



Town of West Newbury
Board of Selectmen
Monday, August 3, 2020
381 Main Street, Town Office Building
www.wnewbury.org

RECEIVED
TOWN CLERK
WEST NEWBURY, MA
2020 SEP -9 PM 3:01

Minutes of Meeting

Open Session: 7:07 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: 720-457-421

Or, from computer, tablet or smartphone: <https://global.gotomeeting.com/join/720457421>

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 7:07 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
- ❖ Adam Stone
- ❖ Fred Chanania, Tree Committee
- ❖ Elisa Grammar
- ❖ Kathy Feehery
- ❖ KC Swallow
- ❖ Stephanie Frontera

Announcements:

- Town Manager Angus Jennings summarized the memo regarding the Pentucket School Committee regarding reopening plans. Hasn't received reopening plans but spoke with Assistant Superintendent who stated that he planned to circulate later in the day for review. The Superintendent is expected to host an online forum this Wednesday.

Chairman Archibald announced that on Thursday, August 6th at 6:00 p.m., the BOS are holding an additional meeting to go over plans for West Newbury Riding and Driving Club and the West Newbury Youth League that are planning to have events in September and October at Pipestave and how parking and events can be managed, can they be done simultaneously, etc. in the age of COVID.

Selectmen Kemper suggested that everyone come to the meeting with good ideas and not just pushing it down the pike, so that a decision could be made.

- Chairman Archibald announced that they are looking for members for the Fin Com, looking for Associate Member of the Zoning Board of Appeals.

In response to Selectman Kemper's question as to why this committee is so important, stated that the ZBA will be the one and only members of the Town that can create definitive input on the 40B, if deemed to be eligible by MassHousing, all changes and/or recommendations that the Town will have will be made by the ZBA.

- Town Manager Jennings announced that there is at least one open position on the Energy Advisory Committee. Selectman Parker stated that there are plenty more, no limit, and stated that if people are interested in joining, that would be great.
- Town Manager Jennings also stated that there are also open positions on the Cable Advisory Committee, Cultural Council, and Historic District Commission also each have one or more vacancies. Chairman Archibald gave a reminder to subscribed to e-mail for Town announcements on the West Newbury website.

REGULAR AGENDA

A. Request for Approval of Warrant for 2020 State Primary on September 1, 2020:

(See Exhibit A, page 6 to 8 for information)

Motion by Selectman Kemper to approve warrant for 2020 State Primary. Seconded by Selectman Parker.

Yes 3, No 0

B. Applications for Appointment to Capital Improvements Committee, Elisa Grammer, Patrick McCoy)

Town Manager Jennings stated that Elisa Grammer and Patrick McCoy put in Community Interest Forms for the Capital Improvement Committee. (See Exhibit B, pages 9 through 10 for information) Stated that there are two openings on the committee. Also stated that according to the bylaws, the 5 at-large members are to serve a 3-year rotating term.

Elisa Grammer stated that they learned a lot in the municipal vulnerability to climate change process and she would like to take some what she learned and think about that as we look at capital improvements.

Motion by Chairman Archibald to appoint Elisa Grammer to the Capital Improvements Committee until the end of FY2023. Seconded by Selectman Parker.

Yes 3, No 0

Patrick McCoy gave background, born and grew up in Essex, MA, lived in Ipswich, Gloucester, Salem, Somerville, Beverly, Newburyport, and recently moved last year to West Newbury. Cares a create deal about the North Shore and about the environment, and wants to be helpful, being part of the community in which you live. Currently serves at Board President of Opportunity Works, a non-profit organization in Haverhill/Newburyport. Treasurer for the Masonic Lodge in Newburyport.

Motion by Selectman Parker to appoint Patrick McCoy to the Capital Improvements Committee. Seconded by Selectman Kemper.

Yes 3, No 0

C. Application for Appointment as Associate Member to Tree Committee, Lionel Zupan:

Motion by Chairman Archibald to appoint Lionel Zupan as Associate Member of the Tree Committee. (See Exhibit C, page 11 for information) Seconded by Selectman Kemper.

Yes 3, No 0

D. Reappointment of Wendy Reed as Associate Member of Planning Board:

Town Manager Jennings announced request for reappointment of Wendy Reed for Associate Member of the Planning Board. (See Exhibit D, pages 12 through 13 for information)

Motion by Selectman Parker to appoint Wendy Reed as Associate Member of the Planning Board. Seconded by Selectman Kemper.

