



Town of West Newbury  
Board of Selectmen  
Monday, November 30, 2020  
381 Main Street, Town Office Building  
[www.wnewbury.org](http://www.wnewbury.org)

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### Minutes of Meeting

**Open Session:** 7:14 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](http://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: 999-3236-4961

Or from computer, tablet, or smartphone:

<https://zoom.us/j/99932364961?pwd=dHg5VTVTSVdwblBaYURrMVBpRVFZQT09>

*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 7:14 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
- ❖ Richard Baker
- ❖ Tom Atwood
- ❖ Kevin Bowe
- ❖ Maureen Curtin
- ❖ Stephanie Frontiera
- ❖ Adam Stone

- ❖ Rose Vetere
- ❖ Ann O'Sullivan
- ❖ Jen Solis

### **Announcements:**

- Winter parking ban on overnight on-street parking takes effect December 1, 2020 per Town bylaws.
- Recent award of Edward J. Byrne Memorial Justice Assistance Grant to West Newbury Police Department for \$18,838 for purchase of Livescan Fingerprint System (See pages 1-3 for information)
- Deadline for Community Preservation Committee proposals for Annual Town Meeting is January 2, 2021
- No tree lighting ceremony this year due to COVID concerns, although the tree will be lit.
- Reminder to subscribe for e-mailed Town news/and announcements at <https://www.wnewbury.org/subscribe>

## **REGULAR AGENDA**

### **A. Updates Regarding Coronavirus Pandemic/COVID-19:**

An update was provided by Town Manager Jennings. (See Exhibit A, pages 4 through 28 for information) Received new information last week regarding communities that are setting up their new testing programs. Staff level meeting tomorrow with the Health Agent and a member of the Board of Health. If any information comes out of that meeting, he will advise.

Also received further guidance regarding the CARES Act regarding filings for both anticipated expenses and actual expenses so will be working with that. Had a staff meeting to reinforce to Department Heads the importance of cost tracking, which has gone well.

Contacted last week with a question about basketball and whether use of the school gymnasium. Wants to set up a joint meeting with Board of Health and Selectmen to talk about that question. There's a lot to that, and information is in the packet.

Chairman Archibald inquired as to whether should have a public meeting related to the requests for the use of the basketball court. Selectman Kemper inquired as to why, and if so, only a constructive meeting, not one filled with complaints, but due to current constraints, how could the Health Agent allow basketball, etc., so will follow the recommendations of the Board of Health. Chairman Archibald sees the meeting as not being productive with a lot of ill feelings and doesn't want to create that.

Selectman Parker stated that he doesn't see a positive outcome of a public meeting in this case because people are going to be asking for and demanding things that we can't responsibly offer at this point. Selectman Kemper suggested that people provide information in writing that can be reviewed with the Health Agent prior to the meeting in order to come up with educated and scientific discussions about the requests ahead of time. Chairman Archibald felt that this was a good suggestion and stated that if anyone wants to comment on this, to send an e-mail in care of the Town Manager related to this topic and they'll see if there's any reason to broach the subject.

Chairman Archibald stated that he has been asked by the Superintendent whether this issue would be decided, but it's also a Board of Health decision, not a Building Inspector issue at the moment. Stated he wouldn't want to countermand the Board of Health in this area. Town Manager Jennings stated that they were looking for an answer within about two weeks, with MIAA starting on December 14<sup>th</sup>.

Town Manager Jennings suggested that when the Board of Health meets at their regularly scheduled meeting on December 8<sup>th</sup>, this will be on their agenda. Chairman Archibald requested that if he gets any correspondence to share it at the meeting and perhaps the BOS can have a short informational meeting with the two Boards. Selectman Kemper suggested that they also address other sports, other than basketball at the meeting, as well.

Town Manager Jennings stated that with regards to the materials in the packet, the answer that's been provided right now is no, the facilities would not be available since that's been the consistent policy and practice but would expect the Boards to review the information and make sure that continues to reflect the current policy. Selectman Kemper inquired as to whether the recommendations were the same as last year and he was advised that they are.

