



**Town of West Newbury
Select Board
Monday, August 21, 2023 @ 7:00pm
381 Main Street, Town Office Building
www.wnewbury.org
Meeting Minutes**

Open Session: Chairwoman Reed opened the session at 7:01pm.

Participation at the Meeting:

- Rick Parker, Wendy Reed, Chris Wile- Select Board
- Angus Jennings- Town Manager
- Jim Blatchford- Town Clerk
- Chris Wilde- Investment Policy Committee representative
- Arthur “Chip” Wallace- Energy and Sustainability Committee representative
- Fred Chanania- Tree Committee representative
- Rob Phillips- Finance Committee representative
- Graham Bacheller- Open Space Committee representative
- Mark Capadonna, Denise Allard – Colonial Power Group

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.
- 2023 Summer Bandstand Concert Series-Thursdays at 6:30pm- list of performers located on Town website
- 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.wnewbm.v.org/volunteer
- Reminder to subscribe for emailed Town agendas/news/announcements at www.wnewbury.org/subscribe

Regular Business

- A. Public hearing to consider proposed Municipal Energy Aggregation Plan**
(See Exhibit A, p. 3-32). The Chair invited the two representatives from Colonial Power Group to address questions from the public and the Select Board. Reed asked for clarification on the Department of Public Utilities' investigation into streamlining the process of approving municipal energy aggregation. The investigation and subsequent changes to the process mean a slowdown in the process across the board. Capadonna talked to the Board about changes and behaviors of the state regulators, and what challenges it is posing to consumers and communities. Despite the challenges, **Parker motioned to endorse the Aggregation Plan including the recommendations made by the Town Counsel. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**
- B. Select Board review of Committees' charge/ function: Investment Policy Committee**
(See Exhibit B, p. 33-38). Reed reiterated the Committee had five members including Select Board and Finance Committee representatives. Reed invited Wilde to comment on the role of the IPC in investment guidance beyond their quarterly meetings. Wilde said that the Committee's activities took place three to four times of year per their charge. Wilde said that the Committee was not looking to increase oversight, but would respond to as-needed requests for guidance from the Town. Reed reminded the Committee emailing serially within a quorum is not equivalent to a meeting under Open Meeting Law guidelines. **No motion was made at this time.**
- C. Request for reappointment of Chris Wilde to Investment Policy Committee**
(See Exhibit C, p. 39). **Parker motioned to reappoint Wilde to a three-year term. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**
- D. Review of draft Solar Feasibility Study**
(See Exhibit D, p. 40-44). Wallace briefly recapped the contents of the study. Parker, given

his presence on the Energy and Sustainability Committee, offered insight on the potential locations for the future solar array and how the project would benefit the Town in future. Wile noted that the Town should be aware of any restrictions (conservation or otherwise) on potential sites. The group discussed priorities for placement (i.e. so that it would be benefit public housing in West Newbury). **No motion was made at this time.**

Item G was taken out of order at this time.

Subsequently, Item L was taken out of order.

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

(See Exhibit E, p. 45-58). The updated MOU was reviewed by the Board, with Jennings stating that it had been well-received by the Board of Water Commissioners. The Select Board discussed that reconsideration of aspects of project funding might be in order, given the lessening pressure of supply chain shortages and their related costs. Under this reconsideration, rather than purchasing piping material now and contracting the labor at a later time, it might be desirable to procure contracting services and let them purchase the pipe. ARPA funds would still be used to fund the portion of the project that includes piping materials. **No motion was made at this time.**

F. Discussion of draft Water rate study and Water Distribution System Study Update ("hydraulic study")

(See Exhibit F, p. 59-70). Reed questioned why the Study had taken so long to receive, and was curious what led to increases. A lack of summary tables was particularly frustrating to the Town Manager. Reed asked if the Town would be switching over to cubic feet as a measure of volume as most other communities use. Jennings relayed what the Water Commissioners had told him, namely, that other Towns were switching to gallons per minute since it was less confusing for consumers. Rob Phillips relayed that the Water Commissioners were in agreement that there were issues with the report. **No motion was made at this time.**

G. Discussion of proposal for follow-up evaluation of ash trees receiving inoculation against Emerald Ash Borer (EAB)

(See Exhibit G, p. 71-82). The Board had previously been supportive of an additional treatment follow-up program. Bartlett Tree Service provided an expensive quote with little room for negotiation. Jennings wanted to make sure the Board evaluated the inoculations and the cost before going forward. Fred Chania was asked to provide clarity on the numbers put forward by Bartlett, but was unable to offer much clarity on why the fee per tree was chosen, and what made a "grouping of trees". He suggested additional expenses might have been incurred by bringing in arborists to make professional analyses. The group debated whether they should continue with the proposed analysis or go out to bid on another service. Wile pointed out that the work had to be done regardless, and that the timing was very tight. **Wile motioned to accept the proposal specifically for the follow-up evaluation of 177 trees at a cost of \$9,075. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

