



**Town of West Newbury
Select Board
Monday, February 13, 2023 @ 7:00pm
381 Main Street, Town Office Building
www.wnewbury.org
Meeting Minutes**

Open Session: Chairman Archibald opened the session at 7:00pm.

Participation in the Meeting:

- David Archibald, Richard Parker, Wendy Reed- Select Board Members
- Angus Jennings- Town Manager
- James Blatchford- Town Clerk
- Wayne Amaral- DPW Director
- Fred Chanania- Chair of the Tree Committee, via Zoom
- Jake Soucy- IT Services, via Zoom

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.
- West Newbury Black Oak Tree added to the Commonwealth's Legacy Tree List!
- Annual & Special Town Meeting: Monday, April 24, 2023 at 7pm
- Town Election Monday, May 1st
- Last day to obtain nomination papers from Town Clerk: March 9th at 5pm. Nomination papers due to Town Clerk by March 13th at 5pm.
- 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. Update regarding Verizon network service outage affecting Town Offices from Feb. 7th to 9th**
(See Exhibit A, p. 7). Jake Soucy spoke to the Board about the outage which had occurred because Verizon had incorrectly purged the Town from a list of equipment... and it resulted in a shutdown. Soucy gave his own assessment of events and the service Verizon provided. Soucy refuted the claims that Verizon operated efficiently and unobtrusively. Soucy stated that Verizon was unprepared to handle the internet outage, which Soucy spelled out in a report. Reed asked if the problem was solved, and Soucy said it was. **No motion was made at this time.**

Item E was taken out of order at this time- discussion on Town Meeting Article 29 on Emerald Ash Borer mitigation. For further information see Item E below.

- B. Review of updated Rocks Village Signage proposal from MassDOT- Wayne Amaral, DPW Director**
(See Exhibit B, p.8-11). Amaral shared the good news that MDOT got Haverhill to agree to safety

warning signs regarding bridge height, but he queried the Board on whether they wanted a large sign for bridge clearance on the West Newbury side. Reed stated she did not think that the sign was that effective, and that it was not a striker bar. Consistency on both banks of the river for warning signs was deemed important. The group expressed their trepidation with the aesthetics but they believed the need for the signage was there. **Parker motioned to approve the sign in addition to a striker bar. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

C. Updates regarding Coffin Street conservation area / future Coffin Street and Cortland Lane accesspoints

(See Exhibit C, p. 12-15). Jennings briefly updated the Board that Greenbelt was continuing their trail work at the conservation area, though the work will eventually require permitting from the Conservation officials in Town. **No motion was made at this time.**

D. Update regarding progress implementing recommendations from ADA facilities audit- Wayne Amaral, DPW Director/Deputy ADA Coordinator and Sam Joslin, Building Inspector/ADA Coordinator

(See Exhibit, p. 16-69). Amaral prefaced his briefing of the Board with backstory on the process- that a grant was received for analysis of Town buildings, and it identified 73 problem areas. Funds had already been used to make improvements including signage, installation of ramps, and enhancements in other areas, but Amaral stated that larger projects were still waiting to be completed, namely at Page School. Archibald asked about any ADA compliance issues at Town Offices, and Amaral stated that the Offices were very compliant. The next step according to Amaral, following the “transitional plan” stage of compliance, was the development of an “action plan” which would require additional funding in FY24. **No motion was made at this time.** Following this Archibald queried Amaral about fencing on soccer fields in West Newbury which required adjustments to prevent balls from escaping. Archibald and Amaral went back and forth on solutions and the nature of the fencing problem (the bottom portion).

E. Discussion of proposed FY24 Town Operating Budget including updated FY24 Pentucket Regional School District proposed operating budget; Finance Committee budget review meeting schedule

(See Exhibit F, p. 17-77). Chania and Amaral offered testimony to the Select Board on the request for funds to mitigate Emerald Ash Borers laid out in Town Meeting Article 29, which would need \$60,000 every other year for injections. Chania and Amaral advised not using the treatment funds on dying trees and instead focus on defending the 177 healthy ash trees in Town. Archibald stated that the success rate of such programs in other states (WI, OR, NE) had been high, but caterpillars and moths and others that ate the tree would be potentially contaminated by the pesticides being used. Amaral told the Board that the Article provided the least risky but most expensive plan to protect the ashes. West Newbury would serve as a potential model for the saving of ash trees. **Parker motioned to recommend the Article. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

Later in the meeting, Jennings stated he wanted the Board to be aware of a new, firmer budget number from Pentucket RSD though the final total had not been voted on by the School Committee. Jennings also pointed out slight changes in the District’s debt numbers.

Reed motioned to refer the updated education numbers. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).