#### **B. Public Hearing with Board of Assessors: FY2021 Tax Classification Hearing:**

**Motion made by Selectman Kemper to open the 2021 Tax Classification Hearing.  
Seconded by Selectman Parker.**

**Yes 3, No 0**

Town Manager Jennings advised that the votes that they will be asked to take would be to adopt a single tax rate, not adopt the open space discount, not adopt the residential exemption, and to not adopt the small commercial exemption. (See Exhibit B, pages 29 through 52 for information) Also went further with the FY21 tax rate, which will be discussed, but not to vote, depending on how it plays out through DOR, although do have a good estimate of what the tax rate would need to be.

**Motion made by Chairman Archibald to adopt a single tax rate for all classifications, to not adopt the open space discount, to not adopt the residential exemption, and to not adopt the small commercial exemption. Seconded by Selectman Kemper.**

Selectman Parker requested that the Board of Assessors give their reasoning behind each recommendation. Richard Baker stated that the primary reason is that almost all of our tax base is residential, very little commercial, and as a result, statistically, if did a split tax rate, could vastly increase the taxes on the commercial and make very little difference in the residential rate.

Maureen Curtin spoke regarding the open space discount. Stated that if we do that one, it actually increases the residential tax rate and it doesn't affect commercial or industrial or personal property. Selectman Kemper stated that the burden pushes off from the open space to the residential, the burden is always there, but just depends on how we distribute the burden. Ms. Curtin stated that's correct. Selectman Parker inquired as to how open space is defined in this case. Town Manager Jennings stated that there is no land in that classification. Ms. Curtin stated that is correct, that the open space would be like the chapter land or the green belt land, that type of thing, but if we did, it would increase the residential. Selectman Parker asked regarding the discounted percentage. Ms. Curtin stated it would be discounted up to another 25%, which would go to residential.

Chairman Archibald stated that West Newbury has almost no commercial property, over 97% of revenue comes from residential, so anything that's being done is at the margins and everything is related to residential property, so any other things are rounding error. Ms. Curtin stated that only 30% or so of Towns in Massachusetts have split rates. Tom Atwood stated that the important fact of all the information being presented is that the recommendations from the Board of Assessors are long-dated recommendations that precede any of the three current assessors, so these were the same recommendations that were brought to the Selectmen when he was a Selectman, so it's about consistency.

Selectman Parker asked about the background of the recommendation to not adopt the residential exemption. Maureen Curtin stated that one is kind of tough, don't really have a lot of summer homes, so it would be hard to distinguish between who is a full-time resident and who isn't, and wouldn't make that much of a difference anyway.

Selectman Kemper thanked Maureen and the Board of Assessors for coming up with the material, even due to a switch in personnel. Stated that this has been seamless, great information provided and more information tonight than in prior years.

**Vote on motion made above:**

**Yes 3, No 0**

Town Manager Jennings stated that with regards to the tax rate, his office is recommending a tax rate of \$14.93, which would be a significant increase from FY20, and the memo in the packet outlines the reasons for that. Knew going in that it would go up and this is not the worst-case scenario that they thought a few weeks or a month ago, but it will be a noticeable increase for homeowners and they're sympathetic to that.

Town Manager Jennings stated that the main factors, as outlined in the memo are the overall cost increase driving the need to raise revenue, the second factor is the reduced one-time offsets of the tax rate, so while there was the overlay surplus transfer which was extremely helpful and without that, would be looking at about 22 cents more, and the third factor is the COVID impacts on non-property tax revenues. Also the model built last winter based on projections of assessed value and new growth, the projections of new growth that he had used were conservative and the new growth was significantly above what the 5-year average had been, but the overall increase in assessed values was somewhat lower than the 5-year average because of the big year-to-year increase in FY16. Also underlying is the new high school, which was known all along would play out with tax bills.

Chairman Archibald inquired as to how the Town is doing lately with late payments or non-payments on the residential tax bills, seeing any bad shift in the last six months or so or not? Town Manager Jennings stated that he has spoken with the Treasurer/Collector regularly on where collections are compared to where they would expect, and while some people have paid a little bit later, nothing that is alarming. In some instances, Treasurer/Collector has entered into payment agreements, but people are still paying the full tax, but in monthly installments. Stephanie Frontiera stated that we're pretty much on target, slower than in the past, but are getting all of the revenues in for that category. Town Manager Jennings stated that he would be happy to have the Treasurer/Collector put together a report for the next meeting to see where the numbers are compared to last year at this time.

