



**Town of West Newbury
Select Board Meeting
March 11, 2024 @ 6:00pm
381 Main Street, Town Office Building
www.wnewbury.org
Meeting Minutes**

Open Session: Chairwoman Reed opened the session at 6:07pm.

Participation at the Meeting:

- Rick Parker, Wendy Reed, Chris Wile- Select Board
- Angus Jennings- Town Manager
- Jim Blatchford- Town Clerk
- Jenny Walsh- Town Accountant
- Rob Phillips- Finance Committee representative

Announcements:

- Nomination papers available for local office- contact the Town Clerk's Office! townclerk@wnewbury.org or call or visit. Final day to obtain nomination papers: March 14, 2024
- Community Science Event: High Tide tour of River Road area, Monday, March 11th at 1:30pm
- Matinee performance of *Les Misérables*, March 13th, at 3pm, Pentucket Middle/High School. FREE for residents aged 60+, sponsored by Pentucket Arts Foundation. Show open to General Audiences on March 14-16
- SAGE Center events: see Town website for dates and details
- RSV Clinic- March 12, 2024 10am-12pm in the Annex

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**

There was no public comment at this meeting.

- B. Consent Agenda**

There were no Items on the Consent Agenda.

- C. Town Manager Updates**

- b. Newburyport Council Public Works & Safety Committee, mtg re Middle Street Bridge, Mon., March 18th**

See Exhibit Cb, p. 10-27. Jennings reported that the meeting with Newburyport had been postponed to March 18th. He said the City applied for a \$500K small bridge grant, which was presently under review by MassDOT. DOT had requested further elaboration on some of the finances presented by West Newbury and Newburyport, which would necessitate a meeting with Commonwealth and Newburyport officials. Parker urged reaching out to Newburyport's subcommittee responsible for the Bridge project with particular regard to an updated intermunicipal agreement. Jennings envisioned Newburyport handling the execution of the project and related maintenance in the field, while the Town would be responsible for administrative activities (since he felt that West Newbury was well-equipped to do this).

- c. Recent intermunicipal meeting in Newburyport regarding Whittier Tech Regional Agreement**

See Exhibit Cc, p. 28-61. Jennings hailed the meeting he and Reed attended as productive. Newburyport encouraged the other communities who attended their meeting to provide their feedback on concerns with Whittier they have in order to build unanimity. One major area of change to the Regional Agreement suggested was appointments to the Whittier School Committee by Select Board or City Council, rather than by the local School Committee in each Town or City, and another major suggestion improved communication to communities especially with regard to the posting of agendas and other materials. Parker wanted this in the Agreement itself. Jennings stated the next meeting of the intermunicipal group would be April 3rd at 3:30 pm in Amesbury. Looking over proposed revisions to the Agreement, Wile drew attention to the clause recommending a 2/3rds vote of the member communities to allow a City or Town withdraw. Wile felt that threshold was too low, and thought an 80% approval was more reasonable. Wile suggested cutting out the "school choice" clause, as well.

- d. Update on proposed extension of/updates to Harbormaster Intermunicipal Agreement with Salisbury**

See Exhibit Cd, p. 62-67. Jennings said the Harbormaster IMA would come back before the Board for further review as the renewal period draws near. He highlighted that one of the key changes was to the language regarding termination- a termination of the Agreement could take place 90 days before the end of the term, rather than at the end of the term, as West Newbury continues internal discussions as to whether Salisbury is the right partner to continue collaborating with for the service (versus Amesbury or Haverhill). Jennings said that not all of the waterways-related services were carried out by the Harbormaster, but rather were handled locally by members of West Newbury's Harbor Committee.

- e. FY25 budget updates and review of upcoming meeting schedule**

See Exhibit Ce, p. 68-82. The Town Manager pointed out a few changes in line items. These included an increase in Select Board Professional and Technical Services funds, and the minimum-wage PT "land steward" position envisioned by the Conservation Commission to assist with trail maintenance and other duties to alleviate burdens on the DPW. Among their duties would be operating chainsaws for the Town (to meet insurance requirements that wouldn't otherwise be met with volunteer labor). **Wile motioned to refer the new amounts, up to \$10,000, presented to Town Meeting. The motion was properly seconded. The**

motion unanimously passed. (3 Yes, 0 No, 0 Abstain).