H. Review of proposed extension of Learning Tree lease, FY24-25

(See Exhibit H, p. 83-98). Jennings admitted that the due date for these discussions had slipped past. He suggested that a rate increase would be reasonable, because it had not been done in nearly a decade. Other commercial leases Jennings researched that had a similar profile to the Learning Tree fell between \$15.15/sq/ft and \$17.17 per sq/ft, which he felt would be an appropriate range for the Board to aim for. The Board discussed that the expense to the Town was very close to what was being taken in in rent from the business, but they wanted to know more about the expense in utilities to the Town. Reed suggested that in the coming years a separate electric meter correlated to the Tree would be of use in helping to determine rent rates. The Board determined they should keep the rate the same but establish that the Learning Tree pay utilities in the future. **Wile motioned to renew the lease of \$1,207.44/month with notice that for the subsequent renewal, utilities would no longer be paid for by the Town. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

I. Preview of known/potential articles for Fall 2023 Special Town Meeting; and review of STM timeline

(See Exhibit I, p. 99-100). The Board looked at the list of Articles:

- Reed confirmed with Phillips that the Finance Committee could evaluate an Article for the

Warrant regarding the usage of CPC funds for a Conservation Restriction at a Greenbelt acquisition, despite not having the appraised value of the land to hand at the time of their evaluation.

- Inspector Sam Joslin was confirmed to have drafted a bylaw for Nonconforming Uses but Jennings told the group he was not sure where it would fall in the order of Special Town Meeting proceedings. The bylaw was under Town Counsel review, and a public hearing was occurring on September 19th.
- Parker returned to the idea of using public opinion polling system FlashVote with respect to community issues, though he personally did not yet fully support its rollout in West Newbury. Mainly he was curious on what funding requirements might be necessary to keep such a platform running.
- The Board agreed to defer to the Annual Town Meeting any Articles related to radar trailers and other issues surrounding Ash Street.
- The Board reaffirmed their support for repealing the Personnel Committee Bylaw with reinstatement/revisiting if ever necessary.
- Parker asked about the Page School 3D interior scan. Jennings explained details regarding the scan (where it was to be uploaded, the purpose, the cost) and had wanted the Board to evaluate whether there was benefit to doing the scan. Parker said that the scan would be a valuable tool to supplement the contractor's report, but wanted to know how much it would cost (Jennings confirmed it was in the hundreds of dollars to access and then maintain in per year). The group expressed concern about the potential security issues that a 3D scan available to the public might pose.
- The wrap-up for this Item closed with discussion on what date would be appropriate for a joint Select Board-Finance Committee meeting regarding warrant articles (to be alternately hosted by the Committee and Board on 9/14, 9/17, and 9/27), and proposed deadlines for Town Meeting materials. **No motion was made at this time.**

J. Discussion of timing/process for Pentucket presentation of FY25 budget to 3 Pentucket towns

The group expressed their preference for a more focused, personal meeting with the Pentucket Regional School District representatives, versus in a large group including people from Merrimac and Groveland, as had been done before. Phillips suggested a preliminary meeting among West Newbury municipal officials to present a united front when meeting with School District representatives and the Board and Manager liked this idea. **No motion was made at this time.**

K. Discussion of potential to hold land use planning event to facilitate public engagement regarding multiple ongoing major planning projects/ initiatives; or, alternatively, to hold separate events

(See Exhibit K, p. 101-102). The Board and Town Manager discussed what to include on the agenda for the planning event (such as the MBTA Communities Act housing, Route 113 safety improvements, and others as specified in Exhibit K). They also debated what a good date for the event would be (determined to be early Fall or later in the year). **No motion was made at this time.**

L. Discussion of process by which decisions are made regarding location, construction of new trails/parking on town-owned land

Jennings provided background on this Item. As Land Agent, Conservation Agent Greene needs to be allowed better control over the process of new trails and parking on Town-owned land so as not to create issues with landowners and other stakeholders- a thorny issue with many active voices in Town all eager to be helpful and execute projects, but sometimes sidestepping proper procedure. This flowed into the general understanding that better communication and protocol needed to be established in Town with respect to the development, control, and establishment of Town-owned land (with regard to permitting, mapping, fundraising, access, etc.) The group discussed historical cases where such issues posed problems (such as at Sullivans Ct.) The Select Board determined it would be good to have a meeting with the Open Space Committee to help hash these issues out. **No motion was made at this time.**

