



**Town of West Newbury
Board of Selectmen
Monday, April 13, 2020 @ 6:00pm**
381 Main Street, Town Office Building
www.wnewbury.org

RECEIVED
TOWN CLERK
WEST NEWBURY, MA
2020 APR -9 PM 3:31

AGENDA

Executive Session: 6:00pm by remote participation

- ❖ MGL Ch. 30A §21(a) 3: To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares (*15 Norino Drive*);
- ❖ 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 Board (*lease of portion of Old Town Hall to Learning Tree; lease of portion of Page School Children's Castle; 31 Dole 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.
- Thanks to all of those who have donated (incl. online donations) to the Council on Aging Food Pantry!
- Annual Town Roadside Cleanup on Saturday and Sunday, April 25th and 26th, details on Town website!

Regular Business

- A. Updates regarding coronavirus pandemic, including updates from Town Counsel regarding recent and proposed legislation regarding COVID-19
- B. Vote to extend property tax due date to June 1; to waive interest and penalties for late payments; and to extend the due date for exemption and deferral applications
- C. Discussion of proposed FY21 Budget, incl. potential revenue/expense changes due to COVID-19
- D. Discussion regarding potential 1-year solid waste hauling contract for FY21 – *Blake Seale, BOH*
- E. Review and discuss Board recommendations regarding proposed Town Meeting warrant articles, incl. potential increased funding for electric vehicle charging stations to support maintenance
- F. Recommendation on proposed zoning amendments – *Planning Board*
- G. Discussion of potential cancellation of 2020 Memorial Day Parade due to COVID-19
- H. Updates from April 9 BOS meeting regarding Coffin Street/Main Street 40B housing proposal
- I. Request for appointment of Francesca Pomerantz as full member of Tree Committee
- J. Adoption of updated Investment Policy Statement – *referral from Investment Policy Committee*
- K. Meeting minutes: April 7, 2020; March 30, 2020; March 25, 2020; March 4, 2019; January 7, 2019.

Town Manager Updates

- L. Updates on Middle/High School project
- M. Updates on ongoing/upcoming DPW projects
- N. Update on designer contract for Soldiers & Sailors Memorial Building restoration
- O. 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: (312) 757-3121
Access Code: 176-018-021

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

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: April 10, 2020
RE: Donations to Food Pantry Gift Account

Since setting up online donations to the Gift Account a couple of weeks ago, we have received many generous donations. I believe that this warrants recognition at Monday night's BOS meeting though, because Chairman Archibald and his wife are among the donors, someone else should make this recognition. (Note: this item was added to the agenda without the Chairman's direction).

Date	Name	Amount
3/27/20	John Dodge	\$50.00
3/27/20	Melissa Manning	\$100.00
3/28/20	Elisa Grammer	\$500.00
3/28/20	Darcie Spaulding	\$100.00
3/28/20	Lucy Casella	\$100.00
3/28/20	Marilyn and David Archibald	\$200.00
3/28/20	Robert Culver	\$200.00
3/31/20	Kim and Steve DiCamillo	\$250.00
4/5/20	Donald Doak	\$200.00
4/6/20	Elisa Grammer	\$500.00
4/8/20	Cheryl Richardson and Michael Ge(name truncated)	\$500.00
	TOTAL:	\$2700.00

It will be up to whomever makes the recognition whether to thank people by name or not, but regardless this is a testament to the generosity of West Newbury's people in this time of need.

Theresa has done an exceptional job of deputizing other departmental staff to support calls and outreach to senior citizens, identifying specific needs they may have for food and groceries, and putting donated goods and funds to immediate use to the benefit of senior citizens.

cc: Council on Aging
Theresa Woodbury, COA Director



Town of West Newbury Massachusetts

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[Home](#) > Please Consider Contributing Funds to the West Newbury Food Pantry!

Please Consider Contributing Funds to the West Newbury Food Pantry!

Now Accepting Gifts Online



We are so appreciative of all the volunteers and town workers for their incredible support of our Seniors! Special thanks go out to Council on Aging Director Theresa Woodbury and the rest of the COA staff for expanding their services to ensure West Newbury's seniors are taken care of in this time of need... we appreciate all that you are doing!!

Please consider contributing funds to the West Newbury Food Pantry! The Council on Aging Director manages a food pantry that provides seasonal Holiday Baskets (a total of 34 provided last year), and your generous contribution will help us purchase items for seasonal events as well as to assist West Newbury's seniors with day to day needs, especially in these challenging times. The Town is ramping up its efforts to connect with seniors, understand their specific needs (groceries, paper products, etc.), and deliver items straight to their door. Your gift will go to work right away!

For your convenience, online contributions can be made [here](#).

If you are a senior citizen or know of others who may need assistance, please contact the Council on Aging Director Theresa Woodbury at coa@wnewbury.org or 978-363-1104. You can also contact the Town Manager's office with any questions, or if the other line is

busy, at 978-363-1100 x115.

The COA webpage is at <https://www.wnewbury.org/council-aging-senior-center> and you can connect with the COA Facebook page at: <https://www.facebook.com/westnewburycoa/>

Source URL: <https://www.wnewbury.org/home/news/please-consider-contributing-funds-west-newbury-food-pantry>

CELEBRATE EARTH DAY



Town-wide Roadside Cleanup Saturday, April 25th and Sunday, April 26th

**Trash bags and gloves
will be available at the Food Mart**

Let's Take Action Together!

**Please consider helping by cleaning your property
as well as long stretches of roadway with no houses.**

**Leave the bags roadside to be picked up by the DPW crew. Please
email dpwdirector@wnewbury.org with location of trash bags.**

COVID-19-Update

WEST NEWBURY COUNCIL ON AGING

BEWARE OF SCAMS!!!

AS WE ALL KNOW THIS IS A TIME WHEN SCAMMERS COME OUT. BELOW ARE A FEW GUIDELINES FROM THE FTC TO PROTECT YOURSELF. LIKE ALWAYS IF IT SOUNDS TOO GOOD TO BE TRUE IT MOST LIKELY IS!!!

~HANG UP ON ROBOCALLS. DON'T PRESS ANY NUMBERS. SCAMMERS ARE USING [ILLEGAL ROBOCALLS](#) TO PITCH EVERYTHING FROM SCAM CORONAVIRUS TREATMENTS TO WORK-AT-HOME SCHEMES

~IGNORE ONLINE OFFERS FOR VACCINATIONS AND HOME TEST KITS.

~DON'T RESPOND TO TEXTS AND EMAILS ABOUT [CHECKS FROM THE GOVERNMENT](#).

~KNOW WHO YOU'RE BUYING FROM

How can we help you?

Do you need groceries, medications, meals on wheels? A friendly phone call? We are here to help you!! Please call the senior center at 978-363-1104 or email us at coa@wnewbury.org and let us know what we can do to help you!!! We are standing by waiting to assist!!!

Town meeting and Town Election have both been postponed. Town meeting will be now held on June 1st at 7:00pm and Town Election will be held on Wednesday June 3rd.

Senior Center Activities closed until further notice. Meals on Wheels are still going out. If you need meals please contact us at 978-363-1104. Food Pantry is available by appointment

Use of Cloth Face Coverings to Help Slow the Spread of COVID-19

How to Wear Cloth Face Coverings

Cloth face coverings should—

- fit snugly but comfortably against the side of the face
- be secured with ties or ear loops
- include multiple layers of fabric
- allow for breathing without restriction
- be able to be laundered and machine dried without damage or change to shape

CDC on Homemade Cloth Face Coverings

CDC recommends wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain (e.g., grocery stores and pharmacies), **especially** in areas of significant community-based transmission.

CDC also advises the use of simple cloth face coverings to slow the spread of the virus and help people who may have the virus and do not know it from transmitting it to others. Cloth face coverings fashioned from household items or made at home from common materials at low cost can be used as an additional, voluntary public health measure.

Cloth face coverings should not be placed on young children under age 2, anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the cloth face covering without assistance.

The cloth face coverings recommended are not surgical masks or N-95 respirators. Those are critical supplies that must continue to be reserved for healthcare workers and other medical first responders, as recommended by current CDC guidance.

Should cloth face coverings be washed or otherwise cleaned regularly? How regularly?

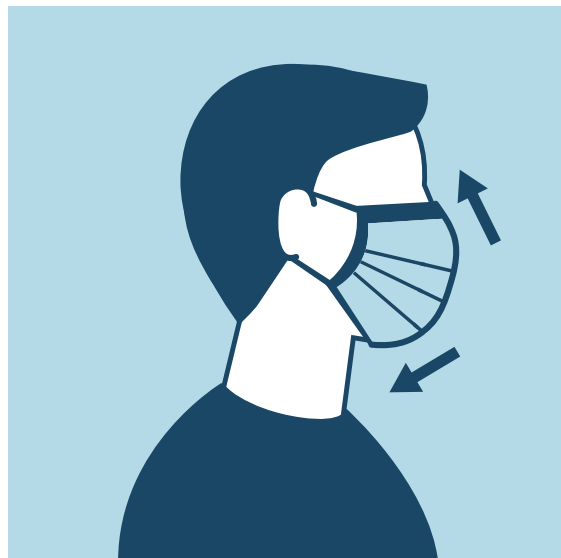
Yes. They should be routinely washed depending on the frequency of use.

How does one safely sterilize/clean a cloth face covering?

A washing machine should suffice in properly washing a cloth face covering.

How does one safely remove a used cloth face covering?

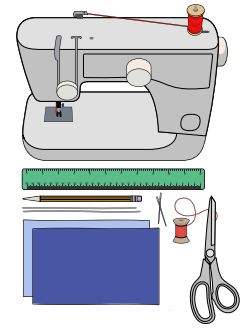
Individuals should be careful not to touch their eyes, nose, and mouth when removing their cloth face covering and wash hands immediately after removing.



Sewn Cloth Face Covering

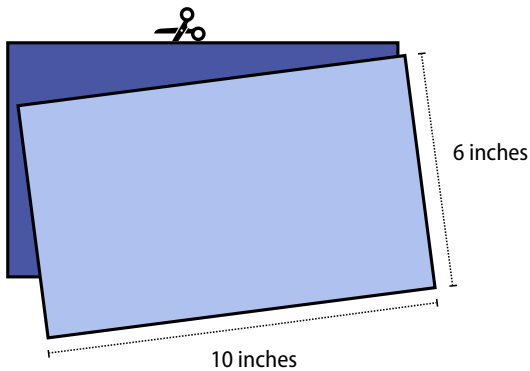
Materials

- Two 10"x6" rectangles of cotton fabric
- Two 6" pieces of elastic (or rubber bands, string, cloth strips, or hair ties)
- Needle and thread (or bobby pin)
- Scissors
- Sewing machine

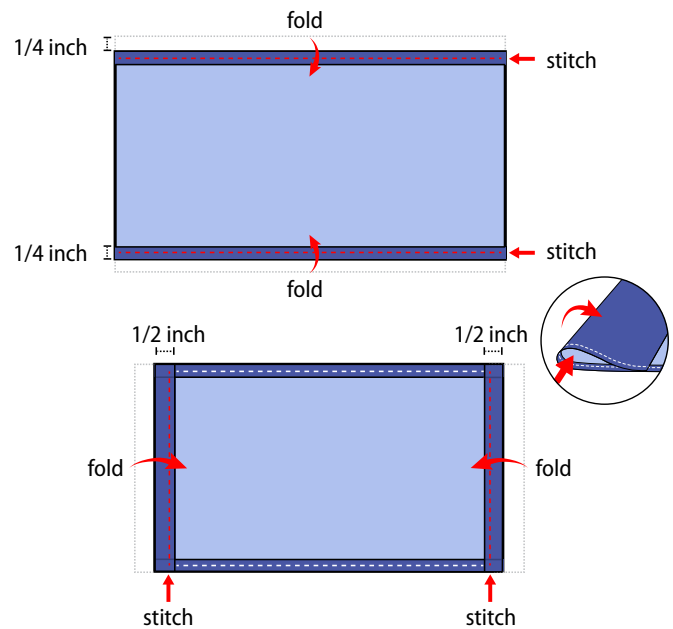


Tutorial

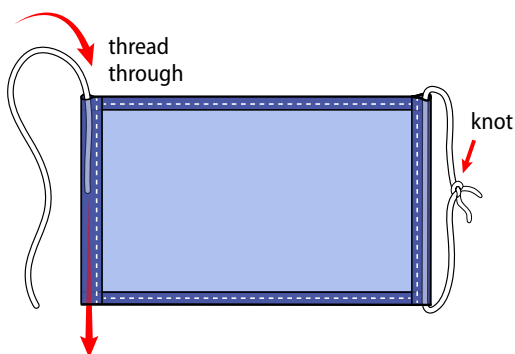
1. Cut out two 10-by-6-inch rectangles of cotton fabric. Use tightly woven cotton, such as quilting fabric or cotton sheets. T-shirt fabric will work in a pinch. Stack the two rectangles; you will sew the cloth face covering as if it was a single piece of fabric.



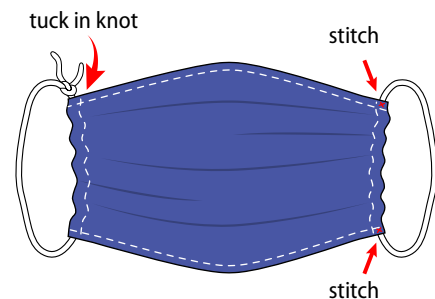
2. Fold over the long sides $\frac{1}{4}$ inch and hem. Then fold the double layer of fabric over $\frac{1}{2}$ inch along the short sides and stitch down.



3. Run a 6-inch length of $\frac{1}{8}$ -inch wide elastic through the wider hem on each side of the cloth face covering. These will be the ear loops. Use a large needle or a bobby pin to thread it through. Tie the ends tight. Don't have elastic? Use hair ties or elastic head bands. If you only have string, you can make the ties longer and tie the cloth face covering behind your head.



4. Gently pull on the elastic so that the knots are tucked inside the hem. Gather the sides of the cloth face covering on the elastic and adjust so the cloth face covering fits your face. Then securely stitch the elastic in place to keep it from slipping.

