



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

Monday, September 24, 2018 @ 6:30pm  
381 Main Street, Town Office Building  
[www.wnewbury.org](http://www.wnewbury.org)

### **Open Session Minutes**

Chairman Kemper called the meeting to order at 6:30pm. Selectmen in attendance were Glenn A. Kemper, Chairman, David W. Archibald and Joseph H. Anderson, Jr.

**Chairman Kemper motioned to go into Executive Session under MGL Chapter 30A §21(a) 2: To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel. Second by Selectman Anderson with a unanimous roll call vote: Kemper – aye, Anderson – aye, Archibald – aye.**

Chairman Kemper called the open session back to order at 7pm. Others in attendance were Town Counsel Michael McCarron, Town Manager Angus Jennings, Town Accountant Laurie Zywiak, Town Moderator KC Swallow and members of the Finance Committee: Gary Roberts, Forbes Durey, Nathan Kelly, Brad Beaudoin and Jessica Knezek.

Chairman Kemper announced that this meeting is being broadcast on local cable TV and recorded for rebroadcast on the local cable channels and on the internet. Chairman Kemper added that tonight there is a missing 14-year old girl in West Newbury so please keep a watch out and call dispatch with any information.

### **Regular Business**

- A. Review of easement for Carr Post Property from Cottage Advisors, and consideration of adding an article to the Fall Town Meeting warrant

Town Manager Jennings request to the Board of Selectmen to open the Fall Town Meeting warrant to include an article for consideration to accept an easement already approved by the Board for the Drakes Landing development but also requiring Town Meeting approval. The easement is a condition on the approval of the development allowing access to the Carr Post to include public parking in that location. Until the easement is accepted and recorded the developer is not allowed to do any work in the DOT right of way therefore time is of the essence.

**Selectman Anderson motioned to open the Town Meeting Warrant. Second by Chairman Kemper with a unanimous vote, 3-0-0.**

**Selectman Anderson motioned to add to the Town Meeting Warrant the article to authorize the Board of Selectmen to accept by gift, donation or otherwise an easement for access and parking purposes and for the installation of utilities to be appurtenant to the land commonly referred to as “The Carr Post” as described in deed recorded with the Essex South District Registry of Deed in Book 35514 Page 162 from Cottage Advisors MA, LLC and to take any other action in furtherance thereof. Second by Chairman Kemper with a unanimous vote, 3-0-0.**

Town Manager Jennings explained that the Annual Town Meeting warrant included an estimated FY19 tax rate of \$14.60. Although the methodology to generate this estimate is not clear, and current finance staff were not

“in the loop” on the preparation of this estimate, it appears clear that this estimate relied upon an anticipated (but unstated) Fall Town Meeting transfer of Free Cash in an unknown amount, and/or a substantial (but also unknown) amount of New Growth.

In each of the 2017 and 2016 October Special Town Meetings, an article was approved to transfer Free Cash to reduce that year’s tax rate. The same will be necessary this year, although likely a greater amount. Obviously, the actual tax rate will be a moving target until New Growth is certified; this is our top priority moving forward. Furthermore, Free Cash will also need to be certified in order to authorize its use or transfer at the Special Town Meeting; we are on track to submit this to DOR on Monday or Tuesday.

To ensure that the tax levy can remain within the allowable range under any reasonably probable New Growth scenario, and understanding that, once advertised, an amount printed in the Warrant may decrease but cannot increase, I recommend a warrant article with an amount high enough to cover any scenario.

Therefore, I am respectfully requesting that the Board of Selectmen sponsor the following article: To see if the town will vote to transfer from Free Cash the sum of \$400,000 to reduce the current year tax rate.

Selectman Anderson added that if not approved will create a structural deficit for next year’s budget.

**Selectman Anderson moved to add to the special town meeting warrant an article to see if the town will vote to transfer from Free Cash the sum of \$400,000 to reduce the current year tax rate. Second by Chairman Kemper with a unanimous vote, 3-0-0.**

*Documentation:*

*Memo from Town Manager Re: Town Meeting action necessary for acceptance of Carr Post easement and Easement Deed*

*Memo from Town Manager Re: Proposed Special Town Meeting article to Raise and Appropriate Free Cash*

- B. Joint meeting with the Town Moderator, Finance Committee, Town Counsel and Town Manager to review the 2018 Fall Town Warrant and Meeting set for October 22, 2018.

ARTICLE 2. To see if the town will vote to raise and appropriate and/or transfer from available funds the sum of \$30,000 to fund the installation of additional monitoring devices and additional frequency of testing for the post-closure of the Steele Landfill. By request of the Board of Health

Finance Committee vote to recommend 5-0-0

**Selectman Anderson moved to recommend article 2. Second by Selectman Archibald with a unanimous vote 3-0-0.** Funding from free cash.

