

Town of West Newbury
Select Board
Monday, April 11, 2022
381 Main Street, Town Office Building
www.wnewbury.org
Open Session Meeting Minutes

Open Session: The meeting was called to order at 7:13 pm by Chairman Parker.

Participation at the Meeting:

Select Board Members Richard Parker, David Archibald, and Wendy Reed
Town Manager, Angus Jennings
Town Clerk, James Blatchford
Ann Craig
Lana Durocher and Dee Valeri, *Pentucket Senior Celebration*
Lynne Spencer
Nick Cracknell
Scott Brown
Nancy Pau
Sam Joslin, Building Inspector

Announcements

- The broadcast information and virtual log-in instructions (see agenda for details).
- Sign up for announcements at the town website www.wnewbury.org/subscribe .
- Status Update, Rocks Village Bridge: An update on the structural damage to the Rocks Village Bridge was discussed. It was announced that the state contracted a consulting engineer to propose a temporary fix and long-term repair plan. The bridge will remain closed for motor vehicle traffic, but will be rotated to the opened position and supported on the center structure to allow for boat and waterway traffic. Due to the extent of the damage, the bridge closure could remain in effect through the summer and potentially through the end of the year.
- The Town-wide Roadside Cleanup: Saturday April 23 and Sunday April 24, 2022 (See page 2 for additional information). Information available on the Town website.
- Arbor Day events organized by the West Newbury Tree Committee Saturday, April 30, 2022 (See page 3 for additional information).
- Call for interest for volunteers: Board of Fire Engineers; other opportunities available. Please visit www.wnewbury.org/volunteer

Regular Business

A. Special Event Permit Request- Myopia Hunt – May 10 and May 31, 2022

The proposed event route to start at Maudsley State Park, continue through West Newbury, and loop back to end at Maudsley State Park. Archibald clarified the proposed event dates of May 10th and May 31st were both Tuesdays. (See exhibit A, pages 4 through 9 for additional information). It was stated the Police Department and Fire Department did not require any additional supports for this event. Reed questioned why a police detail was not required and if the participants would direct traffic at street crossings. The Select Board discussed the event further before a motion was made.

Parker made a motion to approve the Special Event Permit for May 10 and May 31, 2022. Archibald seconded. (Yes 3/ Abstain 0/ No 0).

B. Review of request for authorization to conduct removal of invasive plant species from Town-owned land including the Dunn property- Ann Craig

Ann Craig appeared before the Select Board. Craig stated interest in helping the town remove the invasive bittersweet vine within the town (see exhibit B, pages 10 through 14 for additional information). Craig voiced interest in starting the removal in the upper Dunn Field. The proposed plan involved removal of the large portions of bittersweet in the spring before the foliage and to return in the Fall to remove new growth. Craig stated a meeting with Michelle Greene from Conservation was planned for the following week to discuss and identify other sites in need of invasive species removal. The Select Board discussed safety concerns for the individuals participating in the removal of the bittersweet and concern of potential damage to the trees in the process of removal. Town Manager Jennings stated a signed release of claims form would be required. Craig stated the forms would be completed and returned to the Town Manager.

Parker made a motion to give permission to conduct removal of invasive plant species from Town-owned land including Dunn property. Archibald seconded. (Yes 3/ Abstain 0/ No 0).

C. Request for permission to install temporary photo lawn signage on Training Field to recognize graduating seniors- Pentucket Senior Celebration

Lana Durocher and Dee Valeri appeared before the Select Board. Durocher presented the request for the temporary installation of lawn signage (24"x18") as part of the Pentucket High School Senior Celebration (see exhibit C, pages 15 through 17 for additional information). Town approvals from Merrimac and Groveland were granted to place the lawn signage in approved areas within the respective towns. Durocher stated the town would not have any responsibility installing or removing the signage. Parker explained that the Town prohibited signage to be displayed on the Training Field. Parker asked if the Paige School would serve as an acceptable alternative location. Valeri stated an alternative location would be agreeable as long as the signage could remain visible to the public. Durocher, Valeri, and the Selectboard discussed alternative locations and safety implications of signage on the main road. It was agreed that the east side of the access road to the fields at Pipestave was the best alternative location for the signage. This location would allow for people to turn off the state highway and be able to take pictures with the signage.

