



Town of West Newbury
Board of Selectmen
Monday, July 6, 2020 @ 6:00pm
381 Main Street, Town Office Building
www.wnewbury.org

RECEIVED
TOWN CLERK
WEST NEWBURY, MA
2020 JUL -2 PM 5:37

AGENDA

Executive Session: 6:00pm by remote participation

- ❖ MGL Ch. 30A §21(a) 3: To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares (*Archelaus Place correspondence; Police Union contract*);
- ❖ MGL Ch. 30A §21(a) 6: To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body (*31 Dole Place*);
- ❖ MGL Ch. 30A §21(a) 7: To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements (*review of active Town Counsel assignments / workload*).

Open Session: 7pm by remote participation (see below)

Announcements:

- This meeting is being broadcast on local cable TV and recorded for rebroadcast on the local cable channels and on the internet. Meeting also accessible by remote participation; instructions below.
- Call for volunteers: seeking members for Finance Committee, Capital Improvements Committee, etc.
- Reminder to subscribe for emailed Town news/announcements at <https://www.wnewbury.org/subscribe>

Regular Business

- A. Review of Governor's recent Executive Orders re COVID-19 Phase 3, and updates from Board of Health meetings on June 30 and July 1, 2020
- B. Designation of Board of Selectmen representative to Pentucket Health and Safety Team
- C. Review and approval of proposal from KP Law to provide legal counsel regarding anticipated filing of 40B comprehensive permit and related matters
- D. Discussion of new proposal from Cottage Advisors to MassHousing re proposed 40B on Coffin Street / Main Street; review of Town Counsel correspondence to MassHousing; discussion of next steps
- E. Discussion of Town Meeting results
- F. Review and approval of FY21 Wage Schedule
- G. Review and approval of MOU with Pentucket for School Resource Officer (SRO) for FY21
- H. Review and approval of Intermunicipal Agreement with Newburyport for Shared Animal Control Services for FY21-23
- I. Reappointment of EMA officers and personnel for FY21
- J. Request for rent waivers for July 2020 – *The Children's Castle and The Learning Tree*
- K. Review of schedule for upcoming Board of Selectmen meetings
- L. Meeting minutes: June 8, 2020; June 15, 2020.

Town Manager Updates

- M. Review of street paving list prepared by DPW Director
- N. Preliminary update re FY20 financial closeout; review of anticipated FY20 line item transfer requests
- O. MassWorks grant quarterly report; update re proposed MOU w/Newburyport re Middle Street Bridge
- P. Page School playground updates: closeout of FY20 State earmark funds; process for vendor selection
- Q. Update regarding architect contract for Soldiers & Sailors Memorial Building
- R. Discussion of Finance Dept. and Town Manager's office workload and prioritization of staff efforts; potential to convene reps from Departments and Boards/Commissions/Committees for strategic retreat
- S. Follow up meeting assignments; and placing items for future agendas

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: (224) 501-3412
Access Code: 483-709-997

Or, from computer, tablet or smartphone: <https://global.gotomeeting.com/install/483709997>

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 West Newbury website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as practicable after the meeting.

Town Manager

From: OConnor, Ron (DPH) [REDACTED]
Sent: Thursday, July 2, 2020 1:51 PM
Subject: Reopening Massachusetts: Baker-Polito Administration Initiates Transition to Third Phase of Four-Phase Approach

Dear Local Public Health Colleagues

Please see the press release below about Phase III of Reopening Massachusetts. The “full guidance and list of businesses eligible to reopen” link referenced in the press release will be updated soon. Thank you.

CHARLIE BAKER
Governor



KARYN POLITO
Lt. Governor

FOR IMMEDIATE RELEASE:

July 2, 2020

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Reopening Massachusetts: Baker-Polito Administration Initiates Transition to Third Phase of Four-Phase Approach

*Consistent with Public Health Data and Trends, Phase III of Reopening Massachusetts Set to
Begin on July 6*

The Baker-Polito Administration today announced that on July 6th, Phase III of the Commonwealth's reopening plan will begin and updates on gatherings will be in effect. For the City of Boston, Phase III and the gatherings order will take effect on Monday, July 13th.

The Department of Public Health (DPH) also issued updated guidance to mitigate the spread of COVID-19.

Step One of Phase III:

On May 18, the administration released a four-phased plan to reopen the economy based on public health data, spending at least three weeks in each phase. Key public health data, such as new cases and hospitalizations, have been closely monitored and has seen a decline allowing for Phase III to begin on July 6th. Phase III will begin on July 13th in Boston.

The public health dashboard designating the progress of key COVID-19 data metrics has been updated to reflect the number of COVID-19 patients in Massachusetts hospitals to green, indicating a positive trend.

Since mid-April, the 7-day average for the positive COVID-19 test rate is down 94 percent, the 3-day average of hospitalized patients is down 79 percent and the number of hospitals in surge is down 86 percent.

More than 1,000,000 total COVID-19 tests have been administered, and testing continues throughout the state.

The following businesses will be eligible to reopen in Step One of Phase III, subject to industry-specific rules concerning capacity and operations:

- Movie theaters and outdoor performance venues;
- Museums, cultural and historical sites;
- Fitness centers and health clubs;
- Certain indoor recreational activities with low potential for contact;
- Professional sports teams, under the authority of league-wide rules, may hold games without spectators

Full guidance and list of businesses eligible to reopen in Step One of Phase III can be found at www.mass.gov/reopening. Businesses and sectors set to begin opening in Phase III are subject to compliance with all mandatory safety standards.

Revised Gatherings Order:

Under the updated gatherings order, indoor gatherings are limited to eight people per 1,000 square feet, but should not exceed 25 people in a single enclosed, indoor space.

Outdoor gatherings in enclosed spaces are limited to 25 percent of the facility's maximum permitted occupancy, with a maximum of 100 people in a single enclosed outdoor space. This includes community events, civic events, sporting events, concerts, conventions and more. This order does not apply to outdoor, unenclosed gatherings if proper social distancing measures are possible.

This revised order does not supersede previously issued sector guidance, and is effective beginning Monday, July 6. It will be effective Monday, July 13 in the City of Boston.

Public Health Guidance:

In Phase III, health care providers may continue to provide in-person procedures and services as allowed in Phase II, with the addition of certain group treatment programs and day programs. These programs include adult day health, day habilitation programs, and substance abuse services day treatment and outpatient services. Certain human services programs can reopen including community based day services for adults with intellectual and cognitive disabilities and psychosocial rehabilitation clubhouses.

Health care providers are subject to compliance with all mandatory safety standards, and must continue to utilize prioritization policies established in Phase II for care

delivery and scheduling, as well as monitor patient volume for non-essential, elective procedures and services.

Read the full guidance [here](#).

In Phase III, visitation guidelines have been updated for 24/7 congregate care facilities and programs overseen by the Executive Office of Health and Human Services, including the Departments of Developmental Services, Youth Services, Children and Families, Public Health, Mental Health and the Mass Rehabilitation Commission. Offsite visits, including overnight visits, will be allowed, under specific guidelines. Other updated guidelines, including visitation for long term care facilities, will be released later today. Complete visitation guidance is available at www.mass.gov/hhs/reopening.

MassHealth will also extend its current telehealth flexibility through at least the end of the year to ensure member access to critical health care services and encourage continued adherence to preventative public health precautions.

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ORDER AUTHORIZING THE RE-OPENING OF PHASE III ENTERPRISES

COVID-19 Order No. 43

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”);

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, the Federal Centers for Disease Control and Prevention have advised that COVID-19 is spread mainly by person-to-person contact and that the best means of slowing the spread of the virus is through practicing social distancing and protecting oneself and others by minimizing in-person contact with others and with environments where this potentially deadly virus may be transmitted including, in particular, spaces that present enhanced risks because of limited ventilation or large numbers of persons present or passing through who may spread the virus through respiratory activity or surface contacts;

WHEREAS, on March 23, 2020, in order to restrict all non-essential person-to-person contact and non-essential movement outside the home as a means of combatting the spread of COVID-19 within the Commonwealth, I issued COVID-19 Order No. 13, which temporarily closed the brick-and-mortar premises of businesses and organizations that do not provide COVID-19 Essential Services as defined in the Order;

WHEREAS, on the basis of sustained improvement in the public health data, on May 18, 2020 and June 6, 2020, I issued COVID-19 Order Nos. 33 and 37 respectively, which authorized the re-opening of certain brick-and-mortar premises designated as “Phase I” and “Phase II” enterprises, subject to the requirement that all such enterprises comply with workplace safety rules and standards designed to protect against the risk of the COVID-19 virus;

WHEREAS, the current, continuing trend of improvement in public health data permits a further, carefully phased relaxation of restrictions on businesses and other organizations, provided that any adjustment can only be maintained or expanded on the basis of continuing improvements in the public health data;

WHEREAS, according to the Centers for Disease Control and Prevention, a precipitous removal of targeted restrictions that have proven effective in combatting the spread of COVID-19 could result in a recurrence of the virus spread, as has been the experience in certain States and countries; and

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting a state of emergency, including but not limited to authority over assemblages in order to protect the health and safety of persons, transportation and travel by any means or mode, regulating the sale of articles of food and household articles, variance of the terms and conditions of licenses and permits issued by the Commonwealth or any of its agencies or political subdivisions, and policing, protection, and preservation of public and private property;

NOW, THEREFORE, I hereby order the following:

1. Opening of Phase III Enterprises

Businesses and other organizations that are designated as Phase III enterprises on the chart attached as Schedule A are permitted to open and operate from their physical workplaces and facilities (“brick-and-mortar premises”) according to the progressive, two-step schedule specified below. Phase III enterprises may open those premises to workers, customers, and the public only when authorized under the two-step schedule and provided that they comply with all workplace safety rules and standards issued or maintained pursuant to Section 4 and all other terms of this Order.¹

Step 1: On July 6, 2020, Phase III enterprises that are designated as Step 1 enterprises on Schedule A may open their brick-and-mortar premises to workers, customers, and the public.

Step 2: If the public health data reflects continued positive progression, Step 2 will be announced by a subsequent Phase III Order. Effective upon the commencement of Step 2, Phase III enterprises that are designated as Step 2 enterprises on Schedule A may open their brick-and-mortar premises to workers, customers, and the public.

¹ Schedule A has been amended from the version adopted in COVID-19 Order No. 37 on June 6, 2020.

Businesses and other organizations that are designated as Phase IV enterprises on the chart attached as Schedule A must keep their brick-and-mortar premises closed to workers, customers, and the public and may not conduct Phase IV activities except as remote means permit. Phase IV enterprises shall not re-open their brick-and-mortar premises until specifically authorized to do so by subsequent Order. Phase IV enterprises and enterprises permitted to open only in Step 2 of Phase III may, however, open their premises to workers to the degree reasonably necessary to perform critical tasks that cannot be conducted remotely, such as ensuring on-going maintenance and security of the premises, preservation of inventory and equipment, and compliance with legal obligations.

2. Adjustments to Restrictions on Organized Sports Activities and Programs

Amateur Sports: The Secretary of the Executive Office of Energy and Environmental Affairs (“EEA”), subject to my approval, shall continue to issue Sector-Specific Rules to implement COVID-19 safety measures for organized youth and adult amateur sports activities and shall continue to issue COVID-19 Sector-Specific Rules and other safety standards for operators of and participants in outdoor recreational activities as authorized in COVID-19 Order Nos. 35 and 37.

The specific restrictions on amateur organized sports itemized in paragraphs (a) – (d) of section 3 of COVID-19 Order No. 35 are hereby rescinded. Accordingly, the Secretary of EEA, after consulting with the Department of Public Health, may determine appropriate Step 1 and Step 2 allowances, rules, and restrictions that

- a. permit games, scrimmages, and tournaments for both no-contact and contact sports;
- b. establish appropriate limitations on the number of persons that may participate at one time in an organized sports activity within a single facility or on a single court, field, or other playing surface; and
- c. open indoor athletic facilities for use by both youths and adults.

Professional Sports: A professional sports organization that has adopted comprehensive COVID-19 health and safety rules under the authority of formal league rules or other binding agreements or affiliations may engage in organized games, tournaments, and other competitions within the Commonwealth. Prior to engaging in any such activities, a professional sports organization shall submit such COVID-19 health and safety rules to the Commissioner of the Department of Public Health for review.

No professional sports organization shall admit spectators or other members of the public to any training, practice, scrimmage, game, or tournament or other competition or exhibition until authorized by further Order.

Section 4 of this Order shall not apply to professional sports organizations that have complied with this section.

3. Premises Regulated by the Massachusetts Gaming Commission

The Massachusetts Gaming Commission (“MGC”), following consultation with the Department of Public Health, shall issue and may from time to time amend COVID-19 safety rules for the operation of all casinos, race tracks, and related facilities operating under licenses issued pursuant to Chapters 23K or 128A and subject to the MGC’s regulatory authority, and for simulcasting facilities approved under Chapter 128A. The MGC shall have authority to promulgate and enforce such rules and in doing so may exercise any powers granted to it by Chapters 23K or 128A.

Section 4 of this Order shall not apply to casinos, race tracks, or other facilities subject to the MGC’s regulatory authority and operated under licenses issued pursuant to Chapters 23K or 128A.

4. Sector-Specific Rules and Self-Certification

The Director of Labor Standards and the Commissioner of the Department of Public Health shall issue, subject to my approval, COVID-19 workplace safety rules for certain, specific Phase III enterprise sectors (“Sector-Specific Rules”) to address the particular circumstances and operational needs of those specific sectors.

Phase III Sector-Specific Rules shall supplement the generally applicable COVID-19 safety rules applicable to all workplaces in the Commonwealth adopted in COVID-19 Order No. 33. Phase III enterprises shall adopt and comply with all Sector-Specific Rules applicable to their workplaces.

Newly Opened Premises: Phase III enterprises that are authorized under the terms of this Order to open their brick-and-mortar premises to workers, customers, and the public shall be required to self-certify that they are in compliance with all generally applicable COVID-19 workplace safety rules and any applicable Sector-Specific rules. Before opening a brick-and-mortar premises under the terms of this Order, a Phase III enterprise shall:

- a. Bring the workplace into full compliance with all generally applicable COVID-19 workplace safety rules and all Sector-Specific Rules that are applicable to the individual workplace
- b. Complete the required self-certification to verify compliance with all general and any applicable Sector-Specific Rules and make the self-certification available for inspection upon a request by State or Local authorities
- c. Post on the premises all public notices and advisories that are required to be displayed under the terms of this Order

5. Enforcement and Authority

The Department of Labor Standards (“DLS”), in consultation with the Department of Public Health (“DPH”), shall have general authority to promulgate directives, regulations, and guidance to implement and enforce the COVID-19 workplace safety rules authorized under this Order.

A municipal board of health or authorized agent pursuant to G. L. c. 111, § 30 shall have concurrent authority with DLS and DPH to enforce the terms of this Order and any directives, regulations, or guidance issued by DLS, DPH, and EEA under the authority of this Order.

The provisions of Section 4 of COVID-19 Order No. 37 are hereby incorporated and restated in full and shall apply to Phase III enterprises except where this Order provides a specific limitation or exception.

If any provision of this Order or the application thereof to any person or entity or circumstance is determined to be invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of this Order or its application to other persons, entities, and circumstances.

6. Exceptions

This Order shall have no application to any of the following businesses, organizations, workplaces, or facilities:

- a. Any municipal legislative body, the General Court, or the Judiciary
- b. Federal governmental entities
- c. Any health care facility or licensed health care provider
- d. Any of the following workplaces or facilities with specialized functions and populations, provided that DPH shall in each case consult with the responsible authority and provide COVID-19 health and safety guidance as needed:
 - Public and private elementary and secondary (K-12) schools
 - Residential and day schools for special needs students
 - Licensed, approved, or exempt child care programs and any emergency child care centers and emergency residential programs operating under emergency authorization
 - Facilities operated by the Department of Correction or any Sheriff
 - Facilities operated, contracted, or licensed by the Department of Youth Services, Department of Mental Health, Department of Public Health, or the Department of Developmental Services
 - Facilities that provide safe spaces for the unstably housed such as homeless and domestic violence shelters

- and any other facilities or workplaces that the Commissioner of the Department of Public Health may in writing exempt from the terms of this Order

This Order is effective immediately and shall remain in effect until rescinded or until the state of emergency is ended, whichever occurs first.

Given in Boston at _____ AM/PM this 2nd day of July, two thousand and twenty

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts

Schedule A to COVID-19 Order No. 43

	<p>All Phase I, II, III, and IV enterprises are required to comply with general and, where applicable, sector-specific COVID-19 workplace safety rules administered by DPL, DPH, EEA, and local boards of health. Workplace safety rules include a variety of mandatory context-specific COVID-19 safety measures such as occupancy limitations, operational modifications, social distancing rules, and specialized cleaning requirements.</p>
<p>Phase I</p>	<p>As specified in COVID-19 Order No. 33:</p> <ul style="list-style-type: none"> • Businesses and other organizations providing products and services identified as “COVID-19 Essential Services” in COVID-19 Order No. 13 • Manufacturing • Construction • Places of Worship • Firearms retailers and shooting ranges • General Use Offices • Car Washes • Hair Salons and Barber Shops • Pet Groomers • Drive-In Movie Theaters • Laboratories • Certain Outdoor Recreational Facilities and Activities as specified in <u>Exhibit 1</u> to COVID-19 Order No. 33
<p>Phase II</p>	<p>As specified in COVID-19 Order No. 37 and including specifically:</p> <ul style="list-style-type: none"> • Retail Stores including stores in enclosed shopping malls • Restaurants providing seated food service prepared on-site and under retail food permits issued by municipal authorities pursuant to 105 CMR 590.000, including beer gardens/wineries/distilleries meeting these criteria <ul style="list-style-type: none"> ○ <u>Step 1</u>: outdoor table service ○ <u>Step 2</u>: indoor table service • Hotels, motels, inns, and other short-term lodgings (no events, functions, or meetings) • Limited organized youth and adult amateur sports activities and programs—no contact and no games or scrimmages, and indoor facilities limited to youth programs • Professional sports practice and training programs--no inter-team games and no admission for the public • Personal Services provided at a fixed place of business or at a client location <ul style="list-style-type: none"> ○ <u>Step 1</u>: Services involving no close personal contact (photography, window washers, individual tutoring, home cleaning, etc.) ○ <u>Step 2</u>: Services involving close personal contact (massage, nail salons, personal training for individuals or no more than 2 persons from same household, etc.) • Non-athletic instructional classes in arts/education/life skills for youths under 18 years of age in groups of fewer than 10 • Driving schools and flight schools • Outdoor historical spaces—no functions or gatherings and no guided tours • Funeral homes—increased capacity to permit 40% occupancy for one service at a time within the facility • Warehouses and distribution centers • Golf facilities including outdoor driving ranges • Other outdoor recreational facilities <ul style="list-style-type: none"> ○ pools, playgrounds and spray decks

	<ul style="list-style-type: none"> ○ mini golf, go karts, batting cages, climbing walls, ropes courses ● Post-Secondary/Higher Ed/Vocational-Tech/Trade/Occupational Schools <ul style="list-style-type: none"> ○ for the limited purposes of permitting students to complete a degree, program, or prerequisite for employment, or other similar requirement for completion, for summer youth programming including athletic facilities, and any necessary supporting services ● Day Camps including sports and arts camps ● Public libraries
Phase III	<p><u>Step 1</u></p> <ul style="list-style-type: none"> ● Post-Secondary/Higher Ed/Vocational-Tech/Trade/Occupational Schools—general operations ● Casino gaming floors ● Horse racing tracks and simulcast facilities [a] ● Indoor recreational and athletic facilities for general use (not limited to youth programs) ● Fitness centers and health clubs including <ul style="list-style-type: none"> ○ cardio/weight rooms/locker rooms/inside facilities ○ fitness studios (yoga, barre, cross-fit, spin classes, general fitness studios) ○ indoor common areas ○ indoor swimming pools ○ indoor racquet courts and gymnasiums ○ locker rooms [a] ○ excluding saunas, hot-tubs, steam rooms ● Museums ● Indoor historic spaces/sites ● Aquariums ● Outdoor theatres and other outdoor performance venues not designated as Phase IV enterprises [a] ● Movie theatres [a] ● Sightseeing and other organized tours (bus tours, duck tours, harbor cruises, whale watching) ● Motion picture, television, and video streaming production [a] ● Fishing and hunting tournaments and other amateur or professional derbies ● Outdoor event spaces used for gatherings and celebrations including those in parks, reservations, and other outdoor spaces not designated as Phase IV enterprises [a] ● Indoor event spaces such as meeting rooms, ballrooms, and private party rooms--only when used for functions or events permitted under Sector-Specific Rules for Indoor and Outdoor Events [a] ● Indoor non-athletic instructional classes in arts/education/life skills for persons 18 years or older ● Indoor recreational activities with low potential for contact: batting cages, driving ranges, go karts, bowling alleys, rock-climbing walls [a] <p><u>Step 2</u></p> <ul style="list-style-type: none"> ● Indoor performance venues used for live performances such as concert halls, theaters, and other indoor performance spaces not designated as Phase IV enterprises [a] ● Indoor recreational activities with greater potential for contact: laser tag, roller skating, trampolines, obstacle courses [a]
Phase IV	<ul style="list-style-type: none"> ● Amusement parks, theme parks, indoor and outdoor gaming arcades, indoor or outdoor water parks and indoor or outdoor ball pits [a] ● Saunas, hot-tubs, steam rooms at fitness centers, health clubs, and other facilities ● Bars, dance clubs, and nightclubs—venues offering entertainment, beverages, or dancing and not providing seated food service prepared on-site and under retail food permits issued by municipal authorities pursuant to 105 CMR 590.000

	<ul style="list-style-type: none"> • Beer gardens/breweries/wineries/distilleries not providing seated food service prepared on-site and under retail food permits issued by municipal authorities pursuant to 105 CMR 590.000 • Large capacity venues used for group or spectator sports, entertainment, business, and cultural events including [a] <ul style="list-style-type: none"> ○ Stadiums, arenas, and ballparks ○ Dance floors ○ Exhibition and convention halls • Street festivals and parades and agricultural festivals • Road races and other large, outdoor organized amateur or professional group athletic events • Overnight camps (Summer 2021) [a] <p>This listing is subject to amendment.</p>
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Note: entries that reflect amendments from the version of Exhibit A adopted in COVID-19 Order No. 37 (June 6, 2020) are designated by the marker “[a].”

**SECOND REVISED ORDER REGULATING GATHERINGS
THROUGHOUT THE COMMONWEALTH**

COVID-19 Order No. 44

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”);

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, the Federal Centers for Disease Control and Prevention have advised that COVID-19 is spread mainly by person-to-person contact and that the best means of slowing the spread of the virus is through practicing social distancing and by minimizing personal contact with large groups and with environments where this potentially deadly virus may be transmitted including, in particular, spaces that present enhanced risks because of the large number of persons present or passing through the area who may spread the virus through respiratory activity or surface contacts;

WHEREAS, on March 23, 2020, in order to restrict all non-essential person-to-person contact, non-essential movement outside the home, and reduce opportunities for spreading the COVID-19 virus within the Commonwealth, I issued COVID-19 Order No. 13, which temporarily closed the brick-and-mortar premises of businesses and organizations that do not provide COVID-19 Essential Services, and prohibited gatherings of more than 10 people;

WHEREAS, recent public health data indicate continued improvement in key areas of measurement as a result of the extraordinary efforts of health care providers in the

Commonwealth and the public's unselfish compliance with the restrictions imposed in COVID-19 Order No. 13 and other measures implemented in response to the COVID-19 health crisis;

WHEREAS, on May 18, 2020, June 6, 2020 and July 2, 2020, I issued COVID-19 Orders No. 33, 37, and 43, respectively, which designated certain businesses and other organizations as Phase I, II, III, or IV enterprises and initiated a progressive, phased plan for re-opening workplaces and other facilities across the Commonwealth;

WHEREAS, on June 6, 2020, I issued COVID-19 Order No. 38, which further extended the prohibition on gatherings of more than 10 people;

WHEREAS, it remains imperative to continue to minimize opportunities for person-to-person spread of the COVID-19 virus while the Commonwealth remains in the midst of the COVID-19 public health emergency; and

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting a state of emergency, including but not limited to authority over assemblages in order to protect the health and safety of persons, transportation and travel by any means or mode, and policing, protection, and preservation of public and private property;

NOW, THEREFORE, I hereby Order the following:

1. *Entities Subject to Sector-Specific Rules*: A business or other organization that has been designated by Executive Order as a Phase I, Phase II, or Phase III enterprise and that is permitted to open its brick-and-mortar premises to workers and the public shall not be subject to the general gathering limitations in Section 2 of this Order, if the enterprise is operating in compliance with COVID-19 safety rules and any applicable capacity limitation issued by the Department of Public Health, the Department of Labor Standards, the Massachusetts Gaming Commission, or the Department of Energy and Environmental Affairs.

Phase IV enterprises shall remain closed, consistent with the requirements of the Order Authorizing the Re-Opening of Phase III Enterprises (COVID-19 Order No. 43).

2. *Otherwise Applicable Indoor and Outdoor Gathering Limits*: The following limitations apply to indoor and outdoor gatherings not included within section 1 above:
 - Indoor gatherings are limited to 8 persons per 1,000 square feet of accessible, indoor floor space, and never more than 25 persons in a single enclosed, indoor space.
 - Outdoor gatherings in enclosed, permitted, or leased spaces are limited to 25% of the maximum permitted occupancy of the facility as documented in the facility's occupancy permit on record with the municipal building department or other municipal record

holder, if there is a capacity limitation on record, or 8 persons per 1,000 square feet where no occupancy limitation is on record, and never more than 100 persons in a single outdoor space that is enclosed, permitted, or leased.

A gathering in permitted space is any gathering that is required to receive a permit from a state or municipal authority. Gatherings that are subject to the limitations of this Section include, without limitation, community, civic, public, leisure, sporting events, concerts, conferences, conventions, fundraisers, fairs, festivals, and other similar events or activities.

a. *Outdoor Gatherings in Unenclosed Spaces:* Outdoor gatherings that are not subject to the capacity limitations above, such as those in a park, backyard, athletic field, or parking lot are permitted, provided that the type of gathering is not prohibited in Section 2(b) of this Order and the outdoor space in which the gathering will occur is not a Phase IV enterprise or venue, as designated by COVID-19 Order No. 43.

b. *Prohibited Activities:* Street festivals, agricultural festivals, walk-a-thons, road races and bike races, and other outdoor, organized athletic or recreational events that gather large numbers of participants or spectators outdoors are prohibited until further Order; provided, however, that outdoor gatherings for the purpose of political expression are not subject to this Order.

3. *Face Coverings:* Consistent with COVID-19 Order No. 31, which requires persons to wear face coverings while in public places to prevent the spread of COVID-19, and the Safer at Home Advisory issued by the Department of Public Health on May 18, 2020, all persons over the age of two must wear a face covering when they attend indoor and outdoor gatherings in public places if the circumstances of the gathering could limit their ability to maintain at least six feet of distance from others, unless they are prevented from wearing a face covering by a medical or disabling condition. All persons are likewise advised to avoid close personal contact to prevent spreading the virus.

4. *Legal Exceptions:* This Order shall not apply to any of the following businesses, organizations, workplaces, or facilities:

- a. Any municipal legislative body, the General Court, or the Judiciary
- b. Federal governmental entities
- c. Any health care facility or licensed health care provider
- d. Any of the following workplaces or facilities with specialized functions and populations:
 - Public and private elementary and secondary (K-12) schools
 - Residential and day schools for special needs students
 - Licensed, approved, or exempt child care programs and any emergency child care centers and emergency residential programs operating under emergency authorization

- Facilities operated by the Department of Correction or any Sheriff
- Facilities operated, contracted, or licensed by the Department of Youth Services, Department of Mental Health, Department of Public Health, or the Department of Developmental Services
- Facilities and programs that provide safe spaces for the unstably housed such as homeless and domestic violence shelters
- and any other facility or workplace that the Commissioner of Public Health may in writing exempt from the terms of this Order

Violation of the terms of this Order may result in a civil fine of up to \$300 per violation, in the manner provided by G. L. c. 277, § 70C. This Order may also be enforced by injunction. A motion for an injunction to enforce this Order may be filed in the district court or any other court of competent jurisdiction for the municipality in which the violation has been charged.

The Revised Order Regulating Gatherings Throughout the Commonwealth (COVID-19 Order No. 38) is hereby rescinded effective 12:01 am on July 6, 2020, except for the city of Boston, for which COVID-19 Order No. 38 is rescinded effective 12:01 am on July 13, 2020.

This Order shall be effective 12:01 am on July 6, 2020, except for the city of Boston, for which the Order will be effective 12:01 am on July 13, 2020, and shall remain in effect until rescinded or until the state of emergency is ended, whichever occurs first.

Given in Boston at _____ AM/PM this 2nd day of July, two thousand and twenty

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts

Board of Health Meeting

Tuesday June 30, 2020

Addendum to Meeting Notice regarding Remote Participation

Pursuant to Governor Baker's March 13, 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 Health 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

4:30-6:30pm (EDT)

United States: +1 (872) 240-3311

- One-touch: <tel:+18722403311,,935937213#>

Access Code: 935-937-213

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 effort, 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.

WEST NEWBURY BOARD OF HEALTH

AGENDA

June 30, 2020

4:30pm

1910 Office Building 381 Main Street

BOARD: Robert Janes-Chairman, Blake Seale-Member, Thomas Fahey-Member

HEALTH AGENT: Paul Sevigny

ADMIN ASSISTANT: Jane Krafton

I. OFFICE BUSINESS:

- Review minutes dated June 9, 2020.
- Review minutes dated March 23, 2020.
- Krafton request permission to postpone vacation to week of July 13, 2020.

- Discuss Senior Center Soft Opening procedures.
- Discuss COVID 19 updates.
 - Millpond/Pipestave
 - Basketball Courts
 - Play Grounds.
- Review proposed plan for event from W.N Riding and Driving Club.
- More hand sanitizing stations installed by office doors.
- Compost info sheets.
- Discuss 6 Indian Ridge Road.
- Discuss proposed FY21 contracts:
 - G. Mello Corp.
 - Covanta
 - Public Health Nurse

II. APPOINTMENTS:

- **4:45pm N.A.**

III. SEPTIC PLANS:

- 25 Bachelor Street.

IV. FYI: No Action Needed

- Future meetings TBD
- Asymptomatic Spread Article from Time Magazine.

Next Meeting Scheduled for **TBD**
 1910 Office Building 381 Main Street, West Newbury MA

Town Manager

From: Paul Sevigny
Sent: Thursday, July 2, 2020 1:59 PM
To: Town Manager; Jane Krafton
Subject: RE: BOH updates

Sounds good. I hope to have the public notice to you soon. It is currently under review by one of my Board Members.

From: Town Manager <townmanager@wnewbury.org>
Sent: Thursday, July 2, 2020 1:57 PM
To: Paul Sevigny <psevigny@wnewbury.org>; Jane Krafton <jkrafton@wnewbury.org>
Subject: BOH updates

Paul – we plan to include the following on the BOS agenda for 7/6 to be posted later this afternoon:

Updates from Board of Health meetings on June 30 and July 1, 2020

I plan to provide updates per your updates to me of earlier this week, but if there's anything beyond that the Board should know please let me know. Once we get a public notice re the playgrounds and basketball courts we'll broadly post this and also include in the BOS packet.

Also, you and/or BOH rep(s) are of course welcome to participate in Monday's mtg. Remote participation instructions will be on the posted agenda, and this will be the second agenda item so should begin shortly after 7pm. Thanks

Angus Jennings, Town Manager
Town of West Newbury
Town Office Building
381 Main Street
West Newbury, MA 01985
(978) 363-1100 x111
townmanager@wnewbury.org

Town Manager

From: Paul Sevigny
Sent: Thursday, July 2, 2020 11:05 AM
To: Town Manager; Brad Buschur
Cc: Jack Foley; Wendy Willis; Rick Parker; Michael McCarron
Subject: RE: Updates from yesterday's BOH mtg

I am in agreement with everything Angus said.

From: Town Manager <townmanager@wnewbury.org>
Sent: Thursday, July 2, 2020 10:26 AM
To: Brad Buschur [REDACTED]
Cc: Jack Foley [REDACTED]; Wendy Willis [REDACTED]; Rick Parker [REDACTED]; Paul Sevigny <psevigny@wnewbury.org>; Michael McCarron <mmccarron@wnewbury.org>
Subject: RE: Updates from yesterday's BOH mtg

Brad,

Re BOS voting to rescind parking restrictions, this is their jurisdiction so yes a change to remove the resident only parking restriction will require a BOS vote and a legal ad in the newspaper, per MGL, but the BOS will not take this vote until advised by the BOH since the BOH has broader jurisdiction within this declared public health emergency.

Is the summer programming you are referring to in your email the requests for field usage that Jack presented? I agree with Paul's recommendation that participants in organized activities authorized by Parks & Rec at Pipestave place a sign on their dashboard. Enforcement of the parking restrictions is discretionary – the BOS vote to restrict parking was to ensure that, if tickets are written, they would stand up in court – and the Police could be advised to exercise discretion in not writing tickets for authorized participants. I reviewed this with Mike McCarron this morning and he advised going with this approach.

If I can help let me know, but if your questions really are directed to the BOH I think it will be more efficient for you to contact them directly. With that in mind, I've copied Paul, and if I've gotten anything here wrong or incomplete he can set us straight.

Thanks,
Angus

Angus Jennings, Town Manager
Town of West Newbury
Town Office Building
381 Main Street
West Newbury, MA 01985
(978) 363-1100 x111
townmanager@wnewbury.org

From: Brad Buschur [REDACTED]
Sent: Wednesday, July 1, 2020 3:39 PM
To: Town Manager <townmanager@wnewbury.org>
Cc: Jack Foley [REDACTED]; Wendy Willis [REDACTED]; Rick Parker [REDACTED]
Subject: Re: Updates from yesterday's BOH mtg

Hi Angus,

I can appreciate the need to address resident safety.

With the parking lots closed to non-residents the summer programming we discussed last night is on hold until the BoS votes to rescind parking restrictions. I believe all of the programming has out of town participants.

Should we require the leagues to limit their offerings to West Newbury residents only?

My understanding is Paul recommended having out of town participants place a sign on their dash noting they are parking there for recreation uses, but this would violate the BoS order.

Thanks for the guidance,
Brad

On Wed, Jul 1, 2020 at 3:09 PM Town Manager <townmanager@wnewbury.org> wrote:

The BOH voted to keep the parking restriction as is for now and will readdress at their next meeting. Their concern is the health & safety of the residents of West Newbury. At this time, there are no restrictions (beyond the State guidance) for West Newbury residents. BOH had closed the recreational areas / playgrounds because of health and safety concerns of the community. Now they are opening them up slowly to make sure there is no spike in cases. Again, residents have full use of Town property and this will be discussed again later. Once the BOH recommends opening up the parking areas, this will require a separate vote of the Board of Selectmen due to their statutory authority and public notice required to impose or rescind parking restrictions.

I recommend keeping an eye on BOH agendas and engaging directly with these ongoing considerations. I did communicate to the Health Agent this morning last night's vote of the Parks & Rec Commission, though of course your vote took place after their vote earlier yesterday.

Angus Jennings, Town Manager
Town of West Newbury
Town Office Building
381 Main Street
West Newbury, MA 01985
[\(978\) 363-1100 x111](tel:(978)363-1100x111)
townmanager@wnewbury.org

On Jul 1, 2020, at 12:43 PM, Brad Buschur [REDACTED] wrote:

Hi Angus,

Thanks for the update ... can you clarify the policy?

BOH is ok with non-residents participating in league / sport / equestrian events, but will not permit parking for non-resident trail users?

This policy would be contrary to the vote parks and recreation took last night.

Brad

On Wed, Jul 1, 2020 at 7:42 AM Town Manager <townmanager@wnewbury.org> wrote:

Any sports groups at Pipestave that have gone through the park & rec commission for field use will not be restricted on parking (i.e. no residency requirement). At this time, the BOH will be allowing the equestrian event to be held on July 12th at Pipestave. Paul Sevigny has been in contact with Susan Beliveau.

Town will be opening up the basketball court and play grounds. A notice will be going out this week about that.

Angus Jennings, Town Manager

Town of West Newbury

Town Office Building

381 Main Street

West Newbury, MA 01985

[\(978\) 363-1100 x111](tel:(978)363-1100x111)

townmanager@wnewbury.org

Sent from my mobile device

Town Manager

From: Town Manager
Sent: Tuesday, June 30, 2020 2:42 PM
To: David Archibald; Glenn Kemper; Rick Parker - Selectman (rparker@wnewbury.org)
Cc: Jennifer Walsh (finance.admin@wnewbury.org)
Subject: FW: First Meeting of Health and Safety Team

Please see below. Per my email late last week, I will be attending tomorrow’s 1pm mtg. If any of you also plan to attend please let me know so I can let Jonathan know; they are looking to manage the number of attendees since it’s an in-person mtg. At the 7/6 BOS mtg we’ll look for the Board to designate a rep for this Health and Safety Team. Thanks

Angus Jennings, Town Manager
Town of West Newbury
Town Office Building
381 Main Street
West Newbury, MA 01985
(978) 363-1100 x111
townmanager@wnewbury.org

From: Seymour, Jonathan <seymour@prsd.org>
Sent: Tuesday, June 30, 2020 12:37 PM
To: Paul Sevigny <psevigny@wnewbury.org>; [REDACTED]; Mark Forman [REDACTED]; Greg Keller [REDACTED]; Janna Millard <jmillard@prsd.org>; Pam Endyke <pendyke@prsd.org>; Kim Therrien <ktherrien@prsd.org>; Wayne Gelina <>wgelina@prsd.org>; Robin Kohut <kohut@prsd.org>; Jonathan Seymour <seymour@prsd.org>; Thornton, Daniel <dthornton@prsd.org>; Frank Kowalski <fkowalski@prsd.org>; Michael Dwyer <mdwyer@prsd.org>; selectman1@townofmerrimac.com; Town Manager <townmanager@wnewbury.org>; PEDERSEN, CASEY <21pedersenc@prsd.org>; SYDNEY FORMAN <21formans@prsd.org>; ALEXANDER HILL <22hilla@prsd.org>; [REDACTED]
Subject: First Meeting of Health and Safety Team

Good Afternoon,

Thank you for volunteering to participate in this process. Here are a few details ahead of our meeting tomorrow. The meeting starts at 1pm and we will be meeting outside in person at PRHS. Please be sure to bring a face mask. If you are driving, please park at the MS and walk over to the HS. If you are getting dropped off, please come to the circle. There is a lot of construction activity on campus, so please be careful. I expect that the meeting will last between 60 and 90 minutes. Please let me know if you have any questions.

Jonathan Seymour

- Meeting Agenda
1. Introductions
 2. Meeting dates/times
 3. Focus and scope of work
 4. Review of guidelines
 4. Small group walk through of classrooms
 5. Discussion
 6. Next Steps

The Right-To-Know Law provides that most e-mail communications, to or from School District employees regarding the business of the School District, are government records available to the public upon request. Therefore, this e-mail communication may be subject to public disclosure. This e-mail is intended solely for the person or entity to which it is addressed and may contain confidential and/or privileged information. Any review, dissemination, copying, printing, or other use of this e-mail by persons or entities other than the addressee is strictly prohibited. If you receive this e-mail in error, please notify the sender immediately and delete the material from any device.

RECEIVED
JUL 01 2020
TOWN MANAGER
TOWN OF WEST NEWBURY

1. Introductions

2. Meeting dates/times: July 8th, July 13th - what time is best?

3. Focus/Scope of Work:

Based on State Guidelines there are 3 scenarios schools are working on

1) Return to school 2) Hybrid 3) Remote

Our Focus is the Return to School Scenario

Our Scope of Work is to provide recommendations to district on how we can comply with the return guidelines or where we cannot

Get to school (more guidance on this later)

7:35-2:15 ** This is our work

Get home (more guidance on this later)

After School (more guidance on this later)

4. Review Guidelines

5. Walk through classrooms in 2 smaller groups

Think about the impediments to achieving 6 or 3 foot minimum spacing

Rooms 191, 192, 193, 194, 143, 142, 141, 146, 144, 156, 157, 158, 159

6. Discussion: What do you see as impediments to achieving 6 or 3 foot minimum spacing?

7. Next Steps: At our next meeting we will review a Room by Room Plan. At our next meeting we will also discuss physical distance in these scenarios: Entering and exiting classrooms, Passing time, Breakfast and Lunch and Use of Bathrooms. Finally, we will discuss how to facilitate Hand Hygiene and Mask Breaks and how/where we can establish a COVID Isolation space.

