



**Town of West Newbury  
Select Board  
Monday, October 17, 2022 @ 7:00pm**  
381 Main Street, Town Office Building  
[www.wnewbury.org](http://www.wnewbury.org)  
**Open Session Meeting Minutes**

**Open Session:** Open session was called to order at 7:05pm by Chairperson Archibald

**Participation at the Meeting:**

David Archibald, Richard Parker, and Wendy Reed; *Select Board Members*  
Angus Jennings, *Town Manager*  
James Blatchford, *Town Clerk*  
Lori Boudrow, *Garden Club*  
Chris Wile, Walter Burmeister, Rob Phillips, Dan Innes, Ross Capolupo; *Finance Committee*  
KC Swallow, *Town Moderator*  
Tim Zessen, *Town Council*  
Eli Ballen and John Mortermer  
Kc Swallow, *Town Moderator*  
Tim Zessin, *Town Counsel*  
Bob Janes, *Board of Water Commissioners Chairperson*  
Ann O'Sullivan  
Wayne Amaral, *DPW Director*

**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; see agenda for details.
- Board of Registrars Public Notice: 2022 General Election Early Voting Schedule (see page 2 for details)
- Special Town Meeting: Monday, October 24, 2022 at 7pm in the Annex
- Halloween Trick-of-Treating: Monday, October 31<sup>st</sup> from 5-7pm (see page 3 for details)
- Call for volunteers! Open positions on Boards/Commissions/Committees. See [www.wnewbury.org/volunteer](http://www.wnewbury.org/volunteer)
- Reminder to subscribe for emailed Town agendas/news/announcements at [www.wnewbury.org/subscribe](http://www.wnewbury.org/subscribe)

**Regular Business**

**A. Request for permission to install temporary sign, Elwell Square (Maple & Main), Oct. 20-Nov. 17, 2022 – West Newbury Garden Club**

Lori Boudrow appeared before the Select Board remotely (see exhibit A page 7 for details). Boudrow explained that all the plants had been removed from the Elwell Square Island in order to start from a fresh slate. The request for a temporary sign was to inform the community that the Garden Club would continue to maintain the Elwell Square Island and that new plants would be planted in the spring. **Parker made a motion to approve the placement of the temporary sign for a total of 4 weeks. Reed seconded. Motion unanimously passed (3 Yes, 0 No, 0 Abstain).**

**B. Request for Special Event Permit: Annual Plant and Bake Sale, May 20, 2023 (rain date May 21) – West Newbury Garden Club**

**Parker made a motion to approve the special event and use of the Training Field. Reed seconded.** Reed and Boudrow discussed working with the Health Department to address any requirements needed to conduct the bake sale (see exhibit B page 8-11 for details). **Motion unanimously passed (3 Yes, 0 No, 0 Abstain).**

\*Chairperson Archibald suggested to address a Special Event Permit Application for that Sunday that was not listed on the agenda before continuing to item C. **Parker made a motion to add the item to the agenda. Reed seconded. Motion unanimously passed (3 Yes, 0 No, 0 Abstain).** **Parker made a motion to take the special permit out of order at this time. Reed seconded. Motion unanimously passed (3 Yes, 0 No, 0 Abstain).**

Eli Ballen and John Mortermer appeared before the Select Board in person for the Special Event Permit Application for Millennial Running Half Marathon. Ballen stated the organizer of the event had not realized the marathon route went through West Newbury and had not acquired authorization. Ballen, Mortermer, and the Select Board discussed the availability of Police details as another road race was taking place in West Newbury the same day. Archibald discussed the importance of keeping the window for the drop off and pick up of the portable toilets as short as possible. Reed discussed residents' concerns regarding ample warning prior to events in their neighborhoods or that would impact travel. Ballen and Mortermer stated that next year the approval would be sought well in advance and would be planned for a weekend when no other races were being held. Jennings informed the applicants of the \$100 late filing fee. Ballen and Mortermer made the late filing payment at that time. **Reed made a motion to approve the Special Event Permit for the half marathon on October 23, 2022. Parker seconded. Motion unanimously passed (3 Yes, 0 No, 0 Abstain).**

*Open Session Meeting December 5, 2022*

*Posted Agenda on 10/13/2022 at the Town Offices and the Town's Official Website [www.wnewbury.org](http://www.wnewbury.org)*