Archibald made a motion to approve the request for permission to install temporary photo lawn signage on the east side access road to the fields at Pipestave for a period of 28 days. Reed seconded. (Yes 3/ Abstain 0/ No 0).

D. Request for temporary road closure, a portion of Church Street, for use as staging area for Rocks Village Bridge repairs

The proposed closure would start at the intersection of Church and Bridge Street and end where Ferry Lane meets Church Street (see exhibit D, pages 18 through 19 for additional information). This closure would create a staging area for construction materials needed to complete repairs to the bridge. Reed asked if the staging area would be used for storage of vehicles and/or fuel. Town Manager Jennings suggested a formal written agreement with the company should be required, as well as, a certificate of insurance and any other restrictions of storage items deemed appropriate. The Select Board discussed potential damage to the pavement and to Ferry Park. Reed brought up concerns involving traffic flow and accessibility to the boat ramp. The Select Board agreed to require a more detailed proposal from the company to include specifics concerning fuel storage, roadway condition, temporary fencing, and receipt of a certificate of insurance. No vote was taken at this time.

The Select Board decided to take items on the agenda in a different order than presented.

Addressing Bylaw

The addressing bylaw (Article 30) was discussed at this time. Building Inspector, Sam Joslin, appeared before the Select board. Joslin discussed the addressing bylaw and provided an overview of the proposal that would align with current Massachusetts General Law and the existing bylaw. It was stated a uniform numbering format would create consistency for emergency services, delivery agencies, and provide guidance for property owners. Reed asked if this would be going forward. Joslin stated this would be retroactive but the cost would not be substantial to the residents if additional number identification was needed.

E. Request for waiver of 15-day waiting period for appointment of currently vacant positions: Youth Services Librarian, Assistant Town Clerk, and Council on Aging Van Driver

Parker discussed the limitations of the 15-day waiting period for instances when a position needs to be filled in a timely manner (see exhibit E, pages 20 through 29 for additional information). Parker stated the waiver would allow for applicants to be offered a job opportunity without waiting an additional 15 days for a response. Reed asked if there was a way to get around the request for a waiver. Jennings stated that the policy could be altered but it would only pertain to the elected Select Board at the time.

Parker made a motion to approve the waiver of a 15-day waiting period for appointment of currently vacant positions: Youth Services Librarian, Assistant Town Clerk, and Council on Aging Van Driver. Archibald seconded. (Yes 3/ Abstain 0/ No 0).

H. Review of report from architect Lynne Spencer regarding Soldiers & Sailors Memorial Building

Town Manager Jennings stated the board decided in December to provide two different proposals on the upcoming Town Meeting. The first proposal would seek voter authorization to turn the property over, either through sale or long-term lease, to a third party where the town would not take on the cost of restoration. The alternative proposal would seek approval to repurpose the site through demolition of the building and creation of a Veteran's Memorial Park (see exhibit H, pages 57 through 68 for additional information). Jennings stated both proposals were drafted with the intention to provide the voters with two viable options. The proposed amount for one article encompassed demolition costs, site stabilization, and conceptual design if the property was turned over to a third party. Jennings stated Lynne Spencer, the Town's consultant, was tasked to determine what types of historic preservation objectives could be satisfied with a historic preservation restriction. The memo provided from Lynne Spencer found that the zoning limitations for residential use only would not lend to any success in a transaction to a third party. Consideration to re-zone for the property for commercial use with a historic preservation restriction to ensure public interests was recommended. Parker stated the decision should not be swayed by the Select Board recommendation and the decision should be made by the voters. The Select Board discussed the concerns of abutters and the potential future use of the building in the event zoning for the building was amended. Lynne Spencer appeared before the Select Board. Spence stated the limitations on septic and parking could limit the building use to strictly office use. Spence recommended a preservation restriction to accompany the sale of the property to further limit the future use and limit signage and exterior illumination. The Select Board discussed issues concerning the current and outdated zoning bylaws. Nick Cracknell appeared before the Select Board on behalf of Scott Brown. Cracknell suggested crafting use restrictions on the property to ensure only desirable commercial business. Scott Brown, a resident of West Newbury, appeared before the Selectboard. Brown expressed interest in the property as a possible architecture office, but stated the area was not zoned for that use. Brown questioned why a veterinary

