



**Town of West Newbury**  
**Meeting of the Board of Selectmen**  
**Wednesday, March 25, 2020 @ 4:00pm**

381 Main Street, Town Office Building

[www.wnewbury.org](http://www.wnewbury.org)

**AGENDA**

RECEIVED  
TOWN CLERK  
WEST NEWBURY, MA  
2020 MAR 23 PM 3:29

**Executive Session:** 3:30pm by remote participation (see below)

- ❖ 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 (*personnel updates*);
- ❖ 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 (*Union personnel matters during declared emergency; review of opinion from outside counsel*);
- ❖ Executive Session minutes: March 18, 2020.

**Open Session:** 4pm by remote participation (see below)

- A. Review of proposed policies regarding coronavirus/COVID-19 protocols
- B. Meeting minutes: March 16, 2020; March 18, 2020.
- C. 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 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the West Newbury Board of Selectmen will be conducted via remote participation to the greatest extent possible.

Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of West Newbury website, at [www.wnewbury.org](http://www.wnewbury.org). For this meeting, members of the public who wish to listen to the meeting may do so in the following manner:

**GoToMeeting**

Phone: (872) 240-3311

Access Code: 165-640-541

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.



# TOWN OF WEST NEWBURY

## BOARD OF HEALTH

TOWN OFFICE BUILDING  
381 MAIN STREET, WEST NEWBURY, MA 01985

PHONE: 978-363-1100

FAX: 978-363-1119

## West Newbury Board of Health – COVID-19 Update #1

DATE: March 24, 2020  
TOWN: West Newbury  
CONTACT: Paul Sevigny, Health Agent

Office: 978-363-1100, x119  
Cell: 978-833-7458  
Email: [psevigny@wnewbury.org](mailto:psevigny@wnewbury.org)

The Massachusetts Department of Public Health (MDPH) notified us today that the first resident from West Newbury has tested positive for the Coronavirus (COVID-19).

This individual is in isolation and is recovering from their illness. They are being supported and monitored according to MDPH guidelines. Out of respect for the individual and an order from the Commissioner of the MDPH, no other information will be provided. Please do not ask.

### HOW TO PROTECT YOURSELF AS WE MOVE FORWARD

- Frequent handwashing with soap and water for at least 20 seconds or use hand sanitizer.
- Avoid touching your eyes, nose and mouth with unwashed hands
- SOCIAL DISTANCING = maintain at least 6 feet between you and anyone else. This is VERY IMPORTANT!
- Please respect Governor Baker's Stay-At-Home Advisory.

### HOW TO PROTECT OTHERS

- Cover your coughs and sneezes with a tissue or a sleeve-covered elbow.
- If you are sick, STAY HOME!
- Clean & disinfect frequently touched surfaces daily.
- SOCIAL DISTANCING = maintain at least 6 feet between you and anyone else. This is VERY IMPORTANT.

If you think you have been exposed to COVID-19, or if you develop a fever and respiratory symptoms such as a cough or difficulty breathing, call your healthcare provider immediately.

**IF THERE IS AN EMERGENCY CALL 911 IMMEDIATELY**

For more information, the following websites can be reviewed. MA Department of Public Health (DPH) website at: [www.mass.gov/2019coronavirus](http://www.mass.gov/2019coronavirus) & the Center for Disease Control and Prevention (CDC) website at: [www.cdc.gov/coronavirus/2019-ncov](http://www.cdc.gov/coronavirus/2019-ncov).



# Town of West Newbury Massachusetts

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

[Home](#) > New Limitations on In-Person Access to Town Buildings

## New Limitations on In-Person Access to Town Buildings

Phone and email access during normal business hours to allow town government to function while reducing possible viral spread

The Board of Selectmen met in emergency session this morning. In order to minimize unnecessary social interactions, the Board approved limitations on in-person public access, but keeping the buildings open to employees to allow the town government to function while reducing possible viral spread.

The Board established the following policies:

### Town Offices

Town Hall main door (and other) entrances locked at all times.

All materials such as tax receipts, nomination papers, planning board materials, dog license applications, building permits and fees, etc. can be left in the box in the entrance lobby.

Any time sensitive materials that require a date/time stamp will be taken care of by the particular Department or Board by telephoning ahead of time. If the document needs to be time stamped, the department will arrange for the member of the public needing assistance to be let in for such. Contact numbers will be provided in the lobby and on the town website.

Any late fees, i.e. for licenses, etc. will be waived **until March 30, 2020.**

### Town Facilities Use

Any and all use of town facilities by outside groups is cancelled **until March 30, 2020.**

### Boards and Commissions Meetings

Any and all meetings of town boards commissions are suspended until March 23, 2020 unless approved by the Town Manager. This will allow for set up and organization of procedures and facilities for remote usage.

All non-essential congregations of people cancelled. Meals on Wheels will continue.

### Town Employees

Town employees will report to work as usual. Any employee who themselves or a member of their household is diagnosed or experiencing any viral symptoms (see CDC website) should not report to work. For any full or part time employees usual pay will continue. If the employee has accumulated sick time that will be used first. Those full time and hourly employees who are without remaining sick time will continue to receive their usual pay regardless. Maintain records.


Library staff will also continue to report to work at the library per prior direction of the Board of Trustees. If circumstances arise, library employees may be cross trained to help with Town Hall or COA functions.

By vote of the Board of Selectmen, the above policies are in effect as of March 16, 2020 and will be revised and/or revisited before March 30, 2020.

Angus Jennings

Town Manager

March 15, 2020

<b>Attachment</b>	<b>Size</b>
 <a href="#">press_release_re_covid-19_3-15-20.pdf</a>	166.53 KB

**Source URL:** <https://www.wnewbury.org/home/news/new-limitations-person-access-town-buildings>

## Town Manager

---

**From:** Town Manager  
**Sent:** Wednesday, March 18, 2020 5:14 PM  
**To:** Town Hall All; Corinn Flaherty  
**Cc:** Jeff Durand (durand@westnewburysafety.org); Michael Dwyer (dwyer@westnewburysafety.org); West Newbury Emergency Management Agency  
**Subject:** Actions taken at emergency BOS meeting earlier today at 4pm  
**Importance:** High

Hi all,

Here's a summary of actions taken by the Board of Selectmen at this afternoon's meeting:

- Effective immediately, all non-essential personnel should not physically report to work and should instead be prepared to work from home if/as assigned. (Details on this will follow in the coming days, but will specify the Town's responsibility to ensure that employees have any/all technology/equipment, training and support for any such "work from home").
- My office will be working with dept heads – some/many of whom may be working remotely – to clearly define essential/non-essential personnel. This determination may and likely will defer from prior determinations such as for short-term closures (snow storms etc.) given the potential duration of this policy. The determination will be driven by assessment of essential functions. To the extent we're able, we'll facilitate performance of essential functions. If this determination has not yet been made (which will be the case with many people), you may consider yourself non-essential for purposes of this policy. (This is not a value judgment, just a "term of art"...) )
- The same standards will apply to all personnel: union, non-union, full-time, part-time.
- Retroactive to Gov. Baker's emergency declaration on March 10<sup>th</sup>, time away related to COVID-19 (exposure, high risk individuals or household members, concern about exposure etc.) will not be counted as sick time nor other earned time off.
- **This policy is in effect through next Friday, March 27<sup>th</sup>.** The BOS will meet again next Wednesday, March 25<sup>th</sup> at which time the policy may be further extended with any adjustments as may be needed. (Based on all available public health advice, it is all but certain that it will be extended, and this extra week will provide time to prepare written policy to ensure clarity by all parties, and think through/work out details as needed).
- The Board authorized my office, working with legal counsel, to work out the details of this policy in a manner consistent with the Board's policy intent.
  
- In a separate action related to call firefighters, the Board voted to establish a policy for the duration of the local emergency declaration, which began on March 16<sup>th</sup>, whereby call firefighters who are unable to respond to calls as a result of COVID-19 (exposure, high risk individuals or household members, concern about exposure etc.) will be compensated for missed calls based on a defined look-back period of prior response to emergency calls, and proportional to the number of calls during the time they're unavailable. (i.e. if they had responded to 25% of calls over the prior X-month period, would receive compensation going forward as if they had responded to 25% of actual calls during that time).

Later today, I'll also send a text message with summary for those who may not have remote access to work emails. Obviously there are some policy details still to be worked out, but hopefully this summary provides clarity regarding the Board's policy intent and the direction that we're headed.

Thanks all, and stay safe,  
Angus

## Town Manager

---

**From:** Michael McCarron  
**Sent:** Wednesday, March 18, 2020 11:16 AM  
**To:** Town Manager  
**Cc:** Town Accountant  
**Subject:** telecommuting agreement for town  
**Attachments:** Short term telecommuting Policy and Agreement.doc

Attached please find a draft for a West Newbury telecommuting agreement.

