



**Town of West Newbury
Board of Selectmen
Tuesday, January 21, 2020 @ 7pm
381 Main Street, Town Office Building
www.wnewbury.org
Minutes of Meeting**

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Open Session: 7pm in the First Floor Hearing Room

The meeting was called to order at 7:18 p.m. by Chairman David Archibald.

Attendance

- ❖ Board of Selectmen: David Archibald, Glenn Kemper and Richard Parker
- ❖ Town Manager, Angus Jennings
- ❖ Asst. to Town Manager & Finance Dept., Jenny Walsh
- ❖ Town Clerk/Counsel & Procurement Officer, Michael McCarron
- ❖ Chief of Police, Jeffrey Durand
- ❖ Building Commissioner, Sam Joslin
- ❖ Treasurer/Collector, Susan Yeames
- ❖ Tom Flaherty
- ❖ Dick Cushing
- ❖ Jennifer Solis

Announcements

- This meeting is being broadcast on local cable TV and recorded for rebroadcast on the local cable channels and on the internet.
- Town received \$1,000,000 MassWorks grant to support Middle Street Bridge project.
 - Selectman Glenn Kemper brought forward a question posed to him on what the estimated cost to the Town remains after receiving this grant. Town Manager Angus Jennings approximated that after the 1.5M grant funding, which includes a DOT small bridge grant secured by Newburyport early on, leaves an estimated 1.1M gap to be shared between the two Towns.
- Announcement of local offices on ballot for May 4, 2020 Annual Town Election. Nomination papers for election to Town Offices available at the Town Clerk's Office. Deadline to request papers March 11th.
- Opportunities for FY20 Committee appointments posted online at <https://www.wnewbury.org/volunteer> including opening for Interim appointment to Parks & Recreation Commission.

Regular Business

- A. Public Hearing on National Grid petition to install underground facilities at 19 Hilltop Circle – *John Butler, National Grid*

Entered into public hearing by full vote of the Board at 7:23 p.m.

John Butler presented the petition of National Grid covering the installation and maintenance of underground electric conduits to serve the new water tower. The Town's contractor will restore all disturbed areas. Public hearing notices were mailed in accordance with the provisions of Massachusetts General Law, Chapter 166, Sections 22

Motion was made by Selectman Glenn Kemper to approve the petition of National Grid covering the installation of underground facilities at 19 Hilltop Circle, seconded by Selectman Richard Parker.

Yes 3, No 0.

Moved out of public hearing by full vote of the Board at 7:28 p.m.

B. Review and approval of Note results for the sale of \$1,100,000 in short-term Bond Anticipation Notes (BANs) to support two water department capital projects

Town Manager Angus Jennings reported that the Town began working with Hilltop Securities toward anticipated issuance of Bonds after Town Meeting authorization last April; however, when it became known that the Soldiers and Sailor's building had passed and authorized as debt service, Hilltop Securities recommended short-term BANs which would allow us to roll into larger more permanent borrowing in July. The results, MPL and Certificate of Award are contained in the agenda packet. Selectman Richard Parker asked for clarification on the premium which was explained by Town Clerk Michael McCarron that the interest rate is fixed and the premium is what is offered in the bidding process.

The following votes were unanimously passed, all of which appear upon the official record of the Board in the custody of the Clerk of the Board of Selectmen. Motion made by Selectman Richard Parker, seconded by Selectman Glenn Kemper.

- **Voted: to approve the sale of \$1,100,000 1.75 percent General Obligation Bond Anticipation Notes (the "Notes") of the Town dated January 24, 2020, payable July 17, 2020, to Oppenheimer & Co., Inc. at par and accrued interest, if any, plus the premium of \$1,375.**
- **Further Voted: that in connection with the marketing and sale of the Notes, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated January 7, 2020, and a final Official Statement dated January 14, 2020, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.**
- **Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a significant events disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Notes for the benefit of the holders of the Notes from time to time.**
- **Further Voted: that we authorize and direct the Town Treasurer to establish post issuance federal tax compliance procedures and continuing disclosure procedures in such forms as the Town Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Notes and to comply with relevant securities laws.**
- **Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.**

Yes 3, No 0.

