



Town of West Newbury
Select Board
Monday, May 9, 2022
381 Main Street, Town Office Building
www.wnewbury.org
Open Session Meeting Minutes

Open Session: The meeting was called to order at 7:15pm by Chair Richard Parker.

Participation at the Meeting:

Richard Parker, Wendy Reed, and David Archibald (Archibald appeared virtually) *Select Board Members*
Angus Jennings, *Town Manager*
James Blatchford, *Town Clerk*
Carolyn Walinski and Ann O'Sullivan, *New England Equine Rescue*
Bob Janes, Larry Corcoran, and proposed appointee John Duggan: *Board of Water Commissioners*
Wayne Amaral (virtually)
Giulio Pellegrini, *SPS New England, Inc*
Albert Ting
John Neal
Dave Connors
Jodi Bertrand

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).
- Special and Annual Town Meeting – Saturday, May 14, 2022 at 9am, Bandstand. Finance Committee Booklet for Town Meeting available on website and in print copies at various locations around town!
- Pre-Town Meeting Informational Session: Tuesday, May 10th at 7:30pm: in-person and via Zoom (see town website for additional details).
- Electric Vehicle demonstration at Annual Town Meeting along the east side of the Town Offices parking lot.
- Reminder to subscribe for emailed Town news/announcements at <https://www.wnewbury.org/subscribe>

Regular Business

A. Select Board Reorganization

Parker announced the reorganization of the Select Board positions of Chairperson, Vice Chairperson, and Clerk (see exhibit A page 2 in the supplemental packet for details). Archibald and Parker spoke in support of electing Reed as Chairperson. Reed stated the desire to have more than one year experience on the Select Board before serving as Chairperson. **Parker made a motion to elect Archibald as Chairperson. Reed seconded.** Archibald stated confidence in performing the duties of Chairperson but also expressed confidence in Reed's capability to serve as Chairperson. **Parker and Reed voted in favor. Archibald abstained.** **Motion passed (Yes 2, No 0, Abstain 1).**

There was brief discussion concerning the Vice Chairperson position. **Reed made a motion to elect Parker as Vice Chairperson. Archibald seconded. Reed and Archibald voted in favor. Parker abstained. Motion passed (Yes 2, No 0, Abstain 1).**

Parker made a motion to elect Reed as Clerk. Archibald seconded. Parker and Archibald voted in favor. Reed abstained. Motion passed (Yes 2, No 0, Abstain 1).

The Select Board discussed if it was required to rotate onto different committees or if they could remain on the committees they served on the prior year. Archibald clarified there was no particular rule that required any type of rotation from one committee to another.

Reed made a motion for Parker to represent the Select Board on the Capital Improvements Committee and Archibald to represent the Select Board on the Investment Policy Committee. Parker seconded. Motion unanimously passed (Yes 3, No 0, Abstain 0).

Parker made a motion for Reed to represent the Select Board on the Community Preservation Committee and School Building Committee. Archibald seconded. Parker and Archibald voted in favor. Reed abstained. Motion passed (Yes 2, No 0, Abstain 1).

A1. Request for 1-day Liquor License: New England Equine Rescue, Spring Festival/Open House on 6/11/22

Jennings stated the application was received April 28, 2022 and recommended approval of the one-day license. It was stated that all insurance documents and Tips Certifications had been received (see exhibit A1

pages 3 and 4 in the supplemental packet for details). Archibald suggested a barrier between the alcohol would serving area and the main event as some attendees would be under the age of 21. Anne O’Sullivan and Carolyn Walinski appeared before the Board for the application. Walinski stated a separate alcohol serving area from the main event could be created. Communication with Chief Dwyer and Sgt Johnson concerning the safety and parking plans for the event had taken place and would be revisited as the event date drew closer. Police and Fire would be in attendance for the Touch a Truck portion of the event and future communication would determine if additional support would be required from the departments. **Reed made a motion to approve the one-day liquor license with the condition that the alcohol serving area would be separate from the rest of the event.** Walinski asked if the consumption of the alcohol would also need to be separate from the rest of the event. The Select Board members agreed the area where the alcohol was to be purchased and served would be the only area to be separate from the rest of the event. **Parker seconded. Motion unanimously passed (Yes 3, No 0, Abstain 0).**

B. Notice of failure to elect member of Board of Water Commissioners

Items B and C were taken together (see item C for details).