*Michael P. McCarron*  
Town Clerk  
Town of West Newbury  
381 Main Street  
West Newbury, MA 01985  
Tel 978-363-1100 ext 110



## Town of West Newbury Short-Term Telecommuting Agreement

March 2020

### Employee Information

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Department: \_\_\_\_\_

Department Head: \_\_\_\_\_

Regular work Hours: \_\_\_\_\_

FLSA (Fair Labor Standards Act) status:

Exempt (salary)       Nonexempt (hourly)

This temporary telecommuting agreement will begin on and end on the following dates:

Start date: \_\_\_\_\_ End date: \_\_\_\_\_

Temporary work location: \_\_\_\_\_

Employee schedule: \_\_\_\_\_

**The employee agrees to the following conditions:**

### Policy Statement

The Town of West Newbury will permit telecommuting as provided by this policy when it benefits the productivity of the employee, his or her work unit, and is not detrimental to either the Town of West Newbury or the employee. This Telecommuting Agreement needs to be completed and approved in order to participate in this program.

*(continued on the following pages)*

## Town of West Newbury Telecommuting Agreement

### **General Guidelines / Conditions**

- I understand that working from home or other non-traditional work settings imposes additional responsibilities on me as an employee, as outlined in this document and others, or as may be prescribed by my supervisor.
- I understand that the decision as to which individuals, groups or departments that will be eligible for working remotely shall be at the sole discretion of the Town.
- I understand that all Town of West Newbury policies will continue to apply to me while I work remotely. If I have any questions about the application of a policy in a remote work setting, I will raise them with my supervisor.
- I understand that I am not eligible for reimbursement for any travel-related expenses related to working from home (e.g. no mileage reimbursement if employee needs to visit the office).
- I understand that I must provide (at my own expense) a high-speed Internet connection to connect to the Town's system, unless my supervisor determines that this is unnecessary.
- I understand my supervisor's expectations of me while I am in a remote work setting.
- I will adhere to the work schedule provided by my supervisor and the remote work guidance on use and reporting requirements for sick and other accrued leave. Overtime is prohibited and must be approved in advance by the employee's supervisor.
- I understand that I will be available by telephone, email and/or Skype/Teams during my regularly scheduled work hours. The specific method or methods of availability will be determined by the employee's supervisor, and the Town will be responsible to ensure that the employee has access to the technology, training and support for such method or methods of availability. Working remotely is not designed to be a replacement for appropriate child care, the focus of the arrangement must remain on job performance and meeting the business needs of the Town.
- I understand that I am expected to provide my supervisor with a supplemental "work at home" narrative included in my time sheet which



Town of West Newbury Telecommuting Agreement

describes the work performed while telecommuting during approved days/dates.

- I understand the option to work remotely is temporary in light of the current public health circumstances concerning COVID-19 and the adoption of a local Emergency Declaration on March 16, 2020. The option to work remotely is revocable at the discretion of the Town of West Newbury on an individual or group basis and does not create a precedent, practice or expectation for the manner in which same or similar conditions will be addressed in the future.
- I understand that employees who work remotely will be expected to ensure the protection of confidential and privacy information that is accessible from their remote location, consistent with the Town's expectation of privacy and information security for employee's working at the Town's offices.
- I understand that the Town of West Newbury equipment will not be used by anyone other than me and will only be used for business-related work. I will not make any changes to security or administrative settings on Town of West Newbury equipment. I understand that all the tools and resources provided by the Town shall remain the property of the Town at all times.

Employee \_\_\_\_\_

Date: \_\_\_\_\_

Department Head \_\_\_\_\_

Date: \_\_\_\_\_

Town Manager \_\_\_\_\_

Date: \_\_\_\_\_

## Town Manager

---

**From:** Town Accountant  
**Sent:** Tuesday, March 24, 2020 4:20 PM  
**To:** Town Manager  
**Subject:** Emergency spending letter  
**Attachments:** Emergency spending letter.docx

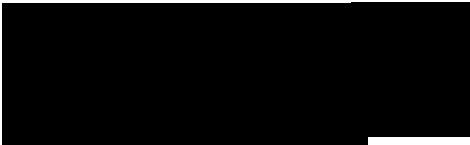
Hi Angus:

Yes you are correct in stating a letter needs to go out prior to the town over expending. I'm not sure how much we would be asking to over expend by for Public Health, OT, remote work, contracting if needed. I would say best to over estimate and not need it. Attached is a drafted letter and we can fill in an amount we estimate im not sure if we would cover it through borrowing or maybe tax so I left both in letter. We should send this sooner than later for sure. I don't know if you want it sent by you or the BOS. This is jut a quick draft of a letter I made up feel free to change it etc.

Thanks,

Stephanie Frontiera  
Town Accountant  
Town of West Newbury  
Town Office Building  
381 Main Street  
West Newbury, MA 01985  
(978) 363-1100 x112  
[townaccountant@wnewbury.org](mailto:townaccountant@wnewbury.org)

March 25, 2020



Boston, MA 02114-9569

Dear Ms. Handy,

On March 10th, Governor Baker declared a state of emergency related to the outbreak of Coronavirus Disease 2019 (COVID-19). Massachusetts general law under Chapter 44, Section 31 provides provisions for emergency expenditures which include authorization to deficit spend to address emergency needs due to major disasters. This option provides immediate spending authority until other financing sources, such as emergency borrowing or appropriations from available funds, can be put into place to cover the spending.

The Town of West Newbury is requesting approval from the Director of Accounts to pay the liabilities it incurs for emergency purposes related to COVID-19 without appropriation. These payments will be reported to the assessors for inclusion in the next subsequent annual tax rate unless otherwise provided for by appropriation or transfer, or by borrowing under Massachusetts general law Chapter 44, Section 8(9).

While the amount of the deficit spending is especially difficult to determine our estimate is \$\_\_\_\_\_. Some types of expenses we expect to have are for supplies for public health, overtime for police and fire, potential contracting needed, and costs incurred from remote work.

Sincerely,

Angus Jennings  
Town Manager

cc:

Stephanie Frontiera, Town Accountant/Business Manager

## Town Manager

---

**From:** Town Manager  
**Sent:** Tuesday, March 24, 2020 5:14 PM  
**Subject:** UPDATE re Procedures for authorization of COVID-19 emergency expenditures

Hi all,

This is to follow on the notes forwarded below. Upon careful review of the MassDOR guidance bulletin circulated on Friday, and in consultation with MassDOR, we have confirmed that despite the Commonwealth and local emergency declarations, **the Town is required to request and receive specific approval from the MassDOR DLS Director of Accounts in order to authorize emergency expenditures above budgeted levels.**

This makes it especially imperative that your department follow the procedures set out in my March 19<sup>th</sup> memo "COVID 19 Virus Response and Budgeting" prior to incurring expenses above budgeted levels.

Per the MassDOR Bulletin, the Town's request for authorization must include the following:

- a spending estimate to address the emergency situation; and
- a description of the types of expenditures anticipated to be made.

The second item is somewhat easier; at this point we expect that we may (or will) incur unbudgeted expenses for public health, public safety overtime, potential DPW/Bldgs & Grounds expenses re cleaning etc., and costs incurred to get more employees set up for remote work (VPNs, etc.).

Estimating the amount of the potential emergency overage will be especially difficult, but **we do need to provide an estimate in our request to MassDOR.** Therefore, Department Heads, no later than this Friday, please respond on behalf of your department and/or the Board/Commission that you staff, to let me know whether the list of anticipated/known expenses is complete (to your knowledge), as well as how much unbudgeted spending you think may be necessary this fiscal year.

Once we submit a number to MassDOR, this can be updated upon further written petition; however, we want to get our written request to MassDOR this week in order to get this process started, given that some emergency expenses have already been incurred.

Once we get through this process, I'll also be asking Dept Heads to estimate any potential impacts on FY21 budgeting depending on the potential duration and extent of COVID-19 emergency restrictions and circumstances. It may be advisable to review/revise certain proposed FY21 expense (or revenue) budgets prior to budget adoption later this spring.

Thanks for your prompt attention to this matter.

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](mailto:townmanager@wnewbury.org)

---

**From:** Town Manager  
**Sent:** Friday, March 20, 2020 12:07 PM  
**To:** Town Hall All <townhall@wnewbury.org>; Corinn Flaherty <cflaherty@westnewburylibrary.org>

**Cc:** Jeff Durand (durand@westnewburysafety.org) <durand@westnewburysafety.org>; Michael Dwyer (dwyer@westnewburysafety.org) <dwyer@westnewburysafety.org>; West Newbury Emergency Management Agency <ema@westnewburysafety.org>

**Subject:** RE: Procedures for authorization of COVID-19 emergency expenditures

Following on my email below, please review attached, which was received from MassDOR a short time ago.

We will be reviewing the procedures set out in the memo circulated yesterday, compared to the attached MassDOR guidance, and will issue any updated guidance if/as needed. In the meantime the memo and procedures circulated yesterday should guide any requests for authorization for emergency expenditures.

