



**Town of West Newbury
Board of Selectmen
Monday, September 7, 2021
381 Main Street, Town Office Building
www.wnewbury.org**

Minutes of Meeting-DRAFT

Open Session: 7:04 p.m. by in-person attendance or remote participation (see below)

Addendum to Meeting Notice regarding Remote Participation

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 23, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the West Newbury Board of Selectmen will be conducted via remote participation to the greatest extent possible.

Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of West Newbury website, at www.wnewbury.org. For this meeting, members of the public who wish to listen to the meeting may do so in the following manner:

GoToMeeting

Phone: (646) 558-8656

Access Code: 824 8794 6592

Passcode: 225857

Or from computer, tablet, or smartphone:

<https://us06web.zoom.us/j/82487946592?pwd=Z3p3VzR3NWF4bzFjNjIXVVdNM0llUT09>

Every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the Town of West Newbury website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as practicable after the meeting.

The meeting was called to order at 7:04 p.m. by Select Board Chair, Richard Parker.

Participation at the Meeting:

- Select Board Members: Richard Parker, David Archibald, and Wendy Reed
- Town Manager Angus Jennings
- Christian Kuhn, Chief Assessor
- Jim Blatchford, Town Clerk
- Stephanie Frontiera
- Heather Brankman, Director, Pentucket Early Intervention
- Lee Ann Delp, EMA Director
- KC Swallow
- Chief Durand

Announcements:

- Upcoming Public Meeting, Page Playground Design Process, Wednesday, September 8, 2021 at 6:00 p.m. (Via Zoom) (See pages 2 through 3 for information)
- New Interactive Online Sales Report Tool Available on Assessing Department Webpage (See page 4 for information) Christian Kuhn, Chief Assessor demonstrated how the tool works, taking questions and answers regarding assessments.
- Call for volunteers: Climate Change Resiliency Committee, Finance Committee, Conservation Commission, etc.
- Reminder to subscribe, e-mailed Town news/announcements <https://www.wnewbury.org/subscribe>

REGULAR AGENDA

A. Requests for Special Event Permits: "Fox Hunts" on October 5, October 26, October 30, November 2 (Myopia Hunt Club):

Town Manager Jennings updated on this topic. (See Exhibit A, pages 5 through 21 for information) Stated that these are recommended for approval, have been through staff reviews.

Select Board Member Reed pointed out they are using the Open Space Committee logo on this and feels it may convey that they are supporting this, which they may not be doing. Town Manager Jennings stated he would check on this, not sure how this happened, but that office staff might have done it since Myopia doesn't always put in a map and they add one.

Motion made by Select Board Member Archibald to approve the special permits for the Fox Hunts on 10/5, 10/26, 10/30, and 11/2. Seconded by Select Board Member Reed.

Yes 3, No 0

B. Request for Fee Waiver for Use of Town Hall More than Six Times/Year (Pentucket Early Intervention):

Select Board Chair Parker updated on this topic. (See Exhibit B, pages 22 through 25 for information) Stated that there is a policy that has a limitation on six no-fee uses for a nonprofit per year.

Heather Brankman from Pentucket Early Intervention explained the reasons behind the request, stating that they are now back to in-person services and doesn't have enough room in their buildings for meetings. She stated that they have four teams and each has 10-15 people. She stated that meetings are held weekly, had been held through telehealth since Covid, and are now back to in-person meetings, which is good for staff morale. Discussion ensued on this topic with questions and answers from Board members, also explaining the issues concerning the cost of heating s as well as the cost of cleaning of the space after each meeting due to Covid concerns, with suggestions by Board members that they consider going from meetings

on two days to two meetings on one day for efficiency purposes. Brankman was asked if this would be a temporary arrangement, which she explained that it would be.

Select Board members also spoke about rooms in the Annex being used, with discussion ensuing that concerning Covid, people have not been allowed in the building. Annie called in and provided information regarding the calendar and times available at the Annex and second floor Hearing Room. There was discussion regarding cleaning of the space after meetings, parking issues, and pros and cons of setting a precedent for using spaces that was not previously allowed. Town Manager Jennings stated that the question before the Select Board is the fee waiver, not use of space.