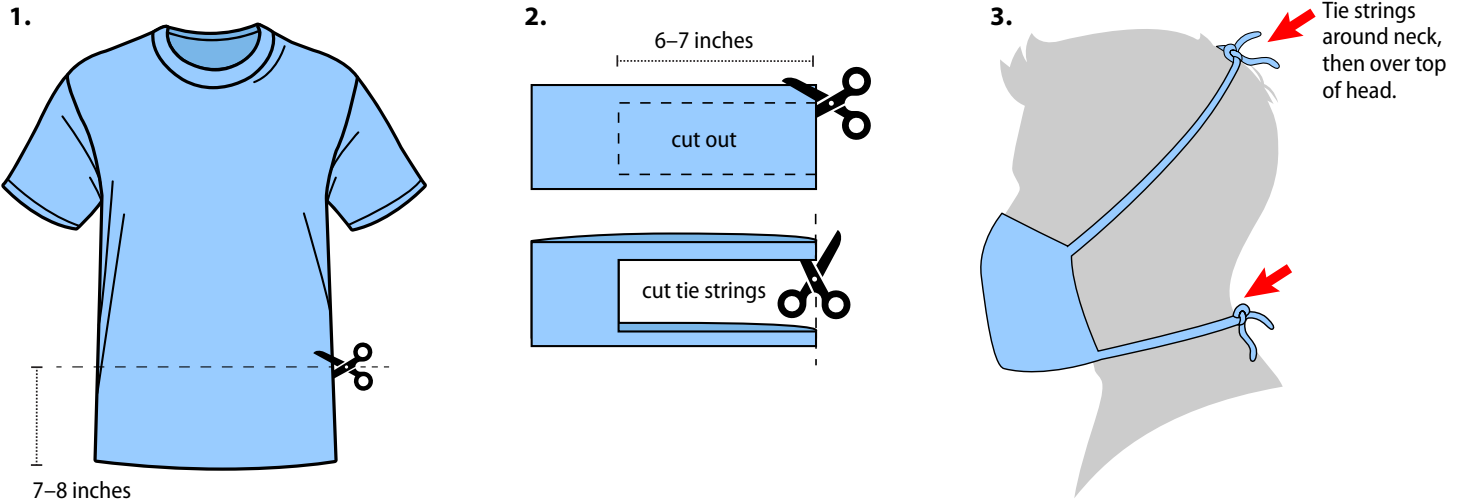


Quick Cut T-shirt Cloth Face Covering (no sew method)

Materials

- T-shirt
- Scissors

Tutorial

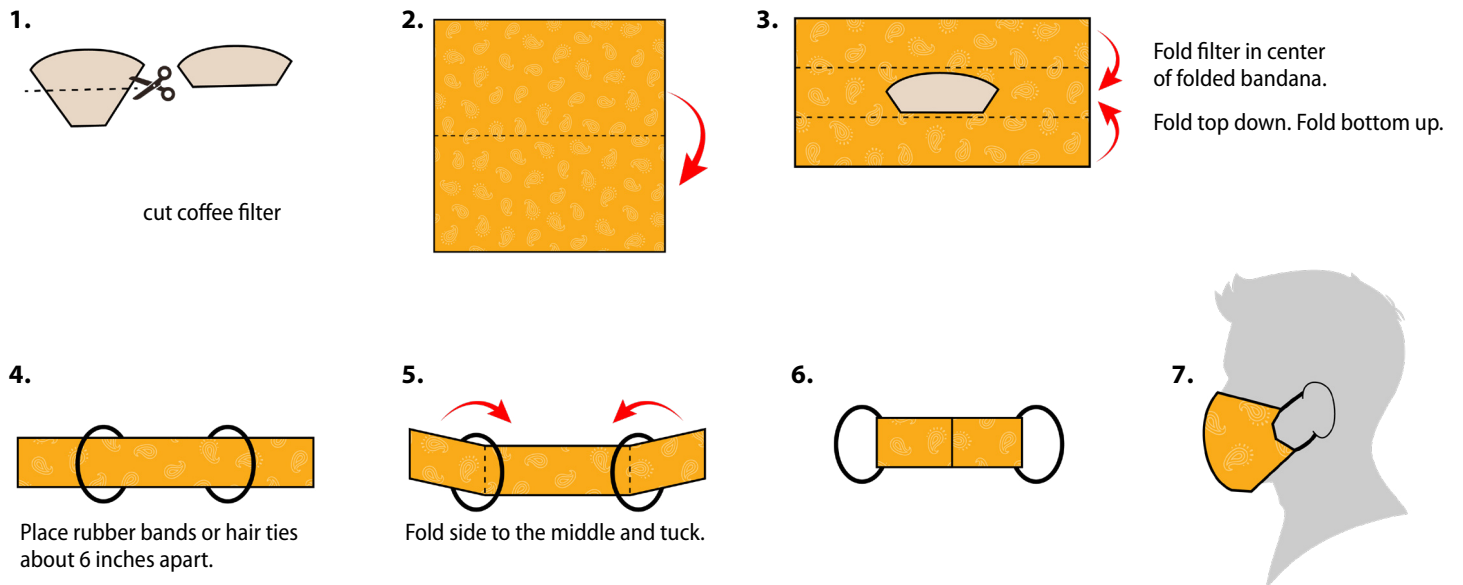


Bandana Cloth Face Covering (no sew method)

Materials

- Bandana (or square cotton cloth approximately 20"x20")
- Coffee filter
- Rubber bands (or hair ties)
- Scissors (if you are cutting your own cloth)

Tutorial



TOWN COUNSEL MEMO

TO: Town Manager/ Board of Selectmen
FROM: Michael P. McCarron
SUBJECT: Local Options Re Chapter 53 of the Acts of 2020
DATE: April 9, 2020
CC:

Chapter 53 of the Acts of 2020 has promulgated three local options addressing local tax matters. These are local option matters whose adoption is decided by the Board of Selectmen.

They are as follows:

Local Option to extend the due date of property tax bill

This option would change the due date for property tax bills (real property and personal property) from May 1, 2020 to June 1, 2020. (Note: you can adopt an earlier date but no date later than June 1, 2020)

Proposed Motion

I move that the Town adopt the local option set forth in Sections 10(a)(i-iii) of Chapter 53 of the Acts of 2020 to extend the due date for property tax bills from May 1, 2020 to June 1, 2020.

Local Option to Waive Interest

This option would waive any interest or penalty for late payments of any bill **due after March 10, 2020** (any payment due before March 10, 2020 would still accrue interest and penalties). This would include any payment due for property tax, excise tax, or water charge. This waiver would apply provided that the bill was paid on or before June 30, 2020. After June 30, 2020 interest and penalties would apply.

Proposed Motion

I move that the Town adopt the local option set for in Section 11 of Chapter 53 of the Acts of 2020 to waive any

Memo Re: Local Options in Chapter 53 of Acts of 2020

late payment of any excise, tax, betterment assessment or apportionment thereof, water rate or annual sewer use or other charge added to a tax for any payments with a due date on or after March 10, 2020 and made after its respective due date but before June 30, 2020.

Local Option to Extend the Due Date for Exemption and Deferral Applications

This would extend the due date for local exemptions from April 1, 2020 to a date no later than June 1, 2020 (The Board can choose an earlier date)

Proposed Motion

I move that the Town adopt the local option set forth in Section 10(a)(iv) of Chapter 53 of the Acts of 2020 to extend the due date for applications for exemptions from local property tax from April 1, 2020 to June 1, 2020.

Notice

In the event that the Town adopts any of these three local options, the Town must notify the taxpayers by sending a letter in the form recommended by the DOR or by posting such letter in a prominent location on the city/town’s website, by posting information on official municipal social media accounts, and by utilizing technologies such as “reverse-911” and other push notification systems



Bulletin

BUL-2020-02

An Act to Address Challenges Faced by Municipalities and State Authorities Resulting From COVID-19

TO: Local Officials
FROM: Patricia Hunt, Chief, Bureau of Municipal Finance Law
DATE: April 3, 2020
SUBJECT: **An Act to Address Challenges Faced by Municipalities and State Authorities Resulting From COVID-19**

This Bulletin provides guidance to local officials regarding changes in municipal finance laws included in [An Act to Address Challenges Faced by Municipalities and State Authorities Resulting From COVID-19, Chapter 53 of the Acts of 2020](#), (the Act). Unless otherwise noted below, these changes became effective on April 3, 2020, upon Governor Baker's signing the Act into law.

I. Town Meeting Delays

A. Power of Boards of Selectmen and Town Councils to Delay Annual Town Meeting

Section 1 of the Act - Before its amendment, [G.L. c. 39, § 9](#) provided that an annual town meeting must take place during the months of February, March, April, May or June; however, a board of selectmen or town council, by vote, could delay the annual town meeting as long as the town meeting completed its business on or before June 30th. Section 1 adds the following exception to the June 30th deadline "in the event of an emergency that poses an immediate threat to the health or safety of persons or property that prevents the completion of the business of the delayed town meeting on or before June 30 if the governor has declared a state of emergency with respect to such emergency."

This exception is available, if necessary, to towns that must delay their town meetings beyond June 30, 2020 due to the COVID-19 outbreak and the declaration of a state of emergency by the governor. Towns are advised to consult with their local counsel regarding the form of vote. See Section I-B of this Bulletin for recess and continuation of town meetings by a town moderator where the town meeting warrant has already been issued.

B. Power of Moderator to Continue Scheduled Town Meetings in Event of Public Health Emergency (Application to Districts)

Sections 2 through 4 of the Act - These sections amend [G.L. c. 39, § 10A](#) by adding “public health” emergencies as a reason for a moderator to recess and continue town meetings already scheduled by warrant. Prior to the amendment, section 10A applied to weather-related and public safety emergencies. Under the amended section 10A, during and for a period of five days after a weather-related, public safety or public health emergency, a town moderator may, in consultation with public safety or public health officials and the board of selectmen, declare a recess and continuance of the town meeting to another time, date and place certain; however, the continuance is limited to a period of 30 days. There are notice, posting and other requirements regarding the time, date and place of the recessed and continued meeting. Additionally, within 10 days after the initial declaration by the moderator of recess and continuance, a local public safety or public health official designated by the board of selectmen must submit a report to the Attorney General providing the justification for the moderation’s continuance.

These amendments also clarify that a moderator may invoke section 10A more than once to recess and continue a town meeting during the same emergency; however, each continuance period must not exceed 30 days and the moderator may not continue the meeting more than 30 days after the rescission of the declaration of emergency by the governor. Additionally, if a town does not have a moderator, the board of selectmen may recess and continue the town meeting under the amended section 10A.

Under [G.L. c. 41, § 119](#) and [c. 48, § 66](#) (fire districts only), the moderator of a district meeting has the powers of a moderator of a town meeting. As a result, a district moderator may recess and continue scheduled district meetings under [G.L. c. 39, § 10A](#). For purposes of section 119, a district means a fire, water, sewer, water pollution abatement, refuse disposal, light, or improvement district, or any other district formed for the purpose of carrying out any of these functions, whether established under general law or special act. [G.L. c. 41, § 1A](#).

Because several town moderators had already invoked Section 10A to recess and continue a scheduled town meeting due to the outbreak of COVID-19, the amendments to section 10A were made retroactive to March 10, 2020. (See Section 19 of the Act.)

II. Emergency Liabilities in Excess of Appropriation if the COVID-19 Emergency Prevents the Adoption of an Annual Budget

Section 5 of the Act - 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 regarding COVID-19. As a result, cities, towns and special purpose districts may, with the approval of the Director of Accounts (director) of the Division of Local Services (DLS), expend from any available funds in the treasury in relation to the emergency without an appropriation by following the procedure described in [Bulletin 2020-1](#).

Section 5 amends [G.L. c. 44, § 31](#) by inserting the following:

If the declared emergency prevents the adoption of an annual budget by a town or district by the June 30 preceding the start of the fiscal year, the board of selectmen, town council or district commissioners shall notify the director and the director may approve expenditures, from any appropriate fund or account, of an amount sufficient for the operations of the town or district during the month of July not less than 1/12 of the total budget approved by the town or district in the most recent fiscal year pursuant to a plan approved by the board of selectmen, town council or district commissioners and such authority shall continue for each successive month while the emergency continues to prevent the adoption of a budget. The director may promulgate and revise rules or regulations regarding the approval of emergency expenditures described in this section and accounting with regard to such expenditures.

This amendment will allow deficit spending, with the approval of the director, on a month-to-month basis in fiscal year 2021 if the town or district was prevented from adopting a budget for fiscal year 2021 due to Governor Baker's Declaration of Emergency issued on March 10, 2020. Additional guidance will be issued by the director, like that contained in [Bulletin 2020-01](#), that will explain the procedure to follow to obtain the director's approval to deficit spend under this provision.

III. Director's Authority to Allow Appropriations after June 30, 2020 from Free Cash Certified as of July 1, 2019

Section 6 of the Act provides:

"...[I]f the adoption of an annual budget in a city, town or district is delayed beyond June 30, 2020, as a result of the governor's March 10, 2020 declaration of a state of emergency or the outbreak of the 2019 novel coronavirus, also known as COVID-19, the director of accounts of the department of revenue may authorize the appropriation from the available balance of the city's, town's or district's undesignated fund balance or "free cash" certified by the director under section 23 of chapter 59 of the General Laws as of July 1, 2019, as a funding source for the city's, town's or district's fiscal year 2021 expenditures, including, but not limited to any such undesignated fund balance in an enterprise fund or special revenue account...."

Ordinarily, under [G.L. c. 59, § 23](#), appropriations from certified free cash may only be made until the June 30th following its July 1 certification date. As a result, free cash certified by the director as of July 1, 2019 is available for appropriation only up to and including June 30, 2020. This section allows the director to authorize the appropriation from free cash certified as of July 1, 2019 after June 30, 2020 where the city, town or district has been prevented from adopting its FY 2021 annual budget by June 30, 2020 due to the Governor's March 10, 2020 declaration of a state of emergency or the outbreak of the 2019 novel coronavirus. Once a city, town or district can meet and adopt its FY 2021 budget, this section will allow the director to permit appropriations from free cash certified as of July 1, 2019 as a funding source for its FY 2021 expenditures. Pursuant to Section 6, the director will issue additional guidance regarding the implementation of this provision.

IV. Amortization of Deficit Resulting from COVID-19 Over a Three-year Period

Section 7 of the Act - Under [G.L. c. 44, § 31](#), deficit expenditures not otherwise provided for must be funded in full when setting the tax rate for the next fiscal year. Section 7 of the Act permits the amortization over a three-year period of the amount of a city, town or district's fiscal year 2020 deficit resulting from the outbreak of the 2019 novel coronavirus also known as COVID-19, as described in the governor's March 10, 2020 declaration of a state of emergency. This applies to both expenditure deficits and revenue deficits related to the emergency. Examples of revenue deficits that could result from the emergency are reduced meals tax and room occupancy revenues. This legislation is similar to [St. 2015, c. 10, § 58](#) which, due to the extreme snow removal costs incurred the previous winter, permitted amortization of snow and ice expenditure deficits over three years. Again, the director will issue additional guidance on the implementation of this section.

V. Continuation of Expenditure Authorization for Departmental Revolving Funds under [G.L. c. 44, § 53 E ½](#) in FY 2021

Section 8 of the Act - Under [G.L. c. 44, § 53 E ½](#), a city or town may authorize by bylaw or ordinance one or more revolving funds and must annually before July 1 vote the limit on the total amount that may be expended from each revolving account. Section 8 of the Act allows the continued expenditure in FY 2021 from these departmental revolving funds at the same level of expenditure authorized by the city or town for FY 2020 until the city or town adopts its FY 2021 annual budget at which time the legislative body of the city or town must adopt the FY 2021 expenditure limits for each departmental revolving fund.

VI. Suspension of Time Period for Cities and Towns to Exercise Right of First Refusal to Purchase Lands Classified under G.L. c. 61, 61A and 61B

Section 9 of the Act - Section 9 suspends the time periods that require a city or town to "act, respond, effectuate or exercise an option to purchase" under [G.L. c. 61, § 8](#), [c. 61A, § 14](#) and [c. 61 B, § 9](#). The suspension is during and for a period of 90 days after the termination of the governor's March 10, 2020 declaration of a state of emergency. If a city or town receives notice of intent to convert or sell classified land during this period, we advise that local counsel be contacted for advice.

