



**Town of West Newbury
Board of Selectmen
Monday, August 17, 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: 7:13 p.m. by remote participation (see below)

Addendum to Meeting Notice regarding Remote Participation

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 23, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the West Newbury Board of Selectmen will be conducted via remote participation to the greatest extent possible.

Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of West Newbury website, at www.wnewbury.org. For this meeting, members of the public who wish to listen to the meeting may do so in the following manner:

GoToMeeting

Phone: (571) 317-3122

Access Code: 904-058-469

Or, from computer, tablet or smartphone: <https://global.gotomeeting.com/join/904058469>

No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the Town of West Newbury website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as practicable after the meeting.

The meeting was called to order at 7:13 p.m. by Chairman David Archibald.

Participation at the Meeting:

- ❖ Board of Selectmen: David Archibald, Richard Parker and Glenn Kemper
- ❖ Town Manager, Angus Jennings
- ❖ Town Clerk/Counsel & Procurement Officer, Michael McCarron
- ❖ Assistant to Town Manager and Finance Department, Jennifer Walsh
- ❖ Stephanie Frontiera
- ❖ Richard Baker
- ❖ Adam Stone
- ❖ Jen Solis
- ❖ Elisa Grammar
- ❖ KC Swallow

Announcements:

- Tree Committee having an informational session regarding the Emerald Ash Borer on Wednesday, August 19th, 2020 at 6:30 p.m. (See page 2 for more information)
- Deadline for Proposed Articles for Special Town Meeting is Thursday, August 27, 2020 at 12:00.
- Town Manager Jennings spoke regarding the City of Newburyport Water Department Algal Bloom (See pages 5 to 8 for information). He's been working with Mike Gootée. Circulated at his request on Friday through various outlets, but were in touch today and are going to recirculate tomorrow because it was circulated as Newburyport had written it, and would like to add some language to make it clear that water restriction also applies to West Newbury residents who are customers of the municipal water system and for all residents that may fish or allow their animals near the lower and upper Artichoke Reservoirs.

REGULAR AGENDA

A. Notice of Scheduled Installation of CPC-Funded Julian D. Steele Historic Marker on September 3, 2020:

Mr. Steele is the first African American Moderator in the Commonwealth of Massachusetts. (See Exhibit A, page 9 to 10 for information) Elisa Grammar stated that this is something to celebrate in these difficult times. The Town voted unanimously in November 2019 to have a new monument, first in a century. Planned to have an event, but due to COVID, will have a virtual event with a press release with the basis for virtual fanfare. Statements can be submitted before August 21 to be submitted to the Historical Commission.

B. Updates Regarding Coronavirus Pandemic, Including Updates from Town Counsel Regarding Recent and Proposed Legislation and Executive Orders Regarding COVID-19:

Town Manager Jennings provided an update on youth sports. (See Exhibit B, pages 11 through 35 for information) Attended Park and Rec Commission meeting, very focused on working with the West Newbury Youth League and others, Health Department and Board of Health to make sure that the state guidance on youth sports is adhered to in programming and events.

With regard to guidance from the Commonwealth on the reporting under the CARES Act, came out late last week. Have till the end of September to do reporting. Ongoing work both on tracking all of eligible expenses under the CARES Act and doing so in total coordination with an anticipated filing for FEMA, real complexities because of reimbursement percentages and timing. Explained methods for filing with FEMA.

Selectman Parker asked about with COVID restrictions, wanted to know about cleaning protocols for the 1910 Building. Wanted to know if surface cleaning can be added for safety and comfort. Town Manager Jennings stated that enhanced cleaning protocols have been in place right along. Wants to know if there's a specific concern.

In terms of the costs, all out of pocket costs are tracked for reporting. Staff costs not so simple because if the work is being done by someone already on the payroll, not necessarily incremental costs, but if get to the point where it's causing a backlog of other work that would otherwise be done and need to bring in temporary staff, that would be an eligible expense.

C. Public Hearing Regarding Consideration of Reducing Quorum Requirements of Special Town Meeting Anticipated for Saturday, October 17, 2020 at 10:00 a.m., as Allowed by Recent Legislation:

Chairman Archibald summarized what's been happening. (See Exhibit C, page 36 or information)

KC Swallow provided an update. Recommended that the Board exercise the authority to lower the quorum. Regular Town Meeting exceeded the regular quorum, so it was a non-issue, but to be on the safe side, potential for October meeting is higher. Doesn't anticipate a problem, but just to keep options open, it would be wise to exercise authority.

Selectman Kemper questioned what number should be. Selectman Parker stated that the last time, it was 40, which is a reasonable number. Selectman Kemper questioned money numbers, one on up to \$20,000 and over \$20,000. Wants to know if have to do separate votes? Town Clerk McCarron stated that all you have to do is say that the quorum for all motions will be "X" number, and at a Special Town Meeting, all items that don't exceed \$20,000, the quorum will be 40, but any items that exceed \$20,000 should have a quorum of 90. Motion would be to change quorum for all articles to be 40.