**C. Joint meeting with Town Moderator, Finance Committee, Town Clerk, Town Counsel, Town Manager to review Fall Special Town Meeting and draft Motions**

Jennings stated the presence of five of the six Finance Committee members (in person), the Town Moderator (in person), and the Town Counsel (remotely) for the joint meeting (see exhibit C page 12-33 for details). The draft motions and the language used within the motions was discussed. Town Moderator, KC Swallow, requested to be notified of any reports that were wished to be read. Swallow stated the opinion that the Select Board should not read all of the motions as it would not foster Town participation. Discussion continued regarding the efficiency of the Select Board reading the motions to shorten the meeting and to limit potential COVID exposure. It was decided to the requesting committee/board would read their respective articles put forth at the Town Meeting.

The group discussed whether or not the Finance Committee recommendation rationale should be read for each article. Chris Wile, Finance Committee Chairperson, discussed voter responsibility to read through the Finance Committee Booklet as it had been made available well before the meeting. Rob Phillips suggested or if the department requesting the funding could give a rationale for the requested article. Ross Capolupo stated the Finance Committee rationale was more important than the requestor rationale as the committee had the time to review the proposal in detail. Swallow stated a voter could ask for the rationale, and which member voted for/against the recommendation, but reminded the group the member did not have to publicly defend their vote.

Wile requested the Finance Committee rationale be read for Article 15. Wile stated the committee had not recommended the article due to the potential financial implications for the town. Swallow, Phillips, and Ann O'Sullivan discussed the possibility of an amendment being made on the floor to Article 15 to narrow the zoning amendment to the Soldiers & Sailors land parcel. Tim Zessin, Town Counsel, stated an amendment could not be made as it would not be within the scope of the present article. Further, Zessin stated an amendment on the floor would be out of order as a public hearing had not taken place and the Attorney General's Office would reject the change on that reason alone. **No motion was made at this time.**

**D. Sign warrant for 2022 State Election to be held on November 8, 2022**

See exhibit D page 34-37 for details. **Parker made a motion to sign the State Election warrant for November 8, 2022. Reed seconded. Motion unanimously passed (3 Yes, 0 No, 0 Abstain).**

**E. Cont'd review of signage proposed by MassDOT regarding height limits on Rocks Village Bridge**

Jennings stated MassDOT correspondence was received that day concerning the placement of the overhead crash bar signage on Bridge Street (see exhibit E page 38-44 for details). Jennings discussed a location that had been identified alongside DPW Director Wayne Amaral. The new location would maintain visibility of the signage without interference from the grade of the hill, but the sign would not address truck traffic from River Road. Jennings stated the MassDOT correspondence received had not agreed with the proposed location from the Select Board for the signage to be placed between the bridge and River Road, but the newly identified location before both River Road and the bridge would be acceptable. The Select Board reviewed the location and asked for the opinion of Town Counsel. Zessin stated MassDOT appeared to have the ultimate discretion of the placement of the signage. The Select Board discussed the potential location of the sign between parcels R12-15A and R12-15B and potential resident concerns about the signage location on their properties. Amaral appeared before the Select Board and discussed the potential location for the signage in greater detail and the potential timeline for installation. Jennings informed the Select Board property owners for parcels R12-15A and R12-15B had not been given notice of the potential installment of the signage. The Select Board members decided to complete a site visit to see the proposed location in person, to review renderings created by MassDOT, and to seek town input on the crash bar signage independently from the bridge signage as a whole. **No motion was made at this time.**

**F. Request for interim appointment of Jennifer Walsh to serve as Acting Town Accountant effective Oct. 24, 2022**

Jennings stated the Town Accountant's last day was October 21, 2022 and the position was under the appointment of the Select Board under the Town Manager's Act (see exhibit F page 45-51 for details). **Parker made a motion to appoint Jennifer Walsh to serve as acting Town Accountant effective October 24, 2022. Reed seconded. Motion unanimously passed (3 Yes, 0 No, 0 Abstain).**

**G. Request to establish job description and wage rate for Interim Water Superintendent position**

Jennings stated the Board of Water Commissioners had voted to retain Mike Gootee on a part-time basis (see exhibit G page 52-58 for details) and presented a draft of the proposed job description of Interim Water Superintendent that included waiving the 15-day waiting period for appointment. Jennings stated the department would benefit from Gootee's continued involvement for continuity and training for the successor. Jennings clarified the job description was based off of the current job description and not information provided through the Collin Center.