VII. Due Dates of Real and Personal Property Tax Bills and Applications for Exemptions and Waiver of Interest on Certain Late Payments

Sections 10 and 11 of the Act include several provisions regarding local tax bills.

A. Local Option to extend the Due Dates of Property Tax Bills

Sections 10(a)(i-iii) include a local option to extend the due dates of property tax bills under [G.L. c. 59, §§ 57](#) and [57C](#) from April 1, 2020 (for semi-annual billing communities with annual

preliminary bills) or May 1, 2020 to a date not later than June 1, 2020. This local option applies to semi-annual tax billing communities and quarterly tax billing communities. The local option is exercised by the chief executive officer of a city, town or district. The chief executive officer is a mayor in a city and the board of selectmen 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 chief executive officer is the prudential committee or commissioners.

B. Local Option to Extend the Due Date for Exemption and Deferral Applications

Section 10(a)(iv) includes a local option to extend the due date under [G.L. c. 59, § 59](#) for applications for exemptions from April 1, 2020 to a date not later than June 1, 2020. This due date extension, if exercised, will automatically apply to deferrals under [G.L. c. 59, § 5\[18A\] and \[41A\]](#), residential exemptions under [G.L. c. 59, § 5C](#) and small commercial exemptions under [G.L. c. 59, § 5I](#). This second local option is exercised in the same manner described in Section VII-A of this Bulletin.

C. Local Option to Waive Interest on Certain Payments Made After Due Dates

Section 11 includes a local option to waive interest and other penalty for late payment of any excise, tax, betterment assessment or apportionment thereof, water rate or annual sewer use or other charge added to a tax for any payments with a due date on or after March 10, 2020 where payment is made after its respective due date but before June 30, 2020. This third local option is also exercised in the same manner described in Section VII-A of this Bulletin.

This section allows the waiver of interest and penalties regarding late payments of bills with a due date of March 10, 2020 or after, when such bills are paid late but paid on or before June 30, 2020. This section does not permit waiver of interest and penalties regarding bills with due dates before March 10, 2020 or if the bill is not paid by June 30, 2020.

Section 11 also provides that a city or town shall not terminate an essential service of a resident, including but not limited to, water, trash collection or electricity, for nonpayment of taxes or fees with due dates on or after March 10, 2020 if paid on or before June 30, 2020, if the inability to pay resulted from circumstances related to the outbreak of COVID-19 or the governor's March 10, 2020 declaration of a state of emergency.

D. Clarification of Due Dates When Municipal Office is Closed Due to COVID-19

Section 10(b) - Under [G.L. c. 59, §§ 57, 57C](#) and [59](#), there is an automatic extension of due dates for tax payments and applications for exemptions when a municipal office is closed for a weather-related or other public safety emergency until the next day that the municipal office is open. Section 10(b) of the Act clarifies that these automatic extensions do not apply if municipal offices are closed as a result of the outbreak of the 2019 novel coronavirus or the declaration of a state of emergency issued by the governor on March 10, 2020 and that due dates shall only be extended by the exercise of the local options described in Sections VII- A and B of this Bulletin.

E. Notice to Taxpayers

Tax bills (with due dates of April 1, 2020 or May 1, 2020) should have already been mailed in the formats described in [IGR 2019-1](#), [IGR 2019-2](#), [IGR 2019-3](#) or [IGR 2019-4](#), as applicable. Where

tax bills have been mailed, the attached Notice must be sent to taxpayers by separate mailing if any of the local options described above are exercised. If a city or town has not adopted all three local options or June 1, 2020 due dates, the attached Notice must be amended, as appropriate, by the city or town to reflect its exercised options.

If the tax bills have not been mailed and any of the above local options are exercised, the format and content of the tax bills themselves should not be changed. Instead, tax bills should be issued in the form described in [IGR 2019-1](#), [IGR 2019-2](#), [IGR 2019-3](#) and [IGR 2019-4](#), as applicable, and the mailing must include the attached Notice (worded to reflect the local options and due dates approved by the city/town) in the same mailing as the tax bill. (See Sections IV-B-1 of [IGR 2019-1](#), [IGR 2019-2](#) and [IGR 2019-3](#) and Section V-B-1 of [IGR 2019-4](#) for insertion by collector of tax billing information in same envelope as a tax bill.)

VIII. Waiver for Hours Worked and Earnings Received During State of Emergency Regarding Services Performed by Certain Retirees Under [G.L. c. 32](#)

Section 14 of the Act includes a waiver for hours worked and earnings received by certain retirees during the state of emergency. Cities and towns are advised to contact the Public Employee Retirement Administration Commission (PERAC) for more information regarding this section.

IX. Other Provisions of the Act

The Act also includes other non-finance provisions related to cities and towns, including **Section 17** regarding the suspension of certain deadlines affecting local permits and local permitting authorities. Cities and towns are advised to review the Act with their local counsel.

SAMPLE NOTICE TO TAXPAYERS
TO BE INCLUDED WITH TAX BILL OR SEPARATELY MAILED
(Samples should not be used without the advice of municipal counsel.)

Town/City of _____

Important information Regarding Your Tax Bill

Under “An Act to Address Challenges Faced by Municipalities and State Authorities Resulting From COVID-19,” Chapter 53 of the Acts of 2020, the town/city has adopted local options to extend due dates for real and personal property tax payments and applications for exemptions and a waiver of interest on certain municipal tax and other bills paid by June 30, 2020. See below.

1. **The due date of your real and personal property tax bill has been extended to June 1, 2020.** June 1, 2020 is the new due date even if the due date for payment on your enclosed or previously mailed tax bill is April 1, 2020 or May 1, 2020.
2. **The due date for applications for property tax exemptions has also been extended to June 1, 2020.** June 1, 2020 is the new due date even if the due date for applications on your enclosed or previously mailed tax bill is April 1, 2020.

This extension applies to applications for the exemptions listed in the third paragraph of G.L. c. 59, § 59, including exemptions under clauses 17, 17C, 17C1/2 and 17D (seniors, surviving spouses, minor children of deceased parent); 18 (financial hardship – activated military, age and infirmity); 22, 22A, 22B, 22C, 22D, 22E, 22F and 22H (veterans, surviving spouses and surviving parents); 37 and 37A (blind persons); 41, 41B, 41C and 41C1/2 (seniors); 42 and 43 (surviving spouse and minor children of firefighter/police officer killed in line of duty); 52 (certain eligible seniors); 53 (certain eligible properties with septic systems); 56 (National Guard and reservists on active duty in foreign countries); and 57 (local option tax rebates). This extension also automatically applies to applications for residential exemptions under G.L. c. 59, § 5C, for small commercial exemptions under G.L. c. 59, § 5I and for deferrals under G.L. c. 59, § 5, clauses 41A (seniors) and 18A (poverty or financial hardship due to change to active military).

3. The town/city has also voted to waive interest and other penalty for late payment of any excise, tax, betterment assessment or apportionment thereof, water rate or annual sewer use or other charge added to a tax for any payments with a due date on or after March 10, 2020 where payment is made late but before June 30, 2020. This applies to late payments of bills that have a due date of March 10, 2020 or after, when such bills are paid late but paid on or before June 30. This waiver of interest does not apply to bills with due dates before March 10, 2020 or if the bill is not paid by June 30.

NOTE - If the municipal offices are closed on the June 1, 2020 extended due date for tax payments or filing of exemption applications as a result of the outbreak of the 2019 novel coronavirus or the declaration of a state of emergency issued by the governor on March 10, 2020, the due dates for tax payments and applications for exemptions are not extended – they will be due on June 1, 2020 even if the municipal offices are closed. (See section 10(b) of the Act.)

[City/town should add information on how/where to make tax payments and file applications for exemptions, for example, by mail, through an on-line payment system or dropping payment into a lockbox (with the location). The city/town should also provide a telephone number where questions to local officials can be directed and the address of any relevant website information.]



Bulletin

BUL-2020-03

Addendum to Bulletin 2020-2

TO: Local Officials
FROM: Sean Cronin, Senior Deputy Commissioner for Local Services
DATE: April 7, 2020
SUBJECT: Addendum to Bulletin 2020-2

Please be advised that in lieu of the notice to taxpayers described in Section VII-E of Bulletin 2020-2, cities and towns may provide notice to taxpayers of local options accepted, including the extension of due dates for real and personal property tax bills and due dates for applications for exemptions in the following manner: by posting the notice attached to Bulletin 2020-2 in a prominent location on the city/town's website, by posting information on official municipal social media accounts, and by utilizing technologies such as "reverse-911" and other push notification systems.



Summary of An Act to Address Challenges Faced by Municipalities and State Authorities Resulting from COVID-19

(H. 4598 as enacted by the General Court on April 2, 2020, see text of [H. 4617](#) at <https://malegislature.gov/Bills/191/H4617>)

- **Town Meeting Delay Beyond June 30.** Allows Town Meetings to be delayed beyond June 30 if Governor has declared a state of emergency related to public health or safety. (Section 1).
- **Recess and Continuance of Town Meeting.** Allows the Moderator to recess and continue an already-called Town Meeting during (and until 5 days after) a public health, safety or weather emergency for up to 30 days, renewable for up to 30 days at time during the emergency, but not to a date more than 30 days following the rescission of the state of emergency. If a town does not have a moderator, the Select Board may recess and continue Town Meeting accordingly. A public safety or public health official designated by the Select Board shall submit a report to the Attorney General providing justification for the recess and continuance. These changes are effective as of March 10, 2020. (Sections 2, 3 and 4).
- **Adoption of Temporary Fiscal 2021 Budgets.** If Town Meeting is unable to adopt an annual budget by June 30 due to a declared emergency, the Select Board shall notify the Director of Accounts at DLS, and the Director may approve expenditures from any appropriate fund or account of an amount sufficient for the operations of the Town during the month of July of not less than 1/12 of the total budget approved in the most recent fiscal year, pursuant to a plan approved by the Select Board, with such authority continuing for each successive month that the emergency prevents the adoption of a budget by Town Meeting. (Section 5).
- **Use of Free Cash and Undesignated Fund Balances.** If a Town is delayed from adopting an annual budget due to the COVID-19 emergency, the Director of Accounts may authorize the Town to appropriate (for use in fiscal 2021) from the available undesignated fund balance or free cash certified by DLS as of July 1, 2019, including undesignated fund balances in enterprise funds or special revenue accounts. (Section 6).
- **Amortization of Fiscal 2020 Deficits.** Allows cities and towns to amortize its fiscal 2020 deficit resulting from the COVID-19 emergency over fiscal years 2021 to 2023, to be funded in equal or more rapid installments, such amortization to be adopted prior to setting the fiscal 2021 tax rate. (Section 7).
- **Use of Revolving Funds.** Allows cities and towns that are unable to adopt their fiscal 2021 annual budget due to the COVID-19 emergency to expend amounts from revolving funds not to exceed the authorized expenditure in fiscal 2020. The legislative body shall vote on the total amount to be expended from each revolving fund when the annual budget is adopted. (Section 8).
- **Tolling Required Action on “Chapter” Lands.** Suspends the time period that municipalities are required to act, respond, effectuate or exercise an option to purchase Chapter 61 forest land, Chapter 61A agricultural land, or Chapter 61B recreational land until 90 days after the governor’s March 10, 2020 emergency declaration is terminated. (Section 9).

- **Option to Delay Property Tax Due Date to June 1.** Allows the municipal chief executive to delay the due date for municipal property tax bills to June 1. (Section 10).
- **Option to Waive Interest and Penalties for Late Payments.** Allows the municipal chief executive to waive the payment of interest and other penalties on late payments that were due after March 10, 2020 and paid before June 30, 2020, for any excise, tax, betterment assessment, water or sewer bill, or other charge added to a tax. (Section 11).
- **Non-Termination of Services to Residents Due to Late Payment.** Cities and towns shall not terminate an essential service of a resident, including water, trash collection or electricity, for nonpayment of taxes or fees due on or after March 10, 2020 and paid after the due date but before June 30, 2020, if the nonpayment resulted from a demonstrated inability to pay due to the COVID-19 outbreak or the March 10, 2020 emergency declaration by the governor, provided that the inability to pay shall include a demonstrated financial hardship of a resident, including but not limited to loss of employment, serious illness or death of someone within the home. (Section 11).
- **State Income Tax Deadline Delayed.** Postpones the deadline for filing Massachusetts state income tax returns and payments from April 15, 2020 to July 15, 2020. (Section 12).
- **Sale of Alcohol by Take-Out Restaurants.** Allows restaurants licensed to sell alcoholic beverages on-premises may sell sealed containers of alcoholic beverages for off-premises consumption as part of take-out food transactions. (Section 13).
- **Facilitating Return to Service by Retirees.** Allows state and municipal employees to return to work for the state or a municipality regardless of mandatory retirement ages or a statutory limit on hours worked and earnings received, to help with workforce needs. Those on disability retirement are not eligible. (Section 14).
- **Remote Meetings for Shareholder Corporations.** Allows public corporations (private shareholder entities) to hold annual or special meetings of shareholders remotely for up to 60 days after the termination of the March 10, 2020 state of emergency. (Section 15).
- **Provisions for Nonprofit Corporations.** Allows nonprofit entities (incorporated under Chapter 180) to conduct or postpone necessary business and meet remotely for up to 60 days after the termination of the March 10, 2020 state of emergency. (Section 16).
- **Tolling Municipal Requirements on Permits and Quasi-Judicial Public Meetings and Hearings** (the “constructive approval” issue). Tolls required municipal actions on permits until 45 days after the termination of the COVID-19 emergency, and no permit shall be considered granted, approved or denied, constructively or otherwise due to the failure of a permit granting authority to act within timelines that would otherwise be in effect. This section also clarifies that permit granting authorities may conduct meetings and public hearings remotely during the COVID-19 emergency, consistent with the Governor’s March 12 Executive Order regarding the Open Meeting Law. This section also applies to the conduct of public meetings, public hearings or other actions taken in a quasi-judicial capacity by all local boards and commissions during the emergency declaration by the governor. (Section 17).

This act has an emergency preamble, and will take effect immediately when signed by the Governor.

Municipal Relief Legislation Passed by State Legislature

April 3, 2020

While there certainly is no “good” time for a pandemic, the timing of the novel coronavirus, COVID-19, outbreak has presented some particularly unique challenges for towns, given such upcoming events as annual elections, town meetings, the budget setting process, and tax deadlines. On April 3, 2020, the Governor signed Chapter 53 of the Acts of 2020, entitled “An Act to Address Challenges Faced by Municipalities and State Authorities Resulting from COVID-19” (Act), which affords municipalities relief in key areas, summarized below. In the event normal governmental operations continue to be delayed through the spring, this legislation provides municipalities with some flexibility to address local concerns presented by the virus outbreak. Except as otherwise provided below, the Act is effective immediately.

Town Meeting (Sections 1-4 of the Act)

Many towns have, or are considering, postponing upcoming spring annual and special town meetings. While the existing Governor’s ban on gatherings of more than 10 people does not apply to town meetings, social and physical distancing protocols make in-person town meetings impractical, to say the least, and there is no present legal authorization allowing town meetings to be conducted by virtual or remote means.