Motion made by Select Board Member Reed to waive the fee and six meeting limitation for Pentucket Early Intervention for the rest of the fiscal year and to see if meetings can be consolidated to one day. Seconded by Select Board Member Archibald.

Yes 3, No 0

C. Vote to Remain One Voting District Pursuant to M.G.L. Ch. 54, Sec. 6:

Town Manager Jennings updated on this topic. (See Exhibit C, pages 26 through 31 for information) Stated that this is routine, but important. Town Clerk Blatchford provided information on this topic, providing results from the census, stating that the population of the Town has increased to 4,500, the map hasn't changed, and if not voted through, would have to go to two precincts due to the fact that 4,000 is a limit per precinct, but there is a waiver available from the state per town for 6,500. Discussion ensued on this topic with questions and answers.

Motion made by Select Board Chair Parker to accept the map, the blocking report, legal description of the Town, and to retain one precinct. Seconded by Select Board Member Archibald.

Yes 3, No 0

D. Discussion of Emergency Management (EMA) Roles, Responsibilities in Event of Declared Emergency (Lee Ann Delp, EMA Director):

Lee Ann Delp, EMA Director provided information on this topic. (See Exhibit D, pages 32 through 36 for information) She asked if the Select Board has any specific questions for her to answer. Select Board Chair Parker inquired that if there is an emergency, what is the role of the Select Board. Delp stated that Parker, as the Chair, has the last word, and she would liaise with the Chair, and she also works with the Police Chief and Fire Chief to coordinate responses, as needed. She also stated that since we're a small town, not that many disasters or emergencies that happen and a lot of her role in a town this size is paperwork after the fact and doing FEMA filings after a declaration of a disaster, such as if we were impacted by floods, and explained the process that would happen after something like this.

She also explained that due to the pandemic, she has been busy with paperwork for reimbursements through FEMA outside of what the Board of Health and Health Department has, as well as the CARES Act funds. She also described the process of how notices are sent out and to who they are sent out to.

She explained different titles and also provided information regarding radiologic plans at Seabrook, conducting a graded exercise every two years, volunteers that are appointed to EMA, and Town Managers and/or Select Board Chair that are assigned tasks should we have a nuclear event that has to be staffed and follow our response. She stated that in the last eight years, Dick Cushing has volunteered and played the role of the Chair in exercises, as well as Paul Seigny also runs certain exercises. She stated that the pandemic changed our exercise year dramatically, two exercises were postponed and eventually it was done virtually, and that we're going into a graded exercise year again, first one in December for practice, with the final graded exercise in the spring, with Select Board Chair Parker being invited for training in nuclear preparedness. Further questions and answers ensued on this topic.

Town Manager Jennings gave an update on the Hazard Mitigation Plan, which is coming up for expiration at the end of the fiscal year, so he's been speaking to MVPC about that, they've applied for a state grant, and if they get the grant, they could update it regionally, which would be a big plus, but if they don't get the grant, the Hazard Mitigation Plan will have to be updated, which is a requirement to be eligible for federal post-disaster recovery funding.

Delp also explained that a lot of times, there is mitigation funding available through different recourses for the Town, with River Road flooding being one of the big concerns. Select Board Chair Parker stated that the Climate Change Resiliency Committee is beginning to look at River Road risks from climate change and that there is an upcoming site walk with Geoff Wilson who had done work with the wildlife refuge and has a great understanding of how water moves and how erosion occurs.

E. Vote to Close Warrant and Finalize Date and Time for Fall Special Town Meeting:

Town Manager Jennings updated on this topic. Stated that there were new things that maybe hasn't heard about. Stated that the flood plain bylaw is in great shape, the stormwater bylaw is being worked on but not there yet and would like to keep it on the warrant. Discussion ensued on things that should be left open with questions and answers ensuing on this topic.

With regard to the CIC bylaw, Town Manager Jennings stated what it currently says and KC Swallow offered that the bylaw should be amended to exclude the Water Department expenditures since people rely on the CIC for information and need to tweak the bylaw that we have since changed the form of government and the bylaw is now outdated and now the responsibility of Town Manager.

Motion made by Select Board Chair Parker to refer articles to the Chair of the CIC for review and request that he schedule a meeting in September to reorganize and consider Warrant Articles 6, 7, and 8. Seconded by Select Board Member Reed.