clinic or restaurant could acquire approval to operate in the area through a special permit but a small professional office could not. The Selectboard continued discussion concerning zoning for this property, the parking area behind the property, and the timeline required to adjust the zoning. Archibald brought up concerns of potential votes to approve the sale/lease proposal but opposition to the re-zoning of the property. Reed suggested a non-binding resolution to see if the Town Meeting would be favorable to re-zoning before moving forward. Archibald suggested to present both proposed articles with the explanation that if the preservation of the building was approved, re-zoning for commercial use would also need to be approved. Reed stated preference to present the two articles with a non-binding resolution; if the majority favored re-zoning, the articles would be tabled until a future Town Meeting where a re-zoning article and an authorization to disposition article could be presented. Reed asked Jennings how long of a timeframe would be needed to craft a new zoning. Jennings estimated between 60-75 days if the Select Board initiated the request to the Planning Board with a clear proposal to present at a public hearing. Jennings presented the easement deed for the parking area behind the building stating the parking area was to serve the building. The Select Board discussed changing the language within the article to include the intention of re-zoning with the intention for commercial use. Parker stated concerns presenting the articles concerning this property at the Special Town Meeting and stated the opinion that this matter should be presented at the Annual Town Meeting. Archibald disagreed and stated the articles should be presented at the Special Town Meeting as the vote for executing either proposal would not take place until a future Town Meeting. Parker stated the desire to have this resolved with the most participation and town voters as possible. Jennings presented the estimated cost for a historic preservation restriction document and any assistance with the procurement process to fall between \$23,000-\$28,000.

Parker made a motion to retain Article 4+5 for the Special Town Meeting with the added language of intention for re-zoning. Archibald seconded. (Yes 3/ Abstain 0/ No 0).

L. Update regarding consideration of potential Municipal Vulnerability Preparedness action grant proposal

Parker stated after review of the grant materials with DPW and the Town Manager, it was established the personnel resources need to continue with this grant were not currently available (see exhibit H, pages 86 through 91 for additional information). Parker stated a decision on whether to move forward with some or all of the grant should be made by the following meeting. Nancy Pau appeared before the Selectboard. Pau stated that half of the grant proposal had been completed and a consolidated task of ten items was created. Pau presented the consolidated task list, proposed timeframes for completion, and stated the calculation of donated services was conservatively estimated between \$40,000-\$50,000. Pau stated the figure was over the match required and at this time it did not appear that additional funds would be required from the town budget. Pau stated the shoreline current condition assessment of River Road through GEI was a big-ticket item that would provide a detailed assessment. This assessment would be useful for the town when planning future projects. Parker questioned if this grant was feasible with the current workload of town employees. Jennings stated many of the departments could not continue with the current workload and the current path was unsustainable. Parker asked if completing one task would be more feasible than completing the entirety of the grant. Parker stated interest in the erosion along River Road as a portion of the grant that should be completed. Pau agreed with Parker concerning the assessment of River Road and stated that the stormwater and green landscaping could be completed as well. Reed asked if there was a downside to postponing the grant for an additional year. Pau stated the erosion on River Road was a situation that should not be postponed far into the future. Additionally, Pau shared concerns over the stormwater drainage and stated that the faster the issues were addressed the better. Jennings agreed stormwater management was a large concern, but did not see how the grant would solve the problem. Pau stated information and education would provide resources surrounding maintenance for long term use. Parker stated the most immediate concern was the erosion on River Road and suggested deferring the majority of the grant items until a staff member could provide dedicated support for grants of town programs.

Archibald agreed that the majority of the items should be deferred as the town could not take on every portion of the grant. Pau asked the Board if the portion of the grant pertaining to demonstration gardens and outreach pamphlets could be pursued as the match amount would be \$20,000. Jennings discussed the task list specific to the DPW with the Select Board. Archibald stated a decision had to be made.

Parker made a motion to not move forward with the grant as a whole. To ask the Climate Change Resiliency Committee to focus specifically on the River Road portion and if it could be completed this year. Dependent upon the workload for Wayne and the DPW, the Select Board would then decide to move forward with that portion of the grant at the next meeting. Reed seconded. Reed stated more information would be valuable but had reservations concerning addition to the workload of staff in the mist of the Pipestave initiative for parking. It was agreed the workload would be discussed at the next meeting. (Yes 3/ Abstain 0/ No 0).

