



Town of West Newbury
Board of Selectmen
Monday, August 17, 2020 @ 5:30pm
381 Main Street, Town Office Building
www.wnewbury.org

AGENDA

Executive Session: 5:30pm by remote participation

- ❖ 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 (*Ch. 61A Right of First Refusal Notice re portion of "Grew Property" at 183 River Road*);
- ❖ MGL Ch. 30A §21(a) 2: To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel (*Water Department staffing; Fire Department call wages; Finance Department staffing*);
- ❖ 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*).

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.
- Tree Committee informational session re Emerald Ash Borer, Wednesday, Aug. 19th at 6:30 PM
- Deadline for proposed Articles for Special Town Meeting Warrant: Thurs., Aug. 27th at noon
- Call for volunteers: seeking members for Finance Committee, ZBA (Associate Member), etc.
- Reminder to subscribe for emailed Town news/announcements at <https://www.wnewbury.org/subscribe>

Regular Business

- A. Notice of scheduled installation of CPC-funded Julian D. Steele historical marker on Sept. 3, 2020
- B. Updates regarding coronavirus pandemic, including updates from Town Counsel regarding recent and proposed legislation and Executive Orders regarding COVID-19
- C. Public Hearing regarding consideration of reducing quorum requirements of Special Town Meeting anticipated for Saturday, October 17, 2020 at 10am, as allowed by recent legislation
- D. Discussion of anticipated timeline leading up to Special Town Meeting, and Town Meeting logistics (in accordance with COVID-19 restrictions)
- E. Presentation of preliminary estimate of FY21 tax rate, based on approved FY21 budget and warrant articles, and based on assumed FY21 assessed values and projected (estimated) FY21 non-tax revenues – *Angus Jennings, Town Manager and Stephanie Frontiera, Town Accountant/Business Manager*
- F. Review of known and anticipated articles for potential inclusion on the Special Town Meeting Warrant
- G. Vote to authorize member of Board of Selectmen to sign AP warrants as necessary during the Town Manager's scheduled vacation, pursuant to Sec. 9(b) of the Town Manager Act
- H. Meeting minutes: August 6, 2020; July 20, 2020.

Town Manager Updates

- I. Update on anticipated engineering/design/permitting contract for Middle Street Bridge
- J. Update on project scoping and anticipated vendor selection process for Page School Playground
- K. Update on work with Town Counsel, Town Planner and Planning Board re potential to establish regulations to allow use of affordable housing funds
- L. 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: (571) 317-3122

Access Code: 904-058-469

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

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



TOWN OF WEST NEWBURY

EMERALD ASH BORER: COMMUNITY ALERT

An Emerald Ash Borer (EAB) infestation has hit West Newbury hard this year. The loss of ash trees is unmistakable along many streets and there is noticeable tree dieback on Pipe Stave Hill at Mill Pond.



The Tree Committee is developing a campaign for West Newbury residents to provide education and advice on controlling the spread of EAB. The first step is a Question & Answer Session with professional tree experts regarding signs of the infestation and options for protecting our ash trees.

Tree Committee – Emerald Ash Borer Q's & A's
Wednesday, August 19, 2020 6:30pm-8:30pm (EDT)
Join the meeting from your computer, tablet or smartphone:

<https://global.gotomeeting.com/join/526879493>

You can also dial in using your phone.
United States: +1-(571)-317-3112
One Touch: <tel:+1-571-317-3112,,526-879-493#>
Access Code: 526-879-493

For complete information on the Town Website-
go to: treecommittee@wnewbury.org



Pipestave Hill ash dieback below Solar Field

Please join us and help protect our West Newbury forests.



Town of West Newbury Massachusetts

Published on *Town of West Newbury MA* (<https://www.wnewbury.org>)

[Home](#) > [Boards & Committees](#) > [Board of Selectmen](#) > 2020-21 Volunteer Opportunities

2020-21 Volunteer Opportunities

Fiscal Year 2021

The Town of West Newbury has volunteer opportunities on the following Boards, Commissions and Committees:

Finance Committee - one open position. **[Click here](#)** for more information

Zoning Board of Appeals - 1 associate member. **[Click here](#)** for more information

Energy Advisory Committee - open member positions. **[Click here](#)** for more information

Cable Advisory Committee - open position.

Cultural Council - open positions. **[Click here](#)** for more information

Historic District Commission - 2 associate member positions. Learn more about the Historic District Commission in the Town Bylaws. **[Click here](#)** for the Town Bylaws.

While we strive to keep this list current, there may be other opportunities to volunteer and we welcome your interest. Please inquire within.

To learn more, please check the Board/Commission/Committee web page on the town website or contact the Selectmen's Office at 978-363-1100 ext. 113 for more information.

Please submit a completed **[Application for Appointment](#)** to the Town Manager's Office by email at **selectmen@wnewbury.org** or drop it off at the office. Hard copies of the Application for Appointment can also be picked up at the Town Clerk's office.

Page last updated 8/15/2020

Source URL: <https://www.wnewbury.org/volunteer>

Town Manager

From: Matthew Coogan <MCoogan@CityofNewburyport.com>
Sent: Friday, August 14, 2020 12:55 PM
To: administrator@townofnewbury.org; Town Manager
Cc: Donna Holaday
Subject: FW: Press Release to be issued on Algal Bloom in Upper & Lower Artichoke Reservoir
Attachments: Press Release - Reservoir final.docx

Importance: High

Hi Tracy and Angus

Update on the Agal Bloom in our reservoirs and the Water Restrictions going into effect:

Attached is the final draft of a press release will be issued shortly. This past week an algal bloom emerged in the upper & lower reservoir. These blooms are common in prolonged heat and could be a major concern to our drinking water. However, testing completed at a DEP approved lab yesterday revealed no implication to our water supply. We have issued a mandatory water restriction to slow the draw of water from the reservoir and provide time for the city to work with two limnologists with expertise in this area to develop an action plan to eradicate the bloom and introduce additional treatment protocols to our water supply if necessary. Additional testing occurred this morning of the bloom and we will be conducting daily testing of our water supply.

We will be posting this information as an alert on the City of Newburyport page. Would you be able to post on your respective Town pages for water customers in your Towns?

Our Water and Sewer Business Office will also answer any questions during normal business hours: 978-465-4420. 8:00 AM to 4:00 PM Monday to Friday.

We really need compliance with the water restrictions and if there are ways to provide to customers this information to assist it would be greatly appreciated. We will continue to update you regularly on this situation. Please do not hesitate to call or email myself or the Mayor directly if you have additional concerns or questions.

Thanks,

Matt

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City of Newburyport Announces Non-Essential Water Use Restriction Due to Algae Bloom

NEWBURYPORT -- Mayor Donna Holaday and Water Treatment Superintendent Thomas Cusick announce mandatory water restrictions on non-essential water uses following the emergence of an algae bloom on the Upper and Lower Artichoke Reservoirs.

The Upper and Lower Artichoke Reservoirs, the primary sources of drinking water for the City of Newburyport and portions of Newbury and West Newbury, are experiencing a cyanobacterial harmful algal bloom (CyanoHAB). These organisms are capable of producing a number of toxins that may pose a risk to human and animal health.

The Newburyport Department of Public Services -- Water Division conducted sampling of the water at the reservoirs which have indicated that toxins are **not currently present in the raw or treated drinking water**.

Residents may continue to use the water for drinking, making infant formula, for ice, brushing teeth and preparing foods. Boiling water is not necessary.

Water may also continue to be used for bathing, washing hands, washing dishes, flushing toilets, cleaning and doing laundry and watering plants and gardens.

"Our water division is working closely with MassDEP to monitor this situation and address this algae bloom, and in the meantime, we thank residents for their cooperation as we undergo this temporary, non-essential water use restriction," Mayor Holaday said. "Testing has confirmed that the water remains safe for drinking and other essential uses."

The City is adjusting its treatment operations to control the algae bloom as quickly as possible and working closely with the MassDEP to evaluate and minimize any potentially adverse effects. Cyanobacteria can grow rapidly when certain environmental conditions are favorable for their growth, such as elevated temperatures combined with excess nutrients. To control the algae, the Water Division has:

- Increased monitoring and testing of the reservoirs
 - Residents will continue to be updated regularly
- Treatment options at the reservoirs and water treatment plant are currently being evaluated, and no water quality changes have been identified at the plant.
- A mandatory, non-essential water use restriction has been implemented.
- Signs have been posted in the area around the Upper and Lower Artichoke Reservoirs warning people about the bloom and sharing safety precautions.

City Bans Non-Essential Water Uses

The Water Division is implementing mandatory water restrictions on non-essential water uses until further notice. Non-essential water uses prohibited under the ban include:

- All outdoor watering
- Filling of swimming pools
- Use of automatic sprinklers
- Watering of City parks
- Non-essential flushing of fire hydrants
- Other water conservation measures as may be directed by the Board of Water Commissioners as necessary

The irrigation of gardens, flowers and ornamental plants by means of a hand-held hose (no open-ended hoses, hoses must have a spray nozzle that will shut off) or drip irrigation systems may be used between 6 a.m.-9 a.m. only while the mandatory non-essential water use restrictions remain in place.

The penalties for violating these restrictions shall be \$50 for the first violation and \$100 for each subsequent violation.

The Water Department may implement more stringent restrictions if needed.

Signage at the Upper and Lower Artichoke Reservoirs

The raw water at the Lower and Upper Artichoke Reservoirs is unsafe for humans and pets, and signage has been posted at the reservoirs for:

- No swimming
- No fishing
- Keep animals away. Keep dogs on leash on watershed land and do not let your pets enter the reservoirs. Contact a veterinarian if pets or livestock show signs of illness
- Rinse after contact

For more information, contact the Water/ Sewer Business Office at 978-465-4420. Office hours are 8:00 AM to 4:00 PM Monday to Friday.

For more information on cyanobacteria and cyanotoxins, visit the MassDEP website at <https://www.mass.gov/guides/cyanobacterial-harmful-algal-blooms-cyanohabs-water> and US EPA CyanolHABs website at <https://www.epa.gov/cyanohabs>.

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Town Manager

From: Elisa Grammer [REDACTED]
Sent: Thursday, August 13, 2020 7:44 AM
To: Town Manager
Cc: David Archibald; Glenn Kemper; Rick Parker; DPW Director; KC Swallow [REDACTED]; Robert Janes; Jennifer Conway
Subject: Re: Julian Steele marker--Sept 3 official date, statements if any by Aug 21

Thanks--I think that a very brief presentation would be a good idea to help set this in motion

On Thu, Aug 13, 2020 at 7:31 AM Town Manager <townmanager@wnewbury.org> wrote:

Thanks for this update. Would the Commission like to present this update at the upcoming 8/17 BOS mtg as an informational item? If so we can put this first on the agenda, which will be posted late this afternoon.

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

On Aug 13, 2020, at 7:24 AM, Elisa Grammer [REDACTED] wrote:

Hi all

The Historical Commission met last night and decided to set September 3 as the official date for installation of the Julian Steele historical marker.

Commission member Jen Conway (who does this kind of thing for a living) will be writing a press release that will be the basis of our virtual celebration/ fanfare, noting that the town voted unanimously in November 2019 to erect this marker.

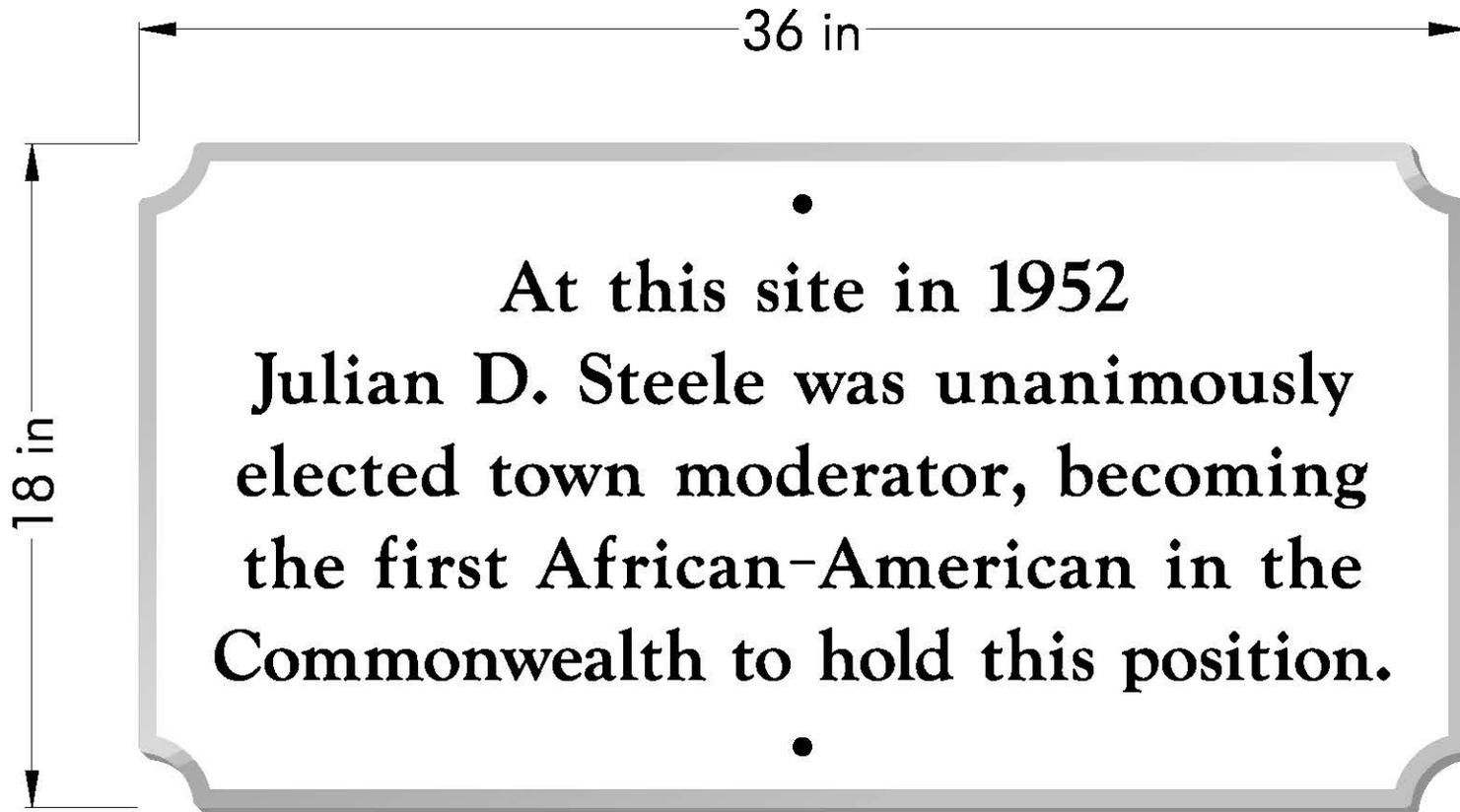
If any of you have statements you'd like to have included, please send them to Jennifer (email above) no later than August 21, 2020

Wayne, if it's easier for DPW, you could install the post in advance at the marked spot and then just attach the sign to it when the moment arrives.