C. Joint meeting with Board of Water Commissioners to appoint interim Commissioner

Larry Corcoran and Bob Janes, Board of Water Commissioners, and the Select Board held a joint meeting to discuss the vacancy on the BOWC as the elected candidate did not accept the position of Water Commissioner (see exhibit B and C pages 6-8 for details). Blatchford stated the statute does not allow for the runner up of an election to be awarded the position if a failure to elect, due to non-acceptance of position, had occurred. Massachusetts General Law should be followed and the runner-up should be jointly appointed by the two boards. **Parker made a motion to appoint John Duggan as the third member of the Board of Water Commissioners until May 1, 2023. Archibald seconded. The Selectboard unanimously voted in favor (Yes 3, No 0, Abstain 0) and the Board of Water Commissioner unanimously voted in favor (Yes 2, No 0, Abstain 0). Motion unanimously passed.** Blatchford informed John Duggan the oath of office could be completed after the next agenda item as Duggan had attended the meeting.

D. Notice of failure to elect member of Parks & Recreation Commission: call for interested candidates!

Blatchford stated there was a failure to elect a member to the Parks & Recreation Commission as the top vote receiver did not accept the position (see exhibit D page 9 and 10 for details). There was no “runner-up” for this election as the candidates that received the next most votes had tied. Blatchford suggested the position to be advertised and a joint meeting for appointment to take place once applicants respond. Jennings stated it would be advertised on the news announcements and through Facebook. **No motions were made on this item.**

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

The written request from SPS New England, Inc. to temporarily close a section of Church Street for use of a staging area to complete repairs on the Rocks Village Bridge was presented to the Select Board (see exhibit E pages 11-19 for details). Giulio Pellegrini, project manager for SPS New England, Inc., and Wayne Amaral, DPW Director, appeared before the Select Board virtually. Pellegrini addressed the concerns of the Select Board. It was stated that storage of fuel would not take place in the staging area and the majority of the equipment to be used would be marine equipment (i.e., barges, cranes, lifts). The equipment located on land would be used to receive materials and it was not anticipated that any damage would occur to the roadway. Pellegrini stated a docking system would be installed next to the boat ramp to allow for access to the equipment located in the water. Parker asked for clarification as to whether the repairs would be temporary or permanent. The positioning and bracing of the bridge in the open position was described as a temporary repair, while the permanent repair would occur once the steel materials were received. Pellegrini stated the goal was to have the bridge operational by the end of August but there were many factors that could impede that timeframe. **Parker made a motion to grant the request for the temporary road closure, a portion of Church Street, for use as a staging area for the Rocks Village Bridge. This would remain valid through December 2022. Archibald seconded. Motion unanimously passed (Yes 3, No 0, Abstain 0).**

F. Update regarding Cortland Lane survey, and discussion of parking and access for new conservation land off of Coffin Street

The survey images of the area were presented on the monitor for the Select Board (see exhibit F pages 20-33). The placement of the utility monuments and mailboxes in the right-of-way were discussed. Jennings stated a consultant from KP Law Group recommended a licensing permit for the utility monuments. The Select Board discussed the placement of fencing for the proposed off street parking area, roughly 18x20 ft, that would extend into the right-of-way.

Albert Ting appeared before the Select Board and asked who to contact if the fencing needed to be removed in order to access the land. Parker and Reed agreed the DPW would be the only department required to contact to move the fencing. Ting stated the desire to have documented assurance that access to the land abutting the conservation land would not be cut off.

The Scenic Road Bylaw was discussed in relation to trees which were planted in the right-of-way. Wayne Amaral, DPW Director, appeared before the Select Board virtually. Amaral discussed the tree removal process, if required by the Scenic Road Bylaw, and the trees currently located on the right-of way.

John Neal appeared before the Select Board virtually. Neal asked the Select Board to consider on-street parking in order to make the process simpler and to avoid construction of the parking area. The Select Board discussed the options for on-street parking in the cul-de-sac versus an off-street parking area on the right-of-way. Amaral stated the maintenance for the off-street parking would require replenished gravel roughly once a year whereas no maintenance would be required for the on-street parking. **Parker made a motion to support creating 2 off-street parking spots.** The board discussed the removal of a tree in the right of way to create the parking area. Jennings suggested to create 2 alternative parking area layouts to determine which option would be best for the neighborhood. **Reed seconded. Motion unanimously passed (Yes 3, No 0, Abstain 0).** Jennings stated the site visit would be scheduled in June, the direct abutters would be notified, and the site visit would be publicly posted. It was clarified that the marking of the proposed parking areas would take place prior to the site visit.

