



**Town of West Newbury
Board of Selectmen
Monday, February 1, 2021
381 Main Street, Town Office Building
www.wnewbury.org**

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2021 MAR 16 PM 1:33

Minutes of Meeting

Open Session: 7:09 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: (646) 558-8656

Access Code: 952-6512-9595

Passcode 352421

Or from computer, tablet, or smartphone:

<https://zoom.us/j/95265129595?pwd=QzB4YVB0cVFLQnI4aEtsYkNFdXd0dz09>

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 7:09 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
- ❖ Adam Stone
- ❖ Wayne S. Amaral, Director of Public Works
- ❖ Jen Solis
- ❖ Brad Dore, Dore & Whittier
- ❖ Mike Walters

Announcements:

- Annual and Special Town Meetings for Spring to be held on Saturday, May 22, 2021. (Warrant Articles due by/on Friday, February 12th)
- Town Election, Monday, May 3rd. Nomination papers available through Town Clerk. Papers with signatures are due back by March 15th.
- Reminder to subscribe for e-mailed Town news/announcements at <https://wnewbury.org/subscribe>

REGULAR AGENDA

A. Updates Regarding Coronavirus Pandemic/COVID-19, Including Planning Related to Vaccine Clinics:

Town Manager Jennings updated regarding this topic. (See Exhibit A, pages 2 through 13 for information) He provided a summary stating that Paul Sevigny has been working on regional efforts and that Newburyport started a couple of weeks ago with a vaccination clinic that was in partnership with West Newbury. Also stated that there are anticipated upcoming clinics with Newburyport as the lead administrative sponsor.

He stated that West Newbury is also approved as a vaccination provider, as is Amesbury in this region, so there's additional regional collaboration ongoing with the expectation that Amesbury would host one or more clinics and also the potential that West Newbury would host one or more clinics on its own with its own authorization.

Stated that Paul has been working closely with his office and the Town Accountant on working through some of the administrative aspects of this, initial costs, how those would be funded. Stated that FEMA just announced late last week that we do expect full reimbursement for costs incurred related to vaccination clinics, so working with some of the communities in the region, especially if a different community hosted, but some of our staff or public health nurse, whether we incurred costs to support the running of the clinic in another committee, how those charges would be handled, whether they would be cross-invoiced between municipalities or whether would all independently seek FEMA reimbursement.

Expecting that there's going to be a meeting later this week among the finance staff in the eight communities participating with the Amesbury region to help to work through some of those questions as well as questions relating to billing of insurance, who would do that, who is eligible to do that. So, a lot of moving parts, but there's a lot of work going on with a lot of complexity to it, but Paul and his team are on the front lines.

Paul Sevigny stated that he agrees with everything stated by Town Manager Jennings, things are moving fast, heading in the right direction, just waiting for vaccine to be rolled out. Stated that most of the state's vaccine has been allotted to the state mega vaccine sites, as well as the pharmacies, so local Boards of Health, even though ready to set up a clinic, not receiving much vaccine, so trying to get through that hurdle, as well. He feels that they're going to know a lot more by the end of this week, then next week, should have a clear shot as to where we're going, where we're heading, and what to expect.

Selectman Kemper inquired as to the cost aspect, until the cost is incurred, is there a pool of money that can be used or do we have money that – how does that work, since he knows can't spend money out of different line items, and would it have to come out of the Board of Health expense or Selectman's expense account or something like that? Stated that didn't budget for that, and knows going to get reimbursed, but legally, where can it be taken from, and if we can't give money out until those things have occurred?

Town Manager Jennings stated that is exactly right and some of the complexity trying to work through, is even if there's an expectation of full reimbursement by FEMA, still need to assign costs to an expense line at the time they occurred and can't legally incur expenses without some upfront agreement. Need to have a contract up front to tie the subsequent invoices to.

