



**Town of West Newbury  
Board of Selectmen  
Monday, May 11, 2020  
381 Main Street, Town Office Building  
[www.wnewbury.org](http://www.wnewbury.org)  
Minutes of Meeting**

RECEIVED  
TOWN CLERK  
WEST NEWBURY, MA  
2020 MAY 27 AM 11:04

**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](http://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: 767-572-605

Or, from computer, tablet or smartphone: <https://global.gotomeeting.com/join/767572605>

*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 7:10 p.m. by Chairman David Archibald.*

**Participation at the Meeting:**

- ❖ Board of Selectmen: David Archibald, Richard Parker and Glenn Kemper (left meeting prior to votes)
- ❖ Town Manager, Angus Jennings
- ❖ Town Clerk/Counsel & Procurement Officer, Michael McCarron
- ❖ Assistant to Town Manager and Finance Department, Jennifer Walsh
- ❖ Moderator KC Swallow
- ❖ Finance Committee Vice Chair Forbes Durey
- ❖ Health Agent Paul Sevigny
- ❖ Jen Solis
- ❖ Building Inspector Sam Joslin

### **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.
- Tree Committee awarded DCR Urban and Community Forestry Challenge Grant!
- Reminder to subscribe for emailed Town news/announcements at <https://www.wnewbury.org/subscribe>

### **Regular Business**

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

Moderator KC Swallow explained the amendment to Massachusetts General Laws c. 39, § 10A by Chapter 53 of the Acts of 2020, “An Act to Address Challenges Faced by Municipalities and State Authorities Resulting From COVID-19,” on April 3, 2020. The recent amendment adds “public health officials” to the process for continuing town meeting dates to a later date. Previously, the statute applied only to public safety emergency situations and weather-related emergencies in order to postpone a town meeting. If the decision to postpone is made, the moderator may extend the date for a period of up to 30 days from the original date. That extension may be renewed should the condition still exist at the time of the rescheduled session. All subsequent continuances may be done for periods of up to 30 days at a time, until the time that the emergency has been rescinded.

- B. Discussion with Town Clerk/Counsel and Town Moderator regarding date/logistics for Annual Town Meeting

Moderator KC Swallow, following dialogue with The Gavel Line (a Massachusetts Moderators Association email discussion group), shared concerns that transmission of COVID-19 has occurred mostly indoors and proposed continuance of Town Meeting for up to 30 days to allow for an outdoor location. Discussion continued with the Board of Selectmen, Health Agent Paul Sevigny, Town Manager Angus Jennings and Town Clerk/Counsel Michael McCarron regarding a potential location, date and time, as well as the logistics for conducting a safe, inclusive and productive meeting outdoors.

**Motion was made by Chairman David Archibald to recess and continue the June 1, 2020 Annual Town Meeting and June 1, 2020 Special Town Meeting until June 27, 2020 at 10:00 a.m. with details to be worked out in the coming days, seconded by Selectman Richard Parker.**

**Yes 2, No 0**

Moderator KC Swallow introduced the idea of doing a consent agenda, a practice that groups routine articles into one, as a means to save time. The consent agenda can be approved in one action, rather than filing motions on each article separately.

Town Clerk/Counsel Michael McCarron advised the Board that they need to designate a public health official to submit a report to the Attorney General providing the public health-based justification for the declaration and recommended Health Agent Paul Sevigny.

**Motion was made by Chairman David Archibald to place the responsibility upon Health Agent Paul Sevigny to submit a report to the Attorney General providing the public health-based justification for the declaration, seconded by Selectman Richard Parker.**

**Yes 2, No 0**

C. Updates on preliminary planning underway for future re-opening of Town buildings and facilities

Health Agent Paul Sevigny reported an ongoing downward trend of positive cases of COVID-19 and recommended opening up Mill Pond & Pipestave Hill parking areas for residents only effective May 25, 2020.

Chairman David Archibald added that Essex County Greenbelt, who holds a conservation restriction on the land, stated that the town may restrict public access as they see fit, whenever they believe it is warranted, and approval from Essex County Greenbelt is not required.

**Motion was made by Chairman David Archibald that the Town pursuant of the power given to the Board of Selectmen by Chapter 40, Section 22 of the General Laws of Massachusetts and by virtue of any other power it hereto enabling, hereby adopt the following rule for the regulation of vehicles and parking of vehicles for the Mill Pond/Pipestave recreation areas:**

- 1. Parking at the Mill Pond/Pipestave recreation areas shall be limited to Town Residents who have a parking permit.**
  - 2. Any resident wishing to use the parking areas at the Mill Pond/Pipestave recreation areas shall first obtain a parking permit from the Town.**
  - 3. Any violator shall be subject to fines and penalties (including but not limited to towing of unpermitted vehicles) in accordance with the provisions of G.L. c. 40 §22D,**
- seconded by Selectman Richard Parker.**

**Yes 2, No 0**

Town Manager Angus Jennings updated the Board on the planning underway at staff level for phased reopening of Town buildings. Meetings are planned with the Council on Aging and the Library Board of Trustees in the coming days to continue these discussions.

