



## **Town of West Newbury Board of Selectmen**

Monday, March 26, 2018 6:00 PM  
381 Main Street, Town Office Building  
[www.wnewbury.org](http://www.wnewbury.org)

### **Meeting Minutes**

Chairman David Archibald called the meeting to order at 7:04 PM. In attendance were Selectmen David Archibald, Chairman, Glenn A. Kemper and Joseph H. Anderson, Jr. Others in attendance were Town Counsel Mike McCarron, and Executive Administrator Mary Winglass.

**Executive Session:** *6pm in the Selectmen's Office* - The Board did not hold an Executive Session.

**Open Session:** *Chairman Archibald stated that this meeting is being broadcasted on local cable TV and recorded for rebroadcast on the local cable channels and on the internet.*

**Announcement:** Chairman Archibald stated that the Town is looking at assisting the residents with storm related cleanup from the past few snow storms. More details will be discussed in the coming week with the DPW.

### **Regular Business**

- I. Treasurer/Collector, Town Counsel, Finance Committee, and Moderator to review and Special Town Meeting Warrants and any other Town meeting related business.

The Board discussed certain line items in the proposed budget for the Community Center. Chairman Archibald requested to increase the Veterans Memorial Day parade to \$5,000, for additional bands and speakers. The Finance Committee will review the additional \$5,000 request. Selectman Anderson requested that Andy Gould check the calculations for the proposed increase in tax, which is estimated below 2%. Selectman Anderson proposed that March 1, 2018 as the date to submit initial draft articles therefore giving more time for changes. The Board agreed to review the initial draft of motions by April 2, 2018 and finalize by April 6, 2018.

### **Annual Town Warrant**

**ARTICLE 3.** *To determine what sums of money the Town will raise and appropriate for defraying the expenses of the Town for the ensuing fiscal year and for the payment of Town debt. By request of the Board of Selectmen.*

**Selectman Anderson motioned to approve the omnibus budget. Second by Selectman Kemper and it carried 3-0-0.**

The Board discussed the articles proposed for the Town Meeting April 30, 2018. Selectman Kemper requested that all reports for articles be submitted April 20, 2018. The following are the Selectmen and Finance Committee Votes for articles:

Article 4: *To see if the Town will vote to appropriate, in anticipation of Water Department revenue, the sum of \$793,518.00 of which \$189,241.00 for Salaries and Wages which include \$1,700.00 for Water Commissioners stipends, \$41,931.00 for Insurances, \$393,590.00 for Expenses, \$103,747.00 for Debt Service, \$15,000.00 for Extraordinary and Unforeseen and \$50,009.00 for Indirect Cost.*

The Finance Committee voted 6-0-0.

**Selectman Anderson motioned to approve Article 4. Second by Selectman Kemper and it carried 3-0-0.**

Article 6: *To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$50,000 for the Pension Liability stabilization fund, or take any other action related thereto. By request of the Board of Selectmen.*

The Finance Committee voted 6-0-0.

**Selectman Anderson motioned to approve Article 6 to fund \$50,000 for the pension liability stabilization fund from free cash. Second by Selectman Kemper, and it carried 3-0-0.**

Article 7: *To see if the Town will vote to transfer the sum of \$22,827.09 from the Septic Loan Revolving Account for the repayment of debt service. By request of the Board of Health.*

The Finance Committee voted 6-0-0.

**Selectman Anderson motioned to approve Article 7. Second by Selectman Kemper, and it carried 3-0-0.**

Article 8: *To see if the Town will vote to transfer from available funds the sum of \$102,900 to pay the debt service associated with the Dunn Property Acquisition. By request of the Board of Selectmen.*

**The Finance Committee voted 6-0-0.**

**Anderson motioned to approve Article 8. Second by Selectman Kemper, and it carried 3-0-0. Mike McCarron discussed the rest of the payment schedule to 2022.**

Article 9: *To see if the Town will vote to raise and appropriate the sum of \$315,000 to be placed*

*in the special purpose municipal stabilization fund established pursuant to Massachusetts General Laws c. 40 §5B in order to fund future capital expenditures for school related building projects, or take any other action related thereto. By request of the Board of Selectmen.*

The Finance Committee Voted 6-0-0.

**Anderson motioned to approve Article 9. Second by Selectman Kemper, and it carried 3-0-0.**

Article 10: *To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$140,000 to add to the special fund established in accordance with the provisions of MGL Chapter 44, Section 53I for a celebration of West Newbury's Bicentennial in 2019. By request of the Bicentennial Committee.*

The Finance Committee voted 2-3-1.

**Selectman Kemper motioned to approve Article 10. Second by Chairman Archibald, and it carried 2-1-0.** Selectman Anderson opposed due to the fact that there is no allocation. Selectman Kemper briefly stated that while people are not in favor to spend \$140,000 there needs to be direction on how much will be supported.

