



**Town of West Newbury
Board of Selectmen
Wednesday, July 28, 2021**
381 Main Street, Town Office Building
www.wnewbury.org

Minutes of Meeting

Open Session: 6:35 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: 894 8298 7246

Passcode: 601809

Or from computer, tablet, or smartphone:

<https://us06web.zoom.us/j/89482987246?pwd=ckeyVFZlVWc0RxSlpMzVZlYwdz09>

No in-person attendance of members of the public will be permitted, but 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 6:35 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
- Town Clerk/Counsel & Procurement Officer, Michael McCarron

This meeting is a continuation of the Select Board Meeting held on July 28, 2021.

REGULAR AGENDA
(CONTINUED)

M. Review of Proposed Revisions to Signs on Town Property Policy:

Select Board Chair Parker updated on this topic. (See Exhibit M, pages 57 through 59 for information) Stated that this topic was discussed earlier in the 7/26 meeting regarding applications requested for signs, but not fully discussed with regards to the policy itself.

He further stated that the policy spoken about was potentially two two-week windows that could be anywhere within the timeframe that the sign permit applicant requested, and up to five locations that were approved within town, the locations discussed as potential locations included Pipestave, Page School, Bachelor Street, strip of land between Farm Lane and the high school, Bridge/Church Street traffic island. Town Manager Jennings stated that he had spoken to school officials at the Middle/High School who have their own approval process for placing signs because it's not Town land.

Further discussion ensued on what areas were previously approved and how to set a policy for approving signs in the future with Town Manager Jennings pointing to the draft policy contained in the 7/26 packet, with Town Counsel McCarron providing information regarding the legalities of the language in the draft policy. Finally, Town Manager Jennings also stated that his recommendation would be that the Building Inspector would be in charge of sign enforcement rather than the DPW, which the Building Inspector was happy to do, and also that Annie would be coordinating the requests and times.

Motion made by Select Board Member Reed to adopt the Signs on Town Property Policy with the removal of Item D. Seconded by Select Board Member Archibald.

Yes 3, No 0

O. Review of Proposed Revisions to Policy for Request for Review of an Issue by Town Counsel:

Select Board Chair Parker updated on this topic. (See Exhibit O, pages 66 through 69 for information) He stated that this topic was somewhat discussed on 7/26. Town Manager Jennings pointed to the draft policy on page 66, stating that he tried to write something that was fully consistent with the Town Counsel bylaw, but that also left in place enough oversight to allow for budget management.

Further discussion ensued on this topic and the process and mechanism for initiating working with or speaking to KP Law going forward, with Town Manager Jennings explaining his vision and rationale for how things should be done going forward and members of the Select Board providing their thoughts of what they would like to see, including having the request submitted in writing if Select Board Members are asked to approve an expenditure.

Select Board Member Reed inquired as to how the Town Manager would handle a request if it was in conflict with members of the Select Board, with Town Counsel McCarron stating that the rule is that the Select Board controls Town Counsel and that no independent board has the

right to its own counsel, which is well settled throughout the state legislature. Further discussion ensued on this topic.

Motion made by Select Board Member Reed to adopt the Request for Review of an Issue by Town Counsel policy, with the addition of that the request be in writing. Seconded by Select Board Member Archibald.

Yes 3, No 0

P. Review of Proposed Revisions to Select Board Policies:

Town Manager Jennings updated on this policy. (See Exhibit P, pages 70 through 88 for information) (This item deferred to 8/27/21) Stated that these policies have been reviewed and amended or left as is in the last three years, so he doesn't feel there is anything that needs to be looked at. He further stated that with regards to page 86 of the packet, he didn't have time to go back to his notes or meeting tape from June 28th with regards to the variable message board produced by Wayne, but seemed to recall some changes made before being voted upon, so not totally clear on this until he checks into what was voted on, Further discussion ensued on this topic, including proposed changes.

Motion made by Select Board Chair Parker to adopt the Revised Set of Policies, in particular, Section 32, Variable Message Board Placement. Seconded by Select Board Member Reed.

Yes 3, No 0

Q. Review of Date for Fall Special Town Meeting Warrant Article Submittal and Expected Warrant Closure Date; Preview of Any Known/Potential Warrant Articles:

This item was talked about on 7/26, but not the Preview of Any Known/Potential Warrant Articles. (See Exhibit Q, pages 89 through 90 for information) Select Board Member Archibald inquired as to "Addressing Bylaw," and it was explained by Town Manager Jennings that it's basically like an E-911, just to standardize what the process is for assigning a street address to a new property, that it was recommended by Sam and reviewed by Leah and Christian. He further explained that this has basically already happened and has gone fine, but there's not a document that sets out clearly the sequence of how the address is assigned, ensuring that public safety signs off on it, that it gets properly built into the E-911. Has a complete draft, which is not included in the packet, but just to advise that it's on there and at the next meeting, he can offer information on this and other bylaws.

Town Manager Jennings further added that there is an MGL that sets out the duties of a Park & Rec Commission, that Town Counsel McCarron did some research, and when the Town's Park & Rec Commission was first established in the early 50's, that statute wasn't cited, so there's a question as to whether those powers and duties rest with our Park & Rec Commission, which is not knowable right now, so the idea is to clarify that one way or the other, that it can be put on the table if the Board feels that should be done, and if so, the Board should sponsor it. He also stated that he advised the resident who brought it to him that it would be put on the table for discussion.

Select Board Member Reed inquired as to the item regarding funding for Groveland Dog Park, and Town Counsel McCarron provided information regarding this topic with further questions and answers ensuing on this topic, including whether West Newbury would offer funds to help this happen, with Town Counsel McCarron stating that he feels that the Town should get something for their money.