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](mailto:townmanager@wnewbury.org)

---

**From:** Town Manager

**Sent:** Thursday, March 19, 2020 5:06 PM

**To:** Town Hall All <[townhall@wnewbury.org](mailto:townhall@wnewbury.org)>; Corinn Flaherty <[cflaherty@westnewburylibrary.org](mailto:cflaherty@westnewburylibrary.org)>

**Cc:** Jeff Durand ([durand@westnewburysafety.org](mailto:durand@westnewburysafety.org)) <[durand@westnewburysafety.org](mailto:durand@westnewburysafety.org)>; Michael Dwyer ([dwyer@westnewburysafety.org](mailto:dwyer@westnewburysafety.org)) <[dwyer@westnewburysafety.org](mailto:dwyer@westnewburysafety.org)>; West Newbury Emergency Management Agency <[ema@westnewburysafety.org](mailto:ema@westnewburysafety.org)>

**Subject:** Procedures for authorization of COVID-19 emergency expenditures

Hi all,

As you know, the Board of Selectmen voted an emergency declaration on Monday night. A signed copy of the declaration is posted online [here](#).

One provision of the declaration provides my office the authority to authorize certain expenditures above budgeted line items. The attached memo is intended to provide a uniform process for request for, and approval of, known/anticipated expenditures above budget as a result of COVID-19 and the Town's response to same.

Hard copies of the attached were placed in all department mailboxes this afternoon.

Please let me know if you have any questions.

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](mailto:townmanager@wnewbury.org)



**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](mailto:townmanager@wnewbury.org)

To: Department Heads, Board/Commission/Committee Chairs

Date: March 19, 2020

From: Town Manager, Chairman Board of Selectmen

Subject: COVID 19 Virus Response and Budgeting

---

In anticipation of potential federal or state reimbursement in relation to the state of emergency declared by the Governor on March 10 and by the board of selectmen on March 16, we are formulating procedures to allow for overspending on either personnel line items or materials and services line items or both. As with all issues: document, document, document.

As we at the moment do not know what types and levels of reimbursements will be available, continue to be prudent, but in NO WAY sacrifice the public health of staff, residents or the greater community.

Please see the attached MEMA COVID – COST TRACKING GUIDANCE.

We are in uncharted waters with this, so the types of expenses you encumber may not fit in your usual departmental line items. In which case, select the one you feel is the best fit. These may be changed later to create a town wide line item for this by the Town Accountant.

Specific Steps:

Maintain accurate and up to date time sheets of personnel related to their COVID-19 responsibilities even if they seem ancillary. It is much easier to record these on the day of rather than 3 months later.

Record times and place of outside vendor assistance and services that are invoicing the town on an hourly basis.

Secure detailed specific invoices from vendors to show relatedness to COVID-10 even in this hectic time.

Fill out the attached form for approval by the Town Manager when you anticipate a particular payroll or invoice will overspend the appropriate line item.

Thank you and Regards,

Angus Jennings  
Town Manager

David Archibald  
Chairman, Board of Selectmen

Attachments: TOWN OF WEST NEWBURY COVID-19 EMERGENCY LINE ITEM OVERSPEND REPORT  
MEMA COVID-19 COST TRACKING GUIDANCE

TOWN OF WEST NEWBURY – FY2020

COVID-19 EMERGENCY LINE ITEM OVERSPEND REPORT

DEPARTMENT \_\_\_\_\_

LINE ITEM \_\_\_\_\_ ACCOUNT # \_\_\_\_\_

ANTICIPATED INVOICE OR PAYROLL CHARGE \$ \_\_\_\_\_

SERVICE, MATERIAL OR PAYROLL DESCRIPTION \_\_\_\_\_

\_\_\_\_\_

ANTICIPATED AMOUNT OF EXPENSE ABOVE BUDGET (UP TO) \$ \_\_\_\_\_

DEPARTMENT HEAD APPROVAL \_\_\_\_\_ DATE \_\_\_\_\_

TOWN MANAGER APPROVAL \_\_\_\_\_ DATE \_\_\_\_\_

# MEMA COVID – 19 COST TRACKING GUIDANCE

## GOVERNOR’S STATE OF EMERGENCY

<https://www.mass.gov/news/governor-baker-declares-state-of-emergency-to-support-commonwealths-response-to-coronavirus>

### POTENTIAL FEMA COVID-19 SUPPORT

#### INFECTIOUS DISEASE EVENT

The Health and Human Services (HHS) Centers for Disease Control and Prevention (CDC) has primary authority to enable support and assistance to States, Territorial, or Tribal Governments in response to an infectious disease event. The Federal Emergency Management Agency (FEMA) may provide assistance for the emergency management, rescue, evacuation, and movement of persons; movement of supplies; and care, shelter, and other essential needs of affected human populations. Any assistance provided by FEMA in response to an infectious disease event is done in coordination with the CDC.

#### FEMA PUBLIC ASSISTANCE PROGRAM

Under extraordinary circumstances, the Governor may request Public Assistance (PA) funding under an Emergency Declaration. FEMA may provide Public Assistance reimbursement in the form of Category B- Emergency Protective Measures, generally on a 75% federal, 25% non-federal cost sharing basis. FEMA is currently working to provide guidance to states regarding Emergency Declaration requests for COVID-19. Once guidance is received, MEMA will evaluate and determine how to proceed. To be prepared, it is important to track your expenses now so that you may quickly report them in the event they are needed for a declaration request and eventual reimbursement. The following is guidance on who is eligible and what costs to capture:

#### Eligible Public Assistance Applicants:

- Municipalities, cities, towns, boroughs
- State Agencies
- Quasi-Agencies
- Certain private non-profit entities
- School districts
- Special districts established under State law
- State-recognized Tribes

#### Private Non-Profit Organizations (PNPs):

Only certain PNPs are eligible Applicants. To be an eligible PNP Applicant, the PNP must show that it has:

- A current ruling letter from the U.S. Internal Revenue Service granting tax exemption under
- sections 501(c), (d), or (e) of the Internal Revenue Code of 1954; or
- A facility that provides a critical service, which is defined as education, utility, emergency, or medical or a facility that provides a non-critical, but essential social service AND provides those services to the general public.
- Facility access is not prohibited with gates or other security systems; and
- Certain types of facilities, such as senior centers and essential social services to the general public.

#### Eligible COVID – 19 response costs:

The following is a list of activities and costs that are eligible. These actions save lives or protect public health or safety and should be tracked.



## MEMA COVID – 19 COST TRACKING GUIDANCE

- Transporting and pre-positioning equipment and other resources for response
- Emergency Responders
- Emergency Operation Center (EOC)-related costs
- Emergency access
- Supplies and commodities
- Medical care and transport
- Eligible medical care includes, but is not limited to:
  - Triage and medically necessary tests and diagnosis
  - Treatment, stabilization, and monitoring
  - First-aid assessment and provision of first aid
  - A one-time 30-day supply of prescriptions for acute conditions or to replace maintenance prescriptions
  - Vaccinations for survivors and emergency workers to prevent outbreaks of infectious and communicable diseases
  - Durable medical equipment
  - Consumable medical supplies
  - Temporary facilities, such as tents or portable buildings for treatment of survivors
  - Leased or purchased equipment for use in temporary medical care facilities
  - Security for temporary medical care facilities
  - Use of ambulances for distributing immunizations and setting up mobile medical units
- Evacuation and sheltering, including that provided by another State or Tribal government
- Child care (licensed child care services to support sheltered populations)
- Safety inspections
- Animal carcass removal
- Demolition of structures
- Search and rescue to locate survivors, household pets, and service animals requiring assistance
- Security, such as barricades, fencing, or law enforcement
- Use or lease of temporary generators for facilities that provide essential community services
- Dissemination of information to the public to provide warnings and guidance about health and safety hazards using various strategies, such as flyers, public service announcements, or newspaper campaigns
- Searching to locate and recover human remains
- Storage and interment of unidentified human remains
- Mass mortuary services

### **Eligible Cost Categories:**

- Force Account Labor (Permanent, Part-time, Seasonal, Re-assigned, Backfill Employees)
  - Overtime costs only
- Force Account Equipment and Leased Equipment
  - Overtime and regular costs
- Material (Purchased supplies and/or taken from stock)
  - Actual costs
- Contract Services
  - Actual costs
- Mutual Aid
  - Mutual aid agreement must reference compensation



# Bulletin

BUL-2020-01

## **Emergency Expenditures and Borrowing**

TO: Local Officials  
FROM: Marie Jane Handy, Director of Accounts  
DATE: March 20, 2020  
SUBJECT: **Emergency Expenditures Related to COVID-19 under G.L. c. 44, § 31 and  
Emergency Short-term Borrowing under G.L. c. 44, § 8(9)**

---

This Bulletin provides guidance to local officials on emergency expenditures related to COVID-19 under G.L. c. 44, § 31. The provisions of G.L. c. 44, § 31 apply to cities, towns and special purpose districts as defined under G.L. c. 44, § 1, but do not apply to regional school districts.

