



**Town of West Newbury
Board of Selectmen
Monday, March 30, 2020 @ 7pm
381 Main Street, Town Office Building
www.wnewbury.org
Minutes of Meeting**

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TOWN CLERK
WEST NEWBURY, MA
2020 APR 15 AM 10:32

Open Session: 7pm by remote participation (see below)

Addendum to Meeting Notice regarding Remote Participation

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 23, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the West Newbury Board of Selectmen will be conducted via remote participation to the greatest extent possible.

Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of West Newbury website, at www.wnewbury.org. For this meeting, members of the public who wish to listen to the meeting may do so in the following manner:

GoToMeeting

Phone: (669) 224-3412

Access Code: 562-253-461

No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the Town of West Newbury website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as practicable after the meeting.

The meeting was called to order at 7:09 p.m. by Chairman David Archibald.

Participation at the Meeting:

- ❖ Board of Selectmen: David Archibald, Glenn Kemper, Richard Parker
- ❖ Town Manager, Angus Jennings
- ❖ Town Clerk/Counsel & Procurement Officer, Michael McCarron
- ❖ Town Accountant/Business Manager, Stephanie Fronteira
- ❖ Assistant to Town Manager and Finance Department, Jennifer Walsh
- ❖ Moderator, KC Swallow
- ❖ Finance Committee: Gary Roberts, Forbes Durey and Nathan Kelly
- ❖ Registrar, Cheryl Grant

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.

Regular Business

- A. Updates regarding coronavirus pandemic, including updates from Town Counsel regarding recent and proposed legislation regarding COVID-19

Chairman David Archibald addressed the issue of postponement of Town Meeting and Town Election. Selectman Glenn Kemper made the suggestion of June 1st for Town Meeting and June 3rd for Town Election. Registrar Cheryl Grant added that she agreed with postponement and felt the proposed dates would work well. Discussion took place regarding the potential for a Saturday; ultimately, it was decided that the dates suggested make the most sense.

Motion was made by Selectman Glenn Kemper pursuant to Massachusetts General Laws c. 39 §9 and because of the state of emergency declared by the governor pursuant to Executive Order 591, Declaration of a State of Emergency to Respond to COVID-19, the West Newbury Annual Town Meeting scheduled for April 27, 2020 be postponed until June 1, 2020, seconded by Selectman Richard Parker.

Yes 3, No 0

- B. Joint (remote) meeting with Board of Registrars to discuss potential postponement of Town election

Town Clerk/Counsel shared the recently signed legislation allowing for the postponement of the Annual Town Election. Ballot materials and candidates from the original date will remain the same. Absentee ballots already cast will be counted and voters wishing to cast an absentee or early ballot may do so. An application for absentee voting will be on the Town Clerk's webpage or request can be made by any form of written communication that is signed and dated.

Motion was made by Selectman Glenn Kemper pursuant to Section 1 of Chapter 45 of the Acts of 2020 and because of the state of emergency declared by the governor pursuant to Executive Order 591, Declaration of a State of Emergency to Respond to COVID-19, the West Newbury Annual Town Election scheduled for May 4, 2020 be postponed until June 3, 2020, seconded by Selectman Richard Parker.

Yes 3, No 0

Discussion: The question of timing for posting of the warrants was addressed. In the interest in giving voters more time to have a voice in the process, it was suggested to push the posting out two weeks.

Motion was made by Selectman Glenn Kemper to push the posting of the warrants to April 24, 2020, seconded by Selectman Richard Parker.

Yes 3, No 0

- C. Acknowledgement of receipt of FY21 Capital Improvement Committee report and recommendations

The Board of Selectmen acknowledged receipt of the FY21 Capital Improvement Committee report and accepted with no recommendations.

- D. Meeting (remote) with Finance Committee, Moderator, Town Counsel, and Town Manager to review Annual and Special Town Meeting Warrants and any related business, including potential to postpone Town Meeting due to COVID-19

SPECIAL TOWN MEETING

Draft copy of Articles contained in the agenda packet.

- **ARTICLE 2.** *FinCom 3-3 (Beaudoin, Durey, Roberts dissenting), BOS no vote*

Moderator KC Swallow noted that there was a misspelling of the word “Balance” in the second paragraph that should be corrected.

- **ARTICLE 3.** *FinCom 3-3 (Durey, Roberts, Knezek disapproving) Sunset Clause End FY23, BOS 3-0, Free Cash, end FY23*

Moderator KC Swallow suggested clarifying “Council on Aging” as “Council on Aging Facility”

- **ARTICLE 4.** *FinCom 4-2 (Roberts, Kelly dissenting) Sunset Clause End of FY21, BOS no vote*
- **ARTICLE 5.** *FinCom 4-0 Sunset Clause End FY21, BOS 3-0, Free Cash, end FY21*
- **ARTICLE 6.** *FinCom 0-4 (Durey, Roberts, Kelley, Sperelakis dissenting), BOS No Vote*
- **ARTICLE 7.** *FinCom 2-3 (Beaudoin, Durey, Roberts dissenting, BOS 3-0, Free Cash, end FY21*
- **ARTICLE 8.** *FinCom 6-0, BOS 3-0, Free Cash, End FY20*
- **ARTICLE 9.** *FinCom 6-0, BOS 3-0, Free Cash, end FY20*
- **ARTICLE 10.** *ARTICLE REMOVED*

ANNUAL TOWN MEETING

Draft copy of Articles contained in the agenda packet.

- **ARTICLE 5.** *FinCom 6-0, BOS 3-0, Free Cash*
- **ARTICLE 6.** *ARTICLE PULLED FOR FALL TOWN MEETING*
- **ARTICLE 7.** *FinCom 6-0, BOS 3-0, Free Cash*
- **ARTICLE 8.** *FinCom 6-0, BOS 3-0, Free Cash*

Chairman David Archibald explained that the Plan is the most funded plan in Massachusetts and the deficit resulted from a change in accounting rules. He would be comfortable lowering the amount to \$5,000.