Our prior eUpdate entitled “[Governor Baker Declares a State of Emergency in Response to Spread of Novel Coronavirus COVID-19](#),” explains the processes for postponing town meetings. Those processes vary, depending upon whether the warrant has been posted or not. If the warrant has been posted, one option for rescheduling the meeting is for the Moderator to declare a recess and continuation of town meeting, as explained in our Informational Guide, “[G.L.c.39, 10A Process for Continuing Town Meeting in the Case of Inclement Weather or Public Safety Emergency](#).”¹

The Act amends G.L. c.39, §9 to now allow for annual town meetings to be conducted past June 30th where there is an “immediate threat to the health or safety of persons or property” that prevents the completion of town meeting on or before June 30 and the Governor has declared a State of Emergency as a result of that threat. The Act also amends G.L.c.39, §10A to expressly provide that, in the event of a weather-related or public health or safety emergency, the Moderator (or if there is no Moderator, the board of selectmen/selectboard) may issue more than one Declaration of Recess and Continuance, provided that each declaration is for no longer than 30

¹ The other option is for the meeting to actually convene on the scheduled date and be continued to a later date certain.

days, and cannot continue more than 30 days after the Governor rescinds a previously-declared State of Emergency.

These provisions are retroactively effective as of **March 10, 2020**. Importantly, these statutory amendments **do not expire** once the Governor rescinds the present State of Emergency.

Fiscal Year Budget (Sections 5-8 of the Act)

General Provisions Regarding Adoption of a Budget in a State of Emergency (Section 5)

The Act amends G.L.c.44, §31, so that if a town or district is unable to approve a budget for the upcoming Fiscal Year by June 30th due to a public health or safety emergency that delays the holding of a town or district meeting, the Department of Revenue, Director of Accounts is authorized to “approve expenditures, from any appropriate fund or account, of an amount sufficient for the operations of the town or district during the month of July not less than 1/12 of the total budget approved by the town or district in the most recent fiscal year,” upon request by, and pursuant to a plan approved by, the board of selectmen, selectboard, town council, or district commissioners.

This so-called “1/12th budget” may continue for each successive month that the emergency prevents adoption of the Fiscal Year budget. The Act authorizes the Director of Accounts to issue rules or regulations in this regard.

Fiscal Year 2021 Budget (Sections 6 & 8)

With respect to Fiscal Year 2021 only, if the adoption of an annual budget in a city, town or district is delayed beyond June 30, 2020, as a result of the Governor’s March 10, 2020 declaration of a state of emergency or the COVID-19 outbreak, the Act permits the Director of Accounts to authorize a city, town or district to use “free cash” certified as of July 1, 2019, as a funding source for the city, town or district’s fiscal year 2021 expenditures, including, but not limited to, funds in an enterprise fund or special revenue account. The Act authorizes the Director of Accounts to issue rules or regulations in this regard.

Furthermore, where a Fiscal Year 2021 budget is not adopted by June 30th because of the current COVID-19 virus outbreak, a city, town or district may continue to expend monies from existing revolving funds established under G.L.c.44, §53E½ at the prior Fiscal Year 2020 levels. At the time the city, town or district adopts a Fiscal Year 2021 budget, its legislative body must also approve the Fiscal Year 21 spending limits for these revolving funds.

Amortization of Fiscal Year 2020 Budget Deficit (Section 7)

If the current COVID-19 related State of Emergency results in deficient spending in Fiscal Year 2020 (including, but not limited to, deficits in an enterprise fund or special revenue account), the Act permits a city, town or district to amortize this deficit over Fiscal Years 2021 to 2023, inclusive, either in equal installments or more rapidly.

A deficit amortization schedule must be adopted by the board of selectmen/selectboard; the city council (with the mayor's approval when required by law), town council, or district prudential committee/commission, as applicable, prior to the setting of the Fiscal Year 2021 tax rate. The Act authorizes the Commissioner of Revenue to issue guidelines or instructions in this regard.

“Chapter Lands” (Section 9 of the Act)

The so-called “chapter lands” statutes, G.L.c.61, 61A, and 61B, provide preferential property tax benefits to landowners who make a long-term commitment to dedicate their real property for qualifying forest, recreational, or farming purposes. In exchange, the municipality in which the property is located has a “right of first refusal” or option to purchase the land, in certain cases where the property owner plans a change of use.

Typically, a municipality wishing to exercise this right of first refusal must do so within statutorily-required time frames, upon being notified of the property owner’s intent to remove the property from chapter lands designation. The Act suspends these time frames for a period of 90 days after the Governor’s termination of the current State of Emergency.

State and Local Taxes (Sections 10-12 of the Act)

The “Chief Executive Officer” of a city or town², or a district, may extend tax deadlines, as follows:

1. The date real estate and personal property taxes are due from May 1 to a date not later than June 1, 2020;
2. The date real estate and personal property taxes are due, after credit is given for the preliminary tax payments previously made, for cities and towns with quarterly payments from May 1 to a date not later than June 1, 2020;
3. In the event an additional notice of preliminary tax requiring a third quarter preliminary installment payment is issued by a city or town, the due date the entire notice shall be due from May 1 to a date not later than June 1, 2020;
4. The date bills for taxes assessed for omitted property (G.L.c.59, §75) or incorrectly valued property (G.L.c.59, §76) are sent from May 1 to a date not later than June 1, 2020;
5. The date real estate and personal property taxes are due for cities and towns with semi-annual payments from April 1 to a date not later than June 1, 2020;
6. The date an application for exemption of taxes is due from April 1 to a date not later than June 1, 2020.

² Generally, the mayor in a city and the board of selectmen/selectboard in a town unless some other municipal office is designated to be the chief executive officer under the provisions of a local charter or special act.

No other due dates of any other tax payment, abatement, or exemption may be extended unless authorized by this section (Section 10) of the Act.

Similarly, the Chief Executive Officer of a city or town, or prudential committee/commission of a district, may waive the payment of interest and other penalty in the event of late payment of any excise, tax, betterment assessment or apportionment, water rate, annual sewer use, or other charge added to a tax for any payments with a due date on or after March 10, 2020. Of note, this waiver may only be given if payment is made after its due date but before June 30, 2020.

No essential services (such as water service, trash collection or electricity) may be terminated by a city or town due to a resident's failure to pay these taxes or fees, if nonpayment resulted from a "demonstrated inability to pay" due to the COVID-19 outbreak or the Governor's declaration of a State of Emergency. This "inability to pay" shall include demonstrated financial hardship of a resident, due to events such as loss of employment or serious illness or death of someone within the home (Section 11).

Finally, the Act codifies the Department of Revenue's previously-announced extension of the state tax return filing deadline for calendar year 2019, from April 15, 2020 to July 15, 2020. (Section 12).

Take-out/Delivery of Beer (Malt Beverages) and Wine (Section 13 of the Act)

The Act also authorizes any establishment licensed to sell alcoholic beverages or only wines and malt beverages on-premises, to now sell wine or beverages only for off-premises consumption, during the Governor's March 10, 2020 declared State of Emergency, subject to the following conditions:

1. No sales shall be made to anyone under the age of 21, and no delivery shall be made without verification that the person receiving the order is at least 21;
2. The wine shall be sold in its original, sealed container and the malt beverage shall be sold in a sealed container;
3. The wine or malt beverage shall be sold as part of the same transaction as the purchase of food, provided that any order that includes wine or malt beverages shall be placed no later than the hour the establishment is licensed to sell alcohol, or midnight, whichever is earlier; and
4. A customer shall be limited to 192 ounces of malt beverage and 1.5 liters of wine per transaction.

Relaxation of Statutory Limits on Post-Retirement Work (Section 14 of the Act)

Wide spread exposure to COVID-19 can have severe impacts upon municipal workforces, particularly where multiple members of the same office or department are required to self-quarantine. Retired former government employees can provide a valuable resource in filling unanticipated absences in existing workforces. However, persons retired in accordance with G.L.c.32 are limited by statute in the total number of hours they may work for

a public sector entity, and the total compensation they may receive from that public sector entity, in a single calendar year, without impacting their pensions.

To address potential shortages in municipal staffing as a result of COVID-19, the Act temporarily eliminates these hours and earnings caps,³ but only for time worked by retirees during the Governor’s declared State of Emergency. It does not appear that this legislation permits retired police and fire fighters receiving a pension who are over the age of 65 (and thus subject to a mandatory retirement age under state law) to return to work as a police officer or fire fighter, although in our opinion, such persons could work for a public sector employer in another capacity where there is no mandatory retirement age. Finally, this relaxation of post-retirement work limitations does not apply to persons receiving a disability retirement under any general or special law.

Extension of Permit Deadlines (Section 17 of the Act)

Land use and other permit granting boards and commissions have been particularly challenged by the limitations imposed in response to the COVID-19 virus outbreak. While the Governor’s March 12, 2020 “[Order Suspending Certain Provisions of the Open Meeting Law, G.L.c.30A, §20](#)” temporarily authorizes the conduct of public meetings and hearings via virtual or remote means, under certain conditions, compliance with statutory deadlines for action in the permitting context can still be difficult, impractical, and in some cases, impossible. In recognition of these specific challenges, the Act extends certain statutory deadlines for permit granting authorities to comply with their legal obligations to process and decide on permit applications. A detailed explanation of these extensions can be found [here](#).

We will continue to keep you updated on additional developments in the face of this rapidly evolving pandemic. A reminder that we have established a **Coronavirus “hotline”**, at coronavirusinfo@k-plaw.com. A dedicated team of our attorneys is available through this “hotline” e-mail address to answer the most frequently-asked legal questions arising from COVID-19. One of these designated attorneys will respond promptly to your inquiries. In some instances, you may be referred to your primary contact or other attorney with whom you work on a regular basis, and you should of course feel free to contact these attorney(s) directly with COVID-19 related questions.

Disclaimer: This information is provided as a service by KP Law, P.C. This information is general in nature and does not, and is not intended to, constitute legal advice. Neither the provision nor receipt of this information creates an attorney-client relationship with KP Law, P.C. Whether to take any action based upon the information contained herein should be determined only after consultation with legal counsel.

³ No more than 960 hours in a calendar year, provided that the earnings paid to the retiree, when added to their pension allowance, does not exceed the salary that is being paid for the position from which they retired plus \$15,000, except that in the first 12 months immediately following retirement, the total post-retirement earnings and pension allowance combined may not exceed the salary that is being paid for the position from which the person was retired. See G.L.c.32, §91(b).

Town Manager

From: [REDACTED]
Sent: Friday, April 10, 2020 2:50 PM
Subject: S2629- To further address challenges faced by municipalities, school districts and state authorities resulting from COVID-19
Attachments: S2629 Poll Summary.pdf

Hello Everyone,

Senator Tarr wanted me to let you know that Gov. Baker this afternoon signed *S.2629-To further address challenges faced by municipalities, school districts and state authorities resulting from COVID-19*. For your reference, I have included the summary of the bill as prepared by the Senate Committee on Ways and Means. Thank you.

Hirak



WduWdon1frp

 Please consider the environment before printing this email

CONFIDENTIALITY NOTICE: This email communication and any attachments may contain confidential and privileged information for the sole use of the designated recipient(s) named above. If you have received this communication in error, disclosure, distribution or copying of it or its contents is prohibited. Please reply to the sender immediately or by telephone at (617) 722-1600 and destroy all copies of this communication and any attachments.

HOUSE 4616:

AN ACT TO FURTHER ADDRESS CHALLENGES FACED BY MUNICIPALITIES, SCHOOL DISTRICTS AND STATE AUTHORITIES RESULTING FROM COVID-19

(summary reflects text as redrafted)

SPONSOR:

Governor Baker

LEGISLATIVE HISTORY:

3/26/2020 Referred to the Committee on House Ways and Means
3/27/2020 Reported, in part, by H4598
4/2/2020 Residue reported by H4616

EXISTING LAWS AFFECTED:

M.G.L. c. 161A, §20

PROPOSED LEGISLATION:

- Amends the date by which the Massachusetts Bay Transit Authority board must approve a preliminary budget from March 15th to May 15th.
- Amends the date by which the Massachusetts Bay Transit Authority must submit a final budget to the advisory board from April 15th to June 15th.
- Allows for spending flexibility between two supportive housing related line items.
- Effective March 10, 2020, to the maximum extent possible, suspends, waives, delays, or simplifies in person verification requirements for Massachusetts Rental Voucher Program applicants.
- Effective March 10, 2020, to the maximum extent possible, suspends, waives, delays, or simplifies in person verification requirements for Residential Assistance for Families in Transition applicants.
- Effective March 10, 2020 through June 30, 2020, allows the prudential committee or district commissioners to waive the payment of interest or other penalty related to late payments of various excise, tax and other charges.
- Permits the Department of Elementary and Secondary Education to modify or waive high school graduation competency requirements, in order to address disruptions caused by the outbreak of COVID-19.

- Requires the Department of Elementary and Secondary Education to waive MCAS requirements for the 2019-2020 academic year to address disruptions caused by the outbreak of COVID-19.
- Permits the Department of Elementary and Secondary Education to certify a 1/12 budget for the operation of a school district starting on July 1, 2020 and for subsequent months, as needed, in the event that a vote on the approval of the district's budget is delayed beyond June 30, 2020 as a result of the outbreak of COVID-19.
- Requires the Commissioner of Elementary and Secondary to extend the deadline for school districts to submit its 3 year plan to address educational disparities in student subgroups to May 15, 2020, or later, as determined by the Commissioner.

**ESTIMATED
FISCAL
IMPACT:**

This legislation has no cost to the Commonwealth.

Town Manager

From: David Archibald
Sent: Friday, April 10, 2020 4:22 PM
To: Town Manager
Cc: Glenn Kemper; Rick Parker; Michael McCarron; Finance Admin
Subject: Re: S2629- To further address challenges faced by municipalities, school districts and state authorities resulting from COVID-19

On MMA webinar they were not sure if someone did not pay Property taxes by the extended date of June 1 would there be penalty if they paid after June 2 or after June 30?

All up in air. Also what about tax payments that comes in in July, that wouldn't count in fy 20.

During last downturn in 2009 unrestricted state aid fell 20%. This doesn't really hurt West Newbury as we get very little any way.

New growth for 21 may be diminished as building slows.

Lots of things to think about.

Archie

Sent from my iPhone

On Apr 10, 2020, at 2:55 PM, Town Manager <townmanager@wnewbury.org> wrote:

At first glance it's not evident that attached affects us but will include in packet for Monday under item A COVID legislative updates and by then Mike can take a closer look. Thanks

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

From: [REDACTED]
Sent: Friday, April 10, 2020 2:50 PM
Subject: S2629- To further address challenges faced by municipalities, school districts and state authorities resulting from COVID-19

Hello Everyone,

Senator Tarr wanted me to let you know that Gov. Baker this afternoon signed S.2629-*To further address challenges faced by municipalities, school districts and state authorities resulting from COVID-19*. For your reference, I have included the summary of the bill as prepared by the Senate Committee on Ways and Means. Thank you.

