



**Town of West Newbury
Select Board**

Monday, September 12, 2022 @ 7:00pm

381 Main Street, Town Office Building

www.wnewbury.org

Open Session Meeting Minutes

Open Session: Open session was called to order by Chairperson Archibald at 7:11pm

Participation at the meeting:

Richard Parker, David Archibald, Richard Parker, and Wendy Reed *Select Board Members*

Angus Jennings, *Town Manager*

James Blatchford, *Town Clerk*

Michael St. Laurent, *Venture Endurance/Loco Sports*

Wayne Amaral, *DPW Director*

Fred Chanania, *Tree Committee Chairperson*

Chris Wile, *Finance Committee Chairperson*

Judith Mizner, *Conservation Commission Chairperson*

Christian Kuhn, *Chief Assessor*

Richard Baker, *Board of Assessors*

Brad Buschur, *Park & Recreation Chairperson*

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.
- Middle / High School Ribbon-Cutting, 24 Main Street – Wednesday, September 14 from 4-6pm (see page 2-9 for details).
- Select Board site visit to Cortland Lane cul-de-sac to review off-street parking options, Thursday, Sept. 15 at 6pm
- Special Town Meeting: Monday, October 24, 2022 at 7pm in the Annex
- Council on Aging / SAGE Center Newsletter available online!
- Big thank-you to the organizers of the Summer Concert Series at the Bandstand!
- Call for volunteers! Open 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. Application of Marie Pierce to serve on Cultural Council

Blatchford stated the applicant was unable to attend the meeting that evening.

Reed reviewed the experience of the applicant listed on the application (see exhibit A page 10 for details).

Parker made a motion to appoint Marie Pierce to the Cultural Council through June 30, 2025. Reed seconded. Motion unanimously passed (3 Yes, 0 No, 0 Abstain).

B. Request for Special Event Permit – Harborside Half Marathon and 5K – November 13, 2022 – Venture Endurance and Loco Sports

The Select Board reviewed the application, the requirements for police details at three different locations, and clarified that the Police Chief signed off on the Special Event Permit application (see exhibit B page 11-15 for details). Michael St. Laurent, a proponent of the proposed event, appeared before the Select Board virtually. St. Laurent stated the event had been held for the past 6-7 years, described the race route, and believed 800 participants would attend the race. The Select Board asked if the portable toilets could be removed from the area as soon as possible after the event. St. Laurent stated that for past events the portable toilet provider had delivered the portable toilets on Friday/Saturday and had removed them on Monday morning. St. Laurent stated 12-15 signs would be placed along the route with the expected time racers would be present. The signs would be placed one week prior to ensure residents would have plenty of advanced notice and could plan for delays or alternate routes. St. Laurent stated that Loco Sports and Venture Endurance were for-profit companies that donated to local community groups that volunteered along the race route. **Parker made a motion to approve the Venture Endurance and Loco Sports Half for Sunday November 13, 2022. Archibald seconded. Motion unanimously passed (3 Yes, 0 No, 0 Abstain).**

It was decided to take item E followed by item G before returning to the original order of the agenda.

E. Presentation of recent Emerald Ash Borer Report/Inventory- Wayne Amaral, DPW Director

Wayne Amaral appeared before the Select Board virtually and Fred Chanania appeared in-person.

Amaral stated 480 ash trees were inspected and categorized between trees that could be saved and trees that were beyond saving (see exhibit E pages 40-79 for details). Amaral reviewed the report, the cost associated with the removal of the 287 trees that were beyond saving, and the cost of injections for the 177 trees able to be treated. It was stated that there was no guarantee that the treatment would work, but it was certain that the trees would die if no action was taken. Chanania discussed the cost for removal per tree versus the cost of treatment

per tree, highlighting that removal was twice as much as the treatment cost. It was stated that the cost of treatment per tree over the course of 10 years would be approximately \$200-\$300 per tree, whereas the minimum cost of removal would be \$3,000 per tree.

The Select Board discussed if assessing the removal of the high hazard trees and treating the most viable trees would be the most effective way of approaching this issue. Amaral discussed the difficulty in predicting which trees could be categorized as a high hazard to fall and explained that each tree would need to be measured to power lines and to the roadway to create a criterion for a high/hazard risk upon falling.

Archibald suggested the town could start a pilot program for a small number of trees for one year to see if the tree injections would work instead of committing to a treatment that could have no effect. Chanania stated there were established success rates, although there was no guarantee, for each category of tree health, but did not have the information at hand. Parker suggested moving forward with the treatment for trees that had a higher probability of survival. Chanania and Amaral stated an article would be submitted for the Spring Town as more definitive answers on cost and survival rate estimates could be provided. **No motion was made at this time.**

G. Review of proposed Warrant Articles for Fall Special Town Meeting to be held on Monday, October 24, 2022 at 7pm in the Annex; and review of draft Special Town Meeting Warrant
See exhibit G pages 81-113 for details on the following proposed warrant articles.

