



Town of West Newbury  
Board of Selectmen  
Monday, July 6, 2020  
381 Main Street, Town Office Building  
[www.wnewbury.org](http://www.wnewbury.org)

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2020 JUL 21 PM 12:08

### Minutes of Meeting

**Open Session:** 7:13 p.m. 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: (224) 501-3412

Access Code: 483-709-997

Or, from computer, tablet or smartphone: <https://global.gotomeeting.com/join/483709997>

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 7:13 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**
- ❖ Don Doak
- ❖ Representative Lenny Mirra

#### **Announcements:**

- One person applied for the open position on Fin Com. Advised there's more than one opening and would rather have more people before dealing with one person at a time. Fin Com, Capital

Improvements Committee are looking for people. Information at WestNewbury.org and subscribe to Town News and Announcements.

### **REGULAR AGENDA**

#### **A. Review of Governor's recent Executive Orders re: COVID-19, Phase 3 and Updates from Board of Health meetings on June 30<sup>th</sup> and July 1, 2020:**

Opening of parks and fields of greatest public interest. Guidelines out today. COVID Update #10 issued summarizing key points. Additional specific guidelines out regarding athletics and sports. Informational update on the website. Information still being considered by the Board of Health who can be contacted with questions and concerns. (See Exhibit A, pages 2 through 24 for information)

#### **B. Designation of Board of Selectmen Representative to Pentucket Health and Safety Team:**

Pentucket is looking for someone from the Town to participate in how the schools might end up opening, recommendations for the physical plant. (See Exhibit B, pages 25 through 43 for information)

Town Manager Jennings stated that the guidelines that the schools are operating under are very difficult and the direction that they've been given from the School Committee is to prepare plans that assume a full reopening, in person. First meeting held last Wednesday for the Middle/High School, another meeting this Wednesday at 1:00. Page School convening its own planning team.

Went to Wednesday's meeting and essentially the school needs to prepare specific plans for each classroom, how it will be configured, how many students it will hold. Tougher issues are how to handle meals, how to handle time between classes, how much time students have to get from point A to point B, and how does the school manage the amount of inevitable interaction with crossing through hallways, restrooms.

He was at the meeting along with Paul Sevigny, who has been there throughout, so if the Board is looking for staff to represent them, they're happy to do that. Timeline is moving quickly, next meeting on Wednesday, July 15<sup>th</sup> where reopening plans from each school are due.

**Motion by Selectman Kemper to elect Paul Sevigny as Representative for everything.**

Chairman Archibald stated that a formal vote is not needed.

#### **C. Review and Approval of Proposal from KP Law to Provide Legal Counsel Regarding Anticipated Filing of 40B Comprehensive Permit and Related Matters:**

Town Manager Jennings stated that it's pretty straightforward, timeline summed up in agenda packet. (See Exhibit C, pages 44 through 46 for information)

Chairman Archibald stated that he is confident in their performance. Selectman Parker also agreed that he is very satisfied with what have gotten so far. Selectman Kemper questioned funding, wanting to know if it's coming from articles or line items with outside counsel account? Also inquired as to whether they can give him blanket approval to work with Witten on all

matters related to 40B and trust with making decisions about what needs to be done rather than him coming back to the Board.

Town Manager Jennings stated with regards to the first question, his thought would definitely be that the cost would be tracked against the funding allocated by Town Meeting on June 27<sup>th</sup>, Town Accountant sets up a separate expense line so everything would be accounted in that line. Separate expense budget for special counsel but budgeted back in January/February timeframe and only covers about an hour a week average over the course of the year for outside counsel. Up to this point, been adequate. He would like to keep the operating budget available for personnel, labor law issues that come up.

Regarding the second question, anything to do with legal strategy is going to be the Board of Selectmen's authority but there's lots of coordination and coordination day in, day out. The way the motion was voted at Town Meeting, entirely the Board's authority, so however they want to do that is fine.