Yes 3, No 0

E. Request for Permission to Install Signs in Public ROWs (Virtual) Apple Harvest Road Race:

Selectman Kemper announced the request for signs at the Apple Harvest Road Race. No location provided. (See Exhibit E, pages 14 through 15 for information)

This is a virtual race, run on the same course, any time. Chairman Archibald stated that the one-mile sign is at the junction of Middle and Bachelor, two-mile is on Indian Hill, three-mile halfway down Moulton on the reservoir. Selectman Kemper asked if the signs are up for the virtual race, how long are they going to be up. Small signs for mile markers, request states up for two weeks, October 4th to 18th.

Motion by Selectman Kemper to approve. Seconded by Selectman Parker.

Yes 3, No 0

F. Special Event Permit Application, Myopia Hunt, September 22, 2020:

Request for Tuesday, September 22nd, start time 10:00 a.m. (See Exhibit F, pages 16 through 19 for information) Selectman Parker stated that the route as previously run goes across the Boucher property, which is currently posted for the proposed developer of the 40B project on Coffin and Main Streets. Selectman Kemper stated not our problem, only improving public way, so might be a friendly gesture to tell them.

Town Manager Jennings stated that he is waiting on approval for Chip Hall, hasn't agreed but hasn't declined, request is pending. Organizers are aware for the need for assent. Chairman Archibald stated that would like to keep that as an approval going forward on the property.

Motion by Selectman Kemper to approve. Seconded by Selectman Parker. Only approving crossing of public way.

Yes 3, No 0

G. Review and Approval of Draft Comments to MassHousing re: June 30, 2020 Proposal from Cottage Advisors for 40B Project Eligibility / Site Approval Letter for Site on Coffin Street / Main Street:

(See Exhibit G, pages 20 through 48 for information) Chairman Archibald thanked everyone for comments, Boards that redid previous work, Town Manager Jennings.

Stated he had no problems with almost anything but questioned the area on page 46 of the packet, talks about pumping of waste treatment and how it would be affected by storm water, didn't understand. Town Manager Jennings stated that construction of the pump station would be in a buffer zone, but he agrees it's not totally clear.

Selectman Kemper thanked abutters for allowing the Selectmen to view from their properties. Stated that one of the resident comments wanted to know if it is legal to provide a PO box as a

business address? Town Clerk McCarron stated that the only purpose is to provide an address to receive mail where notices can be sent. Can find the Resident Agent listed on the Secretary of State's website if papers are needed to be served.

Selectman Kemper also asked about potential presence of one or two vernal pools on site. Town Manager Jennings stated that some residents have been doing a lot of work to document the potential vernal pools and have been in communication with Natural Heritage and Endangered Species Program, office of the state that would certify vernal pools. Reached out a couple weeks ago see if something we can do to support that but have a good line of communication. If vernal pools are certified, becomes a defined resource area which is subject to protections and setbacks under the state protection act. Protections derived from the State Wetlands Protection Act would not be waivable under 40B because they're not local regulations.

Kathy Feehery stated that she is hoping to go out tomorrow to check on the vernal pool to see if it is dried up and will take pictures. Stated that a good percentage has dried up but has to get the final pictures because doesn't want it messed up at all. Will then finish the application to the state.

Town Manager Jennings stated he is looking for Board approval of the letter and the form in the packet. Selectman Parker stated the letter is fantastic, incredibly thorough, covers every point he could imagine. Asked that on page 7, (c), re private wells, (page 43 in agenda packet), serving businesses? Town Manager Jennings stated that there's a footnote which annotates where the comment came from, he thinks it's referring to agricultural businesses, but good point to clarify because doesn't want to suggest that there are businesses nearby when there's not.

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

Yes 3, No 0

H. Preliminary Discussion of Fall Town Meeting, Timing, Logistics:

Chairman Archibald stated that in light of the coronavirus situation, the thought has been to have the fall Special Town Meeting outdoors again since Annual Town Meeting went off very well, amazingly well attended, and logistics worked out very well. Preliminary discussion now since would rather have it in very late September or early October rather than late October or November due to weather concerns. (See Exhibit H, pages 49 through 50 for information)

Town Manager Jennings stated that it would be on a weekend day instead of a week night, and if the clock is pulled back three to four weeks, creates a real crunch, so one of the first things he needs to do is connect with the Chairman of Fin Com and find out what kind of time is needed since it's a crunch to get the Town Meeting booklet put together. The Board will need to use its best judgment deciding to keep the warrant to needs versus wants.

Selectman Kemper stated that just because we can have one doesn't mean need to. Stated that doesn't think can have in September and October 10th is Columbus Day. Town Manager Jennings stated regarding whether it's needed, could be a relatively short warrant, but if no other business, the free cash transfer in the fall is always important to get the tax rate where you want it. Chairman Archibald stated that articles passed over in the spring can be further postponed.

