



Town of West Newbury
Board of Selectmen
Monday, April 12, 2021
381 Main Street, Town Office Building
www.wnewbury.org

RECEIVED
TOWN CLERK
WEST NEWBURY, MA
2021 JUN 15 AM 10:39

Minutes of Meeting

Open Session: 7:04 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: 922-8591-6995

Passcode: 000384

Or from computer, tablet, or smartphone:

<https://zoom.us/j/92285916995?pwd=ZWl2MTYrV0hjN2JrUmVXZhdYeUJadz09>

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 7:04 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
- ❖ Stephanie Frontiera

Announcements:

- Notice of New E-Mail Address: selectboard@wnewbury.org
- Electric Vehicle Charging Stations at 1910 Building and Page School (Outside School Hours) Available for Public Use – any feedback would be appreciated.
- Call for Interest: Board of Fire Engineers, Application for Appointment Available on Town Website
- Board of Health Meeting Agenda – April 13th, 4:30 to 8:00 p.m. (See p. 3 through 9 for information)
- Virtual Arbor Day Celebration, Friday, April 30th and Saturday, May 1st – See Tree Committee Webpage for Details
- Town-Wide Cleanup in Celebration of Earth Day – Saturday and Sunday, May 1 and 2 – Stay Tuned for More Details
- Town Election Monday, May 3rd – 7:00 a.m. to 8:00 p.m. Annual and Special Town Meetings: Saturday, May 22, 2021, time to be determined (See p. 2 for Election Information)
- Reminder to Subscribe for E-mailed Town News/Announcements at <https://www.wnewbury.org/subscribe>

REGULAR AGENDA

A. Request for Special Event Permit – Apple Harvest Road Race, October 1-2, 2021:

Town Manager Jennings recommended that action on this be postponed taking more time to wait and see how things go, especially where there is a proposed indoor dinner and at this point, don't have health sign-off. (See Exhibit A, pages 10 through 15 for information)

B. Request to Install Signage on Trees at Indian Hill Reservoir, John Elwell:

John Elwell updated on this topic. (See Exhibit B, pages 16 through 20 for information) Stated that he is the owner of Maple Crest Farm which abuts the Indian Hill Reservoir. Sees lots of people walking the route and feels would be a great opportunity to let people learn more about trees by installing signage. Involved with Alliance of Climate and Environmental Stewards, working through local high school ways to have internships for kids to experience the environment and learning about climate, and on a trial basis wanted to get volunteers from Newburyport High School to identify trees, found two students, and wants to propose signage on about 15 trees, made by a NH company for free, with informative information such as picture of the leaf, English and Latin names, description of the tree and its impact on the environment, with names of the students involved, environmental group, and sign company. Further discussion was had on this topic. Chairman Archibald stated no motion is needed for this topic.

C. Vote to Approve Warrant for Town Election on May 3, 2021:

Town Manager Jennings stated that this item can be passed over with no action because has already been voted to approve the warrant. (See Exhibit C, pages 21 through 22 or information)

D. Proposed Change to Committee Charge and Composition, Energy Advisory Committee:

Selectman Parker updated on this topic. (See Exhibit D, pages 23 through 24 for information) Stated that the Energy Advisory Committee has only focused on energy related issues up to this point, but sort of a broader topic, sustainability, that applies to more than just energy, also applies to maintaining continuity of other types of environmental related systems. The Committee would like to expand the name to the Energy and Sustainability Committee. Some other things might look at is trying to promote composting in town, which would have multiple positive effect and reducing tipping costs for waste disposal. Might also look at rain barrels and other related topics over time.

Chairman Archibald inquired as to whether having up to nine people is too much. Further discussion was had on this topic.

Motion made by Selectman Kemper to approve the change in name and charge of the Committee to Energy and Sustainability Committee. Seconded by Chairman Archibald.

Yes 3, No 0

E. Proposed Establishment of Climate Change Resiliency Committee:

Selectman Parker stated that they're not formally a committee up to now, known as a working group, but clear it needs to be one. Has been great about posting agendas and minutes. Town Manager Jennings inquired as to whether people already involved should submit a statement of interest or put on a future agenda for appointment. Selectman Parker stated the latter would make sense.

Motion made by Chairman Archibald to make name change and mission change as in the Agenda. Seconded by Selectman Kemper.

