



**Town of West Newbury
Board of Selectmen
Monday, September 20, 2021
381 Main Street, Town Office Building
www.wnewbury.org**

Minutes of Meeting

Open Session: 7:11 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: 892 3946 3780

Passcode: 532926

Or from computer, tablet, or smartphone:

<https://us06web.zoom.us/j/89239463780?pwd=MmlyOTAySmhjVkRXdkpPZ1k5UTNJZz09>

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 7:11 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
- Jim Blatchford, Town Clerk
- Arlon Chaffee, Loco Sports
- Sandy Berkenbush
- Albert Ting

Announcements:

- Health Department urges residents to take precautions after West Nile Virus case reported in Essex County (See pages 2 through 3 for information)
- 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 Permit: Harborside Half Marathon and 5K, November 21, Loco Sports:

Town Manager Jennings updated on this topic. (See Exhibit A, pages 4 through 7 for information) Stated that this is a special event permit that went through the normal review process. Chief Durand requested that there be a police detail stationed, and there were no other objections. Arlon Chaffee from Loco Sports stated that they are a for-profit entity but typically engage with local civil groups, have relied on Pentucket Athletic Association, which is local non-profit, as well as other local groups, and they also make a contribution to the Pentucket Athletic Association.

Select Board Member Reed inquired as to the location of the port-a-potties with Mr. Chaffee stating that they drop them off a day or so before the event in the parking lot for Greenbelt and usually pick them up a day or two after and gave information as to where they are placed. Select Board Chair Parker suggested that they notify the Greenbelt office.

With regards to the police detail, Mr. Chaffee stated that he has sent an e-mail to Chief Durand requesting three details, one at Turkey Hill where it enters South Street, one where Indian Hill heads onto Middle, and also at Garden and Middle.

Motion made by Select Board Member Archibald to approve the Special Event Permit for the Harborside Half Marathon on November 21st with the caveat that they contact Greenbelt. Seconded by Select Board Chair Parker.

Yes 3, No 0

B. Chapter 61A Notice of Intent to Sell and Right of First Refusal for Property at 34 Ash Street:

Select Board Chair Parker updated on this topic. (See Exhibit B, pages 8 through 41 for information) Stated that this was originally received in August and forwarded it to all appropriate interested parties. He stated that they had heard back from the Conservation Commission, the Planning Board, the Board of Assessors had nothing, and there has also been no public response. Select Board Chair Parker stated that the Select Board should decline to exercise the right of first refusal. Further discussion ensued on this topic.

Sandy Berkenbush, the listing agent, stated that they are hoping to close by the end of the month and offered to answer any questions that the Select Board might have.

Motion made by Select Board Chair Parker that the Town decline to exercise its right of refusal on the lot at 34 Ash Street. Seconded by Select Board Member Reed.

Yes 3, No 0

Town Manager Jennings stated that a formal Notice of Non-Exercise will be drafted and he will send the Select Board members a note when it's ready for signature, and once all the signatures are obtained, everyone will be notified. The attorney stated that once it's recorded then the closing can move forward.

C. Discussion of Parking Options for Coffin Street Property, Including Potential Parking On/Off of Cortland Lane - Essex County Greenbelt:

Select Board Chair Parker updated on this topic. (See Exhibit C, pages 42 through 48 for information) Stated that the Town acquired some interest in this in the form of conservation easements at the Annual Town Meeting, with most of the interest being from Greenbelt, and there's a proposal that the parking at the end of the cul-de-sac, and if the Board feels that it's acceptable, then Greenbelt is going to release their right to put parking directly on Coffin Street as the alternative. Further discussion ensued on this topic.

Town Manager Jennings stated that Greenbelt brought in a surveyor and they were able to establish some of the bounds but not all of the bounds, and as it turns out, both abutting property owners are having their own surveys done which will definitively establish the extent of the right of way.

Albert Ting, a direct abutter to the L-shaped land stated that they haven't seen how the parking lot is going to work but inquired as to whether it's on the L-shaped stub or off of the road itself, with Select Board Chair Parker stating that it's off of the road itself, directly off of the cul-de-sac. He also stated that a handicapped spot on the street could be better than to have a split rail fence with a break in the middle.

Town Manager Jennings stated that Greenbelt's request is that the Board agrees that parking in this area will work, with Select Board Chair Parker stating that the Town needs to make sure that the bounds are well marked. Further discussion ensued on this topic. Mr. Ting inquired as to the right-of-way, is the parking lot going to be on the L-shaped road or is that something different, and that L-shaped stub gives them frontage to a paper road on their property and if the parking lot goes in the middle of that, then that knocks out their frontage on a paper road. Select Board Chair Parker stated that that isn't a consideration that the Town has given serious consideration to building a roadway in that L.