G. Public hearing regarding proposed amendments to Personnel Policy (regarding sick accruals for qualified part-time employees)

Parker made a motion to open the public hearing. Reed seconded. The motion to open the public hearing unanimously passed (Yes 3, No 0, Abstain 0).

Jennings stated no formal written comments were received concerning the proposed amendments. The maximum limits of accrued sick time for full-time and qualified part-time employees were compared (see exhibit F pages 34-38). The Select Board discussed if the hours accrued for qualified part-time employees should be pro-rated. Jodi Bertrand addressed the Select Board and stated interest in the number of hours full-time employees worked in relation to the hours of sick time accrued. Jennings clarified that full-time employees work 40hrs a week and stay past the hours of building operation hours. **Parker made a motion to adopt the amended sick leave policy 5.2.1 as presented. Archibald seconded.** It was decided the effective date of the amendment would be June 1, 2022. **Motion unanimously passed (Yes 3, No 0, Abstain 0).** **Archibald made a motion to close the public hearing. Parker seconded. Motion to close the public hearing unanimously passed (Yes 3, No 0, Abstain 0).**

H. Public hearing regarding proposed amendments to Personnel Policy (regarding personal-day accruals for qualified part-time employees)

Parker made a motion to open the public hearing. Archibald seconded. The motion to open the public hearing unanimously passed (Yes 3, No 0, Abstain 0).

The proposed amendment would allow full-time employees to receive 16hrs of paid personal time per year and qualified part-time employees to receive 8hrs per year based on a 20hrs work week. If a qualified part-time employee worked over 20hrs, additional personal time would be accrued on a pro-rated basis. All personal leave would be required to be used at minimum in 4-hour increments (see exhibit H pages 36-37 for details). Jennings stated the policy would not apply to employees in a collective bargaining agreement or the 3 contracted employees (Town Manager, Police Chief, and Town Accountant Business Manager). **Parker made a motion to adopt the amended Personal Leave policy 5.9 as presented, effective July 1st, 2022. Reed seconded.** Further discussion and clarification of the accrual of hours for qualified part-time employees took place. **Motion unanimously passed (Yes 3, No 0, Abstain 0).** **Archibald made a motion to close the public hearing. Reed seconded. Motion to close the public hearing unanimously passed (Yes 3, No 0, Abstain 0).**

I. Review of proposed policy regarding scheduling of site visits

Jennings presented the proposed policy and reviewed the edits from the prior draft (see exhibit I page 38 for details). The Select Board discussed increased travel time on the weekends, alternatives to weekend site visits, designated special municipal employees, and whether compensation should be included for site visits outside the normally scheduled work days/hours. Jennings suggested to ask the consultants at the Collins Center how other communities have handled similar situations with off hours work. Archibald stated if compensation was to be included for visits of this nature, it should not be written into policy and should be included in the job description. **Reed made a motion to accept the Scheduling Site Visits Policy as presented. Parker seconded. Motion unanimously passed (Yes 3, No 0, Abstain 0).**

J. Review of draft Motions for articles included on Annual and Special Town Meetings warrants

Jennings presented the draft motions for the articles included on the Annual and Special Meetings warrants (see exhibit J pages 5-18 for details). Blatchford discussed the language used in article 31, the original intent of the article, and the draft motion for the article. It was stated the motion would be reviewed with the moderator prior to the Annual and Special Meeting. Jennings reviewed the motions for articles 19 and 20 and stated the clause language for disposal of the vehicles would need to be added. The Select Board discussed having one of the members of the Select Board read all of the motions at the Annual and Special Meeting instead of the proposing body for the article. A 2-year sunset clause of June 30, 2024 was added to article 3 and a 1-year sunset clause of June 30, 2023 was added to article 4 of the Special Town Meeting. Jennings stated the Finance Committee would be asked to re-consider the recommendation for article 6 at the FINCOM meeting Saturday morning prior to the Town Meeting. Due to the School Committee meeting scheduled to vote on the school

budget the following day, the Select Board discussed article 3 of the Annual Town Meeting and how the budget vote could affect the proposed figure listed. The motion for article 1 was discussed and it was decided to include language instructing the Board of Water Commissioners to explore opportunities that may result from further regional collaboration. Lastly, it was clarified funding for motion for article 14 was to be sourced from free cash.

