



**Town of West Newbury  
Select Board Meeting  
January 8, 2024 @ 7:00pm  
381 Main Street, Town Office Building  
www.wnewbury.org  
Meeting Minutes**

**Open Session:** Chairwoman Reed opened the session at 7:06pm.

**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
- Paul Kelly- Zoning Board of Appeals 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.
- SAGE Center January/February Newsletter for Programs & Events now available.
- Call for volunteers! FY24 positions on Boards/Commissions/Committees. See [www.wnewbury.org/volunteer](http://www.wnewbury.org/volunteer)
- Reminder to subscribe for emailed Town agendas/news/announcements at [www.wnewbury.org/subscribe](http://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: December 18, 2023**

See Exhibit B, p. 2-5. After reviewing the Minutes, Parker motioned to approve the Minutes as amended. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).

- C. Town Manager Updates**

- a. Superseding Order of Conditions issued by MassDEP, proposed water leveling device at Macey's Pond**  
See Exhibit Ca, p. 6-25. The Board felt that following and supporting the Health Agent's actions with regard to the long-running Macey's Pond/Beaver Deceiver issues was appropriate, since prior support had been given by the state, Town, and interested parties. **No motion was made at this time.**

- b. Church/Prospect Street bids opened; borrowing "green light" letter from Bond Counsel; financing update**

See Exhibit Cb, p. 26-38. Jennings said that bids had come in well below estimates. Determining what would need to be borrowed to fund the water main project was to be decided at a later date. The Town Manager raised questions about whether the Town should borrow money (which would accumulate interest) for contingency funding. Borrowing would take place at earliest in mid-May. Wile pointed out that the construction administration allotment had not changed, despite how much the project had been reduced in price, and concerns were raised about the quality of said administration in previous projects overseen by Tata and Howard. Wile suggested finding another administrative firm to be involved. He pondered if the police detail funding was correlated correctly to project size, and additionally wondered if the Board would entertain adjusting the amount of ARPA funding attached to the project since the project's overall cost was slated to be lower than predicted. Parker felt the Select Board should be thinking about where else to apply the funds before the end of the calendar year and the funds' expiration. **No motion was made at this time.**

- c. NHESP filing regarding high-hazard tree removal**

See Exhibit Cc, p. 39-47. A new, single filing was to be introduced for high-hazard tree removal. **No motion was made at this time.**

- d. Land Management plan for Sawmill Brook due June 30<sup>th</sup>; input required from multiple stakeholders**

See Exhibit Cd, p. 48-59. Jennings stated that the Conservation Agent would be taking the lead on the project. **No motion was made at this time.**

- e. Page School Conditions Assessment, draft report received; review of next steps**

See Exhibit Ce, p. 60. Jennings report Inspector Sam Joslin and Projects Manager Christine Wallace are in the process of reviewing the Assessment thoroughly. Jennings said that the Assessment would be released to the working group affiliated with the project, but that a wider release to the general public would not take place until all details were hammered out.

- f. Correspondence with MA Dept. of Fish & Wildlife re ownership of parcel on Ash Street**

See Exhibit Cf, p. 61-109. The Manager felt that a meeting with MA DFW was not necessary, but direction from the Department on what they needed to see from West Newbury would be sufficient. The document in question would show the Town did not own the land. **No motion was made at this time.**

- g. Management Plan for Ash Street (due to NHESP end of January), progress update**

See Exhibit Cg, p. 110-127. Work is ongoing regarding a traffic management plan for the unpaved section of Ash St. As part of the monitoring process, Conservation Agent Greene does site walks. Parker suggested combining the site walks/inspections with DPW work periods so that the road could be temporarily completely closed for everyone's safety. **No motion was made at this time.**

- h. Updates on other ongoing/active projects/initiatives**

Flowchart: Jennings offered the Board a peek at an appointment process flowchart for Boards, Committees, and Commissions.

DPW Projects List: Further projects had been added to the list (pickleball court site, trails and boardwalks at Sawmill Brook and Mill Pond).

**No motion was made at this time.**

#### **D. Department Updates/Discussion**

**See Exhibit D, p. 128-132.**

Zoning Bylaws from Town Meeting: The Attorney General had approved Zoning Bylaws with some warnings about potential future issues with respect to ground-mounted solar arrays.