Also explained that received some CARES Act funding in the late fall, but that was based on projections of a whole host of known or potential expenses, none of which included vaccination clinics, so been working to pin down exactly what those costs have been incurred and to see if there's anything extra and does seem like there will be some extra. Had entered a contract with Pentucket in the mid-fall for their purchase of some supplies related to HEPA filters and air filters, etc., and got the documentation from them today that what they expended was less than what had agreed, so that leaves some money that had received that's not spoken for, but on the other hand, more requests have come in in recent weeks for I-Pads and equipment that wasn't part of the CARES initial projection, so having to reconcile what was projected, what was received versus what's been expended and now projected with the clinics.

One option would be to charge the expenses to the CARES Act line, another would be to seek a reserve fund transfer, which is exactly for this kind of thing, unbudgeted expenses that come up during the year that would require Finance Committee approval. Nothing has yet been filed with them but feels there's a good chance that some amount of funding would be proposed there. Selectman Kemper asked how much are looking at since still have only halfway through the year on that, and how much is in there? Town Manager Jennings stated that at the beginning of the year, they budgeted \$60,000, did approve one reserve fund transfer in the fall, so down to around \$53,000 remaining, and are some other variables totally unrelated to COVID that may still come down the road before the end of June. So, it's been hard to get an estimate of funds.

Selectman Kemper asked Paul Sevigny what he's been hearing on the street about vaccines. He advised that the state is limiting everyone, that he had requested 935 doses of Pfizer and didn't get any response. He got a response Saturday that should hear by Monday but have not heard that received the vaccine. They're only giving 100 doses per community of Moderna, capping it at that.

Town Manager Jennings also stated that doing outreach with many hundreds of surveys being sent and those have been coming back. Today's mail, got approximately 100 and have already put 175 into her database, so getting lots of input back, putting it into the database, have contact information so that when the time comes, can proactively notify people and get them signed up since the clinics are not walk-in, have to have a spot registered, and very important that none of the vaccine goes to waste.

Paul Sevigny stated that the state puts out a survey on Monday mornings, have to have it to the state by 5:00 p.m. on Tuesday, have to put in vaccine requests for the following week and information as to what was used for vaccines the previous week, how much on hold. The state does not want people to receive vaccine and not distribute it within 10 days. So, if you get notice

on Friday that you're receiving vaccine, gets delivered on Monday; if you get notice on Monday that you're receiving vaccine, gets delivered on Wednesday. State is giving most of vaccines to mega sites, but by Friday, should have a better answer. Can't post vaccine with time slots until actually receive the vaccine. Once vaccine is received, has agreements with hospitals to store it to keep it in the proper temperature range. Has a whole group of people managing the vaccine once it comes to us, so there's a lot of moving parts.

B. Extend Appointment of Jen Pepper (Cultural Council) Until June 30, 2023:

Chairman Archibald updated on this topic. (See Exhibit B, page 2 for information) Stated initially was voted through 2021.

**Motion made by Chairman Archibald to extend the appointment to June 30, 2023.
Seconded by Selectman Kemper.**

Yes 3, No 0

C. Request for Approval of Support Letter for Essex County Trails Association Mass Trails Grant Application:

Chairman Archibald updated on this topic. (See Exhibit C, pages 9 through 13 for information) Stated that Essex County Trails Association is applying for a grant from the Commonwealth. Grant would assist the organization in doing an evaluation of the trails in West Newbury and other towns. There would be no actual physical work done to the trail but any problems or things that needed to be worked on would be organized using GPS, and by categorizing things that need maintenance done to the trails, this would allow in the future for the work to be done and funded through grants, as well, with no cost to the town.

Town Manager Jennings stated that there were two applications going to Mass Trails, one on behalf of the Open Space Committee with the all-access trail for Mill Pond, and also the letter of support for this grant.

Motion made by Selectman Kemper moved that Town Manager Jennings be allowed to sign for the Town and file the grant. Seconded by Chairman Archibald.