Thanks, all.

--

Elisa J. Grammer



Town Manager

From: Fahle, Heath (ANF) [REDACTED]
Sent: Friday, August 14, 2020 4:08 PM
To: FFOANF (ANF)
Cc: DOR DLS LocalGovCaresAct
Subject: CARES Act Coronavirus Relief Fund - Municipal Program Reporting Requirements
Attachments: CvRF Reporting and Next Steps.pdf

Good afternoon,

As you know, the Commonwealth has made funds available to municipalities in Massachusetts through the [CARES Act Coronavirus Relief Fund – Municipal Program](#).

The attached memorandum provides a series of “Next Steps” related to reporting requirements and seeking FEMA reimbursement for eligible costs. Thanks in advance for your cooperation.

Thanks,
Heath

Heath W. Fahle

Special Director for Federal Funds
Executive Office for Administration and Finance
Commonwealth of Massachusetts



w: mass.gov/anf



Commonwealth of Massachusetts

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

STATE HOUSE, ROOM 373
BOSTON, MASSACHUSETTS 02133
TELEPHONE (617) 727-2040
WWW.MASS.GOV/ANF

MICHAEL
HEFFERNAN
SECRETARY

To: Recipients of Coronavirus Relief Fund Aid
From: Heath Fahle, Special Director for Federal Funds
Date: August 14, 2020
Re: Next Steps – Fiscal Response to COVID-19

The federal government has provided significant resources to the residents of the Commonwealth in response to the COVID-19 pandemic. This memorandum recommends a set of “next steps” to recipients of this support, including municipalities, school districts, and other entities, that have received funds from the CARES Act Coronavirus Relief Fund. Most immediately, we ask that you:

- Register with the federal [System for Award Management](#) (SAM) by September 1 if you have not done so already;
- Organize your documentation in alignment with Round 1 categories (Attachment A of the original guidance), such that they can map to federal reporting categories (see below); and
- Submit Requests for Public Assistance from FEMA for all eligible costs incurred or committed to date.

Background

As of August 14, 2020, the federal government has enacted four pieces of legislation in response to the COVID-19 pandemic with a wide range of efforts, including the Paycheck Protection Program (PPP), \$1,200 stimulus checks, expanded unemployment insurance benefits, the Coronavirus Relief Fund, increased federal aid for MassHealth, and numerous other initiatives.

A number of these new initiatives are aimed at state and local government. At this time, A&F estimates more than 100 federal grant opportunities have been or will be available to state or local governments associated with COVID-19. Most notably, the CARES Act Coronavirus Relief Fund provided approximately \$2.7 billion to Massachusetts. As you may know, the Commonwealth has and will continue to support a variety of state programs with a portion of this funding, including making approximately \$502 million available to cities and towns and \$227 million available directly to school districts in the form of \$202 million in [School Reopening](#) grants and \$25 million through the [Remote Learning Technology Essentials](#) grant (excluding Boston and municipalities in Plymouth County).

The rules and regulations governing the state and local response to COVID-19 continue to evolve and change quickly. For example, the federal government clarified recently the relationship between the Federal Emergency Management Agency (FEMA) Public Assistance program (or FEMA PA) and the Coronavirus Relief Fund (CvRF) to allow use of CvRF for the non-FEMA cost share requirement (typically FEMA reimburses for 75 percent of total costs with a requirement for a non-FEMA cost share of 25 percent; CvRF can be used for the non-FEMA share).

Further, the Commonwealth is monitoring the ongoing negotiations between federal legislators as they consider so-called “Phase 4.0” legislation. It is too soon to know whether these deliberations will impact state and local efforts to address the COVID-19 pandemic. As federal activity modifies the rules or regulations governing such efforts, A&F will revisit the relevant processes and communicate programmatic changes as necessary.

Coronavirus Relief Fund Reporting Requirements

The US Department of the Treasury Office of Inspector General (hereafter, “Treasury OIG”) has released guidance related to reporting requirements for CvRF recipients. Currently, only “prime recipients” (i.e. states and other direct recipients) are mandated to report on CvRF activity to the federal government. However, in anticipation that this requirement could be expanded to apply to subrecipients (like municipalities, school districts, or other entities) and in order to verify eligible uses for these funds and in preparation for future audits, A&F is requiring all relevant stakeholders to report CvRF activity to the Commonwealth.

The Treasury OIG has mandated quarterly reporting for the Commonwealth, generally eleven to thirteen days following the end of the reporting period. These deadlines may be subject to change. As a result, **A&F will require all relevant stakeholders to report on a quarterly basis. This requirement will replace the bimonthly reporting requirement described in previous guidance documents.** Please note that A&F’s reporting will reflect expenditures as of the date funds were actually transferred to municipalities.

For all Commonwealth subrecipients, report filings are due **by 4:00 PM** on the **Report Filing Deadline** date noted below. Upcoming report filing deadlines are highlighted in yellow in the below Figure 1.

Cycle	Reporting Period	Report Filing Deadline
1	3/1/2020 – 6/30/2020	9/25/2020
2	7/1/2020 – 9/30/2020	10/30/2020
3	10/1/2020 – 12/31/2020	1/29/2021
4	1/1/2021 – 3/31/2021	4/30/2021
5	4/1/2021 – 6/30/2021	7/30/2021
6	7/1/2021 – 9/30/2021	10/29/2021

Figure 1: Coronavirus Relief Fund Report Filing Deadlines

A&F will provide further guidance about the mechanism for submitting these reports to the Commonwealth in subsequent communications.

Required Registration in SAM

Coronavirus Relief Fund recipients and subrecipients are required to register with the federal [System for Award Management](#) (SAM). Users should access the SAM website and [create a new account](#). This will facilitate compliance with the federal government's web-based reporting tool. Recipients and subrecipients with an existing SAM account can disregard this instruction.

Reporting Requirements

The Treasury OIG spelled out a series of reporting requirements for prime recipients (that is, in Massachusetts, the Commonwealth, Boston, and Plymouth County). A&F expects subrecipients to organize their own expenditures based on the same parameters. These include:

- **Projects** – Projects are defined by the Treasury OIG as, “a grouping of related activities that together are intended to achieve a specific goal.” All spending transactions supported by the Coronavirus Relief Fund should be grouped by project. Projects are the reporting unit. Recipients should generate an internal identification system to number each project.
- **Expenditure Categories** – Recipients are required to categorize projects into one of several categories. Municipalities should refer to the attachment at the end of this memo for a crosswalk from CvRF-MP Round 1 categories to Treasury expenditure categories.
- **Project Types** – Recipients shall report items at the project level for each of the following project types:
 - Contracts Greater Than or Equal to \$50,000
 - Grants Greater Than or Equal to \$50,000
 - Loans Greater Than or Equal to \$50,000
 - Transfers to Other Government Entities Greater Than or Equal to \$50,000
 - Direct Payments Greater Than or Equal to \$50,000
 - Aggregate reporting below \$50,000

Please note that, for at least the first reporting period, subject to any further direction from the U.S. Treasury, A&F intends to treat each expenditure category from Round 1 CvRF-MP as a project and to report on funds transferred to municipalities for these “projects” accordingly. Therefore, we ask that municipalities continue to document their expenses in line with the expenditure categories submitted when they applied for CvRF Round 1.

A&F recommends all recipients and subrecipients pursue the following “next steps”:

- Register with the federal System for Award Management (SAM) - Users should access the SAM website and [create a new account](#) by August 21, 2020. If the recipient or subrecipient is already registered with SAM, disregard this step
- Organize relevant transactions (dated 3/1/2020 to 6/30/2020) into the Round 1 CvRF-MP expenditure categories

FEMA Public Assistance Program Reimbursement for Emergency Protective Measures

Typically, the FEMA PA program reimburses state agencies, local governments, and private non-profits for a portion of the costs associated with implementing emergency protective measures during a federally declared disaster. To date, the Massachusetts Emergency Management Agency (MEMA) has hosted [applicant briefings](#) to describe the process for seeking reimbursement through the FEMA PA program.

In past disasters (e.g. snowstorms or floods), seeking FEMA reimbursement happened once the emergency ended, and a full accounting of costs was completed. The COVID-19 pandemic is unlike past disasters. **A&F strongly encourages all recipients and subrecipients to pursue FEMA reimbursement for eligible costs incurred to date.** You should continue to submit for reimbursements on a rolling basis per the FEMA guidelines described in the applicant briefings. A&F understands that some stakeholders have already been approved or received reimbursement funds.

To this end, A&F recommends all recipients and subrecipients to pursue the following “next steps”:

- Review the MEMA applicant briefing materials and other related guidance documentation that is available on the [MEMA website](#)
- Review the MEMA PA [Applicant Quick Guide](#)
- Register for the FEMA PA Portal via the [Grants Portal Registration Request Form](#)
- Take all subsequent required steps to submit a [Request for Public Assistance](#)

Conclusion

The “next steps” described in this memorandum are intended to guide Coronavirus Relief Fund recipients and subrecipients regarding compliance with federal requirements and to maximize federal support for the COVID-19 response in the Commonwealth.

Please do not hesitate to contact the Federal Funds Office (FFO) team with further questions at ffoanf@mass.gov.

Attachment 1 – Crosswalk of state to federal categories

Note this categorization may be revised based on further guidance from the Treasury OIG.

CvRF-MP Expenditure Category	Treasure OIG Expenditure Category
Core municipal services:	
Direct staffing costs - Overtime, additional hires, and/or backfilling staff who test positive	Administrative Expenses
Quarantine/isolation costs for first responders who may be infected and should not put household members at risk - or who should be kept apart from potentially infected household members	Administrative Expenses
Temporary staff to backfill sick or quarantined municipal employees	Administrative Expenses
Staff for compliance and reporting associated with this funding	Administrative Expenses
Accelerated telework capacity - infrastructure, subscriptions for meeting services, hardware (laptops)	Improve Telework Capabilities of Public Employees
Hiring and training, including training for employees and contractors hired for COVID-19 response	Administrative Expenses
PPE, including first responders, grocery store employees, gas station attendants and others who interact with the public	Personal Protective Equipment
Sanitation and Refuse Collection	Public Health Expenses
Food inspection	Public Health Expenses
Cleaning/disinfection of public buildings	Administrative Expenses
Planning and development, including IT costs	Administrative Expenses
Incremental costs of special education services required under individual education plans (IEPs) in a remote, distance, or alternative location	Facilitating Distance Learning
Food for families that rely on food through the school system	Food Programs
Costs of debt financing related to COVID-19 investments - short-term borrowing and construction carrying costs	Items Not Listed Above – to include other eligible expenses that are not captured in the available expenditure categories
Health insurance claims costs in excess of reasonably budgeted claims costs, and directly related to COVID-19 medical costs	Medical Expenses
Expanded public health mission:	
Boards of health staffing needs - to the extent not addressed with public health funding	Payroll for Public Health and Safety Employees
Use of public spaces/buildings as field hospitals	Medical Expenses
Shelter for those who are homeless or otherwise have nowhere they can go without significant risk to themselves or other household members, and are at high risk or recovering from COVID-19	Public Health Expenses
Food banks/food pantries - need to be tied to COVID-19	Food Programs
Travel expenses - for distribution of resources	Public Health Expenses

Transporting residents to COVID-19 medical and testing appointments	Medical Expenses
Signage and communication including translation services	Public Health Expenses
Educational materials related to COVID-19	Public Health Expenses
Testing for COVID-19	COVID-19 Testing and Contact Tracing
Services and supports to residents:	
Grocery and/or meals delivery - modeled on COA activities	Food Programs
Wellness check-ins with vulnerable elders	Public Health Expenses
Short-term rental or mortgage support	Housing Support
Prescription drug delivery	Medical Expenses

Other Treasury Categories that may be relevant to CvRF-MP:

- Budgeted Personnel and Services Diverted to a Substantially Different Use
- Economic Support (Other than Small Business, Housing, and Food Assistance)
- Payroll for Public Health and Safety Employees
- Unemployment Compensation
- Workers' Compensation

Town Manager

From: Paul Sevigny
Sent: Friday, August 14, 2020 9:55 AM
To: Brad Buschur; Jack Foley
Cc: Town Manager; Wendy Willis; David Archibald
Subject: RE: Flag Football season / Phase 4
Attachments: Safety Standards for Youth Sports 081320.pdf

To All,

The youth sports guidance was revised, see attached. Flag football is still football, thus a high risk sport. However, the guidance was revised to include provisions for modifying play in various sports. With that said, a high risk sport could participate in a level 2 or 3 type of play if the typical play was modified in accordance with the guidance.