Mr. Ting inquired as to whether there is another way to access the parcel. Select Board Member Archibald stated that it would be a significant amount of work to put spaces more towards the end of the L, with Select Board Chair Parker adding that he doesn't think the Town would build a road into the L, and stated that if access were ever built, moving the parking would need to be part of that, it would be significant changes for that to be built out, and that he would not be supportive of building a roadway right now into that L since it would be significant changes for that to be built out.

Mr. Ting also stated that he would be losing access to the right-of-way, asked if parking can be built in a right-of-way, and also stated that it's an attractive feature of the property and it never occurred to him that a parking lot would be built there. Sandy Berkenbush stated that she used to be an Associate member of the Planning Board in the '90's, and that they routinely left access to rights-of-way to adjacent large parcels, and the idea was that you couldn't block off large parcels of land by doing a subdivision, so that's the piece that a lot of these were put in place for, so that you had access.

Select Board Chair Parker stated that he feels that there is an alternate that could happen at a later date with regards to the L portion if the landowner of the house chose to try to exercise it but doesn't feel the Town would ever agree to built out the road at its expense. Further discussion ensued on this topic.

Motion made by Select Board Member Archibald to approve the potential creation of a 2-space parking lot off of Cortland Lane with an on-street handicapped space, if deemed compliant by the ADA Coordinator, to be undertaken after definitive survey of the parking lot had been carried out. Seconded by Select Board Chair Parker.

There was further discussion on this topic, including speaking with the ADA Coordinator regarding locating the handicapped spot on the street. Mr. Ting also inquired as to whether it would be possible to ensure with counsel whether adding parking affects the rights of abutters, which was agreed would be done.

Yes 3, No 0

D. Discussion of COVID Protocols for Town Buildings, Including Library - Review/ Updates:

Town Manager Jennings updated on this topic. (See Exhibit D, pages 49 through 74 for information) Select Board Chair Parker stated that with the number of pages in the packet, wasn't sure what to look at. Town Manager Jennings stated that there was a confluence of things, that the first page is a reminder of the COVID protocols that was sent to all staff, that Select Board Member Reed had made him aware of the OSHA safety regulations, which are also in the packet, which require coming up with a COVID control plan with a checklist evaluation that you're complying, which is a requirement and will be done.

Select Board Member Reed stated that she feels a one-page form would be good for employees. Select Board Chair Parker stated that there are conflicting standards between OSHA and the state, with Select Board Member Reed stating that Massachusetts is a requirement, and that the CDC is just for guidance. Select Board Member Reed offered to work on a one-page document and forward to Town Manager Jennings, who stated that he can have something for review at the next meeting.

E. Review Date, Time, and Location for Fall Town Meeting:

Select Board Chair Parker updated on this topic. (See Exhibit E, page 75 for information) Stated that the plan was for Fall Town Meeting to be at the Bandstand on Saturday, October 23rd at 10:00 a.m. but that there is a soccer tournament going on that day at that site that runs until early afternoon, and the earliest that the space could be used is around 2:00 in the

afternoon. Various other options might be to move the time to 2:00, moving the date to Sunday or Monday, having an indoor meeting at the Annex, but that might not be optimal because of concerns of COVID safety, or to find a different venue. Select Board Member Archibald inquired if the tournament could be moved, with Town Manager Jennings stating that's not possible. Further discussion ensued on this topic regarding alternate dates or alternate spaces. There was also discussion regarding what the quorum for a Special Town Meeting would be, and that there are Articles that would need 90 people to meet the quorum.

F. Review of Warrant Articles for Fall Special Town Meeting, Board Recommendations, Update Regarding Finance and Capital Improvements Committee, Reviews:

Town Manager Jennings updated on this topic. (See Exhibit F, pages 76 through 82 for information) Stated that there is a brief summary memo on page 76 of the packet which outlines which Articles Fin Com has already taken action on to favorably recommend, that on Articles 5, 6, and 7, the Capital Improvements Committee will meet to take up those and make a recommendation on those, on Articles 14 and 15, which is the Floodplain Bylaw and the Stormwater Bylaw, Fin Com isn't going to take action on those because they're not financial, on Article 3 which is the transfer of free cash for tax relief, and the budget amendments that Fin Com took up were those that had been already reported out from the Select Board.

Town Manager Jennings stated that will want to get the Select Board's vote on each of these Articles as to whether you recommend it, because it was voted to put on the Warrant, and with some, the intent was obvious, but it would still be good to vote to recommend or not.

Motion made by Select Board Member Archibald to approve Article 2, deleting Section 11 for further study. Seconded by Select Board Chair Parker.

Discussion ensued regarding the dollar amounts that were part of this Article.

