



**Town of West Newbury
Select Board Meeting
December 18, 2023 @ 7:00pm
381 Main Street, Town Office Building
www.wnewbury.org
Meeting Minutes**

Open Session: Chairwoman Reed opened the session at 7:08pm.

Participation at the Meeting:

- Rick Parker, Wendy Reed, Chris Wile- Select Board
- Angus Jennings- Town Manager
- Jim Blatchford- Town Clerk
- Rob Phillips- Finance Committee Representative
- Fred Chanania- Tree Committee Representative

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 Fire Department to host Santa Claus on tour of the Town December 24, 2023
- 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 Comment. Limited to 2 minutes per resident on any topic. Please note that the Board will not discuss or take action at this meeting.**

No comments were made at this time.

- B. Consent agenda - Request to approve the following:**

- a. Meeting minutes: November 28, 2023; December 4, 2023**

See Exhibit Ba, p 8-10. Parker motioned to approve the November 28th Minutes as amended. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Parker motioned to approve the December 4th Minutes as amended. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).

- b. Requests for renewal of Retail Liquor Licenses for 2024**

- i. GN Enterprises Inc. d/b/a West Newbury Pizza Company (restaurant/wines & malt \$12)**

- ii. West Newbury Food Mart, Inc. (package store/all alcoholic beverages)**

See Exhibit Bb, p. 11-19. Wile confirmed that any issues raised to the ACC would be brought to the Town's attention through the Town Clerk's Office. He wondered why the Town was issuing a license to the Pizza Company if the seating area enabling the consumption of liquor was closed in 2020. Blatchford said that the renewal was automatically offered to businesses, and obtaining a renewal is much easier than reapplying in the future. The Clerk offered more insight on the licensing renewal process. **Parker motioned to approve both applications for licenses. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

- c. Requests for renewal of Class II Used Car Licenses for 2024**

- i. Newburyport Automotive, Inc. (330 Main Street)**

- ii. RTI Enterprises, Inc. (289 Main Street)**

- iii. Crane Neck Auto, LLC (5 Crane Neck Street)**

See Exhibit Bc, p. 20-27. Blatchford said bonds had been received by every vendor except Crane Neck Auto. **Parker motioned to approve the licenses for Crane Neck Auto (pending receipt of the bond), and Newburyport Automotive and Main Street Auto. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

- d. Request for authorization to submit BRIC grant, Building Inspector**

See Exhibit Bd, p. 28-32. Parker motioned to authorize the grant. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).

- e. Request for authorization to submit EMPG Grant, EMA Director**

See Exhibit Be, p. 33-38. Parker motioned to authorize the grant. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).

- f. Approval of 2024 Election Worker List**

See Exhibit Bf, p. 39. Parker motioned to approve the Election Worker List. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).

Item Ea was taken out of order at this time. With its conclusion, discussion resumed at Item C.

- C. Town Manager Updates**

- a. NEMLEC MOU**

Jennings said that he had looked into questions raised by the Board and responded. In this case, in order to cover extra hours as needed, the Chief will be handling them. No overtime or additional hours will be needed. **No motion was made at this time.**

b. FY25 Budget process and timeline

See Exhibit Cb, p. 40-51. Jennings provided an update on the ongoing Budget drafting process, and hoped to initiate a joint meeting schedule for February/March for the Finance Committee and the Select Board. The Finance Committee and Select Board planned to map out joint meetings, agreeing that the cross-collaboration had been very helpful in Fall for Special Town Meeting. **No motion was made at this time.**

c. Update on Personnel Evaluation process

See Exhibit Cc, p. 52-55. Jennings made the Board aware of the status on the upcoming Personnel Evaluation system. He welcomed the Board's feedback on the Evaluation materials, and felt that individualized Evaluations to different job grades was the best approach to take. He hoped to have the Personnel Evaluations completed by mid-Summer, 2024. **No motion was made at this time.**

d. Updates on other ongoing/active projects/initiatives

See Exhibit Cd, p. 56-82. Jennings briefed the Board on a variety of topics, beginning with clarification on ARPA fund expenditure deadlines. The Town Treasurer had indicated that in order to remain eligible for the Federal money, the Town would need to have their ARPA-funded materials under contract by the funding deadline. The Manager also informed the Select Board that an RFP for a new phone system for Town Offices had been put out. Several vendors had already queried the Town on the materials. Jennings and the Board also discussed tightening up the animal bylaw by enhancing clarity with regard to how dog owners should control their pets (either by voice only if they so choose, or requiring a leash). The Board could spearhead revisions of said bylaw, Jennings indicated. Parker thought that addressing the matter would be wise. Opening the matter to public input was determined to be essential, as was soliciting input from the ACO Kayla Provencer. **No motion was made at this time.**