Warrant Article: Page School Playground

Chanania discussed the proposed Fall Town Meeting Article, for funding in the amount of \$12,000, for the installation and watering maintenance of eight red maple trees at the Page School Playground. The Select Board discussed whether funding should be sought through the PTO instead of through Town funds, as the playground had already received funding to be rebuilt that year. Amaral stated remaining funds of \$5,000-\$6,000 in the Page School Fund could be utilized to acquire fewer trees, but the watering cost per year was estimated at \$4,000. The Select Board discussed the possibility of recruiting volunteers to maintain the watering schedule for the trees. Chris Wile, Finance Committee Chairperson, suggested the volunteer work could be used for senior tax credit, community service for college applicants, and service hours for boy scouts and girl scouts. Amaral discussed the difficulty of relying on volunteers, as there was no guarantee that the watering would get done. Further, Amaral stated the only water source at the Page School was a hydrant, so volunteers would be required to transport water to the school to complete the watering. Chanania stated the intention to apply for the Challenge Grant, where if approved, the state would reimburse half the costs of the installation and maintenance but the funding would need to be available upon submission of the application. Chanania stated the designation of the town as a Tree City and the educational component associated with the location could improve the chances of approval. Reed expressed wanting to wait until an assessment of the article by the Finance Committee could be made. **Parker made a motion to approve the request for funding for eight red maple trees around the new playground at Page School. Reed seconded.** Jennings stated the Select Board had historically voted on article recommendations before article submission to the Finance Committee. Jennings suggested that votes on article recommendations should continue in this manner. **The Select Board did not recommend this article (1 Yes, 2 No, 0 Abstain).** Jennings stated the article would still appear on the warrant with a one-to-two recommendation against.

Conservation Commission Outreach Costs

Judith Mizner appeared before the Select Board virtually. Mizner stated the Conservation Commission was requesting funding to complete a mailing to provide information concerning the bylaw regulations planned to be presented at the next Spring Annual Town Meeting. Mizner stated the mailings would facilitate feedback from the residents and help the Commission propose a bylaw that the town could support. Michelle Greene appeared before the Select Board virtually. Greene discussed community feedback received in the spring, stating that residents were in support of a bylaw but did not feel the proposed bylaw at the time represented them or their interests. Greene stated the information gathered would help the commission move in the direction to protect the resources the residents would want to protect and compared the mailing to an open space survey. Archibald discussed the appearance that the mailings would be used to drum up support and the criticisms were never addressed. Reed stated support of the bylaw and gaining more public engagement, but expressed that a mailing was not the right tool to facilitate community involvement. Jennings stated the Wetlands Protection Fund could not be used as the fund would be used for proposed regulations and not existing regulations. Parker believed more responses would be received through the mailing instead of attending a public engagement meeting. The Select Board discussed the possibility of using an online platform to conduct the survey. Greene discussed the lack of every resident's email address as the obstacle where not every resident would be reached to complete the survey. Reed suggested using the town email blast to communicate the email address of the survey site.

The Select Board, Greene, and Jennings discussed if a legal notification advertisement should be submitted and how a line-item transfer from a different department could be made to fund that expense. **Reed made a motion to remove this article from the warrant. Archibald seconded. The article did not receive recommendation (1 Yes, 2 No, 0 Abstain).**

Conservation Commission Invasive Species Interns

Jennings reviewed feedback from the Invasive Interns Working Group to potentially increase the proposed amount from \$8,000 to \$10,000 in order to provide budget flexibility and to account for wage increases and equipment. The Select Board discussed the remaining funds from the previously approved article for invasive species interns, the sunset date, and whether the remaining funds could be used in Summer 2023.

Greene envisioned the direction of the article to include hiring two interns at 20hrs a week with more emphasis on invasive species removal and management. Jennings reviewed the language of the original article and motion and confirmed the remaining funds could be carried forward as no sunset date was listed. Jennings advised the Select Board to make a decision on the recommendation, as the next opportunity to do so would be very close to the deadline for the Finance Committee booklet. The Select Board discussed using the remaining funds to supplement the potential increase needed for additional equipment and technology needs. **Reed made a motion to recommend this article for \$8,000. Archibald seconded. Motion unanimously passed (3 Yes, 0 No, 0 Abstain).**