Yes 3, No 0

With regards to Article 3, it was decided to keep this on the agenda for 10/4. Town Manager Jennings further stated that he expects the tax rate to go down this year regardless of whether free cash is transferred or not and further explained his plan with regards to the tax rate. Further discussion ensued on this topic. Select Board Member Archibald had originally made a motion to approve this article, but after discussion, no vote taken on this Article due to lack of a second.

Motion made by Select Board Member Archibald to approve Article 4, with the notation that in the motion, to add a stipulation that any of these funds for additional Covid clinics not be expended until there is a MOU in place with the host community specifying responsibility for costs prior to incurring costs for equipment or labor. Seconded by Select Board Chair Parker.

Discussion ensued on this topic with Town Manager Jennings stating what had happened in the past and how things worked at that time but agreed that having an MOU in place would benefit the Town.

Yes 3, No 0

Motion made by Select Board Chair Parker to approve Article 5. Seconded by Select Board Member Archibald.

Yes 3, No 0

Motion made by Select Board Chair Parker to approve Article 6. Seconded by Select Board Member Reed.

Yes 3, No 0

Motion made by Select Board Chair Parker to approve Article 7. Seconded by Select Board Member Archibald.

Yes 3, No 0

Motion made by Select Board Member Archibald to approve Article 8. Seconded by Select Board Chair Parker.

Yes 3, No 0

Motion made by Select Board Member Archibald to approve Article 9. Seconded by Select Board Chair Parker.

Yes 3, No 0

Motion made by Select Board Member Archibald to approve Article 10. Seconded by Select Board Chair Parker.

Yes 3, No 0

Motion made by Select Board Member Archibald to approve Article 11. Seconded by Select Board Chair Parker.

Yes 3, No 0

Motion made by Select Board Member Archibald to approve Article 12. Seconded by Select Board Chair Parker.

Yes 3, No 0

Motion made by Select Board Member Archibald to approve Article 13. Seconded by Select Board Member Reed.

Select Board Member Archibald inquired as to what this is going to be about, with Select Board Chair Parker stating that this will be for completing the HVAC controls, hot water heater, and the Senior Center is requesting approximately \$10,000 and will also apply for a Green Communities grant, with a 3-year payback to the Town, and it will lower electricity and gas usage. Further discussion ensued on this topic.

Yes 3, No 0

Motion made by Select Board Member Reed to approve Article 14. Seconded by Select Board Chair Parker.

Yes 3, No 0

Motion made by Select Board Member Reed to approve Article 15 with the stipulation that the area of coverage would be the entire town. Seconded by Select Board Chair Parker.

Select Board Member Reed inquired as to whether this would be town-wide and that she would like to see this be town-wide. Discussion also ensued regarding stormwater permits and removal of trees. Select Board Member Archibald stated that he feels that we're vastly underestimating the number of parcels that would be affected with regards to removal of trees.

Yes 3, No 0

G. Update on Resident Input Received Regarding Soldiers & Sailors Building; Discussion of Next Steps:

Town Manager Jennings updated on this topic. (See Exhibit G, pages 83 through 88 for information) Stated have received a number of feedback comments primarily generated by the meeting the Board had but also the news article. Still hasn't drawn up the news and announcement that he wants to draw up because wants to use the idea provided by the architects and the idea submitted regarding the potential repurposing of the lot for a Veteran's Memorial Park and weave it all together.

Discussion ensued regarding the possibility of selling the property to a private party in the future, and Select Board Archibald inquired that by expending CPA funds, does it forestall options regarding demolition, etc. There was also a discussion regarding safety versus preservation issues. It was decided to pick a date for a broader discussion on this topic that can be announced for the public to attend, and it was decided to shoot for the October 25th meeting.

H. Consideration of Potential Changes to Propose to Personnel Policy (Re: Internal Posting/Hiring Policy):

Town Manager Jennings updated on this topic. (See Exhibit H, pages 89 through 90 for information) Stated that this is for next meeting and just included the notice so that the Select Board had what was posted. Discussion ensued on this topic.

Motion made by Select Board Member Reed to refer this matter for hearing. Seconded by Select Board Chair Parker.

Yes 3, No 0

I. Discussion of Potential Employee Wage and Staffing Survey:

Town Manager Jennings updated on this topic. (See Exhibit I, page 91 for information) Stated that this is a great grant that is on point with our current need but can be tabled for now since it's not going to be worked on for some time.

Motion made by Select Board Member Reed to authorize the Town Manager to pursue this grant. Seconded by Select Board Chair Parker.