Please think about and bring ideas for these scenarios

Health and safety requirements and related guidance for in-person learning

The health and safety of students and staff are our top priority when making the decision to reopen schools in fall. The following health and safety requirements have been developed in collaboration with infectious disease physicians, pediatricians and public health experts from the Massachusetts General Brigham Health System and the Massachusetts chapter of American Academy of Pediatrics. Our process has included a thorough review of guidelines from the Centers for Disease Control (CDC) and World Health Organization (WHO), as well as available medical literature on COVID-19 related to children and school settings. Finally, the MA COVID-19 Command Center Medical Advisory Board, made up of physicians and other health experts, has carefully reviewed the health and safety requirements for in-person learning outlined in this section.

At this time, these are the health and safety practices that will enable the safe reopening of schools this fall. These requirements will be modified as needed during the summer and into the fall. In addition to required practices, we have also included guidance on best practices where applicable.

As general background, COVID-19 spreads when people are in relatively close proximity, through respiratory droplets generated through coughing, sneezing, or talking to an infected person. Among the most effective preventive measures – when used consistently and in combination – are masks/face coverings, physical distancing, handwashing, and cleaning frequently touched surfaces.¹⁵

* **Masks/face coverings:** As the primary route of transmission for COVID-19 is respiratory,^{16 17 18} masks or face coverings are among the most critical components of risk reduction.^{19 20 21} Masks/face coverings protect the general public against COVID-19 infection,²² with a recent retrospective study estimating near 80% effectiveness in reducing COVID-19 transmission, especially when worn prior to symptom onset.²³ In the United States, states advising face masks/face coverings be worn in public saw a decline in their COVID-19 growth rates,²⁴ and community-wide mask/face covering usage contributed to control of COVID-19 in Hong Kong.²⁵ **At this time, our initial requirements and related guidance are as follows:**

- **Students in grade 2 and above are required to wear a mask/face covering that covers their nose and mouth.** Students in kindergarten and grade 1 should be encouraged to wear a mask/face covering.²⁶ Face shields may be an option for those students with medical, behavioral, or other challenges who are unable to wear masks/face coverings. Transparent masks may be the best option for both teachers and students in classes for deaf and hard of hearing students. They may also be useful for teachers and younger students who rely on visual / facial cues.
- **Adults, including educators and staff, are required to wear masks/face coverings.**
- **Exceptions to mask/face covering requirements** must be made for those for whom it is not possible due to medical conditions, disability impact, or other health or safety factors.
- **Mask breaks should occur** throughout the day.²⁷ Breaks should occur when students can be six feet apart and ideally outside or at least with the windows open. Further guidance on mask breaks including duration and frequency will be forthcoming, as well as more information about properly removing and putting on masks.

- **Masks/face coverings should be provided by the student/family**, but extra disposable face masks should be made available by the school for students who need them. Reusable masks/face coverings provided by families should be washed by families daily. Districts and schools with families experiencing financial hardship and unable to afford masks/face coverings should endeavor to provide masks for students through grant funds described earlier in this document.
- **Masks/face coverings are required to be worn by everyone on the bus during school bus transportation.**
- **Transparent face coverings provide the opportunity for more visual cues** and should be especially considered as an alternative for younger students, students who are deaf and hard of hearing, and their teachers.

Physical distancing: Physical distancing is another important practice that helps mitigate transmission of the virus. While the U.S. federal CDC has recommended maintaining a physical distance of six feet between individuals,²⁸ the World Health Organization's guidance states approximately three feet.²⁹ There is no precise threshold for safety; indeed, studies suggest that physical distancing of three feet or more leads to reduced transmission, with additional distance providing additional protection.^{30 31} For instance, in a study of household transmission in China, keeping at least three feet of distance was associated with one-fourth the number of transmissions.³² It is important to note that six feet distancing is emphasized in public health advisories especially when no mask/face covering is worn.

We encourage districts and schools to **aim for six feet of distance** between individuals where feasible. **At the same time, a minimum physical distance of three feet has been established when combined with the other measures outlined in this list of safety requirements.** Because of the reduced susceptibility in children and lower apparent rates of transmission, establishing a minimum physical distance of three feet is informed by evidence and balances the lower risk of COVID-19 transmission and the overarching benefits of in-person school.

In preparing this document, we have reviewed the physical distance guidance for many other states and countries. In addition to the WHO, several other countries including Denmark, France, China, and Hong Kong recommend one meter (approximately three feet) distance in schools.^{33 34} ^{35 36} The United Kingdom is also changing its guidance to one meter of distance beginning July 4, replacing previous guidance of two meters.³⁷

Finally, **this guidance is for fall reopening and is predicated on the Commonwealth continuing to progress through the phases of reopening with low COVID-19 public health metrics.**³⁸ It will be critical to continue to take into account the community context of COVID-19 prevalence into the fall and winter. Where the community prevalence of COVID-19 is of concern, increased distancing will need to be considered.

Our initial requirements and related guidance are as follows:

- **Distancing requirements:** As reviewed and advised by the Massachusetts COVID-19 Command Center Medical Advisory Group, schools should aim for a physical distance of six feet when feasible, and three feet is the minimum distance allowed.³⁹ Schools should

seek to maximize physical distance among individuals within their physical and operational constraints.

- ✱ • **Classroom and facility configuration:** To the extent possible, desks should be spaced six feet apart (but no fewer than three feet apart) and facing the same direction.⁴⁰ Again, schools should seek to maximize physical distance between desks within their physical and operational constraints.
- **Alternative spaces** in the school (e.g., cafeteria, library, and auditorium) should be repurposed to increase the amount of available space to accommodate the maximum distance possible.
 - In these larger spaces, establishing consistent cohorts/classes with separation between the cohorts/classes provides another option to maximize these spaces safely.
- **Additional safety precautions are required for school nurses and/or any staff supporting students with disabilities in close proximity, when distance is not possible:** These precautions must include eye protection (e.g., face shield or goggles) and a mask/face covering. Precautions may also include gloves and disposable gowns or washable outer layer of clothing depending on duration of contact and especially if the individual may come into close contact with bodily fluids.

Student groups: To minimize the number of students who would potentially be exposed in the event of a COVID-19 event, to the extent feasible, elementary schools should aim to keep students in the same group throughout the day and middle and high schools are encouraged to minimize mixing student groups to the extent feasible. **Our initial requirements and related guidance are as follows:**

- **Cohorts:** Schools should divide students into small groups that remain with each other throughout the day, with smaller cohort sizes preferred. Schools should look for ways to isolate cohorts of students and prevent inter-group contact to the extent feasible.
- **Capacity:** There are no required maximums on cohort or group sizes, so long as schools adhere to the physical distancing requirements above. (This guidance for the fall will replace previous summer guidance at the start of the school year, assuming positive health metrics hold.)

✱ **Screening upon entry:** Checking for symptoms each morning by families and caregivers is critical and will serve as the primary screening mechanism for COVID-19 symptoms.⁴¹ Schools should provide information to families in their primary language to support them in conducting this symptom check and families should not send their children to school if they exhibit COVID-19 symptoms. We will be providing a checklist of symptoms and other guides to districts and schools to help families and students.

- **Screening procedures are not required at the point of entry to the school.** However, school staff (as well as bus drivers) should observe students throughout the day and refer students who may be symptomatic to the school healthcare point of contact.
- **As noted in previous guidance, temperature checks are not recommended** as screening for all students due to the high likelihood of potential false positive and false negative results.⁴²

✂ **Hand hygiene: Handwashing and hand sanitizing:** Handwashing removes pathogens from the surface of the hands. While handwashing with soap and water is the best option, alcohol-based hand sanitizer (at least 60 percent ethanol or at least 70 percent isopropanol) may be utilized when handwashing is not available.^{43 44} As has always been the case, handwashing should be used whenever hands are visibly soiled and after using the bathroom.⁴⁵ **Our initial requirements and related guidance are as follows:**

-
- Students and staff are required to exercise hand hygiene (handwashing or sanitizing) upon arrival to school, before eating, before putting on and taking off masks, and before dismissal.
 - **Handwashing:** When handwashing, individuals should use soap and water to wash all surfaces of their hands for at least 20 seconds, wait for visible lather, rinse thoroughly, and dry with an individual disposable towel.⁴⁶
 - **Hand sanitizing:** If handwashing is not feasible, hand sanitizer with at least 60 percent ethanol or at least 70 percent isopropanol content can be used.⁴⁷ Hand sanitizer should be applied to all surfaces of the hands and in sufficient quantity that it takes 20 seconds of rubbing hands together for the sanitizer to dry. Hand sanitizer should be placed at key locations (e.g., building entrances, cafeteria, classrooms).

✂ **COVID-19 related isolation space:** In order to minimize transmission of COVID-19, schools must ensure they have an isolated space available for students displaying COVID-19 symptoms. **Our initial requirements and related guidance are as follows:**

- Schools are required to designate a COVID-19 related isolation space that is separate from the nurse's office or other space where routine medical care is provided. A student who shows COVID-19 symptoms during the school day should be moved to the specific room pre-designated for medical-related isolation until they can be picked up by a family member.⁴⁸ More information about steps to safely discharge students will be provided in future guidance.

COVID-19 testing in schools: At this time, in-school testing is not recommended. Students' families should discuss testing with their health care provider. As the accuracy of point-of-care testing develops, this guidance may change.

Vaccines: Districts and schools should work with parents to ensure that students are current on all standard vaccinations before they return to in-person school. In addition, health providers strongly recommend all students and staff get their regular flu vaccine.⁴⁹ Whereas for COVID-19 it appears children are less likely to be infected with and to transmit COVID-19, this is not the case for influenza, where children are frequent transmitters.^{50 51 52 53} Therefore, ensuring all students, teachers, and staff receive the seasonal flu vaccine is an extremely high priority. The Department of Public Health will be issuing updated guidance regarding vaccines for schools and parents.

Health and safety/PPE supplies: Per the initial supply guidance issued by DESE, schools should have an inventory of standard healthcare supplies (e.g., masks and gloves). Use of additional supplies may be optional based on type of tasks performed (e.g., teachers do not need to wear gloves while teaching but may need to during necessary contact with students, such as

when providing physical support to students with disabilities). All districts are eligible for federal CARES Act funds to support these purchases.

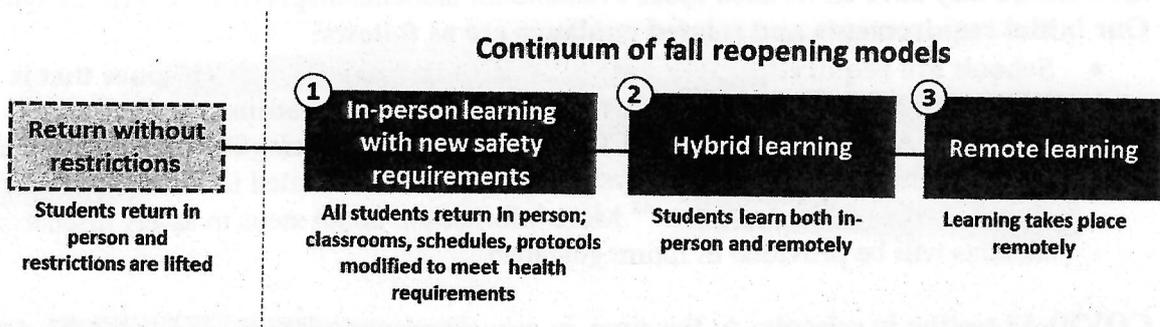
Additional health and safety protocols: Other protocols, such as facilities cleaning, are described later in this document.

District and school fall reopening plans

In this section, we describe the plans we are requiring all districts and schools to create to effectively prepare for fall reopening. This section also offers recommendations on reopening models to support districts and schools in preparing these plans.

Components of district/school fall reopening plans

Each district and school will need to plan for three possibilities on the continuum of reopening: 1) in-person learning with new safety requirements; 2) a hybrid of in-person and remote learning; and 3) remote learning. In addition, all districts/schools will also need a focused plan for serving special student populations across each of these models.



1. In-person learning with new safety requirements: For the fall, the box in light blue represents our goal to get as many students as possible back into schools for in-person learning—safely. In this model, all students return in person to school settings that are appropriately modified to accommodate the health and safety requirements outlined above. Examples of modifications could include altered classroom configurations, setting up additional learning spaces, and schedule changes.

2. Hybrid learning: In addition, all districts/schools must create a plan for a hybrid model in the event they are unable to bring all students back to school under the health and safety requirements despite their best efforts, or in case of COVID-19 related circumstances. A hybrid model means that students would alternate between in-person and remote learning. For instance, students could switch between in-person and remote learning on alternating weeks or days of the week.

3. Remote learning: All districts and schools are required to have a plan for operating a remote learning program. This model must be available for individual students who cannot yet return in-person, and for all students in the event of future classroom or school closures due to

COVID-19. Additional guidance on statewide support and resources for remote learning will be provided in the coming weeks.

Plan for special populations: Finally, across each of these models, all districts and schools need a plan for how special populations, including students with disabilities and English learners, will receive necessary services and accommodations.

Plan development and submission

Districts and schools will be required to submit their comprehensive fall reopening plans (all three models) to DESE in August. In addition, districts and schools will need to post their plans on their websites and complete an attestation to affirm that their fall reopening plans meet the health and safety guidelines established in this and updated guidance documents. We will issue further guidance, including whether any portions of the plans will require approval by DESE (for instance, plans for students with disabilities or others).

→ **In creating their plans, districts and schools should first prioritize developing an in-person learning model with new safety requirements.** DESE staff will establish multiple communications channels with superintendents and other school stakeholders to monitor how planning for an in-person return to school is progressing. We recognize the importance of equity in this process and will be available to support districts and schools in troubleshooting challenges that may arise.

Recommendations from DESE on reopening models

The model recommendations below assume key contextual factors that are not within our collective control. This includes an assumption of “level service plus” district and school budgets based on current projections, which include additional costs that may come with modifying class sizes, staffing, transportation, facilities, etc. We also recognize that “level service plus” must include additional resources targeted to historically under-resourced communities. The trajectory of the virus and availability of testing and treatments are other critical contextual factors. We will continue to monitor these and other factors and issue updated guidance as needed.

In-person learning with new safety requirements:

- ✓ **Learning time:** Districts and schools should plan for an in-person return to school five days per week if feasible.
- ✓ **Utilizing alternative school spaces:** Districts and schools should consider using their libraries, cafeterias, auditoriums, and other appropriate available spaces to set up additional classrooms to accommodate more students, reduce class size, and/or enable additional distancing while adhering to the health and safety guidelines. Teachers may also hold classes outdoors when feasible.
- ✓ **Utilizing external facility spaces:** Schools should consider engaging community partners to find spaces outside the school⁵⁴ (e.g., libraries, community centers) to set up additional classrooms⁵⁵

to accommodate more students, reduce class size, and/or enable additional distancing while adhering to the health and safety guidelines.

- ✓ **Staffing alternatives to consider for reducing class sizes:** Specialist teachers and other educators such as instructional coaches, reading specialists, and others who have appropriate certifications may be enlisted to serve as additional core teachers to reduce class sizes in schools.
- ✓ **Reducing the mixing of student groups:** When in classrooms, all students should have assigned seating. At the elementary school level, students should be restricted to their grade level class to the greatest extent possible. At the middle school level, students should remain with their cohort throughout the day to the extent feasible.

High schools could also consider ways to cohort or cluster students, though we recognize this is more challenging at the high school level:

- **Placing students in cohorts.** When grouping students into cohorts, a school should consider ways to keep families/siblings together (e.g., grouping students alphabetically, while recognizing that some siblings may have different last names).
- **Limiting travel within a school.** High schools may try to group students into clusters in the school (a “school within a school”) to try to reduce interactions with other groups when students move to their next class.

Timing and topics for additional guidance

As districts and schools begin planning in earnest for fall reopening, DESE is committed to supporting you. In the coming weeks, we will issue more guidance on a variety of topics for the fall. We will also continue to update our guidance based on evolving medical information and contextual factors.

Below is list of additional topics on which DESE intends to issue guidance:

- **Fall reopening checklist**, including operations, teaching and learning, student supports, training, and communications needs.
 - **Process for handling a COVID-19 positive case in the school community**, including when a school or classroom would need to shut down.
 - **Remote learning resources.** We are actively exploring how best to support districts and schools with improving remote learning.
 - **Facilities and operations**, including entry and exit procedures, cleaning and ventilation, procurement, food distribution, and signage.
 - **Transportation**, including bus scheduling options, addressing bus capacity, and alternative modes of transportation, and operational considerations.
 - **Guidance for special programs and student supports**, including special education, English learner education, and other programs and supports.
-
- **Athletics, extracurriculars, and electives.**
 - **Key policies**, including academic calendar considerations.

Supplemental guidance for vocational high schools and programs will also be forthcoming.

Town Manager

From: OConnor, Ron (DPH) <Ron.OConnor@MassMail.State.MA.US>
Sent: Thursday, June 25, 2020 11:24 AM
To: OConnor, Ron (DPH)
Subject: Press Release - DESE Releases Initial Back-to-School Guidance

[Press Release](#) - DESE Releases Initial Back-to-School Guidance – is provided below and on the [DESE web page](#).

A message from the
Massachusetts Department of
Elementary and Secondary Education

[View this email in your browser](#)

June 25, 2020



PRESS RELEASE

For immediate release

Thursday, June 25, 2020

Contact: Jacqueline Reis 781-605-4419

DESE Releases Initial Back-to-School Guidance

In-person learning a priority, health and safety requirements outlined

BOSTON – Today, the Department of Elementary and Secondary Education (DESE) released [initial guidance for school reopening](#) this fall that prioritizes getting students safely back to school in person, following a comprehensive set of health and safety requirements. The Department is also requiring schools to create hybrid learning plans to teach students in-person and remotely on

alternating schedules, and to have robust remote learning plans in place, should those alternate learning models be needed.

In addition, the Baker-Polito Administration announced the allocation of approximately \$200 million from the Commonwealth's federal Coronavirus Relief Fund for costs related to reopening public schools. Schools are eligible to receive up to \$225 per student for eligible costs incurred due to the COVID-19 public health emergency, such as training for school staff, supplemental social and academic services, reconfiguration of school spaces, leasing of temporary facilities, and acquisition of health and hygiene supplies.

Municipalities, school districts, and charter schools may apply for these funds in the next few weeks, and this funding is intended to supplement other resources the Administration is providing to local cities and towns for COVID-19 response efforts. Other potential funding sources to support school reopening include \$502 million from the Coronavirus Relief Fund that had previously been allocated by Governor Charlie Baker to cities and towns, as well as \$194 million in federal Elementary and Secondary School Emergency Relief Fund grants.

In partnership with legislative leadership, the Administration is also committing \$25 million in federal funds for a matching grant program to help school districts and charter schools close technology gaps that have inhibited remote learning for students and families who lack access to computers or internet connections.

The reopening approach is built on a thorough review of current medical and scientific literature and was developed after extensive consultation with medical professionals from Massachusetts General Hospital, the Massachusetts COVID-19 Command Center's Medical Advisory Board, and others. Based on the current public health data and COVID-19 trends, the medical community supports Massachusetts students' return to in-person learning, with appropriate health and safety guidelines in place.

“This plan will allow schools to responsibly do what is best for students — bring them back to school to learn,” **said Governor Charlie Baker.** “COVID-19 has presented numerous challenges for our schools, educators and students, but through collaboration with school officials and the medical community, we have developed both a comprehensive plan endorsed by the Massachusetts Chapter of the American Academy of Pediatrics and a financial package to support schools throughout the Commonwealth.”

“Our educators and staff are essential to preparing for the safe and successful fall reopening of schools throughout the Commonwealth,” **said Lt. Governor Karyn Polito.** “As we prepare to head back to school, we continue to work collaboratively to develop guidance that will support the ability to meet the challenges presented by this public health emergency.”

“There is clear consensus from both education and medical groups that while we must respect the risks of COVID-19 transmission associated with in-person schooling, we must also acknowledge the challenges and consequences of keeping students out of school, which affects their physical health, social and emotional well-being and educational progress,” **said Education Secretary James Peyser.**

At this time, the public health evidence suggests schools have not played a significant role in COVID-19 transmission and that children, particularly younger children, are less likely than adults to be infected with COVID-19. Furthermore, if they become infected, it appears children may be less likely to transmit COVID-19 to others.

“The message from the medical community remains strong and consistent: We need to get our children back to school, as soon as it is safe to do so,” **said Sandra Nelson, MD, an infectious diseases physician at Massachusetts General Hospital.** “We believe that returning to the classroom — with

appropriate precautions in place — can be done safely if we all remain vigilant. Our children deserve nothing less.”

The Massachusetts Chapter of the American Academy of Pediatrics endorsed the guidance.

“The Massachusetts Chapter of the American Academy of Pediatrics and the Department of Elementary and Secondary Education share the goal of bringing most students in the Commonwealth back to in-person learning this fall while minimizing the risk to them, the school staff, and their families,” **said Dr. Lloyd Fisher, incoming president of the MCAAP.** “We are quite pleased with the recommendations in these guidelines and impressed with how thorough the Department was in researching the current data and their understanding of the spread of illness, impact of the disease on children, likelihood of children infecting others, and the significant negative consequences that prolonged school closures have on the educational, emotional and social well-being of children.”

To reopen schools in the fall, school officials must develop the following three models of learning:

- In-person learning with new health and safety requirements: Students return to school buildings, but schedules, classrooms and protocols are modified to meet health and safety requirements.
- Hybrid learning: Students learn both in-person and remotely.
- Remote learning: Learning takes place entirely remotely.

“While the Department is working toward the full in-person return to school of all students, school districts must be prepared to work on a continuum of three broad options for reopening,” **said Elementary and Secondary Education Commissioner Jeffrey C. Riley.** “We feel this gives school districts the readiness they need to educate students in person, and the flexibility to adapt if the health situation changes.”

“My first concern is student and community safety, and all of us on the Return-to-School Working Group focused on how to balance this priority with learning,” **said Takeru Nagayoshi, an English teacher at New Bedford High School and the 2020 Massachusetts Teacher of the Year.** “This initial back-to-school guidance is the product of many stakeholders’ combined efforts. It recognizes the importance of in-person learning while establishing guardrails to prevent the virus from spreading.”

Public school officials will need to indicate to DESE if it is feasible for their district to return students to school for in-person learning following the health and safety requirements. In August, districts will be required to submit comprehensive fall reopening plans that include all three models. Additionally, all school districts will also need a focused plan for effectively serving special student populations in each of these learning models.

In-Person Learning

The guidance prioritizes getting students back to in-person learning — safely, following a comprehensive set of health and safety requirements. The Department DESE is asking school officials to change classroom configurations to space students farther apart from each other, set up additional classrooms in libraries, auditoriums, and cafeterias, and make scheduling changes.

- Elementary schools should aim to keep students in the same group throughout the day, and middle and high schools are encouraged to minimize mixing student groups to the extent feasible.
- All students in second grade or older are required to wear a mask or face covering, with time built in for mask breaks throughout the day.
 - Kindergarten and first grade students should be encouraged to wear a mask or face shield.

- Face shields may be an option for students with medical, behavioral or other challenges who are unable to wear masks.
- All adults, including educators and staff, are required to wear masks or face coverings.
- Exceptions to mask or face covering requirements must be made for people for whom wearing a mask or face covering is impossible due to medical conditions, disability impact or other health or safety factors.

Physical Distancing

As reviewed and advised by the Massachusetts COVID-19 Command Center Medical Advisory Board, schools are encouraged to aim for a physical distance of 6 feet when feasible, and 3 feet is the minimum distance allowed as informed by evidence.[\[i\]](#)

There is no maximum number for group size, so long as schools adhere to the physical distancing requirements above.

Health Screening

Families will be the primary health screeners of students, looking for signs or symptoms of COVID-19. Screening procedures are not required for students to enter school. Temperature checks are not recommended for students due to the high likelihood of potential false positive and false negative results.

Families will receive information to support them in conducting symptom checks, and they should not send students to school if they exhibit COVID-19 symptoms. The Department will provide a symptoms checklist and other guides to help families and students.

- A student who shows COVID-19 symptoms during the school day should be moved to a specific room designated for medical isolation until they

can be picked up by a family member. This room must be separate from the nurse's office or other space where routine medical care is provided.

Schools should have an inventory of standard health care supplies such as masks and gloves. The Department has made \$193.8 million in federal funds available to help districts address needs associated with the COVID-19 pandemic, such as technology and safety supplies. That money, available through CARES Act Elementary and Secondary School Emergency Relief Funds, is allocated based on district poverty levels. In addition, DESE is providing a bulk state ordering opportunity through which districts can submit their orders and payment to make the process as easy as possible.

Hybrid Learning Plans

In planning for the hybrid learning models, DESE recommends that school officials consider using an A/B cohort model that isolates two distinct groups of students who attend school in-person on different weeks, days or half days each day.

For instance, Group A would attend school in person from Monday through Friday of Week 1, while Group B learns at home remotely. In Week 2, Group B would attend school in person and Group A would engage in remote learning at home. The week on/week off model may be easier on families, giving them a chance to prepare for childcare for a full week at a time.

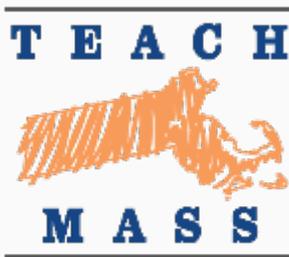
Remote Learning

Remote learning will continue to be a feature for many students this fall. The Department's guidance states it is critical that districts have remote learning plans in place in the event modified in-person learning is not possible or in case remote learning is needed for individual students who cannot yet return to school in-person.

Additional guidance and final reopening guidance will be released in coming weeks. The guidance will address subjects including transportation, facilities and operations, athletics and extra-curricular activities, electives, student and teacher supports and other key policies.

###

[i] WHO, Considerations for school-related public health measures in the context of COVID-19. (2020, May 10). Available at <https://www.who.int/publications/i/item/considerations-for-school-related-public-health-measures-in-the-context-of-covid-19>



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Town Manager

From: Town Manager
Sent: Thursday, May 7, 2020 2:32 PM
To: Jonathan D. Witten
Subject: RE: Comprehensive Permit training and related tasks

Jon,

This is to accept your proposal and to provide notice to proceed on tasks 1 and 2, acknowledging that your time to date toward task 2 (providing sample 40B regs) is within scope.

We may take you up on tasks 3 and/or 4, but at this point will continue to manage that work in-house. If/when the time comes that we'd like to engage you, I'll let you know. With that said, you may wish to spend some reasonable amount of time to familiarize yourself with the basics of the current proposed project pending before MHP for PEL, and if so I would consider that separately billable from tasks 1 and 2. It will be important that you have some familiarity prior to the task 1 training, since that is obviously an area of focus and broad public interest.

Would next Thursday May 14 be too soon to hold the public training, and if not is this an evening you could be available? There are some current dynamics that recommend a training sooner than later; I'd be happy to discuss by phone and will be reachable all afternoon into the early evening.

Thanks,
 Angus

Angus Jennings, Town Manager
 Town of West Newbury
 Town Office Building
 381 Main Street
 West Newbury, MA 01985
 (978) 363-1100 x111
townmanager@wnewbury.org

From: Jonathan D. Witten [REDACTED]
Sent: Thursday, May 7, 2020 10:56 AM
To: Town Manager <townmanager@wnewbury.org>
Subject: Comprehensive Permit training and related tasks

Good Morning Angus:

Please find below a proposal to assist the Town of West Newbury and the Board of Appeals in the public discussion and training in workings of the comprehensive permit law (G.L. c.40B, ss.20-23) and related regulations (760 CMR 56.00 et seq.) and their application to submitted requests for project eligibility approval from MassHousing/MHP, petitions for comprehensive permits to the Board of Appeals, review of the same by other Town boards and commissions and appeals to the Housing Appeals Committee and the trial court.

Task 1: Prepare and participate in comprehensive permit statute training session for the public at large, including the Board of Appeals. Prepare handout materials (the statute, the regulations and recommended local comprehensive permit regulations), PowerPoint "slide show" and other related materials and conduct training session via remote video conference technology for approximately two hours (or longer if questions and discussion warrant).

Estimated cost: 4 hours @ \$250/hour= 1,000.00

Task 2: Work with Town Manager and Board of Appeals (subcommittee, full board or designated individual) to prepare draft comprehensive permit rules and regulations for review by and adoption of, the Board of Appeals.

Estimated cost: 6 hours, including virtual meetings with the Board of Appeals @250/hour= \$1,500.00

Task 3: Work with Town Manager and Selectboard to respond to application for project eligibility.

Estimated cost: As requested at \$250/hour.

Task 4: Work with the Board of Appeals to review comprehensive permit application, including assertion of safe harbor (if relevant), imposition of c.44 s.53G requirements and related reviews, public hearing attendance and draft recommended decision.

Estimated cost: As requested at \$250/hour.

Please let me know if you would like further details or any other additional Task added to the above.

Also, I have attached comprehensive permit regulations that I have drafted for Carlisle (very aggressive), Arlington (aggressive) and Topsfield (in draft form and less aggressive, drafted by Barbara Carboni, my former law partner, also at KP).

Thank you Angus, I look forward to working with you and the Town.

Jon

Jonathan D. Witten
KP | LAW
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Boston, MA 02110
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www.k-plaw.com

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Town Manager

From: Town Manager
Sent: Tuesday, June 30, 2020 3:50 PM
To: Jonathan D. Witten
Cc: Jonathan Silverstein
Subject: Invitation for proposal to support local 40B review
Attachments: MassHousing Letter - 6.30.2020.pdf; 19-284 - Comp Permit Set Revised 6-29-20.pdf

Jon,

On the basis of the attached (which, given that today is the last day of the fiscal year, I have not reviewed in detail), which reduces the proposal to 92 units (below the Large Project threshold), it appears likely that the developer will file for a comp permit if/when a PEL is issued.

I'd therefore like to invite a proposal from KP to support the Town's anticipated review throughout the pre-application and application process. The proposed citizen petition article authorizing funding for this purpose was approved at Saturday's town meeting.

If you'd like to talk further about the project for the purpose of scoping KP's involvement let's schedule a time later this week. Ideally I can get something on the 7/6 BOS agenda to enter a contract for these purposes. (The wording of the Town Mtg motion placed the funds under BOS control).

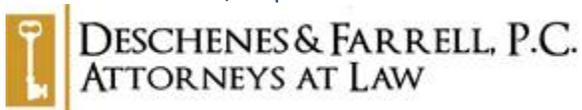
Thanks,
Angus

Angus Jennings, Town Manager
Town of West Newbury
Town Office Building
381 Main Street
West Newbury, MA 01985
(978) 363-1100 x111
townmanager@wnewbury.org

From: Melissa Robbins` [REDACTED]
Sent: Tuesday, June 30, 2020 2:21 PM
To: Town Manager <townmanager@wnewbury.org>; Leah Zamb Bernardi <lzamb Bernardi@wnewbury.org>; Michael McCarron <mmccarron@wnewbury.org>
Cc: Howard Chip Hall [REDACTED]
Subject: Revised plan and Letter to MassHousing

Good afternoon, on behalf of Cottage Advisors attached please find a revised plan set as well as a letter addressing some concerns raised by the Town of West Newbury in their comments.

Melissa E. Robbins, Esq.



Deschenes & Farrell, P.C.
515 Groton Road, Suite 204
Westford, MA 01886



TOWN OF WEST NEWBURY

Michael P. McCarron
Town Counsel

381 Main Street
West Newbury, MA 01985
978-363-1100 ext. 110
978-363-1826 (Fax)
mmccarron@wnewbury.org

July 2, 2020

MassHousing
Michael Busby, Relationship Manager
One Beacon Street
Boston, MA 02108-3110

RE: The Cottages at Rolling Hills
West Newbury, MA 01985

Dear Sir:

The Town is in receipt of Ms. Robbins' June 30, 2020 letter to your agency which submitted a new plan for consideration for Project Eligibility / Site Approval. It is inaccurate to characterize this plan as a revision, when it more appropriately should be considered a new plan. The developer was informed at the beginning of this process that his original submittal constituted a Large Project as defined in 760 CMR 56, and as such would unlikely receive the consent of the Town. The original proposal would be triple the size of any project in the history of the Town. The Developer insisted on continuing with the original proposal despite being told directly that it was clear that the proposal constituted a Large Project. The Town Boards and the citizens spent considerable hours in order to provide your office with thoughtful and comprehensive comments and analysis. This was accomplished despite the considerable handicaps imposed by the Covid 19 state of emergency. The inescapable conclusion is that the Developer has engaged in a "bait and switch" tactic in an attempt to evade a review of a plan that would be in compliance with the Regulations. It would be improper for your agency to permit such a maneuver that could deprive the Town of a meaningful opportunity to be heard on this new application. The Town deserves the chance to provide a review and critique of this new plan equal to the original submittal. The Planning Board, the Open Space Committee, the Conservation Commission and the Board of Water Commissioners would all want to meet to discuss this new proposal. As was done previously, the Board

LETTER TO MASSHOUSING

of Selectmen wishes to tailor its response with the expertise and input from these Boards. Obviously given the limitations of the summer season and Open Meeting requirements, and the continuing impacts of Covid 19 on all aspects of our operations, an appropriate amount of time is required to allow each of these public bodies to convene, prepare comments, then for the Board of Selectmen to convene and finalize its own comments, taking into account the input of other public bodies, Town departments, and residents.

Therefore, the Town would respectfully request the following:

1. That in order for your agency to consider this proposal, that the Developer be instructed to provide a new application detailing the impacts of the new plan. (Whether there should be new fees associated with this submittal is left to your agency.)
2. As before, given the difficulties attendant to the Covid 19 state of emergency, upon submittal of the new application and plan, the Town be granted seventy-five days to submit comments.
3. That the costs associated with the original application not be included in the pro forma analysis of the Project. The Town should not be limited in proposing meaningful and appropriate conditions, due to a claim of such conditions would make the Project uneconomic.

I must reiterate that the Town and the citizens of the Town feel some frustration in this turn of events which culminates in their considerable work being wasted. Fundamental fairness requires that the Town and the citizens of the Town be granted the chance to meaningfully address this new proposal which is, as proposed, the largest development in the history of the Town by a factor of two.

Let me thank you in advance for your consideration in this matter, and if you have any questions or need any additional information, please do not hesitate to contact me.

Very truly yours,



Michael P. McCarron

cc: Town Manager
Board of Selectmen
Planning Board
Open Space Committee
Conservation Commission

LETTER TO MASSHOUSING

Board of Water Commissioners
Board of Health
Melissa E. Robbins, Esq.

DESCHENES & FARRELL, P.C.

Attorneys at Law
515 Groton Road, Suite 204
Westford, MA 01886
Telephone: (978) 496-1177
Facsimile: (978) 577-6462

*Douglas C. Deschenes
Kathryn Lorah Farrell
Melissa E. Robbins**

**Admitted in MA and NH*

June 30, 2020

MassHousing
One Beacon Street
Boston, MA 02108-3110

**RE: The Cottages at Rolling Hills
West Newbury, MA**

Dear Sir or Madam,

As you know this office represents Cottage Advisors MA, LLC (the "Developer") regarding the above referenced Development off Coffin and Main Street in West Newbury, MA (the "Development Land"). We are in receipt of comments from the Town of West Newbury and have reviewed all correspondence from abutters and Town Boards and Departments, such as the Town's Planning Board and Open Space Committee. The fact that more than 200 people submitted written comments, as part of the Project Eligibility Application demonstrates the commitment that the residents of West Newbury have to their community. The Developer also cares about the community of West Newbury and has helped more than 50 families purchase their dream home and become residents of the Town. We have reviewed the concerns regarding the proposed development and have made significant changes to the development to mitigate many of the concerns.

Project Size

The Development Land off Coffin Street was identified in the Town of West Newbury's Housing Plan as a location suitable for the development of affordable "multifamily" housing. Multifamily is presumably larger structures containing more than two units, or multiple types of units (including various unit types and styles) on a single lot. (Please note that a proposed suitable density for this lot is not set forth in the housing plan). This is precisely the type of development that Cottage Advisors is attempting to build on the lot with a mix of one and two family units. Cottage Advisors is aware that the Development exceeds the "Large Project"

threshold, as defined in 760 CMR 56. Given that the property was identified for the development of affordable multifamily housing, and could help the Town reach its housing goals, the Developer proposed a project that exceeded the “Large Project threshold” expecting that the Town might consider a larger Development on this site to help meet or exceed their housing goals. However, this was not the case. Due to the Town of West Newbury and abutter comments, the Developer is proposing to reduce the project to 92 units. This will allow for the existing house on Main Street to remain, as well as the development of 91 new units. The new units will be a mix of single-family homes and duplex style units with a total of 13 new single-family units and 39 duplex style structures. The larger single-family style units have been removed from the plan. In their place, the Developer is proposing to use the footprint for half of the duplex style units as a stand-alone single-family style unit.

This revised plan will provide for 92 units; this is equal to 1.22 units per acre. Even removing the wetland areas from this calculation, the overall development is 1.53 units per acre. This is very low density for an affordable housing development.

Although the Developer will not respond specifically to every comment raised by the Board of Selectmen letter dated June 16, 2020, the Developer would like to respond to the some of the issues raised:

“Process”

The Developer has followed the process as required by MassHousing, Massachusetts Laws Chapter 40B and the regulations promulgated thereunder in applying for a Project Eligibility letter from a Project Administrator.

Although not required, prior to filing for a Comprehensive Permit, the Developer would have liked to schedule a meeting to discuss the proposed development with Abutters. Ideally, this would have been done with an in-person meeting with the Abutters, as well as the Developer and its consultants. With the outbreak of COVID-19, the Developer has been unable to schedule this meeting, although the Developer does hope that a meeting can be held prior to the submission of the Comprehensive Permit with the Town. With the loosening regulations for meetings in the pandemic, we are hopeful that this can be done in person; If not, a digital alternative will be scheduled.

The Developer did reach out to the Town of West Newbury through the Town Administrators office on numerous occasions prior to filing the Comprehensive Permit on March 27, 2020, including a “go to meeting” to show the Town Administrator the development plans on more than one occasion. Prior to making any formal submissions, the Developer spoke to the Town Administrator as early as December 2019. The Developer also offered to give an overview presentation to the Board of Selectmen prior to Town Comments being issued. The Developer was informed by the Town Administrator that the Chairman “has not asked for a presentation by the developer” and that the meeting agenda was “more geared toward setting out the process ahead”. The Developer was not invited to the meeting and

voluntarily attended to see what comments the Board or abutters may have to the proposed development. The Developer was only involved in the meeting at the end to answer a general question when directed by the Board.

Nothing was given to the Town in “piecemeal”, entire copies of applications were made to the Board when we submitted to MassHousing.

The Developer has also spoke directly with the Town of West Newbury Fire Department, Board of Health, Water Department and Conservation Commission on numerous occasions. The Developer filed for a Notice of Resource Area Delineation in March, however, due to the pandemic the opening of the hearing was delayed by the Commission to a date not yet determined. The Developer will continue to work with Town of West Newbury Boards and Departments throughout this process.

The Developer also scheduled and attended a site visit that included representatives from the Town Administrators office, the Conservation Commission, the Zoning Board, as well as the Board of Selectmen. The Developer has offered a subsequent site visit meeting for those Department Heads or Board Members who could not attend the first visit. As of today, a date has not been selected for that walk.

In addition to the contact referenced above, the Developer also gave the Town of West Newbury the pertinent contact information so the Town could obtain an MHP consultant. Furthermore, the Developer also forwarded information to the Town Administrator and Town Planner of some examples of previously approved Local preference justifications in other communities, so the Town could review the necessary information. The Developer even sent a follow up email to see if any further information was required. The Developer believes that there should be a local preference for the affordable units for residents of West Newbury and will continue to support the Town in their efforts to have a local preference approved.