- f. Land Management & Planning Group meeting on Feb. 28th**
See Exhibit Cf, p. 83. Jennings said this Item was purely informational and was intended to keep the Select Board abreast.
- g. Updates on other ongoing/active projects/initiatives**
See Exhibit Cg, p. 84-86. Jennings informed the Board that a cybersecurity training sequence for Town employees was forthcoming.

D. Department Updates/Discussion

- a. Police Chief & Town Manager attendance at Essex County Police Chiefs' legislative breakfast, March 6th**
See Exhibit Da, p. 87-89. Dwyer and Jennings attended the high-profile annual breakfast on the 6th.
- b. Update on work toward Sawmill Brook Land Management Plan (required by June 30, 2024)**
See Exhibit Db, p. 90-91. Jennings used this Item to remind the Board about ongoing progress on the Management Plan, in his efforts attempting to get comments on it before June.

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

- a. Board of Water Commissioners' water rate public hearing, March 21st at 6pm, Annex**
See Exhibit Ea, p. 92. A save-the-date postcard went out to promote the hearing, and other required postings/announcements had gone up.
- b. River Road Resiliency Plan: receipt of draft consultant reports; project timeline and next steps**
See Exhibit Eb, p. 93-98. Public access to these materials was needed, Reed said, after she had tried opening some of the links and finding she did not have permission to.
- c. Proposed Right to Farm bylaw/Agricultural Steering Committee - update from March 8, 2024 meeting**
See Exhibit Ec, p. 99. Reed discussed the public meeting at the Laurel Grange which over two dozen people attended- including State Senator Bruce Tarr. What came out of it was a plan to draft a Bylaw similar to the Town of Newbury's by a nine-person *ad hoc* committee. Reed relayed comments she had heard at the meeting- those of farmers worried about their lifestyle and livelihood, and those of others hoping to better promote agriculture in West Newbury through education. Reed said that the committee would need to be composed of West Newbury residents, but many of the Laurel Grange event organizers were not. She predicted this could lead to conflict. If this would become a Bylaw, at the end of the day, the Board (or another Town government body) would have to be responsible for bringing that before voters, Jennings confirmed. The Bylaw would potentially help settle disputes, promote farmers/farming, warn new homeowners that ag. activity is taking place in Town. The goal would be to get the Bylaw before Fall Special Town Meeting. Wile suggested the committee provide the Board with monthly updates, but Parker wanted to let them operate unfettered to see how they'd do. Reed relayed that Senator Tarr suggested the Town should have some input in the process.

F. Action Items

- a. Review of new proposed/potential warrant articles for Spring Annual and Special Town Meeting**
See Exhibit Fa, p. 100-107. The authorization to purchase a new police car was to be introduced to the Warrant for Town Meeting. The line item would account for a more expensive hybrid patrol car if Public Safety opted for one. Parker said that there was concern about a shortage of hybrid police cruisers nationwide that might impact West Newbury's attempts to get one.

This Item encompassed discussion of five additional Warrant Articles to be added (police cruiser included).

Jennings said that further understanding of the Opioid Settlement Stabilization Fund meant that two actions were required to one, dissolve the account, and two, put the revenue into another Town-owned account. Town Accountant Walsh confirmed this procedure. A third Article would incorporate Sawmill Brook funding for administrative costs associated with the acquisition of the land, and a fourth would raise funds for River Road work. Jennings said that a site walk on the 11th had been successful at revealing the problems with the byway, and that while he did not have anything in writing that night for the Board to look over, there would need to be a lot of follow-up to roll out mitigation efforts for issues they saw. Applying for an MVP Action Grant in Winter 2024 (with local matching funds that would need to be appropriated at Fall Town Meeting) was something Jennings hoped to do in order to fund these efforts. Much of what could be done to mitigate flooding wouldn't be accomplished without outside help (such as permitting for and dumping of crushed stone along the riverbank). Parker worried that the Town may not be eligible for another MVP Action Grant for this next phase of the project under refreshed "MVP 2.0" guidelines. He wanted to check with the proper authorities before doing any legwork for a new grant. Jennings said that in past years, placeholder Articles with generalized financials were put in the Warrant to allow the Town to vote on the funding once numbers were clearer, which he felt could be a possibility here. That said, permitting for mitigation along the riverbank could be a yearlong process (or longer). Highway Superintendent Butch Hills had requested that the Board reconsider the purchase of the Trackless vehicle, submitting a new write-up enhanced by new data. The Board felt that its inclusion on the Warrant was a good idea, and Parker felt that the re-inclusion was smart, enabling the Town to use it as a mower meant that with less snow in the coming decades, it wouldn't just sit idle.