Town Manager Jennings stated that he shares the concerns, is really tight. Will get the ball rolling right away with Gary, and especially with the change in composition of the Fin Com where Forbes carried a lot of the load on Fin Com booklet, no longer on the committee. Not sure if any day in October would be possible, so threading needle regarding actual capacity to pull everything off.

Motion by Selectman Kemper to hold the Fall Town Meeting on October 17th. Seconded by Selectman Parker.

Yes 3, No 0

Motion by Chairman Archibald that quorum be lowered to 40 for that meeting. Town Clerk McCarron stated that he can't do that. 7-Day notice has to be sent that they're considering lowering it, which will be discussed at BOS meeting on August 17th. KC Swallow stated that the quorum for a Special Town Meeting is 40, however, the West Newbury bylaw says that if there are articles on the agenda that requires more than \$20,000, the quorum is 90. Town Manager Jennings stated that the proposal to reduce the quorum will be placed on the August 17th agenda, make sure it gets posted properly.

Town Manager Jennings asked Town Clerk McCarron, if October 17th is being considered and if the Board is not going to vote to set a date for the warrant until August 17th at the earliest, two months, can the Board set a date for the warrant closing that is prior to this, other than a meeting date, since there is a 3-week gap from August 17th to September 8th, and thinks September 8th would be late to close the warrant if everything will be done by October 17th. Town Clerk McCarron stated that at a meeting, the Board will vote to close the warrant at a date certain, and the date doesn't have to be the date of the meeting. Stated that the Board can instruct people that there's an end date to submit their articles and won't consider anything after that date but has to vote the warrant.

Town Manager Jennings stated that before Thursday's agenda is posted, he'll add a second agenda item to announce the date for the closing of the warrant.

I. Update from Tree Committee re: Emerald Ash Borer and Upcoming Informational Forum on August 19th:

Chairman Archibald announced that the Tree Committee is having an informational session on the Emerald Ash Borer on Wednesday, August 19th at 6:30 p.m. (See Exhibit I, pages 51 through 58 for information)

Fred Chananian spoke briefly about the event. Stated that ash trees are on public property at Pipestave and Mill Pond have been hit hard over the summer, but also have ash trees on private properties in Town. Estimate that 15-20% of forests are ash trees.

Tree Committee wants to reach out to homeowners to educate with tree experts and state forestry people on the call, open to everyone in the community to log in, information on Tree Committee website. Good opportunity to find answers to questions. Wants a coordinated community-wide campaign to try to cut down on tree losses in Town. Residents can also send questions to West Newbury Tree Committee e-mail address, which is on the website.

J. Proposal to Modify Policy on Rental/Use of Town Facilities to Eliminate Fee for Reservation of Bandstand:

Town Manager Jennings summed up the reason for the proposal. (See Exhibit J, pages 59 through 61 for information) Stated that they are trying to show an appreciation to groups trying to find a space to meet. Chairman Archibald stated that fees were put in place to defray costs, but mostly to lower the demand, and as long as it isn't creating more work for everyone, he doesn't have a problem with it. Selectman Kemper stated that whatever Town Manager Jennings decides is okay.

Town Manager Jennings stated that he has mixed feelings because thinks it makes sense that there's no problem if people meet outdoors at the bandstand, and that organizations right now have limited access to meeting space. The only benefit to a fee is that it makes it official, and if there isn't a fee, will people just not reserve the bandstand and there might be a situation where people show up intending to use it and other groups are there.

Motion by Chairman Archibald to waive fees for the bandstand for the duration of the declared local emergency. Seconded by Selectman Kemper.

Yes 3, No 0

K. Request for Authorization of Energy Advisory Committee to Represent BOS in Applications to Planning Board for Site Plan Review of Electric Vehicle Charging Stations at Page School and 1910 Building

Selectman Parker explained the request. (See Exhibit K, pages 62 through 69 for information) Stated that spoke with Leah and offered to do site plan review process for the 1910 Building and got a response from the Planning Board pushing to do both. Stated that at this point in time, they've assured him that they would talk through what they expect, but at this point in time, they're asking that we do both.

Also explained that the Energy Advisory Committee met this afternoon to get this in for tonight's BOS Meeting, and voted to ask the Board for authorization for taking these EV charging station sites through a site plan review with the Planning Board.

Motion by Selectman Kemper. Seconded by Chairman Archibald.

