



Town of West Newbury
Select Board Meeting
 Monday, November 20, 2023 @ 7:00pm
 381 Main Street, Town Office Building
www.wnewbury.org
Meeting Minutes

Open Session: Chairwoman Reed opened the session at 7:02pm.

Participation at the Meeting:

- Rick Parker, Wendy Reed, Chris Wile- Select Board
- Angus Jennings- Town Manager
- Jim Blatchford- Town Clerk
- Christian Kuhn- Chief Assessor
- Arthur “Chip” Wallace- Energy and Sustainability Committee representative
- Rob Phillips- Finance Committee representative
- Jack Duggan, Robert Janes, Mark Marlowe- Water Commissioners/Department
- Chip O’Connor- WRVTHS School Committee representative
- Douglas Mead- Park and Rec. Commissioner
- John Butler- National Grid representative
- Ursula Smith- Cultural Council applicant
- Tony Roselli- CPA
- Tom Banks- B2Q 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.**
- **Justice Assistance Grant awarded to the West Newbury Police Department**
- **Annual Holiday Tree Lighting Thursday, November 30th at 6:30pm on the Training Field**
- **SAGE Center will be hosting the Page School Musical Performance and Luncheon December 7th at 11:30 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.wnewbmy.org/subscribe**

Regular Business:

- A. Application for appointment to Cultural Council: Ursula Smith**
 See Exhibit A, p. 8. Parker motioned to appoint Smith to the Cultural Council. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).
- B. Application for appointment to Tree Committee and review of Committee charge: Cynthia Coburn**
 See Exhibit B, p. 9. Jennings stated that the Committee was seeking an Associate Member, which was not allowed under the Committee’s charge. He suggested expanding the size to seven members since there was enough interest in the community, and Reed agreed. The Item was tabled for a future meeting.
- C. Request for utility pole petition approval, 119 Middle Street: John Butler, National Grid**
 See Exhibit C, p. 10-18. Parker motioned to open the public hearing on the Middle Street pole petition. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). No public comment was made. John Butler rose on behalf of the petitioners to explain the reasoning behind the petition (to provide service to a new property under construction). Butler explained that “JO” poles meant “Jointly-Owned”- between National Grid and another entity. Wile asked why the pole was on the side of the street it was. Butler explained that it was a move designed to keep costs low, and would minimize pruning. Wile followed up by asking if it made sense to install the lines underground, and Butler replied that subdivisions would be receiving underground lines, but it would not occur when considering freestanding homes. Wile confirmed that there would be no impact to the West Newbury roadway. Parker motioned to approve the installation of the utility poles. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Parker motioned to close the open hearing. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).
- D. FY24 Tax Classification Hearing: Christian Kuhn, Chief Assessor**
 See Exhibit D, p. 19-32. The Chief Assessor provided a snapshot of his work in preparation for setting the FY24 Tax Rates as well as statistics related to the local housing market and home values in West Newbury, property classes, and other metrics. Kuhn pointed out that the excess levy capacity in West Newbury is \$274,731, which is on the smaller side. He assured the Board that things would improve with increasing construction in Town in the coming year. Kuhn said that they have typically utilized a single tax rate, with most of the burden placed on home and property owners. He pointed out some exemptions other communities are utilizing for West Newbury to potentially consider in the future, namely the Open Space Discount, the Small Commercial Exemption, and the Residential Exemption. Wile asked if neighborhood codes were still in use, and Kuhn said they were but care was being taken to prevent unequal assessments based on the code. After listening to the presentation, Parker motioned to accept the single rate of \$10.82. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Wile motioned not to accept the Open Space Discount, the Small Commercial Exemption, or the Residential Exception. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).