Assessing- CAMA Software

Christian Kuhn, Chief Assessor, appeared before the Select Board virtually and Richard Baker appeared in-person. Kuhn stated the article put forward would fund an updated computer software program necessary for the Assessor's Office to function properly and efficiently. Kuhn explained the current software program through Patriot Properties was ten years old and had a locked valuation model, whereas a new software program through Vision Government Solutions would allow for a standard evaluation model for a cost adjusted sales approach. The Select Board and Kuhn discussed the limitations with the Patriot software and opportunity the new software would lend to catalog additional fields of information not possible with Patriot. Kuhn stated the implementation of the new software for FY24 would allow one year of use to ensure the new valuation system numbers were the best outcome for the taxpayers. The upgraded software would also benefit the town with the re-certification process in FY25. As the Patriot contract would expire at the end of FY23, the new software could be ready to role out without any gaps in coverage the first day of FY24. It was stated that the annual fee was less than the current contracted fee. **Reed made a motion to recommend the article request. Parker seconded. Motion unanimously passed (3 Yes, 0 No, 0 Abstain).**

Parks & Rec Budget Amendment

Brad Buschur appeared before the Select Board in-person. Buschur discussed the proposed article for \$15,000 in funding for start-up costs/maintenance for the three baseball diamonds at Bachelor, the Babe Ruth diamond at Pipestave, and one softball diamond behind the Page School. Buschur stated the Parks & Recreation Commission had focused on the operations management and costs associated with rentals and upkeep over the past year and had received \$5,000 in revenues for the year. The Select Board and Buschur discussed the fee structure for rentals and ways in which additional rental revenues could be obtained. Jennings informed the Select Board that the article was drafted as a budget amendment as the expense was anticipated to be annual. If this article was to move forward in its present form, it would need to be added to the FY23 operating budget. Buschur discussed potentially moving the Parks Fund under the DPW budget line expense to the Parks & Recreation budget to accurately reflect the funds budgeted to maintenance of the recreational spaces. Amaral stated the funds under the budget line would be used for fertilizer this year and the DPW would absorb the costs on any further maintenance to be completed. **Parker made a motion revise the Park & Rec expenditures budget up by \$15,000. Reed seconded.** Reed stated it would be more appropriate for this article to be heard at the Annual Spring Town Meeting as that was when the Town Budget would be heard by the voters. Jennings stated the article could be written as a stand-alone article from Free Cash. The Select Board and Buschur discussed proceeding with the article as a stand-alone article and presenting the proposed budget amendment article at the Annual Spring Town Meeting. **Parker modified the motion for a standalone article in the amount of \$15,000 for Parks & Rec field maintenance from Free Cash. Reed seconded the amended motion.** Reed stated more information should be provided at the Annual Spring Town Meeting concerning the costs associated with baseball and user fees to provide better understanding and transparency. **Motion unanimously passed (3 Yes, 0 No, 0 Abstain).**

Election Costs

Blatchford discussed costs associated with the state requirements for early weekend voting and the additional week of early voting for the General Election in October. Blatchford stated staffing for early voting for the General Election was reconfigured based on the turnout numbers seen during the primary early voting hours. General Election early voting hours would follow the Town Clerk's Office open hours, with the addition of a few late voting nights at the library, and extended hours the last two days of early voting before the election. Blatchford informed the Select Board of the funds received through the advance on extended polling hours and the additional reimbursement offered by the state. **Parker made a motion to recommend the additional election budget funding. Reed seconded. Motion unanimously passed (3 Yes, 0 No, 0 Abstain).**

Free Cash Transfer for the Tax Rate

Jennings stated the tax rate would not be formally set until late November and the estimate tax rate had not been completed at this time. **Archibald made a motion to expend \$200,000 from free cash to lower the tax rate.** Jennings confirmed the figure was approximate average to the amount that had been allocated for the past 5-6 years. **Parker seconded.** The Select Board and Jennings discussed increasing the amount above \$200,000. **Parker made a friendly amendment to increase the amount for this article to \$250,000. Archibald seconded.** The Select Board discussed the DOR recommendation to maintain at least 5% of the operating budget in Free Cash and whether the town would continue to use Free Cash funds to lower the tax rate each year. Jennings discussed the turn-backs received through the conservative estimates calculated each budgeting season. Examples included over budgeting for Fire and emergency services, the Finance Committee Reserve Fund, and unexpected increase of revenues. The Select Board and Jennings discussed that due to the conservative nature of the set budget, turn-backs would almost always be present each year. **Motion to recommend passed (2 Yes, 0 No, 1 Abstain).**

Zoning Bylaw Amendment

Reed made a motion to refer the zoning amendment to the Planning Board for public hearing. Parker seconded. Jennings clarified the date of the public hearing as October 4, 2022. **Motion unanimously passed (3 Yes, 0 No, 0 Abstain).**