If the flag football league still wishes to pursue games this fall, then please review the newest guidance and provide plans as to how the sport can be modified to reduce the risk of COVID transmission.

As of today, there are no exemptions, modifications, etc. that will allow a jamboree or tournament to be allowed this fall.

Read the entire document in its entirety, as there is updated information on facial covering requirements (for all sports)

Any questions, let me know.

From: Brad Buschur [REDACTED]
Sent: Thursday, August 13, 2020 1:58 PM
To: Jack Foley [REDACTED]
Cc: Paul Sevigny <psevigny@wnewbury.org>; Town Manager <townmanager@wnewbury.org>; Wendy Willis <wendy@wendywillis.net>
Subject: Re: Flag Football season / Phase 4

Hi,

My interpretation is flag falls into the moderate risk category.

bb

On Thu, Aug 13, 2020 at 12:38 PM Jack Foley [REDACTED] wrote:

Paul,

I just received this via Jesse Ciccone. Jesse had reached out to the contacts you had provided.

I quickly ran the pdf through OCR software, the document does not mention 'flag'. It mentions "football" once. If the state is not going to categorize "flag football" within the guidance, how should the WNYL proceed for the fall season?

Although I'm asking about flag football on behalf of WNYL, I'm looping in Wendy and Brad because the document pertains to active recreation as permitted/scheduled on town fields via P&R.

Best,

Jack

----- Forwarded message -----

From: **Jesse Ciccone** [REDACTED]

Date: Thu, Aug 13, 2020 at 11:10 AM

Subject: Fwd: Flag Football season / Phase 4

To: Jack Foley [REDACTED], Hathaway Whalen [REDACTED], Amy Bradley

[REDACTED], Jarrod Yoder [REDACTED], Ryan Murphy [REDACTED],

Matt Drislane [REDACTED], Nicole [REDACTED], Jet Wiksten [REDACTED]

Hi everyone,

I haven't had a chance to look at this yet, but wanted to get it out to you ASAP.

Best,

Jesse

----- Forwarded message -----

From: **Wallach, Sarah (ENV)** [REDACTED]

Date: Thu, Aug 13, 2020 at 11:08 AM

Subject: RE: Flag Football season / Phase 4

To: Jesse Ciccone [REDACTED]

Hi Jesse,

Just wanted to let you know that EEA's updated guidance is live: <https://www.mass.gov/info-details/executive-office-of-energy-and-environmental-affairs-eea-covid-19-guidance-documents#youth-and-adult-amateur-sports-activities->

Thanks!

Sarah

From: Wallach, Sarah (EEA)

Sent: Tuesday, August 4, 2020 10:13 AM

To: 'Jesse Ciccone' [REDACTED]

Subject: RE: Flag Football season / Phase 4

Hi Jesse,

Finishing up a conference call – I'll call you around 10:30.

Thanks!

Sarah

From: Jesse Ciccone [REDACTED]
Sent: Tuesday, August 4, 2020 10:09 AM
To: Wallach, Sarah (EEA) [REDACTED]
Subject: Re: Flag Football season / Phase 4

Hi Sarah,

Just left you a message on your the number you called from on Friday.

Are you around to chat today?

I'm at [REDACTED].

Best,

Jesse

On Jul 29, 2020, at 3:14 PM, Wallach, Sarah (ENV) [REDACTED] wrote:

Hi Jesse,

Can you let me know a good number for me to give you a call? I'm booked for the remainder of today but I could give you a call tomorrow if there are some times that you are free.

Thanks,

Sarah

Sarah Colao Wallach

Chief of Staff

Executive Office of Energy and Environmental Affairs

Mobile: [REDACTED]

From: Jesse Ciccone [REDACTED]

Sent: Wednesday, July 29, 2020 2:50 PM

To: Scherpbier, Gerben (EEA) [REDACTED]; Wallach, Sarah (EEA)

[REDACTED]

Subject: Flag Football season / Phase 4

Hi Gerben and Sarah,

I run the flag football program for the West Newbury Youth League. Our health agent, Paul Sevigny, gave me your contact information.

My understanding is that flag football is currently being considered as a Phase 4 reopening sport. I also understand that soccer just got recategorized to Phase 3, allowing for games this upcoming season.

I totally get why tackle football is a Phase 4 sport, but flag football has even less player contact than soccer does. Incidental contact in flag will happen, but intentional player to player contact is a penalty.

There are (pre-covid) rules regarding which player has the right of way and which must yield in order to avoid contact and resulting penalty.

Is there any chance flag's status will be reconsidered?

In case it helps, I've attached the rulebook our league uses from NFL Flag. I've coached many seasons in multiple leagues and they all use the NFL Flag rulebook.

Thanks for any information you can provide.

Best,

Jesse Ciccone

WNYL Flag Football Director



MASSACHUSETTS EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

**WORKPLACE SAFETY and REOPENING STANDARDS FOR
BUSINESSES and OTHER ENTITIES PROVIDING
YOUTH and ADULT AMATEUR SPORTS ACTIVITIES – Phase III, Step 1
Expansion of Activity Number 1**

Amended on August 13, 2020

Effective on August 17, 2020

These safety standards for youth and adult amateur sports activities are posted in advance of the effective date to allow Facility Operators and Activity Organizers time to prepare to operate in compliance with these mandatory health and safety standards. Facility Operators and Activity Organizers may not allow any additional level of play beyond that currently allowed in the Phase III, Step 1 guidance issued July 24, 2020 until August 17, 2020.

I. INTRODUCTION

In accordance with the authority granted to the Secretary of the Executive Office of Energy and Environmental Affairs (EEA) pursuant to [COVID-19 Order No. 43](#) to issue Sector-Specific Rules to implement COVID-19 safety measures for organized youth and adult amateur sports activities, this Expansion of Activity Number 1 (“Expansion 1”) amends the Phase III, Step 1 guidelines and is effective on August 17 2020.

This document provides guidance for how to implement general workplace safety standards and other public health guidance (“COVID-19 measures”) in the context of recreational operations in Phase III, Step 1 of the Commonwealth’s reopening. Facility Operators and Activity Organizers who fail to implement applicable COVID-19 measures may be sanctioned in accordance with COVID-19 Order No. 43. Facility Operators and Activity Organizers are further reminded that in addition to implementing COVID-19 measures in Phase III, Step 1, they must still comply with all federal, state, and local laws.

The public health data and guidance on which this document is based can and does change frequently. The most recent version of this document can be found on the Commonwealth’s reopening website, <https://www.mass.gov/info-details/reopening-massachusetts>.

II. HOW TO USE THIS DOCUMENT

The guidelines in this document are designed to provide instructions to Facility Operators and Activity Organizers of youth and adult amateur sports activities to help protect against the spread of COVID-19. For the avoidance of doubt, this guidance applies to K-12 school and other youth sports activities.



The guidelines that follow include information on: (1) allowable sports and recreational activities; (2) facial covering requirements; and (3) additional safety protocols (e.g., social distancing, hygiene, staffing and operations, and cleaning and disinfecting).

Recognizing that in many instances, activities are organized by one entity and take place at a facility operated by a second entity, this document categorizes guidance based on an entity's role. The guidance provided on safety protocols includes specific guidance for both Facility Operators and Activity Organizers. Entities that organize activities in facilities for which they are responsible should comply with both sets of guidance (Facility Operator Guidance and Activity Organizer Guidance).

III. LIMITATIONS ON RECREATIONAL ACTIVITIES DURING PHASE III, STEP 1

The ability to participate in sports and recreational activities is determined by a combination of: (1) risk of transmission of COVID-19 inherent in the sport or recreational activity itself as traditionally played; (2) level of risk associated with the "Type of Play" without modifications to play; and (3) whether a sport or activity can "Modify Play" to reduce risk. This section covers each of these categories and outlines what activities are allowed to be performed under this Expansion 1 during Phase III, Step 1 as a result.

Facility Operators and Activity Organizers must comply with activity limitations listed herein. For non-organized sports and recreation, individuals should follow these guidelines, where it applies to their activities. Organizers of athletic and recreational activity competitions or tournaments should follow the competition and tournament guidance herein.

Organizations, businesses, schools, and government entities that operate outdoor or indoor sports facilities, such as athletic fields, courts and other playing surfaces, pools, and sailing and boating facilities, can operate their premises and facilities for use by adults and youth in Phase III, Step 1 provided that the safety measures outlined herein are implemented by Facility Operators and Activity Organizers.

Such athletic facilities subject to this guidance include, but are not limited to:

- Gymnastics Facilities
- Indoor & Outdoor Pools*
- Indoor and Outdoor Athletic Fields and Courts
- Ice Rinks
- Indoor and Outdoor Tracks
- Indoor Gymnasiums
- Martial Arts & Dance Facilities
- Indoor and Outdoor Racquet Courts
- Indoor and Outdoor Batting Cage Facilities

*Pool Facilities (both indoor and outdoor) must also ensure compliance with the [*Safety Standards for Public and Semi-Public Pools*](#).



Fitness Centers and Health Clubs must follow the [Sector Specific Workplace Safety Standards for Fitness Centers and Health Clubs to Address COVID-19](#).

Recreational camps or other programs that are subject to [105 CMR 430.000](#) must follow the requirements outlined in the [Massachusetts Child and Youth Service Programs Reopen Approach: Minimum Requirements for Health and Safety](#).

A. RISK LEVEL OF SPORTS

Sports and recreational activities are categorized as “**Lower Risk**,” “**Moderate Risk**,” and “**Higher Risk**” based on the risk of transmission of COVID-19 inherent in the sport or recreational activity itself as traditionally played.

Lower Risk sports and recreational activities are characterized by:

- Sports or activities that can be done with social distancing and no physical contact
- Sports or activities that can be done individually

Examples: Tennis, pickleball, swimming, catch, disc golf, golf, individual biking, surfing, horseback riding, individual sailing, fishing, hunting, motor sports, no contact exercise classes, gymnastics, cross country, individual crew

Moderate Risk sports and recreational activities are characterized by:

- Sports or activities that involve intermittent close proximity or limited, incidental physical contact between participants

Examples: Baseball, softball, crew, sailing, track and field, running clubs, team swimming, volleyball, dance class, fencing, field hockey, girls’ lacrosse, soccer

Higher Risk sports and recreational activities are characterized by:

- Sports or activities for which there is a requirement or a substantial likelihood of routine close and/or sustained proximity or deliberate physical contact between participants and a high probability that respiratory particles will be transmitted between participants

Examples: Football, wrestling, rugby, basketball, lacrosse, ice-hockey, competitive cheer, martial arts, ultimate frisbee, boxing, pair figure skating



B. SPORTS & RECREATIONAL ACTIVITIES ALLOWED BY RISK LEVEL DURING PHASE III, STEP 1

The risk associated with an activity is also dependent on the type of play. The following types of play are defined by level from least to greatest risk.

- **Level 1:** Individual or socially distanced group activities (non-contact workouts, aerobic conditioning, individual skill work, and drills)
- **Level 2:** Competitive Practices (Intra-team/group games, contact drills, and scrimmages)
- **Level 3:** Competitions (Inter-team games, meets, matches, races, etc.)
- **Level 4:** Tournaments (Outdoor only)

In Phase III, Step 1, through this Expansion 1 sports and recreational activities are subject to the limitations and guidelines set forth below:

- Sports and activities included in the **Lower Risk** category can participate in **Level 1, 2, 3, and 4** type of play.
- Sports and activities included in the **Moderate Risk** category can participate in **Level 1 as traditionally played**. Level 2 and Level 3 play are only allowed if the Minimum Mandatory Standards for Modification to Play are met.
- Sports and activities included in the **Higher Risk** category can participate in **Level 1 as traditionally played**. Level 2 and Level 3 play are only allowed if the Minimum Mandatory Standards for Modification to Play are met.

C. MINIMUM MANDATORY STANDARDS FOR MODIFICATION TO PLAY

All Facility Operators and Activity Organizers of **Moderate** and **Higher** risk sports and activities **must** develop and implement sport-specific modifications to play to minimize the risk of transmission of infection among participants.

There will always remain an inherent risk in participating in sports. To plan activities and implement modifications to minimize risk, Facility Operators and Activity Organizers must consider the following:

- ❖ Identify measures that can be implemented to significantly limit contact and increase physical distancing. Modify play and practice as much as possible to keep players spaced 6 feet apart for the majority of a game or practice.
- ❖ Conduct the activity or sport outdoors where possible, as outdoor participation is generally safer than indoors and allows for greater distancing.
- ❖ Shorten activities, practices, and game play or perform the activity with fewer participants to the extent possible.
- ❖ Modify the activity or sport to reduce the sharing of equipment or to allow for cleaning of shared equipment between participants.
- ❖ Incorporate protective equipment in a safe manner to further reduce the spread of respiratory particles.