C. Request for appointment of Building Inspector Sam Joslin as ADA Coordinator

Sam Joslin was welcomed by the Board of Selectmen and gave an update on his first couple of weeks on the job which has been positive.

Motion was made by Selectman Glenn Kemper, seconded by Selectman Richard Parker to appoint Sam Joslin as ADA Coordinator.

Yes 3, No 0.

D. Request to approve new job description establishing a Lieutenant position in the Police Department – *request of Chief Durand*

Tabled to future agenda in order to obtain more information and to align with contract negotiations

E. Discussion of Pipestave parking and potential improvements – *request of Parks & Rec Commission*

Town Manager Angus Jennings, in the absence of representation from the Parks & Rec Commission, spoke of the proposal that was brought forward in the Fall of 2018 but, due to the timing, fell by the wayside. The Commission has continued to emphasize the need for a solution to the ongoing problem of parking and the conflicts that arise. The idea is to have a civil engineer, without preconceived notions of potential solutions, perform a study of this issue.

Discussion took place about how to move forward and the need for mediation between the stakeholders.

Tom Flaherty, having arrived late, joined the discussion on behalf of the Parks and Rec Commission. He offered his suggestions for improvement which included creating a circular path for the equestrian group, connecting with DPW after regular hours (3:00pm) as to not interfere with their operations and utilizing significant parking on Dunn upper field. He reviewed past conflicts and how they were managed successfully. Ideas were exchanged on how to temporarily work around the issues until a more permanent solution can be found. When asked about an engineering study, Tom suggested asking the firm for several options (i.e., use existing, moderate, expansion).

Town Manager Angus Jennings suggested including an article on the warrant with the expectation that quotes will be solicited over the next few weeks. Depending on the outcome, the Board could either keep the article or remove it from the warrant. The Board agreed.

F. Discussion of pet waste left on Town properties, establishment of fines, method of enforcement

Chairman David Archibald expressed his personal frustration with the lack of fines for pet waste left on public property (bagged or otherwise).

Motion was made by Chairman David Archibald to establish a fine of \$10,000 to any pet owner who is found to improperly dispose of pet waste on public property.

Discussion: To stress the point that, unless enforced, a fine of any amount will not correct the situation, Dick Cushing of Maple Street recalled an incident involving an off-leash dog behaving aggressively toward another and the owner becoming belligerent. The incident was reported to police; however, no penalties were imposed. The Town will need to rely on the public to report infractions to authorities and will talk to police about enforcement.

Selectman Richard Parker seconded the earlier motion.

Discussion: Selectman Richard Parker stated that the fine should be a smaller amount; however, the issue is serious and warrants a fine larger than \$25.00 which is the current fine for not adhering to the leash law. It is also believed that there should be no warning.

Motion was made by Selectman Richard Parker, seconded by Selectman Glenn Kemper to establish and impose a fine of \$50 for first offense to any pet owner who is found to improperly dispose of pet waste.

Discussion: Selectman Glenn Kemper noted the need to contact police and the ACO to let them know we are serious. Jen Solis of the Daily Times inquired if this needs to be brought before the Town. Town Clerk Michael McCarron confirmed that this needs to be a by-law change and brought before the Town.

Selectman Richard Parker amended the motion to propose an article for Spring Town Meeting, seconded by Selectman Glenn Kemper to establish and impose a fine of \$50 for first, and subsequent, offense to any pet owner who is found to improperly dispose of pet waste.

Yes 3, No 0.

G. Vote to establish Page School Playground Gift Account pursuant to MGL c.44 s.53A

Motion was made by Selectman Glenn Kemper, seconded by Selectman Richard Parker to establish the Page School Playground Gift Account in accordance with the provisions of MGL c 44 s 53A; and, to accept gift funds for said Page School Playground Gift Account and authorize the expenditure of such funds for the study, support, maintenance, repair, reconstruction and all other costs pertaining to the Page School Playground.