Article 11: *To see if the Town will vote on the limit on the total amount that may be expended from each revolving fund established pursuant to Section XL of the Bylaws of the Town of West Newbury, to wit:*

<i>Section 5.1 Summer Recreation Revolving Fund</i>	<i>\$42,000</i>
<i>Section 5.2 GAR Library Fines and Penalties Revolving Fund</i>	<i>\$10,000</i>
<i>Section 5.3 Police Vehicle Revolving Fund</i>	<i>\$20,000</i>

*By request of the Board of Selectmen.*

The Finance Committee Voted 5-0-0.

**Selectman Anderson motioned to approve Article 11. Second by Selectman Kemper, and it carried 3-0-0.**

The Board made a minor edit to the wording of the article.

Article 12: *To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$300,000.00, to be added to the Stabilization Fund. By request of the Board of Selectmen.*

**Selectman Anderson motioned to remove article 12 since it's not necessary because it will be in the omnibus budget. Second by Selectman Kemper, and it carried 3-0-0.**

Article 13: *To see if the Town will raise and appropriate and/or transfer from available funds the sum of \$100,000 to fund improvements and repairs to the Page School, Children's Castle and Town Buildings. By request of the DPW Director.*

The Finance Committee voted 5-1-0.

**Selectman Kemper motioned to approve Article 13. Second by Chairman Archibald, and it carried 2-0-1. Selectman Anderson abstained.**

The funding will be from Free Cash. The Board and the Finance Committee discussed this article since it wasn't unanimously approved by the Finance Committee. The Finance Committee feels that the funding requested is not allocated appropriately.

*Article 14: To see if the Town will vote to allocate and/or reserve from the Community Preservation Fund annual revenues, the amounts recommended by the Community Preservation Committee for Community Preservation Projects, Committee Administrative Expenses, and other expenses in Fiscal Year 2019, with each item to be considered a separate appropriation or take any other action relative thereto. By request of the Community Preservation Committee.*

*Allocate Reserves:*

<i>From FY 2019, estimated revenues for Community Housing Reserve:</i>	<i>\$39,998.00</i>
<i>From FY 2019, estimated revenues for Historic Resources Reserve:</i>	<i>\$39,998.00</i>
<i>From FY 2019, estimated revenues for Open Space &amp; Recreation Reserve:</i>	<i>\$39,998.00</i>
<i>From FY 2019, estimated revenues for Committee Administrative Expenses:</i>	<i>\$19,999.00</i>
<i>From FY 2019, estimated revenues for Budgeted Reserve:</i>	<i>\$259,987.00</i>

The Finance Committee voted: 6-0-0.

**Selectman Anderson motioned to approve Article 14, Second by Selectman Kemper it carried 3-0-0.**

Selectman Kemper requested to make a brief report before the article.

*Article 15: To see if the Town will raise and appropriate and/or transfer from available funds the sum of \$31,000 to fund a utility pole transfer maintenance for the existing municipal fire alarm service. By request of the Fire Chief.*

Kasey Swallow stated that the term "maintenance" is not fully understood. Finance Committee voted 5-0-0. With a sunset date at the end of fiscal year 2020.

**Selectman Anderson motioned to approve Article 15 with word "maintenance" removed. Second by Selectman Kemper, and it carried 3-0-0.** Funding to come from the stabilization fund.

*Article 16: To see if the Town will raise and appropriate and/or transfer from available funds the sum of \$17,500 to fund the Town's share of the cost of the replacement of the 1984 tanker truck in connection with a 2017 FEMA Assistance to Firefighter's Grant. By request of the Board of Fire Engineers.*

The Finance Committee Voted 5-0-0 with a sunset date ending Fiscal Year 2022.

**Selectman Anderson motioned to approve Article 16, second by Selectman Kemper and it carried 3-0-0.** The Board discussed that if the grant is not approved then the applicant would apply for the grant again.

Article 17: *To see if the Town will raise and appropriate and/or transfer from available funds the sum of \$115,000 to fund the purchase of Firefighting personal protective gear. By request of the Board of Fire Engineers.*

The Finance Committee Voted 5-0-0 with a sunset date ending Fiscal Year 2019.

**Selectman Anderson motioned to approve Article 17, seconded by Selectman Kemper and it carried 3-0-0.** Funding from the Stabilization fund.

Article 18: *To see if the town will vote to raise and appropriate and/or transfer from available funds the sum of \$5,000 for the town manager's expenses. By request of the Board of Selectmen.*

The Finance Committee voted 4-0-0.

**Selectman Anderson motioned to approve Article 18, second by Selectman Kemper, and it carried 3-0-0.** Funding from Free Cash.