Notwithstanding the above considerations, the below minimum standards for modifications **must** be met in order for **Moderate** and **Higher** risk sports to engage in **Level 2** or **Level 3** play. See the Appendix for additional representation of the below guidance.

i. Mandatory Modifications for Level 2 and Level 3 Play

In order for **Moderate** and **Higher** risk activities and sports to engage in Level 2 and Level 3 play, Facility Operators and Activity Organizers must:

- ❖ **Modify Play to Limit Contact or Increase Distancing for Participants** where there is intermittent close participant proximity and/or sustained face to face contact between participants. Modifications should strive to keep participants 6 feet apart for the majority of play and must eliminate all deliberate contact. Such modifications include, for example:
 - **Stagger Starts:** In race-like activities where players typically start or finish together, modifications **must** include staggered starts to avoid close contact. Starting lines should also be adjusted to allow for 6 feet distancing between participants at the start (e.g., have runners in every other lane, spacing competitors on start line 6 feet apart). If space is limited, staggered start times should be used to allow appropriate spacing for participants for each starting group.
 - **Eliminate Deliberate Contact:** Deliberate close contact must be eliminated. Deliberate close contact includes but is not limited to collisions, body checking, tackling, blocking, and racing/riding in packs.
 - **Minimize Intermittent Contact:** Game situations that result in intermittent close physical or face-to-face contact must be modified or eliminated, including: restarts, face-offs, throw-ins, scrums for the ball/puck, or similar activities. These activities may be allowed if face masks are used during contact (e.g., face-offs could take place with face masks worn by each player involved).

Those activities and sports that **cannot** modify play as outlined above cannot engage in **Level 3** play but may be able to participate in **Level 2** play **IF** they can incorporate the below modifications.

ii. Mandatory Modifications for Modified Level 2 Play (for Sports that Cannot Modify Play to Limit Contact or Increase Distancing)

Moderate and **Higher** risk activities and sports that cannot implement the mandatory modifications as described above, can participate in modified **Level 2** play. **Level 2** play can take place for sports with close physical or face to face contact using a cohort concept for competitive contact practices or training, provided that Facility Operators and Activity Organizers meet the following minimum requirements:

- Training activities must be performed in “cohorts” of the same small group of individuals that performs all training activities together and without interacting with other individuals or cohorts.



- Cohorts can be **no larger than ten (10) participants** and the same cohort assignments must be used for every training session or class. Participants cannot be a member of multiple cohorts, nor can cohort assignments rotate.
- Training areas or boundaries must be marked so that training **cohorts are separated in all directions by at least 14 feet**. Class sizes should be capped by the number of available training areas based on the size of the facility and in no event more than 25 people on a playing surface.
- A cohort can compete against other cohorts if each cohort performs separately from other cohorts (e.g., pair figure skating, or small group synchronized swimming) and no contact occurs between cohorts.

D. LEVEL 3 AND LEVEL 4 PLAY – COMPETITION AND TOURNAMENT REQUIREMENTS

For the purposes of these guidelines, a “**Competition**” is defined as multiple participants or two teams competing against one another in a single contest. A competition includes inter-team games, matches, shows, meets, and races.

A “**Tournament**” is a formal contest that consists of multiple competitions or a series of games (such as a “double-header” or “play day”) between multiple persons or teams, that might include multiple stages, played in a condensed period of time, such as over the course of a single day or multiple days in a row. For the avoidance of doubt, a series of games is still a tournament even if there is a lack of an overall prize, scores, eliminations, brackets, or otherwise.

In Phase III, Step 1, only outdoor Tournaments are allowed for **Lower Risk Sports**.

Competition and Tournament Organizers must adhere to the following:

- **Outdoor Competitions & Tournaments Capacity Limits:**
 - No more than 25 players on any surface/playing area for team/group sports.
 - No more than 50 people excluding players, coaches, referees, or facility/activity workers in the aggregate in, on, or surrounding any surface/playing area or start/finish lines at any one time, provided that there is adequate space for all players, coaches, referees, facility/activity workers and spectators to maintain at least six feet social distancing, recognizing that for some moderate and high risk sports intermittent and limited contact may occur for players.
 - Spectators must wear facial coverings and maintain six feet of social distance at all times.
 - For competitions and tournaments in the water, the aforementioned limitations apply to any applicable activities on land.
 - No spectators are allowed for sports and activities played by individuals 21 years and older.
- **Indoor Competition Capacity Limits:**
 - No more than 25 players on any surface/playing area for team/group sports.



- If an indoor facility has a chaperone or spectator viewing area which allows for at least six feet social distancing between spectators and the presence of spectators plus players, coaches, referees, and facility/activity workers does not cause the facility to exceed more than 40% of the maximum occupancy for the indoor facility, then 1 spectator per player under 21 years old is allowed to attend.
 - Spectators must wear facial coverings and maintain six feet of social distance at all times.
 - For indoor competitions in the water, the aforementioned limitations apply to any applicable activities on land.
 - No spectators are allowed for sports and activities played by individuals 21 years and older.
- **Multiple Playing Surface Capacity Limits:**
 - For facilities with multiple fields, surfaces, courts, etc. the above capacity limitations for Outdoor Competitions & Tournaments and Indoor Competitions shall apply per playing field, surface, court, etc. provided that there is adequate spacing for at least six feet social distancing for all individuals, including those at adjacent fields, surfaces, courts, etc.
 - Activity Organizers should set Competition and Tournament schedules with a time buffer to prevent the overlap of competitions at any one time and to allow for disinfecting of equipment and cleaning of commonly touched surfaces, if necessary. Games should end in a draw if time expires.
 - For facilities with multiple fields, surfaces, courts, etc. Facility Operators and Activity Organizers should mark off designated areas for spectators for each field, surface, court, etc. to minimize the overlap of spectators from adjacent fields, surfaces, courts, etc.

IV. PROTECTIVE EQUIPMENT AND FACIAL COVERINGS FOR ALL SPORTS

While limiting proximity of participants is the first line of defense to reduce the risk of transmission, Facility Operators and Activity Organizers must require facial coverings to be worn by all participants except:

- During high intensity aerobic or anaerobic activities, swimming, water polo, water aerobics or other sports where individuals are in the water; or
- When distancing of 6 feet or more is possible between participants whenever feasible; or
- For individuals that are unable to wear a face covering due to a medical condition or disability

Otherwise, Activity Organizers must require facial coverings to be worn while engaged in an activity wherever possible. Some sports by their nature involve intense aerobic activity throughout play. For these sports, it is required that players use facial coverings when possible, taking frequent breaks when they are out of proximity to other players using caution to avoid touching the front or inside of the face covering by using the ties or ear loops to remove and replace. For example, soccer players should have facial coverings with them at all times, and where possible play with the facial covering on, removing it for long runs down the field, for plays without close contact, and in the goal; baseball/softball batters must wear facial coverings while at bat; lacrosse or hockey players participating in face-offs must wear facial



coverings. Participants for all sports must wear facial coverings on the bench at all times and in any huddles or time-outs.

Coaches, staff, referees, umpires, and other officials are required to wear facial coverings and maintain social distancing of 6 feet from players, coaches, spectators, and other persons at all times.

V. REQUIRED SAFETY PROTOCOLS

All Facility Operators and Activity Organizers must incorporate the following standards for social distancing, hygiene, staffing and operations, and cleaning and disinfecting into sports across all risk categories.

A. SOCIAL DISTANCING

Facility Operator Guidance

- ❖ Indoor and outdoor athletic facilities may operate their facilities for use by youth and adult amateur sports activities and programs.
- ❖ Indoor facilities must limit capacity to no more than 40% of the building's maximum permitted occupancy and ensure adequate social distancing of at least 6 feet for all visitors and staff.
- ❖ For team and group sports, no more than 25 players or participants can be on a single playing surface/area/court at any one time. The number of coaches and staff should be limited. Larger playing areas and surfaces, such as athletic fields, tracks, facilities that have multiple courts or playing areas, may be used by more than one group of 25 at one time, provided that adequate social distancing and group separation can be maintained. To ensure group separation, groups must be spaced at least 14 feet apart while sharing a single playing surface, court or field.
- ❖ For outdoor facilities: Spectators must maintain distance of at least 6 feet between spectator groups. Operators are encouraged to mark off spectator/chaperone viewing sites to allow for social distancing and all spectators must be at least 6 feet away from the playing field, court, or activity area. Spectators must wear facial coverings or masks.
- ❖ For indoor facilities: If an indoor facility has a chaperone or spectator viewing area which allows for at least 6 feet social distancing between spectators and if the presence of spectators plus players/coaches as well as staff does not cause the facility to exceed more than 40% of the maximum occupancy for the indoor facility, then 1 spectator per player under 21 years old is allowed. Operators are encouraged to mark off spectator/chaperone viewing sites to allow for social distancing. Spectators must maintain distance of at least 6 feet between spectator groups. Spectators must wear facial coverings.
- ❖ Locker rooms and changing areas may open in Phase III, Step 1, but should be limited to 50% capacity. Operators should ensure that users can abide by capacity restrictions and social distancing standards and establish signage and visual guidelines. Signage should remind users to limit time spent in enclosed area. Locker room users must use facial coverings or masks whenever possible and safe to do so.
- ❖ Indoor showers should remain closed in Phase III, Step 1. Indoor and outdoor pool facilities must provide access showers to swimmers prior to swimming in compliance with 105 CMR



435. If outdoor showers are not available, facilities may meet this requirement by providing access to indoor showers. If outdoor showers are available, facilities should keep indoor showers closed.

- ❖ Limit any nonessential visitors, spectators, staff, volunteers, and activities involving external groups or organizations as much as possible. While indoors, visitors, spectators, volunteers, and staff must wear facial coverings.
- ❖ Where feasible, indoor facilities should institute one-way entrance and exits while adhering to established fire and building codes.
- ❖ Indoor and outdoor batting cage facilities shall ensure adequate social distancing between each cage, such as limiting use to every other cage.
- ❖ Access to equipment storage and office space should be limited to employees only. First aid kits should be available at the playing area or court rather than in an office, where possible.
- ❖ Operators should ensure that individuals are not congregating in common areas or parking lots following practices or events.

Activity Organizer Guidance

- ❖ For team and group sports, no more than 25 players or participants can be on a single playing surface/area/court at any one time. The number of coaches and staff should be limited. Larger playing areas and surfaces, such as athletic fields, tracks, facilities that have multiple courts or playing areas, may be used by more than one group of 25 at one time, provided that adequate social distance and group separation can be maintained. To ensure group separation, groups must be spaced at least 14 feet apart while sharing a single playing surface, court or field.
- ❖ **Dugouts, benches & bleachers are allowed to open only if six feet of distance can be maintained between each participant at all times** and they can be thoroughly cleaned before and after every use.
- ❖ Sportsmanship should continue in a touchless manner – no handshakes/slaps/fist bumps.
- ❖ If social distancing is not possible in an athletic facility, chaperones/spectators may be asked to wait outside the facility until an activity is completed.
- ❖ Activity Organizers should ensure that individuals are not congregating in common areas or parking lots following practices or events.
- ❖ Once athletes have completed their competition or activity, they must leave the area if another team is taking the field or using the playing surface to ensure adequate space for distancing.

B. HYGIENE

Facility Operator Guidance

- ❖ If any equipment is provided by the Operator, the Operator must clean and disinfect shared equipment at the end of a practice or competition session using a product from the [list of disinfectants meeting EPA criteria for use against the novel coronavirus](#).
- ❖ Indoor facilities must provide access to handwashing facilities on site, including soap and running water, and allow sufficient break time for staff and participants to wash hands



frequently; alcohol-based hand sanitizers with at least 60% alcohol may be used as an alternative.

- ❖ All facilities must supply employees with adequate cleaning products (e.g., sanitizer, disinfecting wipes).
- ❖ Operators must post visible signage throughout the site to remind employees and visitors of hygiene and safety protocols.
- ❖ Allow water fountains to be used as refill stations only, provided that social distancing can be maintained. Customers and workers should bring their own water bottles or purchase from the business.
- ❖ Any concessions or food service must follow the [Safety Standards for Restaurants](#).

Activity Organizer Guidance

- ❖ Organizers must ensure that any shared personal equipment is disinfected before use by each individual using a product from the [list of disinfectants meeting EPA criteria for use against the novel coronavirus](#). Personal equipment includes all gear that is worn by players (e.g., gloves, helmets, masks, skates, footwear, pads, etc.).
- ❖ Organizers should minimize sharing of other equipment, and clean and disinfect all shared equipment at the end of a practice session using a product from the [list of disinfectants meeting EPA criteria for use against the novel coronavirus](#).
- ❖ No shared food or drink may be provided during any activities for participants or spectators except by concessions and food service providers following the [Safety Standards for Restaurants](#).
- ❖ Water bubblers, fountains, and bottle filling stations can open. Managers are encouraged to install signs near any drinking equipment advising users to use for bottle refill only and not to touch the tap with their mouth or the mouth of their water bottle.
- ❖ Participants and spectators should only drink from their own containers. Organizers must provide individual, dedicated water bottles for children if they do not have their own.
- ❖ Participants and coaches must achieve proper hand hygiene at the beginning and end of all activities, either through handwashing with soap and water or by using an alcohol-based hand sanitizer.
- ❖ Organizers should encourage athletes to arrive dressed for practice and to leave immediately after practice. Locker room and changing room use should be minimized.

C. STAFFING AND OPERATIONS

Facility Operator Guidance

- ❖ Operators must ensure that hand sanitizer or hand washing stations are available in indoor facilities for use by players, staff, and coaches.
- ❖ All high touch surface areas must be cleaned at the end of each activity.