F. Review of opportunity to propose one or more projects for funding via Congressionally Directed Spending Requests

Jennings stated the Congressionally Directed Spending Request was not clear and there was no clear sense of how successful the Town would be if they moved forward with this. The only project that would potentially fit with the readiness of the Town was be the Middle Street Bridge Project. The Selectboard discussed the lack of resources to complete the grant in the timeframe required to complete the paperwork (see exhibit F, pages 30 through 44 for additional information).

Parker made a motion to not move forward with this item. Archibald seconded. (Yes 3/ Abstain 0/ No 0).

G. Update regarding proposed changes to COVID-19 protocols in Town Buildings

Jennings stated town staff were in favor of the proposed Covid-19 protocols being lifted in Town Buildings (see exhibit G pages 45 through 56 for additional information). The proposal for the removal of the requirement for masking, sanitizing, and social distancing would be effective the following day.

Parker made a motion to accept the proposed changes to the COVID-19 protocols in Town Buildings. Reed seconded. (Yes 3/ Abstain 0/ No 0).

I. Review/make recommendations on proposed warrant articles for spring Annual and Special Town Meetings scheduled for Saturday, May 14, 2022 at 9am

Parker stated 3 warrant articles had already been discussed earlier in the meeting. Jennings recommended to adjust the number listed in Article 2 from \$71,700 to \$73,700, and if Article 2 was passed an amended motion be made for Article 3. The Select Board was favorable to the recommendations. The town budget was discussed in regards to the cost-of-living percentage for non-contract employees to remain at 2%.

Article 11 was discussed and it was determined that a solid number was needed before the Special Town Meeting even though the wage study had not been completed yet. The number to be presented at the Special Town Meeting was discussed. Archibald stated that wage alterations should take place within the budgeted year and not over multiple budget years and recommended the amount of \$75,000. Jennings clarified a motion could be made at the Special Town Meeting to reduce the amount but not to increase the amount provided in the warrant. **Archibald made a motion to include the amount of \$75,000 into Article 11. Parker seconded. (Yes 3/ Abstain 0/ No 0).**

Jennings asked if placement of Bylaw Articles 29, 30, and 31 would be added to the end or if the Select Board wished to place them in any particular order. Jennings stated the order of the articles was up to the Select

Board. Archibald shared concerns of losing public interest during the bylaw section of the warrant and requested the wetland wildlife article to be moved forward. The Select Board reviewed the order of Articles 26-32. It was decided to move the wetlands wildlife article first in that group of articles.

Jennings stated the statement of intent was completed to amend the CPC Bylaw but the draft of the bylaw had not been completed yet. Reed offered to complete the draft.

Jennings asked the Select Board if they were satisfied with the additional information provided by Brad Fisher concerning Article 12: Vegetative Management. Archibald stated the location was unclear and questioned the if the amount listed of \$15,000 was too high. Jennings stated the Select Board could ask the vendor for specifics before granting the work order. It was stated the Special Town Meeting Warrant needed to be posted by April 29, 2022. If the Select Board did not want to include the article on the warrant, it could be removed during the joint meeting April 21, 2022. It was suggested a site visit could provide insight into a decision for this article.

Town Clerk, James Blatchford, presented the list of articles that had not received recommendation from the Select Board. The warrant articles were not included in the packet and were reviewed on the monitor during the meeting.

Reed made a motion is support Article 15; \$25,000 to fund the evaluation of the Page School brick exterior. Parker seconded. (Yes 3/ Abstain 0/ No 0).

Parker made a motion to approve Article 17 to go on the warrant for the Special Town Meeting. Reed seconded. (Yes 2/ Abstain 0/ No 1).

Parker made a motion to approve Article 18 to go on the warrant for the Special Town Meeting. Reed seconded. (Yes 3/ Abstain 0/ No 0).

Parker made a motion to approve Article 7 for the Special Town Meeting Warrant. Reed seconded. (Yes 3/ Abstain 0/ No 0).

Parker made a motion to approve Article 28 to be placed on the Special Town Meeting Warrent. Archibald seconded. (Yes 3/ Abstain 0/ No 0).