D. Department Updates/Discussion

a. Draft Livery License application guidelines - Town Clerk

See Exhibit Da, p. 83-86. Blatchford informed the Board that this matter was before them as a result of resident requesting their sign-off on a letter. The letter in question would enable the resident to complete their application to MassPort to operate livery service to their properties. With no existing policy, the Clerk's Office provided the Board with a draft one to review (with inspiration from the policy/procedures used by the City of Boston). Reed asked about next steps, and Jennings said that a finalized version of the policy could be brought forward at a future meeting for approval. Phillips felt it was advisable to specify insurance regulations in the policy. **No motion was made at this time.**

b. Public Trail Creation/Design Review Process – Conservation

See Exhibit Db, p. 85-100. Reed explained that Conservation Agent Michelle Greene had put together a public trail use document. The document had input from Town Committees and Town government. The review would establish a checklist for entities to consider in the process of acquiring new trail land in Town, as numerous problems had arisen in past on this issue. Parker found the meeting (which he attended) to be helpful. Reed suggested that the next step was to coordinate with respect to permitting requirements. Jennings stressed that the checklist was not a regulatory document, but a resource to streamline processes and eliminate backlog. **No motion was made at this time.**

c. Submittal of River Road subdivision application to Planning Board-Planning

See Exhibit Dc, p. 101-121. The Board was invited to provide comments (as they have no defined regulatory role in the development of subdivisions) on the proposed River Road development. Wile stressed the line of sight and the conditions of the driveway posed a safety issue, and could leave the Town with a liability-though he felt that this was the only thing the Board had the power to address as it was in their purview. Parker pointed out that continued development along River Road would be very vulnerable to climate change and other issues. **No motion was made at this time.**

d. Town Planner Report

See Exhibit Dd, p. 122-123. **No motion was made at this time.**

E. Board/Commission/Committee Updates/Discussion (and Select Board liaison updates):

a. Review of Tree Committee Questionnaire

See Exhibit Ea, p. 124-135. Parker queried the Committee Chair if it was possible to indicate through the Committee's website what trees would be good for residents to plant trees that would thrive as temperatures increase due to climate change. Chania pointed out that this was already on the Tree Committee's webpage and requested feedback if it did not address Parker's concerns on the topic. Reed asked about the Committee attempting to add associate members. Chania said that the Committee's charge included membership of five full time members as well as additional associate members. He hoped that there would be seven full members in the future. **Parker motioned to change the membership of the Tree Committee to include seven full members and no associate members. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** Reed continued by asking about the relationships with other Town Committees/Boards with whom the Tree Committee is involved in decision-making or advice-giving. Chania spoke about the Conservation Commission, with particular respect to trees in wetlands. The swamps are the Commission's purview, Chania said, but joint membership between both bodies have made for good communication and awareness. Chania added that communication with the Planning Board had been improved in recent years but the Committee had not provided much input as of late: the previous dialogues on issues regarding stone walls, tree removal, and other areas have diminished some with the

arrival of new staff. Having to sit in on Planning Board meetings simply to remind them of the Tree Committee's role in the planning process has grown tiresome to the Tree Committee Chair. Hearing this, Reed asked the Town Manager if there was anything the Board could do to facilitate better integration of Tree Committee and Planning Board- but Chanania said he felt it was mostly his responsibility to promote communication. He highlighted other outreach he had made to the Inspections Department as well. The Board and Chair discussed the prospect of identifying dead trees across Town on public ways that might need removal as part of a newly developed tree removal program (in an effort to protect the Town from over-inflated contractor bids for the removal work). Parker wondered how much money had been budgeted for tree removal in the Town's Budget (\$50,000/yr.). Chanania opined that this amount was not going to be sufficient for the long-term. **No motion was made at this time.**

b. PRSD Regional Agreement Working Group update

See Exhibit Eb, p. 136-152. Wile recapped who attended the meeting from Pentucket Towns. The intent of the meeting was to put an agenda together and schedule meetings, with respect to the revised Regional Agreement, with an eye toward reconvening in January with more entities participating from Groveland, Merrimac, and West Newbury. Wile felt that the Agreement would not be on the table at Spring Town Meeting. **No motion was made at this time.**

c. Cable Advisory Committee cable contracts, discussion update

Reed said that the Cable Advisory Committee offered their support to the Board in the negotiations, in an advisory role. **No motion was made at this time.**

F. Action Items

a. Request for authorization to issue RFQ for Children's Castle (lease to expire March 31, 2024)

See Exhibit Fa, p. 153-160. As part of the process at the end of the Children's Castle's lease, the Select Board would provide policy direction for the Manager as his Office executes the bidding process. Jennings and the Board pondered whether there should be a monthly rental figure in the RFQ and Reed said she would like any rental increase laid out in the Select Board's policy tied to something tangible (i.e. market rate, for example). Wile confirmed that if the space went out to bid, that the Children's Castle would be in potential competition with other bidders. The Castle pays \$150,792 in rent annually, with the Town picking up utilities. Phillips urged the Board to look carefully at the insurance requirements. **No motion was made at this time.**

b. Acceptance of Deed for Poor House Lane property ("Sawmill Brook")

See Exhibit Fb, p. 161-167. Prior to the vote, Reed confirmed that both the Conservation Agent and Select Board would be responsible for signing the Deed. **Parker motioned to accept and sign the Deed for the Poor House Lane Property. The motion was properly seconded. The motion unanimously passed. (3 Yes- 0 No- 0 Abstain).**

c. Request for authorization for Town Manager to sign Inter-Municipal Agreement for the Public Health Excellence for Shared Services Grant

