



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

Open Session: Chairwoman Reed opened the session at 7:00pm.

Participation at the Meeting:

- Rick Parker, Wendy Reed, Chris Wile- Select Board
- Angus Jennings- Town Manager
- Michael Dwyer- Fire and Police Chief
- Michelle Greene- Conservation Agent
- Emily Cuellar, Stacey Dolan- Conservation Commission Interns
- Rob Phillips- Finance Committee representative
- Robert Janes, Mark Marlowe- Board of Water Commissioners representatives
- Eric Boucher- Loco Sports representative, via Zoom
- Haley McCraven- Associate Conservation Commission candidate, via Zoom
- Ann O'Sullivan- Finance Committee candidate
- Alejandra Chandler- Conservation Commission appointee
- Anne Gagnon- MA Division of Fisheries and Wildlife representative, via Zoom
- Mark Irving and Mike Henry- Nonprofit environmental wildlife consultants, via Zoom
- Nancy Pau- West Newbury resident
- Cathy Lanois- Essex County Greenbelt representative, via Zoom
- Patricia Reeser, 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 is a Purple Heart Community, and August 7, 2023 is Purple Heart Day
- 2023 Summer Bandstand Concert Series - Thursdays at 6:30pm - list of performers located on Town website
- Upcoming Planning Board meeting (Aug. 15th) regarding MBTA Communities planning process
- Fall Special Town Meeting warrant to close on Tuesday, Sept. 5th. Proposed warrant articles due to be submitted to Town Clerk's office no later than Thursday, August 31st! Blank article request forms posted online and available on request.
- Call for volunteers! FY24 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. Request for Special Event permit (cont'd from 7/10/23), Harborside Half Marathon and SK- Nov. 12, 2023 from 9am-1pm - Loco Sports

(See Exhibit A, p. 4-14). Wile raised concerns about the Town's formulation for WNPD presence at events and suggested looking at it in future. **Parker motioned to approve the permit. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

B. Request for appointment

a. Conservation Commission Associate member, Haley McCraven

(See Exhibit Ba, p. 15). **Wile motioned to appoint McCraven to a one-year term. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

b. Community Preservation Committee members

(See Exhibit Bb, p. 16). **No motion was made at this time.**

c. Finance Committee, Ann O'Sullivan

(See Exhibit Bc, p. 17). O'Sullivan briefly provided background on her history and work experience as a CPA. **Parker motioned to appoint O'Sullivan to the Finance Committee for a three-year term. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

Item Be was taken out of order at this time.

d. Select Board representative for the Investment Policy Committee

Reed motioned to appoint Chris Wile as the Board's representative to the Investment Policy Committee. Parker seconded. The motion passed. (3 Yes, 0 No, 0 Abstain).

e. Determine term of appointment for Alejandra Chandler, Conservation Commission

Wile motioned to appoint Chandler to a one-year term. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).

C. Presentation from Invasive Species Interns

The interns, who spent several weeks under the charge of the Conservation Agent removing and disposing of invasive species on Town-owned land, presented their work results to the meeting. They recapped their backgrounds, objectives, and highlighted the impact of these plants on the flora and fauna in West Newbury. The interns mapped invasive species locations and their growth/treatment status, establishing a valuable tool for future remediation. They made recommendations to the Board to increase the internship program, initiate further invasive removal volunteer days, and urged the community to maintain the monitoring of the treated areas. Jennings queried the interns on what they learned from doing the project in West Newbury. Emily Cuellar stated that one of her main takeaways was how little remained of the native flora after destroying the invasives. Parker lauded the work of the interns and reflected on his own struggles combatting invasives but that the lack of reintroducing native plants was not ultimately solving the problem. **No motion was made at this time.**

D. Select Board review of Committees' charge/ function

a. Conservation Commission

(See Exhibit Da, p. 18). Reed asked if the Commission could create a layman's summary of functions, particularly as it pertains to West Newbury, rather than referencing the Bylaws. It was also determined that going forward the Town Manager would appoint members of the Commission, as required (which had not been the process until the present). The Board discussed with Greene the proper number of members (five versus seven). The Commission wished to hire, as part of their future goals, seasonal land stewards. Greene also stated that she felt that in past the Commission has been given a negative reputation and dismissed, and urged that the perception be enhanced by greater respect and communication with the Town. During the discussion, Jennings stated that the Commission would soon benefit from a renovated second floor hearing room. He stated also that he hoped for a clearer defined usage for the wetland fund (close to \$122,000). **No motion was made at this time.**