Note – Legislation is pending which may affect the information contained in this Bulletin. If such legislation is approved, the Director will issue further guidance.

### **I. Emergency Liabilities in Excess of Appropriation**

Under G.L. c. 44, § 31, no department financed by municipal revenue, or in whole or in part by taxation, of any city, town or special purpose district, except Boston, may incur liabilities in excess of appropriation “except in cases of major disaster, including, but not limited to, flood, drought, fire, hurricane, earthquake, storm or other catastrophe, whether natural or otherwise, which poses an immediate threat to the health or safety of persons or property, and then only upon a declaration by the governor of a state of emergency with respect to the disaster ....” On March 10, 2020, the Governor declared a state of emergency with regard to COVID-19. As a result, cities, towns and special purpose districts may expend from any available funds in the treasury in relation to the emergency without an appropriation by following the procedure described below.

### **II. Payment of Liabilities After Director’s Approval**

Emergency liabilities in excess of appropriation may only be paid after written approval by the Director of Accounts (Director) of the Division of Local Services (DLS). Requests for written approval must be made by the entity’s chief executive officer (CEO). Under G.L. c. 4, § 7, clause Fifth B, the CEO is the mayor in a city and the selectboard in a town unless some other municipal office is designated to be the chief executive officer under the provisions of a local charter. In a district, the prudential committee, if any, otherwise the commissioners shall act as the CEO. The request must include the following:

- a spending estimate to address the emergency situation
- a description of the types of expenditures anticipated to be made.

Payments may be made from any available funds in the treasury. The Director's written payment authorization will deem these expenditures to be legal overdrafts. The spending estimate may be increased upon approval by the Director, if needed. The Director's approval provides immediate spending authority until other financing sources, such as emergency borrowing or appropriations from available funds, can be put in place to cover the spending.

Even if the entity intends to emergency borrow as will be shown in this Bulletin, the Director's payment approval is still necessary so as to not negatively affect the calculation of free cash.

### **III. Allowable and Non-Allowable Liabilities**

Allowable liabilities in excess of appropriation which may be incurred include personnel costs, overtime and other costs associated with the emergency, including but not limited to, costs related to extraordinary cleaning of public buildings, maintaining the health and safety of employees or the public, including the purchase of personal protective supplies and equipment, and costs to implement remote participation of local boards or committees in meetings under the Open Meeting Law as described in the Governor's Order dated March 12, 2020 – Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, § 20.

### **IV. Accounting for Expenditures**

After receiving the Director's written payment authorization, the local accounting officer may either:

- establish a COVID-19 emergency account to charge expenditures (recommended); or
- charge any applicable existing account(s). If this option is chosen, by fiscal year end, the Director's authorized payments may be transferred by the local accounting official without appropriation to a COVID-19 emergency account as indicated above. If a sufficient balance remains in the account(s) as of June 30, such a transfer may be deemed unnecessary.

### **V. Providing for an Emergency Account Deficit**

An emergency account deficit may be provided for in the current fiscal year's Tax Rate Recap, with or without appropriation from the tax levy, if the tax rate has not yet been set. Otherwise, the deficit must be provided for in the next fiscal year's Tax Rate Recap unless otherwise indicated by the Director. Additional options include:

- appropriating from certified free cash or other allowable available funds;
- transferring under G.L. c. 44, § 33B;
- applying applicable insurance reimbursements;
- borrowing short or long term under G.L. c. 44, § 8(9), and/or G.L. c. 44, § 8(9a), the proceeds from which must be received prior to tax rate certification for the deficit to be deemed provided for

### **VI. Reporting of Expenditures**

Emergency payments as of June 30<sup>th</sup> which have not been provided for are reported by the accounting officer or treasurer to the board of assessors to include in the next annual Tax Rate

Recap unless otherwise provided for, so long as any proceedings brought under G.L. c. 40, § 53 regarding restraint of illegal appropriations are terminated.

## **VII. Emergency Short-term Emergency Borrowing under G.L. c. 44, § 8(9)**

Cities, towns and special purpose districts may borrow through short-term notes to fund emergency payments approved by the Director under G.L. c. 44, § 31 for a period not more than 2 years or such longer period up to 10 years as the Director shall determine after considering the ability of the city, town or district to provide other essential public services and pay, when due, the principal and interest on its debts, the amount of federal and state payments likely to be received for the purpose of the appropriations and such other factors as the Director may deem necessary or advisable.

To use this short-term emergency borrowing option, the municipality or district must (1) authorize the borrowing and (2) obtain the approval of the borrowing from the Director. The borrowing may be authorized (1) in the regular manner by two-thirds vote of the municipality or district's legislative body, and in a city with the approval of the mayor if required by charter, or (2) under an expedited procedure authorized by the treasurer of the city, town or district, with the approval of the chief executive officer in a city or town, or the prudential committee, if any, or by the commissioners in a district.

Short-term borrowing may be paid down at maturity by applying without appropriation any FEMA or similar reimbursements received regarding the emergency expenditures or insurance reimbursements received regarding the emergency expenditures less than \$150,000 with approval of the chief executive officer under G.L. c. 44, § 53.

For purposes of 8(9), emergency means:

“a sudden, unavoidable event or series of events which could not reasonably have been foreseen or anticipated at the time of submission of the annual budget for approval; provided, further, that emergency shall not include the funding of collective bargaining agreements or items that were previously disapproved by the appropriating authority for the fiscal year in which the borrowing is sought;”

For more information on this borrowing option, please contact Bill Arrigal in the DLS Public Finance Section at (617) 626-2399 email: [arrigal@dor.state.ma.us](mailto:arrigal@dor.state.ma.us). For other questions regarding this Bulletin, please contact your Bureau of Accounts field representative.

## Town Manager

---

**From:** Town Manager  
**Sent:** Tuesday, March 24, 2020 4:57 PM  
**Subject:** Guidance regarding Remote Participation and Virtual Meetings  
**Attachments:** Guidance regarding Remote Participation and Virtual Meetings 3-24-20.pdf; Guidance regarding Remote Participation and Virtual Meetings 3-24-20.docx

Hi all,

As you know, the Board of Selectmen [voted](#) on March 15<sup>th</sup> to suspend meetings of Town Boards, Commissions and Committees to allow time to set up procedures for remote participation. Please find attached guidance regarding how to approach “virtual meetings” with greater (and perhaps solely) remote participation. Although foot traffic is strictly limited these days, we have also placed hard copies of the attached memo in each of your town office mailboxes.

To maximize public access to, and transparency of, any/all public meetings, in addition to posting a physical agenda with the Town Clerk, please also ensure that the agenda is posted to the Town website.

If your Board/Commission/Committee does not have dedicated staff support, or if your staff support is unable to do so while working remotely, please notify the Town Clerk and either his office or mine will ensure that agendas posted in hard copy are also posted online. If your B/C/C has the capability to post the agenda online to the Town website, please do so; if you or a member of your B/C/C has not yet received this training, and would like to do so, please let me know and we can get this scheduled.

Thanks very much, and please let me and/or Mike McCarron know if you have any questions or concerns.

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](mailto:townmanager@wnewbury.org)



# 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](mailto:townmanager@wnewbury.org)

TO: Department Heads and Chairpersons of Boards / Commissions / Committees  
FROM: Angus Jennings, Town Manager  
DATE: March 24, 2020  
RE: Guidance regarding remote participation and recent changes to Open Meeting Law

---

This memo is provided to the Chairpersons and to Department Heads in the interest of providing uniform guidance regarding the conduct of public meetings and hearings in light of Governor Baker's emergency "Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20," issued on March 12, 2020. This guidance reflects advice from in-house counsel and outside legal counsel KP Law.

The Governor's emergency Order, which is effective immediately and until it is rescinded or the State of Emergency is terminated, allows for meetings of public bodies to be conducted "virtually," provided that adequate access is provided to members of the public who wish to view or listen to (and where required, participate in) meetings remotely, in real time. This Order should allow for continued public meetings and hearings that are essential for government operations to continue during this challenging time, in a way that ensures transparency and preserves the public's right to observe and participate, while also limiting in-person gatherings that may foster the spread of the virus.

On meeting notices for any meetings or hearings that will be conducted "virtually", standard language provided on the attached pages shall be included prominently, indicating that the meeting will be held via electronic means, rather than in person. We have also enclosed language that the Chair of the public body should include in a statement made regarding the use of remote participation at the start of any meeting being held virtually, and at the start of any public hearing to be held virtually.

