



**Town of West Newbury
Board of Selectmen
Tuesday, April 28, 2020
381 Main Street, Town Office Building
www.wnewbury.org
Minutes of Meeting**

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: (872) 240-3212
Access Code: 368-836-901

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 7:08 p.m. by Chairman David Archibald.

Participation at the Meeting:

- ❖ Board of Selectmen: David Archibald, Glenn Kemper and Richard Parker
- ❖ Town Manager, Angus Jennings
- ❖ Town Clerk/Counsel & Procurement Officer, Michael McCarron
- ❖ Assistant to Town Manager and Finance Department, Jennifer Walsh
- ❖ DPW Director Wayne Amaral
- ❖ Police Chief Jeffrey Durand
- ❖ Health Agent Paul Sevigny
- ❖ Board of Health Member Thomas Fahey
- ❖ Finance Committee Vice Chairman Forbes Durey

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
- Thanks to those who helped with Annual Town Roadside Cleanup on weekend of April 25th and 26th

Chairman David Archibald thanked everyone who participated in the town-wide clean up over the weekend, affirming a noticeable improvement in many areas. He acknowledged the great work of Barbara Haack who initiated this event several years ago and has continued as project lead year after year, making this a successful event for the Town. The Board expressed the desire to carry on this annual tradition in celebration of Earth Day as a town-led event.

- Reminder to subscribe for emailed Town news/announcements at <https://www.wnewbury.org/subscribe>

Chairman David Archibald shared the MassDOT announcement of temporary closures for bridge repairs on the Rocks Village Drawbridge which began April 27th and will continue for the next six weeks.

Regular Business

- A. Proclamation regarding Children's Mental Health Awareness Week

Town Manager Angus Jennings brought forward a request to the Board by the Parent/Professional Advocacy League to sign a proclamation to honor children's mental health awareness. Draft proclamation is contained in the agenda packet.

Motion was made by Chairman David Archibald to proclaim May 3 – 9, 2020 as Children's Mental Health Awareness Week in the Town of West Newbury, seconded by Selectman Glenn Kemper.

Yes 3, No 0

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

Town Clerk/Counsel Michael McCarron stated there was no new legislation that would have an effect on the Town. He added that the Governor declared today that he was extending the stay at home order until May 18th. Chairman Archibald followed up by recommending that everyone wear face coverings in public spaces. Discussion took place with Health Agent Paul Sevigny about the enforcement of face coverings and it was agreed that, at this time, a strong recommendation to the public is warranted.

Discussion continued on the Memorial Day Parade. In light of the current safety concerns due to COVID 19 and the likelihood that those concerns will remain for some time, the Board agreed that it is necessary to postpone the Parade until next year.

Motion was made by Selectman Glenn Kemper to postpone this year's Memorial Day Parade, seconded by Selectman Richard Parker.

Yes 3, No 0

Town Clerk/Counsel Michael McCarron alerted the Board to the possibility of having to extend postponement of Town Meeting. He will be preparing the process for consideration at the next scheduled Board of Selectmen's meeting.

C. Appointment of members of Board of Fire Engineers

Motion was made by Selectman Richard Parker to reappoint Michael Dwyer, David Evans and Benjamin Jennell to the Board of Fire Engineers, seconded by Chairman David Archibald.

Yes 3, No 0

D. Vote on requests for rent waivers for The Children's Castle and Learning Tree during term of required business closures due to COVID-19

Following deliberation in executive session on April 13th, the Board moved to vote the following in open session.

Motion was made by Selectman Richard Parker that the Town amend the existing lease with the Children's Castle in order to waive rental payments for a portion of the Page School Building from April 1, 2020 until the State Order preventing operation of day care centers is lifted, provided, however, if the Children Castle receives any grant or payment for business interruption that is allocable to rental costs, the Town should be reimbursed its share, seconded by Selectman Glenn Kemper.