E. Select Board review of Committees' charge/function: Energy and Sustainability Committee

See Exhibit E, p. 33-35. Item Q was discussed during this time as Wallace and Parker were both able to speak to the contents of this item. Firstly, Reed checked to see if her colleagues had any questions on the materials the Committee submitted. Wile brought up the Committee's desire to promote composting and urged them to educate the curious public on it. Reed brought up rain barrels, and asked Wallace if the Committee would be promoting their usage in Town. Wallace said they were not actively promoting them, adding that the Mission Statement (which included text on rain barrels) was simply amended by the present Committee from the preexisting text. He said the Committee welcomed feedback if there was community interest in any one thing. Blatchford said the rain barrels had previously been available for purchase through West Newbury Wild and Native in Summer 2023. The Committee suggested lowering permitting fees for solar and geothermal construction to aid in affordability for residents. Reed asked if the Board had any control over that process, and the Town Manager said that fee structure was always subject to Board review. Parker suggested a comprehensive review to promote ecofriendly activities. Prior to turning to Item Q, Jennings mentioned the annual reporting for the Green Communities Act should be transferred to staff (versus volunteers). This prompted discussion about the reporting. On **Item Q** Parker and Wallace had diverging opinions. Wallace felt the price was fine as it was (or could be increased). He felt that people were not closely examining the cost per kilowatt hour of charging their vehicles on Town property. Parker said he felt the opposite. Parker listed off myriad local charge rates and opined West Newbury was higher than surrounding sources in public garages, dealerships, and other locations. Incentivizing use of the chargepoints was a priority for Parker. Wile felt that discounting the rate would not draw in further users, as did Reed. Parker said that research into rates in other communities at the time of installation determined the 35-cent rate, and it was not intended to be a money-making operation. Funds from usage were intended to cover costs of maintaining the units. **No motion was made at this time.**

F. Presentation of the FY23 Audit - Tony Roselli, Roselli, Clark & Associates CPAs

See Exhibit F, p. 36-118. Roselli informed the Board of the positive state of the Town's finances, and lauded the Town Treasurer, Accountant, and Manager's work and standards. The Audit was finished in record time. Roselli pointed out that unassigned fund balances were leveling off, meeting Town goals, and further, that the community has a levy capacity of \$1.9m and robust stabilization balances. The Select Board raised questions about how quickly the bond rating for West Newbury would change with major expenses related to capital projects (for example, Page School, water infrastructure), and Roselli suggested that the overall rating would be determined to a large degree by examination of the reserves West Newbury has. Roselli later highlighted three future challenges to West Newbury's finances in the form of increasing interest rates, wage inflation, and worker shortages. Jennings spoke to the need of the Water Department being covered for pension liability through their own, or through Town's funds. **No motion was made at this time.**

G. FY23 OPEB Actuarial Report

See Exhibit G, p. 119-171. Jennings purposefully placed the Report in this meeting for the Select Board's consideration so that it could be in "conversation" with the Auditor's Report. **No motion was made at this time.**

H. Request for approval of supplemental funding for Page School HVAC replacement: Tom Banks, B2Q

See Exhibit H, p. 172-183. The Town is planning to use \$115,000 in ARPA funds to replace said components because previous heating and cooling units had failed. B2Q had been tasked to design the system in order to solicit estimated costs for the project, and Banks had been invited to answer questions about the higher-than-expected expenses. Banks offered an explanation of the process to-date, with a target start date of February school vacation with weekend dates to close out the work if needed. Banks hypothesized that the increased expenses was due to the taking off and putting back on of the drop ceiling in the administration area. Jennings asked for more details on determining who would be the best to perform the work. Banks told the Board he solicited recommendations for contractors through their local Mitsubishi representative. Two of four contractors solicited responded to B2Q and were within 10% of one another on proposed cost. Charts showing the proposed modifications to the Page HVAC were then shared. Wile asked if there were any particular drivers for the costs, suggesting the foreshortened timeframe could have posed a problem, but it was largely the materials/workspace that led to the figure, according to Banks. After discussing the project further, it was decided to allocate additional funds to the HVAC replacement. **Wile motioned to authorize the use of \$81,063 from the Pentucket construction project and an additional \$10,000 in ARPA funds on the HVAC. The motion was properly seconded.** Before the final vote, Jennings told the room if the lower bid proved ideal, that B2Q could accept it and hire that contractor. Banks said that the lower bidder had already done a site walk, so to the Board, too, it seemed logical to hire that party. The conversation prompted Wile to amend his motion.¹ **Wile motioned to use the leftover Pentucket residual funds based on the new information, using the low bidder and accounting for the \$28,000 incentive. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

Item J was taken out of order at this time.