I believe that the characterization of the developer under the “Process” paragraph is unfair, untrue, and is a mischaracterization of the Developers attempt to work with the Town during the Project Eligibility Application comment period.

“Substantive Review”

All typographical comments raised in section Section II (A), Section II (B), Section II (C)(2) and Section II (C)(3) of the Planning Board comments have been addressed in the revised plan set.

The total Development Land Area is 75.37 acres. The revised development plan provides for 66.74 acres of Open Space (non-impervious areas) post development, 51.44 if you do not include wetland areas. The revised development provides for open space with contiguous access from Main Street to the Northerly boundary of the property along Cortland Lane. The Open Space is not fragmented and has one larger contiguous section of approximately 35 acres

along the westerly border. The plan will also provide trail connections to adjacent tracks of protected open space including Long Hill, Riverbend and Mill Point, which would be a huge benefit to future property owners and members of the public. The Developer has continually worked with the Town of West Newbury in providing open space and amenities in Open Space projects it has developed in the Town and will continue to do so with this Development.

The redesign of the development removes the emergency access road to Cortland Lane completely. Based on prior dealings with public safety officials, we believe this meets all necessary standards for Fire Apparatus.

The development is designed as a collection of cottage style homes which are strategically nested together to provide a larger area of shared open space and common area. This design promotes neighborly interaction while preserving personal space and privacy. This principle is central to all Cottage Advisors communities' designs and allows for passive and active recreational options.

Traditional subdivisions are made up of large houses, large private yards and significant land between home sites. Because of this design, owners often come and go in anonymity with little neighborly interaction. The unique design of a Cottage Advisors' neighborhood fosters a sense of belonging and community – with well-positioned homes that encourage people to spend time with one another.

The layout, infrastructure and the cottages are designed with new urbanism concepts, allowing for large tracks of land to be preserved as Open Space. This Open Space will house pocket parks (outdoor community gathering area), walking trails and sidewalks connected to neighborhood infrastructure. This land is owned in common; each homeowner has shared interest in its oversight and care. This enhances security and strengthens the fabric of the overall community

“Primary Concerns”

With the revision to the plans, the Development will no longer exceed the “Large Project Threshold”. Furthermore, prior to filing for a Comprehensive Permit, the Developer will submit all requested information to the Water Department to review the water supply needs for the Development.

Please note, that the plan attached with the Comprehensive Permit submission is not a formal “Yield Plan” to satisfy the requirements of a Special Permit application in the Town of West Newbury. The plan is in conformance with the Land Valuation standards issued by the Department of Housing and Community Development.

“Requests and Recommendations”

Site Control issues were raised by the Town of West Newbury, as well as abutters in various comments. In error, the Option to Purchase was the only document attached to the Comprehensive Permit Application for one of the properties that is part of the Development Land. The application has been updated with MassHousing to include the proper documentation proving Site Control. An email was also sent to the Town of West Newbury as well with the required information.

As stated above, the Developer has already forwarded to the Town Administrator and Town Planning Staff examples of other Town’s local preference letters to support a local preference on the lottery plan for the affordable units. The Developer will continue to support the Town with its efforts to obtain a local preference on the affordable units at the Development.

If a Project Eligibility Letter is issued, the Developer will send all required documentation to MEPA in conformance with the regulations.

Thank you for your continued review of this development. Should you require any further information regarding the plan revision please let me know.

Very Truly Yours,
Deschenes & Farrell, P.C.


Melissa E. Robbins

SITE PLAN

THE COTTAGES AT ROLLING HILLS

28 COFFIN STREET AND 566 MAIN STREET

WEST NEWBURY, MA

PLAN NOTES:

1. BOUNDARY INFORMATION SHOWN HEREON IS THE RESULT OF AN ON THE GROUND SURVEY CONDUCTED BY LANDTECH CONSULTANTS, INC. IN DECEMBER OF 2019 AND JANUARY OF 2020 BASED ON INFORMATION OBTAINED FROM THE PUBLIC RECORDS.
2. TOPOGRAPHIC INFORMATION SHOWN HEREON WAS OBTAINED FROM AN ON THE GROUND AND SURVEY CONDUCTED BY LANDTECH CONSULTANTS, INC. IN DECEMBER 2019 AND JANUARY OF 2020 AND AERIAL LIDAR DATA ACQUIRED IN DECEMBER OF 2019.
3. THE BEARINGS, DISTANCES AND THE COORDINATES THEY ARE BASED ON SHOWN ON THIS PLAN ARE IN U.S. SURVEY FEET IN THE MA. STATE PLANE COORDINATE SYSTEM REFERENCED TO THE NORTH AMERICAN DATUM OF 1983 (NAD83), CORS ADJUSTMENT (NA2011/GEOID 12A) AS DETERMINED BY REDUNDANT GPS OBSERVATIONS PERFORMED IN DECEMBER OF 2019 UTILIZING THE MACORS RTK GPS NETWORK.
4. UTILITY INFORMATION SHOWN HEREON WAS TAKEN FROM INFORMATION SUPPLIED BY THE VARIOUS UTILITY COMPANIES. LOCATION AND SIZES OF ALL UTILITIES MUST BE FIELD VERIFIED BY ALL CONTRACTORS PRIOR TO THE START OF ANY CONSTRUCTION. "DIG SAFE" MUST BE NOTIFIED A MINIMUM OF 72 HOURS IN ADVANCE PRIOR TO ANY EXCAVATION.
5. WETLAND DELINEATIONS SHOWN HEREON IS BASED IN INFORMATION PROVIDED BY HUGHES ENVIRONMENTAL CONSULTING IN JANUARY OF 2020.
6. THE SUBJECT PARCEL IS LOCATED IN FLOOD ZONE X AREA OF MINIMAL FLOOD HAZARD, AS DEFINED ON THE FOLLOWING FEMA FLOOD INSURANCE RATE MAPS:
 - COMMUNITY PANEL NO. 25009C0111F, EFFECTIVE DATE JULY 3, 2012
 - COMMUNITY PANEL NO. 25009C0103F, EFFECTIVE DATE JULY 3, 2012
7. COFFIN STREET IS DESIGNATED AS A SCENIC ROAD UNDER THE PROVISIONS OF G.L., CHAPTER 40, SECTION 15C: ALL ROADS WITHIN THE TOWN OF WEST NEWBURY EXCEPT STATE ROUTE 113.



PLAN INDEX

SHEET NAME	SHEET NUMBER
1. TITLE SHEET	(C-0)
2. EXISTING CONDITIONS PLAN	(EX-1 - EX-7)
3. SITE PLAN	(C-1)
4. YIELD PLAN	(C-2)
5. ARCHITECTURAL PLANS AND ELEVATIONS (BY OTHERS)	(A-1)
6. ARCHITECTURAL PLANS AND ELEVATIONS (BY OTHERS)	(A-2)

CONSULTANTS:

CIVIL ENGINEER
 LANDTECH CONSULTANTS
 515 GROTON ROAD
 WESTFORD, MA 01886
 978.692.6100

ARCHITECT
 SCOTT M. BROWN
 48 MARKET STREET
 NEWBURYPORT, MA 01950
 978.465.3535

APPLICANT

COTTAGE ADVISORS MA, LLC
 25 STORY AVENUE, PMB 319
 NEWBURYPORT, MA 01950

RECORD OWNERS

MAP 230, LOT
 6B/40/80/90/110/120
 JOHN E. BEAUCHER TRUST
 48 ROWLEY ROAD
 BOXFORD, MA 01921

MAP 230, LOT 50
 ANDREW & KATHRYN ALSUP
 566 MAIN STREET
 WEST NEWBURY, MA 01985

ASSESSOR'S REFERENCES

MAP 230, LOT 6B (OR MAIN STREET)
 MAP 230, LOT 40 (0 COFFIN STREET)
 MAP 230, LOT 50 (566 MAIN STREET)
 MAP 230, LOT 80 (28 COFFIN STREET)
 MAP 230, LOT 90 (0 COFFIN STREET)
 MAP 230, LOT 110 (0 COFFIN STREET)
 MAP 230, LOT 120 (0 COFFIN STREET)

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THE FOLLOWING PLANS ARE ON FILE AT THE SOUTHERN ESSEX DISTRICT REGISTRY OF DEEDS:

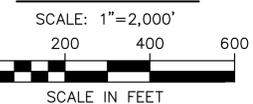
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DEED REFERENCES

THE FOLLOWING DEEDS ARE ON FILE AT THE SOUTHERN ESSEX DISTRICT REGISTRY OF DEEDS:

DEED BOOK 32686, PAGE 367
 DEED BOOK 32686, PAGE 364
 DEED BOOK 10238, PAGE 213

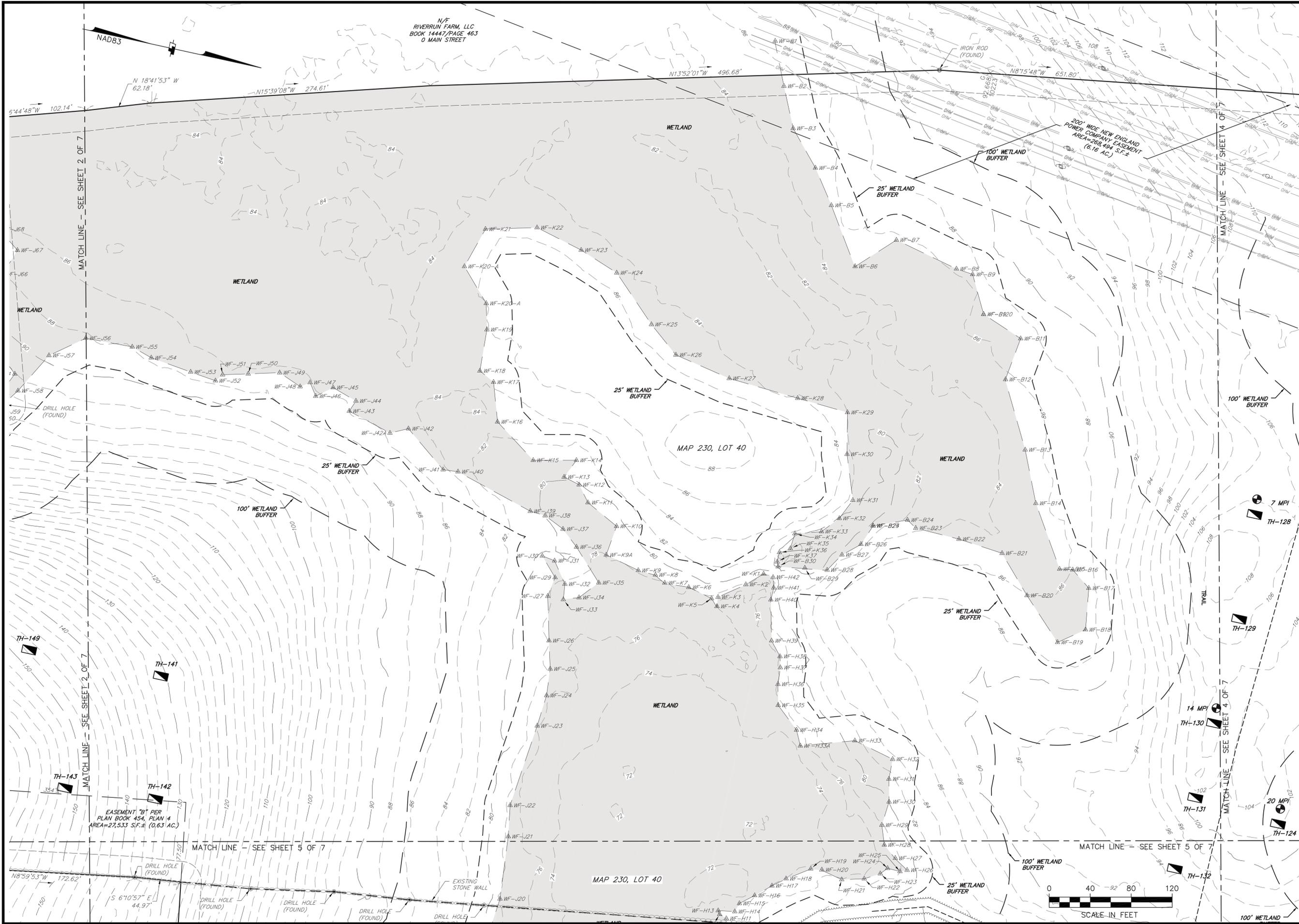
LOCUS MAP



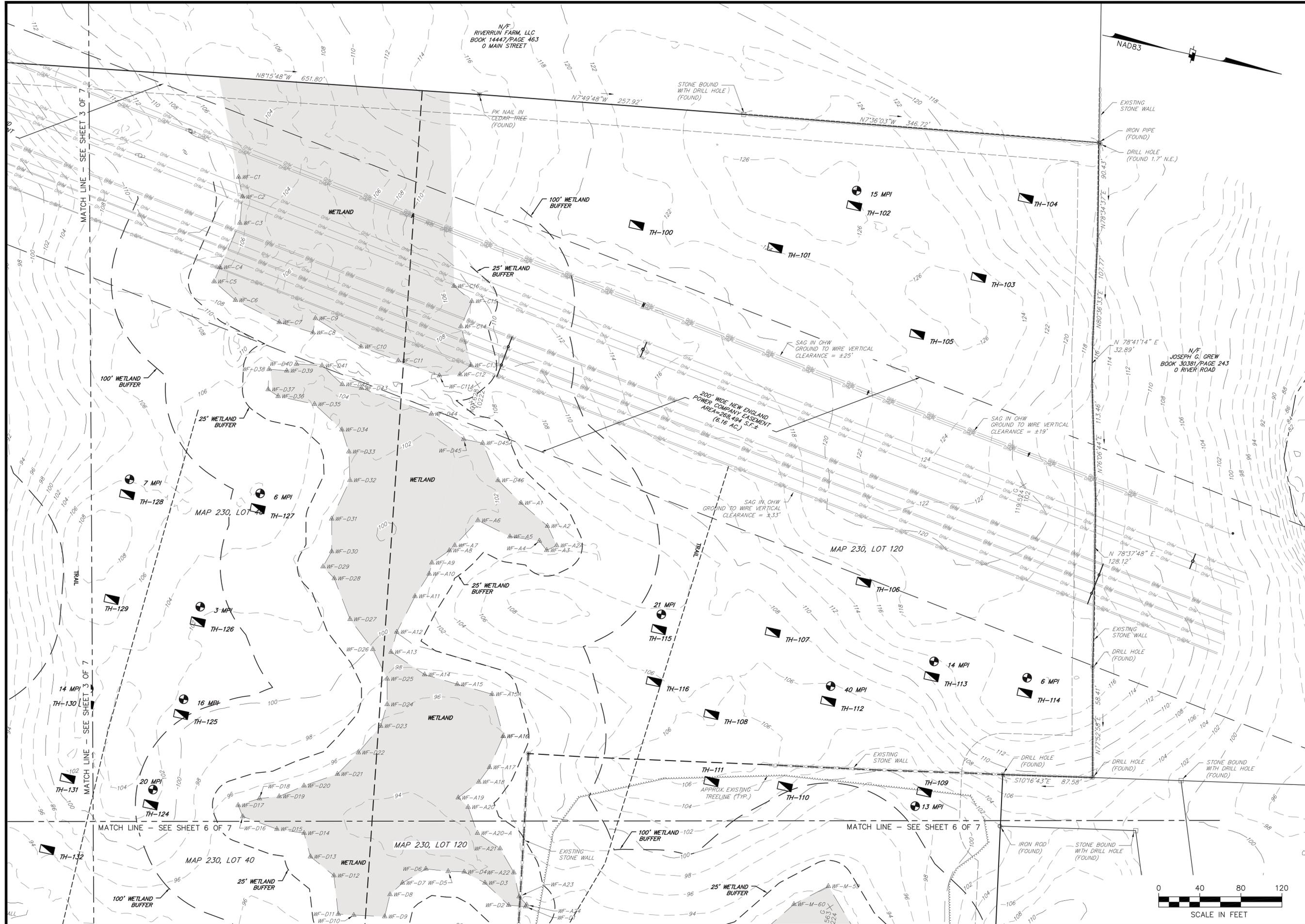
ISSUE DATE: MARCH 24, 2020
 REVISED: JUNE 19, 2020



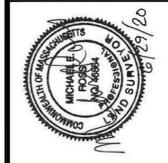
Engineering/Design/Surveying/Permitting
 515 Groton Road, - Westford, MA 01886
 Ph: (978) 692-6100 - landtechinc.com



JOB NO. 19-284	DWG. NO. 10685	SHEET EX-3	CHECK MER	DATE 5/11/20	BY
PREPARED FOR: COTTAGE ADVISORS MA, LLC 25 STORY AVENUE, PMB 319 NEWBURYPORT, MA 01950					
EXISTING CONDITIONS PLAN THE COTTAGES AT ROLLING HILLS COFFIN STREET & MAIN STREET WEST NEWBURY MASSACHUSETTS					
SCALE: 1"=40' MARCH 25, 2020					
<small>Engineering/Design/Surveying/Permitting 515 Orono Road, Westford, MA 01886 Ph: (978) 692-6100 - landtechinc.com</small>					
<small>Copyright © 2020</small>					



DATE	5/11/20	REVISION	
TESTING			
BY	MAW		



PREPARED FOR:
 COTTAGE ADVISORS MA, LLC
 25 STORY AVENUE, PHB 319
 NEWBURYPORT, MA 01950

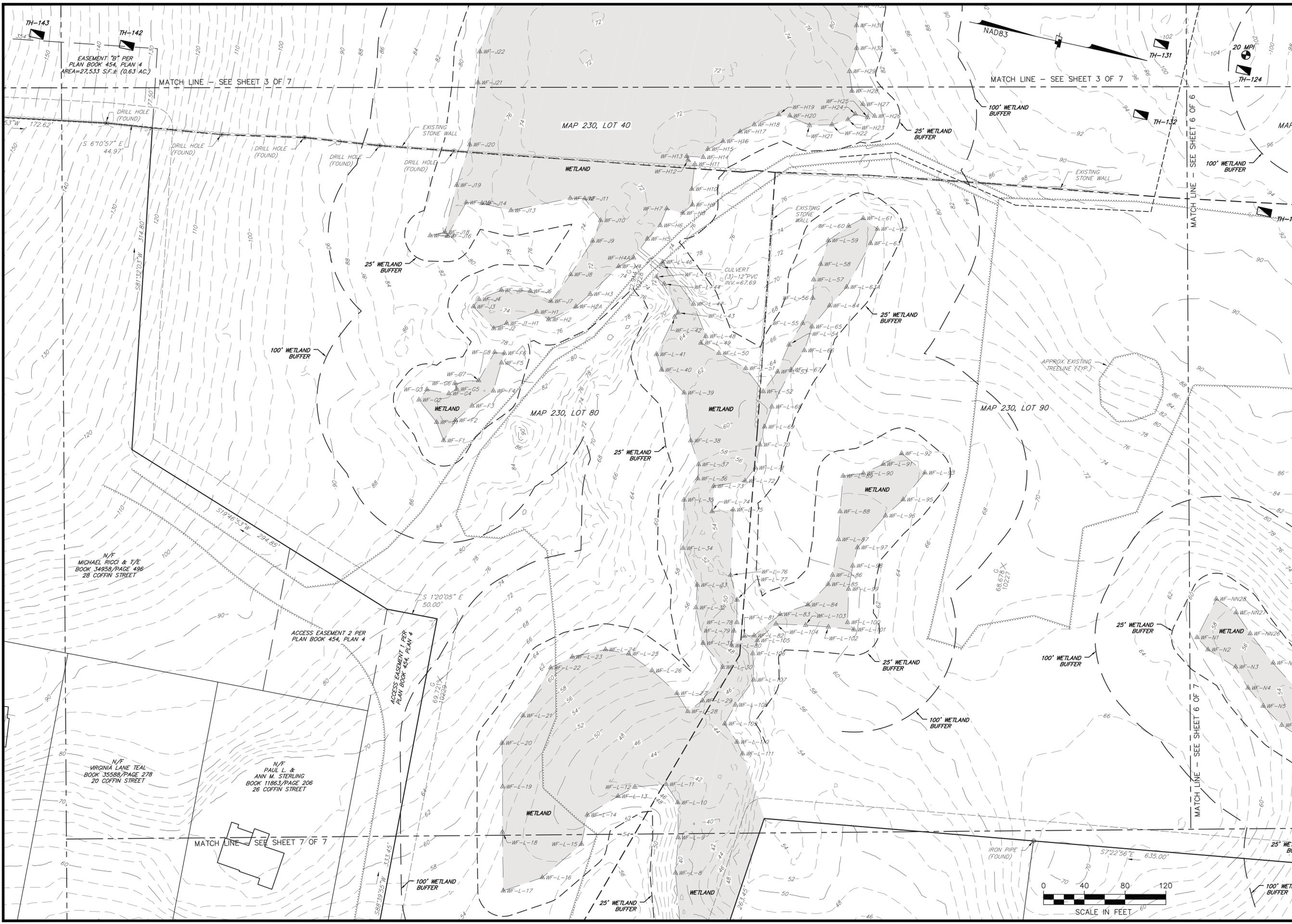
EXISTING CONDITIONS PLAN
THE COTTAGES AT ROLLING HILLS
COFFIN STREET & MAIN STREET
WEST NEWBURY
MASSACHUSETTS

SCALE: 1"=40'

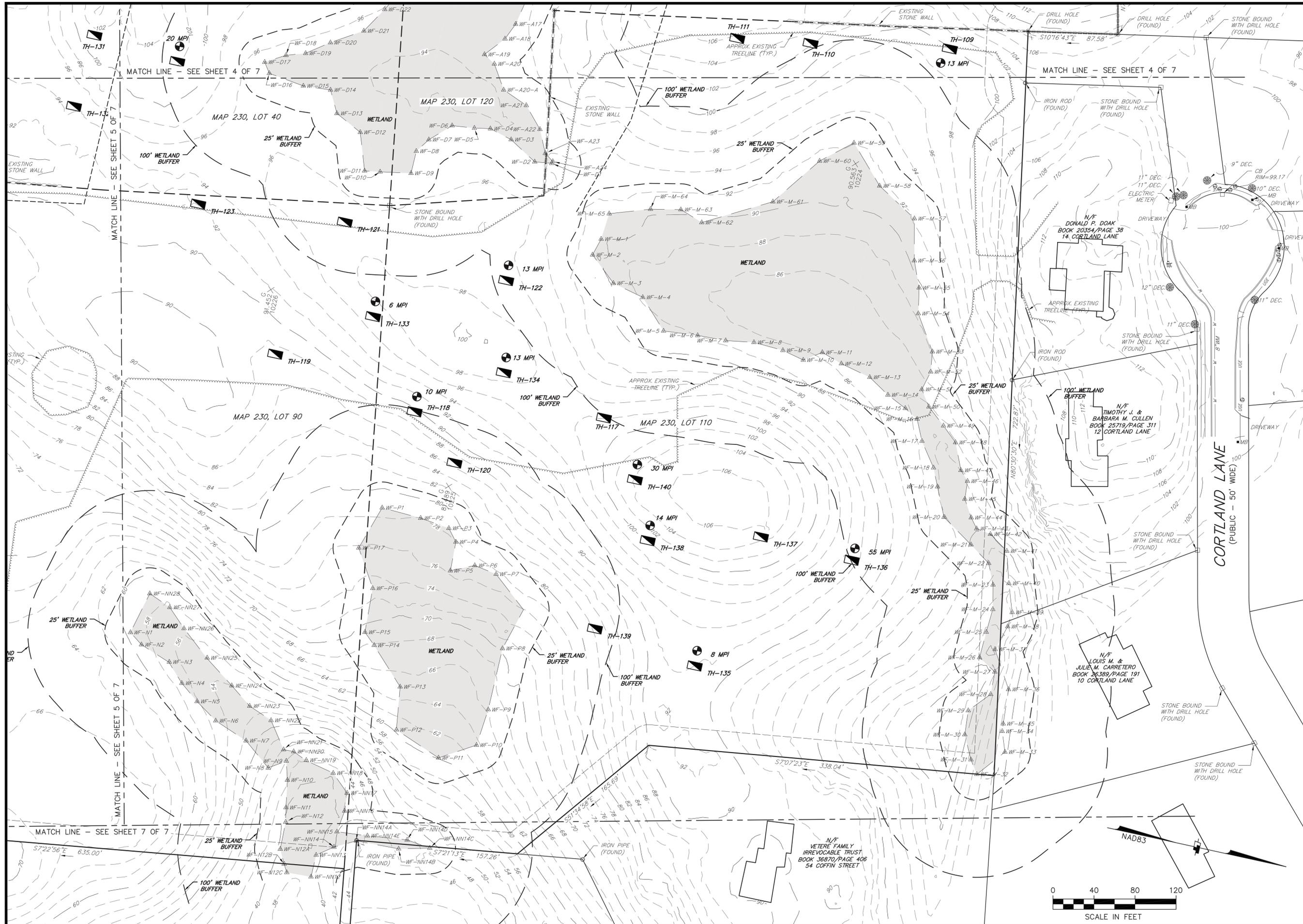
MARCH 25, 2020

JOB NO.	19-284
DWG. NO.	10685
SHEET	EX-4
CHECK	MER
DRAFT	MER
DESIGN	---

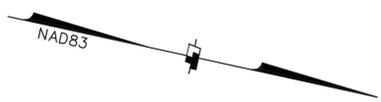
LandTech
 CONSULTANTS
 Engineering/Design/Surveying/Permitting
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		PREPARED FOR: COTTAGE ADVISORS MA, LLC 25 STORY AVENUE, PMB 319 NEWBURYPORT, MA 01950		CHECK MER	
EXISTING CONDITIONS PLAN THE COTTAGES AT ROLLING HILLS COFFIN STREET & MAIN STREET WEST NEWBURY MASSACHUSETTS		MARCH 25, 2020		SCALE: 1"=40'	
		JOB NO. 19-284		SHEET EX-5	
515 Orono Road, Westford, MA 01886 Ph: (978) 692-6100 - landtech.com		DWG. NO. 10685		DATE / REVISION 5/11/20	
Copyright © 2020		DESIGN ---		DRAFT MER	



	PREPARED FOR: COTTAGE ADVISORS MA, LLC 25 STORY AVENUE, PHB 319 NEWBURYPORT, MA 01950	CHECK MER	DATE 5/11/20	BY MAW
EXISTING CONDITIONS PLAN THE COTTAGES AT ROLLING HILLS COFFIN STREET & MAIN STREET WEST NEWBURY MASSACHUSETTS		DESIGN ---	MARCH 25, 2020	SCALE: 1"=40'
JOB NO. 19-284	DWG. NO. 10685	SHEET EX-6	Copyright © 2020 LandTech Engineering/Design/Surveying/Permitting 515 Orono Road, Westford, MA 01886 Ph: (978) 692-6100 - landtechinc.com	



DATE	5/11/20	REVISION	
MADE BY			



PREPARED FOR:
 COTTAGE ADVISORS MA, LLC
 25 STORY AVENUE, PHB 319
 NEWBURYPORT, MA 01950

EXISTING CONDITIONS PLAN
 THE COTTAGES AT ROLLING HILLS
 COFFIN STREET & MAIN STREET
 WEST NEWBURY
 MASSACHUSETTS

SCALE: 1"=40'

MARCH 25, 2020

JOB NO.
19-284

DWG. NO.
10685

SHEET
EX-7

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NOTES:

- BOUNDARY INFORMATION SHOWN HEREON IS THE RESULT OF AN ON-THE-GROUND SURVEY CONDUCTED BY LANDTECH CONSULTANTS, INC. IN 2020 AND FROM EXISTING DEEDS AND PLANS.
- TOPOGRAPHIC AND PLANOMETRIC INFORMATION COMPILED FROM PLANS AND CHECKED BY ON-THE-GROUND SURVEY IN 2017.
- FLAGGED WETLAND LOCATIONS SHOWN ON THIS MAP WERE PROVIDED BY A FIELD STUDY CONDUCTED BY HUGHES ENVIRONMENTAL CONSULTING, DECEMBER 2019. WETLAND FLAG WERE LOCATED USING SURVEY GRADE GPS EQUIPMENT CAPABLE OF SUB-METER ACCURACY.
- THE SUBJECT PARCEL IS NOT LOCATED WITHIN THE 100 YEAR FLOOD PLAIN AS DEFINED ON THE FEMA FLOOD INSURANCE RATE MAPS, COMMUNITY PANEL No. S 2509C0103F, EFFECTIVE DATE JULY 3, 2012 AND 2509C0111F, EFFECTIVE DATE JULY 3, 2012.
- THIS PARCEL IS PARTIALLY LOCATED IN ZONING DISTRICT RESIDENTIAL B ("RES B") AND PARTIALLY LOCATED IN ZONING DISTRICT RESIDENTIAL C ("RES C").
- SEE REPORT BY HUGHES ENVIRONMENTAL CONSULTING PROVIDED UNDER A SEPARATE COVER.
- THIS DEVELOPMENT IS TO BE SERVICED BY PUBLIC WATER SUPPLY WITH CONNECTIONS TO EXISTING WATER MAINS FOUND ON COFFIN STREET, MAIN STREET, AND CORTLAND CIRCLE.
- GAS SERVICE WILL BE PROVIDED TO EACH DWELLING BY PROPANE TANKS LOCATED AT EACH BUILDING.

LEGEND

	LOT LINE		DEEP OBSERVATION HOLE
	ABUTTER LINE		SEWAGE DISPOSAL SYSTEM
	BUILDING SETBACK LINE		TREES AND SHRUBS
	EXISTING CONTOUR		GUY WIRE
	PROPOSED CONTOUR		UTILITY POLE
	EDGE OF PAVEMENT		DRAIN MANHOLE
	TREELINE		CATCH BASIN
	STONE WALL		WELL
	UNDERGROUND ELECTRIC, TELEPHONE & CABLE		HYDRANT
	OVERHEAD WIRES		WATER VALVE
	WATER MAIN		MAILBOX
	STORM DRAIN		DETENTION/INFILTRATION BASIN
	EDGE OF WETLAND		
	WETLAND SYMBOL		
	25 FT. WETLAND BUFFER		
	100 FT. WETLAND BUFFER		

LOCUS PROPERTIES:

PARCEL ID	PROPERTY ADDRESS	OWNER	OWNER ADDRESS
TAX MAP R23, LOT 4	0 MAIN STREET	BEACHER FAMILY IRREVOCABLE TR.	48 ROWLEY RD, BOXFORD, MA 01921
TAX MAP R23, LOT 5	566 MAIN STREET	ALSUP, ANDREW J. & KATHRYN A.	566 MAIN ST, WEST NEWBURY, MA 01985
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TAX MAP R23, LOT 11	0 COFFIN STREET	BEACHER FAMILY IRREVOCABLE TR.	48 ROWLEY RD, BOXFORD, MA 01921
TAX MAP R23, LOT 12	0 COFFIN STREET	BEACHER FAMILY IRREVOCABLE TR.	48 ROWLEY RD, BOXFORD, MA 01921

APPLICANT

COTTAGE ADVISORS MA, LLC 25 STORY AVENUE, PMB 319 NEWBURYPORT, MA 01950

RECORD OWNER

BEAUCHER, JOHN E. TRUSTEE
BEAUCHER FAMILY IRREVOCABLE TR.
48 ROWLEY ROAD
BOXFORD, MA 01921

ALSUP, ANDREW J. & KATHRYN A.
566 MAIN STREET
WEST NEWBURY, MA 01985

ASSESSOR'S REFERENCES

MAP 230, LOT 6B (0 R MAIN STREET)
MAP 230, LOT 40 (0 COFFIN STREET)
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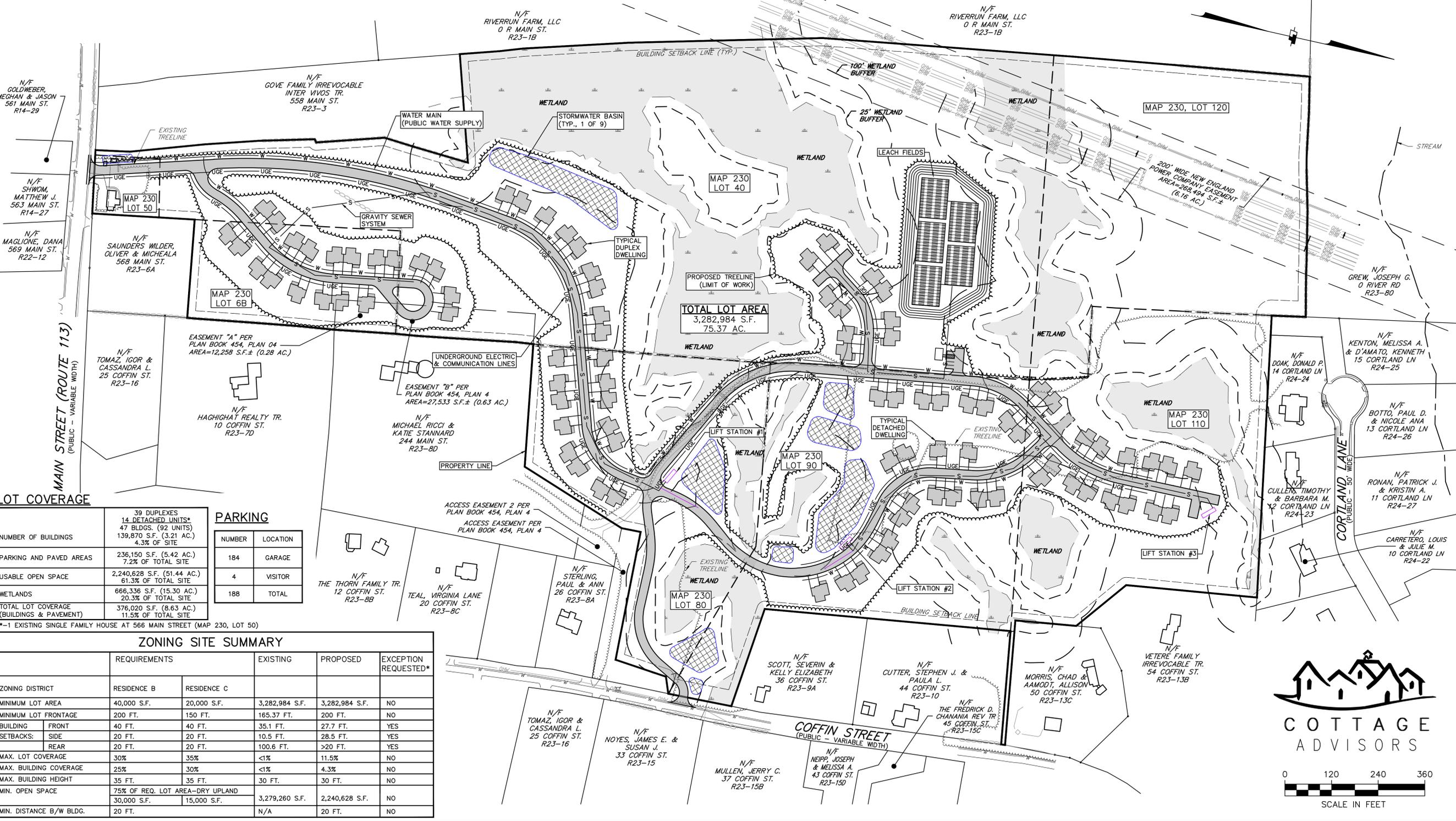
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PLAN BOOK 404, PLAN 44
PLAN BOOK 397, PLAN 61
PLAN BOOK 326, PLAN 50
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PLAN BOOK 180, PLAN 61
PLAN BOOK 187, PLAN 86
PLAN BOOK 245, PLAN 71
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DEED REFERENCES

THE FOLLOWING DEEDS ARE ON FILE AT THE SOUTHERN ESSEX DISTRICT REGISTRY OF DEEDS:

DEED BOOK 32686, PAGE 367
DEED BOOK 32686, PAGE 364
DEED BOOK 10238, PAGE 213



LOT COVERAGE

NUMBER OF BUILDINGS	39 DUPLEXES 14 DETACHED UNITS* 47 BLDGS. (92 UNITS) 139,870 S.F. (3.21 AC.) 4.3% OF SITE
PARKING AND PAVED AREAS	236,150 S.F. (5.42 AC.) 7.2% OF TOTAL SITE
USABLE OPEN SPACE	2,240,628 S.F. (51.44 AC.) 61.3% OF TOTAL SITE
WETLANDS	666,336 S.F. (15.30 AC.) 20.3% OF TOTAL SITE
TOTAL LOT COVERAGE (BUILDINGS & PAVEMENT)	376,020 S.F. (8.63 AC.) 11.5% OF TOTAL SITE

*-1 EXISTING SINGLE FAMILY HOUSE AT 566 MAIN STREET (MAP 230, LOT 50)

PARKING

NUMBER	LOCATION
184	GARAGE
4	VISITOR
188	TOTAL

ZONING SITE SUMMARY

ZONING DISTRICT	REQUIREMENTS		EXISTING	PROPOSED	EXCEPTION REQUESTED*
	RESIDENCE B	RESIDENCE C			
MINIMUM LOT AREA	40,000 S.F.	20,000 S.F.	3,282,984 S.F.	3,282,984 S.F.	NO
MINIMUM LOT FRONTAGE	200 FT.	150 FT.	165.37 FT.	200 FT.	NO
BUILDING FRONT	40 FT.	40 FT.	35.1 FT.	27.7 FT.	YES
SETBACKS: FRONT	20 FT.	20 FT.	10.5 FT.	28.5 FT.	YES
SETBACKS: REAR	20 FT.	20 FT.	100.6 FT.	>20 FT.	YES
MAX. LOT COVERAGE	30%	35%	<1%	11.5%	NO
MAX. BUILDING COVERAGE	25%	30%	<1%	4.3%	NO
MAX. BUILDING HEIGHT	35 FT.	35 FT.	30 FT.	30 FT.	NO
MIN. OPEN SPACE	75% OF REQ. LOT AREA-DRY UPLAND 30,000 S.F.	15,000 S.F.	3,279,260 S.F.	2,240,628 S.F.	NO
MIN. DISTANCE B/W BLDG.	20 FT.		N/A	20 FT.	NO

PREPARED FOR:
COTTAGE ADVISORS MA, LLC
25 STORY AVENUE, PMB 319
NEWBURYPORT, MA 01950

SCALE: 1"=120'

DATE: MARCH 23, 2020

REVISIONS:

NO.	DATE	REVISION	BY
1	6/24/20	REVISED LAYOUT	M.S.