ARTICLE 3. To see if the town will vote to raise and appropriate and/or transfer from available funds the sum of \$50,000 to fund additional costs for disposal of recycled materials. By request of the Board of Health

Finance Committee vote to recommend 4-0-1

**Selectman Anderson moved to recommend article 3. Second by Selectman Archibald with a unanimous vote, 3-0-0.** Funding from free cash.

ARTICLE 4. To see if the town will vote to raise and appropriate and/or transfer from available funds the sum of \$4,000 to fund architectural and/or engineering services to review proposed or potential Annex designs, offer recommendations regarding feasibility and cost, and/or prepare visual representations. By request of the Community Center Committee

Finance Committee vote to recommend 3-2-0. Split vote is due to procedurally felt this is not an emergency.  
**Selectman Anderson move to approve article 4. Second by Chairman Kemper with a unanimous vote, 3-0-0.** Funding from free cash.

ARTICLE 5. To see if the town will vote to transfer from the Community Preservation Act Funds, Open Space and Recreation Reserve, the sum of \$51,500 for Engineering Services and related expenses to prepare a Conceptual Master Plan for Pipestave Hill Active Recreational Area Expansion to include the Dunn Municipal Owned Land. By request of the Parks and Recreation Commission

Finance Committee vote to recommend 5-0-0

**Selectman Anderson moved to approve article 5 as amended. Second by Selectman Archibald. Selectman Kemper questioned the wording “master plan” and after a discussion changed it to “study”. Motion passed with a unanimous vote, 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 \$2,500 to fund temporary office support in the Town Manager/Selectmen Office. By request of the Board of Selectmen

Finance Committee vote to recommend 5-0-0

**Selectman Anderson moved to approve article 6. Second by Selectman Archibald with a unanimous vote, 3-0-0.** Funding from free cash.

ARTICLE 7. To see if the Town will vote to amend Section 5.G. Large-Scale Ground-Mounted Solar Photovoltaic Overlay District of the West Newbury Zoning Bylaw as follows:

1. By establishing parameters for the size and scale of Large-Scale Ground-Mounted Solar Photovoltaic Installations (LGSPI) utilizing minimum and maximum surface area requirements;
2. By distinguishing commercial LGSPI from Municipal LGSPI;
3. By requiring a special permit for LGSPI projects within an established LGSPI Overlay District where the underlying Zoning District is Residence-A, -B, or -C, or Business;
4. By adding new submission requirements for Site Plan Review Applications regarding utility company notification, operation & maintenance, landscaping plan and visualizations;
5. By increasing setbacks, as measured from the LGSPI to the Overlay District Boundary, from 50 feet to 150-feet for PV Arrays and from 40 feet to 150 feet for appurtenant structures;
6. By reducing the maximum height of Appurtenant Structures from 35-feet to 15-feet.
7. By adding new Design Standards for LGSPI including siting criteria and landscaping & screening;
8. By allowing that the Planning Board hire consultants to assist in project review at the expense of Applicants;
9. By establishing new provisions for abandonment and decommissioning;
10. By establishing new requirements for Applicant’s to provide financial surety.

By request of the Planning Board

Discussion took place on setbacks, limitations on size, very restrictive and could negate the town’s status as a Green Community. The Planning Board addressed concerns discussed at the Spring Annual Town Meeting and the Board asked to invite the Planning Board to the Selectmen’s October 1, 2018 before making their recommendation. Gary Roberts, Chair of the Finance Committee added that the Finance Committee was unanimous in supporting the Planning Board’s proactive approach.

ARTICLE 8. To see if the Town will vote to amend Section 6.B.8 Open Space Preservation Development (OSPD) of the West Newbury Zoning Bylaw as follows:

To amend the OSPD Bylaw for the purpose of clarifying the following provisions:

1. Basic Maximum Number (S. 6.B.8.iii)
2. Modification of Dimensional Requirements (S.6.B.9)
3. Contiguity of Open Space (S.6.B.10.a.ii)
4. Buffer Areas (S.6.B.11.b.iii.)
5. Density bonuses and Affordable Housing Units (S.6.B.13.d)

To amend Section S.6.B.11.b.iv of the Open Space Preservation Development Bylaw to increase the distance between residential buildings in the development by adding the following provision:

1. Minimum distance between residential buildings of 20-feet (S.6.B.11.b.iv.)

By request of the Planning Board

Finance Committee vote to recommend 5-0-0

**Selectman Anderson moved to recommend article 8. Second by Selectman Archibald.** Chairman Kemper stated that he would prefer to meet with the Planning Board and all agreed they were uncomfortable voting before the Planning Board public hearing. **Selectman Anderson withdrew his motion and second by Selectman Archibald.**

ARTICLE 9. To see if the Town will vote to accept the provisions of Massachusetts General Law Ch. 32B, § 20 to establish a GASB-compliant OPEB Trust Fund. By request of the Board of Selectmen

This article was withdrawn, see notes under article 11.