Yes 3, No 0

Motion was made by Selectman Richard Parker that the Town amend the existing lease with the Learning Tree in order to waive rental payments for a portion of the Town Hall Building from March 16, 2020 until the State Order preventing operation of day care centers is lifted, provided, however, if the Learning Tree receives any grant or payment for business interruption that is allocable to rental costs, the Town should be reimbursed its share, seconded by Selectman Glenn Kemper.

Yes 3, No 0

E. Review of proposed warrant article to purchase new plow truck – *Wayne Amaral, DPW Director*

Chairman David Archibald shared the DLS recommendation that municipalities be conservative in their expenditures for FY21 and feels, under the circumstances, this capital purchase could be postponed. DPW Director Wayne Amaral agreed adding that because of the low incidence of snow/ice events this past year, the vehicle earmarked for replacement received less wear than anticipated and replacement can be deferred a year.

Motion was made by Selectman Glenn Kemper to recommend no action at Town Meeting on the warrant article request of DPW Director Wayne Amaral to purchase a new plow truck, seconded by Selectman Richard Parker.

Yes 3, No 0

F. Discussion of FY21 Police overtime budget – *Police Chief Durand*

Discussion took place on the Board's rationale for reducing the proposed FY21 Police overtime budget from \$60,791 (an increase of \$5,304 from FY20) to \$50,000 noting that a year-to-date FY20 expense report is indicative of underspending that line. Additionally, it was thought that the patrolman position that had been added would reduce the need for overtime. Police Chief Durand explained the basis behind his request stating that the goal is not to overbudget nor spend every penny. Training is calculated using the number of Officers times forty (40) hours. Court/OT and shift coverage were factored using a 3 percent increase over last year noting that shift coverage equates to only 39 shifts for the entire year and that two-thirds of Officers do not work during the day when court time occurs. The Chief also has a concern about the impact COVID-19 has had on training due to social distancing guidelines and how that will affect the need for overtime to get recruits trained when guidelines are lifted. Chairman Archibald referred to the CARES Act which provides assistance to local governments for expenditures incurred due to COVID-19 providing they were not accounted for in the budget. Using that logic, the Board would like to stay with the \$50,000 for the FY21 Police overtime budget.

G. Discussion of accounting for/payment of senior tax work-off workers unable to work due to COVID-19

Town Manager Angus Jennings brought forward a memo (contained in the agenda packet) from COA Director Theresa Woodbury addressing a concern from senior work-off program participant(s) about lost program hours as a result of town office closures due to COVID-19. The Board requested the time to look into legal opinion of this as a lawful expenditure and tabled the discussion to a future agenda.

H. Discussion of proposed FY21 Budget, incl. potential revenue/expense changes due to COVID-19

Town Manager Angus Jennings shared a request from the Board of Health to increase the Public Health Nurse line item in the FY21 proposed budget previously presented. The request (contained in the agenda packet) is two-fold and represents a rate increase (from \$40 to \$50 per hour) as well as an anticipated increase in hours as a result of COVID-19. Board of Health member Thomas Fahey explained the rationale in determining the additional hours that would be needed and recognized it as a moving target. The Board agreed the rate increase is reasonable given the Public Health Nurse's experience and skill level; and, asked to classify the \$,4800 estimated for the intake, tracing and monitoring of anticipated COVID-19 cases as a separate line item in the budget.

Town Manager Jennings highlighted the areas in the budget that differ between the Board of Selectmen and the Finance Committee detailing the changes that occurred since votes were taken. The Board was asked if they support a change from two mailed newsletters previously proposed in the Town Manager budget to only one, which they agreed to. The Board's position remains unchanged in regard to the budgets for Conservation Commission, Police, Education (Whittier) and Library where the votes are not yet in alignment.