LANDTECH CONSULTANTS
Engineering/Design/Surveying/Permitting
915 Gorton Road, Westford, MA 01886
Ph: (978) 692-6100 - landtechinc.com

COTTAGE ADVISORS

SITE PLAN
THE COTTAGES AT ROLLING HILLS
COFFIN STREET & MAIN STREET
WEST NEWBURY
MASSACHUSETTS

JOB NO. 19-284
DWG. NO. 10699
SHEET C-1

NOTES:

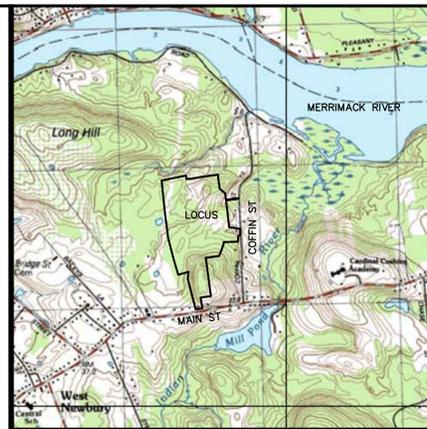
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LEGEND

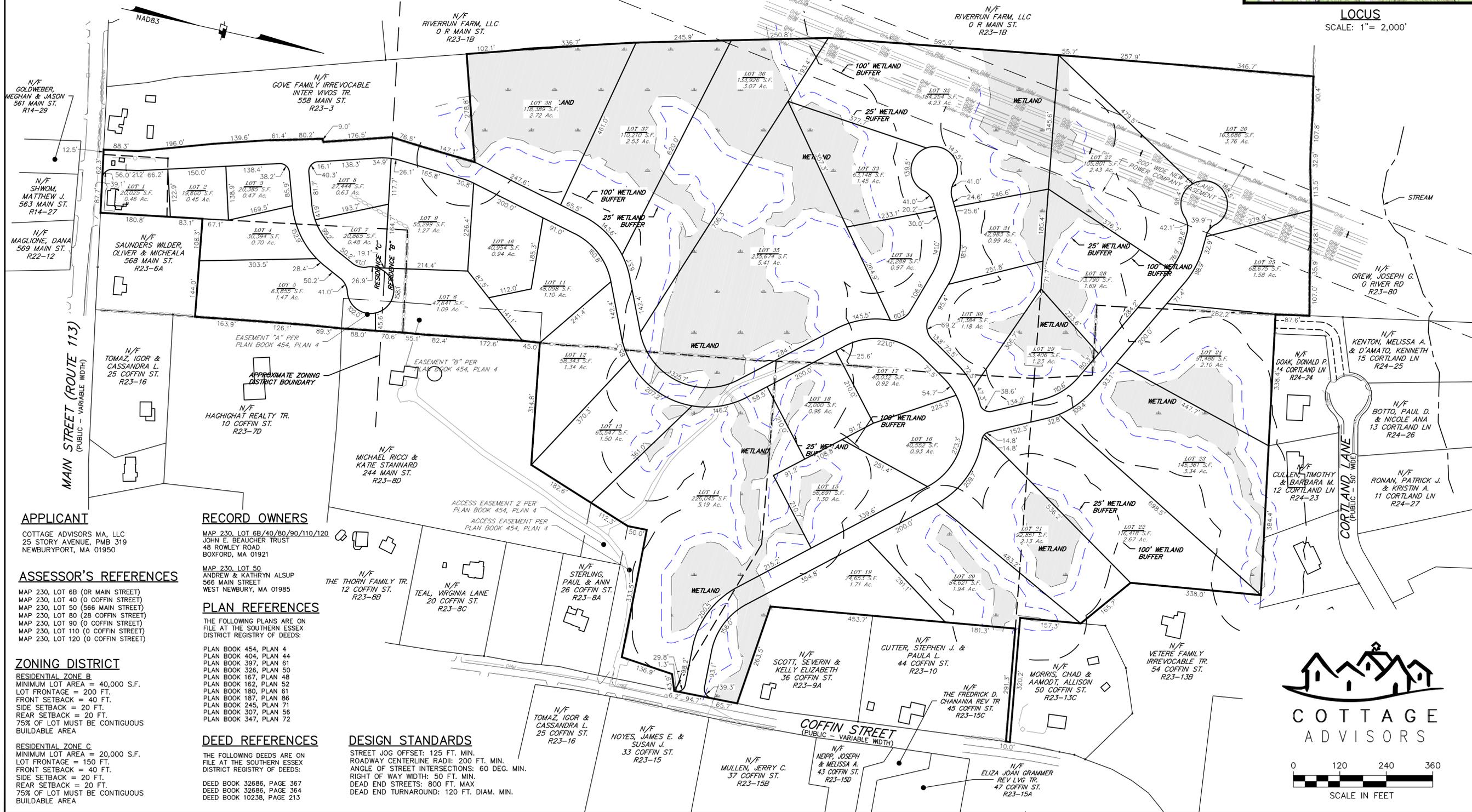
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	ABUTTER LINE		SEWAGE DISPOSAL SYSTEM
	BUILDING SETBACK LINE		TREES AND SHRUBS
	EXISTING CONTOUR		GUY WIRE
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	TREELINE		CATCH BASIN
	STONE WALL		WELL
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	OVERHEAD WIRES		WATER VALVE
	WATER MAIN		MAILBOX
	STORM DRAIN		
	EDGE OF WETLAND		
	WETLAND SYMBOL		
	25 FT. WETLAND BUFFER		
	100 FT. WETLAND BUFFER		

LOCUS PROPERTIES:

PARCEL ID	PROPERTY ADDRESS	OWNER	OWNER ADDRESS
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LOCUS
SCALE: 1" = 2,000'



APPLICANT

COTTAGE ADVISORS MA, LLC
25 STORY AVENUE, PMB 319
NEWBURYPORT, MA 01950

RECORD OWNERS

MAP 230, LOT 6B/40/80/90/110/120
JOHN E. BEAUCHER TRUST
48 ROWLEY ROAD
BOXFORD, MA 01921

ASSESSOR'S REFERENCES

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- PLAN BOOK 187, PLAN 86
- PLAN BOOK 245, PLAN 71
- PLAN BOOK 307, PLAN 56
- PLAN BOOK 347, PLAN 72

ZONING DISTRICT

RESIDENTIAL ZONE B
MINIMUM LOT AREA = 40,000 S.F.
LOT FRONTAGE = 200 FT.
FRONT SETBACK = 40 FT.
SIDE SETBACK = 20 FT.
REAR SETBACK = 20 FT.
75% OF LOT MUST BE CONTIGUOUS BUILDABLE AREA

RESIDENTIAL ZONE C

MINIMUM LOT AREA = 20,000 S.F.
LOT FRONTAGE = 150 FT.
FRONT SETBACK = 40 FT.
SIDE SETBACK = 20 FT.
REAR SETBACK = 20 FT.
75% OF LOT MUST BE CONTIGUOUS BUILDABLE AREA

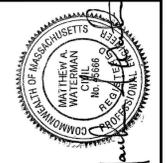
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DEED BOOK 32686, PAGE 367
DEED BOOK 32686, PAGE 364
DEED BOOK 10238, PAGE 213

DESIGN STANDARDS

STREET JOG OFFSET: 125 FT. MIN.
ROADWAY CENTERLINE RADIUS: 200 FT. MIN.
ANGLE OF STREET INTERSECTIONS: 60 DEG. MIN.
RIGHT OF WAY WIDTH: 50 FT. MIN.
DEAD END STREETS: 800 FT. MAX
DEAD END TURNAROUND: 120 FT. DIAM. MIN.

DATE	REVISION	BY
6/19/20	PER TOWN COMMENTS	MUS



PREPARED FOR:
COTTAGE ADVISORS MA, LLC
25 STORY AVENUE, PMB 319
NEWBURYPORT, MA 01950

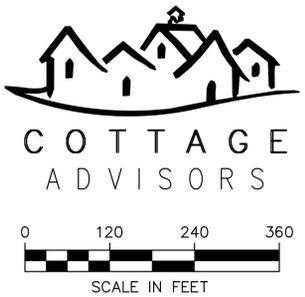
YIELD PLAN
THE COTTAGES AT ROLLING HILLS
COFFIN STREET & MAIN STREET
WEST NEWBURY
MASSACHUSETTS

SCALE: 1" = 120'

LandTech consultants
Engineering/Design/Surveying/Permitting
915 Croton Road, Westford, MA 01886
Ph: (978) 692-6100 - landtechinc.com

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JOB NO. 19-284	DWG. NO. 10689	SHEET C-2
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TOWN OF WEST NEWBURY

Michael P. McCarron
Town Clerk

381 Main Street
West Newbury, MA 01985
978-363-1100 ext. 110
978-363-1117 (Fax)
mmccarron@wnewbury.org

June 29, 2020

Mr. Angus Jennings, Town Manager
Town of West Newbury
381 Main Street
West Newbury, MA 01985

RECEIVED
JUN 29 2020
TOWN MANAGER
TOWN OF WEST NEWBURY

Dear Mr. Jennings:

The following is a report of expenditures voted at the Special Town Meeting which convened on June 27, 2020 and adjourned the same date, together with other votes affecting the finances of the Town. Also, included with this report is a schedule of the funding of appropriations.

Pursuant to the Warrant issued by the Selectmen on April 28, 2020, which was posted on April 28, 2020 according to law by Constable Brian Richard, who made proper return of his doings thereon, the Special Spring Town Meeting was to be held on June 1, 2020 at the Town Annex, 379 Main Street, West Newbury MA. Due to the Covid 19 state of emergency, the Town Moderator in accordance with the powers vested in her by MGL c. 39 sec. 10A, postponed the meeting until June 27, 2020 at 10:00 AM at the Town Office Complex, 379 Main Street, West Newbury MA. The meeting was called to order at 11:03 A.M. by the Moderator Kathleen C. Swallow, upon report of the Board of Registrars of Voters of a quorum of 90 or more registered voters. The Town Clerk read the return of service. There were no objections to non-resident Town Officials who were in attendance addressing the meeting, if necessary.

ARTICLE 1. To hear and act upon the reports of Town officers and committees.

No reports were given.

ARTICLE 2. The Finance Committee split their recommendation with three in favor and three opposed.

Selectman Richard Parker moved to transfer from Community Preservation Act funds the sum of \$462,857.00 from the CPC Undesignated Fund Balance for all costs and expenses relating to the reconstruction of and accessibility improvements to the Page School playground in conformity with the Application filed with and approved by the

Town Clerk's Report

Community Preservation Committee. Any remaining funds will be closed out to the Community Preservation Act Funds Unrestricted Fund Balance at the close of Fiscal Year 2023.

The Moderator declared that the Motion passed by majority vote.

ARTICLE 3. The Finance Committee split their recommendation with three in favor and three opposed.

Selectman Richard Parker moved to transfer from free cash the sum of \$49,150.00 to pay expenses pertaining to improvements and repairs to the Council on Aging facility, Public Safety Complex, old DPW garage (on Page School site), the 1910 Building, and to pay for any unforeseen emergency repairs to Town properties. Any remaining funds will be closed out to the undesignated fund balance at the close of Fiscal Year 2023.

The Moderator declared that the Motion passed by majority vote.

ARTICLE 4. The Finance Committee split their recommendation with three in favor and three opposed.

Selectman Richard Parker moved to transfer from free cash the sum of \$61,087.00 to fund the Snow and Ice deficit. Any remaining funds will be closed out to the undesignated fund balance at the close of Fiscal Year 2021.

The Moderator declared that the Motion passed by majority vote.

ARTICLE 5. The Finance Committee recommended approval of this Article.

Selectman Richard Parker moved to transfer from free cash the sum of \$3,800.00 to pay for salaries and expenses pertaining to the operation of early voting for the 2020 State Primary Election and November Presidential Election. Any remaining funds will be closed out to the undesignated fund balance at the close of Fiscal Year 2021.

The Moderator declared the Motion passed by majority vote.

ARTICLE 6. The Finance Committee recommended disapproval of this Article.

Selectman Richard Parker moved that the Town take no action on this Article.

The Moderator declared that the motion for no action passed by majority vote.

ARTICLE 7. The Finance Committee recommended disapproval of this Article by a vote of two in favor and three opposed.

Selectman Richard Parker moved to transfer from free cash the sum of \$8,048.00 for the Town's share of expenses for the grant-supported installation of electric vehicle

Town Clerk's Report

charging stations at the Page School and the 1910 Building. Any remaining funds will be closed out to the undesignated fund balance at the close of Fiscal Year 2021.

Town Meeting Member Richard Baker moved to amend the motion by adding the phrase, "The Town should add fees to anyone using the charge stations so as to make the stations revenue neutral to the Town."

The Moderator declared the Motion to Amend failed.

The Moderator called for a vote on the original motion.

The Moderator declared that the motion passed by majority vote.

ARTICLE 8. The Finance Committee recommended approval of this Article

Selectman Richard Parker moved to transfer from free cash the sum of \$16,443.00 to pay all expenses pertaining to the Essex Agricultural and Technical High School FY20 budget deficit.

The Moderator declared that the motion passed unanimously.

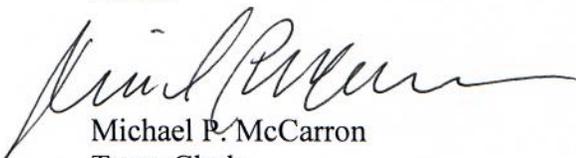
ARTICLE 9. The Finance Committee recommended approval of this Article

Selectman Richard Parker moved to transfer from free cash the sum of \$20,247.44 to pay all expenses pertaining to the underbilled but incurred National Grid charges related to the Public Safety Complex.

The Moderator declared that the motion passed unanimously.

At 11:43A.M. on the motion of Selectman Glenn Kemper, it was unanimously voted to dissolve the Special Town Meeting.

Attest:



Michael P. McCarron
Town Clerk

Cc: Board of Selectmen
Board of Assessors
Town Accountant (2)
Finance Committee

SPECIAL TOWN MEETING JUNE 27, 2020
FISCAL YEAR 2021
VOTED

ART. #	<u>ARTICLE DESCRIPTION</u>	<u>AMOUNT</u>	<u>FROM RAISE & APPROPRIATE</u>	<u>FROM FREE CASH</u>	<u>OTHER AVAILABLE FUNDS</u>	<u>WATER DEPT. ENTERPRISE FUND</u>	<u>BORROWING</u>
1.	NO MONEY						
2.	Page Playground	\$ 462,857.00			\$462,857.00		
3.	Town Improvements	\$ 49,150.00		\$ 49,150.00			
4.	Snow and Ice	\$ 61,087.00		\$ 61,087.00			
5.	Early Vote Expense	\$ 3,800.00		\$ 3,800.00			
6.	Benches.						
7.	Charge Stations	\$ 8,048.00		\$ 8,048.00			
8.	Essex Agri	\$ 16,443.00		\$ 16,443.00			
9.	National Grid	\$ 20,247.44		\$ 20,247.44			
		\$ 621,632.44		\$ 158,755.44	\$ 462,857.00		



TOWN OF WEST NEWBURY

Michael P. McCarron
Town Clerk

381 Main Street
West Newbury, MA 01985
978-363-1100 ext. 110
978-363-1117 (Fax)
mmccarron@wnewbury.org

June 30, 2020

RECEIVED

JUN 30 2020

TOWN MANAGER
TOWN OF WEST NEWBURY

Mr. Angus Jennings, Town Manager
Town of West Newbury
381 Main Street
West Newbury, MA 01985

Dear Mr. Jennings:

The following is a report of expenditures voted at the Annual Town Meeting which convened on June 30, 2020 and adjourned the same date, together with other votes affecting the finances of the Town. Also, included with this report is a schedule of the funding of appropriations.

Pursuant to the Warrant issued by the Selectmen on April 28, 2020, which was posted on April 28, 2020 according to law by Constable Brian Richard, who made proper return of his doings thereon, the Annual Town Meeting was to be held on June 1, 2020 at the Town Annex, 379 Main Street, West Newbury. Due to the state of emergency for the Covid 19 crises, K.C. Swallow, the Town Moderator acting pursuant to the powers vested in her by MGL c. 39 sec. 10A, postponed the Annual Town Meeting until June 27, 2020 to be held outside in the bandstand and ballfield located behind the Town Annex, 379 Main Street, West Newbury, MA. The meeting was called to order at 10:00 A.M. by the Moderator Kathleen C. Swallow, upon report of the Board of Registrars of Voters of a quorum of 40 or more registered voters (the Board of Selectmen had reduced the number required for a quorum for this Annual Town Meeting from 90 to 40). The Board of Registrars announced that 272 voters were in attendance. The Town Clerk read the return of service. The Moderator introduced Town Officials and reviewed new Town Meeting procedures to address any changes in the conduct of this Meeting. There were no objections to non-resident Town Officials who were in attendance addressing the meeting, if necessary. At 11:03 AM, the Moderator recessed the Annual Town Meeting to open the Special Town Meeting. The Annual Town Meeting was re-opened at 11:43 A.M. following adjournment of the Special Town Meeting. The record of the Special

Town Clerk's Report

Town Meeting follows the record of the Annual Town Meeting. The reconvened Annual Town Meeting continued with discussion under Article 4 of the Annual Town Meeting warrant.

ARTICLE 1. Calling for the election of Town officers was passed over for action at the Annual Town Election on June 3, 2020.

ARTICLE 2. To hear and act upon the reports of Town officers and committees.

Due to the Covid 19 crisis, the Town Moderator ruled that no reports of town officers and committees would be heard in this meeting.

ARTICLE 3. (The Budget) The Finance Committee Booklet contained the Finance Committee's Fiscal Year 2021 recommended budget and also a recommended budget from the Selectmen which varied from the Finance Committee's recommended budget on a number of Line Items. The Moderator addressed the procedure for adoption of the Line Item Budget for Fiscal Year 2021. For purposes of this Article the recommendation of the Finance Committee is considered the main motion. Each Line Item is considered a separate appropriation and the main motion for each line item may be considered separately. Any Town Meeting member wishing to discuss a line item or move a different amount may call out "Hold" when the line item number is read. Amending a line item requires two steps; first a motion to amend the main motion (the Finance Committee recommendation) and then a motion to approve the main motion, as amended. The Moderator read each Line Item number.

Holds were called on the following Line Item numbers:

Line 2 – Selectmen Salary & Wages. Selectman David Archibald called upon the Town Manager, Angus Jennings, to explain this amount. No motion to amend was given.

Line 10 – Conservation Commission Salary and Wages. Selectman David Archibald wanted to have the Town adopt the Board of Selectmen's salary recommendation. The Town voted to adopt the Finance Committee's recommendation of \$27,965.00.

Line 15 – Police Salary and Wages Selectman David Archibald moved to reduce the Police OT Wages to \$50,000.00. The Town Moderator declared that she needed to count the vote. The count was 83 in favor of the motion and 136 opposed. The Motion to amend was defeated. The Finance Committee recommendation was adopted.

Line 26 DPW Town Bldgs Operating Expenses Selectman Richard Parker moved to amend this line item to add \$2396 to this Line Item to pay for warranty expenses for EV charging stations. The Motion to amend failed.

Line 30 Veterans Services- Selectman David Archibald moved to amend the amount for Other Assessments Veterans Services from \$10,000 to \$24,000. The motion to amend passed by majority vote.

Town Clerk's Report

Line 31 Library- Library Trustee Wendy Reed explained that the Library Board was seeking additional staff assistance but due to the Covid 19 crises was withdrawing that request at present. The Finance Committee recommendation was adopted

Finance Committee Member Gary Roberts moved that the amounts of money set forth in the printed report of the finance committee be appropriated, as amended hereby, for the several purposes therein itemized, each numbered item being considered as a separate appropriation, and that the same be expended only for such purposes. .

The Moderator declared that the motion passed by majority vote. It was voted to raise and appropriate the sum of \$16,552,680.00 for the Total Line Item Budget.

The approved Line Item Budget is attached hereto.

At 11:03 AM, the Town voted to recess the Annual Town Meeting to take up the Special Town Meeting.

At 11:43 AM, upon the adjournment of the Special Town Meeting, the Annual Town Meeting resumed.

ARTICLE 4. The Finance Committee gave no recommendation on this Article.

No instructions were offered for the Water Commissioners in accordance with Chapter 38 of the Acts of 1936.

ARTICLE 5. The Finance Committee recommended approval of this Article.

Selectman Richard Parker moved to appropriate, in anticipation of Water Department revenue, the sum of \$861,446 of which \$205,579 for Salaries and Wages which include \$1,700 for Water Commissioners stipends, \$27,141 for Insurances, \$379,896 for Expenses, \$176,920 for Debt Service, \$20,000 for Extraordinary and Unforeseen and \$51,910 for Indirect Cost.

The Moderator declared that the motion passed unanimously.

ARTICLE 6. The Finance Committee recommended approval.

Selectman Richard Parker moved that the Town take no action on this Article

The Moderator declared that the motion passed unanimously.

ARTICLE 7. The Finance Committee recommended approval.

Selectman Richard Parker moved that the Town take no action on this Article

Town Clerk's Report

The Moderator declared the motion passed unanimously

ARTICLE 8. The Finance Committee recommended approval.

Selectman Richard Parker moved to raise and appropriate the sum of \$328,600 to be placed in the special purpose municipal stabilization fund established pursuant to MGL Chapter 40 Section 5B (the School Stabilization Fund) in order to fund capital expenditures for school related building projects.

The Moderator declared that the motion passed unanimously.

ARTICLE 9. The Finance Committee recommended approval of the Article, but with a different appropriation.

Selectman Richard Parker moved to transfer the sum of \$652,340 from the School Stabilization Fund to pay the debt service associated with the building of the new Middle/High School for the Pentucket Regional School District.

Finance Committee Member Forbes Drury moved to amend the Motion to the sum of \$247,647.00.

The motion to amend passed.

The Town Moderator called for a vote on the amended motion. A two thirds majority voted was required. The vote was 272 in favor and 18 opposed.

Selectman Richard Parker called for a reconsideration of the vote and the Town Moderator declared it out of order at this time but would consider such a motion after the vote on the last article.

ARTICLE 10. The Finance Committee recommended approval.

Selectman Richard Parker moved to transfer the sum of \$21,965.20 from the Septic Loan Revolving Account for the repayment of debt service.

The Moderator declared that the motion passed unanimously.

ARTICLE 11. The Finance Committee recommended that the Town take no action.

Selectman Richard Parker moved that the Town take no action on this Article.

The Moderator declared that the Motion passed unanimously.

ARTICLE 12. The Finance Committee recommended approval.

ARTICLE 12. *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 committee administrative expenses, community preservation projects and other expenses in Fiscal Year 2021, with each item to be considered a separate appropriation, or take any other action thereto. By request of the Community Preservation Committee.*

- *Appropriate \$21,620 from FY 2021 estimated revenues for Committee Administrative Expenses.*
- *Reserve \$43,240 from FY 2021 estimated revenues for Community Housing Reserve.*
- *Reserve \$43,240 from FY 2021 estimated revenues for Historic Resources Reserve.*
- *Reserve \$43,240 from FY 2021 estimated revenues for Open Space & Recreation Reserve.*
- *Reserve \$281,060 from FY 2021 estimated revenues for Budgeted Reserve.*

Selectman Richard Parker moved to allocate and/or reserve from the Community Preservation Fund annual revenues the amounts as set forth in Article 12.

The Moderator declared that the Motion passed unanimously.

ARTICLE 13. The Finance Committee recommended approval.

Selectman Richard Parker moved to transfer from Community Preservation Act funds, the sum of \$175,000.00 with \$148,308.41 from the Open Space and Recreation Fund Balance, and \$26,691.50 from the Undesignated Fund Balance, in conformity with the applications submitted, to purchase a conservation restriction in conjunction with any other party on three parcels of land containing approximately 38 acres of land, located off Middle Street and as shown on Assessors' Map R-27 as Parcels 28, 28A and 29. Said lots are also described in the deeds recorded with the Southern Essex District Registry of Deeds in Book 6703, Page 590, and Book 6547, Page 419. Said conservation restriction is to be conveyed to the Town of West Newbury; said purchase to be subject to approval of the conservation restriction by all involved parties, and that the Board of Selectmen be authorized to execute, acknowledge and deliver all grants, agreements and such other instruments, including but not limited to the conservation restriction, in accordance with Massachusetts General Laws Chapter 184 or any other applicable statute or regulation, as may be necessary on behalf of the Town of West Newbury to effectuate the purchase of said conservation restriction.

The Moderator declared that the Motion passed by majority vote.

ARTICLE 14. The Finance Committee recommended disapproval with two in favor and three opposed.

Selectman Richard Parker moved to transfer from Community Preservation Act funds, Historic Resources Reserve, the sum of \$85,000 for the payment of debt service and related borrowing costs authorized at the November 4, 2019 Special Town Meeting

Town Clerk's Report

associated with the Preservation and Restoration of the Soldiers & Sailors Memorial Building.

The Moderator declared that this Motion passed by majority vote.

ARTICLE 15. The Finance Committee recommended that the Town take no action on this Article.

Selectman Richard Parker moved that the Town take no action on this Article.

The Moderator declared that this Motion passed unanimously.

ARTICLE 16. The Finance Committee recommended approval.

Selectman Richard Parker moved to transfer from the Capital Stabilization Fund the sum of \$304,000 to replace and/or improve the fire alarm system in the Page School. Any remaining funds will be closed out to the undesignated fund balance at the close of Fiscal Year 2022.

Since this was an appropriation from a stabilization account, the Moderator declared a two thirds vote was necessary.

The Moderator declared that the Motion passed by a vote of 200 in favor and 1 opposed.

ARTICLE 17. The Finance Committee recommended approval.

Selectman Richard Parker moved to transfer from the Capital Stabilization Fund the sum of \$40,000 to replace failing sections of concrete flooring throughout the Page School. Any remaining funds will be closed out to the undesignated fund balance at the close of Fiscal Year 2023.

Since this was an appropriation from a stabilization account, the Moderator declared a two thirds vote was necessary.

The Moderator declared that the Motion passed unanimously.

ARTICLE 18. The Finance Committee recommended approval.

Selectman Richard Parker moved to transfer from free cash the sum of \$19,000 to replace the police cruiser radios and portable radios Any remaining funds will be closed out to the undesignated fund balance at the close of Fiscal Year 2021.

The Moderator declared that the Motion passed by majority vote.

ARTICLE 19. The Finance Committee recommended approval of this Article.

Town Clerk's Report

Selectman Richard Parker moved to transfer from free cash the sum of \$4,000 for the purchase by the Fire Department of emergency equipment – ice/water rescue suits. Any remaining funds will be closed out to the undesignated fund balance at the close of Fiscal Year 2021.

The Moderator declared that the Motion passed unanimously.

ARTICLE 20. The Finance Committee recommended disapproval of this Article.

Selectman Richard Parker moved to transfer from free cash the sum of \$7,500 for the purchase by the Fire Department of emergency equipment – (2) 20” Dual Power Fans. Any remaining funds will be closed out to the undesignated fund balance at the close of Fiscal Year 2021.

The Moderator declared that the Motion passed unanimously.

ARTICLE 21. The Finance Committee recommended approval of this Article.

Selectman moved that the Town accept the provisions of Massachusetts General Laws, Chapter 59, Section 5, Clause 22H.

The Moderator declared that the Motion passed by majority vote.

ARTICLE 22. The Finance Committee gave no recommendation on this Article.

Selectman Richard Parker moved that the Town take no action on this Article.

The Moderator declared that the motion for no action passed by majority vote.

ARTICLE 23. The Finance Committee recommended approval of this Article.

ARTICLE 23. To see if the Town will vote to limit 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: By request of the Board of Selectmen.

- | | |
|--|-----------|
| ▪ Section 5.1 Summer Recreation Revolving Fund | \$ 44,350 |
| ▪ Section 5.2 GAR Library Fines and Penalties Revolving Fund | \$ 10,000 |
| ▪ Section 5.3 Police Vehicle Revolving Fund | \$ 20,000 |
| ▪ Section 5.4 Pipestave/Mill Pond Care and Main Revolving Fund | \$ 5,000 |

Selectman Richard Parker moved that the Town vote to limit the total amount that may be expended from each revolving fund as set forth in Article 23.

The Moderator declared that the motion passed unanimously.

ARTICLE 24. The Finance Committee gave no recommendation on this Article.

Town Clerk's Report

Selectman Richard Parker moved that the Town take no action on this Article.

The Moderator declared that the Motion for no action passed unanimously.

Selectman Richard Parker moved to reconsider the vote on Article 9 in order to proffer an appropriation between the Finance Committee's recommended appropriation and the Board of Selectmen's recommended appropriation. The Moderator called for a vote on the Motion. The Moderator declared that the Motion for Reconsideration failed.

Upon the motion of Selectman Glenn Kemper, it was voted to adjourn and dissolve the 2020 Annual Town Meeting at 12:45 P.M.

Attest:

A handwritten signature in black ink, appearing to read "Michael P. McCarron". The signature is fluid and cursive, written over a light blue horizontal line.

Michael P. McCarron
Town Clerk

Cc: Board of Selectmen
Board of Assessors
Town Accountant (2)
Finance Committee

FY 2021 Omnibus Budget



	FY 2018	FY 2019			FY 2020	FY 2021		Change from FY20		APPROVED Sat., June 27, 2020 Annual Town Meeting
	Expended	Approved Budget	Expended	Turnbacks/ Transfers	Approved Budget	Board of Selectmen	FinCom Proposed	\$	%	
GENERAL GOVERNMENT										
1 MODERATOR										
Salary & Wages	200	200	200	-	200	200	200	0	0.0%	200
Expenses	20	60	-	60	60	60	60	0	0.0%	60
SUBTOTAL	220	260	200	60	260	260	260	0	0.0%	260
2 SELECTMEN										
Salary & Wages	68,328	-	-	-	-	32,860	32,860	32,860		32,860
Professional and Technical Services	4,450	10,000	8,359	1,641	13,600	10,000	10,000	(3,600)	-26.5%	10,000
Expenses	5,640	5,000	4,700	300	7,000	7,000	7,000	0	0.0%	7,000
SUBTOTAL	78,418	15,000	13,059	1,941	20,600	49,860	49,860	29,260	142.0%	49,860
3 TOWN MANAGER										
Town Manager Salary		145,000	145,000	-	147,900	150,858	150,858	2,958	2.0%	150,858
Salary & Wages		110,168	109,980	188	77,870	70,679	70,679	(7,191)	-9.2%	70,679
Technology Expenses		35,744	34,257	1,487	39,000	51,865	51,865	12,865	33.0%	51,865
Expenses, Comms (bldg), Dues/Subscr/Cont. Ed		36,517	36,377	140	20,100	18,055	18,055	(2,045)	-10.2%	18,055
Vehicle Allowance		3,600	3,600	-	3,600	3,600	3,600	0	0.0%	3,600
SUBTOTAL		331,029	329,214		288,470	295,057	295,057	6,587	2.3%	295,057
4 FINANCE COMMITTEE										
Salaries	1,800	1,800	-	1,800	-	-	-	0		-
Expenses	600	1,000	2,035	(1,035)	1,500	2,000	2,000	500	33.3%	2,000
Reserve Fund	6,000	60,000	8,800	51,200	60,000	60,000	60,000	0	0.0%	60,000
SUBTOTAL	8,400	62,800	10,835	51,965	61,500	62,000	62,000	500	0.8%	62,000
5 BOARD OF ASSESSORS										
Salary & Wages	118,446	121,844	122,012	(168)	125,180	127,409	127,409	2,229	1.8%	127,409
Board of Assessors Salaries		-	-	-	-	-	-	0		-
Board and Clerk mileage reimb.					1,500	250	250	(1,250)		250
Expenses & Contracted Services	37,553	41,900	40,647	1,253	46,900	56,258	56,258	9,358	20.0%	56,258
Vehicle Allowance/Mileage/Cellphone	761	1,500	347	1,153	2,400	2,047	2,047	(353)	-14.7%	2,047
SUBTOTAL	156,760	165,244	163,006	2,238	175,980	185,964	185,964	9,984	5.7%	185,964



	FY 2018	FY 2019		FY 2020	FY 2021		Change from FY20		APPROVED Sat., June 27, 2020 Annual Town Meeting
	Expended	Approved Budget	Expended	Turnbacks/ Transfers	Approved Budget	Board of Selectmen	FinCom Proposed	\$ %	
6 FINANCE DEPARTMENT									
Salary & Wages	298,257	153,242	156,204	(2,962)	183,390	179,619	179,619	(3,771) -2.1%	179,619
Annual Audit	18,500	18,500	18,500	-	20,500	20,500	20,500	0 0.0%	20,500
Tax Title and Foreclosure	525	1,000	604	396	1,000	800	800	(200) -20.0%	800
Technology Expenses	29,567	-	-	-	-	-	-	0 0	-
Communication Expense	6,502	-	-	-	-	-	-	0 0	-
Postage Expense	13,517	-	-	-	15,000	15,050	15,050	50 0.0%	15,050
Mileage	552	-	-	-	2,200	1,200	1,200	(1,000) -45.5%	1,200
Finance Dept Expenses	36,126	31,400	27,536	3,864	29,100	28,120	28,120	(980) -3.4%	28,120
SUBTOTAL	403,547	204,142	202,844	1,298	251,190	245,289	245,289	(5,901) -2.3%	245,289
7 SPECIAL COUNSEL									
Legal Fees and Expenses	-	-	-	-	15,000	12,500	12,500	(2,500) -16.7%	12,500
SUBTOTAL	-	-	-	-	15,000	12,500	12,500	(2,500) -16.7%	12,500
8 TOWN CLERK/TOWN COUNSEL									
Salary & Wages	106,914	111,924	110,149	1,775	116,657	122,478	122,478	5,821 5.0%	122,478
Operation of Fax/Photo Machine	4,992	5,500	5,213	287	5,650	5,650	5,650	0 0.0%	5,650
Town Clerk's Expenses	6,452	9,475	3,988	5,487	6,450	6,450	6,450	0 0.0%	6,450
SUBTOTAL	118,358	126,899	119,350	7,549	128,757	134,578	134,578	5,821 4.5%	134,578
9 BOARD OF REGISTRARS/ELECTIONS									
Town Clerk Compensation	150	150	150	-	150	200	200	50 33.3%	200
Bd of Registrars Salary & Wages	2,023	5,400	5,427	(27)	4,400	6,500	6,500	2,100 47.7%	6,500
Bd of Registrars Expenses	5,463	9,025	6,534	2,491	7,500	7,377	7,377	(123) -1.6%	7,377
SUBTOTAL	7,635	14,575	12,111	2,464	12,050	14,077	14,077	2,027 16.8%	14,077
10 CONSERVATION COMMISSION									
Salary & Wages	28,026	29,187	28,995	192	29,440	26,910	27,965	(1,475) -5.0%	27,965
Salary & Wages (Land Agent)	-	-	-	-	-	2,691	2,796	2,796 100.0%	2,796
Con Com Vehicle Allowance	600	600	600	-	600	720	720	120 20.0%	720
Conservation Com Expenses	2,398	2,410	1,648	762	2,410	2,410	2,410	0 0.0%	2,410
SUBTOTAL	31,024	32,197	31,243	954	32,450	32,731	33,891	1,441 4.4%	33,891
11 PLANNING BOARD									
Salary & Wages	46,197	47,634	44,077	3,557	55,390	56,282	56,282	892 1.6%	56,282
Planning Bd Expenses	2,197	3,600	5,791	(2,191)	6,600	6,600	6,600	0 0.0%	6,600
MVPC Assessment	1,545	1,584	1,583	1	1,623	1,664	1,664	41 2.5%	1,664
SUBTOTAL	49,938	52,818	51,451	1,367	63,613	64,546	64,546	933 1.5%	64,546
12 BOARD OF APPEALS									
Salary & Wages	1,000	1,000	1,000	-	1,000	-	-	(1,000) -100.0%	-
ZBA Expenses	410	500	-	500	400	700	700	300 75.0%	700
SUBTOTAL	1,410	1,500	1,000	500	1,400	700	700	(700) -50.0%	700



	FY 2018	FY 2019		FY 2020	FY 2021		Change from FY20		APPROVED Sat., June 27, 2020 Annual Town Meeting
	Expended	Approved Budget	Expended	Turnbacks/ Transfers	Approved Budget	Board of Selectmen	FinCom Proposed	\$ %	
13 OPEN SPACE COMMITTEE									
Open Space Expenses	121	750	278	472	750	750	750	0 0.0%	750
SUBTOTAL	121	750	278	472	750	750	750	0 0.0%	750
14 CABLE ADVISORY COMMITTEE									
Expenses	-	-	-	-	-	-	-	0	-
SUBTOTAL	-	-	-	-	-	-	-	0	-
TOTAL GENERAL GOVERNMENT:	855,830	1,007,214	934,591	70,808	1,052,020	1,098,312	1,099,472	47,452 4.5%	1,099,472
PUBLIC SAFETY									
15 POLICE DEPARTMENT									
Salary & Wages	782,659	872,371	809,282	63,089	902,049	924,600	925,677	23,628 2.6%	925,677
Police OT Wages	46,869	55,487	51,729	3,758	55,487	50,000	60,791	5,304 9.6%	60,791
School Resource Officer	20,807	35,334	62,511	(27,177)	65,537	67,175	67,495	1,958 3.0%	67,495
Police Expenses	93,297	109,359	88,937	20,422	104,229	102,204	102,204	(2,025) -1.9%	102,204
Police Cruiser	-	32,000	32,000	-	37,000	36,000	36,000	(1,000) -2.7%	36,000
SUBTOTAL	943,632	1,104,551	1,044,459	60,092	1,164,302	1,179,979	1,192,167	27,865 2.4%	1,192,167
16 FIRE DEPARTMENT									
Fire Alarm Wages	85,727	83,948	72,989	10,959	89,000	90,780	90,780	1,780 2.0%	90,780
Fire Training/Drills	25,337	26,284	20,377	5,907	26,284	26,810	26,810	526 2.0%	26,810
Fire Dept Other Wages	29,651	23,086	23,085	1	25,000	25,500	25,500	500 2.0%	25,500
Fire Administration Wages	17,771	25,730	19,832	5,898	25,730	26,245	26,245	515 2.0%	26,245
Fire Dept. Medical Exam	1,052	3,000	2,028	972	5,000	5,000	5,000	0 0.0%	5,000
Hydrant/Fire Protection (to Water Dept)	68,720	72,156	72,156	-	77,207	77,207	77,207	0 0.0%	77,207
Fire Alarm Communications	13,237	11,000	3,607	7,393	11,000	11,000	11,000	0 0.0%	11,000
Fire Expenses	36,758	42,600	66,443	(23,843)	46,000	46,000	46,000	0 0.0%	46,000
SUBTOTAL	278,252	287,804	280,517	7,287	305,221	308,542	308,542	3,321 1.1%	308,542
17 AMBULANCE SERVICE									
Purchase of Services	-	-	-	-	-	-	-	0	-
SUBTOTAL	-	-	-	-	-	-	-	0	-
18 INSPECTION DEPARTMENT									
Salary & Wages	115,782	122,690	117,291	5,399	125,910	124,876	124,876	(1,034) -0.8%	124,876
Inspectors Expenses	5,475	9,490	8,813	677	9,270	13,670	13,670	4,400 47.5%	13,670
Inspectors' Vehicle Allowances	4,980	4,980	4,565	415	4,980	5,880	5,880	900 18.1%	5,880
SUBTOTAL	126,238	137,160	130,669	6,491	140,160	144,426	144,426	4,266 3.0%	144,426



	FY 2018	FY 2019			FY 2020	FY 2021		Change from FY20		APPROVED
	Expended	Approved Budget	Expended	Turnbacks/ Transfers	Approved Budget	Board of Selectmen	FinCom Proposed	\$	%	Sat., June 27, 2020 Annual Town Meeting
19 EMERGENCY MANAGEMENT AGENCY										
Salary & Wages	7,746	7,901	7,337	564	8,059	8,783	8,783	724	9.0%	8,783
Emergency Mgmt Expenses	3,265	3,265	1,211	2,054	3,265	3,000	3,000	(265)	-8.1%	3,000
SUBTOTAL	11,011	11,166	8,548	2,618	11,324	11,783	11,783	459	4.1%	11,783
20 ANIMAL CONTROL OFFICER										
Animal Control Expenses	21,500	23,460	22,865	595	24,050	25,073	25,073	1,023	4.3%	25,073
SUBTOTAL	21,500	23,460	22,865	595	24,050	25,073	25,073	1,023	4.3%	25,073
21 HARBORMASTER										
Contracted Services		3,000	-	3,000	2,000	2,000	2,000	0	0.0%	2,000
Harbormaster Exp		3,000	226	2,774	-	-	-	0		-
SUBTOTAL		6,000	226	5,774	2,000	2,000	2,000	0	0.0%	2,000
22 PUBLIC SAFETY DISPATCH										
Salary & Wages	211,414	256,618	216,150	40,468	267,006	273,054	273,054	6,048	2.3%	273,054
Municipal Dispatch OT Wages	18,411	25,520	20,023	5,497	24,229	25,286	25,286	1,057	4.4%	25,286
Municipal Dispatch Expenses	19,580	26,370	23,907	2,463	26,370	27,175	27,175	805	3.1%	27,175
SUBTOTAL	249,405	308,508	260,080	48,428	317,605	325,515	325,515	7,910	2.5%	325,515
TOTAL PUBLIC SAFETY:	1,630,037	1,878,649	1,747,364	131,285	1,964,662	1,997,318	2,009,506	44,844	2.3%	2,009,506
EDUCATION										
23 PENTUCKET										
Pentucket Regional Sch Assessment	6,794,510	7,176,348	7,176,348	-	7,372,813	7,387,515	7,387,515	14,702	0.2%	7,387,515
Pentucket Capital Assessment	57,860	64,162	64,162	-	58,227	710,567	710,567	652,340	1120.3%	710,567
Pentucket Assessment Page Phase II	526,060	511,988	511,988	-	509,538	501,438	501,438	(8,100)	-1.6%	501,438
SUBTOTAL	7,378,430	7,752,498	7,752,498	-	7,940,578	8,599,520	8,599,520	658,942	8.3%	8,599,520
24 WHITTIER										
Whittier Minimum Contribution	305,615	232,543	232,543	-	225,975	151,344	151,344	(74,631)	-33.0%	151,344
Whittier Other Assessments	60,891	49,486	49,486	-	40,443	24,248	24,248	(16,195)	-40.0%	24,248
Whittier Debt/Capital Assess	15,056	20,320	20,320	-	21,993	21,781	21,781	(212)	-1.0%	21,781
SUBTOTAL	381,562	302,349	302,349	-	288,411	197,373	197,373	(91,038)	-31.6%	197,373
25 ESSEX NORTH SHORE AGRICULTURAL										
Essex North Shore Reg. Voc. Tech	17,205	19,575	-	19,575	17,200	34,652	34,652	17,452	101.5%	34,652
SUBTOTAL	17,205	19,575	-	19,575	17,200	34,652	34,652	17,452	101.5%	34,652
TOTAL EDUCATION:	7,777,197	8,074,422	8,054,847	19,575	8,246,189	8,831,545	8,831,545	585,356	7.1%	8,831,545