Yes 3, No 0

F. Discussion of Memorial Day Parade and Impact of Recent Order from Governor Baker:

Chairman Archibald updated on this topic. (See Exhibit F, pages 25 through 32 for information) Stated that it's a formality and in light of the present status of how the Governor is regulating gatherings, Memorial Day Parade cannot be held as would be planned.

G. Receipt of Capital Improvements Committee Report for Town Meeting on May 22, 2021:

Chairman Archibald reviewed the CIC Report. (See Exhibit G, pages 33 through 35 for information) Stated the Capital Improvement Committee went over the six items that were in their purview. Number one selected item in terms of the Committee's recommendation was going forward with the Middle Street Bridge, second was Page School Fire Alarm, and third was the recoating of the roofs of town building, fourth was improvements to the existing water tank,

fifth was the new tanker truck for the Fire Department, and last was replacement of the Jaws of Life for the Fire Department.

Town Manager Jennings stated that this must be given to Selectmen at least six weeks prior to Town Meeting and wanted to include on tonight's agenda so that it shows up clearly in the record that it was timely delivered.

H. Middle Street Bridge – Updated Cost Estimates:

Town Manager Jennings updated on this topic. (See Exhibit H, pages 36 through 41 for information) He stated that the project has been a major focus going back for a couple of years, have been working with construction cost estimates, recently heard from the design engineer that their estimates of project costs have gone up quite substantially. Originally thought that the amount talked about was somewhat low but had no idea until a week ago of how low it might be.

Total project cost has now been revised upwards to including both construction and design and contingency, revised upward to nearly \$3.4 million from the prior \$2.6 million. Important notes include that the \$2.6 million figure never included contingencies which are always included, so figure was artificially low. So, the 10% added on the construction costs, \$270,000 could be seen as low, but counts for the increase.

The primary driver of the increase in cost estimates, prior cost estimate for construction was about \$2.2 million, now around \$2.5 million, an increase of \$335,000, due to passage of time and design estimate of the engineers is not based on an order of magnitude cost but based on detailed list of items and weighted bid average from actual MassDOT bid projects that are more recent, so better number in terms of accuracy and more current.

Third major contributor to the increase in estimated costs is about \$110,000 for the resident engineer. Had a call today with the designers as well as the City of Newburyport City Engineer and that is one area where there may be potential for cost savings. Chairman Archibald asked what that person would do. Stated it's like a Clerk of the Works, who is the Town's representative to oversee that the work in the field is done in accordance with the plan. Initial cost estimate was \$40,000, but on the basis of an expectation that has come up through permitting that there would be daily inspections and daily monitoring, that cost would be increased. Preliminary discussions are ongoing with officials from Newburyport as to whether can be done in part by Town staff, but the problem that the Engineer has seen is that it tends to overload the current staff.

Final driver of cost is that some of the design work that needs to happen to address some of the stormwater issues that have come out of the permitting process has added about \$55,000 to the design costs. All adds up to a bottom line of around \$3.4 million, but even that number only carries a 10% contingency, and given the complexity of the project and factors that may or may not be COVID related, there's concern about if the project wasn't put out to bid until next spring and there's a federal infrastructure stimulus that puts more money on the street and contractors aren't incentivized to put in their best price on a small project to them, a contingency of 20% or 30% may be more solid and 10% may be hopeful.

So now, the question is should it be taken to Town Meeting now or have engineers resume work to carry fully through the permitting and MassDOT permitting to have a fully permitted projects, then would have a project to go after the federal infrastructure money to bring people to the

table. Further discussion was had regarding this regarding current and future funding, as well as working with the Mayor of Newburyport to solidify future plans.

Chairman Archibald stated that he doesn't think should go for more money at this time. Town Manager Jennings agreed, stating it may jeopardize healthy free cash balance, and inquired as to whether should go forward with the \$600,000 knowing that's not enough. Selectman Kemper thought should stay the course at this point. Selectman Parker felt should move ahead and then look for ways to correct. Town Manager Jennings asked if he should resume the design services and the Select Board said yes.