- b. Vote to re-open Annual and Special Town Meeting Warrants; add new warrant article(s)**
See Exhibit Fb, p. 108-113. Parker motioned to reopen the Warrants to add the five new Articles. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).
- c. Vote to withdraw/remove proposed warrant article(s)** The Board did not formally vote to remove any Items.
- d. Vote to close Annual and Special Town Meeting Warrants**
Wile motioned to close the Warrants. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).

The Board took up Item Ga at this time.

- e. **Review/update of capital articles for review by Capital Improvements Committee**
See Exhibit Fe, p. 114-125. Jennings provided the Board with updates on several items, primarily highlighting the purchase of a new police cruiser becoming a capital expense. Jennings said that this year's CIC cycle was started later than normal, and that a vast number of proposals was going before the Committee. Overall, the Town Manager thought the process was going well despite the abbreviated timeline.
- f. **Cont'd review of draft framework for potential budgeted step increases for FY25**
See Exhibit Ff, p. 126-129. Reed said the Board had no new information on the topic, but reiterated their desire to come up with a percentage of the Labor Budget to be sustained year over year for possible step increases. Accountant Walsh said she would do the calculations and get a final percentage for the joint Board and Finance Committee meeting on March 13. The Board planned to revisit the percentage in the future to make sure it was appropriate.
- g. **Request from MA Division of Fisheries & Wildlife for support letter re land acquisition on Ash Street**
See Exhibit Fg, p. 130-131. Parker motioned to provide a letter of support. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).
- h. **Review of updated draft Ash Street Traffic Management Plan, reflecting NHESP response letter**
See Exhibit Fh, p. 132-134. The Town Manager said West Newbury did not hear back from the state regarding approval or disapproval of the Traffic Plan the Town submitted.
- i. **Authorize submittal of FY25 Congressionally Directed Spending funding request (Middle Street Bridge)**
See Exhibit Fi, p. 135-158. Jennings told the Board he needed a formal vote to submit the request. Parker motioned to allow the Town Manager to submit the request. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).
- j. **Request for approval Special Event Permit: Solar Eclipse Viewing Celebration at Pipestave, April 8th**
See Exhibit Fj, p. 159-163. Jennings confirmed that no food trucks would be on-scene, from what the GAR Library had said, and there would be adequate bathroom facilities put in. The Library also planned to pay the cost of the police detail. Wile motioned to approve the permit. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).
- k. **Select Board meeting minutes: Feb. 12, 2024; Feb. 15, 2024; Feb. 20, 2024; Feb. 26, 2024**
See Exhibit Fk, p. 164-176. Wile motioned to approve the February 12 Minutes as amended. The motion was properly seconded. The motion passed. (2 Yes, 0 No, Parker Abstaining). Reed motioned to approve the February 15 Minutes as amended. The motion was properly seconded. The motion passed. (2 Yes, 0 No, Parker Abstaining). Wile motioned to approve the February 20 Minutes as amended. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). The Board tabled the February 26 Minutes to the March 13, 2024 joint meeting with the Finance Committee.