	FY 2018	FY 2019			FY 2020	FY 2021		Change from FY20		APPROVED Sat., June 27, 2020 Annual Town Meeting
	Expended	Approved Budget	Expended	Turnbacks/ Transfers	Approved Budget	Board of Selectmen	FinCom Proposed	\$	%	
DEPARTMENT OF PUBLIC WORKS										
26 DEPARTMENT OF PUBLIC WORKS										
Salary & Wages	427,280	434,243	432,642	1,601	461,589	475,001	475,001	13,412	2.9%	475,001
DPW Overtime Wages	6,082	10,404	8,716	1,688	10,404	12,300	12,300	1,896	18.2%	12,300
Snow & Ice Removal	234,083	150,000	199,491	(49,491)	150,000	150,000	150,000	0	0.0%	150,000
Town Bldgs Operating Expenses	196,390	96,400	114,411	(18,011)	96,400	117,850	117,850	21,450	22.3%	117,850
Town Bldgs Improvements	51,000	51,000	49,523	1,477	51,000	51,000	51,000	0	0.0%	51,000
Street/Paving Repairs	70,000	70,000	28,054	41,946	70,000	70,000	70,000	0	0.0%	70,000
Highway, Sidewalk & Trees	140,000	140,000	94,351	45,649	140,000	142,262	142,262	2,262	1.6%	142,262
DPW Vehicle Allowance	6,000	6,000	5,225	775	6,000	6,000	6,000	0	0.0%	6,000
DPW Expenses	4,615	4,800	8,228	(3,428)	9,132	14,250	14,250	5,118	56.0%	14,250
Parks Expense	14,042	15,000	12,838	2,162	15,000	15,000	15,000	0	0.0%	15,000
Public Street Lights	5,667	13,000	7,895	5,105	7,000	7,000	7,000	0	0.0%	7,000
Electricity		70,000	69,936	64	70,000	70,000	70,000	0	0.0%	70,000
Road Machinery Operating Expen	51,107	49,000	55,900	(6,900)	49,000	51,000	51,000	2,000	4.1%	51,000
Stormwater management	-	-	-	-	10,000	13,500	13,500	3,500		13,500
SUBTOTAL	1,206,266	1,109,847	1,087,210	22,637	1,145,525	1,195,163	1,195,163	49,638	4.3%	1,195,163
TOTAL PUBLIC WORKS:	1,206,266	1,109,847	1,087,210	22,637	1,145,525	1,195,163	1,195,163	49,638	4.3%	1,195,163
HUMAN SERVICES										
27 BOARD OF HEALTH										
Salary & Wages	115,057	118,393	117,362	1,031	122,620	124,592	124,592	1,972	1.6%	124,592
Public Health Nurse	3,840	3,840	3,840	-	3,840	4,800	4,800	960	25.0%	4,800
Public Health Nurse (COVID-19)						3,375	3,375	3,375		3,375
Waste Collection & Disposal	305,770	316,680	303,116	13,564	325,080	384,660	384,660	59,580	18.3%	384,660
Recycling		50,000	39,264		50,000	66,000	66,000	16,000	32.0%	66,000
Hazardous Waste Expense	2,157	2,000	748	1,252	2,000	2,000	2,000	0	0.0%	2,000
Bd of Health Expenses	17,712	12,415	7,478	4,937	6,500	7,000	7,000	500	7.7%	7,000
Steele landfill monitoring		30,000	31,568	(1,568)	22,646	35,390	35,390	12,744	56.3%	35,390
SUBTOTAL	444,536	533,328	503,376	19,216	532,686	627,817	627,817	95,131	17.9%	627,817
28 COUNCIL ON AGING										
Salary & Wages	63,273	64,296	61,761	2,535	72,950	80,174	80,174	7,224	9.9%	80,174
Council on Aging Expenses	17,669	18,500	17,308	1,192	19,500	19,500	19,500	0	0.0%	19,500
SUBTOTAL	80,942	82,796	79,069	3,727	92,450	99,674	99,674	7,224	7.8%	99,674
29 COMMUNITY CENTER COMMITTEE										
Salary & Wages		3,600	-	-	-	-	-	0		-
Community Center Expenses	365	2,400	-	2,400	-	-	-	0		-
SUBTOTAL	365	6,000	-	2,400	-	-	-	0		-



	FY 2018	FY 2019		FY 2020	FY 2021		Change from FY20		APPROVED Sat., June 27, 2020 Annual Town Meeting
	Expended	Approved Budget	Expended	Turnbacks/ Transfers	Approved Budget	Board of Selectmen	FinCom Proposed	\$ %	
30 VETERANS									
Rental C.L. Carr Post	-	1	-	1	-	-	-	0	-
Soldiers Grave Expense	2,600	2,600	2,385	215	2,600	2,600	2,600	0 0.0%	2,600
Memorial Day Expense	600	5,000	4,207	793	600	650	650	50 8.3%	650
Northern Essex Veterans Services	5,320	27,637	23,039	4,598	30,357	21,112	21,112	(9,245) -30.5%	21,112
Other Assessments-Veterans Services	16,929					10,000	10,000	10,000	24,000
SUBTOTAL	25,449	35,238	29,631	5,607	33,557	34,362	34,362	805 2.4%	48,362
TOTAL HUMAN SERVICES:	551,291	657,362	612,076	30,950	658,693	761,853	761,853	103,160 15.7%	775,853
CULTURE & RECREATION									
31 LIBRARY									
Salary & Wages	248,016	255,518	254,923	595	263,813	265,895	258,326	(5,487) -2.1%	258,326
Library Expense	32,491	32,500	32,500	-	33,000	33,000	33,000	0 0.0%	33,000
Library Books and Periodicals	65,999	66,000	65,991	9	67,000	68,000	68,000	1,000 1.5%	68,000
SUBTOTAL	346,506	354,018	353,414	604	363,813	366,895	359,326	(4,487) -1.2%	359,326
32 RECREATION									
Salary & Wages					1,800	1,800	1,800	0	1,800
Recreation Expenses	7,344	7,344	7,309	35	5,500	5,500	5,500	0 0.0%	5,500
Action Cove Expenses		5,000	5,000		3,000	3,000	3,000	0 0.0%	3,000
SUBTOTAL	7,344	12,344	12,309	35	10,300	10,300	10,300	0 0.0%	10,300
33 MILL POND OPERATING EXPENSES									
Mill Pond Operating Expenses	549	4,450	602	3,848	2,100	2,100	2,100	0 0.0%	2,100
SUBTOTAL	549	4,450	602	3,848	2,100	2,100	2,100	0 0.0%	2,100
34 BANDSTAND									
Operating Expenses	5,049	6,000	6,000	-	6,000	6,000	6,000	0 0.0%	6,000
SUBTOTAL	5,049	6,000	6,000	-	6,000	6,000	6,000	0 0.0%	6,000
35 HISTORICAL COMMISSION									
Historical Commission Expenses	302	500	340	160	500	600	600	100 20.0%	600
SUBTOTAL	302	500	340	160	500	600	600	100 20.0%	600
36 CULTURAL COUNCIL									
Cultural Council Expense	76	100	82	18	100	100	100	0 0.0%	100
SUBTOTAL	76	100	82	18	100	100	100	0 0.0%	100
TOTAL CULTURE & RECREATION:	359,525	376,912	372,407	4,505	382,313	385,395	377,826	(4,487) -1.2%	377,826

OMNIBUS BUDGET



	FY 2018	FY 2019			FY 2020	FY 2021		Change from FY20		APPROVED Sat., June 27, 2020 Annual Town Meeting
	Expended	Approved Budget	Expended	Turnbacks/ Transfers	Approved Budget	Board of Selectmen	FinCom Proposed	\$	%	
DEBT SERVICE										
37 DEBT SERVICE										
Principal	470,000	340,000	340,000	-	350,614	344,700	344,700	(5,914)	-1.7%	344,700
Interest	41,000	29,000	31,900	(2,900)	22,200	11,300	11,300	(10,900)	-49.1%	11,300
SUBTOTAL	511,000	369,000	371,900	(2,900)	372,814	356,000	356,000	(16,814)	-4.5%	356,000
TOTAL DEBT SERVICE:	511,000	369,000	371,900	(2,900)	372,814	356,000	356,000	(16,814)	-4.5%	356,000
BENEFITS										
38 ESSEX COUNTY RETIREMENT FUND										
Essex Regional Retirement Assess	555,396	641,424	641,424	-	660,171	687,493	687,493	27,322	4.1%	687,493
SUBTOTAL	555,396	641,424	641,424	-	660,171	687,493	687,493	27,322	4.1%	687,493
39 UNEMPLOYMENT COMPENSATION										
Unemployment Insurance		1	-		1	1	1	0	0.0%	1
SUBTOTAL	-	1	-	-	1	1	1	0	0.0%	1
40 EMPLOYEES' HEALTH INSURANCE										
Group Insurance	378,958	422,570	413,400	9,170	465,397	479,745	479,745	14,348	3.1%	479,745
SUBTOTAL	378,958	422,570	413,400	9,170	465,397	479,745	479,745	14,348	3.1%	479,745
41 MEDICARE INSURANCE (FICA)										
FICA Insurance	43,774	45,525	45,176	349	48,279	49,486	49,486	1,207	2.5%	49,486
SUBTOTAL	43,774	45,525	45,176	349	48,279	49,486	49,486	1,207	2.5%	49,486
42 OPEB										
Other Post Ret Benefits			-	-	1	1	1	0		1
SUBTOTAL	-	-	-	-	1	1	1	0		1
43 INSURANCE AND BONDS										
Insurance and Bonds	161,365	170,000	161,801	8,199	172,832	189,990	189,990	17,158	9.9%	189,990
SUBTOTAL	161,365	170,000	161,801	8,199	172,832	189,990	189,990	17,158	9.9%	189,990
TOTAL BENEFITS:	1,139,493	1,279,520	1,261,801	17,718	1,346,681	1,406,716	1,406,716	60,035	4.5%	1,406,716
TRANSFERS OUT - STABILIZATIONS										
44 Transfers Out - Capital Stabilization										
		300,000	300,000	-	500,000	500,000	500,000	0	0.0%	500,000
SUBTOTAL	-	300,000	300,000	-	500,000	500,000	500,000	0	0.0%	500,000
GRAND TOTAL OMNIBUS BUDGET	14,030,941	15,053,426	14,742,536	294,738	15,669,396	16,532,901	16,538,680	869,284	5.5%	16,552,680

ANNUAL TOWN MEEING JUNE 27, 2020
FISCAL YEAR 2021
VOTED

ART. #	ARTICLE DESCRIPTION	AMOUNT	FROM RAISE & APPROPRIATE	FROM FREE CASH	OTHER AVAILABLE FUNDS	WATER DEPT. ENTERPRISE FUND	BORROWING
1.	NO MONEY						
2.	NO MONEY						
3.	Omnibus Budget	\$ 16,552,680.00	\$16,552,680.00				
4.	NO MONEY						
5.	Water Dept. Budget	\$ 861,446.00				\$861,446.00	
6.	NO MONEY	\$					
7.	NO MONEY	\$					
8.	School Stab Fund	\$ 328,600.00	\$ 328,600.00				
9.	School Debt.	\$ 247,647.00			\$ 247,647.00		
10.	Septic Loan Fund	\$ 21,965.20			\$ 21,965.20		
11.	NO MONEY	\$					
12.	CPA Reserves	\$ 432,400.00			\$ 432,400.00		
13.	Land Restriction	\$ 175,000.00			\$ 175,000.00		
14.	CPC Bond	\$ 85,000.00			\$ 85,000.00		
15.	NO MONEY	\$					
16.	Fire Alarm Page	\$ 304,000.00			\$304,000.00		
17.	Page Floors	\$ 40,000.00			\$ 40,000.00		
18.	Police Radios	\$ 19,000.00		\$ 19,000.00			
19.	Fire rescue suits	\$ 4,000.00		\$ 4,000.00			
20.	Fire fans	\$ 7,500.00		\$ 7,500.00			
21.	NO MONEY	\$					
22.	NO MONEY	\$					
23.	Revolving Funds	\$ 79,350.00			\$ 79,350.00		
24.	NO MONEY	\$					
		\$19,158,588.20	\$16,881,280.00	\$ 30,500.00	\$ 1,385,362.20	\$861,446.00	



TOWN OF WEST NEWBURY

Michael P. McCarron
Town Clerk

381 Main Street
West Newbury, MA 01985
978-363-1100 ext. 110
978-363-1117 (Fax)
mmccarron@wnewbury.org

June 30, 2020

Mr. Angus Jennings, Town Manager
Town of West Newbury
381 Main Street
West Newbury, MA 01985

RECEIVED
JUN 30 2020
TOWN MANAGER
TOWN OF WEST NEWBURY

Dear Mr. Jennings:

The following is a report of expenditures voted at the Second Special Town Meeting which convened on June 27, 2020 and adjourned the same date, together with other votes affecting the finances of the Town. Also, included with this report is a schedule of the funding of appropriations.

Pursuant to the Warrant issued by the Selectmen on June 8, 2020, which was posted on June 11, 2020 according to law by Constable Brian Richard, who made proper return of his doings thereon, a special town meeting was scheduled for 10:00 AM on June 27, 2020. This Special Town Meeting was held pursuant to a citizen's petition. The Special Town Meeting was held on June 27, 2020 at the field located behind the Town Office Complex, 379 Main Street, West Newbury. On June 23, 2020, the Board of Selectmen voted, with the consent of the Town Moderator, in accordance with Section 7 of Chapter 92 of the Acts of 2020 to reduce the quorum requirement for all articles from ninety (90) registered voters to forty (40) registered voters. The meeting was called to order at 12:45 PM by the Moderator, Kathleen C. Swallow, upon report by the Board of Registrars of a quorum of 40 or more registered voters. The Town Clerk read the return of service.

ARTICLE 1. The Finance Committee recommended approval of this Article.

Town Meeting Member Donald Doak moved to transfer from free cash the sum of \$100,000.00 for the Board of Selectmen to hire and retain professional services, including but not limited to, legal, engineering and environmental, to examine, advise and review the proposed 40B Project located at 566 Main Street and 28 Coffin Street. Any remaining funds will be closed out to the undesignated fund balance at the close of Fiscal Year 2022.

Town Clerk's Report

The Moderator declared that the Motion passed by majority vote.

At 12:53 P.M. on the motion of Selectman Glenn Kemper, it was unanimously voted to dissolve the Second Special Town Meeting.

Attest:

A handwritten signature in black ink, appearing to read "Michael P. McCarron". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael P. McCarron
Town Clerk

Cc: Board of Selectmen
Board of Assessors
Town Accountant (2)
Finance Committee

SECOND SPECIAL TOWN MEETING JUNE 27, 2020
 FISCAL YEAR 2021
 VOTED

ART. #	<u>ARTICLE DESCRIPTION</u>	<u>AMOUNT</u>	<u>FROM RAISE & APPROPRIATE</u>	<u>FROM FREE CASH</u>	<u>OTHER AVAILABLE FUNDS</u>	<u>WATER DEPT. ENTERPRISE FUND</u>	<u>BORROWING</u>
1.BOS	Professional Services	\$100,000.00		\$100,000.00			
		<u>\$100,000.00</u>		<u>\$100,000.00</u>			

Town Manager

From: cmsmailer@civicplus.com on behalf of Jennifer Costain via Town of West Newbury MA <cmsmailer@civicplus.com>
Sent: Sunday, June 28, 2020 8:34 PM
To: Selectmen
Subject: Board of Selectmen

Submitted on Sunday, June 28, 2020 - 8:34pm Submitted by anonymous user: 172.68.54.176 Submitted values are:

Subject: Board of Selectmen

Regarding: General Inquiry

Message: I just wanted to congratulate the town government leaders for a wonderful town meeting on Saturday morning. I know how hard it is to make a large meeting seem like routine business - it was well organized, everyone was well informed and able to respond to questions, the folks who did check in and vote counting did a great job, the sound system was perfect and of course KC Swallow is AMAZING. Please extend my gratitude to all involved for the hard work on our behalf - it was great.

==Please provide the following information==

Your Name: Jennifer Costain

Your E-mail Address: [REDACTED]

Phone Number: [REDACTED]

==Address==

Street: 611 MAIN ST

City: WEST NEWBURY

State: Massachusetts

Zipcode: 01985

The results of this submission may be viewed at:

<https://www.wnewbury.org/node/2/submission/4646>

June 29, 2020

Board of Selectmen of West Newbury
3181 Main Street
West Newbury, MA 01985

Dear Mr. Chairman:

After three consecutive Town Meetings, I feel compelled to speak out about the progressively irresponsible behavior of the Finance Committee. As the board charged with providing objective fiscal advice to town meeting and town officials in general, the committee has engaged in half-truths, fabrications of facts, and reckless recommendations for the town to default on its legal financial obligations. Worse, this irresponsible behavior seems rooted in a belief that their judgement should trump the overwhelming support of West Newbury voters have consistently given the Community Preservation Act and the Community Preservation Committee.

I request that the Board of Selectman and all elected and appointed town officials fulfill their obligations to the town and speak out when ANY committee that presents bias, untruthful and illegal recommendations to Town Meeting in the future. The Finance Committee can no longer be trusted to provide Town Meeting with fair and objective analysis which is required for open debate and sound decision making. While I am not advocating for any kind of censorship, at the same time, I think we all can agree that the town cannot tolerate false, misleading or illegal recommendations being made by town committees.

I first noticed this pattern of deception by the Finance Committee during the 2019 Spring Town Meeting in the informational materials the Finance Committee provided. The committee was split on whether to recommend a reduction in the CPA program. In the Committee's argument in favor of cutting the CPA program, the committee claimed the fund was underutilized and outlined several small projects supported by the fund. Yet, I pointed out at that town meeting, the Committee failed to mention the \$1 million plus CPA funds that paid for Page School renovations. This was a very relevant fact, given the position of some on FinCom that the CPA funds were not being utilized. There is no other way to describe this omission: The Finance Committee told Town Meeting a half-truth regarding the amount of CPC money spent.

The half-truths evolved into fabricated facts at the 2019 Fall Town Meeting regarding the CPC proposal concerning the historical preservation of the Soldiers and Sailors Memorial Building. FinCom members opposed to this proposal switched their narrative from the previous town meeting, cautioning the CPC funds were limited and most of the remaining funds were already designated for future capital projects like land for drinking water or future renovations for Page School. At town meeting, I asked all town officials present if this were true? Both the Town Manager and the Chair of the Selectmen said this claim was not true.

I am not aware of any repercussions for the FinCom's fabrication of facts they presented to Town Meeting. So I wasn't surprised their behavior became more brazen and irresponsible when members of the FinCom used their personal views to replace their responsibilities as members of the committee charged advising town meeting on fiscal issues.

Once again, some members of the FinCom presented dishonest fabrications and half-truths in opposing CPC funds for a playground. But first some background. As many of us are aware, about 10 years ago the town debated and decided on the course we would take in educating elementary age children in the town for the next generation. We debated, "do we renovate Page School or build a new school?" We decided to renovate Page School to the tune of about \$12 million (I believe) and we were told then that the school would require smaller infrastructure improvements (like a new playground for \$500,000). Instead of building a \$50 million school, we choose to renovate Page. Yet members of the FinCom presented revisionist history in arguing against funding a children's playground with CPC funds. They cited the "deteriorating condition" of Page and the FinCom members "wished to know how the long-term renovation/replacement plans for Page" would impact spending on a new playground. In another part of their statement, they repeated the same rhetoric about a possible "relocation" of Page School.

Only by taking these comments literally—yes, the town will have to plan for Page School's replacement in twenty to thirty years—can the FinCom's statements have any credibility. But given the fact that the town has already made that generational decision, the comments in the FinCom's advisory to Town Meeting is 100% misinformation and designed to mislead voters. I wonder what all the supporters of the playground will feel when they learn that not only did members of the Finance Committee provide a false narrative to them, but citizens like me and all town officials—who should have known better--remained silent.

But these transgressions pale in comparison to the recommendation by a majority of FinCom to advise the town to ignore our legal and fiscal obligations of paying a CPC bond that funds the project to renovate the Soldiers and Sailors building which was passed in a 2/3rd vote of town meeting. These three members felt their omniscient views should prevail over a super majority vote of town meeting when they stated in their booklet, "Committee members recognize the Town is now obligated to pay (the) debt...regardless of this (town meeting) vote," it was the members belief that "the project is not the best use of a finite amount of CPA funds."

This kind of behavior is unacceptable and indefensible in a democratic republic. It is an incremental cancer--detected in the Spring of 2019--that has descended on our town government. I write this letter with regret. Regret that I did not speak up in the Spring of 2019 and ask town officials why we allow half-truths from the committee charged with providing fiscal advice to the town. I regret not speaking up when these half-truths evolved into complete fabrications of the truth last Fall. But this behavior has metastasized to a point where I must speak out.

I understand this is a complex issue and everyone must enjoy the ability to express their opinions freely and not be censored. Nor am I criticizing fellow citizens for stating their personal opinions. But town government cannot allow for the personal views of committee members to override their official town responsibilities. As I said at town meeting, if they cannot do that, they need to resign from their town position, so that they can freely advocate the town default on our bonds as a private citizen and not as a member of the Finance Committee.

I understand a reluctance of any town board or other town officials in censoring the written recommendations of an independent committee. But you all have a responsibility to the town to speak out, either as an individual or as a board, to correct misinformation or advised to default on legal obligations.

This can be achieved by informal, or if necessary, formal procedures by other town officials who can use their voice--or the vote of a board--to inform town voters of their concerns regarding the misrepresentation of facts.

I know all of you hold the integrity of town government in the highest regard. Therefore, I ask you do your part in preventing disinformation from creeping into West Newbury.

Sincerely,

Kevin Bowe
West Newbury, M

**Memorandum of Understanding
Between
Pentucket Regional School District
and
West Newbury Police Department**

This agreement (the “Agreement”) is made by and between Pentucket Regional School District (the “District”) and West Newbury Police Department (the “Police Department”) (collectively, the “Parties”). The Chief of Police of the Police Department (the “Chief”) and the Superintendent of the District (“the Superintendent”) are each a signatory to this Agreement. The provisions of this Agreement in **bold typeface** are specifically required by law under G.L. c. 71, § 37P.

I. Purpose

The purpose of this Agreement is to formalize and clarify the partnership between the District and the Police Department to implement a School Resource Officer (“SRO”) program (the “Program”) Pentucket Regional High and Middle Schools (the “School”) in order to promote school safety; help maintain a positive school climate for all students, families, and staff; enhance cultural understanding between students and law enforcement; promote school participation and completion by students; facilitate appropriate information-sharing; and inform the Parties’ collaborative relationship to best serve the school community.

This memorandum is not intended to, does not, and may not be relied upon to create any rights, substantive or procedural, enforceable by any person in any civil or criminal matter.

II. Mission Statement, Goals, and Objectives

The mission of the Program is to support and foster the safe and healthy development of all students in the District through strategic and appropriate use of law enforcement resources and with the mutual understanding that school participation and completion is indispensable to achieving positive outcomes for youth and public safety.

The Parties are guided by the following goals and objectives (the “Goals and Objectives”):

- To foster a safe and supportive school environment that allows all students to learn and flourish regardless of race, religion, national origin, immigration status, gender, disability, sexual orientation, gender identity, and socioeconomic status;
- To promote a strong partnership and lines of communication between school and police personnel and clearly delineate their roles and responsibilities;
- To establish a framework for principled conversation and decision-making by school and police personnel regarding student misbehavior and students in need of services;

- To ensure that school personnel and SROs have clearly defined roles in responding to student misbehavior and that school administrators are responsible for code of conduct and routine disciplinary violations;
- To minimize the number of students unnecessarily out of the classroom, arrested at school, or court-involved;
- To encourage relationship-building by the SRO such that students and community members see the SRO as a facilitator of needed supports as well as a source of protection;
- To provide requirements and guidance for training including SRO training required by law and consistent with best practices, and training for school personnel as to when it is appropriate to request SRO intervention;
- To outline processes for initiatives that involve the SRO and school personnel, such as violence prevention and intervention and emergency management planning; and
- To offer presentations and programming to the school focusing on criminal justice issues, community and relationship building, and prevention, health, and safety topics.

III. Structure and Governance

The Parties acknowledge the importance of clear structures and governance for the Program. The Parties agree that communicating these structures to the school community, including teachers and other school staff, students, and families, is important to the success of the Program.

A. Process for Selecting SRO

The Parties acknowledge that the selection of the SRO is a critical aspect of the Program and that it is important for the Parties and the school community to have a positive perception of and relationship with the SRO.

In accordance with state law, the Chief shall assign an officer whom the Chief believes would foster an optimal learning environment and educational community and shall give preference to officers who demonstrate the requisite personality and character to work in a school environment with children and educators and who have received specialized training in child and adolescent cognitive development, de-escalation techniques, and alternatives to arrest and diversion strategies. The Chief shall work collaboratively with the Superintendent in identifying officers who meet these criteria and in selecting the officer who is ultimately assigned as the SRO.

The Chief shall consider the following additional factors in the selection of the SRO:

- Proven experience working effectively with youth;
- Demonstrated ability to work successfully with a population that has a similar racial and ethnic makeup and language background as those prevalent in the student body, as well as with persons who have physical and mental disabilities;

- Demonstrated commitment to making students and school community members of all backgrounds feel welcomed and respected;
- Demonstrated commitment to de-escalation, diversion, and/or restorative justice, and an understanding of crime prevention, problem-solving, and community policing in a school setting;
- Knowledge of school-based legal issues (e.g., confidentiality, consent), and demonstrated commitment to protecting students' legal and civil rights;
- Knowledge of school safety planning and technology;
- Demonstrated commitment and ability to engage in outreach to the community;
- Knowledge of school and community resources;
- A record of good judgment and applied discretion, including an absence of validated complaints and lawsuits; and
- Public speaking and teaching skills.

In endeavoring to assign an SRO who is compatible with the school community, the Chief shall receive and consider input gathered by the Superintendent from the school principal(s) and representative groups of teachers, parents, and students, in addition to the Superintendent. **In accordance with state law, the Chief shall not assign an SRO based solely on seniority.**

The Chief shall take into account actual or apparent conflicts of interest, including whether an officer is related to a current student at the school to which the officer may be assigned as an SRO. As part of the application process, officers who are candidates for an SRO position shall be required to notify the Chief about any relationships with current students or staff members or students or staff members who are expected to join the school community (e.g., children who are expected to attend the school in the coming years). Any SRO who has a familial or other relationship with a student or staff member that might constitute an actual or apparent conflict of interest shall be required to notify his or her appointing authority at the earliest opportunity. The Police Department shall determine the appropriate course of action, including whether to assign another officer to respond to a particular situation, and will advise the SRO and the District accordingly. Nothing in this paragraph is intended to limit the ability of the SRO to respond to emergency situations in District schools.

B. Supervision of SRO and Chain of Command

The SRO shall be a member of the Police Department and report directly to the West Newbury Police Chief. To ensure clear and consistent lines of communication, the SRO shall meet at least monthly with the principal and any other school officials identified in Section V.A. The SRO shall ensure that the principal remains aware of material interactions and information involving the SRO's work, including, but not limited to, arrests and searches of students' persons and property, consistent with Section V.D.

C. Level and Type of Commitment from Police Department and School District

The salary and benefits of the SRO shall be covered by the Town of West Newbury. In order to defray the costs, the Pentucket Regional School District shall pay the Town of West Newbury the sum of \$30,000.00 for Fiscal Year 2021.

If this agreement is extended pursuant to Section IX herein, the amount of such payment shall increase in each of the subsequent fiscal years by 2.5%, or such greater annual cost of living adjustment as may be contractually obligated pursuant to a Collective Bargaining Agreement between the Town of West Newbury and Teamsters Chauffeurs & Helpers, West Newbury Police Department, Union Local #170. The costs of the training required by this Agreement and any other training or professional development shall be paid by the Town of West Newbury.

The Pentucket Regional School Districts agrees to provide the SRO with a private, appropriately furnished office at the High School which can be secured. This shall include, but is not limited to, a desk with drawers, chairs, filing cabinet for files and records that can be properly locked and secured, as well as a telephone and computer.

D. Integrating the SRO

The Parties acknowledge that proper integration of the SRO can help build trust, relationships, and strong communication among the SRO, students, and school personnel.

The District shall be responsible for ensuring that the SRO is formally introduced to the school community, including students, parents, and staff. The introduction shall include information about the SRO's background and experience, the SRO's role and responsibilities, what situations are appropriate for SRO involvement, and how the SRO and the school community can work together, including how and when the SRO is available for meetings and how and when the school community can submit questions, comments, and constructive feedback about the SRO's work. The introduction for parents shall include information on procedures for communicating with the SRO in languages other than English. The SRO shall also initiate communications with students and teachers to learn their perceptions regarding the climate of their school.

The SRO shall regularly be invited to and attend staff meetings, assemblies, and other school convenings. The SRO shall also be invited to participate in educational and instructional activities, such as instruction on topics relevant to criminal justice and public safety issues. If the District has access to a student rights training through a community partner or the District Attorney's Office, the school shall consider offering such a training to students, where practicable, at the start of each school year. The SRO shall make reasonable efforts to attend such training. The SRO shall not be utilized for support staffing, such as hall monitor, substitute teacher, or cafeteria duty.

The Parties acknowledge that the SRO may benefit from knowledge of accommodations or approaches that are required for students with mental health, behavioral, or emotional concerns who have an individualized education program ("IEP") under the Individuals with Disabilities Education Act or a plan under Section 504 of the Rehabilitation Act

(“504 Plan”). School personnel shall notify parents or guardians of such students of the opportunity to offer the SRO access to the portions of the IEP document or 504 Plan that address these accommodations or approaches. It is within the sole discretion of the parents or guardians to decide whether to permit the SRO to review such documents. If a parent or guardian provides such permission, the SRO shall make reasonable efforts to review the documents. Whenever possible, the school shall make available a staff member who can assist the SRO in understanding such documents.

The SRO shall participate in any District and school-based emergency management planning. The SRO shall also participate in the work of any school threat assessment team to the extent any information sharing is consistent with obligations imposed by the Family Educational Rights and Privacy Act (“FERPA”) (20 U.S.C. § 1232g) (see further information in Section V).

E. Complaint Resolution Process

The Parties shall develop and implement a simple and objective complaint resolution system for all members of the school community to register concerns that may arise with respect to the SRO or the Program. The system shall comply with Police Department policies and shall provide for timely communication of the resolution of the complaint to the complainant. The system shall also allow parents and guardians to submit complaints in their preferred language and in a confidential manner that protects the identity of the complainant from the SRO consistent with the SRO’s due process rights and any applicable employment protections.

All students, parents, guardians, teachers, and administrators shall be informed of the complaint resolution system and procedures at the beginning of each school year.

The Parties shall develop and implement a system that allows for the SRO and other Police Department officers to register concerns, including concerns about misconduct by teachers or administrators, that may arise with respect to the Program.

F. Annual Review of the SRO and the SRO Program

In accordance with state law, the Chief and the Superintendent shall annually review the performance of the SRO and the success and effectiveness of the Program in meeting the Goals and Objectives. The review shall be conducted at the end of each school year in a meeting among the SRO, the Chief, and the Superintendent. Notice of the time and place of the review shall be provided to the West Newbury Town Manager at least one week prior, and the Town Manager shall be provided the opportunity to attend the review at his/her option. A copy of the review shall be supplied to each attendee.

The Chief and Superintendent shall jointly develop and agree in advance on the metrics for measuring the SRO’s performance and the success and effectiveness of the Program. The review shall include measures that reward the SRO’s performance, subject to the

terms of any applicable collective bargaining agreements, for compliance with the terms of this Agreement and the SRO's contributions to achieving the mission, purpose, goals, and objectives as set forth in Sections I and II. The review shall consider SRO efforts to prevent unnecessary student arrests, citations, court referrals, and other use of police authority. The review shall also assess the extent of the SRO's positive interactions with students, families, and staff and the SRO's participation in collaborative approaches to problem-solving, prevention, and de-escalation.

The Chief and Superintendent shall provide a mechanism for receiving feedback from the school community, including principal(s), teachers, students, and families of the school(s) to which the SRO is assigned. The Chief shall seriously consider any such feedback and shall make a good faith effort to address any concerns raised; however, the final selection and assignment of the SRO shall be within the sole discretion of the Chief. If the Superintendent recommends that the SRO not be assigned to a specific school, the Chief shall provide an explanation of any decision to maintain the SRO's assignment.

IV. Roles and Responsibilities of the SRO and School Administrators and Staff in Student Misbehavior

The Parties agree that school officials and the SRO play important and distinct roles in responding to student misbehavior to ensure school safety and promote a positive and supportive learning environment for all students.

Under state law, the SRO shall not serve as a school disciplinarian, as an enforcer of school regulations, or in place of school-based mental health providers, and the SRO shall not use police powers to address traditional school discipline issues, including non-violent disruptive behavior.

The principal or his or her designee shall be responsible for student code of conduct violations and routine disciplinary violations. The SRO shall be responsible for investigating and responding to criminal misconduct. The Parties acknowledge that many acts of student misbehavior that may contain all the necessary elements of a criminal offense are best handled through the school's disciplinary process. The SRO shall read and understand the student code of conduct for both the District and the school.

The principal (or his or her designee) and the SRO shall use their reasoned professional judgment and discretion to determine whether SRO involvement is appropriate for addressing student misbehavior. In such instances, the guiding principle is whether misbehavior rises to the level of criminal conduct that poses (1) real and substantial harm or threat of harm to the physical or psychological well-being of other students, school personnel, or members of the community or (2) real and substantial harm or threat of harm to the property of the school.

In instances of student misbehavior that do not require a law enforcement response, the principal or his or her designee shall determine the appropriate disciplinary response. The principal or his or her designee should prioritize school- or community-based

accountability programs and services, such as peer mediation, restorative justice, and mental health resources, whenever possible.

For student misbehavior that requires immediate intervention to maintain safety (whether or not the misbehavior involves criminal conduct), the SRO may act to deescalate the immediate situation and to protect the physical safety of members of the school community. To this end, school personnel may request the presence of the SRO when they have a reasonable fear for their safety or the safety of students or other personnel.

When the SRO or other Police Department employees have opened a criminal investigation, school personnel shall not interfere with such investigation or act as agents of law enforcement. To protect their roles as educators, school personnel shall only assist in a criminal investigation as witnesses or to otherwise share information consistent with Section V, except in cases of emergency. Nothing in this paragraph shall preclude the principal or his or her designee from undertaking parallel disciplinary or administrative measures that do not interfere with a criminal investigation.

A student shall only be arrested on school property or at a school-related event as a last resort or when a warrant requires such an arrest. The principal or his or her designee shall be consulted prior to an arrest whenever practicable, and the student's parent or guardian shall be notified as soon as practicable after an arrest. In the event of an investigation by the SRO that leads to custodial questioning of a juvenile student, the SRO shall notify the student's parent or guardian in advance and offer them the opportunity to be present during the interview.

In accordance with state law, the SRO shall not take enforcement action against students for Disturbing a School Assembly (G.L. c. 272, § 40) or for Disorderly Conduct or Disturbing the Peace (G.L. c. 272, § 53) within school buildings, on school grounds, or in the course of school-related events.

It shall be the responsibility of the District to make teachers and other school staff aware of the distinct roles of school administration and SROs in addressing student misbehavior, consistent with this Section and this Agreement, as well as the Standard Operating Procedures accompanying this Agreement and described in Section VIII.

V. Information Sharing Between SROs, School Administrators and Staff, and Other Stakeholders

The Parties acknowledge the benefit of appropriate information sharing for improving the health and safety of students but also the importance of limits on the sharing of certain types of student information by school personnel. The Parties also acknowledge that there is a distinction between student information shared for law enforcement purposes and student information shared to support students and connect them with necessary mental health, community-based, and related services.

A. Points of Contact for Sharing Student Information

In order to facilitate prompt and clear communications, the Parties acknowledge that the Pentucket High School Principal (or his or her designee) and the SRO are the primary points of contact for sharing student information in accordance with this Agreement. The Parties also acknowledge that, in some instances, other school officials or Police Department employees may serve as key points of contact for sharing information. Such school officials and Police Department employees are identified below:

Chief of Police
Pentucket High School Assistant Principal
Pentucket Middle School Principal

Such Police Department employees are considered a part of the District's "Law Enforcement Unit" as defined in the Family Educational Rights and Privacy Act ("FERPA") (20 U.S.C. § 1232g).

B. Compliance with FERPA and Other Confidentiality Requirements

At all times, school officials must comply with FERPA. This federal statute permits disclosures of personally identifiable information about students contained in educational records ("Student PII"), without consent, only under specific circumstances.

When the District "has outsourced institutional services or functions" to the SRO consistent with 34 C.F.R. § 99.31(a)(1)(i)(B) of FERPA, the SRO qualifies as a "school official" who can access, without consent, Student PII contained in education records about which the SRO has a "legitimate educational interest."

Consistent with 34 C.F.R. §§ 99.31(10) and 99.36 of FERPA, the SRO (or other Police Department employee identified in Section V.A.) may gain access, without consent, to Student PII contained in education records "in connection with an emergency if knowledge of the Student PII is necessary to protect the health or safety of the student or other individuals."

These are the *only* circumstances in which an SRO may gain access, without consent, to education records containing Student PII (such as IEPs, disciplinary documentation created by a school, or work samples).

FERPA does not apply to communications or conversations about what school staff have observed or to information derived from sources other than education records.

In addition to FERPA, the Parties agree to comply with all other state and federal laws and regulations regarding confidentiality, including the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and state student record regulations at 603 C.M.R. 23.00. The Parties agree to collect only that student information necessary and relevant to fulfilling their respective roles, to share such information with each other only where required or allowed under this Agreement, and not to share such information beyond the

sharing contemplated in this Agreement unless required to be shared by state or federal law. The Parties shall not collect or share information on a student's immigration status except as required by law.

C. Information Sharing by School Personnel

1. For Law Enforcement Purposes

Where the principal or his or her designee learns of misconduct by a student for which a law enforcement response may be appropriate (as described in Section IV), he or she should inform the SRO. If a teacher has information related to such misconduct, he or she may communicate this information directly to the SRO but should also communicate such information to the principal or his or her designee. The Parties agree that the sharing of such information shall not and should not necessarily require a law enforcement response on the part of the SRO but shall and should instead prompt a careful consideration of whether the misconduct is best addressed by law enforcement action, by a school disciplinary response, or by some combination of the two.