See Exhibit Fc, p. 168-181. Jennings said that the Agreement had sprung out of the pandemic with cooperation between Towns and Cities working to distribute COVID-19 vaccines. The group decided to wait to sign the document until they could ascertain more about it. **The Item was tabled to a future meeting.**

d. Review of draft MBTA Communities zoning, to be considered at 12/19 Planning Board mtg

See Exhibit Fd, p. 182-207. Reed explained that once the consultant makes the final selection of the draft, the materials will be submitted to the Commonwealth. Jennings relayed that Brian Murphey of the Planning Board did not think that the Board would be able to get through their review in one meeting. Wile expressed his main concern of the MBTA Communities requirements, that being the extortionary nature of the whole thing, and the struggle it might be to keep West Newbury's character intact with any major developments enabled by the new zoning. His second major concern was the strain on the taxpayers because of changing school enrollment at Pentucket and Whittier schools that could be invited by increased development. Wile said he did not wish to submit comments. Parker stressed the need for increased West Newbury housing, especially to create a more age and socioeconomically diverse Town. He felt that development could be done in such a way to provide things that West Newbury does not currently offer to those looking for housing. Reed had specific questions on the Bylaw and wondered what the best way would be to get answers. Reed wondered if there could be clarity regarding wetlands buffer zones as mentioned in the document, as well as if existing trails on public land with no current Conservation Restriction would be protected under the zoning changes (in the areas in question). She was also curious why Boarding Houses were excluded (as specified on p. 193 of the document). On p. 204 8.4.9.2, Reed required more specificity on the "methodology and evaluations" acceptable to the Planning Board with respect to affordability requirements. Was this something currently known to the Planning Board, or would it be developed later on? On 8.4.10, Reed required more clarity on the passage stating that any "proposed protected open space is subject to a reporting restriction enforceable by the Town", suggesting that the Town should be the Grantee on the easement. Wile and Parker expressed no opposition to Reed bringing these questions up to the Planning Board. **No motion was made at this time.**

G. General Discussion Items

a. Review/confirmation of upcoming Select Board meeting dates

Select Board Open Session Meeting December 18, 2023.

Minutes approved January 8, 2024.

Posted Agenda on December 14, 2023 at the Town's Offices and the Town's Official Website www.wnewbury.org

See Exhibit Ga, p. 208. The Board agreed to meet January 8, January 16, January 29, and February 6, 2024. No motion was made at this time.

- b. Review of Finance Committee meeting dates for February and March 2024**
See Exhibit Gb, p. 209. See Item Ga.

H. Correspondence, including:

- a. Whittier Tech response to Select Board Letter sent November 29, 2023**

See Exhibit Ha, p. 210-212. Reed opened Item H by stating she felt the Tech School's response to the Board's letter did not address the Board's concerns. Wile said he had watched the MSBA voting process in mid-December. According to Wile, the MSBA would not allow a delay in their procedures to allow a building project to be reconfigured in any way. The MSBA vote approved financing for the new Whittier High School as proposed, and if the communities voted against the project on January 23rd, Whittier would lose the MSBA funding for their construction and be starting their entry into the funding pipeline all over. MSBA representatives had also urged Whittier officials to get out their message and better explain the project from the beginning. Wile expressed concern that people in West Newbury and across the District still didn't know much about the vote or project. The group also discussed their concern with whether or not the figures cited by Whittier for proposed mandatory renovations (to take place if Cities and Towns voted down construction funding) were accurate, and worried that they would not be able to ascertain this fully before the vote in January. The conversation turned again to considering what to do about raising awareness in West Newbury. The Town Clerk said at a meeting with other City and Town Clerks hosted by Whittier the week prior, the Clerks had asked if the school would send a mailer to the District to present the ballot question on the project funding to the public. Whittier refused the Clerks' request, claiming that presenting the question was "advocacy". The Board debated how to best to express their opinion that the a "yes" vote would not be in the Town's interest, making sure that they would avoid using public funds to advocate on the issue. It was decided that a public meeting was the best option. In addition, the Board developed language for a neutral, fact-oriented mailer to go out in early January to raise awareness and draw the public to the session. **Parker motioned to put out the mailer to the public. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** Following the vote, Reed said she would contact Whittier to make sure they had an opportunity to be represented at the information session.

I. Future Agenda Items / Meeting follow-up assignments

Parker offered up returning to Rocks Village Bridge signage, and the installation of a sensor-based warning system/lighting to prevent bridge strikes from oversize vehicles. Parker was mindful of the potential increased workload this could bring to the Town Manager's Office. Reed also supported this being placed on a future Agenda. He additionally wanted to discuss conducting energy audits at municipal buildings, to be implemented over a number years in an effort to support necessary conversions for carbon neutrality. **No motion was made at this time.**

Wile motioned to adjourn the Session. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). The Session adjourned at 9:49pm.

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

<https://www.youtube.com/watch?v=UoO984yo87M>