Motion by Selectman Parker to reduce the quorum to 40 people for Fall Town Meeting for all motions. Seconded by Selectman Kemper.

Yes 3, No 0

Town Manager Jennings stated that a rain date would be Sunday, October 18th and wanted to know if motions carry to that date. Town Clerk McCarron stated that it will apply.

D. Discussion of Anticipated Timeline Leading up to Special Town Meeting and Town Meeting Logistics (In Accordance with COVID-19 Restrictions):

Town Manager Jennings explained the calendar contained in the packet. (See Exhibit D, page 37 for information) Discussed dates in calendar in order to get things in final draft for Special Town Meeting. This week will take all back-up materials and put into a packet.

Included the CPC meeting date don't expect any proposals, deadline passed under the Committee's regulations in mid-July. September 21st regularly scheduled BOS meeting as the time for the joint meeting with Selectmen and the Moderator, Town Manager Jennings, Town Counsel, and Fin Com. Could be pushed off but need to meet the October timeline. Booklet would need to be printed and distributed no later than Friday, October 2nd. Penciled in Board's regularly scheduled meeting on Monday, October 5th for voting of draft motions with the Town Meeting date expected for Saturday, October 17th at 10:00 a.m.

Chairman Archibald stated that he had spoken with Gary Roberts and they feel that the fewer of the number of articles, the better. Have a reduced time to review things, wants to make sure there's not an easy time to slip things by on a reduced number of voters. Particularly the case with this Special Town Meeting. Stuff that absolutely has to be done this fall, otherwise there's really no reason that it can't wait until spring. If it can wait, should wait till spring.

Richard Baker had comment regarding serving lunch at the meeting. Town Manager Jennings cited COVID concerns. Chairman Archibald stated is a good thought but adds a layer of complexity that don't need to get into. Mr. Backer suggested perhaps just a table by the side and Chairman Archibald stated that if anyone wants to further that by running it by the Health Agent, that would be his recommendation.

E. Presentation of Preliminary Estimate of FY21 Tax Rate, Based on Approved FY21 Budget and Warrant Articles, and Based on Assumed FY21 Assessed Values and Projected (Estimated) FY21 Non-Tax Revenues:

Town Manager Jennings reviewed the tax rate recapitulation scenarios and elaborated on the figures. (See Exhibit E, pages 38 through 44 for information) Started budget season with a directive from the Board that the typical taxpayer impact of the approved budget would be not exceeding 2%, so built a dummy model of the recap that is formalized and voted in the late fall which formally sets the tax rate.

Chairman Archibald commented that his suggestion and recommendation that we increase the school stabilization transfer to the tax rate was voted down by the voters 272 to 18, which is a significant margin. Doesn't know what to say other than he's not going to propose something that lowers the tax rate because it was beaten soundly. Selectman Kemper states that he supports Chairman Archibald on that.

Selectman Parker asked if there's \$260,000 transferred from free cash, that would reduce the increase to 2.9% and that reflects one-half of what will going forward be an annual payment for the school bond. Town Manager Jennings stated that he is correct on the expense side that the \$652,000 reflects roughly half of the debt service, so fair to say that once the school debt is fully on the books, it will be about twice that amount. Differs that this does still rely on the \$247,000 from stabilization, so forward into FY22, the variable is going to be what amount is going to be transferred from school stabilization in that year and explains further.

Chairman Archibald asked if anyone wants to suggest a number but stated that he is not thrilled with taxes going up 4.6%. Selectman Parker suggested \$260,000 and Chairman Archibald suggested \$300,000, which Selectman Kemper agreed with. Town Clerk McCarron suggested going higher in the article and making a motion once free cash is known. Town Manager Jennings stated that he is just giving preliminary information ahead because is on the September 8th agenda.

Chairman Archibald asked Stephanie Frontiera, in light of COVID, how has that impacted revenues comparing FY20 to FY19. She stated that we are slightly higher this year, coming in pretty good, and that rental revenues are where the biggest hit was.

Town Manager Jennings stated that this could be more significant in FY21, the rental issue already is affecting a significant share of the year and if it continues for 12 months out of the year, even a partial, ends up being a noticeable shortfall in revenues. So, the earlier model did take into account a reduced collections of rentals relative to what he built into the model earlier in the year before COVID hit, a 50% reduction, which he thought was fairly conservative, but not sure if it was conservative enough.

Selectman Kemper stated that is very significant, perhaps \$100,000 per year, so he would ask that the Board zero in on that in some respects in Executive Session and would ask at the next meeting maybe some representatives to see what their projections are and how the contract can be renegotiated to better for the Town. Town Manager Jennings stated that both are scheduled to participate in the September 8th meeting.

F. Review of Known and Anticipated Articles for Potential Inclusion on the Special Town Meeting Warrant:

Chairman Archibald suggested that the Articles be gone through, and some there is no choice on it, have to have on Special Town Meeting. (See Exhibit F, pages 45 through 46 for information) Town Manager Jennings spoke about budget line items at length.