I. Updates on FY22 Budget and Finance Committee Process/Recommendations:

Chairman Archibald stated this is for informational purposes because hasn't approved line items yet? (See Exhibit I, pages 42 through 54 for information) Town Manager Jennings stated they've approved all but about seven sections that are on tomorrow nights Fin Com agenda and after the meeting, the expectation is that they will have acted on every section of the operating budget. There are a couple of articles that will not take up tomorrow, the Coffin Street proposal because CPC doesn't recommend until Thursday, and a couple of placeholders put on by the Select Board where amount is not provided, OPEB stabilization and unbudgeted personnel costs, so Fin Com can't take action until the amounts are provided.

J. Updates Regarding Draft Annual and Special Town Meeting Warrant Articles:

Chairman Archibald stated next meeting will be the joint meeting with the Fin Com so everyone can see where they're at and have answers for the booklet. (See Exhibit J, pages 55 through 93 for information) Fin Com has voted on several articles already and feels it would be in our best interest to vote on some articles right now, which all other Selectmen agreed.

Special Town Meeting Articles:

Article 2, to see if Town will vote to transfer from available funds the sum of \$33,000 for all costs and expense pertaining to repair and replacement of the fire alarm system at the Page School.

Motion made by Chairman Archibald approve Article 2. Seconded by Selectman Kemper.

Yes 3, No 0

Article 3, \$105,000 approximately for costs related to the repair and restoration of the West Newbury Town Hall using money from CPA funds.

Motion made by Chairman Archibald approve Article 3. Seconded by Selectman Parker.

Yes 3, No 0

Article 4, \$30,000 in CPA funds for expenses pertaining to design and construction of an all-access trail, commonly referred to as the "Whetstone Greenway," between River Meadow Drive and Sullivans Court Extension. Fin Com has not voted on this yet but approved by CPC.

Motion made by Chairman Archibald approve Article 4. Seconded by Selectman Parker.

Chairman Archibald feels that the amount seems very high. Selectman Kemper inquired as to where the number came from. Town Manager Jennings stated that there has been no design or concept plan. Selectman Parker stated that it was primarily put together by Brad Buscher, similar to work done by his organization, who used his experience and judgment, so could be high or could be low, but that the costs of pressure treated lumber has skyrocketed.

Town Manager Jennings stated that there's already \$10,000 in the Town's possession that was held from the Sullivans Court Extension developer, so the \$30,000 is supplemented by that \$10,000.

Yes 3, No 0

Article 5, Chairman Archibald stated would approve it as long as it's reasonable, for snow and ice deficit for 2021. Fin Com recommended approval 3 to 1. Town Manager Jennings stated the Fin Com packet shows the amount to be \$23,500 as of March 22, and may be higher now, and would come from free cash.

Motion made by Chairman Archibald approve Article 5. Seconded by Selectman Kemper.

Selectman Kemper inquired as to whether have any preliminary numbers. Stephanie Frontiera stated the amount is \$67,706. Wayne believes may be up to just two more invoices to come in from a contractor.

Yes 3, No 0

Article 6, transfer \$3,137 from free cash to fund the Essex Agricultural and Technical School FY21 budget deficit.

Motion made by Selectman Kemper to approve Article 6. Seconded by Selectman Parker.

Yes 3, No 0

Town Counsel McCarron inquired as to whether the Town Clerk and Town Moderator would be at the next meeting for discussion of the warrants. Also stated, if intend to move forward with the consent budget, should amend the warrants where talk about transfer from available funds, but to be very specific as to where the funds will be coming from for each warrant article, to which everyone agreed. Town Manager Jennings stated funding source is noted on page 24 of the Fin Com packet.

Article 7, transfer from free cash \$287.57 to resolve deficit resulting from over-expenditure of funds from the World War II Gym Stabilization Fund in 2016.

Motion made by Selectman Kemper to approve Article 7. Seconded by Selectman Parker.

Yes 3, No 0

Article 8, transfer from free cash, \$3,948.03 to resolve deficits for expired grants that did not close out properly in FY2018 and FY2019. Stephanie Frontiera stated that when she came onboard to the Town of West Newbury, there were several grants that had deficits, so doing

housekeeping to move revenue to close out. Town Counsel stated if it's an over-expenditure of an appropriation, would have to be a higher percentage vote. Further discussion was had on this topic.

Motion made by Selectman Kemper to approve Article 8. Seconded by Selectman Parker.