Yes 3, No 0

Town Manager Jennings also updated that the Town received a grant recently in the last month through the Mass Office of Disability for a town-wide assessment of facilities' accessibility, compliance, and looking for opportunities for improvement. Haven't signed a contract with a vendor yet, just got a draft last week and wants to go through it with the Building Inspector to make sure that the scope would look at some of the trails, not with the expectation that things are 100% accessible, but that there's reasonable accommodation.

D. Review of Draft Letter to MassDOT Requesting New Pedestrian Crossing Signals on Main Street:

Chairman Archibald updated on this topic. (See Exhibit D, pages 14 through 18 for information) Stated that this would be warning lights at the crossing at the Page School going down to Pipestave and also in front of the new high school. He questioned about the process, writing to

the Department of Transportation about this, if something they're not interested in, how do we make MassDOT interested in this.

DPW Director Amaral stated that were approached by a resident who is a MassDOT employee who was concerned with the couple of locations where there are unique crossings in front of schools crossing 113. Had a small meeting and talked about the crosswalks. Suggestion was to write to the state to ask for funding for the improvements. Not a huge amount of money, just travel signal work, estimated around \$38,000. Is on a state road so feels the state should fund and build it since it's on their road and it's the highest volume street in town. Also recently a crash in front of the school where a student was hit.

Selectman Parker inquired as to whether the lights would be flashing lights all the time or push button lights that turn red if the button is pushed. Mr. Amaral stated only flashing yellow lights. Installed one on Storey Ave where the Children's Healthcare is in Newburyport. Light that stays black until you press the button and it starts to flash yellow so warns the driver that somebody is in the crosswalk, and per the state law, you should yield to them.

Town Manager Jennings inquired as whether the locations would be in compliance since they are in driveway locations, so would they work when MassDOT digs into it and find a potentially larger roadway change is needed in order to accommodate crosswalks that are fully compliant. Mr. Amaral stated that the high school is already compliant with wheelchair accessibility, and the Page School has no sidewalks on either side, so it's not in compliance and MassDOT would have a design there with a sidewalk designation to bring into compliance.

Motion by Selectman Parker to send a draft letter to MassDOT Highway Administrator requesting flashing lights to be installed at the Page School and the Middle School/High School campus. Seconded by Selectman Kemper.

Yes 3, No 0

E. FY22 Budget Calendar:

Town Manager Jennings updated on this topic. (See Exhibit E, pages 19 through 21 for information) Will present his proposed budget at the March 1st Selectman's meeting. Met with Greg Labrecque and Finance Director at Merrimack to talk about the Pentucket budget. Didn't give numbers, but looks like debt services will go up quite a bit with the school override, but looks like the operating budget impacts may be quite minimal, if any, because of the three town formula, are going to fall most heavily on Groveland and Merrimack and may be negligible in West Newbury, and might even be a decrease in the operating budget in the school because of the funding formula. Working with individual department heads, DPW already submitted budget, police and dispatch are going to be challenging without the union contract settled and doesn't expect will be settled this month, so some question mark on that. Library Board is going to meet next Tuesday to vote their recommended budget for FY22.

Will say that the process to this point has been fine, but more piecemeal than prior years because of workload issues with COVID and staff turnover.

All of the dates are listed and feels that the later Town Meeting on May 22nd is going to work out well because will have fewer moving parts, i.e., will have health insurance assessment in

February, so by the time his budget is presented, will already have some of the bigger numbers and will already know what they are instead of having questions marks.

Also wanted to say that on the issue of the Town Meeting Warrant closing, as the Board is aware, have had a couple of Article requests come in from individuals in Town and wants to make sure people understand that while suggestions are welcome and the BOS can put something under warrant on it's own initiative or not, in order to submit something that is assured of getting on the warrant, do need to get the requisite number of signatures for a petition article. Selectman Kemper stated that the amount of signatures differ from the Annual Town Meeting to the Special Town Meeting, so need to be aware of that. Town Manager Jennings stated that's all spelled out in the Town Bylaws that are posted under the Bylaws and Regulations page on the Town website in the upper right of the website.