**Motion made by Chairman Archibald that Town Manager Jennings, in consultation with Town Counsel McCarron have the authority to engage KP Law related to 40B to any extent necessary for the time being unless otherwise see fit to do so. Seconded by Selectman Kemper.**

**Yes 3, No 0**

**D. Discussion of New Proposal from Cottage Advisors to MassHousing re: Proposed 40B Coffin Street/Main Street; Review of Town Counsel Correspondence to MassHousing; Discussion of Next Steps:**

Chairman Archibald summarized the new proposal from Cottage Advisors to MassHousing. (See Exhibit D, pages 47 through 64 for information)

Town Counsel McCarron stated that hasn't had an opportunity to conduct the type of review with regard to location of streets, grades, wetlands. Planning Board made a very comprehensive view of a particular plan that isn't applicable so they, the Town, and the citizens should be given the opportunity to review the new plan. Currently, comments are due by July 22<sup>nd</sup>.

Town Manager Jennings stated that the e-mail came in prior to the letter sent on July 2, 2020. (See Exhibit D, pages 47 through 49) Have not received a response but left a voicemail but did not get a response. Feels that anything less than 60 days would be logistically impossible since commenting entities are public boards or committees, to have meetings, do review, all of which precedes Selectmen preparing comments. He feels it will hurt the Town with the short timetable.

Chairman Archibald stated he feels the boards, the Water Department or Planning Board need to be supplied with the updated date and information. Town Manager Jennings stated that everything is posted to the website, e-mail list, and Facebook, so the word on the new plans has gotten out, but no deadline has been set.

Town Manager Jennings stated that the applicant is on the meeting and thinks it would make a big difference if he would voluntarily consent to a longer period of time to respond, which would go a long way. (No response from developer)

Chairman Archibald stated that the deadline is what it is, but we need to do something, we can't just punt. Selectman Parker stated that we continue to move forward. Town Manager Jennings read comments that have come in via chat. Don Doak stated that we don't take a short negotiation on it until we hear from the Boards and MassHousing.

He also shared that the coalition members who have received hundreds of comments are all in the process of reviewing plans and making comments, so they are full steam ahead, but the comments of the boards and committees are imperative. No hesitancy about redoing the comments even based on the complete change in the plan.

**Motion by Selectman Kemper to request an extension in writing from the developer. Seconded by Selectman Parker.**

**Yes 3, No 0.**

**E. Discussion of Town Meeting Results:**

Summarized account balances after Town Meeting votes. (See Exhibit E, pages 65 through 91 for information) Thanked everyone and stated that Town Meeting went very well. Introduced idea of having joint board/committee/commission meeting to begin thinking of the Town as a whole.

Town Manager Jennings stated that once his office has the time to run the analysis, thinks it would be very important to get onto a future agenda a discussion of the estimated tax impact of the decision to reduce the recommended transfer from school stabilization because at the time that the Fin Com booklet was prepared, it was based on certain assumptions of things being adopted or not adopted in terms of tax rate impact, and since the actual votes in some cases differed pretty significantly from what was anticipated, feels it would be good at a future agenda to make people aware of how that's likely to affect the FY21 tax rate.

(See attached comments received via chat at the end of this Summarization)

Kevin Bowe, who sent the letter, asked what was thought of his letter. Chairman Archibald stated that in the future, he would like to discuss it further. Mr. Bowe just wanted to make sure that his comments were heard.

**F. Review and Approval of FY 21 Wage Schedule:**

Passed over. Town Manager Jennings stated that it is not ready for action. He also stated that any FY21 increase is going to be retroactive to July 1.

**G. Review and Approval of MOU with Pentucket for School Resource Officer (SRO) for FY21:**

Chairman Archibald stated he didn't see any specific changes versus previous. (See Exhibit G, pages 92 through 104 for information) Town Manager Jennings stated that it's identical to what had been reviewed back in the early part of the calendar year, but wasn't brought to a vote to wait for budget approval.

**Motion by Selectman Kemper to endorse MOU. Seconded by Selectman Parker.**

**Yes 3, No 0**

**H. Review and Approval of Intermunicipal Agreement with Newburyport for Shared Animal Control Services for FY21-23:**

Chairman Archibald stated he sees minimal changes. (See Exhibit H, pages 105 through 113 for information) But also wanted to ask about the replacement vehicle on the chart on page 113, not previously reflected in '17, '18, and '19, so what is that \$3,324?

Discussion was had by Town Manager Jennings who stated it was to reflect as the long-time animal control vehicle needed to be replaced, so in the winter/spring of 2019, had always been the Town's vehicle, so updated the latest police cruiser to be the new ACO vehicle, so monetizes the vehicle contribution as written into the agreement.