Yes 3, No 0

Article 9, Town Manager Jennings suggests making a recommendation at next meeting but pointed to page 63 and 64 of the packet of information that came in late. Stats if all goes well with the clinics, should be made whole by either Cares Act, FEMA funding, or municipal reimbursement of expenses.

Article 10, passed over without discussion.

Article 11, transfer from free cash \$18,000 for costs and expenses pertaining to replacement of public safety network server. Approved 5-0 by Fin Com. Chairman Archibald stated hopefully there's some way of having a completely separated backup system in order to be isolated from potential hacking.

Motion made by Chairman Archibald to approve Article 11. Seconded by Selectman Parker.

Yes 3, No 0

Article 12, transfer from free cash \$15,000 to fund consulting support toward compliance with the stormwater management permit issued to the Town of West Newbury by the U.S. Environmental Protection Agency. Approved 4-0 by Fin Com. Chairman Archibald stated have to deal with this report and any help that we can get should be approved. Town Manager Jennings stated that the major work product anticipated for this is the stormwater bylaw.

Motion made by Chairman Archibald to approve Article 12. Seconded by Selectman Parker.

Selectman Parker asked where the stormwater bylaw stands. Town Manager Jennings stated its something that's been in circulation to some degree among the stormwater working group. Stated that the draft is incredibly technical and looking for current overlap and need to find more time to do. Unable to do it in-house, and by permit, should have it done by June 30th. Further discussion was had on how this has to be handled and by who.

Yes 3, No 0

Article 13, transfer from free cash \$9,050 to fund costs related to the Assessing Department network server. Not yet voted on by Fin Com. Town Manager Jennings stated that he's told that it's need, a separate network server, would stick with the existing software and vendor. Further discussion was had on this topic.

Motion made by Chairman Archibald to approve Article 13. Seconded by Selectman Kemper.

Yes 3, No 0

Article 14, transfer from free cash \$8,500 to fund costs to conduct a utility property evaluation analysis and report by request of the Board of Assessors. Chairman Archibald explained that by doing so, may be able to get a reevaluation of utilities and physical property in the community, thereby increasing the utilities assessment, capturing some increased tax revenue from utilities such as National Grid. In order to do this, have to get the consultant to help with this because some amount of work is involved. Assessors feel we have a good chance of success, the idea being spending the funds, will get considerably more back from that in tax revenue.

Motion made by Chairman Archibald to approve Article 14. Seconded by Selectman Kemper.

Selectman Parker stated that what this will do is transfer some of the tax liability to the utility and the tax number will be the same, shifting more of the burden to the utilities if their assessments went up, but not a golden egg. Further discussion and explanation was had on this topic.

Yes 3, No 0

Article 15, transfer from free cash \$7,000 for all costs and expenses pertaining to identifying, mapping, and remediating invasive species on public lands in the Town of West Newbury. Requested by Climate Change Resiliency Committee. Selectman Parker updated that the committee is working on a job description as far as advertising or posting on the website and locally. Chairman Archibald questioned regarding giving preference to locals, but Selectman Parker stated that we should, but legally, not sure if can do so.

Motion made by Selectman Kemper to approve Article 15. Seconded by Chairman Archibald.

Yes 3, No 0

Annual Town Meeting Articles:

Article 3, whether want to give instructions or regulations to the Board of Water Commissioners. Selectman Kemper suggested that we highly recommend doing something like that and should have a discussion on what to say.

Article 4, Town Manager Jennings stated got a proposed budget from the Water Commission Friday afternoon. Is part of the Fin Com packet sent out Friday but didn't get into this packet. So, Fin Com will review tomorrow night. Major change is proposed creation of a third full-time position with the proposed addition of a second licensed operator. Further discussion and questioning was had on this article.

Articles 3, 4, 5, and 6 were all passed over for voting until next meeting.

Article 7, whether the Town will raise or appropriate from free cash \$76,261 for the Pension Liability Stabilization Fund. Fin Com voted 4-0. Being proactive to do so.

Motion made by Chairman Archibald to approve Article 7. Seconded by Selectman Kemper.