### **C. Informational Update Regarding Property at 28 Coffin Street and 566 Main Street:**

Town Manager Jennings updated regarding this topic. (See Exhibit C, pages 53 through 55 or information) Stated that there were no issues with the perk testing, which took 5 days, it was overseen by the Water Department. Water Superintendent was present every day and oversaw the tie-in and the metering of the water. Weren't made aware of any real issues.

Town Manager Jennings stated that the Conservation Commission will open its public hearing on the ANRAD application on December 7<sup>th</sup>. Stated that no application has been submitted for development, so not the public hearing on order of conditions, it's on the resource area delineation, so all parties agreeing to where the resources and delineations are.

Stated that there are new regulations that the Board of Appeals adopted in June and amended in early July, which are on the Town website. There's a checklist to make sure that any applicant would be clear on the Town's requirements and the documentation required. Continued to work with staff to make sure that if there is a filing that comes in, that they've got a good webpage set up that could get information posted promptly and make sure to keep people fully apprised of information.

Selectman Kemper inquired as to how long the Con Comm hearings are open for and how long the process takes. Town Manager Jennings stated that this one is going to be a little different than prior ANRADs reviewed in the past for the reason that the Commission has made the decision to be engaging a third-party wetland scientist who will peer review the delineations that the developer's wetlands scientist had submitted.

Town Manager Jennings added that typically, the Con Comm itself would do that kind of review but given the size of the property and other factors, decided to retain a third-party wetland scientist, which he feels is a smart move. Any costs of that would be borne by the applicant, not by the Town, which gives everybody a third-party qualified consultant to make sure that the delineations are definitive. Because of that, they're going to need to retain the consultant, scope out the work, get the funds, hire the consultant, etc., which means it will take longer than a normal ANRAD hearing, but unsure about how long it would take, but the most important thing for people to understand is that this isn't the permit application or the order of conditions, this is what should be a fairly objective process of determining the boundaries of the protected resources.

Rose Vetere inquired as to whether the Town will be requesting the DEP report, and Town Manager Jennings stated that they will.

#### **D. Recent Cable Advisory Committee Discussion Re: Potential Use of PEG Funds:**

Kevin Bowe updated on this item. (See Exhibit D, page 56 for information) Stated that PEG funds are the 3% fee that everyone who subscribes to cable gets on their bill, Public Education & Government fee, which is mostly under utilized since not a lot of funds to make a sustainable cable program as seen in other towns. Stated that up until about a few years ago, the fund, which right now has about \$140,000, which accrues at about \$12,000 a quarter, didn't exist. Every year, whatever funds had got spent buying equipment, etc., then the funds were swept into free cash for at least for 10 years, so only been accruing for a few years.

Mr. Bowe stated that he joined the Board to potentially explore ways that the fund could be utilized for community investment. Cable Advisory Committee talked a couple weeks ago to try to have a process where talk to the stakeholders of the Town, different Town Boards, nonprofits, historical, etc., for potential ideas or feedback to use the funds. Thinks there are some possibilities of utilizing small resources that can teach young and old of the community on how to use media skills to preserve family pictures, family history. Here to present to the Board that they would like to open the process and get feedback and ideas and coming to the BOS for thoughts, questions, and approval.

Chairman Archibald inquired regarding the funds, in a revolving account that unless a purchase is made or services are paid for, stays in there and builds up every year. Mr. Bowe stated that have been getting funds since 2006, 2008 and only made limited purchases during that time and if had kept in one account, would have a good nest egg. Town Manager Jennings stated that there are expenditures that go out of that on a routine basis, including the cost to record and transmit these and other public meetings, and Selectman Kemper stated also provided for the big screen in the hearing room.

Selectman Parker stated he feels it's a great idea to have conversations about this topic and ideas could be developed and unique that have the funding before having an idea. Selectman Kemper stated that every time they've done something like this, everybody in Town wants to do more and more, so now, going to take some first steps in trying to document and get history and in one place in the Town. Chairman Archibald inquired as to whether they would entertain different proposals. Mr. Bowe stated that his idea would be to have a report at the end, and whether there are recommendations or not, not sure that's the point, since they are the Advisory Board, and not sure who it goes before, Town Meeting or BOS, not sure how decision is made.

Mr. Bowe also stated that in the past, PEG money was given to the Pentucket school system which funded the initial video program that's going on. Stated that one idea would be to give it to the schools. Didn't initially move in that direction due to challenges for a regional system for that to get traction.