Parker made a motion to accept Article 26 (moved from Article number 31) to be placed on the Special Town Meeting Warrant. Reed seconded. (Yes 2/ Abstain 0/ No 1).

Parker made a motion to accept Article 30 to be placed on the Special Town Meeting Warrant. Archibald seconded. (Yes 3/ Abstain 0/ No 0).

Parker made a motion to accept Article 3 to be placed on the Special Town Meeting Warrant rescinding the bond. Archibald seconded. (Yes 3/ Abstain 0/ No 0).

J. Report from Planning Board re proposed amendments to Inclusionary Housing Bylaw

There was no objection to this item. See exhibit J, pages 69 through 79 for additional information.

K. Report from Planning Board re proposed acceptance of Sullivans Court Extension

There was no objection to this item. See exhibit K, pages 80 through 85 for additional information.

M. Review of request to allow use of inflatable water slide as part of Summer Rec Program

Parker stated the belief that the water slide posed a low risk. The need for additional insurance, liability waivers, documented staff training protocols, and periodic inspections were discussed in relation to this item (see exhibit L, pages 92 through 101 for additional information. Jennings stated the inflatable water slide had been purchased but could be returned as there was a 30-day return policy. Jennings stated follow-up questions had

been sent to the Rec Program Coordinator but had not received a response. Parker stated that until a response was received, a decision could not be made regarding the water slide. The Select Board decided table the decision for the request to allow the water slide until next Selectboard meeting.

N. Proposed adoption of CORI policy

Town Manager Jennings stated this was a new policy, but some town positions required CORI checks to be completed prior to the current proposal. See exhibit N, pages 102 through 107 for additional details.

Parker made a motion to adopt the proposed CORI policy. Archibald seconded. (Yes 3/ Abstain 0/ No 0).

O. Meeting minutes: October 4, 2021; March 28, 2022

Clerical errors were discussed and corrected on the minutes from October 4, 2021 and March 28, 2022.

Parker made a motion to approve the corrected minutes. Archibald seconded. (Yes 3/ Abstain 0/ No 0).

Town Manager Updates

P. 2022 Memorial Day Parade update

Jennings stated the request for the roadway closure had been submitted and the school bands confirmed they would be participating in the event. Reed asked if the bridge closure would have any impact on the event. Jennings stated the topic did not come up in the meeting, but noted Kimball Farm participation may be impacted due to the closure.

Parker made a motion to add the Town Election warrant to the agenda as an unexpected agenda item. Archibald seconded. (Yes 3/ Abstain 0/ No 0).

The Selectboard reviewed the Annual Town Election warrant. **Parker made a motion to approve the warrant for the Annual Town Election. Archibald seconded. (Yes 3/ Abstain 0/ No 0).** Town Clerk James Blatchford presented the warrant for the Select Board member signatures.

Q. Review of response to Expression of Interest regarding potential One Stop Growth grant

Town Manager Jennings presented this item and asked for confirmation into looking at the MBTA communities (see exhibit Q, pages 127 through 129 for additional details). Parker confirmed the MBTA communities would be the best choice of the two possible grants.

R. Update regarding Page School Playground

Town Manager Jennings stated the project was coming together nicely. Appointments with the consultant were scheduled for May 9th and May 23rd to allow for feedback after the concept plan (see exhibit R, pages 130 and 131 for additional details). Revisions to the concept plan to be completed prior to the June meeting.

S. Update regarding Page/Pipestave/Route 113 Safety Audit: timing for upcoming meetings

See exhibit S, pages 132 through 136 for additional details).

T. Update regarding ongoing Wage/Classification Study

Jennings stated the wage/classification study was ongoing (see exhibit T, pages 137 and 138 for additional details). Jennings clarified Patricia Lloyd and Mary Aicardi have been performing interviews of staff to gather information needed for the study.

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

Ways of communicating with residents concerning the importance of picking up dog waste were discussed. Blatchford informed the Select Board that pamphlets had been distributed to residents that registered their dogs, but the informational pamphlet would not reach residents who did not register their dogs. Reed stated there was a town bylaw in place but it was an enforcement issue.

Parker made a motion to adjourn. Archibald seconded. Motion unanimously passed. Open session adjourned at 11:29pm.