Yes 3, No 0

Motion made by Select Board Member Archibald to close the warrant. Seconded by Select Board Chair Parker.

Discussion ensued with KC Swallow suggesting that the Housing Trust Fund should not be included in the Special Town Meeting since it's too critical of an issue right now, that there's a lot of discussion going on in town, that there is trouble with Housing Trust Funds and managing them and doesn't feel there's time for the whole scope of the idea to be flushed out

in time for this meeting and it's not an emergency and needs to have more understanding. Further discussion ensued on this topic. Town Manager Jennings stated that he feels that once this is adopted it's entirely the Select Board's authority to set up the trust sooner or later as they wish. Doesn't think it goes back to Town Meeting, and his suggestion if we do go forward would be to recommend the transfer of some amount but not the full amount because funds will need to be available to get the technical support needed to set up the trust.

Yes 3, No 0

F. Review of Requests for Warrant Articles for Fall Special Town Meeting and Determination of Which Articles to Include on Special Town Meeting Warrant:

Select Board Chair Parker stated have to finalize a date and time. Town Manager Jennings suggested Saturday, 10/23. Select Board Member Archibald inquired as to costs of holding the Special Town Meeting on a Saturday with Select Board Member Reed inquiring when we should move back to an evening meeting and inquired of KC Swallow a preference Saturday versus Monday night. KC Swallow stated that she doesn't have strong feelings, the numbers in West Newbury still look good and attendees would be limited to residents, so as long as use social distancing and masking in the Annex, would be okay. If decide to have it outdoors, run the risk of bad weather, etc., but people feel comfortable and like it, and if it was summer, outdoors would be better, but October 23rd should still be nice outdoors, did it last fall.

Town Manager Jennings offered that some residents might not feel comfortable with a meeting indoors in the Annex due to health and safety concerns, that outdoors is a more conservative approach for everyone to feel safe being there. Further discussion ensued on this topic, as well as the issue of what time the meeting should be held.

Motion made by Select Board Chair Parker to hold Special Town Meeting on Saturday, October 23, 2021 at 9:30 a.m. Seconded by Select Board Member Archibald.

Yes 3, No 0

Select Board Member Archibald stated that he had asked about information regarding Item 4, Board of Health's request for use of funds for seasonal vaccine clinics and COVID-19 contact tracing. Discussion ensued on this topic with Stephanie Frontiera stating that there is a current deficit of over \$48,000 from Amesbury and Newburyport since neither has paid for the vaccine clinics, so this is a backstop if we have to pay for it out of our own pockets, and currently, the way the language in the Article is written, can't use those funds for the clinics.

It was decided that all other draft Articles will go forward with the exception of 2(e), 4, 12, and 13, with further discussion ensuing on Article 12 with Chief Durand offering information on this topic regarding his officers, as well.

G. Vote to Designate DPW Director as Acting Chief Procurement Officer:

Select Board Parker updated on this topic. (See Exhibit G, pages 37 through 39 for information) Stated that since the retirement of the previous Chief Procurement Officer and since DPW Director Amaral has the credentials and qualifications, that he be designated to

handle procurement at this time, with Town Manager Jennings stating not sure if it should be a permanent thing since has to figure out where the purchasing function rests.

Motion made by Select Board Member Archibald to designate the DPW Director as Acting Chief Procurement Officer. Seconded by Select Board Chair Parker.

Yes 3, No 0

H. Middle Street Bridge: Updates Regarding Permitting Process and MassWorks Grant; Consider Authorizing Joint Representation by KP Law re: Middle Street Bridge MOU with City of Newburyport:

Town Manager Jennings updated on this topic. (See Exhibit H, pages 40 through 43 and page 1 of the Supplemental OS packet for information) Stated that everyone has his memo dated 8/26 which emphasizes the forward intent. Did write a supplemental memo providing more insight on the MassWorks, which is a factor that needs to be focused on with the timeline for performance. Stated that it's not going to be easy to get funding, based on how things are budgeted at this time, takes away from what they can approve in the subsequent fiscal year. Discussion ensued on this topic with Town Manager Jennings recommending that we get an MOU back in place, and to do that, would recommend that they authorize legal counsel to go to work on that, but until that's authorized, can't do that.