Chairman Archibald suggested it be added to the Town website or an e-mail blast regarding this topic in order to solicit ideas and then bring ideas back to the BOS. Everyone agreed that this would be a great idea.

#### **E. Discussion of FY21/22 Goals Meeting with Boards/Commissions/Committees, December 7, 2020 at 6:00 p.m.:**

Chairman Archibald stated that on Monday, December 7<sup>th</sup>, at 6:00 p.m., plan to have a meeting where committees would present their one or two priority items of purchases or plans, personnel,

new things that might affect the workings of the Town, something that uses up a lot of staff time, need additional funds for, new initiatives in whatever capacity so that everyone knows what the Town as a whole is up to and also be helpful since heading into FY2022 budget time and if there's a new initiative that might be a capital purchase or personnel increase or decrease, things that might affect the budget, such as a grant, this would be the time to inform everyone. (See Exhibit E, pages 57 through 60 for information)

Town Manager Jennings stated that heard from Wendy Reed, not sure which Board she's speaking for, but the word has gotten out there and will have good attendance and participation. Also been working with Department Heads to make sure that he can put in front of the BOS a written report on what's going on already since it's important to start with that as context for anything new that could be taken on. Chairman Archibald stated that if people are listening at that time and want to speak, as long it's not too lengthy, that would be fine.

Selectman Parker stated that both the Energy Advisory Committee and the MVP Core Team are meeting Wednesday night to get thoughts together for the meeting. Town Manager Jennings stated that had a staff meeting and every department was represented when met last Tuesday, got a lot of very positive feedback from staff about the value of a meeting like this, so at the staff level, there's a sense that this is great and is glad that the BOS is doing this and will be helpful.

#### **F. Discussion of FY22 Budget Process/Timeline:**

Town Manager Jennings updated on this topic. (See Exhibit F, page 61 for information) Stated that hopes to send out a packet prior to policy direction meeting in two weeks. Also in two weeks will be the presentation of the 2020 audit and Tony Roselli will be attending. Also working with Stephanie to put together data for the BOS on 5-year trends for the prior five years, including the current year in order for everyone to have clear information on what have been the budget drivers both upward and downward, showing all the data on what the actual expenditures were per department on the prior four years and then with the current year budget, giving good insight on what the trends would do if carried forward with no change. Chairman Archibald inquired as to whether they could include year-to-date spending. Town Manager Jennings stated not a problem since they do that internally very often.

Ann O'Sullivan stated that she's been working in a grassroots effort towards the affordable housing situation. Talked with Leah, Town Planner, as well as Marty Mason, a local resident, who is on the board for land acquisition for Habitat for Humanity, and Megan, Executive Director of Habitat for Humanity. They're all very excited about working with the Town toward developing an affordable housing plan based on the situation with the current 40B development. She's only expressing this in terms of encouraging the BOS in terms of budgetary process to consider increasing the Planning Board's budget, since her feedback from Leah is that she pretty much has been dealing with permits and she's in a reactionary position as opposed to being in a proactive position, which she feels is what the Town really needs, increasing the planner's hours in order to attack the 40B positions.

Selectman Kemper inquired as to whether that would be something that the Planning Board should be bringing up at the meeting. Town Manager Jennings stated that he thinks so, although it's certainly not anyone's last bite at the apple in terms of budget prep but would be good the earlier people give notice of those kinds of things, the better. Ms. O'Sullivan stated that's her goal here tonight is to encourage Ray and the Planning Board to advocate for increasing the

planner's hours because Habitat for Humanity is definitely interested in helping out the Town but going to need her help to do that and she currently doesn't have the hours to do that.

Chairman Archibald inquired as to whether using the housing part of the CPC funds to do that. Ms. O'Sullivan stated that Leah has also pointed out the fact that there is about \$100,000 that could be tapped into starting the process of developing a response to the 40B. Stated that she feels the Town is out of control and people are upset about this. Tried a number of years ago to address this and nobody was interested then, but clearly motivation now for some proactive addressing of this issue.

Town Manager Jennings stated that CPC would be eligible for use of administrative funds, which is easier for the Committee to authorize. Stated that it's important for everyone to know that the CPC met recently, and every year they update the Community Preservation Plan. Have a new staff person he's been working closely with and are going to be working on the update of that plan over the next couple of meetings and that everyone feels that the housing section of that plan could be strengthened, so could expect that's going to happen, already underway, and can help guide decisions the CPC makes on what types of projects to fund.