Jennings drew the Board’s attention to modifications in the schedule for Finance Committee Budget review meetings, specifically with regard to public safety. The Town Manager and Select Board then discussed OPEB funding in Articles 18 (later Article 10 in the final Warrant). **Reed motioned that the Board change the rational and amount on Article 18 to 2% of the prior Fiscal Year OPEB liability. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

The Select Board examined the Select Board Budget, with Jennings highlighting the \$10,000 allotted for Professional Technical Services, and the Select Board observed they

found outside counsel for legal matters reasonably priced. The Board found no issues with the Budget overall. **Reed motioned to recommend approval of Article 17 (later Article 9) for the transfer or appropriation of funds to the Pension Liability Stabilization Fund. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** The Board next took up the matter of the School Stabilization funds, with Parker stating he believed the payments into the Fund should be over a longer amount of time to better match real circumstances. Archibald disagreed with this approach. **Reed motioned to amend the amount requested in Article 3 (later Article 3 in the final Warrant) to \$200,000 for the Fiscal Year. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

The Board then examined Article 37 (later Article 16). **Reed motioned to approve the Article in the amount of \$7,500. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

The Board considered Article 39 (later struck from the Warrant) on electrical inspectors. **Parker moved that they approve M.G.L. 156 Section 2A. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

The Select Board discussed scheduling for future Budget meetings.

F. Follow-up discussion of proposed warrant articles for spring Annual and Special Town Meetings; including update regarding proposed article regarding Page/Pipestave crosswalk and Rte. 113 sidewalks

Archibald spearheaded discussion earlier in the meeting (after Item D) on how much West Newbury could carry out on its own without running up against MDOT regulations, since a grant the community had hoped for had not come through. Amaral suggested the Town find out where they stood within the state's priority list to determine whether the Town should explore developments of the crosswalks and sidewalks independently. The Board and Amaral and Jennings discussed that Town Meeting should vote to raise funds for design of the safety corridor to enhance the Town's chances of receiving funding in other areas, demonstrating action toward goals versus presenting the state with a "wish list".

G. Request for authorization of ARPA funds, and discussion of potential future allocation of ARPA funds

(See Exhibit G, p. 78-172). Town Manager Jennings requested the approval to use \$9,500 in ARPA funds to employ the assistance of Clifton Larson Allen LLP and their grant management consulting services for the dispersal of the ARPA money. Reed asked if their services would be employed for a year, but while the contract stated that their services were available for up to five years the rate for the services would potentially vary each year. The Select Board thought the assistance a good investment. **Reed motioned to approve the usage of the funds (and for the Town Manager to sign the contract with Clark Larson Allen LLP). Parker seconded. The motion unanimously passed (3 Yes, 0 No, 0 Abstain).**

Following this vote, Jennings stated that authorization at Town Meeting of PEG Funds annually had not happened in several years, and asked the Board for their feedback on who should handle developing the monetary requests for Town Meeting (i.e. Select Board, Cable Advisory Committee, etc.) Parker and Reed suggested asking the Cable Advisory Committee to better understand their needs such as the replacement of a server as well as for recommendations on Budget asks.

Following conclusion of Item I, **Archibald motioned to add an unexpected Item to the Agenda related to recent developments in national opioid litigation.** A vote on this matter was taken following Item H.

H. Town Manager contract

Parker motioned to approve the contract revision, with further details to be hashed out in Executive Session. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).

Archibald motioned to join the federal multidistrict litigation against CVS, Walmart, Walgreen's, Teva, and Allergan. He then provided further information about the lawsuit and surrounding events, including the possibility of fund awarded should the suit succeed. Parker told the group that while the language of the suit and how any moneys might be dispersed is vague, joining it would be financially wiser than pursuing litigation on their own as a Town. **Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

Town Manager Updates:

I. Middle Street Bridge updates

(See Exhibit I, p. 173). Jennings updated the Board on the status of the permitting process after a meeting with the grant administrator who told him that the state may not be entertaining any requests for extensions past FY23 until all of the 3rd Quarter reports were out. **No motion was made at this time.**

J. Verizon cable franchise agreement; updates from recent meetings of Cable Advisory Committee

(See Exhibit J, p. 174-177). Meeting updates revealed the Cable Advisory Committee had discussed expanding their membership and that the Select Board would be the signatories on upcoming negotiations with Verizon regarding the cable agreement. Archibald was not clear what the Select Board would be negotiating in this process, given the structure of the current local TV agreement. The lack of a concrete charge for the Committee was raised by Jennings. **No motion was made at this time.**

K. Updates on ongoing/active projects/initiatives

(See Exhibit K, p. 178). Archibald asked Jennings what data and funds would be used for the 31 Dole Place well project, and the Manager replied that he was working on a scope for the project, which he planned to share with the Select Board for future distribution to the public. **No motion was made at this time.**

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

No motion was made at this time.

Archibald motioned to adjourn the session. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). The session adjourned at 10:32pm.

To view a video recording of this meeting, use the link below:

https://www.youtube.com/watch?v=_Y_23Q4uosA