b. Community Preservation Committee

(See Exhibit Db, p. 26). Reed testified to the work carried out by CPC, as a member, and suggested that summarizing the functions of the Committee rather than using the bylaw would be a preferable way to develop the charge. Reed stated in recent years the CPC overhauled the CP plan, updated their application forms, and highlighted other accomplishments. Reed stated further that the Committee wanted to streamline the review process of land acquisition within the new CP plan. Patricia Reeser, a member of the Committee, asked the Board if the function of the CPC was to determine if projects should go before Town Meeting to be voted on. In further discussion, she clarified that her question was whether the CPC should play an administrative role in making sure projects meet CPA requirements or an approval role as to whether they should be voted on at Town Meeting. Reed stated that by virtue of approving the Eligibility and Funding applications, the CPC is making a value determination that the project meets the requirements of the CPA and is a worthwhile project for the Town to consider. Members of the audience voiced opinions that the CPC's role was that of a policy body, although Reeser maintained that it should provide an administrative role. Rob Phillips suggested that the inclusion of the word "recommendation" made the decision of the Committee similar to the nonbinding "recommendations" of the Finance Committee. In discussion about the need for developing cost estimation guidelines for the funding application, Jennings reflected that on previous occasions that individual outreach to vendors regarding CPC projects had resulted in those vendors feeling like they were being selected for a project, when in fact it was not the case. **No motion was made at this time.**

E. Cont'd Board discussion of Ash Street management, incl. updates on recent meetings/site visit with MA Div. of Fisheries & Wildlife

(See Exhibit E, p. 32). Reed followed up on several areas from previous discussions on Ash St. First, she recounted information offered by an official regarding traffic calming for the swampy section of the road. The natural divots in the road act like speedbumps presently, but do not deter larger vehicles from their speed. Furthermore, the official suggested that a better transition between paved and gravel sections of road would alert motorists to the need to slow down. The second area involved observing and identifying endangered species through a site walk and meetings with MA Division of Fisheries and Wildlife. Unfortunately, the Division would be unable to assist with upgrades unless endangered species (Blandings turtles, for one) could be found in the Ash St. swamp. Third, installing barriers to direct wildlife to safe crossings would be ineffective, as no such safe point exists. A fourth area of previous discussion, debate on closing the road, even seasonally, was determined to not be an option due to public safety concerns. Fifth, installing additional signage as a deterrent for speed was talked about again with Chief Dwyer opining that the use of a speed radar trailer would be an option (though additional signage has not proved effective according to nonprofit environmentalists Mike Henry and Mark Irving who spoke via Zoom). Sixth, the Town is debating the continued regrading of the gravel portion which occurs at large expense to the Town. The Board then entertained questions and comments from the public and other concerned parties. The Board whittled down potential solutions to speed tables or bumps, letting the road degrade until it was determined to be a hazard by Town officials

and needs regrading, and a radar speed control trailer. Greene urged the Board to look into a short-term and a long-term plan to permanently settle issues on Ash St., which the Select Board agreed to. The discussion finished with potential funding options (via Town Meeting, etc.) for any options the Town chooses. **No motion was made at this time.**

F. Discussion of potential to join Northeastern Massachusetts Law Enforcement Council (NEMLEC)- Police Chief Dwyer

(See Exhibit F, p. 43). Chief Dwyer opened by explaining the purpose of the Council. West Newbury is one of the few non-member Towns locally. Joining in the Council would provide major resources to West Newbury that the Police and Fire Departments cannot currently offer in an emergency. In addition to manpower and equipment, special trainings would also be accessible to the Town's Departments. The cost would be \$5,000 annually to join, which Dwyer felt would be available in WNPD funds. Only 10 communities in Essex County besides West Newbury are not members of NEMLEC. Patricia Reeser asked if West Newbury would pay the salaries of officers from responding communities to a West Newbury incident, but the Chief assured her that the Town would not be. **Wile motioned to endorse the Chief's move to join NEMLEC. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

G. Discussion of potential Municipal Vulnerability Preparedness (MVP) Action Grant

(See Exhibit G, p. 46). The Town Manager stated with the efforts of volunteers and Town employees that they could advance the objectives of the Grant in the current Fiscal Year (versus through FY25 as originally proposed). The Town would be able to accept the full amount of the Grant (versus a smaller amount as envisioned) but the timetable would now be greatly truncated- necessitating the same amount of work from Town employees but perhaps more on the part of the consultants and additional volunteers. Parker stated that the Town had been reduced from 21 months of planning to nine. He felt that things could be rearranged and expedited to meet the new challenges of timing. Parker felt that the major hurdles in this truncated timeframe would be carrying out site condition observations as well as communicating to the public. The Town would now be required to track volunteer hours and activities, per Parker, which presented an additional task for managing. Originally it had been decided not to track these things. **No motion was made at this time.**

H. Request from Essex County Greenbelt for authorization to conduct fundraising activities and install temporary sign at Pipestave/Mill Pond in support of proposed Sawmill Brook land acquisition