Select Board Archibald inquired about how it would work with KP Law representing both towns, when West Newbury wants the bridge and Newburyport doesn't really care, and where Newburyport is a much bigger town, how would that work best for West Newbury. Town Manager Jennings stated he doesn't feel they're representing either position, that we're working with the principals in Newburyport to come to an agreement and KP Law would be memorializing that. Further discussion ensued on this topic, with Town Manager Jennings stated that if KP Law ever found a conflict in this situation, they would recuse themselves.

Select Board Member Reed stated that she was not satisfied with Micah's answers regarding repair of the stone arch bridges, with Select Board Chair Parker adding that he was pretty satisfied with the conversation with Micah, thought he knew where he was coming from, and taking the existing bridge and reuse what is there without substantially replacing everything, and that to meet current structural, legal, and liability requirements, have to be confident that the foundation will hold up for decades.

Select Board Member Archibald stated that the major cost is the foundation, including the reservoir and coffer dam, but the problem is underneath and doesn't feel you're going to be able to find an engineer who will sign off on putting things back where they were, and also that the repair is almost as expensive as a new structure would be. Select Board Member Reed feels that she'd like to get a second opinion and that inspection reports have rated the structure and superstructure as 5 or 6 out of 9. Select Board Chair Parker inquired if she had located an engineering firm, to which she stated that she had but couldn't recall the names. Further discussion ensued on the cost of doing this and what steps would be taken in order to get this done.

Motion made by Select Board Chair Parker to authorize KP Law to represent West Newbury regarding the MOU (page 43 of the OS packet), notwithstanding that KP Law also represents the City of Newburyport. Seconded by Select Board Member Reed.

Yes 3, No 0

I. Update on Potential to Request Authorization of Joint Representation by KP Law re: MOU/MOA for Regional Vaccination Clinics:

This topic updated by Town Manager Jennings. (See Exhibit I, pages 44 through 45 for information) Stated this isn't as far along and would not look to the Board to vote anything tonight but wanted to make the Board aware that discussion is ongoing. Did follow-up on his note and did talk to Tim, and while there are 9 communities who were officially engaged in this effort, it really was only three that were most involved and incurred costs, Amesbury, Newburyport and West Newbury. Feels that it probably won't be a 9-town MOU, more of like two or three, but wanted to make the Board aware of where his office is coming from in wanting to have an advance agreement before significant costs are incurred. Further discussion ensued on this topic.

J. Consideration of Potential Changes to Propose to Personnel Policy (re: Qualified Part-time Holiday Pay and Regarding Internal Posting/Hiring Policy):

Town Manager Jennings updated on this topic. (See Exhibit J, pages 46 through 59 for information) Regarding qualified part-time holiday pay, stated that the memo on page 46 provides information, which reverts back to the prior language, where part-time employees would be paid for the hours that they were regularly scheduled to work on a holiday, which would address the concern people have regarding Monday holidays, and feels that this proposed system would now be clean, simple and unambiguous which is a plus. Further discussion ensued on this topic. Town Manager Jennings stated that what the Board would vote on tonight is to refer this item for a public hearing on the matter.

Town Manager Jennings also wanted to make the Board aware of the issue of sick time and feels that it's a source of concern for some, and in his office, he wants to be fair and consistent, but it's not always simple, with further discussion ensuing on this topic.

K. Discussion of Composition and Role of Personnel Advisory Committee, and Process/Timeline for Review/Revisions of Personnel Policy and Related Bylaws and Practices:

Town Manager Jennings updated on this topic. (See Exhibit K, pages 60 through 61 for information) Stated that there are many policy issues that he needs a forum to work through and to have a sounding board, have scoped out a lot of problems and issues, but haven't yet gained any real traction on fixing them other than in the course of work, but from a policy standpoint, the policies are unchanged, the personnel bylaw is unchanged, and the salary bylaw is unchanged, and that hasn't been enforced as written for a long time, there is much housekeeping to do, and if it was ever enforced, it would be a huge problem because we would grind to a halt. Further discussion ensued on this topic.