F. Review/Endorse Proposal for CPA Funds to Restore/Repaint Old Town Hall:

Town Manager Jennings updated on this topic. (See Exhibit F, pages 22 through 26 for information) Stated the BOS had voted in December to support the submittal of CPA application. Now, the complete application is prepared, and Mr. Amaral has worked on the details such as cost estimating, etc., and now, the CPC is looking for endorsement of the BOS on behalf of the Town.

Motion by Selectman Kemper to advise the BOS is in full support with the Article to be proposed by DPW Director Amaral to the CPC. Seconded by Selectman Parker.

Yes 3, No 0

G. Known/Anticipated Town Meeting Warrant Articles:

Town Manager Jennings updated on this topic. (See Exhibit G, pages 27 through 45 for information) Stated has provided a list, some of which will come in, others are subject to recommendations of others, so listed all six items that have been submitted for Capital Committee review and all five items that have been submitted through the CPC process, and all of which are subject to the recommendation of their respective committees. Also has a list of about a dozen others, didn't include all of the backup because at this point, everyone knows what he's talking about, but if have questions, now is a good time.

Chairman Archibald inquired regarding the Page School fire alarm. Thought all had been done with that there. Town Manager Jennings stated that this was explained in detail at the Capital Committee meeting, but that amount was based on a quote that Chief Dwyer had gotten sometime ago, and it was reasonably accurate, but once the funds were approved, Mr. Amaral got more involved, met with the vendor onsite at least three times, walking through the building in detail, and were a couple of things that pushed the project cost higher. With COVID, scheduling became imperative, so scheduling the work on the late shift since had to wait for children to be gone and hadn't factored in the time factor in the costs. Chairman Archibald asked if that would be CARES available funds since it had to be scheduled when children weren't there due to COVID. Town Manager Jennings stated that he can look into that and see if it can be documented.

Stated this all came up last fall when working toward the contract and realized not enough in the approved funding to do the full project, so determined that the control panel could be carved out

and done separately and was left out of the contract with the goal of seeking supplemental funding, and after approved in the budget, vendor would then spend time doing the long hours of work needed, but not before the budget is approved.

Town Manager Jennings also noted that with regard to the stormwater bylaw, working on that. Leah has gotten the support of her Board to put some time toward that. If we're happy with it, will recommend it, but if it doesn't come together, do need to show some progress this year with the MS4 permit with the EPA, but if not ready, it's not ready.

Chairman Archibald inquired as to the amount of the new pumper is \$500,000. Knows fire trucks are very customized items. Asked if that's a hard number or as close as we can come, and since it's a huge amount of money, don't want to be in a situation where the fire truck is more. Selectman Parker added that Chief Dwyer was at the last Capital Improvements Committee meeting and feels that number is a fairly solid number. He explained that there are three different levels you can go to, but the baseline level might not fit the need, there's a standard product, which is what we're looking at now, and then can spend a lot more money to get something highly customized, and not what we're doing.

Town Manager Jennings also stated that it was discussed at the Capital Improvements Committee that there is also a tanker truck replacement on the capital program, not proposed for FY22, but proposed in the relatively near term, and that's another \$500,000, so the committee asked at the last meeting if both trucks are needed or a way that a single truck can satisfy both needs, and knows the Chief has done some additional research on that and feels that there would be a truck in the \$700,000 to \$800,000 range which if did that, could basically replace both trucks and he'll speak further about that on Wednesday. Hasn't received anything in writing, but that's something that the Capital Committee is looking closely at that expenditure as something with that dollar figure.

Town Counsel McCarron stated that in the past, the purchase of the fire trucks were from state bid lists, so are things that have already been bid out by other communities in the state, so he would assume that the pricing is pretty close. That's how it's been done in the past.