G. General Discussion Items

- a. **Proposed draft amendments to Hunting Bylaw, to discontinue hunting on Town property 7:15 p.m.**
See Exhibit Ga, p. 177-181. Reed said that the initiative for both Bylaw changes was purely sponsored by the Select Board as a result of resident requests about safety. Taking up Ga first, Reed said that a number of written comments had been received on the matter both for and against changing the Bylaw, mostly for. A resident from 3 Poorhouse Lane spoke up in favor of hunting on Town property, and took umbrage with the inclusion of the word "weapon" which he found too vague. The resident also spoke to his need to have access to accessible hunting grounds due to his disability, and provided the Board with statistics on the relatively low number of injuries associated with hunting, in contrast to other recreational activities such as biking, skateboarding, fishing, and others. He suggested restricting all hunting to bow hunting (no explosives, no noise, more ethical). Following his comment, Reed said that an approach on Greenbelt-owned properties fit the mold of what the resident was saying, with prospective hunters being required to use bow and arrow and receive a permit. Wile spoke in favor of dedicating a parcel of Town land for hunting each Fall. Parker agreed with the idea of restricted hunting areas (versus an outright ban), and further stated he approved of bow hunting.
- b. **Proposed draft amendments to Animal Bylaw, to require dog leashing on Town property 7:30 p.m.**
See Exhibit Gb, p. 182-188. Reed said that the initiative for both Bylaw changes was purely sponsored by the Select Board as a result of resident and Animal Control Officer complaints about unleashed dogs. Reed said that a number of written comments had been received both for and against changing the Bylaw. She displayed a slide documenting the Select Board's proposed changes. West Newbury resident Deborah Hamilton spoke to the need to compromise. She suggested a limited time period for off-leash dogs. This could come in the form of a few hours a day or week, presently how Newburyport handles this issue. She also pointed out that loose dogs chase away native birds, and that the Town should be mindful of this. West Newbury resident, Nate Pierce, echoed what Hamilton said, and urged a compromise- perhaps setting up designated areas for off-leash dogs in Town. Pierce's wife spoke to it being more of a volume problem (i.e. a larger quantity of dogs being walked by one person) than anything, but expressed her displeasure at a blanket leash law. West Newbury resident, Dan Finbury, spoke to his responsible management of his own dog, and agreeing that a blanket leash law would be undesirable. West Newbury resident, Callie Town, echoed previous speakers. She supported tightening up the language of the Bylaw but did not want an unleashed dog ban. She wondered how enforceable the leash law would be. Town said that poorly trained dog owners were a large part of the problem, and that options for compromise should be considered, suggesting out-of-Towners get permits for off leash dogs in conservation and recreation areas. Town also wondered what interactions of a negative variety have looked like pre-, post-, and during the Coronavirus pandemic. Town suggested portions of conservation or recreation land be offered for resident use only.

The Board returned to Item Fe at this time.

c. Letter from Comcast re Commencement of Franchise Renewal Process

See Exhibit Gc, p. 189-190. Reed suggested moving ahead with negotiations, though the Cable Advisory Committee had not provided the Board with feedback. Jennings confirmed that Verizon had also provided the Town with materials for renegotiations with them in the near future. Wile suggested inviting Comcast rep. Kelly Morris to give us a presentation to start the process.

H. Correspondence, including:

a. Council on Aging Director letter to Parks & Rec Commission re Pickleball

See Exhibit Ha, p. 190-192. The Select Board looked over Council on Aging/SAGE Center Director Marshall's plan to use the basketball courts for pickleball, which had been forwarded to the Park and Rec. Commission. Reed said that she had seen a pickleball court that could be disassembled, which meant that it could potentially be something that could be ordered and put in the Annex. Jennings expressed concerns about safety, but the Board did want to look into it as an option.

b. Letter from ERRS regarding public hearing on retiree COLA, April 29th at 8:30am

See Exhibit Hb, p. 193. The Select Board opted to not take a position at this time.

c. Support letter sent to General Court re: S.2571 *An Act empowering municipalities and local governments*

See Exhibit Hc, p. 194-196. The Board looked at the letter, which Jennings had forwarded to the Energy and Sustainability Committee, as well.

d. ChargePoint monthly report (re utilization of Electric Vehicle charging stations), January 2024

See Exhibit Hd, p. 197-200. Parker said that usage was not increasing (with no usage of the Town's charger at Page School, and less overall recently at the Town Office Building). The primary user at 381 Main St. is a Housing Authority resident, as it had been in recent years.

I. Future Agenda Items / Meeting follow-up assignments

For this Item, Parker brought up the decarbonization program. A proposal had been received by the Town, and the cost would be \$3,000 (roping in other municipal buildings such as the Library to bring the total from three to five buildings). Parker still was unsure how the Town could supply the \$3,000 needed.

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 8:28pm.

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

<https://www.youtube.com/watch?v=Z-zc7r2Y2EA>