Notwithstanding the foregoing, if student information is obtained solely during a communication with school staff deemed privileged or confidential due to the staff member's professional licensure, such communication shall only be disclosed with proper consent or if the communication is subject to the limits and exceptions to confidentiality and is required to be disclosed (e.g., mandatory reporting, immediate threats of harm to self or others). Additionally, if such student information is gathered as part of a "Verbal Screening Tool for Substance Abuse Disorders," such information shall only be disclosed pursuant to the requirements of G.L. c. 71, § 97.

The Parties acknowledge that there may be circumstances in which parents consent to the disclosure of student information for law enforcement purposes (e.g., as part of a diversion program agreement) and that the sharing of information under such circumstances does not violate this Agreement.

The Parties also acknowledge that, from time to time, an emergency situation may arise that poses a real, substantial, and immediate threat to human safety or to property with the risk of substantial damage. School personnel having knowledge of any such emergency situation should immediately notify or cause to be notified both the Police Department (or the SRO if appropriate to facilitate a response) and the principal or his or her designee. This requirement is in addition to any procedures outlined in the school's student handbook, administrative manual, and/or School Committee policy manual.

Nothing in this section or this Agreement shall prevent the principal or his or her designee from reporting possible criminal conduct by a person who is not a student.

2. For Non-Law Enforcement Purposes

Based on their integration as part of the school community, SROs may periodically require access to student information for purposes that fall outside of the SRO's law enforcement role outlined in Section IV.

Student PII received by the SRO (or other Police Department employee identified in Section V.A.) that is not related to criminal conduct risking or causing substantial harm shall not be used to take law enforcement action against a student but may be used to connect a student or family with services or other supports. Prior to such a disclosure, whenever possible, the principal or his or her designee shall notify the parent, the student, or both, when such information will be shared with the SRO.

D. Information Sharing by the SRO

Subject to applicable statutes and regulations governing confidentiality, the SRO shall inform the principal or his or her designee of any arrest of a student, the issuance of a criminal or delinquency complaint application against a student, or a student's voluntary participation in any diversion or restorative justice program if:

- The activity involves criminal conduct that poses a (present or future) threat of harm to the physical or psychological well-being of the student, other students or school personnel, or to school property;
- The making of such a report would facilitate supportive intervention by school personnel on behalf of the student (e.g., because of the Police Department's involvement with a student's family, the student may need or benefit from supportive services in school); or
- The activity involves actual or possible truancy.

The SRO shall provide such information whether the activity takes place in or out of school, consistent with the requirements of G.L. c. 12, § 32 (Community Based Justice information-sharing programs) and G.L. c. 71, § 37H (setting forth potential disciplinary consequences for violations of criminal law).

When the SRO observes or learns of student misconduct in school for which a law enforcement response is appropriate (as described in Section IV), the SRO shall convey to the principal or his or her designee as soon as reasonably possible the fact of that misconduct and the nature of the intended law enforcement response, and when the SRO observes or learns of student misconduct that does not merit a law enforcement response, but that appears to violate school rules, the SRO shall report the misconduct whenever such reporting would be required for school personnel.

VI. Data Collection and Reporting

In accordance with state law, the SRO and school administrators shall work together to ensure the proper collection and reporting of data on school-based arrests, citations, and court referrals of students, consistent with regulations promulgated by the Department of Elementary and Secondary Education.

VII. SRO Training

In accordance with state law, the SRO shall receive ongoing professional development in:

- (1) child and adolescent development,**
- (2) conflict resolution, and**
- (3) diversion strategies.**

Additional areas for continuing professional development may include, but are not limited to:

- Restorative practices
- Implicit bias and disproportionality in school-based arrests based on race and disability
- Cultural competency in religious practices, clothing preferences, identity, and other areas
- Mental health protocols and trauma-informed care
- De-escalation skills and positive behavior interventions and supports
- Training in proper policies, procedures, and techniques for the use of restraint
- Teen dating violence and healthy teen relationships
- Understanding and protecting civil rights in schools
- Special education law
- Student privacy protections and laws governing the release of student information
- School-specific approaches to topics like bullying prevention, cyber safety, emergency management and crisis response, threat assessment, and social-emotional learning

The SRO shall also receive certified basic SRO training on how to mentor and counsel students, work collaboratively with administrators and staff, adhere to ethical standards around interactions with students and others, manage time in a school environment, and comply with juvenile justice and privacy laws, to the extent that such training is available.

The SRO shall attend a minimum of 12 hours of training per year.

Where practicable, the District shall also encourage school administrators working with SROs to undergo training alongside SROs to enhance their understanding of the SRO's role and the issues encountered by the SRO.

VIII. Accompanying Standard Operating Procedures

This Agreement shall be accompanied by Standing Operating Procedures that shall be consistent with this Agreement and shall include, at a minimum, provisions detailing:

- **The SRO uniform** and any other ways of identifying as a police officer;
- Duty hours and scheduling for the SRO;
- **Use of police force, arrest, citation, and court referral on school property;**
- **A statement and description of students' legal rights, including the process for searching and questioning students and when parents and administrators must be notified and present;**
- **The chain of command, including delineating to whom the SRO reports, how often the SRO meets with the principal or his or her designee, and how school administrators and the SRO work together, as well as what procedure will be followed when there is a disagreement between the administrator and the SRO;**
- Protocols for SROs when school administrators, teachers, or other school personnel call upon them to intervene in situations beyond the role prescribed for them in Section IV;
- **Performance evaluation standards, which shall incorporate monitoring compliance with this Agreement and use of arrest, citation, and police force in school;**
- **Protocols for diverting and referring at-risk students to school- and community-based supports and providers;** and
- Clear guidelines on confidentiality and **information sharing between the SRO, school staff, and parents or guardians.**

IX. Effective Date, Duration, and Modification of Agreement

This Agreement shall be effective as of the date of signing, for a term beginning July 1, 2020 and extending through June 30, 2021. However, the Agreement may be extended by up to two additional one-year terms commencing on July 1, 2021, and July 1, 2022, respectively. Any such extension term(s) shall be subject to approval by the Town of West Newbury, as authorized by its Board of Selectmen, and the Pentucket Regional School District, as authorized by its Superintendent. Either Participating Governmental Unit shall give notice in writing to the other at least ninety (90) days prior to the start of the fiscal year of whether or not it wishes to extend this initial term. Should the parties fail to extend this Agreement by written addendum hereto, the agreement shall terminate upon the last day of the then-current term.

This Agreement shall be reviewed annually prior to the start of the school year. This Agreement remains in full force and effect until amended or until such time as either of the Parties withdraws from this Agreement by delivering written notification to the other Party.

Upon execution of this Agreement by the Parties, a copy of the Agreement shall be placed on file in the offices of the Police Chief, the Superintendent, and the Town Manager. The Parties shall also share copies of this Agreement with the SRO, any principals in schools where the SRO will work, and any other individuals whom they deem relevant or who request it.

WITNESS our hands and seals as of the date first written above.

TOWN OF WEST NEWBURY

PENTUCKET REGIONAL SCHOOL DIST.

Angus Jennings
Town Manager
Duly authorized
By _____ vote of the
Board of Selectmen
_____, 2020

Justin Bartholomew
Superintendent

Town Manager

From: Matthew Coogan <MCoogan@CityofNewburyport.com>
Sent: Thursday, July 2, 2020 1:46 PM
To: Town Manager; Donna Holaday
Cc: 'Jeff Durand (durand@westnewburysafety.org)'; Finance Admin; Frank Giacalone; Ethan Manning
Subject: RE: [Ext]RE: [Ext]RE: [Ext]ACO agreement for FY21

I should have redlined, sorry. The only items I changed were the dates in Article 3 and the funding contribution amounts per fiscal year in Article 5.

It sounds like the timeline works for on both ends for July – that's great. Let me know Tuesday how it goes with the BoS and I can submit to the Council agenda for the 13th.

Matt

From: Town Manager <townmanager@wnewbury.org>
Sent: Thursday, July 2, 2020 1:16 PM
To: Matthew Coogan <MCoogan@CityofNewburyport.com>; Donna Holaday <DHoladay@CityofNewburyport.com>
Cc: 'Jeff Durand (durand@westnewburysafety.org)' <durand@westnewburysafety.org>; Finance Admin <finance.admin@wnewbury.org>; Frank Giacalone <FGiacalone@CityofNewburyport.com>; Ethan Manning <EManning@CityofNewburyport.com>
Subject: [Ext]RE: [Ext]RE: [Ext]ACO agreement for FY21

external e-mail use caution opening

Matt,

The proposed FY21 Town cost of \$25,073 is consistent with the budget I proposed, and which was approved by Town Meeting on June 27th. The BOS and FinCom reviewed this during their respective budget processes and all were in agreement – we're pleased with how things are going!

Were there other changes to the proposed terms of the agreement, and if so could you specify? I will put this on the BOS agenda for 7/6 for them to formally approve the updated agreement, understanding that the FY21 financial terms are already agreed. Once they vote it, I can get you a signed copy promptly for inclusion on the 7/13 Council agenda.

Thanks,
 Angus

Angus Jennings, Town Manager
 Town of West Newbury
 Town Office Building
 381 Main Street
 West Newbury, MA 01985
 (978) 363-1100 x111
townmanager@wnewbury.org

From: Matthew Coogan <MCoogan@CityofNewburyport.com>
Sent: Thursday, July 2, 2020 12:58 PM
To: Town Manager <townmanager@wnewbury.org>; Donna Holaday <DHoladay@CityofNewburyport.com>
Cc: 'Jeff Durand (durand@westnewburysafety.org)' <durand@westnewburysafety.org>; Finance Admin

CITY OF NEWBURYPORT AND TOWN OF WEST NEWBURY

INTERMUNICIPAL AGREEMENT FOR THE ADMINISTRATION OF SHARED ANIMAL CONTROL SERVICES

Article 1. Purpose

This agreement is entered into, pursuant to Massachusetts General Laws Chapter 40, Section 4A, by and between the City of Newburyport, as authorized by its City Council and approved by its Mayor, and the Town of West Newbury, as authorized by its Board of Selectmen.

WHEREAS, the City of Newburyport and the Town of West Newbury are each obligated to provide animal control services to their residents; and

WHEREAS, the City of Newburyport and the Town of West Newbury have determined that their residents can more efficiently and effectively be served with such services through a joint undertaking between the communities; and,

WHEREAS, the City of Newburyport and the Town of West Newbury have determined to join together to establish and administer a program of shared Animal Control Services.

NOW THEREFORE, in consideration of the mutual covenants and agreements hereinafter contained, the parties agree as follows:

Article 2. Definitions

Participating Governmental Units: the City of Newburyport and the Town of West Newbury. Animal Control Services: Any and all services as required of an Animal Control Officer under applicable Massachusetts Laws and regulations, including but not limited to MGL Chapter 140, Section 151 et seq. and MGL Chapter 129, Section 15 et seq.

Article 3. Term

This Agreement shall take effect on the 1st day of July 2020, for a three year term that may be extended by up to two additional one year terms commencing on July 1, 2023 and July 1, 2024. Any such extension term shall be subject to approval by the City of Newburyport, as authorized by its City Council and approved by its Mayor, and the Town of West Newbury, as authorized by its Board of Selectmen. The Participating Governmental Units shall give each other notice of whether or not they wish to extend this initial one year term at least ninety days prior to the annual Town Meeting of the Town of West Newbury but no later than ninety days prior to June 1st of the then-current term, unless another date is mutually agreed upon in writing. Should the parties fail to extend this Agreement by written addendum hereto, the agreement shall terminate upon the last day of the then-current term.

Article 4. Lead City

The City of Newburyport shall act as the "lead city" for the Participating Governmental Units, by employing the necessary officers and providing the necessary equipment, vehicles and kennel to perform said Animal Control Services. Said officers shall be considered employees of the City of Newburyport and be accorded all applicable benefits enjoyed by other Newburyport municipal employees as they are or shall be established. Each such officer must be a Massachusetts certified Animal Control Officer (excepting that new employees may acquire such certification within two years of the commencement of employment). Said certification must be maintained during the term of this Agreement. The office where such officers shall be primarily located will be in Newburyport.

Article 5. Funding Contribution

During the Fiscal Year 2021 (July 1, 2020- June 30, 2021), the Town of West Newbury shall pay the City of Newburyport for animal control services a total sum of \$25,073 to be paid in four equal quarterly payments of \$6,268.25 on or before August 1, November 1, February 1, and May 1 (provided that such sum will be prorated as of the date of approval of this Agreement by the Board of Selectmen of the Town of West Newbury and the Mayor of the City of Newburyport).

During the Fiscal Year 2022 (July 1, 2021- June 30, 2022), the Town of West Newbury shall pay the City of Newburyport for animal control services a total sum of \$25,898 to be paid in four equal quarterly payments of \$6,474.50 on or before August 1, November 1, February 1, and May 1 (provided that such sum will be prorated as of the date of approval of this Agreement by the Board of Selectmen of the Town of West Newbury and the Mayor of the City of Newburyport).

During the Fiscal Year 2023 (July 1, 2022- June 30, 2023), the Town of West Newbury shall pay the City of Newburyport for animal control services a total sum of \$26,858 to be paid in four equal quarterly payments of \$6,714.50 on or before August 1, November 1, February 1, and May 1 (provided that such sum will be prorated as of the date of approval of this Agreement by the Board of Selectmen of the Town of West Newbury and the Mayor of the City of Newburyport).

These payments shall include all applicable expenses incurred by the City of Newburyport in providing Animal Control Services on behalf of the Participating Governmental Units, including, but not limited to, salaries, group health insurance, workers' compensation insurance, and all other applicable benefits. Nothing herein shall prevent the parties from mutually agreeing in writing to change the funding contribution during the initial term or any extended term of this agreement, subject to available appropriation.

Article 6 Financial Safeguards

Under the provisions of M.G.L. Chapter 40, §4A, the City of Newburyport Director of Public Health shall provide to the Town of West Newbury periodic financial statements that shall include: accurate and comprehensive records of the services performed under this agreement; the costs incurred; and the reimbursements and contributions received. Such reports shall be compiled and distributed by the Health Director on a quarterly basis. In addition, all bills and payrolls submitted for work done under this regional agreement shall be plainly marked to indicate that the work was done under the authority of this agreement.

The accounting records of the Newburyport Animal Control Services, working under the direction of the Newburyport Director of Public Health, shall be subject to the City's annual audit process and shall be subject to periodic audit by the Newburyport City Auditor as is current practice.

Article 7 Hours of Services and Service Requirements

The City of Newburyport shall provide Animal Control Services under this Agreement on an as-needed basis, seven days a week, twenty four hours a day. Animal Control Services shall be provided on an equal basis between the communities.

Article 8 Vehicle Usage

The Town of West Newbury shall provide a 2015 Ford Explorer. This vehicle shall be made available for the use of the Animal Control Officers. Collision and liability insurance for the vehicle shall continue to be paid by the Town of West Newbury. The City of Newburyport shall be responsible for the maintenance and upkeep of West Newbury's vehicle.

Article 9 Fines

Any fines, exempting boarding fees, collected will be collected on behalf of and returned to the Participating Governmental Unit from within the municipal boundaries of which the animal was taken, or in the case of an animal not taken, returned to the Participating Governmental Unit in which the animal resides or is kept.

Article 10 Indemnification

In the event that any claims, demands, suits, causes of action, costs, and expenses arise with respect to the services provided pursuant to this agreement, and to the extent permitted by Massachusetts General Laws chapter 258 and other applicable law, a Participating Governmental Unit shall indemnify,

defend and hold harmless the other participating Government Unit from and against any such claims, demands, suits, causes of actions, costs and expends, including reasonable attorneys' fees and legal costs, but only to the extent that they arise from or relate to the negligent acts or omissions of the first Participating Governmental Unit, or its agents, servants, or employees, or from or in relation to actions taken by the Animal Control Officer on behalf of or at the direction of the first Participating Governmental Unit. By entering into this Agreement, neither of the parties has waived any governmental immunity or limitation of liability or damages which may be extended to them by operation of law. This Agreement is for the benefit of the parties hereto and is not intended to confer third party beneficiary status on any other person or entity.

Article 11 Operation of Animal Shelter Facilities

The City of Newburyport shall maintain and operate an Animal Shelter Facility under the following terms and conditions.

- I. OPERATIONS:
 - A. The Animal Shelter Facility shall be accessible to the citizens of each Participating Governmental Unit for the retrieval of impounded animals during normal business hours, Monday through Wednesday 8AM to 4PM, Thursday 8 AM to 8 AM, and Friday 8AM to 12PM by appointment. Weekend hours will be provided by appointment only. Notice shall be posted conspicuously and in a readily accessible format in the main municipal building of both Participating Governmental Units which states the hours of operation and an emergency telephone number for use by residents to retrieve their pets. Such information shall also be made available on each respective Participating Governmental Unit website. The animal shelter shall be able to accept impounded animals 24 hours a day, 365 days a year.
 - B. Newburyport will provide daily supervision, food, water and humane care to animals boarded at the shelter.
 - C. All Animal Control Officers will log in each time they enter the Animal Shelter Facility. The sign-in sheets will be submitted monthly to the Director of Public Health.
 - D. The Animal Shelter Facility is to be solely used for the impounding of animals and to be used by Animal Control Officers only. There shall be no entry of other persons in the shelter without the consent of the City of Newburyport Director of Public Health.

- E. Newburyport will be responsible for the Animal Shelter Facility cleaning/sanitizing supplies, maintenance, heat, water, electric and other utility costs incurred in connection with the operation of the Facility.
 - F. Newburyport will be responsible to keep the Animal Shelter Facility and associated kennels maintained, clean, and sanitary on a daily basis. Excreta and food waste shall be removed from primary enclosures daily and from under enclosures as often as necessary to prevent an excessive accumulation of feces and food waste, to prevent soiling of the animals contained in the enclosures, and to reduce disease, hazards, insects, pests, and odors. The condition of the kennels and quality of care is to be of a high caliber and performed to the standards established by the City of Newburyport Director of Public Health.
 - G. Boarding facilities shall include a sheltered kennel unit with cages and/or runs that protect the animals from precipitation, and extreme hot (100°F or greater) and cold (45°F or less) conditions. Except in emergency situations, as determined by the Newburyport Animal Control Officer, no more than one adult animal shall be kept per cage.
 - H. Newburyport will be responsible for ensuring that an ill or injured animal is treated promptly by the respective Participating Governmental Unit's contracted licensed veterinarian, depending on the nature and/or seriousness of the illness or injury, and that any prescribed medication is promptly obtained and administered.
- II. FEES:
- A. Owners who reclaim animal(s) shall make payment to the City of Newburyport prior to reclaiming their animal(s) for all boarding fees (\$35.00 per day for each animal) and all other fees related to shelter services provided per day per animal.
 - B. Newburyport shall provide invoices, collect monies and keep records of all required fees received from owners. Invoices provided to owners who are retrieving their animal shall include the date that the animal was delivered to the shelter, the per day shelter rate, the number of days that the animal was sheltered, medical bills as applicable, and total fee due and collected.
 - C. Each Participating Governmental Unit shall be responsible for the direct costs to care for the animals which originate from said community, including but not limited to flea treatments and any veterinary costs. For the purposes of this agreement, "veterinary costs" shall include rabies vaccinations, health evaluation, treatment of minor curable diseases and euthanasia.
 - D. Each Participating Governmental Unit shall pay any additional costs associated with the transport and removal of animals from their community if an animal is not claimed or is injured.

- E. Newburyport may add a surcharge of up to ten (10) percent (not to exceed \$25.00) to medical bills to cover certain incidental costs relating to transportation of an animal to a veterinarian's office, telephone expenses incurred in connection with medical treatment, and any special care involved. Bills must support all medical charges and receipts bearing the name of the veterinarian or firm from whom they were obtained.
 - F. Fees for animals that are unclaimed by the owner at the end of the maximum seven (7) day holding period shall be paid by the Participating Governmental Unit where the animal originated.
 - G. All fees and receipts from boarding and all other services related to the shelter shall be submitted monthly to the City of Newburyport Health Department.
- III. RECORD KEEPING: Each Participating Governmental Unit's Animal Control Officers shall maintain an impound record on each animal delivered to the Animal Shelter Facility. The impound record will be prepared and filled out by the appropriate Animal Control Officer and delivered to the Facility with the animal.

Upon discharge, one (1) copy of the animal's completed record shall be provided to the person claiming the animal and one (1) copy of each discharged animal's record shall be provided to Newburyport. If the agreement is terminated, all impound records shall be transmitted to the appropriate town.

IV. DISCHARGE:

- A. Claimed animals: Each Participating Governmental Unit will require the person claiming the animal to show identification (preferably a driver's license). In the case of a dog, a certificate of license is required of all dogs six (6) months of age or older for release.

In the event of non-licensure of a dog, the owner or person claiming the dog will be required to show proof of licensure prior to release by the Animal Control Officer. The Animal Control Officer will not be responsible for ensuring licensure of the dog.

In addition, the Animal Control Officer will provide the person claiming the animal with a full disclosure of any medical treatment rendered by a veterinarian and/or the Animal Shelter Facility and by whom it was rendered and a complete identification of any prescription or non-prescription medicine(s) administered to the animal while in custody. Finally, the Animal Shelter Facility must obtain the signature and the driver's license number of the person to whom the animal is released on the Impound Record.

- B. Unclaimed animals: Unless requested by the Newburyport Director of Public Health or West Newbury Police Chief to retain the animal for a longer period (2 to 4 additional days), animals will be picked up on or immediately following the seventh (7th) day of confinement by the

Animal Control Officer. The written notice to extend shelter services from the Newburyport Director of Public Health or West Newbury Police Chief must accompany the reports to the city or town. The shelter may place such animals as are deemed suitable up for adoption in accordance with MGL Chapter 140, section 136A.

Article 12 Miscellaneous

- a. This agreement may be amended in writing by vote of both of the Participating Governmental Units. Should additional municipalities seek to join this program of shared Animal Control Services, the terms agreed to herein, including apportionment of expenses, for such additional municipalities shall be negotiated and approved by both of the Participating Governmental Units.
- b. This agreement represents the entire understanding of the parties with respect to its subject matter.
- c. This agreement shall be governed by the laws of the Commonwealth of Massachusetts.
- d. If any of the provisions of this agreement is declared to be illegal, unenforceable, or void, then both parties shall be relieved of all obligations under such provision, provided, however, that the remainder of the Agreement shall be enforced.

TOWN OF WEST NEWBURY

CITY OF NEWBURYPORT

By Board of Selectmen

By Mayor

Dated: _____

Dated: _____

Animal Control Shared Services FY2021-2023 Proposed Cost Allocation

<u>Budget</u>	<u>FY2017</u>	<u>FY2018</u>	<u>FY2019</u>	<u>FY2020</u>	Proposed		
					<u>FY2021</u>	<u>FY2022</u>	<u>FY2023</u>
Animal Control Officer	\$ 40,221.01	\$ 41,456.88	\$ 43,131.74	\$ 45,219.45	\$ 45,233.68	\$ 46,371.77	\$ 48,005.97
Assistant ACO	\$ 12,340.00	\$ 12,340.00	\$ 12,340.00	\$ 12,434.92	\$ 12,683.62	\$ 12,937.29	\$ 13,196.04
Overtime	\$ 500.00	\$ 500.00	\$ 1,000.00	\$ 1,000.00	\$ 3,000.00	\$ 3,060.00	\$ 3,121.20
Clothing Allowance	\$ 600.00	\$ 600.00	\$ 600.00	\$ 600.00	\$ 600.00	\$ 600.00	\$ 600.00
Health Insurance	\$ 17,538.66	\$ 18,204.48	\$ 19,078.32	\$ 19,555.28	\$ 20,043.59	\$ 20,644.90	\$ 21,264.25
Building & Grounds	\$ 4,500.00	\$ 4,500.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00
Care of Animals	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00
Dead Animal Removal	\$ 340.00	\$ 340.00	\$ 340.00	\$ 340.00	\$ 340.00	\$ 340.00	\$ 340.00
Fuel/Oil Vehicle	\$ 2,290.00	\$ 2,290.00	\$ 2,290.00	\$ 2,290.00	\$ 2,290.00	\$ 2,290.00	\$ 2,290.00
Dues/Licenses	\$ 300.00	\$ 300.00	\$ 350.00	\$ 350.00	\$ 365.00	\$ 365.00	\$ 365.00
Replacement Vehicle*	\$ -	\$ -	\$ -	\$ 3,324.00	\$ 2,991.60	\$ 2,692.44	\$ 2,423.20
Total Cost	\$ 81,629.67	\$ 83,531.36	\$ 85,130.06	\$ 91,113.65	\$ 93,547.49	\$ 95,301.40	\$ 97,605.66
<u>Municipality</u>	<u>FY2017</u>	<u>FY2018</u>	<u>FY2019</u>	<u>FY2020</u>	<u>FY2021</u>	<u>FY2022</u>	<u>FY2023</u>
Newburyport	\$ 61,629.67	\$ 62,031.36	\$ 63,630.06	\$ 67,103.65	\$ 68,474.49	\$ 69,403.40	\$ 70,747.66
West Newbury	\$ 20,000.00	\$ 21,500.00	\$ 21,500.00	\$ 24,010.00	\$ 25,073.00	\$ 25,898.00	\$ 26,858.00
Total	\$ 81,629.67	\$ 83,531.36	\$ 85,130.06	\$ 91,113.65	\$ 93,547.49	\$ 95,301.40	\$ 97,605.66
<i>ACO Allocation % Before West Newbury Vehicle</i>							
<u>Municipality</u>	<u>FY2017</u>	<u>FY2018</u>	<u>FY2019</u>	<u>FY2020</u>	<u>FY2021</u>	<u>FY2022</u>	<u>FY2023</u>
Newburyport	75.5%	74.3%	74.7%	70.0%	70.0%	70.0%	70.0%
West Newbury	24.5%	25.7%	25.3%	30.0%	30.0%	30.0%	30.0%
Total	100.0%						
<i>ACO Allocation % Including West Newbury Vehicle</i>							
<u>Municipality</u>	<u>FY2017</u>	<u>FY2018</u>	<u>FY2019</u>	<u>FY2020</u>	<u>FY2021</u>	<u>FY2022</u>	<u>FY2023</u>
Newburyport	75.5%	74.3%	74.7%	73.6%	73.2%	72.8%	72.5%
West Newbury	24.5%	25.7%	25.3%	26.4%	26.8%	27.2%	27.5%
Total	100.0%						

Last Name	First Name	Department	Term Expiration (fiscal year)	Requested Reappointment	Board Approval
Delp	Lee Ann	Emergency Management, Director, Special Police Officer	2020	6/30/2021	
Dwyer	Michael	Emergency Management, Deputy Director	2020	6/30/2021	
Jennell	Benjamin	Emergency Management, Deputy Director & Administrative Assistant	2020	6/30/2021	
Amaral	Wayne	Emergency Management, DPW Director	2020	6/30/2021	
Archibald	David	Emergency Management, Municipal Officer	2020	6/30/2021	
Beaulieu	Joseph	Emergency Management, Auxiliary Police Officer	2020	6/30/2021	
Belsky	David B.	Emergency Management, Auxiliary Police Officer	2020	6/30/2021	
Burrill	Danielle	Emergency Management	2020	6/30/2021	
Caruso	Larry	Emergency Management, Auxiliary Police Officer	2020	6/30/2021	
Cena	Daniel	Emergency Management	2020	6/30/2021	
Ciccia-Ricker	Gabriel	Emergency Management, Auxiliary Police Officer	2020	6/30/2021	
Cushing	Richard	Emergency Management, Auxiliary Police Officer	2020	6/30/2021	
Davies	Carolyn	Emergency Management, Auxiliary Police Officer	2020	6/30/2021	
Davies	Richard	Emergency Management, Auxiliary Police Officer	2020	6/30/2021	
Dean	Bruce	Emergency Management, Auxiliary Police Officer	2020	6/30/2021	
Dower, III	Raymond	Emergency Management, Auxiliary Police Officer	2020	6/30/2021	
Durand	Jeffrey	Emergency Management	2020	6/30/2021	
Evans	Dave	Emergency Management, Auxiliary Police Officer	2020	6/30/2021	
Gootée	Michael	Emergency Management (Water Superintendent)	2020	6/30/2021	
Hemingway	Mark	Emergency Management, Auxiliary Police Officer	2020	6/30/2021	
Holt	Samantha	Emergency Management, Auxiliary Police Officer	2020	6/30/2021	
Hoyt	Bill	Emergency Management, Auxiliary Police Officer	2020	6/30/2021	
Hoyt	Robyn	Emergency Management, Auxiliary Police Officer	2020	6/30/2021	
Jennell	Greg	Emergency Management, Auxiliary Police Officer	2020	6/30/2021	
Johnson	Royster	Emergency Management	2020	6/30/2021	
Kemper	Glenn	Emergency Management, Municipal Officer	2020	6/30/2021	
Marlowe	Mark	Emergency Management, Auxiliary Police Officer	2020	6/30/2021	
Parker	Richard	Emergency Management, Municipal Officer	2020	6/30/2021	
Seale	Blake	Emergency Management, Auxiliary Police Officer	2020	6/30/2021	

Last Name	First Name	Department	Term Expiration (fiscal year)	Requested Reappointment	Board Approval
Sevigny	Paul	Emergency Management (Health Agent)	2020	6/30/2021	
Woodbury	Theresa	Emergency Management (Council on Aging)	2020	6/30/2021	
Delp	Lee Ann	Emergency Response Coordinator	2020	6/30/2021	
Dwyer	Michael	Emergency Response Coordinator	2020	6/30/2021	
Sevigny	Paul	Emergency Response Coordinator	2020	6/30/2021	

Town Manager

From: Debbie Rogers [REDACTED]
Sent: Tuesday, June 30, 2020 5:54 PM
To: Town Manager
Subject: July/August rent

Dear Board of Selectmen,

We are doing our best to try to meet our financial obligations to the town. We would appreciate your consideration of waiving July and we will resume for August. We have not collected any tuition from parents since March. Unfortunately, only about 1/4 of the parents are willing to send their children this summer due to the virus.

We are opening August 3rd with all our teachers back on the payroll and less children to prepare them for all the changes. The state mandated new health and safety regulations for childcare centers that are expensive and burdensome. They include more staffing, constant cleaning and disinfecting throughout the day, purchasing all the personal protective materials, no mixing of children, no floaters to give teachers breaks etc. We hope that a successful opening in August will make parents more comfortable to send their children in September.

We are fortunate that we did recently receive a ppp but one hundred percent of it will only cover some of our teacher's salaries, retirement and benefits (sick and vacation time owed to them).

Our most important goal needs to be the survival of The Children's Castle for our employees and our ability to stay and continue our lease at the Dr John Page School. We have proven over the last 31 years that we are good tenants and have never missed a rent payment. These are extraordinary times affecting us all.

Thank you for your understanding and generosity in waiving our rent for April, May and June.

Sincerely,

Debbie (Director)

Jana and Janis (owners)

Town Manager

From: Town Manager
Sent: Monday, June 29, 2020 2:42 PM
To: [REDACTED]
Subject: RE: Documentation of rent waiver, Children's Castle

Debbie,

If you intend to seek a rent waiver or deferral for July and subsequent months, please submit a written request so I can put this before the Board of Selectmen at an upcoming meeting.

Thanks,
Angus

Angus Jennings, Town Manager
Town of West Newbury
Town Office Building
381 Main Street
West Newbury, MA 01985
(978) 363-1100 x111
townmanager@wnewbury.org

From: [REDACTED]
Sent: Wednesday, April 29, 2020 2:20 PM
To: Town Manager <townmanager@wnewbury.org>
Subject: Re: Documentation of rent waiver, Children's Castle

Thank you!!!! I appreciate this!!

Debbie

On Apr 29, 2020, 1:02 PM -0400, Town Manager <townmanager@wnewbury.org>, wrote:

Debbie,

Please find attached for your records, and please take note of the specific language in the Board's motion. Our guess is that you may be ineligible for state/fed reimbursement of rent during this period since the rent has now been waived, but in the event that you do seek and receive other government assistance for this cost the Town would expect to be made whole.

Thanks,

Angus



**Town of West Newbury
Board of Selectmen
Monday, June 8, 2020**
381 Main Street, Town Office Building
www.wnewbury.org

Minutes of Meeting – DRAFT

Open Session: 7:00 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) 240-3212

Access Code: 767-572-605

Or, from computer, tablet or smartphone: <https://global.gotomeeting.com/join/417365965>

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 7:04 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
- ❖ Moderator KC Swallow
- ❖ Rose Vetere
- ❖ Jen Solis
- ❖ Don Doak

Announcements:

- This meeting is being broadcast on local cable TV and recorded for rebroadcast on the local cable channels and on the internet. Meeting also accessible by remote participation.
- Thanks to Town Clerk Michael McCarron for running a great municipal election under difficult circumstances. There was quite a good turnout and should be commended.
- Congratulations to all participants, winners and losers, and it was great to have such an active election in such a difficult situation.
- Town Clerk Michael McCarron stated that he expects everyone to come in to be sworn in, even incumbents. The process is to call and make an appointment, you'll be met at the door, maintain social distance, be sworn in and get materials. Just bring a mask and a pen. Already had a number who have been sworn in, including Mr. Archibald.
- Thursday, June 11, 2020 at 2:00 p.m., there is a Merrimack Valley Planning Council training on 40B and housing production plans. Very timely for the Town. Details are on the Town website.
- Selectman Richard Parker gave an update on the Merrimack Valley Listening Session for the MVP process scheduled for Thursday, June 11th. There's also a ZBA meeting scheduled for the night with significant overlap. Due to the significant overlap, the Listening Session needed to be rescheduled due to the interest in both the Listening Session and the ZBA meeting. As a result, the Listening Session will be rescheduled in the next few days since there is plenty of leeway for completing the MVP process.
- Town Manager Angus Jennings confirmed that the Zoning Board of Appeals public hearing is at 6:00 p.m. on Thursday.
- Chairman David Archibald confirmed that if you want to keep up with things in the Town, go to WestNewbury.org and subscribe so that you get announcements via e-mail.
- Chairman David Archibald made the following comments, speaking for himself and not the Board or Town:
 - ❖ Over the past few months, Town employees have been working effectively under quite adverse conditions, at the same time handling additional unforeseen duties in less than ideal conditions, such as the 40B proposal. Wants to send out kudos to all employees for the work they've done this spring.
 - ❖ And as these less than ideal conditions persist, he'd ask that the Boards, Commissions, and Commissions not to ask the Town to take on new initiatives to expand the workload that they have already at this time to let staff catch up on what's going on (i.e. new school construction)
 - ❖ Regarding recent police protests and global interconnectedness, try to treat everyone with respect and make our small corner a little better of a place than we found it.
 - ❖ Comment by Selectman Glenn Kemper – “Well said.”

- Regarding item discussed in Executive Session, to be added to the end of the agenda regarding signing a Memorandum of Understanding on the funding and the project of the Middle Street Bridge with the City of Newburyport. Will be done at the end of the regularly scheduled agenda. Wasn't on the agenda but it is highly timely and wants to get it done tonight.
- Chairman David Archibald added that Essex County Greenbelt, who holds a conservation restriction on the land, stated that the town may restrict public access as they see fit, whenever they believe it is warranted, and approval from Essex County Greenbelt is not required.

Motion was made by Glenn Kemper to add this item to the agenda at the end of the discussion. Second by Richard Parker.

Yes 3, No 0

REGULAR AGENDA

A. Reconsideration of proposed FY21 Library personnel budget:

Library trustees requested to table the request for a new staff person for FY21, but now with the uncertainty of how the library is going to work this year, at least for the fall, they have asked that that additional person no longer be added, at least at the moment.

Library Director Corinn Flaherty had no comment but wanted to let everyone know that she is here via telephone.

Chairman David Archibald stated that the Selectmen did support this, but thanked her for understanding due to the times that we have and that it can be pushed off to a later date and he appreciates her forward thinking under the circumstances.

Chairman David Archibald asked Town Manager Angus Jennings that since this is in the budget if a motion had to be made. Town Manager Angus Jennings stated that the Finance Committee's initial recommendation constitutes the initial motion at Town Meeting and the Finance Committee's recommended budget had not included this, so the initial motion will not change, but at the Town Meeting, there may be a difference between the Fin Com number and the selected number and they might be asked about that.

Chairman David Archibald stated that they could put a hold on it and also designate one of the Selectmen to put a hold on it so it will move in one direction, and they will give a brief understanding that under the circumstances, the Board of Library Trustees voted not to have this position but would like to address this next fiscal year.

Selectman Richard Parker stated that as far as putting the hold on is concerned, they had talked about the line item budget being introduced as a whole, and he doesn't recall where that ended up going, but in the interest of time, they had talked about possibly introducing the line item budget as a whole, so they would need to insert that specifically, even though it wasn't itemized in conversation.

(Previously Item J) Chairman David Archibald asked if they could take Item J out of order since Library Director Corinn Flaherty was in attendance to conduct a further discussion on where we stand regarding reopening of the library, and everyone agreed to take it out of order.

Town Manager Angus Jennings stated that an e-mail was received from Library Director Corinn Flaherty with a proposed plan to allow for curbside pickup for customers of the library beginning next week. This plan would be taken up by the Library Board of Trustees at their meeting on June 9th meeting, so this was put in front of the Board for suggestions before it goes to the Library Board for their endorsement next week.

Town Manager Angus Jennings wanted to know if Corinn would elaborate on the intent before Board discussions got underway. Library Director Corinn Flaherty had no comment but stated that she would answer any questions during the discussion.

Selectman Glenn Kemper stated that this is awesome, but before the meeting, he suggests that she talk to the Board of Health before the meeting, asking for his recommendations for public safety to incorporate into the recommendation before the vote and Library Director Corinn Flaherty stated that she would be happy to do that and will send it to him tomorrow and ask him for his feedback.

Town Manager Angus Jennings stated that there is a posted Board of Health meeting tomorrow at 4:30 and he is sure that they have a lot on their agenda and not sure if they would be able to get into this in detail at that meeting, but wanted to make her aware.

Selectman Glenn Kemper just wanted her to discuss with the Town's Health Agent to see if he could make some good recommendations and perhaps she could have an informal conversation with Paul to see if there are any problems with the health aspect of it and see if he has any recommendations to make it better and safer for the people to bring back to the Library Board for a vote, and Library Director Corinn Flaherty agreed that she could do that.

B. Review and sign Special Town Meeting warrant with citizen petition article to provide supplemental funding regarding Coffin Street/Main Street 40B proposal; schedule date/time for Special Town Meeting:

Chairman David Archibald stated that the Board has no discretion in this and have to vote to accept the special warrant item as it has the required number of certified signatures, so that's not subject to dispute and wants to talk about time and place, etc.

Spoke with everyone and Saturday, June 22nd after the regular annual Town Meeting and the regular Special Town Meeting, they would close that out and start the new Special Town Meeting at 2:00 at the baseball fields behind the bandstand, provided the regular Town Meeting would be finished by 12:00-12:15.

Selectman Glenn Kemper asked why not just do it all at the same time rather than have people leave and come back. Chairman David Archibald stated that there may be two populations of people and have always not wanted to have special interest items in the beginning of the meeting and then people leave. Wants to prevent a lot of extraneous people from moving through the

entrances and exits. Glenn stated that they're asking to check people in two separate times, so why not schedule it at the same time and then take it up at the end.

Selectman Glenn Kemper asked Town Clerk Mike McCarron about this and he stated that if it is posted all at the same time, the moderator has the determination as to when she wishes to hold each meeting.

Moderator KC Swallow stated that the reason that she suggested to post the Special Town Meeting for 2:00 is that it is a special interest group, that they have been sitting outdoors for at least two hours, at which time it becomes high sun time. There are probably going to be people interested in one but not both since it's a different clientele who are interested in each of those meetings. She doesn't want to end up with bottlenecks at the egress, so the idea is to open the Annual Town Meeting and Special Town Meeting, adjourn, then break for lunch, and then at 2:00, start the second Special Town Meeting. If people have to sit straight through, it will be a burden on people and some people will try to leave unmasked.