Article 19: *To see if the Town will raise and appropriate and/or transfer from available funds the sum of \$2,500 to fund new chairs for the Senior Center. By request of the Council on Aging.*

The Finance Committee voted 5-0-0 with sunset date ending fiscal year 2019.

**Selectman Anderson motioned to approve Article 19. Second by Selectman Kemper, and it carried 3-0-0.**

Article 20: *To see if the Town will vote to amend the Town Bylaws by deleting Section VII (the Finance Director Bylaw) in its entirety and by changing the reference to "Finance Director" in Sections IV (Capital Improvement Committee Bylaw), VIII (Finances) XXXVI (Community Preservation Committee Bylaw) to "Town Manager"*

Finance Committee voted 6-0-0.

**Selectman Anderson motioned to approve Article 20. Seconded by Selectman Kemper, and it carried 3-0-0.**

Article 21: *To see if the Town will vote to amend the Zoning Map of the Town of West Newbury to include within the Large-Scale Ground-Mounted Solar Photovoltaic Installation (LGSPI) Overlay District approximately 20 acres of land located at 28 Coffin Street and identified as ["Proposed LGSPI Overlay District"] on the attached plan. By request of the land owner John Beaucher.*

Article 22: *To see if the Town will vote to authorize the Board of Selectmen, in consultation*

*with the Board of Assessors, to negotiate and enter into a 20 year payment in lieu of tax agreement or similar agreement pursuant to M.G.L. c. 59, § 38H(b) or other applicable authority, on such terms and conditions that the Board deems necessary and advisable, with SWEB Development or its affiliate, with respect to a proposed solar energy project at 28 Coffin Street. By Petition.*

Finance Committee agreed to vote on Article 21 and 22 together since they are connected. The vote was 0-4-2. There were multiple reasons as to the reasoning for the Finance Committee vote, one was that that the project would be a large capital improvement on property in which the Town would not receive tax revenue. It was also stated that the Town could lose money with the values of the abutting homes in the area. The Finance Committee and Town Clerk Michael McCarron discussed the PILOT program.

**Selectman Anderson motioned to approve Article 21 and 22. Second by Selectman Kemper, and it carried 1-2-0. Chairman Archibald and Selectman Kemper were not in favor. Chairman Archibald stated that he is opposed of these articles, as these articles supersede the process that is in place for changing Zoning bylaws.**

Article 23: *To amend the Town of West Newbury Zoning Bylaw by inserting the following as new Section 5.G.5.c:*

*“c. All Large-Scale Ground-Mounted Solar Photovoltaic Installations (LGSPI) located in Residence A, B or C districts shall not exceed a nameplate capacity of 500 kW DC.” By Petition.*

The Finance Committee voted 1-5-0.

**Selectman Kemper motioned to approve Article 23, second by Selectman Anderson and it carried 0-3-0. Motion not approved.**

Article 24: *To amend the Town of West Newbury Zoning Bylaw by inserting the following as new Section 5.G.5.c.:*

*c. Setbacks in Residence A, B and C Districts.*

*For Large-Scale Ground-Mounted Solar Photovoltaic Installations (LGSPI) located in Residence A, B, and C Districts, front, side and rear setbacks shall not be less than 200 feet on the applicant's property. LGSPI shall be provided with 200-foot setbacks on all lot lines abutting a Residence A, B, or C District, regardless of the zoning designated for the proposed site. Vegetated screening shall be provided for a minimum of 50% of the specified setback. Every abutting property located in a Residence A, B, or C District shall be visually and acoustically screened from the installation through either existing vegetation or new plantings of not less than 8 feet in height at the time of planting staggered at a spacing of no more than 8 feet apart throughout the required setback dimensions. All required plantings shall be maintained throughout the project's life and replaced as necessary. As an alternative to providing the required screening through vegetation, the applicant may increase the setback to 600 feet on the applicant's property while providing an*

*acceptable alternate screening such as a stockade fence and single row of vegetation in close proximity to the installation. Security fences, roadways, and equipment shall not be placed within the required setback, except for that which is required to access the site from an adjacent roadway, or to transmit the generated power to the grid. Access roads and transmission lines shall be placed in such a manner as to not create an unobstructed view of the project from adjacent property lines. By Petition.*

The Finance Committee Voted 1-5-0.

