



Town of West Newbury  
Board of Selectmen  
Tuesday, May 26, 2020  
381 Main Street, Town Office Building  
[www.wnewbury.org](http://www.wnewbury.org)  
Minutes of Meeting

RECEIVED  
TOWN CLERK  
WEST NEWBURY, MA  
2020 JUL 21 PM 12:08

**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: (786) 535-3211

Access Code: 765-986-013

Or, from computer, tablet or smartphone: <https://global.gotomeeting.com/join/765986013>

*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 7:06 p.m. by Chairman David Archibald.*

**Participation at the Meeting:**

- ❖ Board of Selectmen: David Archibald, Richard Parker and Glenn Kemper
- ❖ Town Manager, Angus Jennings
- ❖ Town Clerk/Counsel & Procurement Officer, Michael McCarron
- ❖ Assistant to Town Manager and Finance Department, Jennifer Walsh
- ❖ Police Chief Jeffrey Durand
- ❖ Moderator KC Swallow
- ❖ Town Accountant/Business Manager Stephanie Fronteira
- ❖ Donald Doak
- ❖ Adam Stone

### 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
- Recognition of Memorial Day 2020

Chairman David Archibald thanked all those involved in putting together such a meaningful tribute in honor of Memorial Day, with special thanks going out to Town Manager Angus Jennings and Adam Stone for their time taking pictures, shooting video and editing work. The video is available on the Town's Website, Facebook and YouTube accounts.

- Announcement of HILLAP grant award for improvements to Hills Court and Boynton Court

Town Manager Angus Jennings shared that the Housing Authority received word they have been awarded the HILLAP Grant for improvements to kitchens and bathrooms at Hills Court and Boynton Court. The amount of the award will be included in the official letter, expected presently, and is estimated to be substantial. At Town Meeting this past fall, voters authorized \$387,000 for these improvements and based on the HILLAP program the State match tends to be \$2.5 for every \$1 of local funds spent. Once the official letter is received, it will be shared with the Board.

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

### Regular Business

- A. Request for appointment of Interim Sergeant Jay Johnson as Police Sergeant – *Police Chief Durand*

Police Chief Durand requested appointment of Interim Sergeant Jay Johnson as Police Sergeant noting that he has done an exemplary job for the Department as acting sergeant since being appointed last year.

**Motion was made by Selectman Richard Parker to appoint Interim Sergeant Jay Johnson as Police Sergeant, seconded by Selectman Glenn Kemper.**

**Yes 3, No 0**

- B. Consideration of appointment of temporary Constable

Town Clerk/Counsel Michael McCarron advised that it is necessary to appoint a temporary Constable to assist with the June 3, 2020 election and recommended Dan Grabowski, a retired State Police Officer and resident in Town.

**Motion was made by Selectman Glenn Kemper to appoint Dan Grabowski as a Constable for the June 3, 2020 election, seconded by Selectman Richard Parker.**

**Yes 3, No 0**

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

Town Manager Angus Jennings spoke about the guidance received from STAM on accessing the CARES Act funding available to Massachusetts governments to pay costs incurred in response to COVID-19. The Town has until June 5<sup>th</sup> to submit certification for first round funding. Discussion took place on eligible uses which is still being explored with new guidance coming out daily.

Chairman David Archibald asked how the Town has been functioning with the number of employees that are working remotely. Town Manager Jennings stated that the Town is doing a good job managing the baseline services; however, expressed the difficulties faced in advancing the Town's policy agenda.

Town Clerk/Counsel announced that the election will be going forward as scheduled and ensured the public that social distancing protocols will be observed as well as personal protective gear made available for anyone who does not have their own. The procedure for voting by absentee ballot for anyone who is not comfortable with in-person voting was reiterated.

- D. Updates on recent meetings with Town Clerk/Counsel, Town Moderator and Health Department regarding Special and Annual Town Meeting scheduled for Saturday, June 27, 2020 at 10am

Discussion took place with the Board of Selectmen, Moderator KC Swallow and Town Clerk/Counsel Michael McCarron concerning the proposed site for Town Meeting and the planning in process for check-in and seating while observing social distancing. It was recommended, and agreed upon, that a section be designated for anyone not wearing a face covering for health reasons.

- E. Updates on planning underway for re-opening of Town buildings and facilities incl. Library

Town Manager Angus Jennings informed the Board that planning continues toward phased reopening of Town buildings and facilities; however, timelines are not firm and subject to change as we continue to get updated guidance from the Department of Public Health.

- F. Discussion of FY21 Budget including potential need to propose 1/12 budget if proposed budget not approved by June 30<sup>th</sup>

Chairman David Archibald addressed the need to file a 1/12th budget request for approval from DLS prior to June 30<sup>th</sup> as a precautionary measure. If due to emergency circumstances the Town is unable to hold an Annual Town Meeting prior to June 30, 2020 then as of July 1, 2020 would be unable to spend any funds. A *minimum* 1/12<sup>th</sup> of the prior year's budget would be proposed based on forecasted expenditures for the month.

Town Clerk/Counsel Michael McCarron recommended that the Board preplan a rain date for the Annual and Special Town Meetings and make it known to residents in order to better position the Town to have an approved budget by June 30, 2020. He suggested a date of Sunday, June 28<sup>th</sup> to which the Board and Moderator agreed adding that Monday, June 29<sup>th</sup> in the evening could also be considered.