With regards to other potential Town Meeting Articles that Town Manager Jennings feels could be started to be working on are the Mooring Field and whether CPA will accept it as a project or not, and if not, does the Board or Harbor Committee might want to propose a separate Article not through CPA.

With regards to Emerald Ash Borer, discussion ensued on whether or not the Town wants to try strategic mitigation of that, and if so, what would be the right amount, how would that be managed, and best use of funds, as well as what can be done to mitigate the problem, perhaps having someone in to explain what should be done to alleviate the problem and whether it should be put on the warrant or not.

With regards to the Animal Bylaw, where thoughts of the Board have changed, would need a proposal. With the noise bylaw, would be a Board proposal. With regard to funding for the next phase of town Office HVAC work, Select Board Chair Parker gave an update on this project and discussion ensued with regards to a potential timeline for this project's work and completion.

With regards to the Affordable Housing Trust, Town Manager Jennings stated that he's working on it with Leah Zambarnardi and the consultant as well as Mass Housing Partnership, there's going to be a meeting on the 17th with the Planning Board where Mass Housing is going to be providing advice on what types of things a trust can do, as well as operationally what it takes to set it up and operate it successfully. Knows there are people in the community who want to see that proposed this fall, and if that's the way we go, we should make sure there is some allocation of funding to engage whether a part-time staff person or consultant to support the trust. He further explained the legalities and what is needed to bring forward the proposal and answered questions from Select Board Members regarding this topic with Board members stating that they would like to get the process started but also looking into what the costs would be to see if it's worth it or not.

With regards to the reduced assessment for retirement, which is a substantial amount, if the budget is reduced by \$32,000, might be worth it if it's a couple cents off of the tax rate, so may want to do a budget amendment on that, and also thinking about the Graf property.

With regards to projects that are priorities, Town Manager Jennings stated that the stormwater bylaw should have been done by June 30th and wasn't able to be accomplished. He also stated that thinks perhaps the Board might want to do a pre-cash transfer, depending on once we do the tax recap model and come up with an estimated tax rate, he would present to the Board in early September, then if comfortable with the estimated tax rate, that's great, but sometimes the Board chooses to propose a free cash transfer, so that would be the Board's option to do it or not.

R. Letter from MVPC re Potential Designation of Rep to Metropolitan Planning Organization (MPO):

Select Board Chair Parker updated on this topic. (See Exhibit R, pages 91 through 92 for information) Stated that the current rep for the region is out of Rowley. Town Manager Jennings stated doesn't recall getting a letter like this before. Further discussion ensued on this topic, including reaching out to the current rep to build a relationship then move forward from there at that point.

S. Discussion of Trail Upkeep on Open Space Developments:

Select Board Member Reed updated on this topic. (See Exhibit S, page 93 for information) She stated she doesn't feel need to go anywhere with that tonight, but just wanted to bring up that when open space developments are approved, the Planning Board does their part, and then the Homeowner's Associations are responsible for upkeep on the trails, which isn't always being done, so might need to come up with a good way to ensure that this is done, , how it should be done, and who should implement it.

T. Discussion of PIE Rivers Grant for Low Impact Development Bylaw Review:

Select Board Member Reed updated on this topic. (See Exhibit T, page 93 for information) Stated that this is a free tool, not sure if it's appropriate to ask the Planning Board to take a look at this. The tool looks into existing bylaws with the potential to apply for the grant. Further discussion ensued on this topic.

U. Timing to Conduct Board Appointed Staff and Town Manager Evaluations:

Select Board Member Reed updated on this topic. (See Exhibit U, page 93 for information) Stated that still have to set a date for the Town Manager evaluation or formally decide to not do it this year.

Town Manager Jennings stated that with regards to appointed staff, there are five total positions, and feels that the Select Board should spend time with Stephanie to get a fuller picture of things. Select Board Chair Parker stated that he has already met with Stephanie and Chief Durand to inquire into what their concerns and thoughts were, and perhaps each Board member should do the same. Further discussion ensued on this topic as to problems regarding finding the time to conduct the evaluations and the process that should be taken in the future to ensure that this process is done most efficiently and most consistently.

Select Board Chair Parker stated that the Board will defer until the first of next year to discuss evaluations for Town Manager, Town Accountant, and Police Chief, with Town Manager Jennings suggesting meeting with each Board member individually to discuss topics that are important versus those that can be pushed to next year.

V. Meeting Minutes: 5/24/21, 6/14/21:

(See Exhibit V, pages 94 through 112 for information) Select Board Member Reed commented with regards to Section E on page 96, that it should also be noted, with regards to "Face masks and social distancing encouraged but not required," should specify that in common areas, it is required. Select Board Member Archibald referenced that on page 102,

Section C, the vote should have been Yes 2, No 1. Select Board Member Reed referenced that on page 105, Section E, that the first Motion made by Select Board Chair Parker should have been noted to have been withdrawn.

Motion made by Select Board Chair Parker to accept the 5/24/21 and 6/14/21 minutes with changes made as noted above. Seconded by Select Board Member Reed.

Yes 3, No 0

TOWN MANAGER UPDATES

HH. Follow-up Meeting Assignments and Placing Items for Future Agendas:

Town Manager Jennings stated that he has put together a project list of active projects, not ready to circulate, but he will circulate in the next week or so in order for the Board to have a good sense of what's going on.

Motion was made by Select Board Chair Parker to adjourn the meeting. Seconded by Select Board Member Archibald.

Yes 3, No 0

Respectfully submitted,

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Approved 3-0 by Select Board on 10/04/2021