Selectman Glenn Kemper stated that nobody should be allowed to attend without a mask but in principle, he understands that, but he doesn't think that the people who signed the petition, maybe 60-70% of the people care about the other aspects around town, and with the signs around town, you're going to get everybody there and bringing people in and out would be the hardest part. Getting people seated was easy, but getting people in, seated, proper space, was the hardest part, so doing that twice would be hard, but he could agree with that.

Moderator KC Swallow also wanted to mention that the State Legislature just passed a recent motion that Selectmen can reduce the quorum for the Annual Town Meeting since it may be more difficult for people to go to the Town Meeting, making it difficult to get a quorum so the Board of Selectmen has the authority to reduce the quorum to 10% of the normal quorum (nine people), but that it doesn't have to be reduced. She has no estimate about how many people may be coming to Town Meeting.

Selectman Glenn Kemper stated that another meeting will be held on 40B before June 22nd at which they would have a discussion about quorum and then take a formal vote on June 22nd.

Chairman David Archibald asked Don Doak about what he expects to be the attendance. Mr. Doak stated that he thinks that there will be at least 250-300 people in attendance and believes that this should be placed as one of the highest items of importance and that he is concerned about the 2:00 p.m. start, which is at the height of the sun, so he would like it taken up sooner.

Moderator KC Swallow commented that It's her call as to what order things are taken up, and that she would not take it up before the Annual Town Meeting and the first Special Town Meeting since those are critical to the running of the Town. She would prefer to have the break because she's guessing that some number of people will want to leave after the first Special Town Meeting and have to have an orderly egress to avoid bottlenecks, and since it will be hot, and without the break, people that are only there for the 40B meeting will have been sitting there for over two hours. So, if the decision of the Board is to post that meeting at 10:00, the order she will take them up in is open the Annual Town Meeting, then she will put the meeting through the Town budget before she recesses for the Special Town Meeting because the line item budget is the most important part of this meeting at this point.

With regards to how she is going to address the line item budget, she feels that time could be saved, she would propose to advise everyone that they should familiarize themselves with the entire warrant before the meeting, including the line item budget, and when they get to the line item budget, she will read less detail in the budget and then would take up “holds.” The motion on the floor is from the Finance Committee to accept their recommendations and anything that doesn’t have a hold put on it are considered passed and a discussion would ensue on the holds.

Selectman Glenn Kemper stated that he thinks it’s a great idea, and then asked KC, what about posting everything for 10:00 a.m. then she could make a game time decision if she feels that the Annual Town Meeting and Special Town Meeting is running too long and say when she would like to recess, but at least have the ability to continue if everything is going fast and smooth. He stated that the last time that the Town had a 40B project in front of them, they had to move the meeting to the high school, and he sees this as a town-wide issue.

Moderator KC Swallow stated that she does have that discretion if she makes that game time decision, and if she feels that people have been sitting there too long and are showing signs of distress due to weather, but if people have been sitting there and their item hasn’t been discussed, they may be unhappy with a recess until 2:00. Selectman Glenn Kemper feels that maybe they’re overthinking everything, but he would say to post everything early and try to get through it quickly.

Chairman David Archibald suggested that perhaps getting people there at 9:30 since the later it goes, the hotter it gets, and Moderator KC Swallow says it can’t be changed now since the warrant says 10:00. Selectman Glenn Kemper suggested that they post the whole thing and make people aware that they could take a break or might not but let them sit there since everybody else is going to sit there. And he also feels that the 40B issue is a town-wide issue that people will want to stay for.

Don Doak requested permission to ask a question of the Town Council. Question to Town Clerk Mike McCarron that the warrant says that the Special Meeting shall take place within 45 days of the Annual Town Meeting, but what option is there legally for it to happen on another day? Town Clerk Mike McCarron stated that it has to be held within 45 days from his certification of the signatures, so the Board of Selectmen has the discretion to call the Special Town Meeting at any time as long as it’s within 45 days. The Board sets the time and date for the petitioned Special Meeting.

Don Doak also had another topic concerning the fact that this petition was drawn up before other things took place regarding 53G accounts, peer review, payment by developer, so as that has come to light, it would appear that there is opportunity for motion to reduce the dollar amount, so he wanted to bring that potential motion to the Selectmen.

Chairman David Archibald stated that KC would make the determination on that, but as it’s written now and any proposed changes would still be notifying the Town of the intent and it wouldn’t disqualifying the warrant article. Selectman Glenn Kemper stated that not at all, as long as the amount would go down. Don Doak stated that his goal was that they put through a number to Fin Com and Board of Selectmen before the Special Town Meeting. Selectman Glenn Kemper stated that that would help with the discussion if they had something that everyone had agreed upon. Chairman David Archibald stated that he thinks that the article will pass overwhelmingly if they came up with a broadly agreed number, and discussion would go quickly.

Don Doak stated that the goal would be to do that, and in addition, there is one other area that he would like to have stricken upon motion, which would be “peer review” and change it to “professional services.” Moderator KC Swallow stated that there are two different issues, the first one being that a motion does not have to be made to reduce the amount since the warrant article is not voted upon. The warrant article warns the town of the business before it. They vote on a motion made under that article and that motion can be for any amount as long as it’s not more than the amount in the article. After she reads the article, you can make a motion under that article for any amount he wants as long as it’s under \$250,000.

With regards to the wording, that’s her call, and if the motion doesn’t exactly mirror the language of the article, then she makes a decision about what is said when the motion is made is in the spirit of what was in the article, and if she decides that it is, it’s a legitimate motion and she has already decided that it is in the spirit of what he has put into the article, so the change will not cause problems. Once she reads the article as written, a motion should be made as to what is really wanted, including the amount and language, and both should be acceptable.

Don Doak asked regarding whether it would be better if he made the motion or the Board of Selectmen, and Moderator KC Swallow stated that at prior meetings, it had been decided that for health and social distancing purposes, they would like one designated Selectman to make all motions, Motions should be submitted writing to the Selectman who will read the motions. And they will not discourage people from having discussion or debate. Selectman Glenn Kemper stated that if you’re nervous about the motion, Town Clerk Mike McCarron can vet the motion with KC.

Don Doak stated that his goal was to have a dollar amount that the Board of Selectmen and Fin Com feel good about, and he’ll draft a motion and send it to Town Clerk, Mike McCarron, Board of Selectmen, Fin Com, and KC. Selectman Glenn Kemper suggested that he put a sunset clause in the motion. Chairman David Archibald stated that this is not a good financial year and revenues are down and don’t want to encumber money sitting around and not used for some time, which is not a good recommendation either.

Selectman Glenn Kemper asked if there could be a sub-committee, working group to get a good number. Don Doak stated that he would be happy to meet with a sub-committee as a good amount of the numbers have already been vetted out so the numbers are not random, but as 53G came forward, it allowed them to reduce the \$250,000.

Selectman Richard Parker stated that he is still confused about timing. He would like to float an idea, what if Special Town Meeting two was scheduled at 11:00 or 10:30, and people could coordinate via cell phones would give the possibility of flowing right into it. Moderator KC Swallow stated that it doesn’t matter from that perspective when it says it opens. She is going to do the Annual Town Meeting and the first Special Town Meeting first. She stated that many towns have cut their warrants to bare bones since people are uncomfortable going to a Town Meeting, and everyone working on this is doing everything possible to keep things streamlined and safe.

She stated that whatever you do with the timing, she will not take up the Special Town Meeting two before the Annual Town Meeting and Special Town Meeting one, and that by the time they get through those, it will definitely be mid-day or sooner, but people tend to be cooperative and they’ll get it done, and she has been encouraged by other towns’ successes.

She feels that there are a number people interested in the 40B project as well as the Annual Town Meeting, so they may be willing to start at 10:00, go through the whole process and then take up the Second Town Meeting immediately after, and if that's what they want, that's fine, but it's going to require patience on everyone's part. She feels it might be a good idea to take a break, or adjourn later, say 4:00. She also doesn't feel there's a problem with a quorum but hopes the idea of lowering the amount will be discussed since these things have to get done in a timely fashion.

Town Clerk Mike McCarron stated that the Board of Selectmen has to make a decision tonight as the warrant has to be posed Friday.

Motion was made by Selectman Richard Parker to schedule the second Special Town Meeting for noon. Second by Selectman Glenn Kemper.

Selectman Glenn Kemper stated that the discussion being that KC could decide to have a recess or go ahead. KC Swallow states that if she determines that a recess is needed, she will say that, but is concerned about the mass exodus. Selectman Richard Parker states that he agrees that she should make the decision as to what makes the most sense to her at the time, but he's just hoping that they breeze right through and that door is left open.

Chairman David Archibald agrees that if the dollar figures somewhat agreed, that will limit the amount of time on this issue. Selectman Glenn Kemper agrees that if everything is defined before the meeting, he doesn't think anybody is going to vote no since they're just asking the Town to spend a little bit more money to get more information and have a better understanding of how 40B is going to affect the Town.

Chairman David Archibald stated that the only problem with the motion is that if a lot of people show up at 11:55, it will create chaos, and Selectman Glenn Kemper suggested starting everything at the same time. Chairman David Archibald stated that with the school, they said they wouldn't take it out of order, then they did due to the overflow into the cafeteria, but there's no promise that would happen.

Chairman David Archibald made an amendment to Selectman Richard Parker's motion that all three Town Meetings start at 10:00. Second by Selectman Glenn Kemper. Agreed to by Selectman Richard Parker.

Moderator KC Swallow makes a comment that there are 300+ signatures on this motion, and since there are so many signatures, everyone thinks that their motion should come first. If all three are posted at the same time, she can't open three meetings at once. People are used to the process we've gone through for years that we open the Annual, do an amount of things, recess, open the Special, and that's the way it's been done. She's changing it this year because of no reports, so the line item budget will be done first.

The only person that can change the order of articles without a vote is her, but she's concerned that people who come who have not been to Town Meeting before and don't understand what it is will get disgruntled because their thing didn't come first after they asked for it to be first. Chairman David Archibald and Selectman Glenn Kemper said they don't disagree, but Glenn suggested that they put on their website how it's going to happen and if people get disgruntled, there will be bouncers and they'll be asked to leave and Chairman David Archibald said he thinks it would be worse if people arrive halfway through. Selectman Glenn Kemper stated that

if they educate everyone in advance, they can't worry about the ones and twos, they have to worry about the masses, and he likes to have the ability to start it all at the beginning and KC determining game day how it's going to work, and all of this can be put on the website beforehand.

Motion on the floor by Chairman David Archibald is to have meetings start at 10:00. Seconded by Selectman Glenn Kemper.

Yes 3, No 0

C. Updates regarding Coffin Street/Main Street 40B housing proposal, including discussion of draft Board of Selectmen due to MassHousing on Tuesday, June 16th:

Town Manager Angus Jennings advised that the deadline on the Board of Selectmen's comments on the MassHousing are due to Mass Housing Tuesday, June 16th, and because of the volume of comments received and the ones that have recently come in and the Board of Health is scheduled to take up the item at their meeting tomorrow afternoon, he would recommend that the Board of Selectmen schedule an extra meeting on Monday, June 15th, allowing time to review all of the comments that have come in since May 14th and review the draft comment letter.

Chairman David Archibald stated that the quality of the comments from the town was very helpful for his layman's position. Selectman Glenn Kemper asked if that would give them enough time to have it organized for the 16th. Town Manager Angus Jennings stated that yes, it would, as long as the draft in the packet is in the ballpark of what the Board is looking for, so that's where it's important for him to get the draft to them by the end of day on Wednesday so that suggestions could be sent to him by later this week so that the closer we can get to have something in front of the Board by next Monday that's in a form close to what they would vote, and any revisions could be made Monday or Tuesday and still make the deadline.

Town Manager Angus Jennings stated that the Board could address items fairly succinctly and reference an attached document that elaborates in more detail, but a huge amount of detail is already documented.

Town Manager Angus Jennings also had two related updates, to make everyone aware that the site walk video from the May 15th site walk was posted earlier today on the Town's website and to the Town UTube channel, which took some time to produce.

Also, they did have a call with Mike Buzby from MassHousing, which Selectman Richard Parker and Town Clerk Mike McCarron participated in, and a brief synopsis is that most of the items that were introduced for discussion, MassHousing said that those were items that would be addressed in the local permitting process and they wouldn't get drawn into commenting on any of that. They did take note of our comments about the large project threshold, and they understand that that would be featured prominently in the comment letter.

Town Manager Angus Jennings asked that it be confirmed that there will be a meeting on Monday, June 15th.

Motion was made by Selectman Glenn Kemper to hold a meeting on Monday, June 15th at 4:00. Second by Selectman Richard Parker.

Yes 3, No 0

D. Discussion of Special and Annual Town Meeting scheduled for Saturday, June 27, 2020, including health/safety considerations resulting from COVID-19 and discussion of potential reordering of Articles and/or recommendations to pass over one or more articles.

Article 1 – Hear and act upon reports of officers and committees.

Motion was made by Chairman David Archibald that all reports of committees should be videotaped or written and posted on the Town website, that we simply cannot have those at this particular Town Meeting. Selectman Richard Parker thinks it's a great idea.

Chairman David Archibald stated that someone that doesn't want to write it up can simply do a video presentation on their phone and it can be sent in that way. Selectman Glenn Kemper stated that if they have a question with that, they can contact him or Adam and they can help them with that to make sure it gets on the Town's website or UTube.

Motion seconded by Selectman Glenn Kemper.

Yes 3, No 0

Article 2 - Special Town Meeting re large CPC spending on the Page School playground.

Chairman David Archibald is not sure how he feels about this, it's a lot of money and he wonders if it's going to engender a lot of discussion at the meeting, which we don't want. In addition, he knows that playgrounds have been opened in Phase 2, but it's unlikely that the playground is going to be usable this year anyway. He wants to know if it's something that could be put off and he could be persuaded either way on this one.

Selectman Glenn Kemper stated that his view is that he agrees with everything said, but he would take the opposite approach and say that this is the time to do it because we may get better pricing now, that the school is not occupied, so it would be easier to implement, and that the need is there, the funding is in place, and the CPC money doesn't affect capital, operating budget and thinks this is the best time to do it because the school is not there. And his own opinion is that he doesn't think the school is coming back in the fall, so even if there is some time lapse this will be done in a more efficient manner because no kids will be there.

Chairman David Archibald asked Town Manager Angus Jennings if he knows when they could start if the money was voted. Town Manager Angus Jennings stated that they had put a timeline in the CPC application and other than the fact that we're now going to be a full two months after the Annual Town Meeting date, he thinks that timeline would still stand, and his recollection is that a certain amount of time after the vote to engage a contractor, even though we're part of a consortium and the vendor is on a pre-approved bid list, made a commitment to engage multiple vendors to make sure get the best pricing, 4 to 6 weeks, there's some amount of lead time, so once a contractor is selected and the design is based on a certain manufacturer, so once the decision is made, it can take 6 weeks before the materials are ordered, assembled and delivered. But he thinks with the original Town Meeting date of late April, he thinks it's possible but wouldn't say probable that it could have been constructed by Labor Day, but with the extended

timeline, getting it done this calendar year is certainly possible and likely, but not until mid to late fall taking into account the lead time and those aspects.

Selectman Glenn Kemper is for keeping it on, and Selectman Richard Parker thinks we should keep it on for a host of reasons, including comments by Glenn and Angus.

Article 3 – Town Building Repairs, \$49,000.

Chairman David Archibald stated that most people believe that this was deemed an essential item and wouldn't want to get rid of that and Selectman Richard Parker agreed. Town Manager Angus Jennings stated that he would suggest that only those shaded in grey on the list were the only ones that the Board should be discussed because everything else has already been discussed.

Article 7 – Electric vehicle charging

Selectman Glenn Kemper thinks this should be kept on because it's a valid program, not sure how much it's going to be used moving forward, but if they don't, they'll lose their grants, so for \$8,000, it's important to keep this on so that we're getting the grants and then moving forward. Chairman David Archibald agrees, and Selectman Richard Parker stated that yes, they would give up \$80,000 to \$90,000 in grants.

Article 14 – Annual Town Meeting – \$85,000 Debt on Car Post Borrowing

Chairman David Archibald stated that he doesn't see any reason not to pay it. Town Manager Angus Jennings agrees that we should go forward but wanted to make the Board aware that he does not expect that we would need any more appropriation in FY2021 for the reason that the full debt service would come due one year after the bonds are issued, and because the bonds are not going to be issued until the end of FY2020, the earliest that the first full year that the debt would come due would be early 2022, FY2022.

So, for that reason, you could get by with a lower appropriation, but he doesn't see a reason to do that for a couple of reasons. One is that that \$85,000 is going to be a very insistent number for the next 20-plus years, so why change it, and secondly, the appropriation will allow us to absorb costs such as if the Board decides to do a bond anticipation note, and in fact likely would, and that would definitely have some soft costs and definitely would have some debt service within six months, so he would recommend staying the course. Selectman Glenn Kemper agrees, as does Richard Parker, who agrees that it wouldn't make sense to do it for a smaller amount and should just keep it consistent rather than trying to explain some other number.

Article 18 – Updating Police Radios for \$19,000

Chairman David Archibald's feeling is if they need them updated, then it should be done. Selectman Glenn Kemper stated that it was presented to him as a safety issue, so definitely. Selectman Richard Parker also agrees.

Article 19 – New Rescue Suits for Fire Department Water Rescue and **Article 20** – Power Fans for Blowing Smoke Off

Chairman David Archibald stated that he is in favor of both of these items. Both Selectmen Glenn Kemper and Selectman Richard Parker agree.

Article 21 – Gold Star tax abatement

Chairman David Archibald stated that he is strongly in favor of keeping that on. Selectman Glenn Kemper agrees. Selectman Richard Parker agrees but states that his only question is if we actually know if there's anybody in West Newbury that will qualify and take advantage of this. Town Manager Angus Jennings stated that no, we don't. Selectman Glenn Kemper and Chairman David Archibald stated that if someone needs it, we should have it available. Selectman Richard Parker said that he expects it to be no longer than a 5-minute discussion.

Article 22 – Dog Waste

Selectman Glenn Kemper stated that if the discussion could be kept to 5 minutes, it can be kept on. Stated that he's all for it because dogs are a big issue. Chairman David Archibald stated that people go bananas about anything related to dogs and that he would support bringing it back. Selectman Richard Parker said he's all for bringing it back but he's not sure that this is the right meeting. Chairman David Archibald stated that as much as it pains him, he'll let it go.

Article 24 – Zoning Bylaw Amendments

Selectman Glenn Kemper stated that it's always a huge discussion and Chairman David Archibald stated that perhaps they should let it ride. Selectman Richard Parker said he sees it differently and thought that anything that was controversial has been removed so it was more of just clarifications at this point. Selectman Glenn Kemper suggested to push it off to the fall when it can really be discussed.

**Motion was made by Chairman David Archibald to take no action on this Article.
Seconded by Selectman Glenn Kemper.**

Yes 2, No 1

E. Review of Proposed Draft “one twelfth” FY21 budget if annual budget not approved by June 30th

Town Manager Angus Jennings stated that he would like to see it taken up next week since it's still being worked on. All were in agreement that it be passed over.

F. Consideration of adding warranty costs for Electric Vehicle Stations to proposed FY21 operating budget

Selectman Richard Parker said that it was really an oversight at the outset that they didn't take the issue of warranty as seriously as they should have. Stated that he talked with people in charge of installation and maintenance of EV charging stations in Newburyport, Amesbury, and Melrose, and the gist from all of them is that they should have a maintenance plan because they're subject to damage because people are connecting them to their cars in a parking garage and they're in a public space, so there are things that can happen and if you don't have a maintenance plan, you end up paying for them directly. And based on the experiences of the

other three communities, the maintenance plans pay for themselves easily or would have if they had taken them seriously at the outset.

There were various options of maintenance plans available and in the end, what he concluded in looking at the different options, it seems the best option would to go with a 5-year plan paid on a yearly basis as opposed to the other two options. The original option proposed was a 2-year plan, he looked a 5-year plan at \$1,000 per year per location, saving a couple hundred dollars if paid up front. He thinks it's something that should be done because otherwise we're going to get bit.

Chairman David Archibald stated that he generally doesn't like warranty plans and always prefers to roll the dice. Long-term, he's in favor of putting them in, but nearer term, we have no idea what utilization we'll see. Selectman Glenn Kemper stated 1%, he thinks. And Selectman Richard Parker stated that it's the fastest growing segment of autos sold and they're going to become common and it wasn't until he had talked to three people and gotten the same story that he became convinced that we'd be foolish not to.

Chairman David Archibald asked if they're not getting enough usage initially, do you think they'll have problems. Selectman Glenn Kemper stated only if someone runs into it, and he agrees with Selectman Archibald that he personally doesn't get these things, but since he's a Selectman, he's going to go with Selectman Richard Parker's recommendation on this. Selectman Richard Parker stated that in this case and because of the feedback he got from people who have experience in this area, that it seemed clear that they should go ahead with the warranty plan.

Chairman David Archibald asked which plan he would pick. Selectman Richard Parker said that he picked the 5-year plan because the cost of the internet convertibility and the plan that allows you to do everything with the station.

Chairman David Archibald asked if the Town is able to enter into a 5-year contract. Town Manager Angus Jennings stated that they cannot bind the Town into a 5-year plan, so if the Board recommends adding the funds to the operating budget, it's a clean way to do it. Town Clerk Michael McCarron stated that it's supposed to be three years without a vote, but a vote of the Town Meeting would allow it, so if it was a budget item referring to this, approval for five years, it would be okay. If the Town Meeting is voting this money for this purpose, then you can have up to a 5-year contract.

Motion was made by Selectman Richard Parker that we purchase the 5-year committed assurance plan for the EV charging stations at a total cost of \$5,990. Seconded by Selectman Glenn Kemper. This is \$1,198 per year per station, two sites, the 1910 Building and the Page School, with two plugs in each site.

Yes 3, No 0

Town Manager Angus Jennings stated that he wanted to make everyone aware that what was just voted is a proposed increase in the operating budget, that when the DPW town expenses line comes up in the budget for review, that will require a hold and an amended motion to add the \$2,400 to that line item.

G. Consideration to extend FY20 Board/Commission/Committee appointment terms through June 30, 2020

Chairman David Archibald thinks it's a no-brainer and would recommend that be done, as do the other two Selectmen. Town Manager Angus Jennings suggested that we extend all committee appointments that normally zero out at June 15th be extended to June 30th.

Selectman Glenn Kemper stated, "So moved." Second by Selectman Richard Parker.

Selectman Richard Parker asked how we ended up at June 15th, and Selectman Glenn Kemper stated that everywhere it's been June 15th and there is no reason that it can't be changed. He also stated that we have all these committees that keep reappointing them and thinks we should take a hard look at them and maybe not reappoint them if they aren't useful or haven't met, and also that we should start looking at the charges of these committees, that we should appoint the charges, not them back to us, and see if we don't need to have a committee any longer and look at the charge to have a good understanding of whether it's needed any longer.

Chairman David Archibald stated that he agrees with all of that and that's one of the reasons they were swamped with stuff, but thinks they should have something where the Chairman of committees come together with the Board of Selectman, Town Manager Angus Jennings, and have a big picture. Stated that Rob Phillips made a comment about the fact that committees work in their own insulate little area and have no idea about the big picture of what's going on in the Town and instead of helping the Town, they're slowing down other areas.

Selectman Glenn Kemper stated that he just wanted to bring it up but that his motion still stands that they extend all appointments until June 30th.

Chairman David Archibald advised that two people are leaving, one from the Fin Com so anybody who thinks they might be interested in joining Fin Com, since it's not going to be disbanded, we need to populate the Fin Com.

Selectman Glenn Kemper stated that before the vote is taken if they could at a later time talk about the committees and what should be done in the fall and everyone agreed, so he asked Town Manager Angus Jennings to put this on in September, October, or earlier when there's enough time to have it there as a B item to have a discussion. Chairman David Archibald agreed not to forget, and Town Manager Angus Jennings agreed.

Yes 3, No 0

H. Approval for stipends for election workers for June 3, 2020 election

Everyone is in favor, but question by Selectman Richard Parker was whether it was added up right. The numbers total \$1,250.

Motion made by Selectman Glenn Kemper to approve the stipends. Seconded by Richard Parker.

Yes 3, No 0

I. Discussion of existing Board/Commission/Committee structure; Board of Selectmen policy objectives for FY21; and preliminary discussion of potential revisions to B/C/B structure and/or changes

Town Manager Angus Jennings stated that this is the same as G and has already been talked about.

J. Updates on planning underway for reopening of Town buildings and facilities, including library

(See discussion at page 4)

Town Manager Angus Jennings stated that there is no updated draft, so still a work in progress. Selectman Glenn Kemper suggested that we keep the status quo until there is information to revisit this issue. Town Manager Angus Jennings suggested that if something comes up that need a Board vote, he would put it on the agenda; if not, it can be noted that it is being worked on because some of it falls to the Board of Health.

ADDED ITEM NOT ON AGENDA:

Chairman David Archibald stated that a motion was made in Executive Session to discuss the Memorandum of Understanding between the Town and the City of Newburyport related to rebuilding the Middle Street Bridge, and that is not in the packet.

Selectman Glenn Kemper made a motion that we accept the Carr Memorandum of Understanding with the City of Newburyport that we have and that we would sign that and send it to them by the end of the week. Seconded by Selectman Richard Parker.

Yes 3, No 0

K. Annual reorganization of Board of Selectmen

Chairman David Archibald stated that after the Town election, the Board of Selectmen reorganizes, so he would take any motions on the floor.

Selectman Richard Parker stated that he has been happy with the way Chairman David Archibald has run things for the last year and he would nominate Chairman David Archibald for a second year. Seconded by Selectman Glenn Kemper. Chairman David Archibald stated that he is willing to do it.

Yes 2, No 0 (Chairman David Archibald abstain)

L. Meeting Minutes: May 14, 2020

Chairman David Archibald made a motion to approve the minutes of May 14, 2020. Seconded by Selectman Richard Parker.

Yes 2, No 0 (Selectman Glenn Kemper abstain)

NEW BUSINESS

- Selectman Richard Parker addressed the difficulties that we're seeing as a country right now. He stated that he has the utmost respect and confidence for the integrity of our Police Department, but he was asked if he knows the policy regarding use of force in West Newbury. Selectman Glenn Kemper stated that use of force has a bigger thing, every time somebody is taken into custody there's a use of force and the best thing to do is at the next meeting, have the Chief of Police explain it. Chairman David Archibald stated that the Chief describe what kind of training the West Newbury Police receive regarding use of force and what the protocols are for use of force.

Town Clerk Michael McCarron stated that under the Strong Chief Act, there are rules and regulation that the Chief proposes for all police actions and there's a whole manual on police procedures in West Newbury, and those procedures are approved by the Board of Selectmen, so the Board of Selectman has a role in determining the procedures for the police within the Town.

Selectman Glenn Kemper that he thinks it's very timely and we should ask the Chief to come in and explain that. Use of force goes from verbal to physical to things that are horrible that are happening in the country, so it would be good for the Police Chief to explain the protocols and procedures already in place, and it should be an informative thing for us to understand rather than a cross-examination and trying to tell them how to run the Department.

Selectman Glenn Kemper makes a motion to allot a half an hour to bring the Chief in at the next meeting and ask questions about the use of force and the protocols or rules and regulations that are behind that. Seconded by Selectman Richard Parker.

Yes 3, No 0

- Archibald just wanted to give the news that MassDOT rejected the Bridge Street speed limit reduction request.

Motion was made by Selectman Glenn Kemper, seconded by Selectman Richard Parker to adjourn the meeting at 9:24 p.m.

Yes 3, No 0

Respectfully submitted,

Susan M. Lobie, Certified Electronic Transcriptionist
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**Town of West Newbury
Board of Selectmen
Monday, June 15, 2020**
381 Main Street, Town Office Building
www.wnewbury.org

Minutes of Meeting

Open Session: 4:44 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) 240-3212

Access Code: 767-572-605

Or, from computer, tablet or smartphone: <https://global.gotomeeting.com/join/350521085>

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 4:44 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
- ❖ Moderator KC Swallow
- ❖ Adam Stone
- ❖ Chief of Police Jeff Durand

Announcements:

- This meeting is being broadcast on local cable TV and recorded for rebroadcast on the local cable channels and on the internet. Meeting also accessible by remote participation.
- With all that's been going on in the United States and in the world recently, thought it would be worthwhile to briefly have the Chief of Police discuss the protocols for use of force by the Police Department. Intended to be strictly informational and not long. Chief will go over things and everyone can learn.
- If people feel they would like to comment, it can be done at another time. Just added at the last minute at the last meeting, so not prepared to get into a discussion, but felt it was important enough to add it onto a meeting that was already an emergency meeting.

REGULAR AGENDA

A. Statement by Chief of Police Jeff Durand:

Chief Durand stated that obviously, this has been a situation in the United States that has a lot of attention drawn. Wants to go over some of the Department's policies:

A state accredited department. All of the policies and procedures used have been gone through with a fine-tooth comb, scrutinized, and they're best practices any accredited or certified police department uses very similar policies.

They train firearms twice a year, and during that training, they also cover their use of force policy. During defensive tactics, also trained once a year, they also go over the use of force policies. The major thing that the officers are trained is to deescalate situations. You don't want to have to use force. Our goal is, if we have to make an arrest, to be able to do so without any issues.

All officers are familiar with and sign off on the policies. They have very few use of force reports yearly on the Department.

As an example of some use of force, they've had an intoxicated individual who attempted to jump off the Rocks Village Bridge and officers had to go hands-on with that individual to prevent that. It was reported as a use of force. Also had one taser deployment, and since they've had the tasers, they've had one pepper spray deployment in the last ten years.

Almost all arrests aren't an issue. The officers are all trained multiple times yearly on deescalating situations and having people become compliant with an arrest situation.

Town Manager Angus Jennings has given everyone copies of the policies and procedures. Asked if anyone had a specific question regarding the policies.

Chairman David Archibald stated that upon reading the policies and procedures, he didn't get a clear feeling for if an officer is by themselves, what is the situation regarding escalating the force, but to just wait for assistance of another officer, how does that play out. Chief Durand stated that in a situation where an officer is working alone or at a call first and is alone without a back-up officer, if circumstances dictate and can deescalate and wait for back-up, that's the plan. Don't want an officer using anymore force than necessary just because they are alone.

Selectman Glenn Kemper suggested that there have been situations in the past that it was made sure that if it was a situation where he felt needed back-up, made sure everyone was safe and secure, but waited for back-up to be able to proceed with the arrest because he understood the circumstances where other people might be needed. Asked if those are the types of things that are still used with this police force.

Chief Durand stated that the officers are trained to deescalate, try to control the situation, request back-up if needed, and if it's possible to wait for back-up to arrive, that's what they do.

Chairman Archibald had a question with regard to going over procedures. Wanted to know if officers are required to go over the procedures and sign it that they understand it, or how does it work. Chief Durand stated that as they were going through the accreditation process, as policies and procedures that the department adopted were coming out, all officers are required to read and sign off on each individual policy that they understand it.

Selectman Glenn Kemper wanted to know with regards to the policies and procedures, if the officers are trained again and reviewed three times a year, but wanted to make sure if there is a process involved with some ownership of them by signing them. Selectman Richard Parker asked if the policies and information provided to Town Manager Angus Jennings are available for public review. Chief Durand stated that they are.

Chairman David Archibald asked, after the incident report is prepared and works its way towards the Chief and he looks it over, then what happens? Is he either satisfied with it or is it given a sort of okay, or not okay? What happens after the review gets to him, what does he do with it. Chief Durand stated that if there's been a use of force, the officers are required to file a separate use of force report and those are investigated by Sergeant Cena at this time.

They go over the incident to make sure the policies were followed and the officers understand the policies. All reports are tracked yearly, and it's been very few. Has a summary of use of force for the years 2017, 2018, and 2019 that's available if anyone would like a copy.

Once change in the use of force of policy, used to report if the officers had to shoot an animal that was hit by a car, etc., but not reported as use of force anymore. So, for those three years, the numbers are skewed. But on average, looks like there were three incidents a year where there was a use of force, but the majority have only been a hands-on situation, only one pepper spray and one taser deployment. Nothing more serious than those.

Selectman Glenn Kemper stated that on the taser incident, that was a person that got pulled over for DWI and got very argumentative. He was on 113 as a gentleman, there were cars going by, he threatened police officers, he had his fists, and they tried everything possible to deescalate the situation and they felt that tasing him just to be able to subdue him because he was out of control on 113 with cars going by, even to try to protect his own life by not getting hit, that's when they made a determination that they should do that. Everything came in and he was able to be

subdued and be processed through the proper channels. Chief Durand stated that that particular party was very combative with the police.

Selectman Glenn Kemper stated that once a report is made up and Sergeant Cena reviews it, what happens if it was found that one of the officers didn't act properly through Sergeant Cena's investigation, what is in place to be able to retrain officers or what happens then? Chief Durand stated that if there was a use of force that wasn't within their policy, then they'd have another situation. Could be as simple as a retraining or could involve something more serious with the officer, such as some type of discipline, but it would depend on the specifics of the situation.

Selectman Richard Parker asked about the availability of the policies, should they go to the Chief? Chief Durand stated that they can contact him directly either by phone call or e-mail and he'll get them a copy of what they want.

Chairman David Archibald asked about this year's training for the officers will be more focused on de-escalation and asked if he could expound on that more. Chief Durand stated that as part of the training this year, they're going to have a class specific to de-escalation. Prior de-escalation has been worked into the different trainings, but this is going to be a class specific to that one topic.

Chairman David Archibald asked who gives that training and Chief Durand stated that the Department will give the training, but almost all of the training that the Department gives to the officers is reviewed and usually put out by the Mass Training Council. They'll give out a syllabus or training information to the training officers and every department gets the same information so it's not something that's homemade in West Newbury, it's put out by the Mass Police Training Committee.

Selectman Glenn Kemper stated that he heard that trainings are reflecting the era and this training is very time sensitive, not just looking through the training manuals and going over the same things done forever, but they are really taking into effect what's going on in the world and speaking to that with good ideas to help the situations that are happening. Chief Durand stated that he's sure that a lot of the trainings coming out are going to be reflective of what's going on in the whole country and the face of policing as we know it is changing and evolving quickly, so he's sure there's going to be a lot of new information and new trainings put out. Selectman Glenn Kemper stated that he's satisfied and he's happy that these are all public information and people can get them.

Selectman Richard Parker stated that he's impressed with the professionalism but wanted to address the realities of the world and asked if there is anything in the existing policies that prohibits the use of choke holds or things like that. Chief Durand stated that there's nothing specific, but they would never train choke holds ever, and you stay away from people's necks and heads. Doesn't think any department trains for choke holds in this area. He stated that they train the officers to stay away from people's necks and in their policy, any use of force, the first thing that happens after is they find out if any medical assistance is needed.

Chief Durand stated that in his 25 years, there's never been anyone that wants to come to work and go out and hurt anybody. Doesn't know of anybody in the area departments, as well. Everybody has their head on straight, trying to do their job the best they can, but once in a while, they'll run into a bad actor and they do their jobs professionally and follow the rules and policies.

Selectman Glenn Kemper asked if it's okay for people to contact him and he stated that it's okay and Chairman David Archibald stated that if anyone wants a copy of the manual, it's available upon request, but Town Manager Angus Jennings suggested that anyone who wants it contact Chief Durand in order to keep bandwidth out of their office and the Chief of Police can send it.

B. Review of Board of Selectman Comments re: 40B:

Chairman David Archibald stated that next is a review of the Board of Selectmen comment that the Town is going to send about the eligibility application of the 40B on Coffin and Main Street. He stated that Town Manager Angus Jennings will provide a brief synopsis of what is actually going to be sent and then everyone can take a quick look at the main cover letter that the Town will be sending, along with the comments that the boards and committees and residents have sent in, which is over 200 comments from people.

Chairman David Archibald stated that they don't know how MassHousing will look at these things but they're going to try to put the most important things in the letters, and also wanted to know if they're going to read all 200 comments, he doesn't know, but they're going to send them anyway.

Town Manager Angus Jennings stated that the Board has in front of them a 7-page transmittal letter that hits on a number of the high points of concerns that the Board has, many of which are also reflected in some of the more than 200 letters that were received from Wet Newbury residents, one letter from someone out of town who is not favorable to the proposal, and also received letters from a number of Town departments, boards, commissions, and committees.

Town Manager Angus Jennings stated that the intent all along is that the Board's letter, while substantive in and of itself, it also serving as a transmittal letter of many other comments, so an overall package would be sent to MassHousing on behalf of the Town.

Town Manager Angus Jennings stated that the draft letter is organized into four sections; comments offered regarding the process, additional comments regarding the Board's substantive review of the proposal, highlights the primary concerns, not the sole concerns but the primary issues that the Board wanted to highlight, and then finishes with some requests and recommendations.

He also said that there are many comments that have come in, many of which the Board members share the concerns, but that are not addressed in great detail in the letter because based on their understanding of the process with MassHousing, tried to focus comments on issues that are going to be most salient to MassHousing in their review of the application for project eligibility and site approval that is pending before MassHousing. There are certain issues that rise to a level that we feel are highly relevant to MassHousing at this stage, there are other issues closer to the ground that are certainly important to the Town, but that they know from experience and direction received from MassHousing, in their view are more appropriate to address is a local permitting process.

Selectman Glenn Kemper asked Town Manager Angus Jennings if he could give some examples of that because he and Rick were on a phone call that outlined those things, it might be helpful for everyone. Town Manager Angus Jennings stated that a couple of examples would be the issue of school capacity is a non-issue, not something that MassHousing is concerned about at

all, and if we did include concerns like that, he thinks it's better to keep the letter focused on the issues that are going to be potentially received on the other end.

Selectman Richard Parker stated that he feels that it would water down the message of the issue of substance to include things that they don't consider to be of substance.

Town Manager Angus Jennings stated that when he says that, this isn't just a matter of the current people in the agency, this is a matter of years or a decade or more of caselaw that in some instances has established very clearly that certain issues are out of balance in the 40B process in terms of a basis for local disapproval. Doesn't mean the Town needs to ignore these issues or that the Town is ignoring these issues, what it means is that we need to choose our opportunity to address them.

Another example would be the issue of the lack of sidewalks between the site and the Town Center. That can certainly be stated and is stated in terms of illustrating the case that the site is not in any way a pedestrian oriented site, and that representations to the contrary are not correct. That's fine to say, but MassHousing is not going to require that sidewalks be put between the site and the Town Center, just not going to happen.

The Board's letter is intended to be focused, but then would attach hundreds of pages of additional comments, so all would be provided to MassHousing.

Chairman David Archibald suggested that in the interest of time, he thinks it would be worthwhile to inform people that are listening that – go with our primary concerns. He thinks it's worthwhile that at the moment, these are the things that will be pertinent to what MassHousing is interested in at the moment, would have an effect on them, and what the Board has labeled as their primary concerns.

Chairman David Archibald stated that the first item labeled one of the primary concerns is the large project threshold. He stated that a project can be disqualified if it is going to be creating more units. Because of the size of the Town, it depends on Town size, but if it's creating more than 6% of the existing housing units, and because the census is taking place in 2020, but it isn't finished yet, the number that would be used is the number of housing units in West Newbury as of the 2010 census, because the 2020 census isn't complete at the moment, so that lowers the threshold.

So, if we are using the number of 1,558 as the housing units present in West Newbury in 2010, 6% of that is 93 units, and this particular project is over that threshold by 63% as it presently is being applied for. So, that is a strong factor in being a disqualification for a project of this size. It's possible that in some towns, some project would want to have more than the allowed, so it's not immediately a disqualifier because there might be situations where a municipality would want more than the threshold number, but in this case, they're feeling that this is a big issue.

Selectman Glenn Kemper asked whether if by law they can't have anymore than 93, that's a non-starter, so this is over, so how true is that, how stringent do they go by their own laws and policies? If someone listening saying okay, they can't do it, it's a large thing, we have 1,600, they can't have the 6% of that, so it's a non-starter, so it's all over with. Do we hang our hat on that or how realistic is that and/or are there ways to get around it, etc.

Town Manager Angus Jennings stated that it is absolute. It's very clear in the regulations, and in consultation with both in-house counsel and outside counsel, it's very clear the 40B regulations establish this large project threshold, and what it means is that if an application comes in above that threshold, it means that the Board of Appeals may use that as a basis to deny the project, and that denial would not have the avenue of appeal that it otherwise would. It does not mean that an applicant cannot apply above that threshold, so it doesn't mean that they can't propose it at that level.