Wetlands Bylaw: Jennings said that Town Counsel had received a draft of the proposed local Bylaw. Select Board review would occur in the near future in preparation for inclusion on the Spring Town Meeting Warrant.

**No motion was made at this time.**

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

##### **a. Review of Zoning Board of Appeals Questionnaire**

**See Exhibit Ea, p. 133.** Paul O. Kelly of the ZBA fielded questions from the Select Board. Parker opened up the Item up by establishing that the Board of Appeals meets fairly infrequently, and was curious what was in the pipeline for them. Kelly said there was not much on their radar at the present time. He did identify two areas on Maple St. that took up a great amount of the ZBA's time. With the vast number of Meeting Minutes to be done, Kelly said he had suggested to Jennings increasing funding to get the Minutes done properly from an external party. This would also provide accurate accounts of potentially contentious decisions for the historical record. Parker suggested using video recording of the ZBA meetings as the historical record. Reed wondered if the Inspections Administrator could eventually be tasked with doing Board of Appeals Minutes.

**No motion was made at this time.**

##### **b. Update on process/timeline to update Community Preservation Plan for 2024**

Reed informed the Board that annually, the CPC was required to update their Plan with input from BCCs. Reed said that the public hearing on the Plan would take place in February. Reed asked the Board if there were any projects on their minds that would be a good fit for CPA funding. Wile suggested putting funds toward the Mullen property with respect to eventual development of affordable housing on that acreage. Parker voiced his support. Reed said that activities around the Sawmill Brook land and paying for a pickleball court feasibility study would also probably be on the table for funding. Six or seven other communities had done a study and constructed courts, she reported. Blatchford said that historical preservation funds would be an ideal match for the digitization of records at Town Offices, which was an initiative his Office was embarking on. **No motion was made at this time.**

#### **F. Action Items**

##### **a. Consideration of ARPA funding request, Middle Street Bridge; and review of proposed process to secure MassDOT and MassWorks grant and to secure overall project financing**

**See Exhibit Fa, p. 134-145.** Jennings spoke on a \$25,000 funding request (using ARPA cash) to acquire services from the firm BSC. BSC would give West Newbury technical assistance on completing MassWorks' and others' required documentation, keeping track of permit statuses, and updating bids to meet the latest condition of the Middle Street Bridge project. Jennings stressed the need to move on this quickly. **Wile motioned to approve the funding request of \$25,000 to engage BSC. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

##### **b. Review of draft Livery Service Policy**

**See Exhibit Fb, p. 146.** The Board looked over the draft Policy which laid out instructions to obtain a Livery License from West Newbury. Reed thought that it did not read like a policy with its instructional nature. The Town Clerk said that a policy and instructions could be separate entities if that's what the Board desired. Wile felt that having the Select Board review the Licenses was not necessary- why couldn't the Clerk sign off on things? The group debated who should have authorization powers. Eventually, **Parker motioned to accept the procedure for acquiring a Livery License, with Town Clerk serving as authorizing signatory on them. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

##### **c. Review of draft updates to Inclement Weather Policy**

**See Exhibit Fc, p. 147.** Parker motioned to accept the Inclement Weather Policy, as modified. **The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

##### **d. Review of Parks & Rec Commission recommendation regarding Summer Rec leadership staffing structure**

**See Exhibit Fd, p. 148-153.** Documents provided to the Board detailed Jennings' opinion on the matter, and updates on the structure as it stands. Reed felt that the Select Board should decide for the Commission on how the Summer Recreation program should be structured. Two members of the Commission had preferred having a single director and an assistant director (rather than co-directors). The present arrangement allows for the co-directors to split the six-week program into two 3-week shifts. **Wile motioned to approve the structure of the Summer Rec. Program with a director and an assistant director. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** Compensation structure would be addressed at a future meeting.

#### **G. General Discussion Items**

##### **a. Known/Potential Town Meeting warrant articles**

**See Exhibit Ga, p. 154-155.** Jennings provided a memo outlining a few potential Articles.

Water Budget: Rob Phillips requested that the revenues and expenses of the Water Department be reviewed during the process.

Solar Arrays: Parker said that there may be a slim chance that solar arrays at the DPW site could be

considered at Town Meeting. He felt it was too uncertain to put a placeholder Article in at the time of this meeting.