- ❖ Operators should work with Activity Organizers to stagger activity start and end times or to put in place other protocols to limit contact between all visitors as much as possible. This also allows for more time to clean the facility between users. Operators must have daily schedules prepared in advance.
- ❖ Operators of indoor facilities shall establish traffic patterns (one-way flow, designated exits and entrances where possible), and limit capacity to maintain social distancing for the facility, including any restrooms and locker rooms. If social distancing cannot be maintained, spectators should be asked to wait outside.
- ❖ Operators should log all persons (name and phone number or name and email address) who come in contact with facility to facilitate contact tracing, including staff, participants, and spectators.
- ❖ Operators must post notice to employees, workers, and participants of important health information and relevant safety measures as outlined in government guidelines.
- ❖ Encourage workers who test positive for COVID-19 to disclose to the workplace employer for purposes of cleaning / disinfecting and contact tracing. If the employer is notified of a positive case at the workplace, the employer shall notify the Local Board of Health (LBOH) in the city or town where the workplace is located and assist the LBOH as reasonably requested to advise likely contacts to isolate and self-quarantine. Testing of other workers may be recommended consistent with guidance and / or at the request of the LBOH.
- ❖ Employers should take measures to ensure employees comply with all State-issued rules concerning out of state travel for any employer-paid or employer-reimbursed travel.

Activity Organizer Guidance

- ❖ To participate or attend, organizers should ensure that participants, volunteers, coaches, and spectators must show no signs or symptoms of COVID-19 for 14 days. Current list of symptoms is available from the [CDC](#).
- ❖ If any individual develops symptoms of COVID-19 during the activity, they should promptly inform organizers and must be removed from the activity and instructed to return home.
- ❖ Organizers of activities are responsible for following all guidelines and creating a safe environment for participants.
- ❖ Organizers must educate all participants and spectators on the applicable protocols for the relevant activity, protocols for entering/leaving the facility, and any other hygiene requirements.
- ❖ Organizers in coordination with Facility Operators must ensure that hand sanitizer is available to all players.



D. CLEANING AND DISINFECTING

Facility Operator Guidance

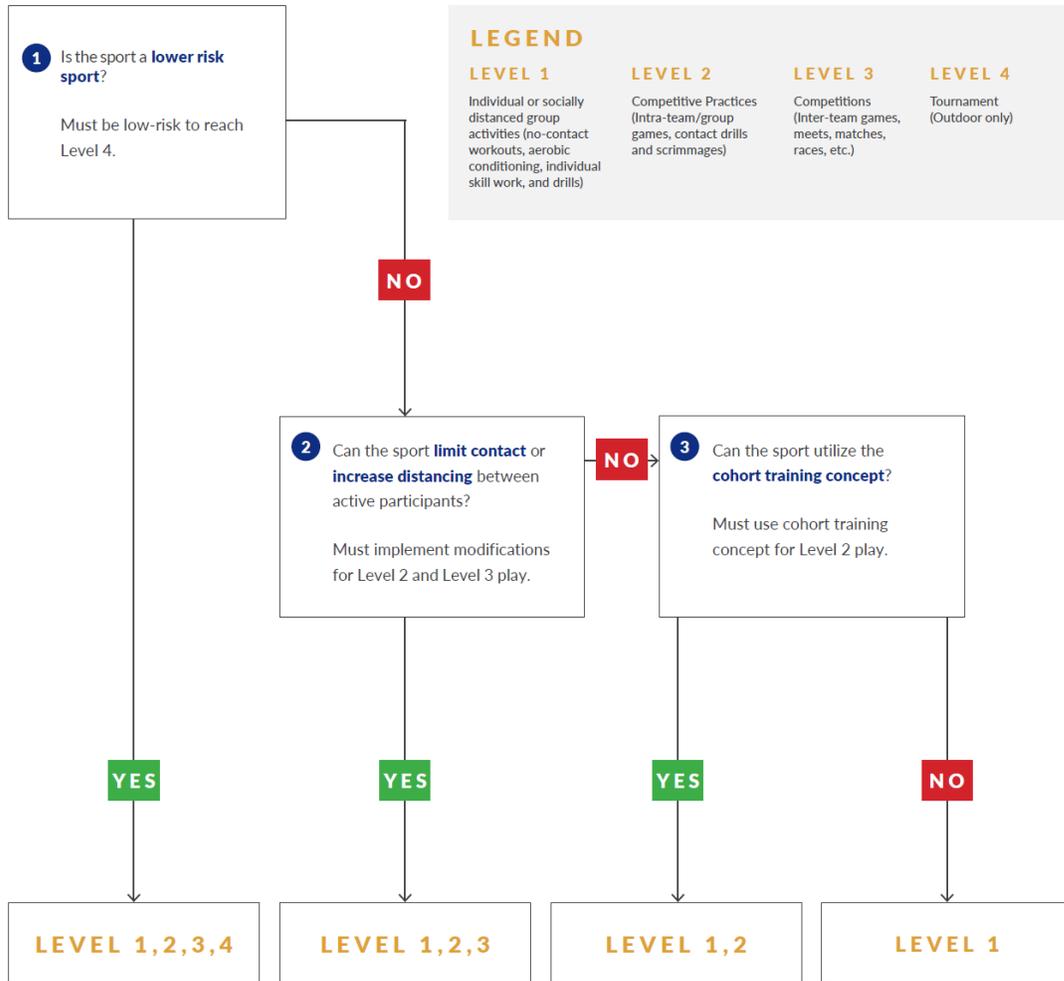
- ❖ Restrooms facilities shall be cleaned and disinfected in accordance with Centers for Disease Control guidance and best practices linked here: [*EEA COVID-19 Outdoor Recreation Facility Restroom Cleaning Best Practices*](#)
- ❖ Keep cleaning logs that include date, time, and scope of cleaning.
- ❖ Conduct frequent disinfecting of heavy transit areas and high-touch surfaces (e.g., doorknobs, handrails, bathrooms).
- ❖ In event of a positive case, shut down site for a deep cleaning and disinfecting of the workplace in accordance with current guidance.

Activity Organizer Guidance

- ❖ Organizers should disinfect any shared equipment before and after every clinic, practice, and game.
- ❖ Organizers should assess the cleanliness and disinfection protocols being employed at the facility they are using for athletic activity. If cleanliness is low, or any other concerns arise, organizer should immediately stop any ongoing athletic activity until such time as operator can show that conditions have been brought up to the standards outlined in this guidance.
- ❖ Organizers should understand the cleaning and disinfection protocols employed at the facility they are using and should raise any issues to the operator or Local Board of Health.



APPENDIX – SPORT ACTIVITY LEVEL ASSESSMENT



- 1**
- Lower risk sports include:**
- Sport activities are **done individually**
 - Sport activities are **conducted with 6 ft social distancing** and **no physical contact**
- Examples: Fishing, hunting, motor sports, no-contact exercise classes, pickleball, tennis, swimming, disc golf, golf, surfing, horseback riding, gymnastics, cross country, individual biking, individual sailing, individual crew

- 2**
- Required modifications:**
- Where players typically start together (e.g., start / finish of running events) modifications must include staggered starts or equivalent to avoid close contact
 - Deliberate close contact must be eliminated including: body checking, tackling, blocking, racing/riding in packs or similar activities engaged deliberately
 - Game situations that result in intermittent close face-to-face contact (where players are within 6 feet of one another) must be modified or eliminated, including: restarts, face-offs, throw-ins, scrums for the ball/puck, or similar activities. These activities may be allowed if face masks are used during contact (e.g., face-off could take place with face masks worn by each player involved).

- 3**
- The cohort concept is described as:**
- Cohorts can be no larger than **ten (10)** participants. Cohorts must workout together in all practices. Participants cannot be a member of multiple cohorts.
 - Cohorts must be **separated by 14 feet**. Class sizes should be capped by the number of available training areas, based on the size of the facility. In no event should there be more than 25 people on a playing surface.
 - A cohort can compete against other cohort, if each cohort performs separately from other cohorts (e.g., pair figure skating, or small group synchronized swimming).



Town of West Newbury

Board of Selectmen

381 Main Street, West Newbury, MA 01985 | 978-363-1100, Ext. 115
selectmen@wnewbury.org

NOTICE OF CONSIDERATION OF CHANGE OF TOWN MEETING QUORUM

In accordance with the provisions of Section 7 (b) of Chapter 92 of the Acts of 2020, NOTICE is hereby given that the Board of Selectmen of the Town of West Newbury shall meet by remote participation at 7:00 PM on Monday, August 17, 2020 to consider whether to lower the quorum requirements for the Fall Special Town Meeting to be held on October 17, 2020 or such other date as determined by the Board of Selectmen and/or the Town Moderator. The Board of Selectmen will consult with the Town Moderator to proscribe the number of voters necessary to constitute a quorum at this town meetings. The public is invited to attend and participate in this discussion. Information as to how to remotely attend this meeting will be published in the Open Meeting Notice for the Board of Selectmen's August 17, 2020 meeting, which will be available on the Town website, www.wnewbury.org.

This NOTICE shall be placed at all places required for the posting of warrants in the Town of West Newbury, as well as on the Town website and Town Facebook account.

BOARD OF SELECTMEN

Calendar for Fall 2021 West Newbury Special Town Meeting - DRAFT																		
	August					September				October					November			
	3	10	17	24	31	8	14	21	28	5	12	17	19	26	2	9	16	23
Deadline for article requests to BOS/Town Manager			Thurs, Aug 27															
Warrant Closes																		
FinCom Article Review																		
CPC meeting to review Fall Town Mtg proposals (if any)																		
Joint Meeting-BOS, Moderator, TM, TC & FinCom																		
Post Warrant									No later than Oct. 2									
FinCom booklet printed									No later than Oct. 2									
Vote Town Meeting Draft Motions																		
Town Meeting																		

* Regular Board of Selectmen meeting dates in **bold**.

DRAFT reviewed at Board of Selectmen meeting on August 17, 2020



Town of West Newbury
381 Main Street
West Newbury, Massachusetts 01985

Angus Jennings, Town Manager
978-363-1100, Ext. 111 Fax 978-363-1826
townmanager@wnewbury.org

TO: Board of Selectmen
 FROM: Angus Jennings, Town Manager
 DATE: August 15, 2020
 RE: FY21 tax rate – preliminary estimates and workbook scenarios

The proposed FY21 operating budget and all proposed articles would have resulted in an estimated FY21 tax rate of \$14.68, and increase of 1.8% from the current year tax rate of \$14.42.¹ This was in accordance with the FY21 budget message/policy direction approved by the BOS in December 2019.

In recent years, Town Meeting has appropriated Free Cash at the Fall STM to reduce the tax rate, with an average transfer of \$219,575 from FY17-20. The Finance Department model for FY21 showed that a Free Cash Transfer of \$260,000 this fall would have kept the current \$14.42 tax rate.

However, not all articles were adopted as proposed.

When the Recap Model is updated to reflect actual votes – in particular the reduction in the proposed School Stabilization transfer from \$652,340 to \$247,647 – it results in an estimated FY21 tax rate of \$15.09 (a 4.6% increase, with no Free Cash Transfer) and \$14.84 (a 2.9% increase, with the same \$260k Free Cash Transfer built into the initial model).

At Monday night's meeting, we can review with the Board various scenarios to inform your consideration of whether to propose STM transfers from Free Cash and/or School Stabilization, and if so in what amounts, to arrive at an updated estimated FY21 tax rate.²

It should be understood that all estimates are preliminary, and will change as new information becomes available, including regarding New Growth, Assessed Values, and non-tax revenues.

¹ This estimate was prepared using the MassDOR Tax Rate Recap Model and rests (as these estimates always do) on reasonable projections of unknowable inputs such as New Growth, Assessed Values and non-tax revenues. (Methodology for both projections may be provided on request, but are consistent with prior years' methodologies, and revenue projections adjusted for COVID-19 impacts).

² Note that the proposed reduction of \$63,100 from the approved FY21 Health Insurance budget, if approved at STM, would reduce the est. FY21 tax rates to \$15.03 (4.2% increase, with no Free Cash transfer at Fall STM) or \$14.77 (2.4% increase, with \$260k Free Cash transfer).