Town Manager Jennings mentioned that under potential, wanted to get BOS agreement, on page 28, "Adopt MGL to authorize tax payment agreements." Stated there is a specific Mass General Law that authorizes the Treasurer/Collector to enter into payment agreements, and while have not had a lot of payment agreements in town, in any given tax year, might be between 4 and 8 that the former Treasurer/Collector did do, and has been a custom over many years, but is supposed to have state authorization, so in working with the new Treasurer/Collector, came up as something that would be recommended, that if it is going to be the policy of the Town to entertain a payment agreement with individual taxpayers, that that be specifically authorized by opting into that MGL. Further discussion was had on this topic.

Town Manager Jennings stated that payment agreements in place will continue to be honored but wants to make sure they're done based on statutory authorization. Also stated that it's great for the audit and bond rating, showing that approved policies is very helpful.

Motion by Chairman Archibald to approve the policy on the tax enforcement as written on pages 51 and 52, with the exception of Part E. Seconded by Selectman Kemper.

Yes 3, No 0

H. Review/Approve Inclusionary Housing Fund Interim Regulations:

Chairman Archibald updated on this topic. (See Exhibit H, pages 46 through 50 for information) Stated that work done by the Planning Board coming up with some interim regulations relating to the housing fund money received, and if a Housing Trust is developed, it would be a way for the Town to tap some of the money to deal with affordable housing that could be the responsibility of the Town and Town Manager.

Town Manager Jennings stated that the zoning bylaw provides the ability for the Planning Board to require contribution into the affordable housing fund, has been happening for a few years with the balance now over \$100,000, but any use of that fund shall be governed, according to the bylaw, by regulations promulgated by the Planning Board and approved by the Board of Selectmen. Something that just didn't happen over the years and what's before them tonight. All very happy with the draft, and basically unlocks the use of the funds. The most pressing need is to ensure that we're in full compliance with the regulatory agreements on the various affordable housing units in Town.

There's reporting, enforcement, and the biggest time impact is on resale if and when the units are sold, there's a lot of red tape associated with tenant selection, running a lottery, marketing throughout the region, sending all documentation to the state, an incredibly time-intensive process, so communities large and small rely on consultants who are specialized in pre-qualifying people and certifying income and assets, so that the primary intended use of this fund in the near term would be to engage consultant support on an as-needed basis to make sure in full compliance with our obligations. When these affordable units are created, the Planning Board does that through their permitting, but also within the BOS and his office who are the monitoring agents, so every time a single unit is created, that creates a very substantial workload for his office, so this money can help make sure that the resources are available to carry that out responsibly.

Also allows, as an eligible use of the funds, any technical support that may be needed to establish an Affordable Housing Trust, which many agree is the right thing to do, but it's a somewhat longer-term objective that could be something next fall that they would propose or even the following spring, but not this spring. If approved by the BOS, funds would be available in a maximum amount of \$10,000 in any given fiscal year that would be expendable under his authority and if more than that was needed in any given fiscal year, he would need written approval of the BOS indicating the nature and cost of the proposed work.

Upon questioning by Selectman Parker, further discussion was held on the topic of finding an eligible and qualified buyer. Town Counsel McCarron also gave information on this topic.

Motion made by Selectman Parker to accept the interim regulations for housing contribution payments and resale fees pursuant to Section 5.F.8 of the West Newbury Zoning Bylaw, "Inclusionary Housing." Seconded by Selectman Kemper.

Yes 3, No 0

I. Review/Approve Financial Policy: Tax Enforcement:

No further discussion on this topic. (See Exhibit I, pages 51 through 55 for information)

J. Approve Form of Request for Qualification (RFQ) for Lease of Children's Castle:

Chairman Archibald updated on this topic. (See Exhibit J, pages 56 through 60 for information) Stated the lease for the Children's Castle by the Commonwealth, need to put out for bid since using a Town resource that has to be accessible to anyone who wants to bid on it. Selectman Parker questioned whether anything above \$35,000 needs an RFP or RFQ put out for bid. Town Counsel McCarron stated that's correct, but in this circumstance, using the process of a Request for Qualifications. The Board is setting a lease rate and looking for quality daycare providers where a selection committee will choose the potential tenant based upon a list of criteria set forth in order to get the best provider for the property. Selectman Parker added that it's required to do this statutorily.