The pages attached to this memo include the following:

- Public Notice regarding Remote Participation and "Virtual" Meetings (a version of which was also posted on March 16, 2020 to the Town website at <https://www.wnewbury.org/home/news/limited-person-access-tonights-board-selectmen-meeting>)
- Language to include on public meeting notices
- Statement to be made by the Chair at the start of any public meeting conducted "virtually"
- Statement to be made by the Chair at the start of any public hearing conducted "virtually"
- Instructions on use of GoToMeeting platform (one option, among others)

Please do not hesitate to contact me or Town Clerk/Counsel Mike McCarron if you have questions.

## Public Notice regarding Remote Participation and “Virtual” Meetings

In light of the ongoing COVID-19 coronavirus outbreak, Governor Baker issued an emergency Order on March 12, 2020, allowing public bodies greater flexibility in utilizing technology in the conduct of meetings under the Open Meeting Law.

The Town of West Newbury greatly values the participation of its citizens in the public meeting process, but given the current circumstances and recommendations at both the state and federal levels to limit or avoid public gatherings, including Governor Baker’s ban on gatherings of more than 10 people, together with the present closure of West Newbury Town Offices and other public buildings to the public, the Town has decided to implement the “remote participation” procedures allowed under Governor Baker’s emergency Order for all boards, committees, and commissions.

This means that:

1. All or any of the members of the public body may choose to participate in a public meeting via remote access. Meetings may be virtual, in their entirety.
2. The public will not be allowed into a Board/Committee meeting, even where there are any members of the public body and/or town staff or official(s) physically present at the meeting location during the meeting. “Public comment” portions of meetings may be temporarily suspended, except insofar as this can be enabled through technology.
3. The public will be provided with alternative access through which they can watch or listen to meetings “in real time,” and meeting notices will specify the manner in which members of the public may access audio or video of the meeting as it is occurring.
4. If, despite our best efforts, our technological capabilities do not adequately support public access to virtual or remote meetings, the Town of West Newbury will ensure that an audio or video recording, transcript, or other record of the proceedings at the meeting is posted on the town website as soon as practicable after the meeting.
5. Notices for public hearings will contain additional information about how the public may participate via electronic/technological means.
6. Public access to the meeting will be limited to the open session portion(s) of the meeting only. Public access to any audio, video, internet or web-based broadcast of the meeting will be discontinued if/when the public body enters executive session.
7. Where individuals have a right, or are required, to attend a public meeting or hearing, including executive session meetings, they will be provided with information about how to participate in the meeting/hearing remotely.
8. Meeting notices will still be posted at least 48 hours in advance (not counting Saturdays, Sundays, or legal holidays), unless it is an emergency meeting as defined under the Open Meeting Law (in which event, the meeting notice will be posted with as much advanced notice as is possible in the circumstances). Minutes will still be taken.

Please check individual meeting agendas on the calendar on the Town of West Newbury website, [www.wnewbury.org](http://www.wnewbury.org), for the latest information regarding meetings. Each meeting may experience unique circumstances that may require last minute changes in protocol, including cancellation or rescheduling. We appreciate your patience as we undergo this shift in a significant aspect of how the town conducts business.

### Language to include on public meeting notices

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 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the West Newbury *[board/committee/commission]* 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 website, at [www.wnewbury.org](http://www.wnewbury.org). For this meeting, members of the public who wish to *[listen/watch]* the meeting may do so in the following manner: *[specify method of access]*. 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 record of proceedings as soon as practicable after the meeting.

For a local sample, please see:

[https://www.wnewbury.org/sites/westnewburyma/files/agendas/03\\_18\\_2020\\_agenda\\_posted.pdf](https://www.wnewbury.org/sites/westnewburyma/files/agendas/03_18_2020_agenda_posted.pdf)

### Statement by the Chair at the start of any public meeting conducted “virtually”

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 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the West Newbury *[board/committee/commission]* is being conducted via remote participation. 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 as provided for in the Order. A reminder that persons who would like to *[listen to/view]* this meeting while in progress may do so by *[specify remote access instructions]*.

**OR**

[Despite our best efforts, we are not able to provide for real-time access, and we will post a record of this meeting on the Town of West Newbury website [www.wnewbury.org](http://www.wnewbury.org) as soon as we are able.]

### Statement by the Chair at the start of any public hearing conducted “virtually”

Note that for public hearings, the applicant and the public must be provided a means to participate in the virtual meeting in real time. Thus, the statement made at the start of public hearings would be slightly different than for public meetings:

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 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this public hearing of the



Town of West Newbury [*board/committee/commission*] is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but the public can [*listen to/view*] this meeting while in progress by [*specify remote access instructions*]. Members of the public attending this meeting virtually will be allowed to make comments if they wish to do so, during the portion of the hearing designated for public comment, by [*specify the means by which public comment may be made, depending upon the technology being used*].

## Instructions on Use of GoToMeeting Platform

The Town is prescribing a specific technology platform for use locally; we have looked into several different platforms and there are a number of good options. For purposes of holding Board of Selectmen meetings, we have arrived at GoToMeeting as a strong platform due to its allowance for audio and videoconferencing; allowance for public participation without need to set up a user account; allowance for meeting “moderator” to mute participants, enabling public comments at the time of the Chair’s direction; and its relative ease of use.

If your Board/Commission/Committee would like to use (or explore) this option, we have put together some step by step instructions for using GoToMeeting:

### To Schedule and Post Meeting

- Go to <https://www.gotomeeting.com/>
- Click on top right start to free trial. This will activate a free 14-day trial. (We recommend that the only person who needs to sign up is the Chair or, for Boards/Commissions/Committees with dedicated staff support, a designated staff person).
- Once signed in, click on “Create Meeting”
- Type meeting title
- Choose “One-Time Meeting”
- Select date
- Select time
- **Ensure time zone is Eastern time (US and Canada)**
- Save
- Copy invitation
- Send to all Board/Commission/Committee members
- When posting agenda, share dial-in by phone and access code (per sample agenda language)

### To Run Meeting

- At the designated meeting time, click “Start”
- Expand “people” icon within application
- You will see how many call-in attendees
- “Mute all” is very important (participants can still hear the organizer, just not speak)
- Important: to give the call-in participants a chance to speak, ensure that you “unmute all” and ask that only one person speak at a time. You can also unmute individual participants, but this doesn’t allow you to know who wishes to speak.
- When meeting is over, click “Leave”

**HOUSE . . . . . No.**

---

**The Commonwealth of Massachusetts**



CHARLES D. BAKER  
GOVERNOR

OFFICE OF THE GOVERNOR  
**COMMONWEALTH OF MASSACHUSETTS**  
STATE HOUSE · BOSTON, MA 02133  
(617) 725-4000

KARYN POLITO  
LIEUTENANT GOVERNOR

*March 24, 2020*

To the Honorable Senate and House of Representatives,

I am filing for your consideration a bill entitled “An Act to Further Address Challenges Faced by Municipalities and School Districts Resulting from COVID-19.” This legislation is designed to provide flexible solutions for local officials across the Commonwealth as the challenges of the COVID-19 epidemic disrupt the normal process of administering local government.

As you know, on March 15, 2020, I issued an Emergency Order temporarily closing all public and private K-12 schools in the Commonwealth. While that Order was necessary to protect the health and safety of the Commonwealth, this legislation provides important flexibility to address potential disruptions that may result. First, it empowers the Commissioner of Elementary and Secondary Education to delay beyond April 1 the requirement, established in the recently enacted Student Opportunity Act, that school districts submit three-year evidence-based plans aimed at closing achievement disparities among student subgroups. Second, it authorizes the Board of Elementary and Secondary Education, upon the recommendation of the Commissioner, to modify or waive the requirements of the competency determination for high school graduation. Third, the legislation authorizes the Commissioner, to modify or waive the requirement for the Commonwealth’s annual statewide student assessment, known as the MCAS. In all three instances, action can be taken only to address disruptions caused by the pandemic.

This bill also provides flexibility to Regional School Districts in case they are not able to approve their budgets by the statutory deadline. The bill would accordingly permit Regional School Districts to suspend the statutorily-required vote on the approval of their fiscal year 2021 budget and allow the Department of Elementary and Secondary Education (“DESE”) to certify an amount sufficient for the operation of the district until a budget can be adopted.

Also in the area of municipal finance, this bill would provide cities and town flexibility on tax collections, such that they can allow their residents more time to pay taxes without incurring penalties. Specifically, the bill would allow municipalities to waive late-payment penalties for 4th quarter tax bills, which are due May 1. It would also allow municipalities to change their tax bill due date and extend the deadline for property tax exemptions and deferrals from April 1 to June 1, 2020.

There are a number of important modifications to the local permitting process in this bill. These include the following changes:

- Provides that no permit is automatically granted, approved, or denied because a local permitting authority does not act within a time period required by law.
- Provides that any permit that is currently valid will not lapse or expire during the state of emergency, and suspends any time limitation on such permits during the emergency.
- Allows applications for permits to be filed electronically, so as to eliminate the need for in-person filing.
- Suspends any requirement that a hearing on a permit application be held within a certain period of time until 45 days after the end of the state of emergency.