(See Exhibit H, p. 45). Lanois of Greenbelt refreshed the Board on Essex County Greenbelt's requests. Reed asked Greenbelt to rework their timeline and remove the signs sooner than they had wanted, but the Board did feel the sign placements were acceptable. The Board raised concerns about QR code hacking, and Lanois agreed to take the QR code off the sign if that pleased the Board. The organization planned to table August 17th and 24th at the Town's Summer Concert Series while being "discrete". **Parker motioned to approve the sign and tabling requests with the exception of the QR codes as seen on the signs provided to the Board. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

I. Review of draft Memorandum of Understanding with Board of Water Commissioners re use of ARPA funds for Church/Prospect water main replacement project

(See Exhibit I, p. 51). Reed briefed the room on the history of the process to date- that a Memorandum of Understanding between the Board and Water Commissioners was recommended by the Town's counsel. Janes expressed his unhappiness with Number 8, Item B (in the Memorandum). Concerned about being prosecuted for any work done, Janes wanted to discuss the Memorandum as a Board before anything was finalized between the two parties. Jennings and Reed stated that the Memorandum was legally sound and that the language concerned was standardized. **No motion was made at this time.**

J. Public Hearing to consider proposed amendment to Personnel Policy Sec. 5.7: Jury Duty

(See Exhibit J, p. 59). Reed asked if the Town would be able to pay for all jury duty expenses versus the set number (five) being offered in the amendment (with extensions to be taken into account by the Town Manager as needed). The Board found the existing "five days with extension" reasonable. **Wile motioned to approve the amendment with the additional language "Town Manager can authorize longer durations with documentation provided by the Courts". Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

K. Review of draft Solar Feasibility Study

(See Exhibit K, p. 61). **Item tabled to future meeting.**

L. Discussion of Select Board/Town Manager Goals/ Priorities for FY24

(See Exhibit L, p. 140). Wile suggested that the goals/priorities matrix should include the Manager's feedback. He also was concerned that cybersecurity was not on the matrix, and Parker stated that the Town had addressed this issue over the past three years exhaustively, bolstered by staff trainings (Jennings chimed in to provide further examples of cyber-attack readiness after Parker). The Board and Manager discussed when a good time might be for a Board-Manager retreat to make more significant progress on the matrix. **No motion was made at this time.**

M. Review of CPA Affordable Housing Trust Grant Agreement

(See Exhibit M, p. 147). The Board reviewed the document. **Wile motioned to approve the Agreement pending any final formatting issues. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

N. Meeting minutes: July 10, 2023

(See Exhibit N, p. 153). **Parker motioned to approve the Minutes as amended. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** Reed lauded the speed at which the Minutes were being completed and submitted for approval.

Town Manager Updates

0. Progress update regarding Tata & Howard water hydraulic plan/capital plan/rate study

(See Exhibit O, p. 156). Jennings told the Board that the final draft of the study from Tata & Howard was received last week (of the 31st of July). He told the Board he was going to carefully look at the Capital Project List in the study to compare with what were in Town records. Reed offered some projects she felt were not included in the list. Wile raised concerned about the massive costs associated with pursuing water from Dole Place, which would no doubt increase since the dollar amounts in the survey did not reflect the most up-to-date inflation-driven numbers. The timetable in the study also had out-of-date elements because of its late delivery to the Town. The group discussed wishlists for the handling of future contracts, and various errors found in the Tata & Howard materials. **No motion was made at this time.**

P. Working documents, Water financial analysis/trends

(See Exhibit P, p. 288). Jennings provided the group with an assortment of aggregated data that he felt might be helpful for future discussions around water spending, revenue, etc. that required further organization and itemization (a request which was echoed by Rob Phillips). **No motion was made at this time.**

Q. Town Planner report, August

(See Exhibit Q, p. 298). The Board and Manager analyzed again the potential for a Land-Use Summit to solicit input and workshop major developments and upcoming requirements in West Newbury as a result of the MBTA Communities Act and other initiatives, but were wary of overloading the process and interlacing the projects. **No motion was made at this time.**

R. Subsidized Housing Inventory 2023 Update

(See Exhibit R, p. 232). The Board briefly looked at a list of subsidized housing statistics from across the Commonwealth. **No motion was made at this time.**

S. Updates on other ongoing/active projects/initiatives

No motion was made at this time.

T. Follow up meeting assignment; placing items for future agenda

No motion was made at this time.

Wile motioned to adjourn the session. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). The session adjourned at 10:50pm.

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

<https://www.youtube.com/watch?v=rt3Nc6kS-n0>

Select Board Open Session Meeting August 7, 2023.

Minutes approved XXXX

Posted Agenda on August 3, 2023 at the Town's Offices and the Town's Official Website www.wnewbury.org