Yes 3, No 0 (Selectman Parker abstained)

Discussion by Chairman Archibald, asked about the time situation with National Grid, clock ticking? Selectman Parker stated that the installation has to be complete by October 31st, shouldn't be a problem. At some point have to talk about a maintenance plan that could be worked into an upcoming meeting agenda. Wants to hear Fin Com perspective to figure out how to accommodate that at this point. Town Manager Jennings stated that it came up later in the budget process, was part of an amended number and did not pass at Town Meeting, so it has to come out of the operating budget or a fund transfer. Selectman Parker stated that the best way for least cost solution is to pay for it one time rather than an annual fee, so could be discussed at Fall Town Meeting.

L. Meeting Minutes, July 13, 2020:

(See Exhibit L, pages 70 through 72 for information)

Motion by Chairman Archibald to approve Minutes. Seconded by Selectman Parker.

Yes 3, No 0

TOWN MANAGER UPDATES

M. Update on Work with Town Counsel, Town Planner, and Planning Board re Potential to Establish Regulations to Allow Use of Affordable Housing Funds:

(See Exhibit M, pages 73 through 84 for information) Chairman Archibald stated that in lieu of creating affordable units on some developments over the past few years, the Town has collected approximately \$200,00 available for use in promoting affordable housing or purchasing, but don't have means of using the funds at the moment. No process or procedure in place to access funds and spend them. One way is to create an affordable housing trust, and also other ways.

Town Manager Jennings stated nothing before the Board tonight. Wanted to make everyone aware that the work is going on in the background, been talked about for a couple years. End game could well be a housing trust, makes sense in the future, but there are immediate needs or potential needs, so he's working with Leah and Ray on behalf of the Planning Board to see if there's a path to get regulations in place sooner that would allow the funds to be accessed if the need arose. Gave examples of potential ways to facilitate this and explained the legal obligation to market LIP units.

N. Update re Status of Architecture/Design Contract for Soldiers & Sailors Memorial Building (Carr Post)

Town Clerk McCarron stated that he's going to look into it and will get negotiations going.

O. CARES Act Filing and Anticipated FEMA Filing for Reimbursement of Eligible COVID-19 Costs

(See Exhibit O, page 85 for information) Town Manager Jennings stated that he is tracking costs on a current basis and is working with FEMA on an appropriate time to file with them. As noted in the memo, it's highly unusual, because typically when you put in for the costs, the disaster is already complete, and now, the emergency is ongoing, so going to continue to incur extra COVID costs, which is totally unlike any other FEMA filing. Will continue to track all expenses, good spreadsheet in place, done on a current basis, and Leanne is the liaison with FEMA to better understand what's going to work best for them. Also, under the CARES Act, there's a requirement for bi-monthly reporting, but thus far, the state hasn't issued any further guidance on the CARES Act. Preference would be to dovetail with the costs, could submit report to the state as to what costs have been incurred.

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

Selectman Kemper stated that with regards to the School Committee Meeting, regarding the mascot, wants to ask the Selectmen for a referendum on the mascot. He would not be in favor of getting involved in School Committee policies or education, thinks it would be a bad precedent for the BOS to start delving into decisions that the School Committee needs to make. Would like to send a letter to the Superintendent stating that he listened in on the meeting, that this was discussed, and would not be in favor of this.

Chairman Archibald and Selectman Parker agreed. Chairman Archibald stated that the West Newbury representatives of the BOS's feeling and they should so inform the rest of their Board. Chairman Archibald stated he would write the letter and Selectman Kemper will e-mail it. Town Manager Jennings stated that in the next discussion he has with Justin, he'll bring it up, won't make it a separate item.

Motion by Selectman Kemper to call or e-mail a School Committee representative to inform them that the BOS is not interested in getting involved in changing the mascot. Seconded by Selectman Parker.

Yes 3, No 0

Chairman Archibald stated that with regard to the discussion with Fin Com and criticism at Town Meeting, feels that Fin Com is still lacking a new member, so he would put that on hold until the new Fin Com is full, and shouldn't discuss things until they're a full committee. Selectman Kemper feels that this should be worked out before Fall Town Meeting since there were legitimate concerns by some taxpayers, and if we go through another Town Meeting without addressing these, it would be disingenuous, like we weren't listening, since they are the appointing authority. Selectman Parker stated he is reluctant to wait since not sure how long it will take to have a full Fin Com. Chairman Archibald stated he would talk to Gary to come to an agreement if wants to do it at a separate or a quick meeting at some point. Selectman Kemper stated that even if there is a new member on board, the questions or concerns that people have won't have anything to do with them.

Motion was made by Selectman Kemper to adjourn the meeting at 9:15 p.m. Seconded by Selectman Parker.

Yes 3, No 0

Respectfully submitted,

Susan M. Lobie, Certified Electronic Transcriptionist
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Approved 3-0 by Board of Selectmen on 9-8-2020