Communities FY23 Annual Report

See Exhibit Ec, p. 43-49. Parker spoke about the work done pulling together numbers into the Report and some areas of additional work on the Report that needs to be done. Parker indicated his intention to pursue a future energy audit of public buildings as part of the effort to reduce emissions as soon as possible. **No motion was made at this time.**

Item Fb was taken out of order at this time.

F. Action Items

a. Review draft outline for Water Department financial plan and consider referral to Finance Committee

See Exhibit Fa, p. 50-52. Reed briefed the attendees on the history of the financial plan as the Town Manager's Office tries to complete it prior to the December 31st, 2023 deadline. Crafting the plan "in-house" in the Manager's Office has been an efficient use of time, with the goal still being eventual handover to the Finance Committee who will then present to the Water Department and Commissioners. Jennings asked the Board to make comments on the plan. In its present stage as an outline, Jennings plans to flesh it out with further input before turning it over to other entities. **No motion was made at this time.**

b. Request for approval of ARPA funding to supplement prior Town Meeting appropriation for replacement of roof at Highway/Water Department garage

See Exhibit Fb, p. 53-69. Jennings prefaced the conversation by saying that previous consideration had been given to replacing the roof in-house, but Brian Richard assessed the structure more recently and felt that additional help would be needed. Richard talked to the Board about the various steps of the replacement and current challenges such as leaks and shingle replacements. He felt that this would be the ideal time to do the replacement before any other major issues arise. He assured the Board that the additional cost factored into the job total was to account for any unforeseen framing expenses, not visible to anyone until the project begins. Reed asked what the long-term plan for the structure was. Richard said the Water Department would be taking up occupancy with additional materials for the Highway Department occupying some of the premises, with other spaces being used by Buildings and Grounds. Things were not finalized, he said. Reed wondered why the project would require ARPA funds, and Richard and Jennings explained that the money previously appropriated at Town Meeting would not be enough to complete the roofing job. \$27,500 was previously allotted to do the roof replacement. With the additionally asked-for \$45,000 (bringing the total to \$72,500) this would cover the bid and any unforeseen expenses. ARPA would be used to cover the gap but if the ARPA funds were not used, a Town Meeting vote in Spring would be required to get the money. Wile urged the DPW to explore other bidders to get a more competitive price. **Wile motioned to authorize \$45,000 in ARPA funds to repair the roof. The motion was properly seconded.** Before the final vote Parker asked for the unallocated ARPA total (\$609,546.80), again reiterating the need to keep the money for the Middle Street Bridge project. The total to be withdrawn for the project from the funds was insignificant was determined. Jennings talked about recent developments with regard to DPW space, and what is working and what is not relative to their facilities, and brought up the idea of the Select Board doing a site walk to better understand these elements moving forward. **The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

c. Review/approve Select Board FY25 budget policy direction

See Exhibit Fc, p. 70-73. The Board looked over the memo. Wile suggested including more on funding upgraded water infrastructure (which through the course of the conversation the Board decided to focus on for a future Fiscal

Year). Reed suggested adding more information about step increases for employees based on performance, to establish policy more clearly. Jennings said it would be useful to have guidelines to set out clear procedures for budget-preparers to payrate adjustments (other than COLA). Jennings agreed to put in a bullet point on this matter in the policy direction, and agreed to put in a bullet point on water as well. A cap of 2.5% for a budget increase each year was also suggested. **Wile motioned to approve the policy direction (including additional language on step increases and a cap of 2.5% on budget increases). The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). No motion was made at this time.**

G. General Discussion Items, including:

a. Select Board letter sent regarding proposed Whittier Tech MSBA project

See Exhibit Ga, p. 74-76. The Mayor of Newburyport liked the letter, according to Reed, but no other feedback from school or communities had been received. Jennings said that many Towns are writing their own letters to Whittier. Parker stated he wanted to see those materials as well when available. Jennings intimated he felt a pause in the building planning process was becoming a favored option among the Cities and Towns of the School District. **No motion was made at this time.**

H. Correspondence, including:

a. Correspondence from Comcast and Verizon regarding Cable License Agreements

See Exhibit Ha, p. 77-92. Jennings shared the correspondence since it was addressed to the Select Board. He said the biggest question needing resolution is what roles will the Board and Cable Advisory Committee play in these matters. Wile opined that there was not very much leeway for the Town in the six-year agreement. Obtaining guidance from legal or other outside expertise on how to manage the negotiations and distributing pertinent information to the Cable Advisory Committee was deemed a good starting point. Wile urged anyone with expertise/interest to join the CAC (given its shortage of a member). **No motion was made at this time.**

Prior to taking up Item I, Reed said that an email had been received and addressed to the Board asking for clarity on hunting at Riverbend land. Reed said that signage would be upcoming to alert hunters in these areas to cease activities. **No motion was made at this time.**

I. Future Agenda Items / Meeting follow-up assignments

No motion was made at this time. Wile said that a “No Parking” sign had been removed on Farm Lane due to construction and never put back in. He also reminded the Board of the upcoming Pentucket Regional Agreement meeting. **No motion was made at this time.**

Wile motioned to adjourn the Session. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). The Session adjourned at 9:36pm.

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

<https://www.youtube.com/watch?v=-gCJ5nqefeg>