These changes will provide necessary relief to cities and towns that, due to disruptions caused by the state of emergency, are unable to timely process and hear permitting applications. At the same time, these changes balance the needs of residents and developers by ensuring that their current permits are not impaired by the emergency.

Additionally, I am proposing a method that would allow municipalities to utilize retirees during the current state of emergency, so that municipalities can tap qualified workers when their workforces may be disrupted. Currently, retirees collecting a pension are limited in how many hours they may work and the compensation they can earn. This proposal would lift those restrictions for calendar year 2020 for work done during the emergency

I am also proposing changes that would allow for electronic signatures on search warrant applications and criminal complaints that are necessary in light of the current public health emergency. This would decrease traffic to courthouses and thereby reduce risk to judicial and public safety officers as well as courthouse staff and court users.

Lastly, I propose to allow restaurants and other establishments that are licensed to sell alcohol for on-premises consumption to sell wine and beer for takeout and delivery subject to certain conditions. As you know, restaurants and bars are currently barred from allowing customers to eat or drink on-premises, and their liquor licenses limit them to the sale of alcohol for on-premises consumption. This change would restore a critical source of revenue to restaurants and other food establishments.

The Lieutenant Governor and I are happy to see that the Joint Committee on Municipalities and Regional Government reported a bill on Monday, H.4580, that contains a number of similar provisions intended to relieve pressure on municipalities. We look forward to working with you to share ideas and language to achieve our common goals. In light of the ongoing emergency, I urge your prompt enactment of legislation to relieve pressure on our cities and towns.

Respectfully submitted,

Charles D. Baker,  
*Governor*

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-First General Court  
(2019-2020)**

An Act to further address challenges faced by municipalities, school districts and state authorities resulting from COVID-19.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to forthwith to make certain changes in law in response to a public health emergency, each of which is immediately necessary to carry out to accomplish important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and convenience.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Section 20 of chapter 161A, of the General Laws, as appearing in the 2018  
2 Official Edition, is hereby amended by striking out, in line 2, the word, “March”, and inserting in  
3 place thereof the following word:- May.

4           SECTION 2. Said section 20 of said chapter 161A, as so appearing, is hereby amended  
5 by striking out, in line 4, the word, “April” and inserting in place thereof the following word:-  
6 June.

7           SECTION 3. Section 2 of chapter 275 of the General Laws, as so appearing, is hereby  
8 amended by inserting, in line 5, after the word “subscribed”, the following words:- ,  
9 electronically or in person.

10 SECTION 4. Section 2A of chapter 276 of the General Laws, as so appearing, is hereby  
11 amended by striking out, in line 1, the word “The” and inserting in place thereof the following  
12 words:- The signature on the warrant may be made by electronic signature. The.

13 SECTION 5. Section 2B of said chapter 276, as so appearing, is hereby amended by  
14 inserting, in lines 1 and 2, after the word “personally”, the following words:- or through wire or  
15 electronic means.

16 SECTION 6. Said section 2B of said chapter 276, as so appearing, is hereby further  
17 amended by inserting, in line 13, after the word “form”, the following words:- and the signature  
18 therein may be made by electronic signature.

19 SECTION 7. Section 22 of said chapter 276, as so appearing, is hereby amended by  
20 inserting, in line 4, after the word “subscribed”, the following words:- , electronically or in  
21 person.

22 SECTION 8. Said section 22 of said chapter 276, as so appearing, is hereby further  
23 amended by adding the following sentence:- If a complaint is subscribed to electronically by the  
24 complainant, the complainant, if a law enforcement officer, may, in lieu of being examined on  
25 oath by a justice, subscribe to the complaint under the pains and penalties of perjury.

26 SECTION 9. (a) As used in this section, the following words shall have the following  
27 meanings:

28 “Permit” means a permit, variance, special permit, license, amendment, extension or  
29 other approval issued by a permit granting authority pursuant to a statute, ordinance, bylaw, rule  
30 or regulation, whether ministerial or discretionary.

31 “Permit Granting Authority” means (i) a local, county or regional official, or (ii) a local,  
32 county or regional multi-member body, that is authorized to issue a permit.

33 (b) Notwithstanding any general or special law, rule, regulation, charter, ordinance or by-  
34 law to the contrary, during the state of emergency declared by the governor on March 10, 2020  
35 as a result of the outbreak of the 2019 novel Coronavirus also known as “COVID-19”:

36 (1) An application for a permit shall be deemed duly filed and accepted as of the date  
37 of the filing by the applicant, if filed with and certified as received by the city or town clerk if a  
38 municipality, or with the secretary or other official established by law to receive such  
39 applications if a county or regional entity. Notwithstanding the foregoing, a permit granting  
40 authority may contest the completeness of an application at the time of filing, if the application is  
41 ultimately denied by the permitting board on other grounds, or if the permit is ultimately  
42 appealed by the applicant. An application for a permit may be filed electronically, either through  
43 an electronic submission website established by the permit granting authority, or through  
44 attachment of the requisite forms and supplemental materials to electronic mail sent to the  
45 aforesaid clerk, secretary, or official. Certification of receipt for purposes of this paragraph may  
46 be provided electronically to the applicant, and shall be provided electronically if the permit  
47 application is submitted electronically and electronic certification of receipt is requested by the  
48 applicant.

49 (2) A requirement of a statute, ordinance, bylaw, rule, or regulation that a hearing  
50 commence within a specific period of time after the filing of a application or request for approval  
51 of a permit is suspended as of March 10, 2020; provided, however, that the applicable period

52 shall resume 45 days after the termination of the state of emergency, or as of a date otherwise  
53 prescribed by law, whichever is later.

54 (3) A permit in effect or existence as of March 10, 2020, including any deadlines or  
55 conditions of the permit, shall not lapse or otherwise expire and the expiration date of the permit,  
56 or time period for meeting a deadline or for performance of a condition of the permit, shall toll  
57 during the state of emergency.

58 (4) No permit shall be considered granted, approved or denied, constructively or  
59 otherwise, due to a failure of the permit granting authority to act within the time required by a  
60 statute, ordinance, bylaw, rule or regulation; provided, however, that the permit granting  
61 authority acts within 45 days of the termination of the state of emergency or by a date otherwise  
62 prescribed by law, whichever is later; provided, however, that the applicant and Permit Granting  
63 Authority may agree to alternative timing in writing.

64 (5) Notwithstanding the time periods by which a permit is to be either heard or acted  
65 upon, a permit granting authority may, by a declaration of its chair, which the chair is authorized  
66 to make irrespective of whether a quorum is present to vote on such matter, schedule or  
67 reschedule on one or more occasions the hearing or decision deadlines on a permit application  
68 provided no such date or deadline is rescheduled for more than 45 days after the termination of  
69 the state of emergency or after a date otherwise prescribed by law, whichever is later. The chair  
70 shall provide written notice of any applicable rescheduled dates or deadlines to the applicant at  
71 the applicant's address, and to the general public by posting electronically on the website of the  
72 city or town clerk or the website of the county or regional entity.



73           (6)     In the event a permit is required to be recorded with the registry of deeds or filed  
74 with registry district of the land court, as the case may be, for the county or district in which the  
75 property subject to the permit is located, within a certain period of time after its issuance in order  
76 to remain in force and effect or as a condition to exercising the permit, (i) the period of time for  
77 recording the permit shall be suspended during such time as the relevant registry of deeds or  
78 registry district of the land court is either closed or subject to rules and procedures restricting  
79 public in-person access; and (ii) the failure to record the permit shall not preclude the permit  
80 holder from applying for, obtaining and commencing construction activities pursuant to other  
81 required permits and approvals, including, without limitation, a building permit, which building  
82 permit may be issued and shall be considered duly issued pursuant to the provisions of section 6  
83 of chapter 40A of the General Laws.

84           (7)     A hearing on a pending application for a permit opened by a permit granting  
85 authority prior to March 10, 2020, which has either not been concluded as of March 10, 2020 or  
86 has been continued by the permit granting authority as of March 10, 2020, shall be automatically  
87 tolled and continued to the first hearing date of the permit granting authority following the  
88 termination of the state of emergency, or to a date otherwise prescribed by law, whichever is  
89 later; provided, however, that the date is no later than 45 days from of the termination of the state  
90 of emergency or the date otherwise prescribed by law, whichever is later.

91           (c)     Nothing in this section shall affect the ability of a permit granting authority,  
92 subject to applicable notice and hearing requirements, to revoke or modify a permit when that  
93 permit or the law or regulation under which the permit was issued authorizes the modification or  
94 revocation thereof; provided, however, that in no event shall the permit granting authority revoke  
95 or modify the permit for failure of the permit holder as a result of the state of emergency to

96 exercise or otherwise commence work pursuant to the permit, or where such work commenced  
97 on or prior to March 10, 2020, but has stopped as a result of the state of emergency or actions  
98 taken by an agency or political subdivision of the commonwealth in reliance thereon. The  
99 limitations set forth in this subsection shall apply as long as the state of emergency is in effect  
100 and for a period of 60 days following the termination thereof; provided, however, that a permit  
101 holder shall be entitled to a further extension of reasonable length to exercise or otherwise  
102 commence work pursuant to said permit at the discretion of the permit granting authority for  
103 good cause shown; provided, further, that the chair of any permit granting authority shall be  
104 authorized to grant such further extension irrespective of whether a quorum is present to vote on  
105 the matter.