Hirak

From: [Town Manager](#)
To: [David Archibald](#); [Glenn Kemper](#); [Rick Parker](#)
Cc: [Michael McCarron](#); [Town Accountant](#); [Finance Admin](#)
Subject: Update re FY21 solid waste costs
Date: Wednesday, April 01, 2020 6:09:41 PM

Following from Monday night's mtg, I spoke today w Blake Seale. G. Mello has agreed to offer a 1-year contract, holding the same level of service (i.e. not changing to automated pickup in FY21) and holding the same FY21 contract price they had previously offered (and which is reflected in the proposed FY21 budget).

If the BOH accepts this, which I think is likely (and advisable), in addition to avoiding bringing online a significant change in customers' experience (i.e. the change to barrels and automated pickup), this would allow us to postpone the Town Meeting article to establish a new solid waste/recycling revolving fund.

Please let me know if you'd like this added for discussion on the 4/13 BOS agenda or whether we should advise BOH to proceed as outlined above.

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

**TOWN OF WEST NEWBURY
COMMONWEALTH OF MASSACHUSETTS
WARRANT – SPECIAL TOWN MEETING
MONDAY, JUNE 1, 2020 @ 7pm**

Essex, ss.

To any of the Constables of the Town of West Newbury:

In the name of the Commonwealth, you are hereby required to notify and warn all the inhabitants of the Town of West Newbury, who are qualified to vote in the elections and Town affairs, to meet at the Town Annex, 379 Main Street, at 7:00 p.m. on Monday, June 1, 2020 to act upon or take any other action relative to all of the following articles.

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

ARTICLE 2. To see if the Town will vote to transfer from Community Preservation Act funds the sum of \$462,857.00 from the Undesignated Fund Balance, to support reconstruction of and accessibility improvements to the Page School playground, in conformity with the applications submitted, or take any other action relative thereto. *By request of the Community Preservation Committee.*

ARTICLE 3. To see if the Town will vote to transfer from available funds the sum of \$49,150 to fund improvements and repairs to the Council on Aging facility, Public Safety Complex, old DPW garage (on Page School site), and the 1910 Building; and for any unforeseen emergency repairs to Town facilities. *By request of the DPW Director.*

ARTICLE 4. To see if the Town will vote to transfer from available funds the sum of \$61,087 to fund the fiscal year 2020 snow and ice deficit. *By request of the DPW Director.*

ARTICLE 5. To see if the Town will vote to transfer from available funds the sum of \$3,800 to pay for salaries and expenses pertaining to the operation of early voting for the 2020 State Primary Election and November Presidential Election with any sums remaining by the end of fiscal year 2021 to be returned to the Town. *By request of the Town Clerk.*

ARTICLE 6. To see if the Town will vote to transfer from available funds the sum of \$14,000 to install picnic tables and benches at the Mill Pond dock area. *By request of the Town Manager.*

ARTICLE 7. To see if the Town will vote to transfer from available funds the sum of \$8,048 for the Town share of expenses for the grant-supported installation of electric vehicle charging stations at Page School and 1910 Building. *By request of the Board of Selectmen.*

ARTICLE 8. To see if the Town will vote to transfer from available funds the sum of \$16,443 to fund the Essex Agricultural and Technical High School FY20 budget deficit. *By request of the Town Manager.*

ARTICLE 9. To see if the Town will vote to transfer from available funds the sum of \$20,247.44 to fund underbilled but incurred National Grid expenses related to the Public Safety Complex. *By request of the Town Manager.*

You are hereby directed to serve this warrant by posting attested copies thereof at least 14 days before the date of the Special Town Meeting, as provided within the Town Bylaws.

LOCATIONS TO POST WARRANT:

Town Hall
1910 Town Office Building
G.A.R. Memorial Library
Post Office
Laurel Grange

Hereof fail not to make due return of this warrant with your doings thereon at the time and place of holding said meeting.

Given under our hands this ____ day of April, 2020.

BOARD OF SELECTMEN:

David W. Archibald, Chairman

Glenn A. Kemper

Richard G. Parker

A true copy, Attested:

Michael P. McCarron, Town Clerk

Pursuant to the above warrant to me directed, I hereby notify and warn all the inhabitants of the Town of West Newbury who are qualified to vote to meet at said time and place.

Constable, Brian Richard

Date of Posting

REVIEW DRAFT 4/9/20

**TOWN OF WEST NEWBURY
COMMONWEALTH OF MASSACHUSETTS
WARRANT – SPECIAL TOWN MEETING
MONDAY, ~~APRIL 27~~JUNE 1, 2020 @ 7pm**

Essex, ss.

To any of the Constables of the Town of West Newbury:

In the name of the Commonwealth, you are hereby required to notify and warn all the inhabitants of the Town of West Newbury, who are qualified to vote in the elections and Town affairs, to meet at the Town Annex, 379 Main Street, at 7:00 p.m. on Monday, ~~April 27~~June 1, 2020 to act upon or take any other action relative to all of the following articles.

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

ARTICLE 2. To see if the Town will vote to transfer from Community Preservation Act funds the sum of \$462,857.00 with \$ ~~_____~~ from the ~~Open Space and Recreation Fund Balance~~Balance, and \$ ~~_____~~ from the Undesignated Fund Balance, to support reconstruction of and accessibility improvements to the Page School playground, in conformity with the applications submitted, or take any other action relative thereto. *By request of the Community Preservation Committee.*

ARTICLE 3. To see if the Town will vote to ~~raise and appropriate and/or~~ transfer from available funds the sum of \$49,150 to fund improvements and repairs to the Council on Aging ~~facility~~, Public Safety Complex, old DPW garage (on Page School site), ~~and~~ the 1910 Building ~~;~~ and ~~for~~ any unforeseen emergency repairs to Town facilities. *By request of the DPW Director.*

ARTICLE 4. To see if the Town will vote to transfer from available funds the sum of \$~~2761,452-087~~ to fund the fiscal year 2020 snow and ice deficit. *By request of the DPW Director.*

ARTICLE 5. To see if the Town will vote to transfer from available funds the sum of \$3,800 to pay for salaries and expenses pertaining to the operation of early voting for the 2020 State Primary Election and November Presidential Election with any sums remaining by the end of fiscal year 2021 to be returned to the Town. *By request of the Town Clerk.*

ARTICLE 6. To see if the Town will vote to ~~raise and appropriate and/or~~ transfer from available funds the sum of \$14,000 to ~~replace two~~install picnic tables and ~~two~~ benches at the Mill Pond dock area. *By request of the Town Manager.*

ARTICLE 7. To see if the Town will vote to ~~raise and appropriate and/or~~ transfer from available funds the sum of \$8,048 for ~~the Town share of expenses~~ grant matching funds for the grant-supported installation of electric vehicle charging stations at Page School and 1910 Building. *By request of the Board of Selectmen.*

Commented [AJ1]: Note: at the 4/13 BOS mtg the Board will consider a proposal to increase this amount to \$13,687 to provide for 2 years' maintenance coverage (optional).

REVIEW DRAFT 4/9/20

ARTICLE 8. To see if the Town will vote to transfer from available funds the sum of \$16,443 to fund the Essex Agricultural and Technical High School FY20 budget deficit. *By request of the Town Manager.*

ARTICLE 9. To see if the Town will vote to transfer from available funds the sum of \$20,247.44 to fund unbilled but incurred National Grid expenses related to the Public Safety Complex. *By request of the Town Manager.*

~~**ARTICLE 10.** To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$ _____ to engage a consultant to review and make recommendations to address parking concerns relating to the Pipestave Hill Recreational Area, the scope of such study to include the adjacent Dunn Municipal Owned Land (Map 22, Lot 3 & Map 26, Lot 19). *By request of the Parks and Recreation Commission.*~~

You are hereby directed to serve this warrant by posting attested copies thereof at least 14 days before the date of the Special Town Meeting, as provided within the Town Bylaws.

LOCATIONS TO POST WARRANT:

Town Hall
1910 Town Office Building
G.A.R. Memorial Library
Post Office
Laurel Grange

Hereof fail not to make due return of this warrant with your doings thereon at the time and place of holding said meeting.

Given under our hands this ____ day of April, 2020.

BOARD OF SELECTMEN:

David W. Archibald, Chairman

Glenn A. Kemper

Richard G. Parker

**TOWN OF WEST NEWBURY
COMMONWEALTH OF MASSACHUSETTS
WARRANT -- ANNUAL TOWN MEETING
MONDAY, JUNE 1, 2020 @ 7pm**

Essex, ss.

To any of the Constables of the Town of West Newbury:

In the name of the Commonwealth, you are hereby required to notify and warn all the inhabitants of the Town of West Newbury, who are qualified to vote in the elections and Town affairs, to meet at the Town Annex, 379 Main Street, at 7:00 p.m. on Monday, June 1, 2020 to act upon or take any other action relative to all but the first of the following articles.

Also, to meet at the Town Annex, 379 Main Street on Wednesday, June 3, 2020 to act on Article 1 which calls for the election of Town Officials. Polls will be open at 7:00 a.m. and will close at 8:00 p.m.

GENERAL GOVERNMENT MATTERS

ARTICLE 1. To give their votes to the election of the following offices:

<u>Office:</u>	<u>Term:</u>
Selectman (1)	For Three Years
Board of Health (1)	For Three Years
Board of Health (1)	For Two Years
Planning Board (1)	For Five Years
Housing Authority (1)	For Five Years
Housing Authority (1)	For One Year
Trustees of the Public Library (3)	For Three Years
Trustees of the Public Library (1)	For One Year
Assessor (1)	For Three Years
School Committee (1)	For Three Years
Water Commissioner (1)	For Three Years
Park and Recreation Commissioner (1)	For Three Years
Park and Recreation Commissioner (1)	For One Year
Constable (1)	For Three Years
Constable (1)	For Two Years

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

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

WATER ENTERPRISE FUND

ARTICLE 4. In accordance with the provisions of Chapter 38 of the Acts of 1936, to see what instructions, rules and regulations the Town may wish to impose on the Board of Water Commissioners. *By request of the Board of Water Commissioners.*

ARTICLE 5. To see if the Town will vote to appropriate, in anticipation of Water Department revenue, the sum of \$861,446 of which \$205,579 for salaries and wages which include \$1,700 for Water Commissioners' stipends; \$27,141 for insurances; \$379,896 for expenses; \$176,920 for debt service; \$20,000 for extraordinary and unforeseen expenses; and \$51,910 for indirect costs. *By request of the Board of Water Commissioners.*

APPROPRIATIONS

ARTICLE 6. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$68,750 for the Pension Liability Stabilization Fund, or take any other action related thereto. *By request of the Board of Selectmen.*

ARTICLE 7. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$5,000 for the Other Post-Employment Benefits (OPEB) Stabilization Fund, or take any other action related thereto. *By request of the Board of Selectmen.*

ARTICLE 8. To see if the Town will vote to raise and appropriate the sum of \$328,600 to be placed in the special purpose municipal stabilization fund established pursuant to Massachusetts General Laws (M.G.L.) Chapter 40 Section 5B (the School Stabilization Fund) in order to fund capital expenditures for school related building projects, or take any other action related thereto. *By request of the Board of Selectmen.*

ARTICLE 9. To see if the Town will vote to transfer the sum of \$652,340 from the School Stabilization Fund to offset the property tax impact of a Prop. 2½ override and pay the Town share of debt service associated with the building of the new Middle/High School. *By request of the Board of Selectmen.*

ARTICLE 10. To see if the Town will vote to transfer the sum of \$21,965.20 from the Septic Loan Revolving Account for the repayment of debt service. *By request of the Board of Health.*

ARTICLE 11. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$300,000 into the Capital Stabilization Fund, or take any other action related thereto. *By request of the Board of Selectmen.*

ARTICLE 12. To see if the Town will vote to allocate and/or reserve from the Community Preservation Fund annual revenues, the amounts recommended by the Community Preservation Committee for committee administrative expenses, community preservation projects and other expenses in Fiscal Year 2021, with each item to be considered a separate appropriation, or take any other action thereto. *By request of the Community Preservation Committee.*

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

ARTICLE 13. To see if the Town will vote to transfer from Community Preservation Act funds, in accordance with the provisions of M.G.L. Chapter 44B, the sum of \$175,000.00 with \$148,308.41 from the Open Space and Recreation Fund Balance, and \$26,691.50 from the Undesignated Fund Balance, in conformity with the applications submitted, to purchase a conservation restriction in conjunction with the Essex County Greenbelt Association, the Town of West Newbury Conservation Commission, and the Open Space Committee on three parcels of land containing approximately 38 acres of land, located off Middle Street and as shown on Assessors' Map R-27 as Parcels 28, 28A and 29. Said lots are also described in the deeds recorded with the Southern Essex District Registry of Deeds in Book 6703, Page 590, and Book 6547, Page 419. Said conservation restriction is to be conveyed to the Town of West Newbury; said purchase to be subject to approval of the conservation restriction by all involved parties, and that the Board of Selectmen is to be authorized to execute, acknowledge and deliver all grants, agreements and such other instruments, including but not limited to the conservation restriction, in accordance with Massachusetts General Laws Chapter 184 or any other applicable statute or regulation, as may be necessary on behalf of the Town of West Newbury to effectuate the purchase of said conservation restriction; or take any other action relative thereto. *By request of the Community Preservation Committee.*

ARTICLE 14. To see if the Town will vote to transfer from Community Preservation Act funds, Historic Resources Reserve, the sum of \$85,000 for the payment of debt service and related borrowing costs authorized at the November 4, 2019 Special Town Meeting associated with the Preservation and Restoration of the Soldiers & Sailors Memorial Building. *By request of the Board of Selectmen.*

ARTICLE 15. To see if the Town will raise and appropriate and/or transfer from available funds the sum of \$229,020 to purchase a new dump truck with plow and spreader to replace a 2008 International dump truck with same or comparable equipment, and to dispose of the existing dump truck in accordance with Town policy for disposition of surplus property. *By request of the DPW Director.*

ARTICLE 16. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$304,000 to replace and improve the fire alarm system in the Page School. *By request of the DPW Director and Fire Chief.*

ARTICLE 17. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$40,000 to replace failing sections of concrete flooring throughout the Page School. *By request of the DPW Director.*

ARTICLE 18. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$19,000 to replace the police cruiser radios and portable radios. *By request of the Police Chief.*

ARTICLE 19. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$4,000 for Fire Department emergency equipment – ice/water rescue suits. *By request of the Fire Chief.*

ARTICLE 20. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$7,500 for Fire Department emergency equipment – (2) 20” Dual Power Fans. *By request of the Fire Chief.*

BY-LAWS – OTHERS

ARTICLE 21. To see if the Town will vote to accept an exemption of real estate to the full amount of the taxable valuation of real property of the surviving parents or guardians of soldiers and sailors, members of the National Guard and veterans pursuant to M.G.L. Ch. 59, Section 5, Clause 22H, such exemption to be available for tax years commencing July 1, 2020. *By request of the Board of Assessors.*

ARTICLE 22. To see if the Town will vote to amend Section VI of the Town Bylaws, Animal By-Law in order to establish a new Disposal of Waste section, to establish requirements related to the disposal and removal of dog waste, including the establishment and enforcement of fines for violations, and other related amendments. *By request of the Board of Selectmen.*

ARTICLE 23. To see if the Town will vote to limit the total amount that may be expended from each revolving fund established pursuant to Section XL of the Bylaws of the Town of West Newbury, to wit:

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

By request of the Board of Selectmen.