Yes 3, No 0

Article 8, transfer an amount for Other Post-Employment Benefits (OPEB) Stabilization Fund. Chairman Archibald explained that we have a slight deficit due to the way the actuarial analysis the last couple of years has changed the goalposts on how they evaluate the Town, and also reflects different demographics of employees and retirees. Not in trouble, still the most funded OPEB account of any community in the Commonwealth but feels should put in a token amount such as \$15,000. Further discussion was had on this topic.

Motion made by Selectman Kemper to approve Article 8 for \$15,000. Seconded by Selectman Parker.

Yes 3, No 0

Article 9, transfer the sum of \$397,325 from the School Stabilization Fund to pay a portion of the Town's share of debt service associated with the building of the Middle/High School. Fin Com voted 4-0. Town Manager Jennings stated that this assumes this passes, but if not, would have to be put back into the line item budget, so should reorder the articles to make sure this comes up before the budget. Chairman Archibald stated that before Town Meeting, know how much is in the fund so that questions can be answered. Town Manager Jennings stated that the balance as of January 1 was \$1,658,024. Further questions were also asked and answered on this topic.

Motion made by Chairman Archibald to approve Article 9. Seconded by Selectman Parker.

Yes 3, No 0

Article 10, transfer \$10,363 from the Septic Loan Revolving account for repayment of debt service. No discussion held and no motion made.

Yes 3, No 0

Article 11, Community Preservation Fund annual revenues and spending. Town Manager Jennings stated these figures are anticipated amounts, which are noted in the article. Fin Com has noted voted on this.

Motion made by Chairman Archibald to approve Article 11. Seconded by Selectman Parker.

Yes 3, No 0

Article 12, funds from CPA funds, Historic Recourses Reserve, \$25,000 to continue the historic site survey. Noted voted on by Fin Com. Town Manager Jennings stated expectation is to get 50% back from a state grant but won't be known by the time of Town Meeting.

Motion made by Chairman Archibald to approve Article 12. Seconded by Selectman Kemper

Yes 3, No 0

Article 13, funds from CPS funds, Open Space and Recreation Reserve, \$30,000 for costs and expenses pertaining to the design of an all-access trail and associated features at the Mill Pond. Approved by CPA, matched by state grant of \$30,000. Further discussion was had on this.

Motion made by Chairman Archibald to approve Article 13. Seconded by Selectman Kemper.

Yes 3, No 0

Article 14, funds from CPC, \$175,000 for acquisition of 30+/- acres and acquisition of Conservation Restrictions on 21+/- of land off Coffin Street. Further discussion on this topic. Passed over to next meeting. Waiting for information.

Article 16, transfer from free cash the sum of \$700,000 into the Capital Stabilization Fund. Needs 2/3 vote to put into stabilization from free cash.

Motion made by Chairman Archibald to approve Article 16. Seconded by Selectman Kemper.

Yes 3, No 0

Article 17, transfer from free cash the sum of \$600,000 for costs and expenses pertaining to the Town's share for the reconstruction of the Middle Street Bridge. As above, everyone felt would continue on for the moment with the plan (see above). Approved 4-0 by Fin Com. Further discussion had on this topic.

Motion made by Chairman Archibald to approve Article 17 transfer of funds, if needed. Seconded by Selectman Kemper.

Yes 3, No 0

Article 18, transfer from capital stabilization fund a sum of \$95,000 for costs and expenses related to roof repairs to all Town buildings. Approved 4-0 by Fin Com. Needs 2/3 vote to pass.

Motion made by Chairman Archibald to approve Article 18 as written. Seconded by Selectman Parker.

Yes 3, No 0

Article 19, tanker truck, has been removed by a vote of the Board of Fire Engineers, with the anticipation that a combined pumper/tanker truck would be brought forward in the next fiscal year.

Article 20, transfer from stabilization funds \$35,000 for the purchase of a Jaws of Life. Needs 2/3 vote to pass. Further information was provided on this topic. Town Manager Jennings stated

that in recent weeks, received a \$10,000 grant which would offset the cost, so it could be reduced to \$25,000 or change at Town Meeting. Decided to leave as is for now. Voted 5-0 by Fin Com.

Motion made by Chairman Archibald to approve Article 20. Seconded by Selectman Kemper.

Yes 3, No 0

Article 21, to transfer from free cash to reduce the FY22 tax rate. Town Manager Jennings stated that to do what have done in the past, would have had tax recap model and could give a pretty good estimate of what tax rate would be, but hasn't had time to do that this cycle. Feels would be better if moved to the fall.