Motion was made by Chairman David Archibald to amend the Article to the sum of \$5,000 for the OPEB Stabilization Fund, seconded by Selectman Glenn Kemper.

Yes 3, No 0

Moderator KC Swallow suggested the acronym OPEB should be spelled out for clarity.

- **ARTICLE 9.** *FinCom 6-0, BOS 3-0, Raise & Appropriate*
- **ARTICLE 10.** *FinCom 6-0 (ON ORIGINAL AMOUNT), BOS 3-0, School Stabilization Fund*

Chairman David Archibald stated that he would like to double the amount of the Article request to help relieve some of the economic toll the COVID 19 pandemic has taken on taxpayers. Selectmen Glenn Kemper added he wants no impact to the taxpayers this year as a result of the debt service associated with the building of the new Middle/High School. Town Manager Angus Jennings confirmed that number to be \$652,340.

Motion was made by Selectman Glenn Kemper to amend the Article to the sum of \$652,340 from the School Stabilization Fund, seconded by Chairman David Archibald.

Yes 3, No 0

- **ARTICLE 11.** *FinCom 4-0, BOS 3-0, Revolving Septic Fund*
- **ARTICLE 12.** *FinCom 6-0, BOS 3-0, Free Cash*
- **ARTICLE 13.** *FinCom 6-0, BOS 3-0, CPA funding & surcharge on RE taxes*
- **ARTICLE 14.** *FinCom 6-0, BOS 3-0, CPA funds*

Town Clerk/Council suggested including language in the motion that would authorize the Board of Selectmen to move into negotiations if the Article passes at Town Meeting.

- **ARTICLE 15.** *FinCom 2-3 (Durey, Kelley, Roberts dissenting), BOS 3-0, CPA Historic Reserve*
- **ARTICLE 16.** *FinCom 6-0 Sunset end of FY21, BOS 3-0, Stabilization, end FY21*

It was suggested language be added to make clear that the existing dump truck will be disposed of in accordance with Town policy for disposition of surplus property.

- **ARTICLE 17.** *FinCom 6-0 Sunset End of FY22, BOS 3-0, Stabilization, end FY22*
- **ARTICLE 18.** *FinCom 6-0 Sunset End of FY23, BOS 3-0, Stabilization, end FY23*
- **ARTICLE 19.** *FinCom 6-0, BOS 3-0, Free Cash, end FY21*

Moderator KC Swallow suggested the word “radios” be added after “cruiser” for clarity.

- **ARTICLE 20.** *FinCom: 6-0, BOS 3-0, Free Cash, end FY21*
- **ARTICLE 21.** *FinCom: 6-0, BOS 3-0, Free Cash, end FY21*
- **ARTICLE 22.** *FinCom 5-0, BOS 3-0,*
- **ARTICLE 23.** *FinCom 1-4 (Beaudoin, Durey, Knezek, Kelly opposed), BOS 3-0*
- **ARTICLE 24.** *FinCom 5-0, BOS 3-0*
- **ARTICLE 25.** *FinCom NO VOTE, BOS VOTE POSTPONED*

- E. Discussion regarding proposed solid waste hauling, disposal and recycling contracts for FY21+, timing/method of public outreach, potential regional cost management strategies – *Blake Seale, BOH*

Passed over without comment. To be taken up at a future meeting.

- F. Discuss proposed new Town Meeting warrant article to establish solid waste/recycling revolving fund

Passed over without comment. To be taken up at a future meeting.

- G. Review and discuss Board recommendations regarding proposed Town Meeting warrant articles

Passed over without comment. To be taken up at a future meeting.

- H. Discussion of proposed FY21 Budget

Passed over without comment. To be taken up at a future meeting.

- I. Requests for waiver of rent due during State of Emergency: The Children's Castle; The Learning Tree

Town Manager Angus Jennings put forward the requests received by his office from The Children's Castle and The Learning Tree asking for a waiver of rent due during the State of Emergency. Requests are contained in the agenda packet. The Board has asked for clarification on the tenants use of the space during the period of closure and if tuition has been refunded to parents. Additionally, the Board asked if the tenants have sought any state/federal assistance resulting from COVID-19, and requested that the Finance Department estimate the direct costs resulting from the facility to ensure that any such waiver or reduction of rent does not fall to the taxpayers. No action was taken by the Board and will continue consideration at their next regular meeting.

- J. Meeting minutes: March 25, 2019; January 24, 2019; January 22, 2019.

Draft minutes are contained in the agenda packet.

Motion was made by Chairman David Archibald to accept the meeting minutes of March 25, 2019, January 24, 2019 and January 22, 2019 as written, seconded by Selectman Glenn Kemper.

Yes 2, No 0, Abstain 1 (Parker)

Town Manager Updates

- K. Update on Middle/High School project

Town Manager Angus Jennings gave a brief update saying the Town has received final approval from the Planning Board and is working with the Conservation Commission on how they can move forward with their meeting.

- L. Middle Street Bridge – update on MOU with Newburyport and MassWorks grant

Passed over without comment. To be taken up at a future meeting.

- M. Update on designer contract for Soldiers & Sailors Memorial Building restoration

Passed over without comment. To be taken up at a future meeting.

- N. Follow up meeting assignments; and placing items for future agendas

Motion was made by Selectman Glenn Kemper, seconded by Selectman Richard Parker to adjourn the meeting at 10:04 p.m.

Yes 3, No 0

Respectfully submitted, Jennifer Walsh

Approved by Board of Selectmen 3-0 on 4/13/2020