ARTICLE 24. To see if the Town will vote to amend Section 5.A.2.c. of the West Newbury Zoning Bylaw regarding accessory uses permitted in the Residence A, B, & C Districts, including the keeping of pets and animals for use of the resident premises, and professional home office and customary home occupations.

And further to amend Section 5.A.3. of the West Newbury Zoning Bylaw regarding uses permitted in the Residence A, B & C Districts with a Special Permit, which would modernize terms for old age homes and bring this section into compliance with M.G.L. Ch. 40A, Section 3.

And further to amend regulations for “Congregate Housing” in Sections 2 and 5.A.3.i. of the West Newbury Zoning Bylaw, which would clarify provisions and eliminate unnecessary restrictions.

And further to amend Section 5.B.1.e.i of the West Newbury Zoning Bylaw, regarding outdoor business-related storage and display as an accessory use permitted in the Business District subject to a site plan approved by the Planning Board.

And further to amend Section 5.B.2. of the West Newbury Zoning Bylaw, regarding uses permitted in the Business District upon a special permit granted by the Planning Board, which would bring this section into compliance with M.G.L. Ch. 40B, Section 3 and clarify provisions related to residential units located in the same buildings as commercial enterprises.

And further to amend Sections 2, 5.A.2.c.iii., 5.A.3.d., and 5.B.2.d. of the West Newbury Zoning Bylaw, which would consolidate and clarify terms used to describe properties having rooms for rent, and define the terms of stay for long-term and short-term rental properties.

By request of the Planning Board.

You are hereby directed to serve this warrant by posting attested copies thereof at least 14 days before the date of the Annual Town Meeting, as provided within the Town Bylaws.

LOCATIONS TO POST WARRANT:

Town Hall
1910 Town Office Building
G.A.R. Memorial Library
Post Office
Laurel Grange

Hereof fail not to make due return of this warrant with your doings thereon at the time and place of holding said meeting.

Given under our hands this ____ day of April, 2020.

BOARD OF SELECTMEN

David W. Archibald, Chairman

Glenn A. Kemper

Richard Parker

A true copy, attested:

Michael P. McCarron, Town Clerk

Pursuant to the above warrant to me directed, I hereby notify and warn all the inhabitants of the Town of West Newbury who are qualified to vote to meet at said time and place.

Constable, Brian Richard

Date of Posting

**TOWN OF WEST NEWBURY
COMMONWEALTH OF MASSACHUSETTS
WARRANT -- ANNUAL TOWN MEETING
MONDAY, ~~APRIL 27~~JUNE 1, 2020 @ 7pm**

Essex, ss.

To any of the Constables of the Town of West Newbury:

In the name of the Commonwealth, you are hereby required to notify and warn all the inhabitants of the Town of West Newbury, who are qualified to vote in the elections and Town affairs, to meet at the Town Annex, 379 Main Street, at 7:00 p.m. on Monday, ~~April 27~~June 1, 2020 to act upon or take any other action relative to all but the first of the following articles.

Also, to meet at the Town Annex, 379 Main Street on ~~Monday, May~~Wednesday, June 3, 2020 to act on Article 1 which calls for the election of Town Officials. Polls will be open at 7:00 a.m. and will close at 8:00 p.m.

GENERAL GOVERNMENT MATTERS

ARTICLE 1. To give their votes to the election of the following offices:

<u>Office:</u>	<u>Term:</u>
Selectman (1)	For Three Years
Board of Health (1)	For Three Years
Board of Health (1)	For Two Years
Planning Board (1)	For Five Years
Housing Authority (1)	For Five Years
Housing Authority (1)	For One Year
Trustees of the Public Library (3)	For Three Years
Trustees of the Public Library (1)	For One Year
Assessor (1)	For Three Years
School Committee (1)	For Three Years
Water Commissioner (1)	For Three Years
Park and Recreation Commissioner (2 <u>1</u>)	For Three Years
<u>Park and Recreation Commissioner (1)</u>	<u>For One Year</u>
Constable (1)	For Three Years
Constable (1)	For Two Years

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

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

WATER ENTERPRISE FUND

ARTICLE 4. In accordance with the provisions of Chapter 38 of the Acts of 1936, to see what instructions, rules and regulations the Town may wish to impose on the Board of Water Commissioners. *By request of the Board of Water Commissioners.*

ARTICLE 5. To see if the Town will vote to appropriate, in anticipation of Water Department revenue, the sum of \$861,446 of which \$205,579 for salaries and wages which include \$1,700 for Water Commissioners' stipends; \$27,141 for insurances; \$379,896 for expenses; \$176,920 for debt service; \$20,000 for extraordinary and unforeseen expenses; and \$51,910 for indirect costs. *By request of the Board of Water Commissioners.*

APPROPRIATIONS

~~**ARTICLE 6.** To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$ _____ to reduce the fiscal year 2021 tax rate. *By request of the Board of Selectmen.*~~

ARTICLE 76. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$68,750 for the Pension Liability Stabilization Fund, or take any other action related thereto. *By request of the Board of Selectmen.*

ARTICLE 87. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$195,000 for the Other Post-Employment Benefits (OPEB) Stabilization Fund, or take any other action related thereto. *By request of the Board of Selectmen.*

ARTICLE 98. To see if the Town will vote to raise and appropriate the sum of \$328,600 to be placed in the special purpose municipal stabilization fund established pursuant to Massachusetts General Laws (M.G.L.) Chapter 40 Section 5B (the School Stabilization Fund) in order to fund capital expenditures for school related building projects, or take any other action related thereto. *By request of the Board of Selectmen.*

ARTICLE 109. To see if the Town will vote to transfer the sum of \$247,647,652,340 from the School Stabilization Fund to offset the property tax impact of a Prop. 2½ override and pay the

Town share of debt service associated with the building of the new Middle/High School. *By request of the Board of Selectmen.*

ARTICLE 1110. To see if the Town will vote to transfer the sum of \$21,965.20 from the Septic Loan Revolving Account for the repayment of debt service. *By request of the Board of Health.*

ARTICLE 1211. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$300,000 into the Capital Stabilization Fund, or take any other action related thereto. *By request of the Board of Selectmen.*

ARTICLE 1312. To see if the Town will vote to allocate and/or reserve from the Community Preservation Fund annual revenues, the amounts recommended by the Community Preservation Committee for committee administrative expenses, community preservation projects and other expenses in Fiscal Year 2021, with each item to be considered a separate appropriation, or take any other action thereto. *By request of the Community Preservation Committee.*

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

ARTICLE 1413. To see if the Town will vote to transfer from Community Preservation Act funds, in accordance with the provisions of M.G.L. Chapter 44B, the sum of \$175,000.00 with \$148,308.41 from the Open Space and Recreation Fund Balance, and \$26,691.50 from the Undesignated Fund Balance, in conformity with the applications submitted, to purchase a conservation restriction in conjunction with the Essex County Greenbelt Association, the Town of West Newbury Conservation Commission, and the Open Space Committee on three parcels of land containing approximately 38 acres of land, located off Middle Street and as shown on Assessors' Map R-27 as Parcels 28, 28A and 29. Said lots are also described in the deeds recorded with the Southern Essex District Registry of Deeds in Book 6703, Page 590, and Book 6547, Page 419-. Said conservation restriction is to be conveyed to the Town of West Newbury; said purchase to be subject to approval of the conservation restriction by all involved parties, and that the Board of Selectmen is to be authorized to execute, acknowledge and deliver all grants, agreements and such other instruments, including but not limited to the conservation restriction, in accordance with Massachusetts General Laws Chapter 184 or any other applicable statute or regulation, as may be necessary on behalf of the Town of West Newbury to effectuate the purchase of said conservation restriction; or take any other action relative thereto. *By request of the Community Preservation Committee.*

ARTICLE 1514. To see if the Town will vote to transfer from Community Preservation Act funds, Historic Resources Reserve, the sum of \$85,000 for the payment of debt service and related borrowing costs authorized at the November 4, 2019 Special Town Meeting associated

with the Preservation and Restoration of the Soldiers & Sailors Memorial Building. *By request of the Board of Selectmen.*

ARTICLE 1615. To see if the Town will raise and appropriate and/or transfer from available funds the sum of \$229,020 to purchase a new dump truck with plow and spreader to replace a 2008 International dump truck with same or comparable equipment, and to dispose of the existing dump truck in accordance with Town policy for disposition of surplus property. *By request of the DPW Director.*

ARTICLE 1716. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$304,000 to replace and improve the fire alarm system in the Page School. *By request of the DPW Director and Fire Chief.*

ARTICLE 1817. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$40,000 to replace failing sections of concrete flooring throughout the Page School. *By request of the DPW Director.*

ARTICLE 1918. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$19,000 to replace the police cruiser radios and portable radios. *By request of the Police Chief.*

ARTICLE 2019. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$4,000 for Fire Department emergency equipment – ice/water rescue suits. *By request of the Fire Chief.*

ARTICLE 2120. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$7,500 for Fire Department emergency equipment – (2) 20” Dual Power Fans. *By request of the Fire Chief.*

BY-LAWS – OTHERS

ARTICLE 2221. To see if the Town will vote to accept an exemption of real estate to the full amount of the taxable valuation of real property of the surviving parents or guardians of soldiers and sailors, members of the National Guard and veterans pursuant to ~~Massachusetts General Law M.G.L. Chapter Ch.~~ 59, Section 5, Clause 22H, such exemption to be available for tax years commencing July 1, 2020. *By request of the Board of Assessors.*

ARTICLE 2322. To see if the Town will vote to amend Section VI of the Town Bylaws, Animal By-Law in order to establish a new Disposal of Waste section, to establish requirements related to the Town Bylaw for the proper disposal and removal of dog waste ~~and, including~~ the establishment and enforcement of fines for violations, and other related amendments. *By request of the Board of Selectmen.*

ARTICLE 2423. To see if the Town will vote to limit the total amount that may be expended from each revolving fund established pursuant to Section XL of the Bylaws of the Town of West Newbury, to wit: *By request of the Board of Selectmen.*

- Section 5.1 Summer Recreation Revolving Fund \$ 44,350
- Section 5.2 GAR Library Fines and Penalties Revolving Fund \$ 10,000
- Section 5.3 Police Vehicle Revolving Fund \$ 20,000
- Section 5.4 Pipestave/Mill Pond Care and Maintenance Revolving Fund \$ 5,000
- ~~Section 5.5 Solid Waste/Recycling Revolving Fund \$150,000~~

By request of the Board of Selectmen.

ARTICLE 2524. To see if the Town will vote to amend Section 5.A.2.c. of the West Newbury Zoning Bylaw regarding accessory uses permitted in the Residence A, B, & C Districts, including the keeping of pets and animals for use of the resident premises, and professional home office and customary home occupations.

And further to amend Section 5.A.3. of the West Newbury Zoning Bylaw regarding uses permitted in the Residence A, B & C Districts with a Special Permit, which would modernize terms for old age homes and bring this section into compliance with M.G.L. Ch. 40A, Section 3.

And further to amend regulations for “Congregate Housing” in Sections 2 and 5.A.3.i. of the West Newbury Zoning Bylaw, which would clarify provisions and eliminate unnecessary restrictions.

And further to amend Section 5.B.1.e.i of the West Newbury Zoning Bylaw, regarding outdoor business-related storage and display as an accessory use permitted in the Business District subject to a site plan approved by the Planning Board.

And further to amend Section 5.B.2. of the West Newbury Zoning Bylaw, regarding uses permitted in the Business District upon a special permit granted by the Planning Board, which would bring this section into compliance with M.G.L. Ch. 40B, Section 3 and clarify provisions related to residential units located in the same buildings as commercial enterprises.

And further to amend Sections 2, 5.A.2.c.iii., 5.A.3.d., and 5.B.2.d. of the West Newbury Zoning Bylaw, which would consolidate and clarify terms used to describe properties having rooms for rent, and define the terms of stay for long-term and short-term rental properties.

By request of the Planning Board.

You are hereby directed to serve this warrant by posting attested copies thereof at least 14 days before the date of the Annual Town Meeting, as provided within the Town Bylaws.

LOCATIONS TO POST WARRANT:

Town Hall
1910 Town Office Building
G.A.R. Memorial Library
Post Office
Laurel Grange

Hereof fail not to make due return of this warrant with your doings thereon at the time and place of holding said meeting.

Given under our hands this ____ day of April, 2020.

BOARD OF SELECTMEN

David W. Archibald, Chairman

Glenn A. Kemper

Richard Parker

A true copy, attested:

Michael P. McCarron, Town Clerk

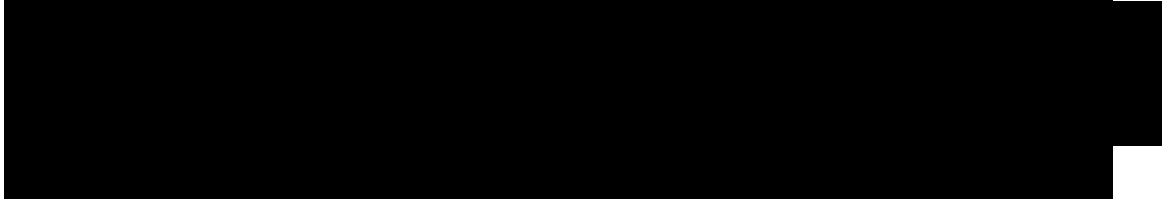
Pursuant to the above warrant to me directed, I hereby notify and warn all the inhabitants of the Town of West Newbury who are qualified to vote to meet at said time and place.

Constable, Brian Richard

Date of Posting

Town Manager

From:
Sent:
To:
Subject:
Attachments:



Apologies, that's what I get when I do things too late at night. Attached is an updated slide deck. I changed the maintenance to 2 years optional as that is what Horizon quoted you. But, you are free to do whatever duration you please, or no maintenance at all. The more years you have the cheaper the maintenance is per year.

I told Rick when I spoke with him via the phone that you have a great resource next door, in Dave Zinck, Newburyport's electrical inspector. He's installed multiple sites and had the chargers out in the community for a few years and can tell you if he's had problems. Additionally, Martha Grover, the Melrose Sustainability Manager can tell you her experience of having them in the community for several years. Let me know if you need their contact information.

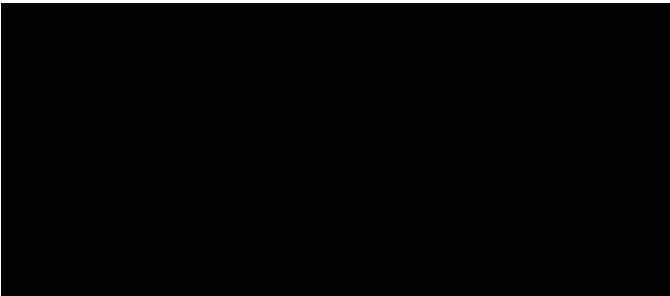
Also, the extension is corrected in the slides. The EV team surprised me with that little golden nugget. Enjoy the additional time to have the chargers installed and fully functional by 10/31/20, but possibly you'd like to get the school taken care of over the summer to avoid construction during the school year. We can discuss further once this virus threat has eased.

