



**Town of West Newbury
Board of Selectmen
Monday, July 20, 2020
381 Main Street, Town Office Building
www.wnewbury.org**

RECEIVED
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WEST NEWBURY, MA
2020 AUG 18 AM 11:17

Minutes of Meeting

Open Session: 7:08 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. For this meeting, members of the public who wish to listen to the meeting may do so in the following manner:

GoToMeeting

Phone: (872) 240-3311

Access Code: 574-096-189

Or, from computer, tablet or smartphone: <https://global.gotomeeting.com/join/574096189>

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, 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
- ❖ Marge Peterson, Chair, West Newbury Housing Authority
- ❖ Gary Bill, Housing Authority
- ❖ Richard Miller
- ❖ Joseph Heyman, M.D.
- ❖ Police Chief Jeff Durand
- ❖ Bob Janes, Chairman, Board of Health
- ❖ Paul Sevigny, Health Agent
- ❖ Wendy Reed, Open Space Committee, Conservation Commission

❖ Stephanie Frontiera, Town Accountant/Business Manager

Announcements:

- Board still looking for members interested in joining the Finance Committee, Capital Improvements Committee, other committees. Information available on Town website.
- Chairman Archibald discussed settlement between City of Manchester, NH and the Environmental Protection Agency related to sewage release during rainstorms. (See pages 2 to 10 for information)
- City Council and City of Newburyport passed the Memorandum of Understanding between West Newbury and the City of Newburyport to go forward in a year-to-year agreement with work on the Middle Street Bridge.
- Chairman Archibald reminded everyone that every two years, the State Ethics Test has to be taken.

REGULAR AGENDA

A. Joint meeting with West Newbury Housing Authority Board to consider application of Richard Miller for appointment to WNHA Board:

Marge Peterson, Chairman of the West Newbury Housing Authority advised that they had an opportunity to review the application of Richard Miller. (See Exhibit A, page 11 for information) Didn't have a great deal of information but sounded as though he would be very suitable for being a part of the Commission.

Meet monthly, excellent Executive Director who has brought properties up to par and very confident with her and looking to fill two open positions.

Richard Miller advised the Board of his credentials, worked in property management for 35 years, owned a property management company. Starting in 2013, lives in Ocean Meadow, on the Board of Trustees, Treasurer of the Association, involved with organizations in New Jersey when he owned the company. Dealt with associations in New Jersey.

Motion by Marge Peterson to appoint Richard Miller to a term until 2021, seconded by Selectman Kemper.

Board of Selectmen, Yes 3, No 0 – Housing Authority, Unanimous

Chairman Peterson advised that Mr. Miller will be sworn in at next meeting on July 28th.

B. Application for Appointment to Finance Committee, Joe Heyman, M.D.:

Chairman Archibald introduced Joe Heyman as applicant for the Finance Committee. (See Exhibit B, pages 12 through 17 for information)

Mr. Heyman advised that he's lived in town since 1975 and this is the first opportunity that he's had to do something for the town since he's retired. Has had a lot of experience with finance with the American Medical Association and the Massachusetts Medical Society and the Joint Commission, so he felt this would be a great opportunity. Been here for 45 years, but there's plenty that he doesn't know about the town and this is going to be a great way for him to learn.

Town Manager Jennings advised that it will be a 3-year term to 2023.

Motion by Selectman Kemper to appoint Joseph M. Heyman for a 3-year term to the Finance Committee. Seconded by Selectman Parker.

Yes 3, No 0

C. Request for Appointment of Nicholas Levesque and Ryan Green as Reserve Police Officers by Police Chief Durand:

Police Chief Durand stated that Nick Levesque has worked for the Town since 2018 as a part-time dispatcher and been interested in a reserve position. Ryan Green works for North Shore Community College Police. Both are reserve certified, passed background checks, psychological tests and ready for appointment to start in field program. (See Exhibit C, page 18 for information)

Motion by Chairman Archibald to approve the appointments of Nicholas Levesque and Ryan Green as Reserve Police Officers. Seconded by Selectman Parker.

Yes 3, No 0

D. Discussion with Board of Health regarding planning for phased reopening of Town Offices:

Chairman Archibald stated that things are running relatively well, can have a discussion, but Town Manager Jennings stated not there yet regarding making a decision.