**Motion by Selectman Parker to accept the new agreement with Newburyport as written. Seconded by Selectman Kemper.**

**Yes 3, No 0**

**I. Reappointment of EMA Officers and Personnel for FY21:**

No discussion. (See Exhibit I, pages 114 through 115 for information)

**Motion by Selectman Parker to accept the listing of reappointment of EMA officers and personnel for FY21. Seconded by Selectman Kemper.**

**Yes 3, No 0**

**J. Request for Rent Waivers for July 2020 – *The Children's Castle and The Learning Tree*:**

Town Manager Jennings stated that the requests are contained in the agenda packet. (See Exhibit J, pages 116 through 117 for information)

Children's Castle starting at 25% in August. Same with Learning Tree but even more questionable. They're important to the community and should do what we can to help them survive. Town Counsel McCarron suggests a rent deferral instead of waiving, meaning haven't forgiven the rent, but not going to ask that they pay it at this time, and make a suggestion that they attempt to get some type of assistance so it can come to the Town. It is a loss of revenue to the Town. And if that doesn't happen, you always have the option in the future of waiving the deferral.

**Motion by Selectman Kemper to defer the rent of both entities for July until October 1<sup>st</sup>. Seconded by Selectman Parker.**

Discussion regarding how long to defer, making sure the Town is kept in the loop, and having a meeting prior to deferment deadline. Town Manager Jennings stated that a timeline of September works better since the tax rate is tied to this revenue.

**Yes 3, No 0**

**K. Review of Schedule for Upcoming Board of Selectmen Meetings:**

Town Manager Jennings suggested that everyone meet on Monday, July 13<sup>th</sup> for line item transfers. The next regularly schedule meeting is July 20<sup>th</sup>. Would like the Board to consider a gap between meetings to allow the Finance Department to catch up on a backlog of work.

Selectman Kemper suggested meeting July 13<sup>th</sup> and then in August, and if an emergency meeting is needed, one will be called.

**L. Meeting Minutes: June 8, 2020, June 15, 2020:**

No discussion. (See Exhibit L, pages 118 through 151 for information)

**Motion made by Chairman Archibald to approve minutes of June 8<sup>th</sup> and June 15<sup>th</sup>.  
Seconded by Selectman Parker.**

**Yes 3, No 0**

**TOWN MANAGER UPDATES**

**M. Review of Street Paving List Prepared by DPW Director:**

Town Manager Jennings gave information regarding topic. Paving list is in the agenda. (See Exhibit M, pages 152 through 153 for information)

**N. Preliminary Update re: FY20 Financial Closeout; Review of Anticipated FY20 Line Item Transfer Requests:**

No discussion. Already spoken about. (See Exhibit N, page 154 for information)

**O. Mass Works Grant Quarterly Report; Update re: Proposed MOU With Newburyport re: Middle Street Bridge**

Town Manager Jennings gave an update on the topic for approval of MOU. (See Exhibit O, pages 155 through 159 for information) Went to City Council, referred to committee. Meeting was posted for Wednesday at 7:30, login information posted to the website.

**P. Page School Playground Updates; Closeout of FY 20 State Earmark Funds; Process for Vendor Selection**

Town Manager Jennings updated the Board and stated got the Geotech report, did test holes and looked at the soils. Talked about timeline for vendor selection, intends to invite multiple proposals, not a formal bidding process, all vendors prequalified.

**Q. Update Regarding Architect Contract for Soldiers & Sailors Memorial Building**

Town Counsel McCarron stated that he has no update. With Town Meeting being closed out and the new 40B proposal, got pushed back. Will hope to work on it this week.

**R. Discussion of Finance Department and Town Manager's Office Workload and Prioritization of Staff Efforts; Potential to Convene Reps from Departments and Boards/ Commissions/Committees for Strategic Retreat**

Town Manager Jennings gave an update stating that he would like to schedule something with the auditor in the next 4-6 weeks to review the FY19 closeout to formally close the book on that but working to close out FY20. Lots of staff turnover last year and hopefully this year it will be smoother.

**S. Follow-up Meeting Assignments and Placing Items for Future Agendas**

No discussion.

**Motion was made by Selectman Kemper, seconded by Selectman Parker to adjourn the meeting at 9:12 p.m.**

**Yes 3, No 0**

Respectfully submitted,

Susan M. Lobie, Certified Electronic Transcriptionist  
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*Approved by Board of Selectmen 3-0 on 7/20/2020*