Second bucket of funds in the fee in lieu, and the funds have largely been fractional units, so if the math doesn't equal a whole unit, will put a proportional amount of money. The balance is into the low six figures at this point, and he's been working with Leah and Mike on a sporadic basis, nothing approved, but regulations to set out the allowable uses for those funds and the process that needs to be followed has to happen because the way the bylaw is written, it's a convoluted process, and that work is underway to unlock those funds.

Town Manager Jennings also stated that they have an approved housing plan that was voted in June 2018 which is good for five years. Also explained further how the 40B works and what's been going on with that, and to have a housing plan that is certified, you do need to accommodate significantly more development annually than what has been seen for the last ten years.

#### **G. Meeting Minutes, October 9, 2020:**

(See Exhibit G, pages 62 through 69 for information)

**Motion by Selectman Parker to approve the minutes of October 9, 2020. Seconded by Chairman Archibald.**

**Yes 3, No 0**

### **TOWN MANAGER UPDATES**

#### **H. Updates Regarding Proposed Administrative Changes Re: Payroll/Timesheets and COVID Telecommuting:**

Chairman Archibald inquired as to whether things are just formalizing things, not that there are problems. (See Exhibit H, pages 70 through 85 for information) Town Manager Jennings stated that's correct. Stated that brought a draft to the BOS in March but never formally rolled it out, and shared it to staff at the Tuesday meeting as a draft to make sure there were no concerns. Thinks it's in good shape. Feels it's important to have documentation that goes into people's

files. Thinks it was well received, comments feel it's reasonable and makes sense and formalizing what has been more informal.

Chairman Archibald inquired as to where it says that people are responsible for having high speed connection for secure networks and if that's a problem. Town Manager Jennings stated hasn't had any problems with that and the main point is that if people are working remotely, they need to perform their job in the way they would if they were here, and part of that is connectivity, and part of what this does is documents that the Town is not going to pay to provide that access to someone's home, so the expectation is that they would be able to work fully productively remotely. Hasn't been an issue, just documents that.

Chairman Archibald inquired as to the cyber security and protection for that. Town Manager Jennings stated that people's access to the Town server is through a VPN, which is a secure connection, which has been in place for years. Also stated that with COVID and with more people working remotely than had been the case pre-COVID, the Town has invested in better equipment, i.e. laptops for staff that didn't have them, which has all been funded out of the CARES Funds, so hasn't cost the taxpayer, but has allowed them to work on a Town piece of equipment and not from home personal computers.

Town Manager Jennings also stated that getting the ball rolling on looking at personnel policies, put out a call for input related to that, getting initial comments back from staff to identify issues and concerns in how they want to proceed.

Also stated that the timesheet policy will be a positive change. Town Manager Jennings and Stephanie Frontiera explained how processing of timesheets occurs.

#### **I. Soldiers & Sailors Building:**

Town Manager Jennings updated on this topic. (See Exhibit I, pages 86 through 88 for information) Not much to report. Stated that the ball is in the court of Spencer, Sullivan & Vogt and the information is in the packet about this topic. Wants to get the design moving so that can hit the contractors in the spring before they're fully booked.

#### **J. Follow-Up Meeting Assignments and Placing Items on Future Agendas:**

(See Exhibit J, page 89 for information list)

Selectman Kemper requested another meeting with the BOS for discussion about Town Manager contract.

Town Manager Jennings stated are going to need to update the Hazard Mitigation Plan this fiscal year, and if MVPC is successful in getting the grant, may be a regional plan that might not be a big lift, but you get out of it what you put into it, and if it's going to be a meaningful plan, something that needs to be on the radar, only seven months away, but is a federal requirement that if don't do, would not be eligible for post-disaster recovery funds on federal debt disaster declarations, so very important to get done this fiscal year.

Selectman Parker stated that if there's input needed from the community; the MVP core team might be able to contribute on that. Town Manager Jennings stated that's a great suggestion and is exactly the spirit of the meeting next week, and once everyone knows what everyone else is working on, there can be all kinds of synergy.

**Motion was made by Chairman Archibald to adjourn the meeting at 8:52 p.m. Seconded by Selectman Parker.**

Respectfully submitted,

Susan M. Lobie, Certified Electronic Transcriptionist  
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*Approved 2-0 by Board of Selectmen as amended on 1/4/2021*