Bob Janes stated that he has received telephone calls and had conversations with Town employees that had concerns about there not being a policy in the office buildings regarding masks or next steps and thinks policy should be set. If you're in your office and don't want to wear a mask, that's fine, but if somebody comes in, you put a mask on. If you leave the office and are in the halls, wear a mask so that everyone feels comfortable working there.

Signs on the doors are in place, but no policy about mask wearing in the building. Selectman Kemper suggested that the Board of Health draw up some policies and share with every employee and building in town as to the policy.

Town Manager Jennings stated that the Board of Health did submit a letter earlier today and sent to Board members via e-mail. (See Exhibit D, pages 19 through 26 for information) Chairman Archibald stated he has no problem with reinforcing these policies.

Motion by Selectman Parker to institute the policy in all Town buildings to follow the Board of Health recommendations as stated above. Seconded by Selectman Kemper.

Discussion by Selectman Parker regarding the DPW garage. Office space is okay but may not be practical for the rest of the garage. Mr. Janes not sure how that could be handled, but Selectman Kemper stated they should just use their discretion.

Yes 3, No 0

E. Proposal to modify restrictions on rental/use of Town facilities and add Health Agent Sign-Off:

(See Exhibit E, pages 27 through 30 for information)

Chairman Archibald stated that doesn't want to have to give out more work for things that would be automatically turned down, so if things could be separated in the beginning, then Board of Health back-up could be solicited. Doesn't think that parties should be held at Town facilities in the foreseeable future.

Town Manager Jennings stated that he spoke to Paul, thinking outdoor events only. Not changing the Board's previously adopted policy on restricting rental and use of Town buildings for meeting space, but not making facilities available for non-town uses, and only 3 special circumstances where it was allowed. As long as the Health Agent signs off on protocols and procedures, would be a good small step towards normalcy.

Paul stated that rentals should be for outdoor use, some exceptions for indoor use, such as meetings or senior programs, but definitely no birthday parties, etc. Outdoor events may be permissible. Stated that he and Angus will work on a plan and bring it to the Board. Chairman Archibald stated that Angus can make the decision and it would be supported by the Board.

F. Update on review of new proposal from Cottage Advisors to MassHousing re: proposed 40B Street/Main Street; and anticipated schedule for second site walk:

(See Exhibit F, pages 31 through 32 for information)

Town Manager Jennings stated site walk hasn't been finalized, but might be Wednesday, July 29th. 10 or less would be allowed, which could include Chip and two abutters. At least six abutters who would like to have the Selectmen to look at their property, maybe on a different date. Would be to see the proximity of their property to the proposed development.

Site walk would include the Building Inspector, Police and Fire Chiefs, members of the Board of Appeals, and Open Space Committee members.

With regard to the comment period, deadline is August 7th. Next regularly scheduled meeting is August 3rd, so working to get an updated comment letter into the August 3rd packet to vote that night and be submitted to MassHousing later in the week. Has the support of KP Law due to approval of funding at Town Meeting.

Selectman Parker asked if a Board member were to work with abutters to put something together, Town Manager Jennings said it would, and everyone felt it was a great idea. Town Manager Jennings stated he would send information to Selectman Parker and abutters, and Town Manager Jennings should be copied on all e-mail correspondence.

Town Manager Jennings stated that the Governor's emergency order which applied to state permits could not apply to Con Comm permits per the DEP Regional Coordinator. (Chat comments appended to this document)

G. Notification from Open Space Committee regarding intent to seek modification Order of Conditions for Essex County Trails Association (ECTA) Town-wide Management Plan:

Chairman Archibald stated that he has looked at the management plan, really extensive, hard to know. (See Exhibit G, pages 33 through 36 for information) Wants to know if this puts obligations on the Town that they haven't already had.

Wendy Reed stated that if the Town did not participate in trail management plan, would have to file a formal application with the Conservation Commission, which means a notice to abutters and then go through the whole notice of intent process, which is expensive and time consuming. So, all the plan does is streamline the process. Still has to notify the Con Comm, but Bert can go out and look at it and make sure it's abiding by all of the procedures that are set out in the plan. So, it's meant to streamline things and make it easier for Town groups that want to work under the plan.