ARTICLE 10. To see if the Town will vote to accept the provisions of Massachusetts General Law Ch. 203C to adopt the Massachusetts Prudent Investment Act to make available the options required to meet the investment goals of the OPEB trust. By request of the Board of Selectmen

Finance Committee vote to recommend 5-0-0

**Selectman Anderson moved to approve article 10. Second by Chairman Kemper with a unanimous vote, 3-0-0.**

ARTICLE 11. To see if the Town will vote to accept the provisions of Massachusetts General Law Ch. 32B, §20 to designate a trustee or board of trustees which shall have the general supervision of the management, investment and reinvestment of the OPEB Fund. By request of the Board of Selectmen

Finance Committee vote to recommend 5-0-0

Selectman Anderson stated that the Investment Policy Committee did not want to be the Board of Trustees and felt the Board needed time to investigate this further. Town Clerk Michael McCarron added that in the 1950's the Board of Selectmen were voted to act as the Trust Commissioners.

**Selectman Anderson moved to remove article 9 from the warrant. Second by Chairman Kemper with a unanimous vote, 3-0-0.**

ARTICLE 12. To see if the Town will vote to accept the provisions of Massachusetts General Law Ch. 200A, §9A to establish procedures for the disposition of abandoned funds.

By request of the Board of Selectmen

Finance Committee vote to recommend 5-0-0

**Selectman Anderson moved to recommend article 12. Second by Selectman Archibald with a unanimous vote, 3-0-0.**

ARTICLE 13. To see if the Town will vote to accept the provisions of Massachusetts General Law Ch. 60, §62A to authorize the establishment of payment agreements for properties in tax title. By request of the Board of Selectmen

Finance Committee vote to recommend 5-0-0

**Selectman Anderson moved to recommend article 13. Second by Selectman Archibald with a unanimous vote, 3-0-0.**

ARTICLE 14. To authorize the Board of Selectmen to accept by gift, donation or otherwise an easement for access and parking purposes and for the installation of utilities to be appurtenant to the land commonly referred to as "The Carr Post" as described in deed recorded with the Essex South District Registry of Deed in Book 35514 Page 162 from Cottage Advisors MA, LLC and to take any other action in furtherance thereof.

**Selectman Anderson moved to recommend article 14. Second by Selectman Archibald with a unanimous vote, 3-0-0.**

ARTICLE 15. To see if the town will vote to transfer from Free Cash the sum of \$400,000 to reduce the current year tax rate.

**Selectman Anderson moved to recommend article 15. Second by Selectman Archibald with a unanimous vote, 3-0-0.**

Mr. Durey of the Finance Committee asked if there if any direction on whether article 7 or 8 will stay on the warrant. The Board responded they will decide on October 1, 2018.

*Documentation: Draft Warrant and Finance Committee Minutes dated September 17, 2018*

### C. High School Building Project

Discussion took place on two recent significant comments from the Massachusetts School Building Authority (MSBA). First, the MSBA asked to change the wording to emphasize that the reimbursement rate of 40% is an estimate as the final reimbursement rate will not be known until schematic design is completed and approved. This estimate came from the initial % MSBA gave of around 53%, and was conservatively adjusted as many required items are not considered reimbursable which leaves the % well below 53%. Second, the MSBA also shared that, contrary to their past practice, they would participate and reimburse a percentage on a "Repair Only" project for the high school. The Repair Only option addresses mechanical systems, windows, roof, etc., but does not renovate or move walls to improve the building design to align with Educational Objectives.

The School Committee and Building Committee have scheduled a meeting to review, discuss and reaffirm the selection considering this new information. The meeting will be Tuesday, September 25th at 6:30pm in the HS Cafeteria. In preparation for this meeting, an email and survey has gone out to the community.

*Documentation: Email from Superintendent Jonathan Seymour and Pentucket School District survey*

**Selectman Anderson moved to adjourn. Second by Chairman Kemper with a unanimous vote, 3-0-0.**

*Board of Selectmen Meeting, September 24, 2018*

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Respectfully Submitted,

*Mary Winglass, Executive Administrator*