K. Discussion of potential proposal to establish a revolving fund for revenues generated from solar electricity generation on town-owned land

The Select Board discussed establishing an account for revolving funds for any revenues from solar generation on town-owned land. It was stated the current structure of revenue received is in credits that are then used to offset expenditures. The Select Board discussed whether the energy credits could be monetarized into cash to be used to reinvest in further green initiatives through a revolving fund. **No motion was made at this time.**

L. Review of Select Board meeting schedule

It was stated that Parker would not be able to attend the Select Board meeting May 23, 2022. The Select Board discussed meeting dates in relation to Federal Holidays and the fall primary election. It was decided to schedule the Select Board meetings through the summer months as follows: May 23rd, June 6th, June 27th, July 11th, July 25th, August 8th, August 22nd, and August 29th. Jennings stated special meetings could be scheduled as needed.

M. Meeting minutes: April 11, 2022

Parker made a motion to accept the meeting minutes from April 11, 2022 with correction of clerical errors. Reed seconded. Motion unanimously passed (Yes 3, No 0, Abstain 0).

Town Manager Updates

N. Review of February 2022 Goal Setting meeting, and looking ahead to potential FY23 priorities

Jennings discussed goal setting for the FY23 year (see exhibit N pages 20-43 in the supplemental packet for details). Jennings presented the project matrix with 111 items created from the feedback received from the Select Board members and other department heads. Jennings stated interest in prioritizing items for FY23 to further the organization and prioritization of projects within departments.

O. Update on work with Town Planner re potential One Stop grant application to support study of local options for compliance with MBTA Communities legislation

Jennings stated the due date for the MBTA Housing legislation was June 3rd (see exhibit O pages 58-59 and exhibit O pages 44-61 in the supplemental packet for details). The One Stop grant application would seek funding to explore how the MBTA legislation could work in West Newbury. Jennings discussed the Department of Housing and Community Development pre-qualified consultant list and the potential benefits of consulting someone from the list. Discussion continued as to whether there was a limit on how many grants the town could apply for through the same agency per year.

P. Discussion of stormwater bylaw/regulations and potential effects on projects in process

Jennings stated work would continue with relevant department heads concerning the possible effects the new bylaw could have on development that had already commenced (see exhibit P pages 62-75 in the supplemental packet for details). Technical support from a storm water engineering firm to review how to advance objectives of the bylaws, in the most streamlined way possible, for both landowners and staff would be needed.

Q. Notice from MassDOT regarding Winter Recovery Assistance Program (WRAP) funding in FY23

The Select Board discussed what potential projects could fall under the categories of rehabilitation, reconstruction, resurfacing, and preservation for reimbursement through the program (see exhibit Q pages 60-62 for details). Jennings stated further examination of the program was needed as the information provided was received within the last week.

R. Notice from MassDOR Division of Local Services regarding potential ARPA funding for town center

Jennings briefly discussed the ARPA funding opportunity and what improvements could potentially be covered under this funding (see exhibit R pages 63-67 for details). Further discussion would be needed after thorough examination of the document and requirements.

S. Updates from recent MVRTA meeting, including recent notice re MVRTA shuttle program

Blatchford presented the updates from the MVRTA meeting to the Select Board. Blatchford discussed the MVRTA van replacement program and stated this program was something to consider in a few years. As of July 1st, 2022, the Ring & Ride program would be offered as a free service within West Newbury (see exhibit S pages 68-80 for details). Blatchford discussed the possibility of an expansion of the MBRTA bus route into West Newbury from neighboring towns if demand for services could be proven. Although West

Newbury only had 8 consistent riders, more information will be provided through the COA in an effort to increase awareness of the program.

T. Conservation Commission review of Mill Pond ANRAD scheduled on Monday, May 16th

Jennings stated this item was included on the agenda as a reminder of the scheduled review and the consultant will represent town at the review (see exhibit T page 81 for details). A site visit date should be expected to be scheduled at that time.

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

No additional items were discussed.

Parker made a motion to adjourn. Reed seconded. Motion unanimously passed. Open session adjourned 11:15pm