Motion by Selectman Kemper to approve the amendments in the proposed extended Order of Conditions. Seconded by Selectman Parker.

Yes 3, No 0

H. Request for approval of dates/times/locations for Early Voting for November 6th Election, Mike McCarron, Town Clerk:

(See Exhibit H, pages 37 through 45 for information)

Motion by Selectman Kemper (page 44 of packet, in italics) to be Town Annex. Seconded by Selectman Parker.

Yes 3, No 0

Town Clerk McCarron stated that after receiving a chat request, the date is actually November 3rd. This is for the primary. Times will be set up again in October for the final to set place and times.

Request by Chairman Archibald to add to the agenda for West Newbury League Flag Football to put up signs to promote registration on Town property even though there may not be a season. Requested to post signs in front of Public Safety Building, Town Offices, entrance to Action Cove, entrance to Page School, entrance to Pipe Stave, and in traffic triangle where Cherry Hill, Bachelor and Moulton Street come together. Board approved same request last June.

Chairman Archibald requested they not be approved in front of the Public Safety Building and Town Hall because electronic sign could have notice put on. Selectman Kemper not sure if they have control over approving things on Public Safety Building. Thinks things should be kept out of front of Town offices.

Motion by Chairman Archibald to approve requested sites except in front of Town Office Building and Public Safety Building. Seconded by Selectman Kemper.

Yes 3, No 0

I. Meeting Minutes, May 26, 2020, June 22, 2020, June 27, 2020, July 6, 2020:

(See Exhibit I, pages 46 through 72 for information)

Motion by Selectman Kemper to accept meeting minutes with correction to June 22nd (page 57 of the packet), Selectman Parker also nominated to the CPC. Seconded by Chairman Archibald.

Yes 3, No 0

TOWN MANAGER UPDATES

J. Updates on Middle/High School Project:

(See Exhibit J, pages 73 through 88 for information)

Town Manager Jennings updated regarding noise at construction site. Referred to Inspectional Services. Building Inspector tasked with making sure things are done in accordance with the Planning Board approval.

Summarized content in agenda packet, building permit review, third party inspection. Identifying housekeeping issues, Sam Joslin has jurisdiction and feels the design team is going an excellent job, but great to identify issues at the planning stage.

Selectman Kemper asked how responsive the construction company is being to resident complaints. Town Manager Jennings stated that he will check with Sam and send the Board an e-mail this week with an update.

K. Updated FY20 Preliminary Financial Closeout Numbers:

(See Exhibit K, page 89 through 96 for information)

Chairman Archibald asked if the numbers included the transfers made or not. Town Manager Jennings stated that they did include transfers, so won't see expenditures exceeding 100%. Wanted this included on the agenda so that he could update from July 6th to update the tax collections, which are at 99%. Wanted to say that in a public meeting so that there would be no impression that real estate tax collections were lagging, had come in, but just not been posted at the time that the Town Accountant ran the prior report. Much more updated report, still preliminary, but as working with the auditor in the months ahead, may be adjustment, but the numbers appear to be pretty sound in terms of both the expenses and revenues, and much better picture than two weeks ago.

Selectman Parker asked regarding motor vehicle excise down a little over 19% from projected. Wants to know if it's indicative of late or lagging payments. Stephanie stated that there's been a

lag in new car sales, which makes excise drop substantially. So, when it was budgeted months ago, it was budgeted higher for new car sales.

L. Upcoming NERAC Workshop Regarding Cybersecurity:

(See Exhibit L, page 97 for information)

M. Follow-up meeting assignments and placing items for future agendas:

Next meeting will include comments on 40B, so should be bare bones on other items as possible so that there will be time to get that done.

Selectman Kemper asked if August 3rd could be the only meeting in August. Town Manager Jennings things that might not be possible but will send out a calendar since there will most likely be a fall Town Meeting, and there would be things that can't wait until September.

Motion was made by Chairman Archibald to adjourn the meeting at 8:39 p.m. Seconded by Selectman Kemper.

Yes 3, No 0

Respectfully submitted,

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Approved 3-0 by Board of Selectmen on 8-17-2020