TAX RATE RECAPITULATION
Fiscal Year 2020

I. TAX RATE SUMMARY

la. Total amount to be raised (from page 2, IIe)	\$ 19,085,487.54
lb. Total estimated receipts and other revenue sources (from page 2, IIIe)	4,986,400.00
lc. Tax Levy (Ia minus Ib)	\$ 14,099,087.54
ld. Distribution of Tax Rates and levies	

CLASS	(b) Levy percentage (from LA5)	(c) lc above times each percent in col (b)	(d) Valuation by class (from LA-5)	(e) Tax Rates (c) / (d) x 1000	(f) Levy by class (d) x (e) / 1000
Residential	97.3187	13,721,048.71	951,528,646.00	14.42	13,721,043.08
Net of Exempt					
Open Space	0.0000	0.00	0.00	0.00	0.00
Commercial	0.8398	118,404.14	8,211,185.00	14.42	118,405.29
Net of Exempt					
Industrial	0.2149	30,298.94	2,101,400.00	14.42	30,302.19
SUBTOTAL	98.3734		961,841,231.00		13,869,750.56
Personal	1.6266	229,335.76	15,904,090.00	14.42	229,336.98
TOTAL	100.0000		977,745,321.00		14,099,087.54

MUST EQUAL 1C

Assessors

- Thomas Atwood, Board of Assessors Chairman , West Newbury , chief.assessor@wnewbury.org 978-363-1100 | 11/26/2019 10:53 AM**
 Comment: Approved
- Richard Baker, Board Of Assessors Clerk , West Newbury , chief.assessor@wnewbury.org 978-363-1100 | 11/26/2019 10:06 PM**
 Comment: Approved
- Jenn Polisenio, Board of Assessors - Vice Chairman , West Newbury , chief.assessor@wnewbury.org 978-363-1100 | 11/27/2019 10:05 AM**
 Comment: yes

Do Not Write Below This Line --- For Department of Revenue Use Only

Reviewed By: Bobbi Colburn
Date: 12/09/2019
Approved: Andrew Nelson
Director of Accounts: Mary Jane Handy

NOTE : The information was Approved on 12/9/2019

TAX RATE RECAPITULATION
Fiscal Year 2020

Jane Jane Handy

NOTE : The information was Approved on 12/9/2019

TAX RATE RECAPITULATION

Fiscal Year 2020

II. Amounts to be raised

Ila. Appropriations (col.(b) through col.(g) from page 4)	<u>18,832,692.00</u>
Ilb. Other amounts to be raised	
1. Amounts certified for tax title purposes	<u>0.00</u>
2. Debt and interest charges not included on page 4	0.00
3. Final Awards	0.00
4. Total overlay deficit	0.00
5. Total cherry sheet offsets (see cherry sheet 1-ER)	7,604.00
6. Revenue deficits	0.00
7. Offset receipts deficits Ch. 44, Sec. 53E	0.00
8. CPA other unappropriated/unreserved	<u>0.00</u>
9. Snow and ice deficit Ch. 44, Sec. 31D	0.00
10. Other :	0.00
TOTAL Ilb (Total lines 1 through 10)	<u>7,604.00</u>
Ilc. State and county cherry sheet charges (C.S. 1-EC)	80,191.00
Ild. Allowance for abatements and exemptions (overlay)	165,000.54
Ile. Total amount to be raised (Total Ila through Ild)	<u>19,085,487.54</u>

III. Estimated receipts and other revenue sources

IIIa. Estimated receipts - State	
1. Cherry sheet estimated receipts (C.S. 1-ER Total)	387,119.00
2. Massachusetts school building authority payments	0.00
TOTAL IIIa	<u>387,119.00</u>
IIIb. Estimated receipts - Local	
1. Local receipts not allocated (page 3, col (b) Line 24)	<u>1,357,785.00</u>
2. Offset Receipts (Schedule A-1)	<u>0.00</u>
3. Enterprise Funds (Schedule A-2)	<u>744,145.00</u>
4. Community Preservation Funds (See Schedule A-4)	<u>1,342,629.00</u>
TOTAL IIIb	<u>3,444,559.00</u>
IIIc. Revenue sources appropriated for particular purposes	
1. Free cash (page 4, col (c))	<u>296,100.00</u>
2. Other available funds (page 4, col (d))	<u>458,622.00</u>
TOTAL IIIc	<u>754,722.00</u>
IIId. Other revenue sources appropriated specifically to reduce the tax rate	
1a. Free cash..appropriated on or before June 30, 2019	0.00
1b. Free cash..appropriated on or after July 1, 2019	400,000.00
2. Municipal light surplus	0.00
3. Other source :	0.00
TOTAL IIId	<u>400,000.00</u>
IIIe. Total estimated receipts and other revenue sources (Total IIIa through IIId)	<u>4,986,400.00</u>

IV. Summary of total amount to be raised and total receipts from all sources

a. Total amount to be raised (from Ile)	<u>19,085,487.54</u>
b. Total estimated receipts and other revenue sources (from IIIe)	<u>4,986,400.00</u>
c. Total real and personal property tax levy (from Ic)	<u>14,099,087.54</u>
d. Total receipts from all sources (total IVb plus IVc)	<u>19,085,487.54</u>

NOTE : The information was Approved on 12/9/2019

TAX RATE RECAPITULATION
Fiscal Year 2020

LOCAL RECEIPTS NOT ALLOCATED *

	Receipt Type Description	(a) Actual Receipts Fiscal 2019	(b) Estimated Receipts Fiscal 2020
==>	1. MOTOR VEHICLE EXCISE	806,885.00	810,000.00
	2. OTHER EXCISE		
==>	a.Meals	0.00	0.00
==>	b.Room	0.00	0.00
==>	c.Other	1,140.00	1,600.00
==>	d.Cannabis	0.00	0.00
==>	3. PENALTIES AND INTEREST ON TAXES AND EXCISES	40,657.00	39,185.00
==>	4. PAYMENTS IN LIEU OF TAXES	13,203.00	14,000.00
	5. CHARGES FOR SERVICES - WATER	0.00	0.00
	6. CHARGES FOR SERVICES - SEWER	0.00	0.00
	7. CHARGES FOR SERVICES - HOSPITAL	0.00	0.00
	8. CHARGES FOR SERVICES - SOLID WASTE FEES	0.00	0.00
	9. OTHER CHARGES FOR SERVICES	0.00	0.00
	10. FEES	0.00	0.00
	a.Cannabis Impact Fee	0.00	0.00
	b.Community Impact Fee Short Term Rentals	0.00	0.00
	11. RENTALS	143,168.00	145,000.00
	12. DEPARTMENTAL REVENUE - SCHOOLS	0.00	0.00
	13. DEPARTMENTAL REVENUE - LIBRARIES	0.00	0.00
	14. DEPARTMENTAL REVENUE - CEMETERIES	0.00	0.00
	15. DEPARTMENTAL REVENUE - RECREATION	0.00	0.00
	16. OTHER DEPARTMENTAL REVENUE	17,004.00	17,000.00
	17. LICENSES AND PERMITS	253,113.00	220,000.00
	18. SPECIAL ASSESSMENTS	0.00	0.00
==>	19. FINES AND FORFEITS	12,631.00	15,000.00
==>	20. INVESTMENT INCOME	90,414.00	70,000.00
==>	21. MEDICAID REIMBURSEMENT	0.00	0.00
==>	22. MISCELLANEOUS RECURRING (UPLOAD REQUIRED)	89,655.00	26,000.00
==>	23. MISCELLANEOUS NON-RECURRING (UPLOAD REQUIRED)	136,016.00	0.00
	24. Totals	1,603,886.00	1,357,785.00

I hereby certify that the actual receipts as shown in column (a) are, to the best of my knowledge correct and complete, and I further certify that I have examined the entries made on page 4 of the Fiscal 2020 tax rate recapitulation form by the City, Town or District Clerk and hereby acknowledge that such entries correctly reflect the appropriations made and the sources from which such appropriations are to be met.

Accounting Officer

I hereby certify that the actual receipts as shown in column (a) are, to the best of my knowledge correct and complete, and I further certify that I have examined the entries made on page 4 of the above-indicated fiscal year tax rate recapitulation form by the City / Town / District Clerk and hereby acknowledge that such entries correctly reflect the appropriations made and the sources from which such appropriations are to be met.

Stephanie Frontiera, Accountant , West Newbury , townaccountant@wnewbury.org 978-363-1100 | 11/18/2019 11:08 AM

Comment:

* Do not include receipts in columns (a) or (b) that were voted by the City / Town / District Council or Town Meeting as offset receipts on Schedule A-1, enterprise funds on Schedule A-2, or departmental revolving funds per Chapter 44, Section 53E 1/2. Written documentation should be submitted to support increases / decreases of estimated receipts to actual receipts.

NOTE : The information was Approved on 12/9/2019

TAX RATE RECAPITULATION
Fiscal Year 2020

==> Written documentation should be submitted to support increases/ decreases of FY 2020 estimated receipts to FY 2019 estimated receipts to be used in calculating the Municipal Revenue Growth Factor (MRGF).

TAX RATE RECAPITULATION
Fiscal Year 2020

APPROPRIATIONS									AUTHORIZATIONS	
									MEMO ONLY	
City/Town Council or Town Meeting Dates	FY*	(a) Total Appropriations Of Each Meeting	(b) ** From Raise and Appropriate	(c) From Free Cash (See B-1)	(d) From Other Available Funds (See B-2)	(e) From Offset Receipts (See A-1)	(f) From Enterprise Funds (See A-2)	(g) From Community Preservation Funds (See A-4)	(h) *** Departmental Revolving Funds	(i) Borrowing Authorization (Other)
04/29/2019	2020	17,672,625.00	15,991,196.00	67,000.00	458,622.00	0.00	744,145.00	411,662.00	79,350.00	1,100,000.00
04/29/2019	2019	386,500.00	0.00	69,500.00	0.00	0.00	0.00	317,000.00	0.00	0.00
11/04/2019	2020	773,567.00	0.00	159,600.00	0.00	0.00	0.00	613,967.00	0.00	1,250,000.00
Total		18,832,692.00	15,991,196.00	296,100.00	458,622.00	0.00	744,145.00	1,342,629.00		

* Enter the fiscal year to which the appropriation relates, i.e., fiscal year 2019 or fiscal 2020.

** Appropriations included in column (b) must not be reduced by local receipts or any other funding source. Appropriations must be entered gross to avoid a duplication in the use of estimated or other sources of receipts.

*** Include only revolving funds pursuant to Chapter 44, Section 53 E 1/2.

Clerk

I hereby certify that the appropriations correctly reflect the votes taken by City / Town / District Council.

Michael McCarron, Town Clerk , West Newbury , mmccarron@wnewbury.org 978-363-1100 | 11/21/2019 2:13 PM

Comment:

NOTE : The information was Approved on 12/9/2019



Town of West Newbury
381 Main Street
West Newbury, Massachusetts 01985

F

Angus Jennings, Town Manager
978-363-1100, Ext. 111 Fax 978-363-1826
townmanager@wnewbury.org

TO: Board of Selectmen
FROM: Angus Jennings, Town Manager
DATE: August 15, 2020
RE: Known / potential Fall STM Warrant Articles

Below is rough and subject to change. Once the August 27th deadline for receipt of proposed warrant articles has passed, a draft STM Warrant will be prepared for the Board review and inclusion within the BOS meeting packet for Tuesday, Sept. 8th (at which the Board expects to close the warrant).

Known (Proposed) Articles

- Early voting article proposed by Town Clerk (\$2k from Free Cash)
- Transfer Free Cash re FY21 tax rate (amount TBD).
- FY21 budget amendment(s) (Mike McCarron has advised these could go forward in a single article, if the BOS choose)
 - Reduce funding for health insurance: expected savings, ~\$63,100.
 - Reduce PRSD budget to account for funds from School Stabilization (A portion of the debt service for new M/H School was authorized from School Stabilization, so does not need to be “raised and appropriated” and can be removed from budget.). Expected savings: \$247,947 (or other amount if changed by STM School Stabilization transfer).
 - Transfer funding (~\$5-10k) from Police Salaries/Wages budget to Police Cruiser budget. Bottom line budget neutral.
- DPW Articles
 - Purchase of new Dump Truck (Stabilization funding) (ATM15, passed over with no action at June ATM). Needed in order to have the truck for next winter, due to the lead time associated with purchasing and delivery. Capital Committee will be asked to convene in September to agree that their spring recommendation could go forward if this article is included for Oct. STM).
 - High Hazard Trees (Year 2 of multi-year program)
 - Children’s Castle Emergency Sprinkler System Repair (\$9,800). (Alternatively, may be funded via near-term request for Reserve Fund Transfer).
- Zoning bylaw amendments (ATM24, passed over with no action at June ATM)
- Funding for warranty program for EV charging stations.
- Fire Dept proposal to extend sunset date for fire truck purchase from 6/30/21 to 6/30/22 (delay in purchasing/anticipated delivery due to COVID)
- Open Space Committee expected to propose \$1,000 for bridge(s) on the Dunn property
- Parks/Rec Commission expected to propose funding (\$2,300) to fix baseball backstop.

Potential Articles

- Transfer more money from School Stabilization fund?
- Harbor Committee funding for study of potential mooring field (Brad Dore email of 8/5)

- Adoption of wetlands bylaw (?). It is my understanding that ConCom does intend to bring forward a proposal and post a public hearing to consider.
 - Board of Assessors article(s) (Meredith email 8/7/20)
 - Parks/Rec Comm article re port-a-potty costs above budget. (Note: portion of costs due to enhanced COVID-19 cleaning protocols may be otherwise funded, so whether an increase is needed, and in what amount, is currently being reviewed).
-

Articles Passed over at June TM

- STM6: Mill Pond tables/benches
- ATM6: Pension Liability Stab. Fund
- ATM7: OPEB Liability Stab. Fund
- ATM11: \$300k transfer into Cap Stab.
- ATM22: dog waste bylaw

Town Manager

From: Town Manager
Sent: Tuesday, August 11, 2020 9:51 AM
To: David Archibald; Glenn Kemper; Rick Parker - Selectman (rparker@wnewbury.org)
Cc: Town Accountant; Michael McCarron; Jennifer Walsh (finance.admin@wnewbury.org); Annie Sterling (residents.admin@wnewbury.org)
Subject: Town Manager vacation scheduled

Hi – this is to let you know that I'll be on vacation on Cape Cod from Wednesday, Aug 26th through Thurs, Sept 3rd. We'll be mindful of the sharks.

I'll be working with staff in the lead-up to this time off to make sure things are on track for the Sept 8th BOS mtg including, in particular, preparation of a draft STM warrant to allow the Board to close the warrant that night.

Upon conferral with Stephanie I will recommend that the BOS designate Archie to sign any AP warrants that may need to go through during the time I'm away.