Motion made by Selectman Kemper to take this Article off of the warrant. Seconded by Selectman Parker.

Yes 3, No 0

Article 22, see if the Town would vote to accept as a public way the layout of Cortland Lane. Chairman Archibald stated it never got officially put in as an accepted municipal street although it has been receiving plowing, etc. Selectman Kemper stated was held off for some time because it was being developed, but then fell through the cracks.

Motion made by Chairman Archibald to approve Article 22. Seconded by Selectman Kemper.

Town Manager Jennings stated it was voted by Town Meeting in 2010 to accept it as a public way but the street acceptance plan was never recorded within 120 days of the vote. Still has to follow the process as if the 2010 vote never happened, so he will be looking for the Board to formally refer the proposed acceptance to the Planning Board, which is a requirement of statute, and Ray Cook has said assuming it is referred tonight, that the Planning Board will take it up at their meeting a week from tomorrow.

Yes 3, No 0

Article 23, to see if the Town will amend Section VI of the Town Bylaws, Animal By-Law, to establish a new Disposal of Waste section and to establish requirements related to removal of dog waste, including the establishment and enforcement of fines for violations.

Motion made by Selectman Kemper to approve Article 23. Seconded by Selectman Parker.

Yes 3, No 0

Article 24, amend Section XL of the Town Bylaws to establish a revolving fund for revenues and expenses associated with the electric vehicle charging stations. Selectman Parker stated that this is that any funds that come in through the EV charging stations have to go somewhere and pay for electric bill, etc., as well as future maintenance, even though is already funded for five years with Charge Point.

Motion made by Selectman Kemper to approve Article 24. Seconded by Selectman Parker.

Yes 3, No 0

Article 25, amend Section XL of the Town Bylaws to establish a revolving fund for revenues and expenses associated with curbside collection of trash, recycling and food waste. Town Manager Jennings stated that the proposed date for change is June 1 by the Board of Health and inquired whether it should be voted upon at the Special Town Meeting. Town Counsel McCarron stated that the state has allowed its anticipated approval and can be used. Further discussion was had on this topic.

Motion made by Chairman Archibald to approve Article 25. Seconded by Selectman Kemper.

Yes 3, No 0

Article 26, regarding the limit of the total amount that can be expended from each revolving fund pursuant to Section XL of the Town Bylaws.

Motion made by Chairman Archibald to approve Article 26. Seconded by Selectman Kemper.

Yes 3, No 0

Article 27, see if the Town will adopt a new section of Town Bylaws in order to establish a Wetlands Protection Act Bylaw. Fin Com has made no recommendation on this Article.

Motion made by Chairman Archibald to approve Article 27. Seconded by Selectman Kemper.

Selectman Kemper stated that he's not in favor of this bylaw at this time and haven't found any reason to have it. He feels that the citizens don't realize the potential impact this will have as well as restrictions and costs to homeowners. Not sure what we are trying to fix by doing this. Stated that state regulations are already very protective, and we follow them strictly. Also stated that in the times of COVID, we haven't had a chance to vet it and should be taken off the warrant and brought back to the Town at a different time where we need to be more aware of it and plans to make a motion to take it off the warrant.

Selectman Parker stated that his understanding from a week ago when the Con Com was present was that there were answers to some of the questions posed and also an issue of possibly looking at what streams and flows in town were going to be covered as opposed to a general statement about all flows and whether that happened. He also agrees that still need some answers.

Chairman Archibald stated that he looked at the science behind setbacks. Stated these applied to actual streams, not intermittent, and the take-home message was that 10-40 feet doesn't make much of a difference. 50 feet starts to show effect, 100 feet is pretty good for most types of running bodies of water. Also stated that if a homeowner wanted to change their driveway, would need an order of conditions, and might also change town services. So, feels that this Article should be taken off the warrant until it can be worked on and questions are answered further.

Wendy Reed stated that the Conservation Commission met after last meeting and rather than follow the Boxford model of naming the intermittent streams that were covered, they are going to just omit drainage ditches from the regulation, so they will not be covered as an intermittent stream, which is how the bylaw is going to be proposed. Also stated that the 200 feet protection buffer zone for rivers is mandated by the state, not something we created.