D. Request from Pentucket Arts Foundation to host a “Reverse Arts Parade” on/around July 4<sup>th</sup>

Chairman David Archibald shared the request (contained in the agenda packet) from Jen Solis on behalf of the Pentucket Arts Foundation to host a “Reverse Arts Parade” in the three Pentucket towns. Jen Solis requested support from the Board of Selectman to allow local artists to create and install artwork along a selected parade route where observers would then drive to view the art. Ms. Solis noted that there were details that still needed to be ironed out and will report back with more information at a meeting in June. The Board supports this idea.

E. Updates regarding Coffin Street/Main Street 40B housing proposal including scheduling Board site visit; comments received from residents, staff, boards/commissions/committees; discussion of special Board meeting and public informational workshop regarding 40B on May 14, 2020 at 6:30 PM

Town Manager Angus Jennings referred to the May 11, 2020 update posted to the Town’s website.

There is not an application currently pending before the Town of West Newbury. Rather, the developer is seeking a “Project Eligibility Letter” (or PEL) from MassHousing, and MassHousing has in turn requested the Town’s comments. The deadline for the Town to provide comments to MassHousing is Tuesday, June 16th (unchanged), and the Town in turn has requested to receive public comments on or before June 1st. Comments from Town departments, Boards, Commissions and Committees are encouraged sooner than that, if possible.

The Board of Selectmen has scheduled a special meeting for this Thursday, May 14th at 6:30 pm. That meeting will have two purposes:

1. 40B informational workshop/training to be led by Atty. Jon Witten from KP Law. Atty Witten is one of the most experienced attorneys in the Commonwealth with regard to advising and representing municipalities regarding 40B. This session will be very informative. The slides presented by Atty Witten can be accessed online here.
2. Upon completion of the workshop/training, the Board will also invite comments from participants regarding any aspect of 40B, including the current request for PEL pending before MassHousing.

The meeting will be recorded and broadcast live, and will be made available on local cable and the Town YouTube channel.

On Friday, May 15th, the Board of Selectmen and a small number of Town personnel will conduct a site visit of the property at 566 Main and 28 Coffin. Due to public health concerns, public attendance at the site walk will not be permitted. However, the site walk will be video-recorded, and a recording of the proceedings will be produced for airing to local cable and the Town YouTube channel as soon as possible.

The Board of Selectmen and the Town Manager's office continues its work on a FAQ in response to the many questions and comments we have received regarding the Main/Coffin Street proposal. This has taken longer to produce than we'd hoped, but is still underway and will be shared as soon as it is available.

F. Update on financing options for water projects and Soldiers & Sailors Memorial building

Town Manager Angus Jennings updated the Board on the anticipated timeline (contained in the agenda packet) to issue new BANs to support the ongoing Water capital projects underway. The Town is faced with either issuing long-term debt at this time or rolling the maturing BANs into another BAN to be in a position to consolidate financing with the Soldiers & Sailors project when ready, which is believed to be financially advantageous. Chairman David Archibald asked about the risk in waiting considering today's financial uncertainties. Town Manager Angus Jennings will reconvene with Hilltop Securities and will report back at the next meeting.

G. Update regarding Board member site walk of Industrially-zoned land to evaluate solar PV potential

Selectman Richard Parker gave an update on his site walk with Planning Board Chair Brian Murphey of the Town's only industrially zoned land. Due to the difficult terrain and mature forests, it was determined that the land is not economically viable for a large-scale solar PV installation as hoped.

H. Policy discussion: noise bylaw (Zoning Sec. 7.A.4) and MassDEP noise regulations (310 CMR 7.00)

Selectman Richard Parker brought forward a noise complaint by a resident on Crane Neck Street siting excessive use of an audibly unpleasant leaf blower by a neighbor. Discussion took place regarding the complications of determining a violation of the bylaw, adhering to DEP regulations, and enforcement.

I. Meeting minutes: May 4, 2020; April 28, 2020; April 13, 2020; April 9, 2020

Draft meeting minutes are contained in the agenda packet.

**Motion was made by Chairman David Archibald to approve meeting minutes for May 4, 2020, April 28, 2020, April 13, 2020 and April 9, 2020, seconded by Selectman Richard Parker.**

**Yes 2, No 0**

**Town Manager Updates**

- J. Update on Finance Committee Town Meeting booklet
- K. Update on work with Board of Appeals (ZBA)
- L. Update on continued work to ensure compliance with EPA MS4 stormwater management general permit
- M. Follow up meeting assignments; and placing items for future agendas

**Motion was made by Chairman David Archibald, seconded by Selectman Richard Parker to adjourn the meeting at 9:10 p.m.**

**Yes 2, No 0**

**Respectfully submitted, Jennifer Walsh**

***Approved by the Board of Selectmen 3-0 on 5/26/2020***