The Select Board discussed the wording within the special permit and whether the town would be protected if the allowable use was deemed not in the best interest of the town. Concerns surrounding knowledge of zoning amendments, change of the character in the neighborhood, and the potential negative impact on residents was discussed. **Reed made a motion to recommend the Zoning Bylaw Amendment. Parker seconded. Motion unanimously passed (3 Yes, 0 No, 0 Abstain).**

Green Communities

Parker and Jennings discussed the remaining article funds from June 2020 Facility Improvements Article. The remaining balance of funds available, estimated at \$34,000, could be used to fund this article, but an extension could be needed 2023 was listed as the sunset date. **No action was taken at this time.**

- Jennings stated the Supplemental Funding for Essex Tech would be withdrawn as the increased cost was estimated under \$5,000. Jennings reviewed with the Select Board that the CPC River Access Article would also be withdrawn with the intention of a revised article for the Annual Spring Town Meeting.

C. Review of local signage proposed by MassDOT regarding Rocks Village Bridge

Archibald stated the community response was consistently in favor of the proposed signage and the sign with the barrier bar on Bridge Street (see exhibit C pages 16-33 for details). The Select Board discussed the distance of the sign with the barrier bar from the bridge and requesting MassDOT to reposition the sign closer to the bridge. The Select Board reviewed the proposed signage size. Jennings stated that Amaral had left the meeting, but had stated support for the 5x5x5 signage.

Parker expressed displeasure with the reasoning given by MassDOT for not moving forward with the truck restriction and suggested communicating with the Haverhill City Council to hear their perspective on the refusal letter. The Select Board discussed requesting an additional warning sensor to warn over height truck drivers. The Select Board decided to draft a letter of response to MassDOT stating support of signs no larger than 5x5x5, to propose the addition of an electronic sensor near the bridge, and to move the sign with the barrier bar closer to the bridge.

D. Introduce new DPW Projects/Programs Manager Christine Wallace – Wayne Amaral, DPW Director

This item was tabled at this time (see exhibit D pages 34-39 for details).

F. Appointment of members to newly established Page School Structural/Feasibility Study Working Group

This item was tabled at this time (see exhibit F page 80 for details).

H. Confirm date/time for joint meeting with Finance Committee, Moderator, Town Counsel, Town Clerk, and Town Manager to review draft Special Town Meeting Motions

The meeting was penciled in for Monday October 17, 2022 at 7:00pm. Jennings would confirm with the Finance Committee, Town Moderator, and Town Counsel to ensure that time and date could accommodate their schedules.

I. Referral of proposed zoning amendment to Planning Board for public hearing

This item was taken during review of item G under discussion for the Zoning Bylaw Amendment. See item G for details (see exhibit I pages 114-122 for details).

J. Review August 22nd letter from Board of Water Commissioners regarding opportunities for regional collaboration

The Select Board and Jennings discussed if they were waiting for feedback (see exhibit J pages 123-124 for details). It was decided to table this item until the following meeting.

K. Meeting minutes: August 22, 2022

See exhibit L pages 127-149 for details. **Parker made a motion to approve the minutes from August 22, 2022. Archibald seconded. Motion unanimously passed (3 Yes, 0 No, 0 Abstain).**

Town Manager Updates

L. Update re FY22 Audit (Auditors will be at Town Offices beginning on Monday, Sept. 12th)

Jennings stated the Auditor had started that morning and would continue through Thursday (see exhibit M pages 150-154 for details).

M. Posting of new signage/maps at Pipestave/Mill Pond specifying locations for required dog leashing

Jennings informed the Select Board that the new signage had been placed at Pipestave and Millpond (see exhibit N pages 155-192 for details).

N. Recap of DHCD webinar re MBTA Communities legislation held on Sept. 8, 2022

Jennings stated it did not appear that the deadline would be extended and it would need to be decided whether an action plan could be created by January 31, 2023 (see exhibit O pages 193-207 for details). The Select Board decided to invite the Planning Board to the next meeting in order to discuss this topic.

O. Executed contract with MassDOT re Winter Recovery Assistance Program (WRAP)

The Select Board and Jennings briefly discussed this topic and how realistically the funds would be used for paving (see exhibit P page 208-209 for details). It was stated that Amaral would continue work on this topic.

P. Town Manager scheduled attendance at MA Municipal Human Resources fall conference, Sept. 14-15

Jennings reminded the Select Board of the upcoming conference and stated he would be available for through email while out of town.

Q. Follow up meeting assignment; placing items for future agendas

The Select Board decided determine specific feedback and assignments to the Water Commissioners in response to the letter concerning regional collaboration. All items tabled would be addressed at the following meeting.

Archibald made a motion to adjourn. Parker seconded. Motion unanimously passed (3 Yes, 0 No, 0 Abstain). Open session adjourned at 11:14pm