L. Proposed Revisions to Procedure for Ch. 61, 61A, 61B, Right of First Refusal Notices:

Town Manager Jennings updated on this topic. (See Exhibit L, pages 62 through 70 for information) Stated that upon reading the policy, feels that the phraseology on the Board designation is 95% housekeeping, and the only substantive thing, on page 63, item 5 of the

packet, providing seven days and the realities of setting up meetings, etc. Further discussion ensued on this topic.

Motion made by Select Board Member Archibald to approve the changes as noted on pages 62 through 66 the agenda of the Procedure for Handling Notifications of Intent to Covert Chapter 61, 61A or 61B Land. Seconded by Select Board Chair Parker.

Yes 3, No 0

M. Proposed Select Board Policy - Electric Powered Equipment:

Select Board Chair Parker updated on this topic. (See page 2 of the Supplemental OS packet for information) Stated that if this has to be put off for a couple of years, with a valid reason, this will give people time to account for that. Further discussion ensued on this topic with Town Manager Jennings stating that he likes the changes made, it's far enough out to give everyone time to adapt, and one of his concerns is that he doesn't see an invoice until it's in the warrant, the equipment is already in-hand, and would give everyone time to think about it before ordering the equipment.

Motion made by Select Board Member Reed to adopt the Electric Powered Equipment Policy as stated . Seconded by Select Board Member Archibald.

Yes 3, No 0

N. Meeting Minutes, 6/28/21, 7/12/21:

(See Exhibit N, pages 71 through 91 for information)

Town Manager Jennings suggested if the Board has edits, that they speak directly with the vendor with any changes prior to the minutes being included in the packet. Select Board Member Reed suggested that where there is a "No" vote by a Select Board Member, that should be noted in the minutes who the "No" vote was.

Motion made by Select Board Member Archibald to approve the minutes of 6/28/21 and 7/12/21, subject to non-substantive edits. Seconded by Select Board Chair Parker.

Yes 3, No 0

TOWN MANAGER UPDATES

O. Revisions to Job Description: Assistant to Town Manager and Finance Department (to Reflect Expanded Responsibilities of Town Clerk's Office):

(See Exhibit O, pages 92 through 96 for information) (No further update on this topic)

P. Acknowledgement of Receipt of Ch. 61A Notice of Intent to Sell and Right of First Refusal for Property at 34 Ash Street:

Town Manager Jennings updated on this topic. (See Exhibit P, page 97 through 130 for information) Stated that this doesn't provide for the Board's acceptance. The procedure states

that we get it, send it to legal counsel, they verify that it's in the proper form, which they did, then notify the owner that it's in the proper form and the clock has started, which was done. There is no role for the Board to formally accept it. Just waiting for other Town entities for their perspective on it.

Q. Correspondence Received re: Draft Stormwater Bylaw; Update on Work Towards Stormwater Regulations:

Town Manager Jennings updated on this topic. (See Exhibit Q, page 131 through 167 for information) Received information from Leah Zambernardi who stated that the Planning Board was more receptive with taking on the stormwater authority role.

Select Board Chair Parker stated that on page 138 and 139, numbering issue on Section 8 on both pages and needs to be changed.

Select Board Member Archibald added that with regards to "Definitions," on page 134, "Disturbance," regarding removal of trees, Town Manager Jennings advised that one acre is the threshold. Further discussion ensued on this topic.

R. Update on Proposal to Establish Affordable Housing Trust, Including Recent Mass Housing Partnership Presentation to Planning Board:

Town Manager Jennings updated on this topic. (See Exhibit R, pages 168 through 171 for information) Stated that this is on the warrant, so this will be talked about more at future meetings.

S. Updated FY22 Pentucket Budget Assessment:

(See Exhibit S, pages 172 through 176 for information) (No discussion on this topic)

T. Assure Monthly Report re: Usage of EV Charging Stations:

(See Exhibit T, pages 177 through 180 for information) (No discussion on this topic)

U. Follow-up Meeting Assignments and Placing Items on Future Agendas:

(No discussion on this topic)

**Motion was made by Select Board Chair Parker to adjourn the meeting at 11:32 p.m.
Seconded by Select Board Member Archibald.**

Yes 3, No 0

Respectfully submitted,

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