Discussion: Selectman Richard Parker asked what the provision was for handling these funds should the article not be approved. Would they be returned to the donors? Town Clerk Michael McCarron noted that there would always be work needed on the playground. Town Manager Angus Jennings added that the funds could only be expended for the stated purpose but can be carried over from year to year.

Yes 3, No 0.

H. Method of appointment of Memorial Day Parade Chairperson pursuant to approved Parade Guidelines

Chairman David Archibald expressed that it is the desire of the Board to choose a Parade Chairperson relatively soon. Selectman Glenn Kemper asked if the Parade Chairperson would be in charge of the budget? Chairman David Archibald stated it is not the intent to have this person in charge of the budget but the idea is that they would be in charge of implementing the policy guidelines on the day of the parade. After some discussion, the Board decided they would make their choice at the Board of Selectmen's meeting on February 18, 2020 and set the deadline for applications to February 12, 2020.

I. Announcement and discussion of Municipal Vulnerability Preparedness (MVP) workshop scheduled for Saturday, February 29th from 9am to 4pm

Selectman Richard Parker talked briefly about this invitation event. The point of the workshop is to gather a group of individuals with a unique perspective or knowledge about the community's vulnerabilities to discuss the specific issues and how to address them.

J. Update on FY21 budget process and timeline

Chairman David Archibald noted the most important date on the FY21 Budget Schedule (contained in the agenda packet) as being January 31 at noon when the Town Meeting Warrants close and article requests are due to the Town Manager. Town Manager Angus Jennings reviewed the FY20 year-to-date expenditures which is contained in the agenda packet.

K. Meeting minutes: January 6, 2020; January 6, 2020 (regional meeting with Congressman Moulton); July 22, 2019; July 15, 2019

Motion was made by Chairman David Archibald, seconded by Selectman Richard Parker to approve both sets of minutes from January 6, 2020 as written.

Yes 2, No 0. (Selectman Glenn Kemper abstained)

Motion was made by Chairman David Archibald, seconded by Selectman Richard Parker to approve the minutes of July 22, 2019 and July 15, 2019 as written.

Yes 3, No 0

Town Manager Updates

L. Status update and anticipated timeline for Middle Street Bridge project

Town Manager Angus Jennings reviewed the 25% Design Plans (contained in the agenda packet). It is estimated that full engineering and permitting will be complete in March 2021. Chairman David Archibald asked about the timeline for using the MassGrant award. Town Manager Angus Jennings explained that the contract needs to be executed by the end of this Fiscal Year and the project has to be complete within three (3) years after that.

M. Update on designer selection process for Soldiers & Sailors Memorial Building

Town Clerk Michael McCarron shared that there were three (3) accepted proposals. All were highly qualified. The Town selected and sent a letter to Spencer, Sullivan & Vogt and are negotiating a contract. Chairman David Archibald discussed the possibility of obtaining a Mass Historical Commission grant that the Soldiers & Sailors building would qualify for. The maximum grant award is \$100K which is highly unlikely and would more likely be around \$50K. Deadline to apply would be March 31st and would require the help of the design firm. Selectmen Glenn Kemper suggested the Historical Commission take on this initiative. Town Manager Angus Jennings added that he would reach out to the Carr Post Building Committee members to see if the volunteers could take on the overwhelming amount of work involved, without that the Town doesn't have the bandwidth to support the initiative.

N. Updates from January 16, 2019 meeting of the Community Preservation Committee

Memo contained in the agenda packet.

- O. Update on MVPC mapping work pursuant to Local Technical Assistance work scopes

Informational. Town Manager Angus Jennings updated the Board on the GIS data layer of capital projects to supplement the Town's Capital Plan that will be presented to the Board in the near future. The other scope is a GIS layer of historical properties being created with the goal to eventually become interactive.

- P. Follow up meeting assignments

Set Monday, January 27, 2020 at 4:00 p.m. for budget discussions.

- Q. Placing items for future agendas

Selectman Glenn Kemper made a motion which was seconded by Selectman Richard Parker to adjourn the meeting at 9:24 p.m.

Yes 3, No 0.

Respectfully submitted, Jennifer Walsh

Approved by the Board of Selectmen 2-0 on February 3, 2020