Rocks Village Signage: Parker had reached out to a company who designs warning signage (no response had been received so far) to inquire about purchase and installation of Rocks Village Bridge height warning signs.

School Stabilization Fund: With the potential passage of the Whittier School Building Project adding additional funds to the School Stabilization Fund to assist with Whittier expenses would be a potential priority, assuming they could be spent on the Whittier School District and not the Pentucket School District.

**No motion was made at this time.**

**b. Confirmation of upcoming Select Board Meetings**

**See Exhibit Gb, p. 156.** The Board arranged upcoming Board meeting dates, including those in joint sessions with the FinComm. It was determined the Finance Committee would convene February 15, February 21, February 26 (a joint session with the Finance Committee), March 11 (a joint session again), March 20, and March 27. Parker said he would be remote for the 21<sup>st</sup> and 28<sup>th</sup> meetings. It was also determined that the Select Board needed to move the June 17 meeting to June 24 because Wile was not available on the 17<sup>th</sup>. **No motion was made at this time.**

**c. Whittier Info Session January 16, 2024 at 7pm in the Annex**

**See Exhibit Gc, p. 157-169.** Reed suggested they define more clearly what the information session would be. She expressed reservations about attempting to answer everyone's questions and hoped to use it as an opportunity to get resident feedback. The Board agreed they did not want to do an opinionated presentation, but were willing to express the basic facts (such as construction cost, the District's history, the Regional Agreement's history, the student body size, and programs offered). Parker stressed the importance of Whittier's regional nature (with regard to graduates serving regional needs, not just the communities who source the student). Wile reiterated the high project cost was very concerning to him, even as an individual with a background in vocational/technical schooling. He also felt the 1967 Regional Agreement was "disturbing" due to how difficult it was to leave the District or amend the Agreement. Reed suggested soliciting questions in advance to moderate the content and make sure the Board and other Town officials are as prepared to deal with them as possible. It was decided that a Zoom broadcast of the proceedings was worthwhile. Rob Phillips felt that the Finance Committee was not prepared to issue a formal opinion on the matter, and Reed confirmed that the Board was not taking a stance as a whole either, despite potentially being directly queried by a member of the audience. Discussion continued on how to structure the meeting. **No motion was made at this time.**

**H. Correspondence, including:**

**a. Notice from MassDPU regarding Energy Burden Notice of Inquiry**

A notice from the Department of Public Utilities requested comment on handling escalating energy costs for consumers. Reed asked if the Energy and Sustainability Committee would be taking the matter up, but Parker said the Committee had not intended to. **No motion was made at this time.**

**I. Future Agenda Items / Meeting follow-up assignments**

Right to Farm Bylaw: Reed said she had been approached by community members interested in this sort of Bylaw, as well as an Agriculture Commission. She recommended that these residents form a steering committee. The intent is to support agricultural workers/institutions in the Town. Parker felt that the climate around farming in West Newbury is fairly permissive, with the major restriction being on attempting to set up a piggery.

Decarbonization: Parker said that a pilot decarbonization planning program is being offered by the MA Clean Energy Commission. He relayed that the Commission is accepting 15 different projects throughout the Commonwealth oriented toward commercial buildings or multifamily housing. Parker said that the Town Offices/housing complex would meet the Commission's criteria for the pilot program, and was interested in seeing if applying for the program would be a good idea. Readily available information would need to be supplied to the Committee as part of the application process. This is a valuable opportunity to come up with a plan to approach net zero carbon pollution in Parker's view. Reed agreed with Parker that talking about the pilot program should wind up on the next Meeting Agenda.

Solar Article for Annual Town Meeting: Parker suggested that the Board/Town look closely at the DPW site for installation of solar panels to make sure that it would not hamper expansion or usage of the site. If there is work to be done on the site, he wanted solar to be integrated into it. Jennings quickly recapped a meeting he had had with stakeholders at the site, and felt that a decision would need to be made between whether incremental improvements (already funded) would be the ideal path or if a larger renovation should be planned. He reiterated his hope the Board would attend a site walk to learn more about the situation.

**No motion was made at this time.**

**Reed motioned to adjourn the Session. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). The Session adjourned at 9:54pm.**

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

<https://www.youtube.com/watch?v=JopvTo5VROk>