106 (d) Notwithstanding the requirements of section 20 of chapter 30A of the General  
107 Laws, a permit granting authority, during the state of emergency, shall be permitted to conduct  
108 meetings and public hearings remotely, consistent with the Governor's order entitled "Order  
109 Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A Section 20" issued March  
110 12, 2020, as the order may be amended, supplemented or replaced.

111 (e) Nothing in this section shall preclude or prohibit a permit granting authority from  
112 issuing decisions on permit applications for which duly held public hearings or meetings have  
113 been held, or preclude or prohibit any building commissioner, inspector of buildings, or other  
114 permit granting official as the case may be, from issuing permits, including but not limited to  
115 demolition or building permits.

116 (f) Notwithstanding any general or special law to the contrary and without limiting  
117 the foregoing, this section shall apply to all local boards and commissions' conduct of public  
118 meetings, public hearings, or other actions taken in a quasi-judicial capacity.

119 SECTION 10. (a) Notwithstanding any general or special law to the contrary, the  
120 provisions of subsections (b) and (c) of section 91 of chapter 32 of the General Laws shall not  
121 apply in calendar year 2020 to the following two categories of persons for hours worked during  
122 the state of emergency issued by the governor on March 10, 2020 as a result of the outbreak of  
123 the 2019 novel Coronavirus also known as "COVID-19":

124 (i) any person who has been retired and who is receiving a pension or retirement  
125 allowance, under the provisions of said chapter 32 or any other general or special law, from the  
126 commonwealth, a county, city, town, district or authority, or

127 (ii) any person whose employment in the service of the commonwealth, county, city,  
128 town, district or authority has been terminated, under the provisions of said chapter 32 or any  
129 other general or special law, by reason of having attained an age specified in said general or  
130 special law or by the rules and regulations of any department or agency of the commonwealth,  
131 county, city, town, district or authority without being entitled to any pension or retirement  
132 allowance.

133 Accordingly, these two categories of persons may, during the state of emergency and  
134 subject to all other laws, rules and regulations, governing the employment of persons in the  
135 commonwealth, county, city, town, district or authority, be employed in the service of the  
136 commonwealth, county, city, town, district or authority, including as a consultant or independent

137 contractor or as a person whose regular duties require that his time be devoted to the service of  
138 the commonwealth, county, city, town, district or authority during regular business hours.

139 (b) The provisions of this section shall not apply to individuals retired under a general or  
140 special law on disability.

141 SECTION 11. (a) Notwithstanding any general or special law to the contrary, as a result  
142 of the outbreak of the 2019 novel Coronavirus also known as “COVID-19” and the declaration  
143 of a state of emergency issued by the governor on March 10, 2020, for fiscal year 2020, the chief  
144 executive officer of a city, town or district, as defined in clause Fifth B of section 7 of chapter 4  
145 of the General Laws, may extend:

146 (i) for the purposes of the first paragraph of section 57 of chapter 59 of the General Laws,  
147 the date May 1 to a date not later than June 1, 2020;

148 (ii) for the purposes of the seventh and eighth paragraphs and the tenth and eleventh  
149 paragraphs of section 57C of chapter 59 of the General Laws, the date May 1 to a date not later  
150 than June 1, 2020; and

151 (iii) for the purposes of the third paragraph of section 59 of chapter 59 of the General  
152 Laws, the date April 1 to a date not later than June 1, 2020.

153 (b) Notwithstanding sections 57, 57C and 59 of chapter 59 of the General Laws or any  
154 other general or special law to the contrary, if municipal offices are closed as a result of the  
155 outbreak of the 2019 novel Coronavirus also known as “COVID-19” or the declaration of a state  
156 of emergency issued by the governor on March 10, 2020 on the date that a tax payment,

157 abatement or exemption application is due, the due dates shall not be extended except pursuant to  
158 this section.

159 SECTION 12. Notwithstanding sections 57, 57A and 57C of chapter 59 of the General  
160 Laws and section 2 of chapter 60A of the General Laws or any other general or special law to the  
161 contrary, as a result of the outbreak of the 2019 novel Coronavirus also known as “COVID-19”  
162 and the declaration of a state of emergency issued by the governor on March 10, 2020, for fiscal  
163 year 2020, the chief executive officer of a city, town or district, as defined in clause Fifth B of  
164 section 7 of chapter 4, may waive the payment of interest and other penalty in the event of late  
165 payment of any excise, tax, betterment assessment or apportionment thereof, water rate or annual  
166 sewer use or other charge added to a tax for payments made after its respective due date but  
167 before June 30, 2020.

168 SECTION 13. Notwithstanding subsection (i) of section 1D of chapter 69 of the General  
169 Laws, and any other general or special law to the contrary, upon recommendation of the  
170 commissioner of elementary and secondary education, the board of elementary and secondary  
171 education may modify or waive the requirements of the competency determination for high  
172 school graduation, in order to address disruptions caused by the outbreak of the 2019 novel  
173 Coronavirus also known as “COVID-19”.

174 SECTION 14. Notwithstanding section 1I of chapter 69 of the General Laws, and any  
175 other general or special law to the contrary, the commissioner of elementary and secondary  
176 education may modify or waive the requirement for a comprehensive diagnostic assessment of  
177 individual students under said section 1I of chapter 69 in order to address disruptions caused by  
178 the outbreak of the 2019 novel Coronavirus also known as “COVID-19”.

179 SECTION 15. Notwithstanding section 16B of chapter 71 of the General Laws or any  
180 other general or special law to the contrary, if a vote on the approval of a fiscal year 2021  
181 regional school district budget by a town or city is delayed beyond June 30, 2020 as a result of  
182 the outbreak of the 2019 novel Coronavirus also known as “COVID-19” and the declaration of a  
183 state of emergency issued by the governor on March 10, 2020, the budget approval process  
184 described in said section 16B shall be suspended and the district shall notify the department of  
185 elementary and secondary education of a lack of a budget and the commissioner, or his designee,  
186 shall certify an amount sufficient for the operation of the district commencing July 1, 2020 in an  
187 amount not less than 1/12 of the total budget approved for the district in the most recent fiscal  
188 year. Similar sums shall be certified for each successive month to ensure the continued provision  
189 of services by the district until such time as a budget is adopted and approved by the regional  
190 committee and member towns or cities in the manner otherwise provided in said section 16B.  
191 The department may issue guidelines or regulations for the implementation of this section.

192 SECTION 16. Notwithstanding subsection (a) of section 23 of chapter 132 of the acts of  
193 2019, or any other general or special law to the contrary, the commissioner of elementary and  
194 secondary education may set the deadline for each school district to submit its first 3-year plan  
195 required pursuant to subsection (d) of section 1S of chapter 69 of the General Laws, as inserted  
196 by section 5 of chapter 132 of the acts of 2019, as April 1, 2020, or such later date as determined  
197 by the commissioner, in order to address disruptions caused by the outbreak of the 2019 novel  
198 Coronavirus also known as “COVID-19”..

199 SECTION 17. Notwithstanding any general or special law to the contrary, during the  
200 state of emergency declared by the Governor on March 10, 2020 as a result of the outbreak of the  
201 2019 novel Coronavirus also known as “COVID-19”, an establishment licensed to sell alcoholic

202 beverages or only wines and malt beverages on-premises may sell wine or malt beverage only  
203 for off-premises consumption subject to the following conditions: (i) the wine or malt beverage  
204 must be sold in its original, sealed container; (ii) the wine or malt beverage must be sold as part  
205 of the same transaction as the purchase of food; and (iii) a customer is limited to 192 ounces of  
206 malt beverage and 1.5 liters of wine per transaction.