- G. Review of Town Manager proposal to increase proposed FY21 veterans' services budget

Town Manager Angus Jennings briefed the Board on a proposed increase to the FY21 veterans' services budget due to notification that a veteran who qualifies for benefits pursuant to MGL Ch. 115 has recently moved to town. His proposal is contained in the agenda packet.

**Motion was made by Selectman Glenn Kemper to increase the proposed FY21 veteran's services budget from \$10K to \$24K, seconded by Selectman Richard Parker.**

**Yes 3, No 0**

H. Discussion of funding for pay for Summer Recreation Program staff

Town Manager Angus Jennings, since learning the Summer Recreation Program was canceled and, therefore, not generating revenues for the Summer Rec. revolving fund, brought forward the question of whether to compensate the two program coordinators their full stipend authorized for the season. These employees invested time planning for the program in advance of COVID-19 and the subsequent decision to cancel. The Board felt that compensation should be made for hours worked; however, not for time lost due to cancelation of programs. Town Manager Jennings stated he had a clear sense of the Board's direction on this.

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

Town Manager Jennings gave an update regarding the Town's ongoing review of the developer's application to MassHousing for 40B Project Eligibility/Site Approval for the site at 566 Main Street and 28 Coffin Street. Town Manager Jennings and Chairman Archibald each commended the Planning Board and staff for their tremendous efforts toward comments provided on the application (contained in the agenda packet.)

The Board of Appeals is working with the Town Manager and Building Inspector, in consult with outside legal counsel Jon Witten, to review and update its existing 40B rules and regulations. A draft is anticipated to be completed by end of week and circulated to the ZBA for approval at their meeting on June 2<sup>nd</sup> and subsequently referred to public hearing on June 11<sup>th</sup> with a goal to have new 40B regulations locally approved prior to the June 16<sup>th</sup> deadline.

J. Discussion of anticipated citizen petition article to provide supplemental funding regarding Coffin Street/Main Street 40B proposal

Chairman David Archibald, in anticipation of receiving a citizens' petition article, consulted with Town Moderator KC Swallow about timing and logistics for a second Special Town Meeting which, in accordance with Massachusetts statutes, has to be called within forty-five days of certifying that the petition has been signed by at least two hundred registered voters. Following discussion and consideration of all options and potential complications, it was agreed that it would make sense to call a second Special Town Meeting on the same date, time and place as the Annual and Special Town Meeting currently scheduled for Saturday, June 27, 2020 at 10am. Discussion continued regarding how to best conduct abbreviated meetings. Town Manager Jennings will recommend Articles that could be passed over without putting the Town's legal or financial obligations at risk. The Board will consider his recommendations at their next scheduled meeting.

Resident Donald Doak, lead sponsor of the petition article, was available by remote participation and informed the Board that it was his intention to bring signatures (over 370 by last count) for certification tomorrow (May 27<sup>th</sup>). He followed by asking what the potential was for further postponement of the date for Annual and Special Town Meeting; and, what consequence that would have given the statute to call this second Special Town Meeting within forty-five days. Town Clerk/Counsel McCarron explained that, just as with the other Town Meetings, 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

- K. Update on financing strategy for Water capital (Brake Hill water tank, and new treatment building for bedrock well) projects and Soldiers & Sailors Memorial building

Chairman David Archibald reviewed the strategy in issuing new BANs to support the ongoing Water capital projects underway rather than issuing permanent financing at this time. At the Board's May 11, 2020 meeting, Chairman David Archibald asked about the risk in waiting considering today's financial uncertainties. Town Manager Angus Jennings conferred with Hilltop Securities to provide the Board with rationale for why this strategy is financially advantageous which they provided in email (contained in the agenda packet.) Following review of the rationale, the Board agreed with this strategy.

- L. Endorsement of proposed extension of MOU with Salisbury for FY21 Harbormaster services

A draft of the Intermunicipal Agreement is contained in the agenda packet.

**Motion was made by Selectman Glenn Kemper to endorse the extension of MOU with Salisbury for FY21 Harbormaster services, seconded by Selectman Richard Parker.**

**Yes 3, No 0**

- M. Meeting minutes: May 11, 2020

Draft minutes are contained in the agenda packet.

**Motion was made by Chairman David Archibald to approve meeting minutes for May 11, 2020, seconded by Selectman Richard Parker.**

**Yes 3, No 0**

**Town Manager Updates**

- N. Update on work with ZBA and upcoming meeting dates

- O. MassWorks grant for Middle Street Bridge fully executed

Town Manager Jennings confirmed that quarterly reporting requirements start right away. The first report will be due June 30<sup>th</sup>. A call is scheduled for later this week with the Mayor of Newburyport and her Chief of Staff to go over a number of discussion items toward that effort.

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

**Motion was made by Selectman Glenn Kemper, seconded by Chairman David Archibald to adjourn the meeting at 9:29 p.m.**

**Yes 3, No 0**

**Respectfully submitted, Jennifer Walsh**

***Approved by Board of Selectmen 3-0 on 7/20/2020***