Selectman Kemper stated that this is a significant change of the bylaw, and with turnover in the Con Com, makes this an inopportune time to answer why the change is being made and why we need this. Selectman Parker stated that in general terms regarding the need, he sees that perhaps there is a need, but he would like to take this up at another time, perhaps in the fall.

Yes 0, No 3

Motion made by Selectman Kemper to take this off of the warrant for Spring Town Meeting. Seconded by Chairman Archibald.

Selectman Parker stated that feels it would still be valuable to be discussed at Town Meeting because it's hard to get people to focus on things and the one time would get people to focus would be at Town Meeting. Selectman Kemper stated can still take it off the warrant and the Con Com can make a presentation about a proposed wetlands bylaw change that will be bringing up at a future Town Meeting. Town Manager Jennings stated he would like to see an initiative to go forward to coordinate with the stormwater bylaw since that is something that has to be done under our EPA permit.

Yes 2, No 1 (Parker no)

Article 28, citizen petition to see if the Town will vote to delay any additional expenditures on the Soldiers and Sailors Memorial Building project until a defined productive use for the building is identified and approved. Turned down 5-0 by Fin Com.

Motion by Selectman Kemper to disapprove. Seconded by Chairman Archibald.

Yes 3, No 0

K. Referral of Proposed Acceptance of Cortland Lane to Planning Board for Review Pursuant to M.G.L. Ch. 41, Sections 81G and 81I:

Town Manager Jennings stated the motion is on page 96. (See Exhibit K, pages 94 through 97 for information) Have to vote on the exact steps set out by statute with referral of the proposed acceptance to the Planning Board, who will take it up and make a recommendation. This issue of acceptance of Cortland Lane would be on a future Select Board agenda because the abutters need to receive seven days advanced notice.

Motion made by Chairman Archibald that the Select Board vote its intention to lay out Cortland Lane as a public way, as shown on a plan entitled, "Street Acceptance Plan for Cortland Lane," dated October 4, 2004, prepared by Apple Associates, Inc., on file with the Town Clerk, and to forward this vote and the plan to the Planning Board for its comments and recommendations pursuant to G.L. c. 41, §§81G and 81I. Seconded by Selectman Parker.

Selectman Kemper inquired as to whether this could not get accepted and would ruin all the parking plans that have up there, as well as trash pickup. Selectman Parker stated could ruin the plowing plan.

Yes 3, No 0

L. FY20 Board of Selectmen Town Report:

Town Manager Jennings stated that once he has time, he will send it around and would like someone to look at it. (See Exhibit L, pages 98 through 101 for information)

M. Meeting Minutes: February 4, 2019; February 19, 2019; March 18, 2019:

(See Exhibit M, pages 102 through 116 for information)

**Motion made by Chairman Archibald to approve minutes for 2/4/19, 2/19/19, and 3/18/19.
Seconded by Selectman Kemper.**

Yes 2, No 0 (Parker abstained)

TOWN MANAGER UPDATES

N. Soldiers & Sailors Memorial Building:

(See Exhibit N, pages 117 through 119 for information) (Not addressed)

O. Proposals Received for Design/Build of Page School Playground:

(Not addressed)

P. Work with Parks & Rec Commission Regarding Facility Use/Field Rental Policy:

Update provided by Town Manager Jennings. (See Exhibit P, pages 120 through 133 for information) Stated working to set a fee schedule which is long overdue, and credits them for the work they're doing which is very difficult. Stated before they vote something, there needs to be something published that everyone has an advanced amount of time to review and study, get comments, then can vote in open meeting.

Q. Updates on Other Active Projects:

(Nothing addressed)

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

Selectman Parker stated that recently voted to allow the MVP working group to submit a letter of interest to the state MVP program for the potential to apply for a grant. Feels that before the next meeting, there will be a grant application that the now Climate Change Resiliency Committee would like the Board to approve. Due May 7th and application will be ready to approve.

Motion was made by Chairman Archibald to adjourn the meeting at 10:27 p.m. Seconded by Selectman Parker.

Respectfully submitted,

Susan M. Lobie, Certified Electronic Transcriptionist
Office Solutions Plus
15 Marion Road, Salem, MA 01970

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