Yes 3, No 0

J. Report on Recent Staff and Committee Member Site Walk Along River Road, Next Steps:

Select Board Chair Parker updated on this topic. (See Exhibit J, page 92 for information) Stated that there were approximately a dozen people who participated in the site walk. Gave a summary of the site walk. Stated that there are erosion issues in several areas that at some point will eventually cause road failure, and the consensus of everyone involved was that this be looked into more deeply and perhaps apply for a grant to target for an analysis of the entire riverbank to identify problem spots and coming up with a plan of how to address the potential failure that will come up.

K. Request for Authorization to Pursue Green Communities Grant, Fall 2021 Grant Round:

Select Board Chair Parker updated on this topic. (See Exhibit K, pages 93 through 96 for information) Stated that there is a grant round where applications are due October 9th, and part of the grant would be for the HVAC controls for the Council on Aging and other areas. Further discussion ensued on this topic.

Motion made by Select Board Chair Parker to authorize application for the Green Communities Grant for the Fall of 2021. Seconded by Select Board Member Reed.

Yes 3, No 0

L. Discussion of Select Request for "Letter of Commitment: re Potential Additional Solar at Page School Site:

Select Board Chair Parker updated on this topic. (See Exhibit L, pages 97 through 108 for information) Stated that Power Options operate under MGL, Chapter 164, Section 137, stating that it allows communities for certain types of energy requirements to go without a bid and that the company has been pre-qualified by the state. He further stated that he spoke with somebody from the company called Cadmus, who reached out to us and provided information regarding this, spoke to an attorney who works at Cadmus and he is hoping to get some feedback from

KP Law and that the proposal is as good as anything we're going to get.

Discussion ensued on this topic regarding different competitors, if we would benefit from the process of soliciting bids, with Select Board Member Archibald inquiring if could speak with other municipalities that are in the same situation and what they did and also inquiring if we

could check Select's references. Select Board Member Reed inquired as to the timeline for the Letter of Intent with Select Board Chair stating that there is no hard deadline. Select Board Member Archibald inquired as to how do we integrate the School District regarding buying this electricity, sounds complicated, and Select Board Chair Parker stated that the earliest that this could happen is a year from now. Further discussion ensued on this topic, including how the cost savings would be apportioned among the three towns and next steps to be taken.

M. Review of Updated FY22 Schedule for Recognition of Holiday Dates:

Town Manager Jennings updated on this topic. (See Exhibit M, pages 109 through 111 for information) Stated that the main reason this is before the Board is just to formalize that Juneteenth has been added, as well as the library asking to close on a certain date and other holidays that are included. Discussion ensued on this topic.

Motion made by Select Board Chair Parker to accept the holiday schedule as just discussed and revised. Seconded by Select Board Member Reed.

Yes 3, No 0

N. Discussion of Select Board Meeting Schedule, Remainder of Calendar Year 2021:

Town Manager Jennings updated on this topic. (See Exhibit N, page 112 for information) Stated that Jenny had suggested these changes to avoid holiday weeks.

TOWN MANAGER UPDATES

O. Update on FY21 Audit:

Town Manager Jennings updated on this topic. (See Exhibit O, page 113 for information) Stated that the audit went really well, people pushed hard, we were totally prepared. Stated that got the draft financials, expect to have the draft management letter by the end of this week, so could be in a position to invite Tony in to present the audit as early as the second half of October or into November.

P. FY21 Free Cash Certification:

Town Manager Jennings updated on this topic. (See Exhibit P, page 114 through 116 for information) Stated that this is also way ahead of schedule.

Q. Receipt of OPEB Actuarial Report, FY21:

Town Manager Jennings updated on this topic. (See Exhibit Q, page 117 through 118 for information) Stated that this shows us back in the black.

R. Updated Business Certificate Form and Fees (James Blatchford, Town Clerk):

Town Clerk Blatchford updated on this topic. (See Exhibit R, pages 119 through 129 for information) Stated that Christine completely redid our business certificate, so it's now three

pages instead of six, which only helps the residents. Stated that he does want to update a fee restructure because it's not clear, then can submit it to the Select Board for approval.

S. Recent Correspondence to Boards/Commissions/Committees re Required Training/Acknowledgments:

Town Manager Jennings updated this topic. (See Exhibit S, pages 130 through 132 for information) Stated that now that the Town Clerk is able to devote fulltime attention to the Clerk responsibilities, we're seeing really significant improvement in some areas, and this is one area with proactive outreach to get all of the certifications and acknowledgments done.

T. Correspondence Received re Draft Stormwater Bylaw, Update on Work Toward Stormwater Regulations:

(See Exhibit T, pages 133 through 142 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 11:22 p.m.
Seconded by Select Board Member Reed.**

Yes 3, No 0

Respectfully submitted,

Susan M. Lobie, Certified Electronic Transcriptionist
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