Please let me know if any questions. 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 of West Newbury
Board of Selectmen
Monday, July 20, 2020**
381 Main Street, Town Office Building
www.wnewbury.org

Minutes of Meeting

Open Session: 7:08 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) 240-3311

Access Code: 574-096-189

Or, from computer, tablet or smartphone: <https://global.gotomeeting.com/join/574096189>

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 7:08 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
- ❖ Marge Peterson, Chair, West Newbury Housing Authority
- ❖ Gary Bill, Housing Authority
- ❖ Richard Miller
- ❖ Joseph Heyman, M.D.
- ❖ Police Chief Jeff Durand
- ❖ Bob Janes, Chairman, Board of Health
- ❖ Paul Sevigny, Health Agent
- ❖ Wendy Reed, Open Space Committee, Conservation Commission

❖ Stephanie Frontiera, Town Accountant/Business Manager

Announcements:

- Board still looking for members interested in joining the Finance Committee, Capital Improvements Committee, other committees. Information available on Town website.
- Chairman Archibald discussed settlement between City of Manchester, NH and the Environmental Protection Agency related to sewage release during rainstorms. (See pages 2 to 10 for information)
- City Council and City of Newburyport passed the Memorandum of Understanding between West Newbury and the City of Newburyport to go forward in a year-to-year agreement with work on the Middle Street Bridge.
- Chairman Archibald reminded everyone that every two years, the State Ethics Test has to be taken.

REGULAR AGENDA

A. Joint meeting with West Newbury Housing Authority Board to consider application of Richard Miller for appointment to WNHA Board:

Marge Peterson, Chairman of the West Newbury Housing Authority advised that they had an opportunity to review the application of Richard Miller. (See Exhibit A, page 11 for information) Didn't have a great deal of information but sounded as though he would be very suitable for being a part of the Commission.

Meet monthly, excellent Executive Director who has brought properties up to par and very confident with her and looking to fill two open positions.

Richard Miller advised the Board of his credentials, worked in property management for 35 years, owned a property management company. Starting in 2013, lives in Ocean Meadow, on the Board of Trustees, Treasurer of the Association, involved with organizations in New Jersey when he owned the company. Dealt with associations in New Jersey.

Motion by Marge Peterson to appoint Richard Miller to a term until 2021, seconded by Selectman Kemper.

Board of Selectmen, Yes 3, No 0 – Housing Authority, Unanimous

Chairman Peterson advised that Mr. Miller will be sworn in at next meeting on July 28th.

B. Application for Appointment to Finance Committee, Joe Heyman, M.D.:

Chairman Archibald introduced Joe Heyman as applicant for the Finance Committee. (See Exhibit B, pages 12 through 17 for information)

Mr. Heyman advised that he's lived in town since 1975 and this is the first opportunity that he's had to do something for the town since he's retired. Has had a lot of experience with finance with the American Medical Association and the Massachusetts Medical Society and the Joint Commission, so he felt this would be a great opportunity. Been here for 45 years, but there's plenty that he doesn't know about the town and this is going to be a great way for him to learn.

Town Manager Jennings advised that it will be a 3-year term to 2023.

Motion by Selectman Kemper to appoint Joseph M. Heyman for a 3-year term to the Finance Committee. Seconded by Selectman Parker.

Yes 3, No 0

C. Request for Appointment of Nicholas Levesque and Ryan Green as Reserve Police Officers by Police Chief Durand:

Police Chief Durand stated that Nick Levesque has worked for the Town since 2018 as a part-time dispatcher and been interested in a reserve position. Ryan Green works for North Shore Community College Police. Both are reserve certified, passed background checks, psychological tests and ready for appointment to start in field program. (See Exhibit C, page 18 for information)

Motion by Chairman Archibald to approve the appointments of Nicholas Levesque and Ryan Green as Reserve Police Officers. Seconded by Selectman Parker.

Yes 3, No 0

D. Discussion with Board of Health regarding planning for phased reopening of Town Offices:

Chairman Archibald stated that things are running relatively well, can have a discussion, but Town Manager Jennings stated not there yet regarding making a decision.

Bob Janes stated that he has received telephone calls and had conversations with Town employees that had concerns about there not being a policy in the office buildings regarding masks or next steps and thinks policy should be set. If you're in your office and don't want to wear a mask, that's fine, but if somebody comes in, you put a mask on. If you leave the office and are in the halls, wear a mask so that everyone feels comfortable working there.

Signs on the doors are in place, but no policy about mask wearing in the building. Selectman Kemper suggested that the Board of Health draw up some policies and share with every employee and building in town as to the policy.

Town Manager Jennings stated that the Board of Health did submit a letter earlier today and sent to Board members via e-mail. (See Exhibit D, pages 19 through 26 for information) Chairman Archibald stated he has no problem with reinforcing these policies.

Motion by Selectman Parker to institute the policy in all Town buildings to follow the Board of Health recommendations as stated above. Seconded by Selectman Kemper.

Discussion by Selectman Parker regarding the DPW garage. Office space is okay but may not be practical for the rest of the garage. Mr. Janes not sure how that could be handled, but Selectman Kemper stated they should just use their discretion.

Yes 3, No 0

E. Proposal to modify restrictions on rental/use of Town facilities and add Health Agent Sign-Off:

(See Exhibit E, pages 27 through 30 for information)

Chairman Archibald stated that doesn't want to have to give out more work for things that would be automatically turned down, so if things could be separated in the beginning, then Board of Health back-up could be solicited. Doesn't think that parties should be held at Town facilities in the foreseeable future.

Town Manager Jennings stated that he spoke to Paul, thinking outdoor events only. Not changing the Board's previously adopted policy on restricting rental and use of Town buildings for meeting space, but not making facilities available for non-town uses, and only 3 special circumstances where it was allowed. As long as the Health Agent signs off on protocols and procedures, would be a good small step towards normalcy.

Paul stated that rentals should be for outdoor use, some exceptions for indoor use, such as meetings or senior programs, but definitely no birthday parties, etc. Outdoor events may be permissible. Stated that he and Angus will work on a plan and bring it to the Board. Chairman Archibald stated that Angus can make the decision and it would be supported by the Board.

F. Update on review of new proposal from Cottage Advisors to MassHousing re: proposed 40B Street/Main Street; and anticipated schedule for second site walk:

(See Exhibit F, pages 31 through 32 for information)

Town Manager Jennings stated site walk hasn't been finalized, but might be Wednesday, July 29th. 10 or less would be allowed, which could include Chip and two abutters. At least six abutters who would like to have the Selectmen to look at their property, maybe on a different date. Would be to see the proximity of their property to the proposed development.

Site walk would include the Building Inspector, Police and Fire Chiefs, members of the Board of Appeals, and Open Space Committee members.

With regard to the comment period, deadline is August 7th. Next regularly scheduled meeting is August 3rd, so working to get an updated comment letter into the August 3rd packet to vote that night and be submitted to MassHousing later in the week. Has the support of KP Law due to approval of funding at Town Meeting.

Selectman Parker asked if a Board member were to work with abutters to put something together, Town Manager Jennings said it would, and everyone felt it was a great idea. Town Manager Jennings stated he would send information to Selectman Parker and abutters, and Town Manager Jennings should be copied on all e-mail correspondence.

Town Manager Jennings stated that the Governor's emergency order which applied to state permits could not apply to Con Comm permits per the DEP Regional Coordinator. (Chat comments appended to this document)

G. Notification from Open Space Committee regarding intent to seek modification Order of Conditions for Essex County Trails Association (ECTA) Town-wide Management Plan:

Chairman Archibald stated that he has looked at the management plan, really extensive, hard to know. (See Exhibit G, pages 33 through 36 for information) Wants to know if this puts obligations on the Town that they haven't already had.

Wendy Reed stated that if the Town did not participate in trail management plan, would have to file a formal application with the Conservation Commission, which means a notice to abutters and then go through the whole notice of intent process, which is expensive and time consuming. So, all the plan does is streamline the process. Still has to notify the Con Comm, but Bert can go out and look at it and make sure it's abiding by all of the procedures that are set out in the plan. So, it's meant to streamline things and make it easier for Town groups that want to work under the plan.

Motion by Selectman Kemper to approve the amendments in the proposed extended Order of Conditions. Seconded by Selectman Parker.

Yes 3, No 0

H. Request for approval of dates/times/locations for Early Voting for November 6th Election, Mike McCarron, Town Clerk:

(See Exhibit H, pages 37 through 45 for information)

Motion by Selectman Kemper (page 44 of packet, in italics) to be Town Annex. Seconded by Selectman Parker.

Yes 3, No 0

Town Clerk McCarron stated that after receiving a chat request, the date is actually November 3rd. This is for the primary. Times will be set up again in October for the final to set place and times.

Request by Chairman Archibald to add to the agenda for West Newbury League Flag Football to put up signs to promote registration on Town property even though there may not be a season. Requested to post signs in front of Public Safety Building, Town Offices, entrance to Action Cove, entrance to Page School, entrance to Pipe Stave, and in traffic triangle where Cherry Hill, Bachelor and Moulton Street come together. Board approved same request last June.

Chairman Archibald requested they not be approved in front of the Public Safety Building and Town Hall because electronic sign could have notice put on. Selectman Kemper not sure if they have control over approving things on Public Safety Building. Thinks things should be kept out of front of Town offices.

Motion by Chairman Archibald to approve requested sites except in front of Town Office Building and Public Safety Building. Seconded by Selectman Kemper.

Yes 3, No 0

I. Meeting Minutes, May 26, 2020, June 22, 2020, June 27, 2020, July 6, 2020:

(See Exhibit I, pages 46 through 72 for information)

Motion by Selectman Kemper to accept meeting minutes with correction to June 22nd (page 57 of the packet), Selectman Parker also nominated to the CPC. Seconded by Chairman Archibald.

Yes 3, No 0

TOWN MANAGER UPDATES

J. Updates on Middle/High School Project:

(See Exhibit J, pages 73 through 88 for information)

Town Manager Jennings updated regarding noise at construction site. Referred to Inspectional Services. Building Inspector tasked with making sure things are done in accordance with the Planning Board approval.

Summarized content in agenda packet, building permit review, third party inspection. Identifying housekeeping issues, Sam Joslin has jurisdiction and feels the design team is going an excellent job, but great to identify issues at the planning stage.

Selectman Kemper asked how responsive the construction company is being to resident complaints. Town Manager Jennings stated that he will check with Sam and send the Board an e-mail this week with an update.

K. Updated FY20 Preliminary Financial Closeout Numbers:

(See Exhibit K, page 89 through 96 for information)

Chairman Archibald asked if the numbers included the transfers made or not. Town Manager Jennings stated that they did include transfers, so won't see expenditures exceeding 100%. Wanted this included on the agenda so that he could update from July 6th to update the tax collections, which are at 99%. Wanted to say that in a public meeting so that there would be no impression that real estate tax collections were lagging, had come in, but just not been posted at the time that the Town Accountant ran the prior report. Much more updated report, still preliminary, but as working with the auditor in the months ahead, may be adjustment, but the numbers appear to be pretty sound in terms of both the expenses and revenues, and much better picture than two weeks ago.

Selectman Parker asked regarding motor vehicle excise down a little over 19% from projected. Wants to know if it's indicative of late or lagging payments. Stephanie stated that there's been a

lag in new car sales, which makes excise drop substantially. So, when it was budgeted months ago, it was budgeted higher for new car sales.

L. Upcoming NERAC Workshop Regarding Cybersecurity:

(See Exhibit L, page 97 for information)

M. Follow-up meeting assignments and placing items for future agendas:

Next meeting will include comments on 40B, so should be bare bones on other items as possible so that there will be time to get that done.

Selectman Kemper asked if August 3rd could be the only meeting in August. Town Manager Jennings things that might not be possible but will send out a calendar since there will most likely be a fall Town Meeting, and there would be things that can't wait until September.

Motion was made by Chairman Archibald to adjourn the meeting at 8:39 p.m. Seconded by Selectman Kemper.

Yes 3, No 0

Respectfully submitted,

Susan M. Lobie, Certified Electronic Transcriptionist
Office Solutions Plus
15 Marion Road, Salem, MA 01970

Feehery, Kathy

7:57 PM

you are welcome to come to Riverrun anytime

Jean lambert

7:58 PM

Info from visits to abutting properties may feed into BOS comments.

Jean lambert

7:59 PM

info from abutter visits may feed into BOS comments.

Richard Miller

8:12 PM

Nov 3 not Nov 6?

Jen S

8:15 PM

RE: early voting...Wondering about the date mentioned in the motion for the election -- I heard Nov 6 -- and also the election was mentioned in the motion by Rick Parker but then selectmen said it was only for the primary -- can you please clarify?

Michael McCarron

8:18 PM

you are right it should be nov 3 we have set up the early voting for primary and we would vote hours again in nov

Angus Jennings

8:18 PM

Sept 1 State Primary

Richard Miller

8:19 PM

thank you

Town Manager

From: DPW Director
Sent: Friday, August 14, 2020 7:25 PM
To: Morrison, Micah
Cc: Michael McCarron; Town Manager
Subject: RE: MassWorks - BSC Proposal

Micah,

The contract seems relatively good to me. I would just need to add a few legal things on the back side and a few small comments. Do you have this in a work doc that I can modify?