In the Board's letter to MassHousing, it does take the step of urging that MassHousing not issue the project eligibility site approval letter in part for that reason, and perhaps that's how it will go. If you look at the track record of these things, there's certainly a chance that MassHousing would issue a project eligibility site approval letter despite the fact that the proposal is so far above the large project threshold.

One of the stronger points made here is the developer has represented a number of times that the proposed unit count is what he feels is needed to make the development of the site economically feasible. That would seem to be squarely at odds with the restriction within 40B that the conditions of approval can't render a project uneconomic. What the applicant himself is representing is that the proposal that he has brought forward is necessary for it to be economic, and yet, it's way above the threshold.

So, it would appear, as Glenn stated, that this is not a viable proposal, but that doesn't mean MassHousing can't issue their letter, and it doesn't mean that the applicant can't bring forward an application.

Selectman Glenn Kemper stated that was extremely helpful, especially when it was expounded regarding the Board of Appeals, when it gets to them and them denying it, then there is no appeal process because they did not go over that threshold.

Chairman David Archibald asked Town Manager Angus Jennings to talk about the water supply part of it. Town Manager Angus Jennings stated that this was highlighted as the second primary concern the Board is raising, and the first thing on the issue of water supply is, there's a lack of information to work with. The Water Department had put a request out for additional information on the anticipated water supply needs of the development back in late April, and to date, has not received the information it needs to conduct a thorough review.

With that said, we are not at the permitting stage yet, so the deep dive review that the Water Department will conduct would occur at the comprehensive permit process, but even just settling on what are the usage demands, the data is not available.

The second thing is, we're limited under the Town's Water Management Act permit to a certain volume of water that we're authorized to pump out of our watershed, and in order to supply the water needs of the proposed development, based on the assumptions that the Water Department is making, would simply exceed what we would be allowed to draw. So, what that means is, the Town would have no choice but to purchase more water from Newburyport, which we do purchase every year, and this would drive up that amount.

So, we wanted to make sure that MassHousing is clearly aware that the water needs of the proposal exceed those that were authorized by permit to provide. So, one of the requests that's

made later in the letter is that MassHousing would require the applicant to provide the information necessary for the Water Department to do a more thorough review.

Chairman David Archibald stated that the final primary concern that we wanted to have MassHousing take a look at was the yield plan, and if Town Manager Angus Jennings could talk about that.

Town Manager Angus Jennings stated that the yield plan came up in a number of comments, and the Planning Board did a nice job in its analysis. The application submitted by the developer to MassHousing includes a so-called "As of Right Plan," or a "Yield Plan," and our review collectively between the Planning Board, Conservation Commission, Health Agent, who over the years has witnessed many perk tests on the site, look at that yield plan and are very skeptical to say the least.

And there's also an appraisal that was done about 5 or 6 years ago that had its own finding based on the development potential of the site. The yield plan greatly overstates the underlying development potential of the property, and that's concerning for a couple of reasons. For one thing, it's indicative of a concern throughout many parts of the materials the applicant submitted, there's questions as to how reliable or accurate that information is, so that's a concern.

But on a yield plan specifically, if that's being represented as the underlying development potential, if that is not rebutted early, which is what we're trying to do, that could skew MassHousing's understanding of the underlying land value, and that could flow through the development pro-forma if the land is essentially overinflated, or the value is overinflated, that could and would, in fact, have an effect on what is determined to make the project uneconomic.

So, it was important to make that one of the key points, is that we believe that this yield plan significantly overstates what could be done on the site and the underlying zoning, and it requests that MassHousing require the applicant to respond to those concerns prior to its issuance of any determination.

Chairman David Archibald stated there are a lot of other topics that have been addressed in the cover letter and certainly address in even more detail from individual correspondence and reports from Town boards and committees. Obviously, in the interest of time, we can't get into all of those, but if any of the people listening have any individual concerns, we'll certainly hear anyone's questions, or on the chart, if anyone has a question of have we addressed certain things, they're more than welcome to ask right now.

Jean Lambert commented that Town Manager Angus Jennings has told her that this will be made into a public document and wants to know if the document sent also strongly urge MassHousing to take a look at what the various boards and committees have given them for comments. She knows that on the Open Space Committee, they spend a very long time looking at the wetlands issue and some of the other concerns within their purview, and they know that the Planning Board did an excellent job on all of the amazingly steep slopes there. So, she would hope that MassHousing would be urged to get a complete understanding by looking at all the documents, or at least the boards and committees, and wonders if that's possible.

Selectman Glenn Kemper stated that we can bring the horse to water but we can't make them drink, and that Town Manager Angus Jennings made a comment earlier about how well the Planning Board and the Open Space and other committees how well and hard they worked on

those letters, and stated that they will definitely be highlighted, but we only can present it to them, we can't make them do anything.

Jean Lambert stated that she understands that, but she was hoping that there was a place in the letter where they could be urged to do this, because she knows that the Board of Selectman has done an amazing job getting all of the comments together, and she thanks everyone, but if they could be strongly urged to consult the other documents, that might be helpful, too, and hopefully, all the comments that people have sent in because the themes keep recurring.

Selectman Richard Parker stated that in the call that Town Manager Angus Jennings and he sat in on with MassHousing, they were told that all material would be reviewed, and we of course would lead with the letter from the Board of Selectmen, but following that will be emphasized committee comments in front of all other comments. So, that's going to be the first thing they look at after they read the letter from the Board of Selectmen and Town Manager.

Chairman David Archibald stated that he wasn't on the call, but asked who actually is looking at this? Selectman Richard Parker stated that he believes the people who are looking at it are the people who they're speaking with, are part of the team, but he doesn't know exactly who all the people are, but he's pretty confident that two of the people reviewing this were on the phone call with them.

Selectman Glenn Kemper asked how long the process of reviewing going to take months, years, weeks? Selectman Richard Parker stated that 30 to 60 days is what they estimated, but Town Manager Angus Jennings stated that he believes it's 60 to 90 days. Should assume 30 to 60 days just to be conservative, but 60 to 90 is a realistic timeline, and it could also take longer than that.

Chairman David Archibald asked, for timeline thinking, just for the fact that they do issue a decision that it is eligible, when would we have to then contact them to get the consulting money allowed from MassHousing, and when would we be able to go after the money that is available from the developer. What is the timeframe related to that?

Town Manager Angus Jennings stated that the Town would be eligible to apply for a technical assistance grant from MassHousing Partnership, and it gets a little confusing because we're talking about MassHousing, but the MassHousing that issues the project eligibility letter is MassHousing Finance Agency, MassHousing Partnership is different, they're both often referred to as MassHousing, so it's confusing.

So, the technical assistance would be from MassHousing Partnership, and we would not be eligible until a comprehensive permit is actually filed locally. Were in touch with that office several months ago and we're on their list and they've indicated we'll get the grant money when the time comes.

Chairman David Archibald commented that that's not a complicated or lengthy process and Town Manager Angus Jennings stated that no, not at all, it's intended to help in particular smaller towns with limited staff, so they want to get that money to us so a consultant can be hired.

Chairman David Archibald asked about what kind of money is being talked about so people can understand how it works. Town Manager Angus Jennings stated \$15,000, and that's to hire a consultant. He was asked how far he thinks that \$15,000 will go, and he stated that the \$15,000,

you're limited to hire a consultant on the list of MassHousing Partnership's list of pre-qualified vendors. So, they've already selected vendors that are on their list and you've got to stay on the list.

The scope of work is going to be what MassHousing Partnership wants it to be, which is basically someone to do some hand-holding with the Board of Appeals, to attend the hearings to make sure that the Board of Appeals is running the hearing in a manner that's consistent with the State regulations, and part of their scope can include assistance in drafting a decision. He's not sure that we would need that in our case, because we have a good team.

But they're there to make sure the process is handled in accordance with regulations. A lot of it is not going to be really responsive to some of the concerns that we're hearing, and that's where Chairman David Archibald's other question about the other funds and what the developer puts up.

And once a comprehensive permit is filed with the Board of Appeals, the Board of Appeals can set out what it feels it needs in order to undertake its review in accordance with its responsibilities, and so, it can define the third-party reviews or peer reviews of the developer's materials that it, the Board of Appeals, feels is necessary, and those costs are borne by the applicant, who then puts those funds in escrow. Once the funds are put in escrow, the Town manages the fund, so the Town then hires its own consultants to conduct whatever studies the Board of Appeals needs to do its job, whether it's wetlands, environmental, storm water, civil.

Selectman Glenn Kemper asked if there is a ceiling on those funds and Town Manager Angus Jennings stated that there is not. Selectman Glenn Kemper asked if the Board of Appeals comes up with a list that adds up to \$500,000, could it be that, or if the list is \$27,000, it could be that.

Town Manager Angus Jennings stated that's right, but what John Witten advised us at one session, but he did remind that all of those costs flow to the bottom line of the developer's pro-forma, and he was explicit that there's no cap on what you can require, but you want to ask for what you need and not do studies just for the sake of doing studies, not to say anyone would, because that is all going to come out of the development's costs, and when you get into the later stages of determining whether certain conditions of permit may require the project uneconomic, if the applicant is carrying an additional six figure amount because of the peer review costs, that's all going to at least in theory reduce the Town's ability to negotiate conditions that make the project more palatable.

Town Manager Angus Jennings stated that the most important point to take away on the 53G account is that the Board of Appeals is fully empowered to require the number and type of reviews that it deems necessary to complete its review. Selectman Glenn Kemper asked if they're not restricted about the list people, they can pick whom they want? Town Manager Angus Jennings replied that that's correct. The developer, under State Statute 53G, the only basis that an applicant can contest a consultant selection is either if the consultant is demonstrably unqualified to do the work that they're hired to do, or if the consultant has a material conflict of interest and is therefore ineligible to do the work.

Chairman David Archibald stated that MassHousing is going to get our comments tomorrow, and we don't feel it's appropriate to put the individual comments that the residents sent in because they have contact information and don't want to put that in the public domain, but they do intend to send them without their contact information to MassHousing.

Town Manager Angus Jennings mentioned that there have been requests that the correspondence be made public, and his assumption is that people would want to see those attachments, so his office can redact all personal identifying information.

Selectman Glenn Kemper asked if it needs to be in by tomorrow, that's when the time clock starts, because it's being done electronically, just for people wondering when the 30 to 60 days starts? Town Manager Angus Jennings stated that's correct.

Selectman Glenn Kemper stated that he's happy with the letter the Selectmen drafted, and one thing that Jean Lambert said it was the Selectmen who got all the "thank you for the hard work," and he's going to speak for himself, he didn't do any heavy lifting on this and he wants to thank Town Manager Angus Jennings and his staff for compiling all the stacks of paperwork and getting everybody's things together. He was able to just read everything and appreciate the hard work that was done to get everything ready. He also wants to thank everyone who took the time to submit comments and interaction and agreed with most of them, and seeing individuals getting involved in the process.

Town Manager Angus Jennings stated that the letter will be sent to MassHousing by close of business tomorrow, and it's pretty quick to post things to the website, so if it doesn't get posted by the end of tomorrow, it can definitely get posted on Wednesday, so by the end of the day on Wednesday, everything should be up on the project web page.

C. Town Meeting:

Chairman David Archibald wanted to talk about changing some aspects of the Annual and Special Town Meetings scheduled for Saturday, June 27th.

First off, the legislature has passed and the Governor has signed very recently legislation allowing towns of our size with open Town Meetings to reduce the quorums of Town Meeting for the specific purpose of allowing greater social distancing, smaller meeting size, all to reduce the chances of spreading COVID-19.

The details are that the legislation allows the quorums to be reduced to as little as 10% of the existing quorum, so in our case, that could lower the quorum from 90 people on large items that require a 90 person quorum down to 9 people. And just personally speaking, he doesn't want it to be a 9-person thing. He feels that perhaps they may want to reduce a quorum, but he certainly doesn't want to go there.

Moderator KC Swallow stated that just because you can reduce the quorum to only 10% of the existing quorum doesn't mean that's the only reduction you can make. You can make it up to that, so you could make it half or three quarters. It doesn't have to be 9 people.

Because our meeting is on June 27th and the fiscal year is on June 30th and we don't have any idea how many people will be attending the Town Meeting, she thinks it's wise to lower the quorum to maybe 40, which is the quorum if there are no big money items, just to be on the safe side. That does not mean that we're going to throw people out because there are already 40 people there. Everyone who wishes to attend the meeting and is a voter can come.

There was actually a news item this morning on the radio that the meetings that have already been held under these unusual circumstances have had larger than usual attendance and people seem to be coming and how are we going to handle all this. Chances are, we won't have that problem, but if we do, then you have no budget. So, this is just a way to make sure that we can have the meeting. She thinks she would be amazed if we didn't have at least 40 or 50 people there and we will probably have more than 90, but this is just a way to sort of ensure that we can have the meeting, get the budget passed, get the important financial items passed, and get that done.

Town Clerk Michael McCarron said he agreed and one point he'd like to make is that because the statute required a 7-day notice before the Board can vote, you really have to make your determination at the next meeting because the notices were posted last week. So, this will be on the agenda a week from now and that's the time that a decision can be made. Obviously, we can talk about it now, but you're going to have to talk about it again next week.

Selectman Glenn Kemper stated that he thinks that was our intention was to send the notice out, have a good discussion tonight, so we have plenty of time to discuss it and answer questions if there were any, and then make the final decision next week.

Selectman Richard Parker asked, if we reduce to 40 people, how much – there's a dollar limit beyond which we can't go to vote? What is that limit, and is that threshold that 40 people, so if we have 40 people are we then not limited in dollar amounts or is there some limitation?

Town Clerk Michael McCarron stated that the rule is, for the Annual Town Meeting, you need 90 for everything at the Annual Town Meeting. For a Special Town Meeting, you need 40 for expenditures \$20,000 or less, but if you have an expenditure over \$20,000, you need a 90 quorum for a Special Town Meeting. So, effectively, because we have the annual on, the quorum right now is 90.

Selectman Glenn Kemper stated that it's just basic. Whatever is on the Annual Town Meeting, we need a quorum of 90, there are no differentiations about money, only on the special, and that's why we have those thresholds. Selectman Richard Parker asked, if we reduce the quorum to 40 people as KC has suggested as a possible number, is there a limitation for no article greater than \$20,000.

Moderator KC Swallow stated that her understanding is that this is a one-time deal because of COVID-19, that the state has allowed the Boards of Selectmen of the towns holding open town meetings to lower the quorum so that they can have the Town Meeting. She has not seen anything that directly addresses the question, because have a bylaw that says that we have to have a quorum of 90 for anything over \$20,000, which is in the bylaws and not in the state statutes. She has not seen that particular question addressed. She will look into it before next week so that she can answer the question, but she doesn't really know if the state legislation that enables this reduction of quorum then supersedes any town bylaws.

Town Clerk Michael McCarron stated that it does. Chairman David Archibald stated the point is that it can't then say you still have to have 90 for the rest of the meeting, which wouldn't make sense. Selectman Glenn Kemper stated that an Annual Town Meeting is different from a Special Town Meeting. Just because you're having an Annual Town Meeting in the spring doesn't mean that towns have Special Town Meetings, they do, but they don't have to.

Town Clerk Michael McCarron stated that the legislation says any Town Meeting, and that includes Annual and Specials. You will literally have to take three votes next week. One is to address the quorum for the Annual, and the second would be to address the quorum for the first special, and the third would be the quorum for the second special, so three separate decisions of the Board as to the quorum requirements for the upcoming Town Meeting.

Selectman Glenn Kemper stated that he would take KC's recommending being that to bring it down to 40 – doesn't agree with bringing it down to 9 – but KC, it's a game time decision and she's not going to start it with 40. In her mind, she wants as many people there as possible, and the most representation, so if we have that in our head but have it in our back pocket that they can still do town business only with 40, that's the best of both worlds.

Moderator KC Swallow stated that she agrees with that. She does not think that there will be a problem. She feels that people will come. She also stated that Concord has no quorum and they had a record turnout at their meeting. It's kind an interesting dynamic what's going on with all of this. Selectman Glenn Kemper added that he thinks that people want to get out and are going to be interested in what this is all about, not going to be boring.

Moderator KC Swallow stated that it concerns everyone and all of the moderators have discussed this, that the attendance at Town Meetings is skewed toward older people, and it is in all the towns and it is in West Newbury, as well. We do have more senior citizens than young people in general attending the Town Meetings and the senior citizens are the ones who are in a high risk group, so if they feel like they shouldn't come because they're in a high risk group, then there could be a problem with the quorum, and that's what she's concerned about. She thinks we'll have a good turnout and exceed the quorum, but on the off chance that exercising caution people decide not to come, this gives us the ability to have the meeting.

Chairman David Archibald asked Moderator KC Swallow if she thinks 40 is too low because he was thinking more like 50. She said there's nothing sacred about 40, that's just the other number that's in the bylaw which for a special town meeting with no item over \$20,000, they could have the meeting with, so it's something that people might be familiar with. 50 is fine with her, but she just thinks we need some lower number to ensure that the meeting can be held.

Selectman Richard Parker stated that he was thinking 50 people before, but after listening to what KC said and just realizing that there's already precedent for 40 being a quorum for a Town Meeting, for a Special Town Meeting and not the Annual Town Meeting, 40 seems like a reasonable number. Thinks we're going to have more than that, maybe beat 90 people, and people are going to find it a novelty to go to an outdoor town meeting on a Saturday, but he thinks 40 is a reasonable number since we have a precedent.

Chairman David Archibald stated that he agreed with that and asked everyone to state that they were in agreement. Selectman Glenn Kemper is also in agreement, with the understanding that we're not going to start the meeting at 40, this is a safety net to get done with Town Meeting.

Moderator KC Swallow commented that you call the meeting for 10:00, and there has been grumbling in the past when we used to have trouble getting a quorum so the meeting didn't start, and she'll be asking people to please come early because registration could take longer because of the lines and social distancing and seating, and hopefully people will come earlier than 10:00, but she believes by 10:00, we will know if there will be trouble with the quorum or whether people attend and there will be a normal meeting. If there aren't 30 people there at 10:00, you

can't open the meeting, but if there are 40 people there and there are clearly more people coming, then the meeting can be opened.

The problem with that is, the very first thing taken up is the line item budget from the Annual Town Meeting and that's not something that most people are interested in, but they'll have to see how things go on that day and if there's going to be a problem.

Chairman David Archibald asked what kind of public notice has to be put up. Town Clerk Michael McCarron stated that it's already done, the notice has been – the DLS has given us advice as to what should be done, and it was posted on the website, posted on our Facebook account, with the Town Warrants last week in those places, and in the Open Meeting section, so we've complied with the notice of the consideration to lower it, and decision has to be made on next Monday. Once you do that, then he sends a notification to the Attorney General that they have lowered the quorum for these town meetings, and he'll prepare a vote for everyone to sign for next week.

Town Manager Angus Jennings stated that he wanted to talk about a virtual meeting or online forum, which KC recommended and is a good idea, having a virtual meeting prior to Town Meeting to give people a forum to ask questions about the budget or about articles.

Selectman Glenn Kemper asks Moderator KC Swallow if there are any provisions of trying to streamline registration, can't be done beforehand? Moderator KC Swallow explained that it could have been talked about at a previous meeting, but is too close to the meeting to start thinking about doing something that different, but Mike has the new legislation and we have three entries planned at the venue, so that people can go to anyone of the entries because they don't have to register by where you live, you just go up and register, and things have already been streamlined.

Selectman Glenn Kemper suggested that it might be good to tell people when registration will start. Town Clerk Michael McCarron stated that we should have two registrars there at 9:00 with the I-Pad and registration is quick, don't have to line up by your street, can go to either one, going to have two separate tables so that there's more social distancing, and voters can go to either one, it's very quick and will be able to get people in and registered right away.

Selectman Richard Parker asked if the Pads require wifi, and Town Clerk Michael McCarron stated that they do not require wifi to operate, but they do use wifi to download the materials afterwards, but they can operate independently and they talk to each other. They're bluetooth connected so that he knows that they will keep a count on both of them, so you can ask either one of them what's the total number of people put in and they will sync with the other I-Pad and they know who is already checked in.

Chairman David Archibald stated to get back to a pre-Town Meeting meeting. Town Manager Angus Jennings stated that he was able to get confirmation earlier today that the Fin Com is happy to be represented, the Board of Selectmen, as well, himself, Town Clerk, Michael McCarron, and KC were also available next Tuesday evening, June 23rd, so while we haven't formalized or announced that, that's going to be the evening, so we're going to look to pin down a time tomorrow, heavily promote it, get the word out that it will take place, and it will be intended as an open forum for people to ask whatever questions they may have about the articles or the proposed operating budget.

Chairman David Archibald asked, so for example, anyone that has a question about the band stand line item, ask it Tuesday night, don't ask it at the Town Meeting? Moderator KC Swallow stated, correct. One of the problems with organizing these outdoor town meetings is that someone asks a question, then find someone to answer it, move microphones, and we don't have the luxury of doing all that in the field, so it would really slow things down considerably and increase the contact between people.

So, the idea is to have everyone who has questions about anything to be able to ask them up front so that we can get those taken care of. At the meeting itself, what some moderators have done and she thinks is wise, the microphones are available for people who want to make a statement, debate, discuss an article, but they're not available for questions, if you just want some information. So, what they've done is have runners – you have to write your question down on a piece of paper and submit it to the moderator, so there's none of this going back and forth to the microphone three times because you have a question about something.

So, we can do that and hope that people will attend the open forum, ask as many questions as they can, and we can also provide e-mail addresses or phone numbers if you didn't make it to the meeting but you have a question, please call this person. But the idea is to minimize the number of people who just have an informational question to ask. This isn't people who want to make their statement by saying, "Well, I have a question," and then it's Perry Mason.

She's talking about people who really want information and need to get it before they know how they want to vote. So, she thinks that this pre Town Meeting forum is very important to try to clear up any kinds of questions people have, and then she hopes that we can post the questions on the website or whatever so that other people who didn't attend can see what the answers were and try to minimize this kind of informational aspect of the meeting.

Chairman David Archibald stated that he thinks it's a great idea and asks how do we keep it to question and answer and not opinion? Maybe the Selectmen shouldn't be part of it and more should be KC, Angus, and Mike, just answering questions since they have all of the backup material from the commissions and department heads, etc. Selectmen can listen in, but to try to keep it really streamlined, more of an informational thing and not opinion.

Moderator KC Swallow stated that the Selectmen sort of monitor themselves, because she knows they have opinions on these things and so does she, but this is not that type of forum. She thinks the three Selectmen are completely capable of limiting their answers to informational answers and not expounding on their opinion with it.

Chairman David Archibald stated that they're going to have some new people related to the 40B that have never been to Town Meeting before, and at this Tuesday night training session, is there something she could put together to give to people so they would know what is going on so she doesn't have to give it at the actual Town Meeting? She said she will put something together. It's a good point because there are lots of people interested in the Second Special Town Meeting who have not ever been to a Town Meeting before or very seldom and really do not understand how it works at all, so she will put together an introductory talk about how Town Meeting works.

The other thing is that if people really don't understand Town Meeting and they're going to be there because they have a really strong interest in the 40B project, they're free to call her anytime and get more information about how Town Meeting works, because that is the key to having things move smoothly, that people understand that this is not a debate, this is not an open forum,

this is the legislative branch of the government and there are ways that we conduct our business, and that's the way it's got to be.

Chairman David Archibald suggested that when she puts that thing together, what about sending it to the people who passed around the petition, who must have an e-mail list, and then they could send it out to the people that would be interested on the 40B. 350-something people signed it and they must have an e-mail list of 100 or so, send it to that key person and then they can disseminate that throughout their channels, and if somebody has a question to give her a call. She thinks that's fine and she will put something together as soon as she can and she will send it to Town Manager Angus Jennings for feedback and then to the appropriate person who is organizing the 40B contingent.

She also thinks that this is a good point that Glenn is making, that Town Meeting is this rather strange kind of government that we have here, that a lot of people who haven't grown up with it, of which she is one, and have not participated over the years really don't understand how important it is, that it really is the legislative branch of the government and it has rules, and there's ways that things have to be done. And she's not trying to be mean or heavy-handed, but this is the way it has to be done.

Selectman Richard Parker asked about how the Tuesday meeting next week is going to be run, because if there's 15 people it's one thing, if it's 150 people, it's something totally different, so how do we keep it from being some variation on the Tower of Babel?

Moderator KC Swallow stated that she's going to assume that Town Manager Angus Jennings is going to be the host and it's up to the host how to recognize people. Her church had a Zoom annual meeting where there were 120 people, and same thing as a Town Meeting, warrants, articles, how much money spent. They did a really good job. The moderator stated you can't unmute without permission of the moderator, that the moderator can recognize people and can see the order in which they asked to be recognized on the track page.

So, she's assuming that the moderator would initially mute everyone and then recognize people to speak so they're not all trying to speak at once, but they can get their questions asked.

Selectman Glenn Kemper suggested that when they start the meeting, the Board of Selectmen can come up with questions, basic questions, answered by KC in two or three words, go through the whole thing that might answer a bunch of questions ahead of time that somebody might have.

Moderator KC Swallow stated that one thing she has done is, sent a draft of a letter that she wants to send to the whole town to Town Manager Angus Jennings for his input and to get input from anybody else that describes what's going on, and there's still some holes in it because she was waiting for information about things, which is exactly what he just said, it's an explanation of this Town Meeting, because it's a strange Town Meeting, but it explains what they're planning to do, how things are going to run, who is expected to what, tried to address the issues that people might have about just the meeting logistics, not the warrant or the line item budget.

And that letter should go out before we have this meeting because it encourages people to read the warrant, to read the line item budget carefully, and if you have informational questions, not discussion but questions about any of the items on the warrant or the line item budget, there will be this informational session because we're trying to dispense with as many questions as possible

before we get to the meeting to avoid trips to the microphone by the question asker and the potential question answerer.

Selectman Glenn Kemper stated that there might be questions from people who have never missed a Town Meeting in the 30 years they've been here and sitting in the audience and wondering why it's being done differently, so she might want to address that and give them the reasons why it's being done different, trying to get as much input as possible just this year.

Moderator KC Swallow hopes that everyone can answer questions about both the nuts and bolts of what's being talked about, the warrant, the line item budget, but also about the strange meeting that's different from anything done before. But she believes that if we engage the community in the whole thing, they'll help us, so she's very optimistic.

Selectman Glenn Kemper asked what's going to be the vote next week, that we're going to bring everything down just to 40? Town Clerk Michael McCarron said yes.

D. Painting on Saturday - Brake's Hill Water Tank:

Chairman David Archibald stated that we have a request by the contractor painting the Brake Hill water tank to work on forthcoming Saturdays in the summer. Asked why is this request being made?

Town Manager Angus Jennings stated that it's to keep the project on track timewise, they've been moving along very well but was some time lost because of COVID and they're looking to do painting work on Saturday. There wouldn't be any equipment so it wouldn't cause any noise, but obviously, neighbors would see people working so they would want to let them know ahead of time. If the Board does authorize this, his office would send a letter out to the neighborhood to let them know that they could expect painting work for the water tank on Saturdays.

Chairman David Archibald asked if it would save any money, and Town Manager Angus Jennings stated that he doesn't think so but he doesn't know since he's not dealing directly with the contractor, it's going through the Water Department.

Chairman David Archibald asked if there will be any time restrictions? Town Manager Angus Jennings stated that would be whatever restrictions the Board puts on there. The Monday through Friday says that people can start at 6:45 and he would absolutely not be in favor of that on a Saturday. Selectman Glenn Kemper suggested that 9:00 to 5:00 would be his suggestion on a Saturday and if they want to push back on that, they could give a detailed explanation of exactly what's going to be happening and why they need to be pushed.

Selectman Richard Parker suggested that they won't be across the street from anybody, they'll be up by the water tank so there will be a couple hundred yards or more. Selectman Glenn Kemper suggested that if any equipment needs to be moved into the site, he would ask that to be moved in on the weekdays. Selectman Richard Parker suggests that's reasonable, but if you limit them to 9:00 to 5:00, does that impact what they're going to be able to accomplish in trying to get the job done, and he doesn't want to infringe upon the neighbors.

Selectman Richard Parker thinks it's in everyone's best interest for the job to get completed as soon as possible, and he's not sure what their threshold is in terms of what point it doesn't make sense. Selectman Glenn Kemper suggests that we get back to them and see what they say and

then give specific reasons why that wouldn't work. Selectman Richard Parker doesn't see any reason to do that because if it goes earlier, he'll vote no.

Motion was made by Selectman Glenn Kemper to allow painting between 9:00 and 5:00 on Saturdays, beginning on June 27th. Second by Selectman Richard Parker.

Town Manager Angus Jennings wanted to clarify, as seen in the materials in the packet, the contractor had asked to start June 20th, Mike Cutea had advised wisely advised them that it might be that they couldn't start until the 27th to give people a letter. He would suggest that the Board's motion begin with the 27th, that way it gives us more time to make sure the letter gets into people's hands before they start seeing Saturday work.

So, that would be June 27th, July 11th, July 18th, and July 25th from 9:00 to 5:00.

Yes 3, No 0

Motion was made by Selectman Glenn Kemper, seconded by Chairman David Archibald to adjourn the meeting at 6:31 p.m.

Yes 3, No 0

Respectfully submitted,

Susan M. Lobie, Certified Electronic Transcriptionist
Office Solutions Plus
15 Marion Road, Salem, MA 01970

Town Manager

From: DPW Director
Sent: Tuesday, June 23, 2020 9:15 AM
To: Town Manager
Subject: RE: 2020 DPW street paving list

Angus,

I see no real problem with that. I will proceed with the contract preparation. I doubt I will get much of this done before I leave for vacation and town meeting prep this week.

Wayne

From: Town Manager <townmanager@wnewbury.org>
Sent: Friday, June 19, 2020 4:51 PM
To: DPW Director <dpwdirector@wnewbury.org>
Subject: RE: 2020 DPW street paving list

Wayne, as we discussed this item was not put on the 6/22 agenda but will be on the next regularly scheduled BOS mtg. Right now that is anticipated on July 6th, please confirm that is still timely for the Board's advisory review, thanks.

Angus Jennings, Town Manager
 Town of West Newbury
 Town Office Building
 381 Main Street
 West Newbury, MA 01985
 (978) 363-1100 x111
townmanager@wnewbury.org

From: DPW Director <dpwdirector@wnewbury.org>
Sent: Thursday, June 18, 2020 1:44 PM
To: Town Manager <townmanager@wnewbury.org>
Subject: 2020 DPW street paving list

Angus,

Please see the attached list of scheduled DPW roadway paving locations. I am finishing up the 40 plus page (MassDOT required) contract and hope to have this out to bid by the end of July. We will have an estimated \$696,000 in Chapter 90 funds available in August and hope to pave in September or October.

Can you share this list with BOS? Once the contract is awarded and we have real – I will prepare a press release for the web site.

Thanks,
 Wayne

Wayne S. Amaral
 Director of Public Works



Town of West Newbury

381 Main Street

West Newbury, Massachusetts 01985

Stephanie Frontiera, Town Accountant/Business Manager

978-363-1100, Ext. 112 Fax 978-363-1826

townaccountant@wnewbury.org

TO: Board of Selectman
 FROM: Stephanie Frontiera, Town Accountant/Business Manager
 DATE: July 2, 2020
 RE: Preliminary FY20 financial closeout

This is a preliminary update on the FY20 financial closeout. There is a possibility of two more FY20 accounts payable warrants to be completed by July 15th for FY20.

Expenses:

- The amount expended in the general fund is \$14,377,349.26 with an ending available balance of \$533,467.74 which is 96.42% not including any encumbrances which will be processed next week
- Departments did a great job managing their budgets accordingly
- FY20 line item transfers are expected to be needed for the Town Moderator, DPW, Finance, Town Manager, and Building Departments, to date.

Revenue:

- Review of overall revenues v. budgeted are currently under review.
- FY20 Real Estate collections are at \$11.4 million or 82% of the tax commitment, not including any late received revenues not yet posted
- Motor Vehicle Excise collected is \$627,574.79 which is 77.5%, not including any late received revenues not yet posted



MASSWORKS INFRASTRUCTURE PROGRAM

Quarterly Report

This form must be completed and submitted quarterly until the closeout of the grant contract. Please complete all sections and attach supporting documentation to verify any deviations from the contract.

Grantee/Project Information

Public Entity:	Town of West Newbury	Date Prepared:	6/30/2020
Project Name:	Plummer Spring Road Bridge Replacement Project		
Preparer's Name:	Angus Jennings, Town Manager		
Preparer's Tel. and Email:	978-363-1100 x115 townmanager@wnewbury.org		
Fiscal Year:	<input type="checkbox"/> FY2019 <input checked="" type="checkbox"/> FY2020 <input type="checkbox"/> FY2021 <input type="checkbox"/> FY2022 <input type="checkbox"/> FY2023		
Period Covered:	<input type="checkbox"/> Q1: Jul - Sep <input type="checkbox"/> Q2: Oct - Dec <input type="checkbox"/> Q3: Jan - Mar <input checked="" type="checkbox"/> Q4: Apr - Jun		

Quarterly Spending – Using the table below, please list the quarterly drawdown amounts shown in your contract at each Quarter Ending (QE) Date, followed by the actual or anticipated spending amounts. **An actual or expected amount (even if \$0) must be provided for every quarter that is part of the contract.**

Period	Contract Amount	Actual or Expected	Period	Contract Amount	Actual or Expected	Period	Contract Amount	Actual or Expected	
			QE 9/30/20	\$20,000.00	0.00	QE 9/30/21	\$200,000.00		
			QE 12/31/20	\$50,000.00	80,000	QE 12/31/21	\$200,000.00		
QE 3/31/20	\$20,000.00	\$0.00	QE 3/31/21	\$30,000.00	60,000	QE 3/31/22	\$350,000.00		
QE 6/30/20	\$20,000.00	\$0.00	QE 6/30/21	\$10,000.00	10,000	QE 6/30/22	\$100,000.00		
FY20 Total	\$40,000.00	\$0.00	FY21 Total	\$110,000.00	\$150,000	FY22 Total	\$850,000.00		
							Grand Total	\$1,000,000.00	\$1,000,000.00

Please explain any deviations between the contract amounts and the actual/anticipated amounts. If any deviation is expected to result in funds crossing fiscal years, a formal contract amendment request must be submitted, and approved by EOHEd, before any further reimbursement requests can be processed

The Bridge design/engineering work is ongoing, by vendor BSC Group, under separate contract with the City of Newburyport supported by a MassDOT Small Bridge Grant awarded in 2018. The Town does not expect to incur design costs pursuant to the MassWorks grant until the funding provided by the Small Bridge Grant is fully expended. This timeline is consistent with our initial grant application.

Milestones – Using the table below, please enter the milestones shown in your contract and indicate whether they are complete.

MILESTONE	CONTRACT MMM-YYYY	REVISED MMM-YYYY	COMPLETE?	
			YES	NO
Design, Survey, and Engineering Complete	Apr-21		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Bids Advertised	May-21		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Bids Opened	Jun-21		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Contract Awarded	Jul-21		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Construction Started	Aug-21		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Construction 25% Complete	Oct-21		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Construction 50% Complete	Dec-21		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Construction 75% Complete	Apr-22		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Construction 100% Complete	May-22		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Punch List	May-22		<input type="checkbox"/>	<input checked="" type="checkbox"/>

Please describe project activities completed this quarter. Please include percent of design/construction completion (e.g., 75% design or 30% construction).

The City of Newburyport, through Jon-Eric White, its local project manager of the MassDOT Small Bridge Grant, has advised us that the expected timeline for design, survey and engineering completion (April 2021) is unchanged from what was included in our MassWorks grant application filed in summer 2019. The design of the project is approximately 30% complete.

Please describe any unforeseen delays in the public infrastructure project and your plans for ensuring completion by the contract end date.

N/A. The project is on schedule.

Please describe the status of the private development project(s) associated with this grant. Please specify any progress made relative to design, permitting, and construction of the developments. Additionally, please specify any unforeseen delays in the projects and how these delays have or will be addressed.

N/A.

Please submit this *completed* form and all required attachments via email to your designated MassWorks contract manager.

Town Manager

From: Matthew Coogan <MCoogan@CityofNewburyport.com>
Sent: Wednesday, July 1, 2020 5:03 PM
To: Town Manager
Subject: RE: [Ext]Was MOU referred to Committee?

It was referred to the Neighborhood and City Services Committee. I reached out to the Chair, Barry Connell. No meeting date yet, but I'm assuming it's next week at some point.

Matt

From: Town Manager <townmanager@wnewbury.org>
Sent: Tuesday, June 30, 2020 10:11 AM
To: Matthew Coogan <MCoogan@CityofNewburyport.com>
Subject: [Ext]Was MOU referred to Committee?

external e-mail use caution opening

If so, any date set (or anticipated) for Committee consideration? Which Committee? Thanks!

Angus Jennings, Town Manager
Town of West Newbury
Town Office Building
381 Main Street
West Newbury, MA 01985
(978) 363-1100 x111
townmanager@wnewbury.org



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY

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To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: June 23, 2020
Subject: Plummer Springs Bridge Memorandum of Understanding (MOU)

I am submitting to the City Council for your review and approval a Memorandum of Understanding (MOU) between the City of Newburyport and the Town of West Newbury that outlines a collaborative process to replace the Plummer Springs Bridge. The bridge has been closed since May 2018 to vehicular traffic due to structural failures. The Administration has been working with the Town Manager on drafting this MOU, which would memorialize the ongoing cooperation between the two municipalities concerning the replacement of the bridge, as well as memorialize a cost share approach aimed to be fair and equitable to both parties. Below is a brief history and summary of progress to replace the Plummer Springs Bridge as well as details on the proposed MOU.

City Officials had been monitoring the state of the Plummer Springs Bridge for years until its structural failure and subsequent closure to vehicular traffic in May of 2018. In July 2018 the City was awarded a \$500,000 MassDOT Small Bridge grant that was used to hire the engineering firm BSC Group to assess a preliminary design and replacement cost for a new bridge. The bridge straddles the border between the City of Newburyport and the Town of West Newbury, and both municipalities have been working collaboratively with BSC on concept plans. A public meeting was held on September 23, 2020 in West Newbury to present concept plans for public comment. The total cost of the new bridge is estimated at \$2.6 million and it would completely replace the existing structure with a modern span that includes expanded space for pedestrians. BSC has completed the preliminary design and is currently at the 25% design phase. Final design and permitting would continue into Spring 2021. Construction would begin in Fiscal Year 2022.

In January 2020 West Newbury successfully applied for a \$1 million MassWorks infrastructure grant for small communities that will be used to fund the final design and construction of the bridge.



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The MOU memorializes the ongoing cooperation and collaboration between the municipalities as we work together to replace the bridge. It also goes further to lay out how the cost of the bridge would be shared by both municipalities. What is proposed is that all current and future grants be “pooled” and deducted from the overall cost of the bridge so that each municipality shares the remaining balance equally. The estimate for the total cost of the bridge is \$2.6 million, and to date the City of Newburyport has received a \$500,000 grant and West Newbury has received a \$1,000,000 grant. The remaining cost of the project would be reduced to \$1.1 Million after the current grants are applied, and both communities would share this remaining cost equally, which is approximately \$550,000 per community. If there are additional grant funds obtained or other funding sources outside of municipal funds, those would also be credited to both communities in the same manner.

This MOU is not a commitment of City funds for this project; it only memorializes how the cost of the bridge will be shared by both municipalities and how grants or outside funds would be credited equally to each municipality. The Administration would submit a request for appropriation for this project in late spring 2021 once the design is completed. The timeline for this project is in line with the City’s Capital Improvement plan, although we anticipate there could be delays due to the COVID-19 pandemic.

The Administration is available to answer any questions on the MOU and the bridge project in general. We are prepared to have our City Engineer and the Project Manager from BSC available during any Council deliberations. Representatives from the Town of West Newbury would also like to attend any City Council deliberations to review the details of the MOU and answer any questions.