With regards to high hazard trees, continuation of program from last fall. Selectman Kemper stated that this was something that was implemented, but money was sunsetted before it could be taken advantage of. Town Manager Jennings stated that a significant portion was turned back. Selectman Kemper stated that he wants to get the program going back again because the sunset clause killed a lot of stuff and stated that this is a totally legitimate article.

With regards to zoning amendments, Chairman Archibald feels that they should be at Annual Town Meeting, not Special Town Meeting. Selectman Parker thinks should go ahead with them, not controversial, more housekeeping. Fin Com has reviewed them. Selectman Kemper feels like there are too many articles at Fall Town Meeting, and KC Swallow agreed and stated that people weren't considering budgets in an appropriate fashion for the Spring Town Meeting, which should be the main Town Meeting for the year.

Discussion at length regarding articles for funding for warranty program for EV charging stations, Fire Department proposal to extend sunset date for fire truck purchase, Open Space Committee proposal for bridge on Dunn property, and Parks/Rec Commission baseball backstop funding discussed at length, elaborated on by Town Manager Jennings.

Discussion by Selectman Kemper regarding making sure that these articles, once approved, are followed through on.

In addition, discussion regarding articles for Harbor Committee funding for study of potential mooring field, wetlands bylaw, and Park/Rec Comm regarding port-a-potty costs, elaborated on by Town Manager Jennings. Also discussion regarding articles that were passed over at June Town Meeting.

G. Vote to Authorize Member of Board of Selectmen to Sign AP Warrants as Necessary During the Town Manager's Scheduled Vacation, Pursuant to Sec. 9(b) of the Town Manager Act:

(See Exhibit G, page 47 for information)

Motion by Selectman Kemper to designate Richard Parker to sign AP warrants during Town Manager's vacation from 8/26 to 9/3/20. Seconded by Chairman Archibald.

Yes 2, No 0 (Parker abstain)

H. Meeting Minutes: August 6, 2020, July 20, 2020:

(See Exhibit H, pages 48 through 50 for information)

Motion to Chairman Archibald to approve minutes of July 6, 2020 as written. Seconded by Selectman Kemper.

Yes 3, No 0

TOWN MANAGER UPDATES

I. Update on Anticipated Engineering/Design/Permitting Contract for Middle Street Bridge:

Update summarized by Town Manager Jennings. (See Exhibit I, pages 56 through 58 for information) Benefit on our side is that we start to show financial activity in our Mass Works grant, since have to file quarterly reports with the state, and also, establish client relationship with the engineer, whereas right now, we don't have a formal business relationship with them. Invited them to submit a proposal, circulated to Wayne and Mike, still under review at the staff level.

Town Clerk McCarron stated that since this is employment of professionals, exempt from 30B, so have to look at that and whether some of the design issues come into play as to procurement, but when you hire engineers or professionals, it's except from the 30B process.

J. Update on Project Scoping and Anticipated Vendor Selection Process for Page School Playground:

With regards to potential articles, Richard Baker spoke regarding wanting \$8,500 to hire a specialist in assessing utilities, i.e. Boston Gas, electric, Comcast. Potential for significant increase in assessment for each entity, maybe 30-50% increase. Can't go after Verizon, set by the state.

Town Manager Jennings stated that selection is actively underway, managed by Wayne. Met vendors, preparing scope, seeking multiple bids and looking to get a couple different designs.

K. 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 K, pages 59 through 63 for information) Town Manager Jennings thinks this is a good idea, but thinks trust is a lengthy process. He is looking to get something done near term, but his office is not equipped to handle the responsibilities. Stated that regulations would allow us to access money for this purpose. Discussed at length how the process works and can't do this without resources, even though sitting on six figures of money because don't have regulations that the bylaw has called for for five years and explained how this should be done.

Chairman Archibald inquired as to whether this is under the Housing Authority's purview. Town Manager Jennings stated if they chose to take on the responsibility. He stated that he is working actively with Leah and this is already in motion. Also, this is not a Town Meeting issue, it's a housekeeping issue.

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

Special Meeting August 18, 2020, limited agenda. Next regular meeting September 8, 2020.

Discussion of site plan review of EV charging stations, signing the application. Town Manager Jennings thinks it's the BOS that needs to accept conditions. Best thing would be for the Board to sign the application, if complete. Planning Board, in order to find complete application, would look for signature of the applicant.

Motion by Chairman Archibald to designate Selectman Richard Parker as authorized signer for BOS to application of site plan review of EV stations representing the BOS. Seconded by Selectman Kemper.

Yes 2, No 0 (Parker Abstain)

Motion was made by Chairman Archibald to adjourn the meeting at 10:02 p.m. Seconded by Selectman Parker.

Yes 3, No 0

Respectfully submitted,

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Approved 3-0 by Board of Selectmen on 9-8-2020