I. ARPA funds: authorized uses to date, pending applications, anticipated/potential future uses

See Exhibit I, p. 184. Jennings provided the Board with information on ongoing ARPA-funded projects across the Town. Parker reiterated his desire to preserve ARPA funds to put the Middle Street Bridge back into service, but also said that he would like to use ARPA funds to install/run an additional solar array. **No motion was made at this time.**

J. Review of proposed scope/contract for study of sites with potential as public water source

See Exhibit J, p. 185-196. Reed opened by explaining scope/contract had been pared down from what had been approved at Town Meeting. Reed asked the Water Department if under the study they would be interested in exploring bedrock, as had been proposed by the contractor. Duggan informed the Board that much of what was included in the study scope had already done in past by West Newbury. Duggan told the Board about the Department's efforts

¹ Board's note: No ARPA funds were required to do the HVAC project. Per Page 5 of the B2Q proposal dated 11/18/23 the net project cost after credits, which includes the higher of the two bids at \$179,920, is \$193,450. The Town will be using the lower bidder who has done a site-walk so no cost for unforeseen events required. The lower bid was \$164,000. Thus, from the total cost for the project (\$193,450) the Town can subtract cost savings between the bids (\$15,920) and previous funding allotted for the work (\$115,000), leaving the Town with a balance (\$62,530). The unused Pentucket residual funds of \$81,063 cover the unfunded balance.
Select Board Open Session Meeting November 20, 2023. Minutes approved December 18, 2023.

searching for water in the soil/bedrock over the decades. The search process has been shaped by the availability of land for drilling, pollution levels, and the locations of high-pressure water mains. He suggested looking back at previously considered properties in West Newbury for potential wells and that the contractors approach the overall task in phases. Reed raised concern again about the cost, and Wile suggested that time and materials cost not exceed \$40,000 in the final version. The idea of cutting out the expenses for meetings with the contractors was also bandied about. The Board planned to submit a revised contract to Weston and Sampson before settling on a final version at a future date. **No motion was made at this time.**

K. Request for authorization to pursue Massachusetts Automated External Defibrillator Equipment Program Grant - Chief Dwyer

See Exhibit K, p. 197. Wile motioned to allow the Chief to pursue the Grant. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).

L. Consideration of draft letter and potential town-wide mailing re proposed Whittier Tech MSBA project

See Exhibit L, p. 198-206. Reed said the Board planned to identify the points they wanted to make at this evening's meeting, and she would draft the final letter. Reed suggested that instead of simply pointing everything wrong with the project/proposal, they should suggest what they would like to see. Wile and Reed wanted to see the project scaled back in a future iteration. Parker pointed out that the payment amounts would ramp up slowly, giving the Town some time to find the funding in future budgets, though Reed said that it was still impacting communities because it had not been taken into account in five-year plans. They discussed the content on some of the letters received, including the content of the letter from Mayor Gove of Amesbury, who suggested asking the state if there were additional funding sources available for the Whittier building project, but the Board felt that even with their letter added to the pile, it may have no impact on the trajectory. Parker thought it would be useful to have a meeting specifically with municipal leaders and the School District with pre-submitted questions to control the conversation. Discussion continued on election timing, if any delay was to be enacted and solicited remarks from Chip O'Connor, the School District rep. for Whittier from West Newbury. It was decided that the Chair would draft a letter addressing the Board's thoughts and concerns for circulation to the Whittier Superintendent Maureen Lynch and other member communities. **No motion was made at this time.**

Item S was taken out of order at this time.

M. Designation of Select Board member to PRSD Regional Agreement working group

Parker motioned to appoint Wile as a member of the working group. The motion was properly seconded. The motion passed. (2 Yes, 0 No, Wile Abstaining).