I'm here to help in any way I can.

Stay well!

Best,
Lori

Lori Timmermann



Ask me about EV Charging Stations!
www.ngrid.com/ma-evcharging



From: Town Manager [mailto:townmanager@wnewbury.org]
Sent: Thursday, April 09, 2020 3:06 PM
To: Timmermann, Lori





Hi Lori,

I have a couple of questions on the materials you sent:

- The commitment letters refer to an install and activation date of October 2020 but the powerpoint slides show an install deadline of August 1. Which is correct?
- What is the term of the additional (optional) maintenance? It appears to indicate 2 years in a couple of place in the slide deck but seems to show 5 years on a later slide. Please confirm.

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



Hello West Newbury Team,

Just wanted to make sure you had all the materials you need for your EV charging station discussions. I'm forwarding the offer letters that the EV team sent out earlier today. I know that Horizon sent out the updated proposals earlier this week as well. Please let me know if you did not receive these. I also have attached my spreadsheet and PPT that helps you see the town costs (with maintenance and without) – this spreadsheet represents the costs from Horizon and the incentives from the National Grid letters. Please let me know if you have any additional questions. I'm glad to help and appreciate your patience with getting these offer letters and updated proposals.

Stay well!

Best regards,

Lori

Lori Timmermann



Ask me about EV Charging Stations!

www.ngrid.com/ma-evcharging



From: EVNationalGrid [REDACTED]

Sent: Wednesday, April 8, 2020 6:40 PM

To: downdirector@wnewbury.org
[REDACTED]

Good Afternoon,

Please find the attached pre-approval letter for the installation of the EV charging station(s) at West Newbury Page Elementary and Town Offices.

As stated in the application, after the installation has been completed we will need the following items to process the payment:

- A copy of the completed and signed application including identifying changes (e.g., change in type or number of stations installed), if any, and customer's post-installation signature.
- A copy of your charging station equipment invoice indicating Proof of Purchase, which must indicate manufacturer and model number of the equipment, and date of purchase. Additional costs such as maintenance and networking fees must be listed as separate line items and may/ or may not be funded by National Grid.
- A copy of the electrician's electrical installation invoice,.
- A copy/proof of purchase of the your networking plan invoice which must indicate the number of years and date of purchase (only applicable if National Grid will be paying a networking plan rebate).
- A copy of the site plan (e.g., google map) identifying the EV charging stations location and power source and conduit to the EV charging stations
- A copy of your W-9 and your vendor's W-9 if the payment was assigned to the vendor
- Signed Public Accessible Requirements Document, if applicable.

Proof of EV charging station activation:

- Date of activation (provide this date in the Terms section).
- EV charging station ID number (e.g., Serial number, MAC address, etc.).
- Picture(s) of the EV charging station(s), showing at minimum the charging ports, parking spaces, and activation status.
- A report documenting at least one successful charging session from each of the EV charging stations.
- A copy of the city/town permit(s) for the customer-side electrical work.

Wkdqnv/

#

April 8, 2020

Wayne Amaral
Town of West Newbury
331 Main Street
West Newbury, MA 01985

**RE: National Grid EV Charging Infrastructure Program Pre-Approval
BA Number: BA TBD New Service Required (Page Elementary School 694 Main Street) project
number P1-S-262**

Dear Mr. Amaral:

National Grid has pre-approved your **National Grid EV Charging Infrastructure Program** rebate application for Page Elementary School (Billing Account: TBD New Service Required).

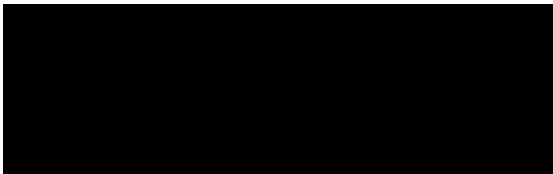
After a review of your Application and Site Plan, your project consisting of **two ChargePoint CT4021** Level-2 charging stations qualifies for a rebate from National Grid totaling \$31,866 for installation and \$10,815 for charging station equipment, and \$4,000 for networking fees, if installed as planned. The charging station rebate amount is based on Municipal usage with public access.

Please note that National Grid's rebate payment is subject to:

1. **Compliance with the Terms and Conditions** –initialed by you on the last page of the Application
2. **Completed Application** - the application form must be complete and actual invoices provided after the installation is complete.
3. **Project Changes After Pre-approval** – You must notify us if your project changes, so we can determine whether the proposed change requires revisions to your Application and/or rebate amount.
4. **Post-installation Verification** – We will confirm the stations are installed and activated prior to payment of rebates.
5. **Rebates** – National Grid rebate payments will not exceed the actual eligible installation, equipment, and networking invoice costs. At time of payment, all outside funding sources will be reviewed and the National Grid incentive amount will be adjusted accordingly. Examples of outside funding sources would include MassEVIP and Green Communities. You agree to allow National Grid to share your application information with the outside funding agencies.
6. **Additional Requirements** – A Network Commercial Service Plan subscription must be purchased for at least the next 5 years for each station. Documentation must be provided to show that the customer has pre-paid for a 5-year networking plan to receive the Networking Plan rebate. A signed copy of the attached **Public Access Charging Requirements** form must be returned to National Grid prior to EVSE Equipment Rebate being paid. Installation must be completed, and the station must be available for use by October 31,2020.

Please call me if you have any questions.

Sincerely,
Lori Timmerman
Lori Timmerman



April 8, 2020

Wayne Amaral
Town of West Newbury
331 Main Street
West Newbury, MA 01985

RE: National Grid EV Charging Infrastructure Program Pre-Approval
BA Number: BA TBD New Service Required (Town Offices 381 Main Street) project number P1-S-263.

Dear Mr. Amaral:

National Grid has pre-approved your **National Grid EV Charging Infrastructure Program** rebate application for Town Offices (Billing Account: TBD New Service Required).

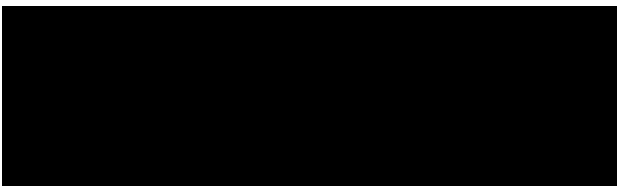
After a review of your Application and Site Plan, your project consisting of **two ChargePoint CT4021** Level-2 charging stations qualifies for a rebate from National Grid totaling \$31,987 for installation and \$10,815 for charging station equipment, and \$4,000 for networking fees, if installed as planned. The charging station rebate amount is based on Municipal usage with public access.

Please note that National Grid's rebate payment is subject to:

1. **Compliance with the Terms and Conditions** –initialed by you on the last page of the Application
2. **Completed Application** - the application form must be complete and actual invoices provided after the installation is complete.
3. **Project Changes After Pre-approval** – You must notify us if your project changes, so we can determine whether the proposed change requires revisions to your Application and/or rebate amount.
4. **Post-installation Verification** – We will confirm the stations are installed and activated prior to payment of rebates.
5. **Rebates** – National Grid rebate payments will not exceed the actual eligible installation, equipment, and networking invoice costs. At time of payment, all outside funding sources will be reviewed and the National Grid incentive amount will be adjusted accordingly. Examples of outside funding sources would include MassEVIP and Green Communities. You agree to allow National Grid to share your application information with the outside funding agencies.
6. **Additional Requirements** – A Network Commercial Service Plan subscription must be purchased for at least the next 5 years for each station. Documentation must be provided to show that the customer has pre-paid for a 5-year networking plan to receive the Networking Plan rebate. A signed copy of the attached **Public Access Charging Requirements** form must be returned to National Grid prior to EVSE Equipment Rebate being paid. Installation must be completed, and the station must be available for use by October 31,2020.

Please call me if you have any questions.

Sincerely,



Town Offices

381 Main
Street

Proposed

2 Systems (4 ports) Bollard Mounted EV Chargers

Installation and Equipment

EV Charger and Installation:	\$46,407
EV Charger Installation Incentive (100%):	(\$31,987)
EV Charger Incentive (75%):	(\$10,815)

Networking

5 Years Networking:	\$4,419
Networking Incentives:	(\$4,000)

Maintenance (optional)

2 Years Maintenance:	\$2,820
Maintenance Incentives:	(\$0)

Totals

Total Cost:	\$53,646
Total Incentives:	(\$46,802)

West Newbury Contribution: \$6,844



Town Offices – Plan B

Page School

694 Main
Street

Proposed

2 Systems (4 ports) Bollard Mounted EV Chargers

Installation and Equipment

EV Charger and Installation:	\$46,285
EV Charger Installation Incentive (100%):	(\$31,866)
EV Charger Incentive (75%):	(\$10,815)

Networking

5 Years Networking:	\$4,419
Networking Incentives:	(\$4,000)

Maintenance (optional)

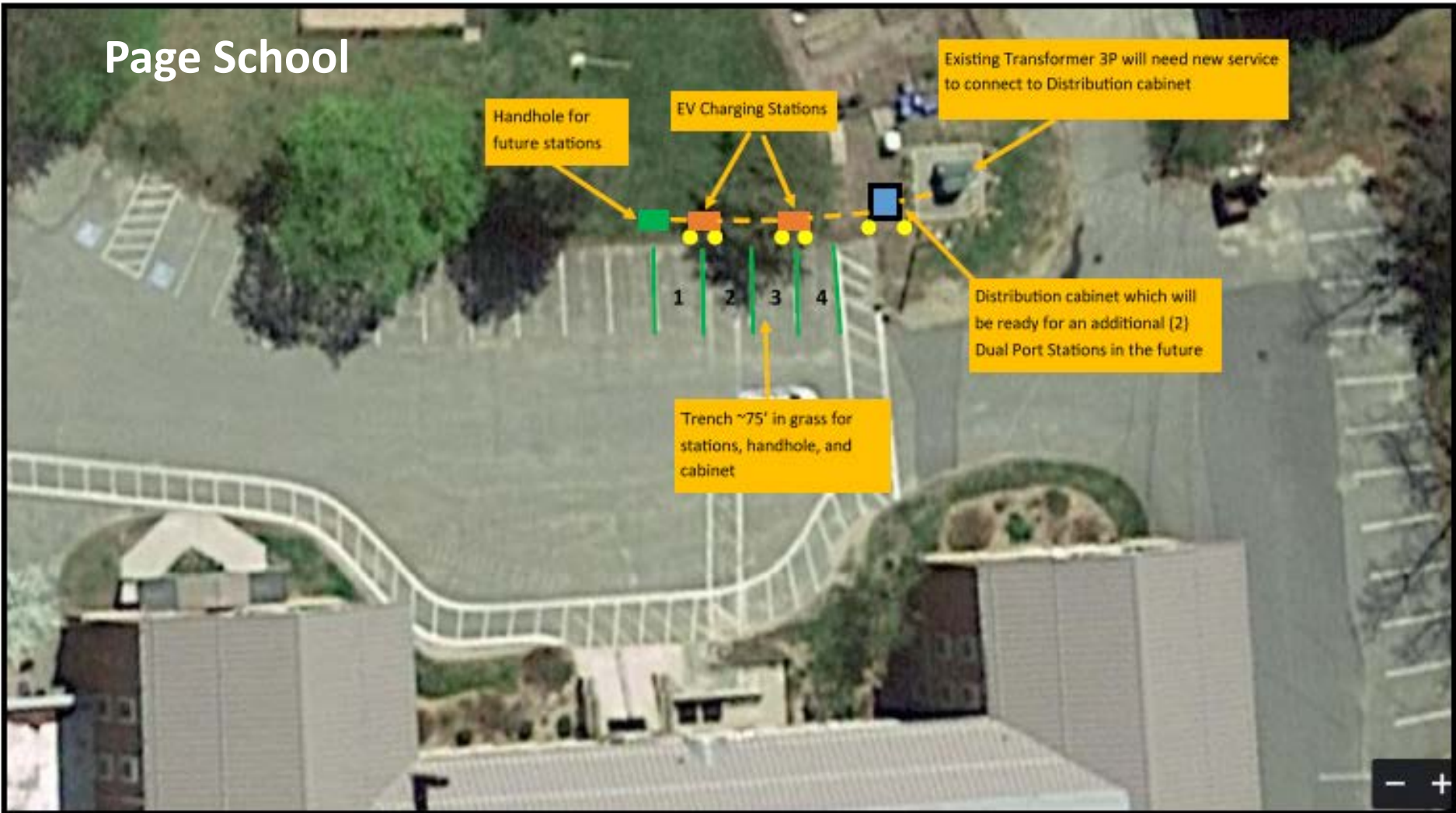
2 Years Maintenance:	\$2,820
Maintenance Incentives:	(\$0)

Totals

Total Cost:	\$53,524
Total Incentives:	(\$46,681)

West Newbury Contribution: \$6,843

Page School



Project Summary

Proposed

4 Systems (8 ports) EV Chargers

Installation and Equipment

EV Charger and Installation: \$92,692

EV Installation and Charger

Incentives: (\$85,483)

Networking and Maintenance

5 Years Networking: \$8,838

2 Years Maintenance (optional): \$5,640

Networking Incentives: (\$8,000)

Maintenance Incentives: (\$0)

Totals

Total Cost: \$107,170

Total Incentives: (\$93,483)

West Newbury Contribution: \$13,687

Next Steps

EV Planning

- Finalize sites
- Create installation plan:
 - 10/31/20 Deadline for sites installed and application visibility.
 - This allows for 5 years Networking Incentives to be offered.
 - Schedule for school installation?
- Additional topics to address
 - Funding – anything else you need to make the funding request?
 - This solution provides the ability to install two stations now at each site – but have the capacity to add more at a later time.
 - Service request still in process.