Thanks,
Wayne

Wayne S. Amaral
Director of Public Works
Tree Warden, MCPPO

Town of West Newbury
381 Main Street
West Newbury, MA 01985
(978) 363-1100 x120
dpwdirector@wnewbury.org

From: Morrison, Micah [REDACTED]
Sent: Wednesday, August 12, 2020 12:32 PM
To: Town Manager <townmanager@wnewbury.org>
Cc: Reed, Peter V. [REDACTED]
Subject: RE: MassWorks - BSC Proposal

Hi Angus,

The MassDOT small bridge municipal grant is much more structured in terms of tasks and funding allotted to each tasks. The MassWorks grant provides the municipality much more flexibility. Because of the funding allotment with the MassDOT grant the baton will likely be passed in stages. For instance we are focusing on permitting right now so the MassDOT permitting allotment will likely be expended in the next month or so. Because MassDOT has a specific allotment for permitting once that is used up we would need the MassWorks grant to keep permitting moving ahead. MassWorks looks at the project in terms of total dollar amount and the drawdown of funds, not individual tasks. We have done multiple bridge projects with joint funding through MassWorks and MassDOT. We just finished a project consisting of two bridges, two MassDOT grants and one MassWorks that was a little tricky.

It is best to keep things as simple as we can, but if West Newbury needs to show progress, MassWorks can be billed for a while instead of MassDOT. Having two grants for one project provides that flexibility.

If you have questions or want to talk about things in greater detail just let me know.

Thank you,
Micah

From: Town Manager [<mailto:townmanager@wnewbury.org>]
Sent: Wednesday, August 12, 2020 11:41 AM
To: Morrison, Micah [REDACTED]
Cc: Reed, Peter V. [REDACTED]
Subject: RE: MassWorks - BSC Proposal

Thanks Micah.

I'll send this to DPW Director and our Town Clerk/Counsel who also serves as our Chief Procurement Officer. Will get back to you with any questions, and once I'm certain of the process we'll follow re contract award/contracting.

Based on the work BSC is contracted to do for Newburyport, roughly when do you think they would be "passing the baton" to West Newbury, or would you (or they) anticipate that, once a contract with West Newbury is in place, ongoing engineering/permitting costs would start to be shared on a current basis, rather than fully drawing down the Small Bridge Grant and then switching over to the MassWorks grant?

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: Morrison, Micah [REDACTED]
Sent: Wednesday, August 12, 2020 10:29 AM
To: Town Manager <townmanager@wnewbury.org>
Cc: Reed, Peter V. [REDACTED]
Subject: MassWorks - BSC Proposal

Hello Angus,

Attached is the proposal for final design and permitting for Middle Street/Plummer Spring Road over the Artichoke Reservoir to be funded under the MassWorks grant. The fee amount is the same as was requested in MassWorks grant. Regarding the contract language it was provided by KP Law for other municipalities that we have done bridge work for.

If you have any questions please let me know.

Thank you,
Micah

Micah Morrison, P.E., S.E. | Senior Associate / Manager of Structural Engineering

[BSC Group](#)

803 Summer Street | Boston | MA 02127

direct | 617-896-4356

main | 617-896-4300

From: Morrison, Micah

Sent: Tuesday, July 28, 2020 9:30 AM

To: Town Manager <townmanager@wnewbury.org>

Subject: MassWorks - Engineering Proposal

Good Morning Angus,

We have been working on the proposal for final design and permitting to be funded under the MassWorks grant. Does the town of West Newbury have standard contract language that should be used or would the town prefer for BSC to supply the contract language for the Town's review.

Thank you,
Micah

Use of Housing Contribution Payments ReCap

- I. Zoning Section 5.F.8: Inclusionary Housing Regulations:

“Affordable housing production, Housing Contribution Payments and rental and resale restrictions required by this section shall be governed by regulations promulgated by the Planning Board and approved by the Board of Selectmen for purposes of carrying out this By-law and shall be consistent with the Massachusetts Department of Housing and Community Development’s (“DHCD”) regulations and guidelines under Chapter 40B of MA General Laws.”
- II. From KP Law Proposal, Email from Jon Witten to AJ Dated 7/10/20:
 - “1. While the Zoning Bylaw requirements for the payment of “fees in lieu of” is clear, as you note and as we discussed, neither the Bylaw nor administrative rules pursuant to the Bylaw address the expenditure of funds paid to the Town resulting from a “fee in lieu of” payment.
 2. The proposal that you and Town Counsel have discussed—the adoption by both the Board of Selectmen and the Planning Board of administrative regulations to guide the expenditure of these funds—is the appropriate way of proceeding forward. While another option is inclusion within the Zoning Bylaw of these operating principles, I do not recommend that approach. It is neither necessary—Town Meeting has already authorized the collection of these funds—nor effective—Town Meeting is not the proper forum for the discussion or adoption of administrative procedures.
 3. I estimate the cost of preparing implementing regulations to accomplish the goal set forth below to be **10 hours** and would ask to include an additional **4-5 hours** to include virtual attendance at both a Planning Board and Board of Selectmen meeting to discuss and review the draft regulations, as well as revise the regulations for a final vote of the Boards. At KP’s negotiated hourly rate with West Newbury, the cost of this task is estimated at **\$3,750.00** (15 hours @ \$250/hour).”
 4. In follow-up correspondence from the Town Manager to KP Law on 7/14, Angus noted that the Town Planner may be able to do somewhat more work on this initiative than we’d initially envisioned. He said he continues to expect to need KP’s help, but suggested that if Leah can prepare an initial draft of Regs in consultation with KP Law, and if she or Angus or Mike McCarron can represent the proposed Regs at any public meetings, we could trim the NTE budget 5-8+/- hours [i.e. reducing KP hours from 14-15 (initial proposal) to more like 6-10 hrs]. This would reduce the legal cost to about \$1,500 to \$2,500.
- III. 7/21/20 Planning Board Meeting - Takeaways:
 - Can the Housing Authority manage this? If not, can they hire a consultant for the work? [\(give reasoning for why\)](#)
 - An Affordable Housing Trust will appropriately address the use of the funds.
 - The Board is not opposed to taking first steps to investigate this and is fine with LZ’s involvement.
 - The Board is not opposed to utilizing \$1,000 of the Planning Board’s consulting line to undertake this.

- What do other “like” communities do? The general consensus is to draft regulations that are similar to those of other communities.
- Use of the funds might more appropriately be spent on creating housing.
- Momentum is developing amongst the public for moving forward with planning for affordable housing.

IV. 7/27/20 Remote Meeting with Leah, Ray and Angus - Takeaways

- Under the terms of the approved Regulatory Agreements/Restrictive Covenants for development projects approved by the Planning Board that include Local Action Units (LAUs) under the Local Initiative Program (LIP), either the Board of Selectmen (Ocean Meadow, 6 LAUs; Cottages at River Hill, 3 LAUs) or the Town Manager (Drake’s Landing, 4 LAUs) are designated as responsible for “monitoring” of LIP projects. Per KP Law, Angus could be legally “at risk” in this [\(give reasoning for why\)](#). Further, there is a risk that, if a qualified buyer is not found within a specified time period, the “affordable” unit could revert to becoming a market rate unit. This would represent a major failure of the Town to meet its responsibilities, and is a real risk given the lack of staff (capacity and qualification) or budgeted funding to meet these responsibilities.
- Monitoring involves resales, annual certifications, affirmative fair marketing, lotteries, and responding to/resolving compliance issues (i.e. subletting). Much of this work requires substantial documentation to and correspondence with DHCD, especially on unit resale.
- There is currently no staff capacity or funds available to hire a consultant that would take on these tasks when they arise, some of which could be at any time. There is no one on Town staff with the qualifications to perform some of these functions, such as conducting income and asset reviews to pre-qualify prospective applicants to purchase the unit.
- An Affordable Housing Trust is the long-term solution to facilitate the creation, retention and administration of affordable housing. There is no dedicated staff capacity or funds available to assist the Town in establishing this Trust, or in providing ongoing staff support to the operations of a Trust, once established.
- The current need is twofold: 1. How to address administrative monitoring in the short-term; 2. How to go about establishing a Trust and ensuring it has the dedicated support (either staff or consultant) to meet its obligations.
- Ensure [Town Manager](#) does not carry the workload burden in both the short and long term.
- It should be noted that, for at least some of the funds placed in this account over the years, Planning Board approval of expenditures may be required (in addition to whatever process/authority may be established in new regulations), due to the language in the initial permit approval.¹

¹ Excerpt from Planning Board Certificate of Vote, Sullivans Court Extension, The Estate Homes at Rivers Edge (pg. 6): “The Planning Board shall deposit the funds with the Treasurer in an account established for this purpose, with the restriction that the funds may be spent only for Affordable Housing purposes and only with the authorization of the Planning Board.” (*emphasis added*). Whether the Planning Board’s approval of regulations explicitly authorizing a different process to authorize expenditures would satisfy this requirement would be a question for legal counsel.

- Some options discussed:
 - Establish a reasonable timeline for creating an Affordable Housing Trust.
 - Put regulations in place that allow funding administrative monitoring until such time that an Affordable Housing Trust is established.
 - Regulations include an annual spending cap on use of the funds for administrative monitoring. Include an expeditious process for seeking approval to exceed the capped amount. \$10,000 was brought up as a possible amount.
 - Regulations include utilization of the funds to cover soft costs of creating and providing dedicated administrative and/or professional support for the operations of an Affordable Housing Trust. Place an annual spending cap and an expeditious process for exceeding that cap.
- The Town Manager is presently reviewing this initiative with the Town Accountant/ Business Manager Stephanie Frontiera, to ensure that she agrees that Regs adopted pursuant to the Bylaw would provide a satisfactory and legally sound “accounting vehicle” for the receipt and expenditure of funds into/out of this account. The Town Manager will hold off on formally engaging KP Law pending Stephanie’s review, and will also work with the Town Planner to verify/finalize a work scope with KP Law (including specifying division of labor) prior to formally moving forward, to ensure that all parties are “on the same page”.

V. 8/3/20 Board of Selectmen Meeting - Takeaways

V. 8/4/20 Planning Board Meeting - Takeaways

- Is KP Law the best choice for the task of drafting regulations or would a housing specialist be a better fit?
- What is the process for adopting the regulations?
- The PB favored creation/adoption of “interim regulations” until such time the trust can get up and running.
- The PB supports a goal of presenting a Trust for approval at Spring 2021 Town Meeting.
- The Board voted unanimously to begin work on Interim Regulations, in which
 - The Town Planner would work with the Town Manager and the selected consultant to establish interim regulations;
 - Up to \$1000 from the PB expense line may be used for said consultant;
 - The Housing Contribution Payment (aka fee in lieu of) account may be used to: 1. fund administrative costs associated with LIP units, not to exceed an annual cap TBD, which includes process for exceeding capped amount; 2. Fund soft costs of creating and providing dedicated administrative and/or professional support for the operations of a Trust, not to exceed an annual spending cap TBD, which includes process for exceeding capped amount.

Town Manager

From: Leah Zambarnardi
Sent: Wednesday, August 12, 2020 9:40 PM
To: Town Manager; Michael McCarron
Subject: RE: LIP units
Attachments: OceanMeadow24RidgewayADR.pdf; RiverHill6FollinsbeeADR.pdf; DrakesLanding23DaleyADR.pdf

Hi Angus and Michael,

I checked the recorded documents and found that the Affordable Housing Deed Riders attached to the affordable unit deeds for all 3 projects with LIP/LAU units (Ocean Meadow, Cottages at River Hill & Drakes Landing) include clauses allowing that the monitoring agent collect a % of the resale price for monitoring and enforcing compliance with the terms of the deed rider, including the supervision of the resale process. I've attached an affordable unit deed with deed rider for each of the 3 projects. All contain similar, if not the same, standard language. To quickly see what I'm referring to, please open the Drakes Landing document and see the Affordable Housing Deed Rider page 1, last paragraph; page 3. Definition for 'Maximum Resale Price'; page 4. Definition of 'Resale Fee'; page 14, section 12. 'Monitoring Agent Services Fees'. So yes, we have another revenue source!

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Sdqghj#R iilfn#K rxw#P rggd|#N xhvgd|#Dqg#Wkxugd|#urp #k-63#Dp #hr#5-63#s#p #H

It has been determined by the Commonwealth of Massachusetts Office of the Secretary of State that emails are a public record. Please keep this in mind when writing or responding to this email.

From: Town Manager <townmanager@wnewbury.org>
Sent: Tuesday, August 11, 2020 9:23 AM
To: Leah Zambarnardi <lzambarnardi@wnewbury.org>; Michael McCarron <mmccarron@wnewbury.org>
Subject: LIP units

Hi – I reached out to Lisa Singleton at Chelmsford Housing Authority to gauge their potential interest in supporting our responsibilities as monitoring agent and lottery agent for resales. Do either of you happen to know whether the LIP Unit deed restrictions require a resale fee to be paid? She said that this has become typical in LIP units and in other communities is a revenue source to support the costs associated with marketing/lottery/resale. 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: Lisa Singleton [REDACTED]
Sent: Thursday, August 13, 2020 1:48 PM
To: Town Manager
Subject: RE: LIP units

Hi Angus,

Thanks for getting those over to me. Unfortunately, David does not want to enter into a monitoring agreement at this point in time. As I explained Wednesday, it's not really the direction we're going in.

The good news is I have a couple of different consultants for you to check with:

<http://www.lidsconsultinggroup.com/>
<https://metrowestcd.org/>

Hopefully, at least one will want to present you with a proposal. In the meantime, if you have a resale that comes up before you have a plan in place, please reach out to me. We can consider these on a case-by-case basis.

Thanks,
Lisa

Lisa Singleton

Director of Administration and Operations
Chelmsford Housing Authority
10 Wilson St.
Chelmsford, MA 01824
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978-256-1895 (fax)
www.chelmsfordha.com

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From: Town Manager <townmanager@wnewbury.org>
Sent: Wednesday, August 12, 2020 9:43 PM
To: Lisa Singleton [REDACTED]
Subject: Fwd: LIP units

Below FYI. Thanks

Angus Jennings, Town Manager
Town of West Newbury