Motion made by Selectman Parker for the Town to proceed with a Request for Qualifications for leasing a portion of the John C. Page School to a quality daycare provider for three years, with a monthly rent commencing April 1, 2021 at \$12,078 per month for the first year, \$12,320 per month for the second year, and \$12,566 per month for the first year. Seconded by Selectman Kemper.

Yes 3, No 0

K. Verizon Form 500 Annual Report:

Chairman Archibald updated on this topic. (See Exhibit K, pages 61 through 63 for information) States that it's complaints and service problems that the utility has received and their response to them. This is the report that has come back to the Town.

TOWN MANAGER UPDATES

L. Middle Street Bridge: Permitting and Budgeting:

Town Manager Jennings updated on this topic. (See Exhibit L, page 64 for information) Stated that the Middle Street Bridge is now fully into the permitting process. He and Wayne both attended the Con Com initial hearing last Monday, nothing unexpected. They had some questions. Feels the consultant's BSB group did a nice job fielding the questions. Commission did request a site visit, so will take place February 7th at 9:00, and they continued the hearing to Monday, February 8th at 7:30. Stated the Newburyport Conservation Commission hearing begins tomorrow evening which Wayne will attend.

Also been speaking to City staff about the budgeting for the bridge. Intending to propose our share of the local costs and want to make sure the City is going to meet us halfway on that, so that discussion is ongoing.

M. Soldiers & Sailors Building: Design and Permitting:

Town Manager Jennings updated on this topic. (See Exhibit M, pages 65 through 71 for information) Stated in design and not permitting, but did have a meeting last week with the local permitting personnel to sound out any issues, want no surprises, want to make sure that the architects are in a position to put the design out for construction bids on the timeline and need to make sure that if there's any conditions coming out of the site plan review or Con Com, that we get those on the table sooner than later. Further discussion was held on this topic.

N. Updates on Other Active Projects:

Town Manager Jennings updated on this topic. (See Exhibit N, pages 72 through 80 for information) Wanted to ask about being contacted by Greenbelt regarding potential location for parking for the River Road land. Can put this on the February 22nd agenda to look at in more detail. Dave Rimmer said he would be happy to attend remotely. They're going to engage an engineer to work up a detailed proposal which will be submitted to Con Com with a Notice of Intent. He and Dave have been corresponding and agreed it would be good to let the BOS know this is underway because when the Notice of Intent is eventually filed, it will be partly on land under BOS control as the Highway Commissioners, so going to be an opportunity at that time for this Board to formally sponsor the Notice of Intent. Not what he's asking tonight but did want to share with everyone the concept map seen on page 75 that roughly shows where the parking would be, just to make sure that they're generally in agreement with the direction, and if they did have any specific guidance or direction that they wanted to provide, Greenbelt could tell their engineer to take that into account in the specific design. Further discussion was had on this topic.

Stated that a contract is in place with the upgrade of the HVAC in the 1910 Building under one of the Green Community's grants. Hasn't signed the contract yet.

O. Follow-Up Meeting Assignments and Placing Items for Future Agendas:

Selectman Kemper stated that with all the talk of affordable housing, would like to have serious discussions with the Board to rekindle an Affordable Housing Committee in the near future, maybe after the budget season goes through, regarding affordable housing, possibly hybrids, working with builders on Town-owned land. Feels people really need it.

Motion was made by Selectman Kemper to adjourn the meeting at 8:51 p.m. Seconded by Selectman Parker.

Yes 3, No 0

Respectfully submitted,

Susan M. Lobie, Certified Electronic Transcriptionist
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Approved by the Board of Selectmen 3-0 on 3/15/2021 - as amended