Water Commissioner Bob Janes appeared before the Select Board in person. Janes stated Gootee had requested \$60 per hour and would work a few days a week and every 3<sup>rd</sup> weekend for a few hours. Janes stated

the successor would need to be trained on the completion of reports, the computer system, satisfying DEP regulations, and how to complete the budgeting process.

The Select Board questioned why the hourly rate had increase from the previous employee rate. Janes stated the hourly rate of contracts elsewhere was \$100 per hour. Reed stated the new contract should have been a collaborative effort between the Board of Water Commissioners, Select Board, and Town Manager as it involved the hiring of a town employee at a different pay rate. The Select Board stated Gootee was still being treated as an employee in the sense that contractor insurance was no being required and the town would continue to pay for continuing education classes. Janes stated the Board of Water Commissioners would have to find someone else and pay a higher hourly rate if the contract with Gootee was not approved.

The Select Board and Janes discussed the need of the town for the transition to occur smoothly. Janes stated the contract was written for six months in order to get the town through the budget process.

**Parker made a motion to approve the job description for the interim water superintendent and the requested wage rate of \$60 per hour through April 2023 for up to 16hrs a week. Archibald seconded. Motion passed (2 Yes, 1 No, 0 Abstain).**

#### **H. Discussion of West Newbury hiring/appointment authorities**

The Select Board and Jennings discussed the ambiguities in the current hiring/appointment process and which entity, the Town Manager or the Committee, has the authority to make those decisions (see exhibit H page 59-63 for details). Jennings and the Select Board discussed the appointment of the Conservation Agent and the Health Department Personnel were two examples of where ambiguity could be found. The Select Board and Jennings discussed the need to update bylaws and town regulations to line up with the Town Manager's Act. Discussed continued surrounding the need to educate residents and employees on the role of the town manager as the onsite active manager and the Select board as the policy makers. The Select Board discussed choosing three bylaws to update and put forward for a vote at the Spring Town Meeting. **No motion was made at this time.**

#### **I. Process/timeline for Soldiers & Sailors procurement process**

Jennings stated that Lynne Spencer did not have any additional information to include in the memo (see exhibit I page 64-69 for details). The Select Board and Jennings briefly discussed inviting all stakeholders to review the procurement process. **No motion was made at this time.**

#### **J. Overview of current/pending/potential project/initiative list; discussion of Board priorities (cont'd)**

The Select Board and Jennings discussed projects within the town and how the Select Board, as the policy holders, could give some direction as to which areas should be concentrated over others (see exhibit J page 70-73 for details). Jennings discussed how some work could be focused on by various committees as some initiatives were brought forward by a committee and now have joint ownership with the town offices. Jennings discussed projects that had not been included on the list. **No motion was made at this time.**

#### **K. Meeting minutes: October 18, 2021; September 26, 2022**

See exhibit K page 74-79 for details. **Reed made a motion to accept the minutes from October 18, 2021. Parker seconded. Motion unanimously passed (3 Yes, 0 No, 0 Abstain).**

Reed and Jennings noted clerical errors on the September 26, 2022 minutes. **Reed made a motion to accept the minutes from September 26, 2022 as corrected. Parker seconded. Motion unanimously passed (3 Yes, 0 No, 0 Abstain).**

#### **Town Manager Updates**

##### **L. Update regarding Wage/Classification Study**

Jennings thanked the Select Board for the help received reviewing the draft job descriptions. Jennings stated the hope of getting the descriptions to the department heads for review as soon as possible. **No motion was made at this time.**

##### **M. KP Law update re recent Supreme Judicial Court case re Solar Energy Systems (Tracer Lane II Realty v. City of Waltham)**

Jennings briefly reviewed the decision concerning the enforceability of the ground mounted solar bylaw (see exhibit M page 80-82 for details). Jennings stated information would be forwarded to the Planning Board Chairperson and a review of the bylaw was needed to ensure that it was in compliance. The Select Board briefly reviewed the exemption the state had made to allow for solar in any zoning district. **No motion was made at this time.**

##### **N. Follow up meeting assignment; placing items for future agendas**

Jennings stated the meeting before the Town Meeting would be posted by Thursday. **Archibald made a motion to adjourn. Parker seconded. Motion unanimously passed (3 Yes, 0 No, 0 Abstain). Open Session adjourned at 10:20pm.**