207 SECTION 18. This act shall take effect upon its passage.



**Town of West Newbury**  
**Board of Selectmen**  
**Monday, March 16, 2020 @ 7pm**  
381 Main Street, Town Office Building  
[www.wnewbury.org](http://www.wnewbury.org)  
**Minutes of Meeting – DRAFT**

**Open Session:** 7pm in the First Floor Hearing Room

*The meeting was called to order at 7:06 p.m. by Chairman David Archibald.*

*In accordance with the Emergency Order issued by Governor Baker on March 12, 2020, allowing public bodies greater flexibility in utilizing technology in the conduct of meetings under the Open Meeting Law, physical (in-person) access to tonight's Board of Selectmen open session was strictly limited, with all attendees maintaining 6' separation from one another. Instructions were provided for remote in or call in to the meeting. The meeting was televised as usual and viewable on local cable TV. Alternatively, questions/comments were allowable to the Town Manager's email address which was monitored throughout the meeting.*

**Present at the Meeting:**

- ❖ Board of Selectmen: David Archibald and Glenn Kemper (Richard Parker participated remotely)
- ❖ Town Manager, Angus Jennings
- ❖ Town Clerk/Counsel & Procurement Officer, Michael McCarron
- ❖ Police Chief Jeffrey Durand
- ❖ Fire Chief Michael Dwyer
- ❖ Lee Ann Delp, Emergency Management Agency Director
- ❖ Adam Stone, Studio and Technical Manager

**Announcements:**

- This meeting is being broadcast on local cable TV and recorded for rebroadcast on the local cable channels and on the internet
- Announcements regarding coronavirus (COVID-19) preparations & precautions
- Review of WNRDC request for exclusive use of Pipestave Hill for Fall 2020 events will not take place on March 16<sup>th</sup>. Will be taken up at a future meeting with advance notice provided to interested parties
- Town-wide roadside cleanup dates: Saturday and Sunday, May 2<sup>nd</sup> and 3<sup>rd</sup>, 2020

**Regular Business**

- A. Potential local emergency declaration and policy adoption regarding coronavirus pandemic

Chairman Archibald opened the meeting by acknowledging the extraordinary circumstances facing all of us. He thanked those department heads in attendance and invited comment first from Fire Chief Michael Dwyer. Chief Dwyer discussed the temporary response protocol established by the Department which will reduce the amount of unnecessary exposure that first responders have to patients displaying flu-like symptoms. Except for priority calls or critical level calls, all members have been instructed to follow the protocol which is detailed in a memo and contained in the agenda packet. Chief Dwyer said the Board of Fire Engineers is looking at different staffing models, including taking into account what other departments in the region are doing. Selectman Kemper said that information and updates should be provided back to the Board through the Town Manager.

Chairman Archibald noted that a draft emergency declaration is included in the Board's meeting materials and he asked how a local emergency declaration could help the town. Emergency Management



Agency Director Lee Ann Delp spoke to the Board about how an Emergency Declaration allows for more easily requesting resources from the State, and has been done many times in the past such as for major blizzards. Town Clerk/Counsel Michael McCarron added that the Governor has already enacted a declaration of emergency; however, it is a good idea to document that we have done this. The formal declaration would allow the Town Manager to take certain actions to control the spread of coronavirus and to expend funds in excess of appropriation if necessary. Town Manager Angus Jennings added that MEMA guidance regarding cost tracking has been circulated to all Departments in anticipation of expenses becoming reimbursable from a disaster declaration.

**Motion was made by Selectman Glenn Kemper to declare a state of emergency in the Town of West Newbury beginning on March 16, 2020 at 7:31 p.m. until further notice is given, seconded by Selectman Richard Parker.**

**Yes 3, No 0**

EMA Director LeeAnn Delp suggested that the Town Manager be the head liaison for the CodeRED emergency notification system the Town has in place for emergency notifications to residents and businesses. Discussion took place on how to manage enrollment and what is best policy for sharing information as a common message through multiple sources.

Health Agent Paul Sevigny was invited to discuss preparations and precautions put in place to help mitigate potential exposure to the coronavirus and what procedures are being put in place should there be positive cases in West Newbury. The BOH has put out a message to the public (which is contained in the agenda packet) through a town-wide mailing and other methods on how to best protect themselves and others as well as contact information for those in need of help. In order to minimize social interactions, town offices were closed to the public but remain open to staff to allow continued operation of town government. There is a heightened need to perform outreach to our seniors; and, certain staff will be reassigned to assist in these areas such as making phone calls, purchasing groceries with funds donated to the Food Pantry Gift Account and delivering groceries. Discussion took place on staffing and the handling of pay during an absence as a result of the pandemic whether it be Town directive, out of fear or from illness. The current town policy covering this topic was read aloud and is contained in the agenda packet. It was suggested that each department identify essential and non-essential employees and the potential for working from home. The Board will reconvene on this matter once additional research has been done regarding how this could best be addressed based on different staffing levels and circumstances in different town departments.

- B. Notice of appointment of Dispatch appointments and request for authorization to waive 15-day notice period and to approve employment start dates as proposed by the Town Manager:
- a. Appointment of Samantha Holt as full-time Dispatcher effective March 17, 2020
  - b. Appointment of Michael Denaro as part-time Dispatcher effective March 11, 2020
  - c. Appointment of Lorna Morgan as part-time Dispatcher upon completion of required training

**Motion was made by Selectman Glenn Kemper to waive 15-day notice period and to appoint Samantha Holt as full-time Dispatcher effective March 17, 2020, Michael Denaro as part-time Dispatcher effective March 11, 2020 and Lorna Morgan as part-time Dispatcher upon completion of required training, seconded by Selectman Richard Parker.**

**Yes 3, No 0**

- C. Presentation of FY21 Capital Improvement Committee report and recommendations – *Dick Preble*

Passed over without comment. To be taken up at a future meeting.

D. Review of request to perform work (construct trail) on Town-owned land – *Tom Neve*

Town Manager Angus Jennings gave a summary of the developer's request for authorization to construct a trail on town-owned land. He said that the developer had filed a Notice of Intent with the Conservation Commission proposing trail construction associated with the Sullivan's Court Subdivision, as had been required as a condition of the Planning Board's project approval. However he noted that he had obtained an opinion from Building Inspector and ADA Compliance Officer Sam Joslin on ADA (and AAB) requirements, and that the requirement that any trail constructed on town land be fully compliant would make the trail in the proposed location cost prohibitive. An email from Tom Neve regarding his intentions is contained in the agenda packet. Discussion took place regarding motive of the request and the Board's ability to enforce the original agreement. Manager Jennings advised that it was a requirement of the Planning Board and that their approval would be needed for any change, and that at this time they would be the entity positioned to pursue completion of the project condition. Mr. McCarron agreed.

**Motion was made by Selectman Glenn Kemper to grant permission to Tom Neve for the construction of a trail on Town-owned land with the stipulation that it be ADA compliant, as determined by the ADA compliance officer upon review of the plans. Seconded by Chairman David Archibald.**

**Yes 3, No 0**

E. Vote to declare Harbormaster boat engine surplus and authorize its disposition pursuant to Town policy

**Motion was made by Chairman David Archibald to declare the Harbormaster boat engine as surplus and to authorize its disposition pursuant to Town policy, seconded by Selectman Glenn Kemper.**

**Yes 3, No 0**

F. Discussion regarding proposed solid waste hauling, disposal and recycling contracts for FY21+, timing/method of public outreach, potential regional cost management strategies – *Blake Seale, BOH*

Passed over without comment. To be taken up at a future meeting.

G. Discuss proposed new Town Meeting warrant article to establish solid waste/recycling revolving fund

Passed over without comment. To be taken up at a future meeting

H. Review and discussion of proposed Special & Annual Town Meeting warrant articles

Passed over without comment. To be taken up at a future meeting

I. Presentation of Town Manager proposed FY21 Budget; schedule of Finance Committee budget review

Passed over without comment. To be taken up at a future meeting

J. Review of correspondence from Senator Tarr regarding FY21 state budget priorities

Senator Tarr sent a questionnaire seeking input on FY21 local budget priorities. Sidewalks and pedestrian safety, solid waste/recycling costs and special education funding were noted as among the Board's highest priorities.

K. Review of draft Board of Selectmen section for inclusion in FY19 Town Report

Passed over without comment. To be taken up at a future meeting

L. Meeting minutes: March 2, 2020, April 10, 2019; April 1, 2019

**Motion was made by Chairman David Archibald to accept the meeting minutes of March 2, 2020 as written, seconded by Selectman Glenn Kemper.**

**Yes 3, No 0**

**Motion was made by Chairman David Archibald to accept the meeting minutes of April 10, 2019 and April 1, 2019 as written, seconded by Selectman Glenn Kemper.**

**Yes 2, No 0, Abstain 1 (Parker)**

#### **Town Manager Updates**

M. Middle Street Bridge – update on MOU with Newburyport and MassWorks grant

Passed over without comment. To be taken up at a future meeting

N. Finance Department work toward enabling online contributions to Town Gift Accounts

Passed over without comment. To be taken up at a future meeting

O. Update on contract with designers for Soldiers & Sailors Memorial Building restoration

Town Clerk Michael McCarron gave a brief update and is working to draft a contract with Spencer, Sullivan & Vogt.

P. Active and pending project updates

Passed over without comment. To be taken up at a future meeting

Q. Follow up meeting assignments; and, placing items for future agendas

Passed over without comment. To be taken up at a future meeting

**Motion was made by Selectman Glenn Kemper, seconded by Selectman Richard Parker to adjourn the meeting at 9:02 p.m.**

**Yes 3, No 0**

**Respectfully submitted, Jennifer Walsh**