I. Discussion of use of Free Cash to reduce tax rate; trends and projections

Chairman David Archibald discussed the potential for having to rely on Free Cash to cover expenditures if Town Meeting is delayed past June 30th (as allowed by an Act to Address Challenges Faced by Municipalities and State Authorities Resulting From COVID-19.) The Act authorizes the Town to pay expenses up to one twelfth (1/12) of the total budget each month while the emergency continues to delay Town Meeting and, therefore, preventing the adoption of a budget. Selectman Glenn Kemper asked what will happen to the appropriations from Free Cash once Town Meeting is allowed and the budget adopted. Town Manager Angus Jennings and Town Clerk/Counsel McCarron anticipate that DLS will have processes in place to allow the Town to replenish Free Cash.

J. Proposed adoption of Financial Policies: Credit Card Usage Policy; and Disbursements Policy

Draft copies of the financial policies for Credit Card Usage and Disbursements are contained in the agenda packet.

Motion was made by Selectman Glenn Kemper to adopt the Financial Policies: *Credit Card Usage* and *Disbursements*, seconded by Selectman Richard Parker.

Yes 3, No 0

K. Notice of approval of FY19 Green Communities Annual Report

Town Manager Angus Jennings informed the Board of the approval of the FY19 Green Communities Annual Report. Selectman Richard Parker made reference to the note about updating the fuel-efficient vehicle policy; however, at this time, it has no impact on us.

L. Meeting minutes: April 13, 2020; April 9, 2020

Draft minutes are contained in the agenda packet. The Board requested to table the minutes until the next meeting scheduled for May 11, 2020.

Town Manager Updates

M. Updates regarding Coffin Street/Main Street 40B housing proposal

Town Manager Angus Jennings gave a brief update on the continued work being done toward an FAQ and to compile comments to present to MassHousing. A site walk visit will take place in the coming weeks. Chairman Archibald brought forward a question asking when the Town would be hiring technical assistance. Town Manager Jennings explained that the Town would not be eligible for technical assistance offered by MassHousing until the developer applies locally for a comprehensive permit which cannot happen until site approval is given from MassHousing. If/when that happens, the Town is limited to a consultant on their preapproved list and further dependent on availability and scope of work.

N. Cyber security webinar

Chairman David Archibald gave a brief summary on the cyber security webinar he participated in as part of MIIA's CyberNet Program. He noted the key take-aways as:

- the importance of developing best practices for cyber security,
- being a small town makes us more vulnerable,
- the many resources available to the Town, and
- the need to develop an incident response protocol

O. Update on revenues year-to-date compared to projected and prior years' revenues

Town Manager Angus Jennings shared the year-to-date revenue figures for FY20 stating that there was nothing alarming to note at this time.

P. Update on Soldiers & Sailors Memorial Building restoration incl. designer contract

Town Clerk/Counsel Michael McCarron informed the Board that DPW Director Wayne Amaral has contracted with a company to remove asbestos flooring from the building and work on that will be starting right away.

Town Manager Angus Jennings informed the Board that he has been in contact with Hilltop Securities on the financing for this project and keeping them informed of the timeline. There is still the question of whether it will be possible to roll this into long-term BANs with the water project; and, will look for direction on a future agenda.

Town Manager Jennings asked about the pool table that remains on the property. It was reported by DPW Director Wayne Amaral that it is in very poor condition putting the value below \$1,000 and in need of extensive repair. The question to the Board is if it should be declared as surplus. It is the opinion of Town Clerk/Counsel Michael McCarron that, because of the low value, the Board does not need to be involved.

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

Selectman Richard Parker expressed the need to develop a climate action plan recognizing this as a long-term plan. Discussion took place on how to proceed and what resources would be needed. Selectman Parker suggested starting this as a citizen's petition which would then be supported by the Board of Selectmen adding that the end goal is to get to net zero carbon emissions.

Motion was made by Selectman Glenn Kemper, seconded by Selectman Richard Parker to adjourn the meeting at 9:53 p.m.

Yes 3, No 0

Respectfully submitted, Jennifer Walsh

Approved by Board of Selectmen 2-0 on May 11, 2020