**Selectman Kemper motioned to not approve Article 24, second by Selectman Kemper and it carried 3-0-0.**

Article 25: *To amend the Town of West Newbury Zoning Bylaw by inserting the following as new Section 5.G.4.d.:*

*“d. All Large-Scale Ground-Mounted Solar Photovoltaic Installation (LGSPI) project proponents shall submit the following information to the Planning Board prior to the Public Hearing required under Massachusetts General Laws Chapter 40A, § 5, for a proposed change to this Bylaw to designate a location as a LGSPI Overlay District:*

- i. A plan prepared and signed by a Registered Land Surveyor licensed to practice in the Commonwealth of Massachusetts of the proposed Overlay District and the Solar Photovoltaic Installation showing the proposed layout of the system and a description of the boundaries of the Overlay District delineated by metes and bounds; and*
- ii. Documentation sufficient to show that the proposed Overlay District and LGSPI are consistent with the Site Plan Review Guidelines in Section 8.B.6. of this Bylaw. These materials shall be made available for public inspection not less than fourteen days before the day of the public hearing.” By Petition.*

The Finance Committee Voted: 1-5-0.

**Selectman Anderson motioned to approve Article 25, second by Selectman Kemper and it carried 0-3-0.**

### **Special Town Warrant**

Article 2: *To see if the Town will vote to transfer from Community Preservation Act Funds the sum of \$200,000 from the Unrestricted Fund Balance for work to be performed at the Page School to replace the Emergency Generator or to take any other action relative thereto. By request of Board of Selectman and DPW Director.*

Selectman Anderson stated that the Community Preservation has not voted on this article due to not having enough information on allocated funds. Mike McCarron and Selectman Anderson discussed rewording the article. The Board discussed the source funding of this article.

Finance Committee voted 6-0-0.

**Selectman Kemper motioned to approve Article #2 with community town preservation and or available funds for the sum of 200,000. Seconded by Selectman Anderson, and it carried 3-0-0.**

*Article 3: To see if the town will vote to transfer the sum of \$110,000.00 from the Water Enterprise Fund Free Cash Account and \$40,000.00 from the Water Enterprise Stabilization Fund Account to install underground electric service and Comcast internet from Hilltop Circle to the new Brake Hill Water Tank. By request of the Board of Water Commissioners.*

The Finance Committee voted 5-0-1.

**Selectman Kemper motioned to approve Article 3. Second by Chairman Archibald, and it carried 3-0-0.** The Board made a minor change to the wording of the article.

*Article 4: To see if the town will vote to transfer from available funds the sum of \$2,000 to pay for salaries and expenses pertaining to the operation of early voting for the 2018 state election with any sums remaining by the end of fiscal year 2019 to be returned to the Town. By request of the Town Clerk.*

The Finance Committee voted 4-0-0.

**Selectman Kemper motioned to approve Article 4 from Free Cash. Second by Selectman Anderson and it carried 3-0-0.**

*Article 5: To see if the Town will vote to transfer from available funds the sum of \$100,000.00 to fund the Snow and Ice deficit. By request of the Director of Public Works.*

The Finance Committee voted 5-1-0.

**Selectman Anderson motioned to approve Article 5 funded from Free Cash.** The Finance Committee has a sunset clause end of fiscal year 2018; the Board discussed that it should be until the end of December 2018. **Second by Selectman Kemper and it carried 3-0-0.**

*Article 6: To see if the Town will vote to transfer from available funds the sum of \$5,991.35 for the cost of equipment for the Dispatch Center. By request of the Police Chief.*

The Finance Committee Voted 4-0-0.

**Selectman Anderson motioned to approve Article 6. Second by Selectman Kemper and it carried 3-0-0.**

*Article 7: To see if the Town will vote to transfer from available funds the sum up to \$36,000 to cover the first year of the police officers new contract (2018). By request of the Board of Selectmen.*

The Board made minor edits to the article with a sunset clause ending fiscal year 2018.

The Finance Committee voted 6-0-0.

**Selectman Anderson motioned to approve Article 7. Second by Selectman Kemper and it carried 3-0-0. Funded by free cash.**

*Article 8: To see if the Town will vote to transfer from available funds the sum of \$34,000.00 for the purchase of a new police vehicle. By the request of the Police Chief.*

The Board stated that this is a non-reoccurring expense.

The Finance Committee voted 4-0-0.

**Selectman Anderson motioned to approve Article 8. Second by Selectman Kemper and it carried 3-0-0.**

The Board and Finance Committee briefly discussed managing the free cash account. The Department of Revenue will be meeting with the Finance Committee and Selectmen to give assistance on managing the account.

## II. Page School Update

Chairman Archibald stated that the Page School is on scheduled with the clean up process and anticipate students back in school on April 9, 2018.

## III. Follow up Meeting Assignments

The Board did not have follow-up meeting assignments.

## IV. Placing items for future agendas

- Schedule audit review with Auditor Tony Roselli
- Propose Amendments to the Computer and Internet Policy, Social Media Policy, and Pregnancy Workers Policy.
- Appoint the Board of Fire Engineers on April 17, 2018

Respectfully Submitted,

Lori Dawidowicz  
Recording Secretary