M. Discussion of potential to post semi-regular Select Board mtgs to facilitate discussions/deliberations to supplement regular meeting schedule

(See Exhibit M, p. 103). The Board debated the merits of adding a "non-agenda" meeting related to Select Board business, to supplement their standard bimonthly meetings. This idea was met with limited enthusiasm by the majority of the Board. Phillips opined that the ways in which the Town conducted its executive activities

needed to be examined to improve efficiency, leaning toward a stronger Town Manager form of government. Reed said she felt that potentially hiring a management consultant might be a good idea to examine things like the Board's Agendas, workflows, and priorities. Wile stated that the relative stability of the Town's staff and finances meant that the number of projects that could be taken on increased, which had contributed to an over-burdening of the Manager and Board. The perpetual feeling of "putting things off" was rued by the three Select Board members. Jennings told the Board about a previous experience he had working with a management consultant during his tenure in Westford, MA. When this was received with a positive Board response, Jennings promised to look into the consultant. **No motion was made at this time.**

N. Town Manager recommendations draft Select Board/Town Manager Goals/ Priorities for FY24

(See Exhibit N, p. 104-110). **No motion was made at this time.**

O. Discussion of designating Select Board liaisons to different Boards/ Commissions/ Committees

(See Exhibit O, p. 111). The Board finished assigning themselves to the BCCs. **No motion was made at this time.**

P. Meeting minutes: July 17, 2023; July 24, 2023

(See Exhibit P, p. 112-116). **Reed motioned to approve the Minutes as amended for July 17, 2024. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Reed motioned to approve the Minutes as amended. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

Town Manager Updates

Q. Receipt of Route 113 base maps to solicit public input re corridor planning effort

(See Exhibit Q, p. 117-120). Jennings said that drafts of base maps had been received by the Town. He further explained that the idea was to get good base maps with sidewalks and crosswalks on them for the benefit of the public during events/forums with minimal extraneous information. Closing out the update on this Item, Manager Jennings relayed that West Newbury had officially submitted paperwork to the Massachusetts Department of Transportation for 25% Design Permitting. **No motion was made at this time.**

R. Update from recent check-in meetings with Gienapp Architects re Page School study

(See Exhibit S, p. 121-137). Jennings provided details on the laudable, collaborative work between the Page School and Town staff, and the architecture firm. Jennings expressed the Town felt the firm was right on target in terms of the project's scope, and that an additional contract for work on sills/lintels was being floated to move things forward. September 19th had been selected as the date for a presentation from Gienapp Architects to the Select Board. **No motion was made at this time.**

S. Recap of recent Town Clerks' meeting re anticipated Whittier Election (re MSBA project)

Sharing notes from the Assistant Clerk who had attended an initial meeting for election planning, Blatchford walked the Board through the special election for school building funding. A follow-up meeting was to take place on October 9th. The District would be reimbursing the municipality for expenses incurred running the election (but the total they could give each Town is not clear). Jennings stated he would investigate with the Whittier Technical High Business Office what the latest cost projections for the building would be, and how it would impact the Town. **No motion was made at this time.**

T. Invasives Management contract - MEPA filing and effect on schedule for contractor management of invasive species at Cherry Hill site

(See Exhibit T, p. 138-211). As a result of bureaucratic holdups and the permitting process, the work on the invasive plants would not be fully underway until later in September. Jennings stated Greene had taken on much of the work in the process in addition to her regular duties. **No motion was made at this time.**

U. Water consultant report re MBTA Communities planning initiative

The Town Manager said one thing he hoped the Town would be getting its hands on soon was a model created by Tata and Howard based on their hydraulic study, and in turn this model would enable West Newbury to do its own modeling. Reed wanted clarification on whether the Town would actually be able to use said model or if Tata and Howard would run the model for the Town. **No motion was made at this time.**

V. Updates on other ongoing/active projects/initiatives

(See Exhibit V, p. 212-250). Jennings said the off-street parking that had been requested for conservation land (Artichoke Trail) off of 28 Middle Street had been rejected.

Additionally, Jennings said the MVP Grant process was humming along, and the required

signatures from State officials were hustling to be applied to fast-track the project.

No motion was made at this time.

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

Wile suggested the need to put in “No Parking” signage on Farm Ln. The installation of a new guardrail eliminated previously existing parking space on the Lane’s shoulder. Jennings said he would talk to the Highway Superintendent and check out the issue. **No motion was made at this time.**

Parker motioned to adjourn the session. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). The session adjourned at 11:00pm.

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

https://www.youtube.com/watch?v=Ut5ee_A4XEc