N. Notification of recent and anticipated requests for authorization of hunting on town-owned land

See Exhibit N, p. 207-222. A specific request had been made of the Town to be allowed to hunt on land near the Page School. Jennings put it on the Agenda to establish a firmer policy with the Board. Wile said that he suspected the majority of residents would oppose expanding hunting grounds. Hunters already operate across the community legally and illegally, making things dangerous for residents using recreation spaces. **Parker motioned to deny the request. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

O. Update on preparation of updated Capital Improvements Program

Jennings said that he was still hammering out the CIP, with further discussion to be held at the December 4th Select Board Meeting. **No motion was made at this time.**

P. Update on Middle Street Bridge: recent grant awards; status of project funding

See Exhibit P, p. 223-234. Jennings said he wanted to be very specific with the City of Newburyport to encourage their assistance in funding the project, with an MOU, to push the issue. He did say West Newbury had had good talks with the City Council previously, with a goal of getting monies in the City budget to get someone under contract by June 1, 2024. **No motion was made at this time.**

Q. Discussion concerning the electricity rate/charge for EV charging stations 1910 Building & Page School

See Exhibit Q, p. 227-234. See Item E.

R. Discussion of potential new Select Board policy re posting on town boards (cont'd from 10/16/23)

See Exhibit R, p. 235. Reed presented this policy to the Library Board of Trustees who agreed to use it to guide their postings. The Trustees asked them to strike the last sentence from the policy as it appeared to be making a value judgement. Wile suggested having an appeals process through the Select Board if there were objections to decisions made, but Jennings felt that it wasn't necessary. **Parker motioned to accept the policy as presented. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

S. Discussion of pickleball

Reed briefed the room on the history of pickleball courts in West Newbury to date. At present, usage of the municipal basketball courts for pickleball has caused concern from an abutter. As the courts are under Park and Rec. jurisdiction, Reed felt the Board could only advise on the situation. Wile said that two days (Tuesdays and Friday from 9 to 11 am) had been allotted for the pickleball, and said the noise was not dramatic to him when he attended a game. Mead, speaking as a resident and not the Park and Rec. chair, pointed out that the courts were a temporary solution, and worried that if an appropriate solution to the placement of courts was not found the basketball courts would become a permanent home for the sport. He voiced concern about increased usage if it was permanent. Wile felt that the popularity of the sport would continue, and that a permanent solution would need to be found. Jennings opined that a study of a future site was in the best interest of the Town, with oversight from a relevant and appropriate BCC. The

Board discussed who would be asked to provide input to the process. How to enforce usage of the space was discussed. It was determined that Park & Rec. was responsible for enforcing rules on their property. **No motion was made at this time.**

- T. Select Board liaison updates regarding recent or near-term Board/ Commission/ Committee activities**
See Exhibit T, p. 236. Parker talked with Energy and Sustainability Committee about solar array installations and options related thereto. **No motion was made at this time.**
- U. Meeting minutes: October 30, 2023**
See Exhibit U, p. 237. Wile motioned to approve the Minutes as amended. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).

Town Manager Updates

- V. Updates from recent Town Projects Fair & Forum events held on November 9th and November 15th**
Jennings rated the event a tremendous success, and wanted to replicate it in the future. Wile suggested utilizing the posters around the Town Offices and creating postcards with the contents. **No motion was made at this time.**
- W. Update on draft Water Distribution Study**
See Exhibit W, p. 238. Jennings reached out to Bob Janes and Mark Marlowe to meet about the study and identify areas of further improvement and exploration. **No motion was made at this time.**
- X. Update regarding anticipated timeline and financing for Church & Prospect water main replacements**
See Exhibit X, p. 239-243. **No motion was made at this time.**
- Y. Upcoming webinar re Congressionally funded projects**
See Exhibit Y, p. 244. Jennings and Parker discussed attending the in-person meeting at the Topsfield Fairgrounds (not a webinar as Agenda had specified). Jennings thought the meeting was focused on shovel-ready projects that could use federal dollars. **No motion was made at this time.**
- Z. Management training starting Tuesday, November 21st with some Department Heads/staff**
See Exhibit Z, p. 245. **No motion was made at this time.**
- AA. Follow up meeting assignment; placing items for future agendas**
Parker wanted to talk about finding ways to engage with the public more effectively, suggesting a ten minute brainstorm at some point on the topic.

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 11:18pm.

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

<https://www.youtube.com/watch?v=o3aWWTZrIEQ>