West Newbury EV Locations

	<u>Location</u>	<u>Address</u>	<u>EJ Area</u> <u>Y/N</u>	<u>#</u> <u>Stations</u>	<u># Ports</u>	<u>Install &</u> <u>Charger</u> <u>Costs</u>	<u>Installation</u> <u>Incentives</u>	<u>Charger</u> <u>Incentives</u>	<u>5 Year</u> <u>Networking</u> <u>Costs</u>	<u>Networking</u> <u>Incentives</u>	<u>Maint Costs -</u> <u>2 Year</u>	<u>Municipal</u> <u>Contrib.</u> <u>w/out</u> <u>Maintenance</u>	<u>Municipal</u> <u>Contrib. with</u> <u>Maintenance</u>	<u>Notes</u>	<u>Service</u> <u>Request</u>
1	Town Offices	381 Main St, West Newbury	N	2	4	\$46,407	\$31,987	\$10,815	\$4,419	\$4,000	\$2,820	\$4,024	\$6,844	Using option B to install without having to trench to upper lot.	SR
2	Page School	694 Main St, West Newbury	N	2	4	\$46,285	\$31,866	\$10,815	\$4,419	\$4,000	\$2,820	\$4,023	\$6,843		SR
				4	8							Municipal Contribution			
						\$92,692	\$63,853	\$21,630	\$8,838	\$8,000	\$5,640	\$8,047	\$13,687		

Balances Report	1/1/2020	Estimated					Unreserved: Available for Appropriation				
		Town Capital Stabilization	Pension Stabilization	School Stabilization	Town Free Cash	Water Stabilization	CPC Comm Housing	CPC Historical	CPC Open Space	CPC Undesig	CPC Reserve
		1,518,461	229,705	1,594,230	1,542,986	15,359	0	26,956	148,308	1,416,420	267,581
CPC FY20 Estimated Receipts							41,166	41,166	41,166	(20,583)	
6/2020 STM	Art #										
CPC Page School Playground	2									(462,857)	
Town building repairs	3				(49,150)						
Snow & Ice deficit	4				(61,087)						
2020 voting expenses	5				(3,800)						
Mill Pond benches/tables	6				(14,000)						
Electric vehicle charging	7				(8,048)						
Essex Ag FY20 costs	8				(16,443)						
Nat'l Grid underbilled costs	9				(20,247)						
Balances after STM		1,518,461	229,705	1,594,230	1,370,211	15,359	41,166	68,122	189,474	932,980	267,581
CPA FY2020 Closeout											
Closeout to CPA Undesignated	N/A									267,581	(267,581)
										1,200,561	0
6/2020 ATM	Art #										
Omnibus Budget	3	500,000									
Pension Liability Stab. Fund	6		68,750		(68,750)						
OPEB Stab. Fund	7				(5,000)						
School Stabilization Fund	8			328,600							
From School Stab. Fund	9			(652,340)							
Capital Stabilization	11	300,000			(300,000)						
CPC Estimated Receipts	12						43,240	43,240	43,240	(21,620)	281,060
CPC Artichoke River Woods	13								(143,308)	(26,692)	
CPC Soldiers & Sailors debt	14							(85,000)			
DPW dump truck	15	(229,020)									
Page School Fire Alarm	16	(304,000)									
Page School floor repairs	17	(40,000)									
Police radios	18				(19,000)						
Fire ice/water rescue suits	19				(4,000)						
Fire Dept. power fans	20				(7,500)						
Balances after ATM		1,745,441	298,455	1,270,490	965,961	15,359	84,406	26,362	89,406	1,152,249	281,060

Source: Angus Jennings, Town Manager, 4/10/20

Notes:

Values for cells shaded in orange are known to be subject to change.

School Stabilization Fund Debt Service Model

	<u>FY (year-end)</u>	<u>Current Debt Service Obligations</u>	<u>Appropriation to School Stabilization</u>	<u>School Stabilization Projected Balance (gross)</u>	<u>Stabilization Spent</u>	<u>School Stabilization Projected Balance (net)</u>	<u>Stabilization Spent Above That Year's Allocation</u>
Base Year	FY16	\$ 684,000					
	FY17	\$ 527,000	\$ 157,000				
	FY18	\$ 406,100	\$ 277,900	\$ 1,250,268			
	FY19	\$ 369,000	\$ 315,000	\$ 1,565,268			
	FY20	\$ 362,200	\$ 321,800	\$ 1,887,068			
	FY21	\$ 355,400	\$ 328,600	\$ 2,215,668	\$ 652,340	\$ 1,563,328	\$ 323,740
	FY22	\$ 313,950	\$ 370,050	\$ 2,585,718	\$ 594,354	\$ 1,339,024	\$ 224,304
	FY23	\$ 297,950	\$ 386,050	\$ 2,971,768	\$ 594,354	\$ 1,130,721	\$ 208,304
	FY24	\$ -	\$ -	\$ 2,971,768	\$ 594,354	\$ 536,367	\$ 594,354
	FY25	\$ -	\$ -	\$ 2,971,768	\$ 536,367	\$ 0	\$ 536,367
	FY26	\$ -	\$ -	\$ 2,971,768	\$ -	\$ 0	\$ -
	FY27	\$ -	\$ -	\$ 2,971,768	\$ -	\$ 0	\$ -
	FY28	\$ -	\$ -	\$ 2,971,768	\$ -	\$ 0	\$ -
	FY29	\$ -	\$ -	\$ 2,971,768	\$ -	\$ 0	\$ -
	FY30	\$ -	\$ -	\$ 2,971,768	\$ -	\$ 0	\$ -
	FY31	\$ -	\$ -	\$ 2,971,768	\$ -	\$ 0	\$ -
	FY32	\$ -	\$ -	\$ 2,971,768	\$ -	\$ 0	\$ -
	FY33	\$ -	\$ -	\$ 2,971,768	\$ -	\$ 0	\$ -
	FY34	\$ -	\$ -	\$ 2,971,768	\$ -	\$ 0	\$ -
	FY35	\$ -	\$ -	\$ 2,971,768	\$ -	\$ 0	\$ -
	FY36	\$ -	\$ -	\$ 2,971,768	\$ -	\$ 0	\$ -
	FY37	\$ -	\$ -	\$ 2,971,768	\$ -	\$ 0	\$ -
	FY38	\$ -	\$ -	\$ 2,971,768	\$ -	\$ 0	\$ -
	FY39	\$ -	\$ -	\$ 2,971,768	\$ -	\$ 0	\$ -
	FY40	\$ -	\$ -	\$ 2,971,768	\$ -	\$ 0	\$ -
	FY41	\$ -	\$ -	\$ 2,971,768	\$ -	\$ 0	\$ -
	FY42	\$ -	\$ -	\$ 2,971,768	\$ -	\$ 0	\$ -
	FY43	\$ -	\$ -	\$ 2,971,768	\$ -	\$ 0	\$ -
	FY44	\$ -	\$ -	\$ 2,971,768	\$ -	\$ 0	\$ -
	FY45	\$ -	\$ -	\$ 2,971,768	\$ -	\$ 0	\$ -
	FY46	\$ -	\$ -	\$ 2,971,768	\$ -	\$ 0	\$ -
	FY47	\$ -	\$ -	\$ 2,971,768	\$ -	\$ 0	\$ -
	FY48	\$ -	\$ -	\$ 2,971,768	\$ -	\$ 0	\$ -
	FY49	\$ -	\$ -	\$ 2,971,768	\$ -	\$ 0	\$ -
	FY50	\$ -	\$ -	\$ 2,971,768	\$ -	\$ 0	\$ -
	FY51	\$ -	\$ -	\$ 2,971,768	\$ -	\$ 0	\$ -
			<u>\$ 2,156,400</u>				

Per year stabilization available: \$ 594,354 over a 5 year term

School Stabilization Fund Debt Service Model

	<u>FY (year-end)</u>	<u>Current Debt Service Obligations</u>	<u>Appropriation to School Stabilization</u>	<u>School Stabilization Projected Balance (gross)</u>	<u>Stabilization Spent</u>	<u>School Stabilization Projected Balance (net)</u>	<u>Stabilization Spent Above That Year's Allocation</u>
Base Year	FY16	\$ 684,000					
	FY17	\$ 527,000	\$ 157,000				
	FY18	\$ 406,100	\$ 277,900	\$ 1,250,268			
	FY19	\$ 369,000	\$ 315,000	\$ 1,565,268			
	FY20	\$ 362,200	\$ 321,800	\$ 1,887,068			
	FY21	\$ 355,400	\$ 328,600	\$ 2,215,668	\$ 247,647	\$ 1,968,021	\$ (80,953)
	FY22	\$ 313,950	\$ 370,050	\$ 2,585,718	\$ 495,295	\$ 1,842,776	\$ 125,245
	FY23	\$ 297,950	\$ 386,050	\$ 2,971,768	\$ 495,295	\$ 1,733,532	\$ 109,245
	FY24	\$ -	\$ -	\$ 2,971,768	\$ 495,295	\$ 1,238,237	\$ 495,295
	FY25	\$ -	\$ -	\$ 2,971,768	\$ 495,295	\$ 742,942	\$ 495,295
	FY26	\$ -	\$ -	\$ 2,971,768	\$ 495,295	\$ 247,648	\$ 495,295
	FY27	\$ -	\$ -	\$ 2,971,768	\$ 247,647	\$ 0	\$ 247,647
	FY28	\$ -	\$ -	\$ 2,971,768	\$ -	\$ 0	\$ -
	FY29	\$ -	\$ -	\$ 2,971,768	\$ -	\$ 0	\$ -
	FY30	\$ -	\$ -	\$ 2,971,768	\$ -	\$ 0	\$ -
	FY31	\$ -	\$ -	\$ 2,971,768	\$ -	\$ 0	\$ -
	FY32	\$ -	\$ -	\$ 2,971,768	\$ -	\$ 0	\$ -
	FY33	\$ -	\$ -	\$ 2,971,768	\$ -	\$ 0	\$ -
	FY34	\$ -	\$ -	\$ 2,971,768	\$ -	\$ 0	\$ -
	FY35	\$ -	\$ -	\$ 2,971,768	\$ -	\$ 0	\$ -
	FY36	\$ -	\$ -	\$ 2,971,768	\$ -	\$ 0	\$ -
	FY37	\$ -	\$ -	\$ 2,971,768	\$ -	\$ 0	\$ -
	FY38	\$ -	\$ -	\$ 2,971,768	\$ -	\$ 0	\$ -
	FY39	\$ -	\$ -	\$ 2,971,768	\$ -	\$ 0	\$ -
	FY40	\$ -	\$ -	\$ 2,971,768	\$ -	\$ 0	\$ -
	FY41	\$ -	\$ -	\$ 2,971,768	\$ -	\$ 0	\$ -
	FY42	\$ -	\$ -	\$ 2,971,768	\$ -	\$ 0	\$ -
	FY43	\$ -	\$ -	\$ 2,971,768	\$ -	\$ 0	\$ -
	FY44	\$ -	\$ -	\$ 2,971,768	\$ -	\$ 0	\$ -
	FY45	\$ -	\$ -	\$ 2,971,768	\$ -	\$ 0	\$ -
	FY46	\$ -	\$ -	\$ 2,971,768	\$ -	\$ 0	\$ -
	FY47	\$ -	\$ -	\$ 2,971,768	\$ -	\$ 0	\$ -
	FY48	\$ -	\$ -	\$ 2,971,768	\$ -	\$ 0	\$ -
	FY49	\$ -	\$ -	\$ 2,971,768	\$ -	\$ 0	\$ -
	FY50	\$ -	\$ -	\$ 2,971,768	\$ -	\$ 0	\$ -
	FY51	\$ -	\$ -	\$ 2,971,768	\$ -	\$ 0	\$ -
			<u>\$ 2,156,400</u>				

Per year stabilization available: \$ 495,295 over a 6 year term

Town Manager

From: DPW Director
Sent: Wednesday, April 8, 2020 11:31 AM
To: Town Manager; Town Accountant
Cc: DPW Admin
Subject: RE: Snow and Ice update

The last snow and ice bills are being submitted today by Marie. So once these are processed – that would be the number.

Wayne

From: Town Manager <townmanager@wnewbury.org>
Sent: Wednesday, April 08, 2020 11:30 AM
To: Town Accountant <townaccountant@wnewbury.org>; DPW Director <dpwdirector@wnewbury.org>
Subject: RE: Snow and Ice update

Hi,

Wayne I know you're working to wrangle any outstanding snow & ice invoices. I'm working to finalize the town meeting warrant and for now am using the \$61k figure from Stephanie's email below. Please let me know if there is a better number.

The warrant will not be signed until April 24 so we can update the number up until then – and the language of the town meeting *motion* can change right up until the June 1 town meeting date – but obviously we'd like to get the warrant as close as possible to what will be the actual number.

Needless to say, we only want expenses logged to this account that meet all DOR and auditor standards for snow & ice.

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: Town Accountant <townaccountant@wnewbury.org>
Sent: Thursday, April 2, 2020 4:17 PM
To: Town Manager <townmanager@wnewbury.org>
Subject: Snow and Ice update

Hello:

Snow and Ice has expended \$211,086.73 which results in \$61,086.73 deficit to date this includes the 4/1/20 payroll.

Thank you,



F

**TOWN OF WEST NEWBURY
OFFICE OF THE PLANNING BOARD
381 MAIN STREET
WEST NEWBURY MA 01985
978-363-1100 X125 Fax: 978-363-1119**

March 9, 2020

Town Meeting c/o Board of Selectmen
West Newbury Town Offices
381 Main Street
West Newbury, MA 01985

Re: Report of the Planning Board – Zoning Articles Proposed by the Planning Board

Dear Honorable Board:

Pursuant to Massachusetts General Law Chapter 40A, Section 5, the West Newbury Planning Board held a public hearing on Wednesday, March 4, 2020 to consider the above-referenced Article request. After hearing from the public and discussing the matter, the Board voted unanimously to recommend to the Town Meeting that it approve the Article request with edits, which include removing the proposed Table of Uses from the proposal. Please see the attached document dated March 4, 2020 for the revised proposal.

Leah Zambernardi, Town Planner
On behalf of the West Newbury Planning Board

Cc: Town Clerk
file

- Note: - Insertions are **underlined/bold/italics**.
-Deletions have ~~strikethrough~~.
-Rationale for each proposal is shown in *italics*.
-Article Numbers are to be determined in consultation with the Town Manager.

PROPOSED ZONING ARTICLES

- I. Amend Section 5.A.2.c. regarding accessory uses permitted in the Residence A, B, & C Districts, as follows:
- a. Delete subsection 5.A.2.c.ii.c. in its entirety, regarding the keeping of pets and animals for use of the resident premises, as follows:
 - e) ~~Animals shall be cared for in accord with all rules and regulations that the Board of Health may from time to time promulgate pertaining to the keeping of animals, following a posted public hearing. Rationale: This is regulated by the Board of Health.~~
 - b. Amend subsection 5.A.2.c.iv. regarding professional office and customary home occupation, as follows:
 - 1) Add the word “home” between the words “Professional office”, so it appears as:
 - “iv) Professional **home** office or customary home occupation, provided that.” *Rationale: Clarifies that the section refers to a professional home office, not a professional office as the principal use.*
 - 2) Add new subsection 5.A.2.c.iv.g, as follows:
 - “g) Traffic generated by the use does not exceed that of which is normally expected in a residential neighborhood, and all parking required to service the occupation is provided off-street, and not within a required front yard”.** *Rationale: Provides general traffic and parking guidelines for professional home offices and customary home occupations.*
- II. Amend Section 5.A.3. regarding uses permitted in the Residence A, B & C Districts with a Special Permit, as follows:
- a. Amend Section 5.A.3.b. by removing the words “Riding stables”, and the letter “s” from the word “animals”, as follows:
 - “b. ~~Riding stables, k~~**K**ennels, animals hospitals, or veterinary, provided that.” *Rationale: Requiring a special permit for riding stables conflicts with the agricultural exemption under G.L. Chapter 40A, S. 3.*
 - b. Amend Section 5.A.3.h. by deleting the terms “convalescent homes, old age homes, sanitariums” and inserting in their place the term, “rehabilitation facilities”, as follows:
 - “h. Nursing homes, ~~convalescent homes, old age homes, sanitariums~~ rehabilitation facilities, hospitals.” *Rationale: The proposal would modernize these terms.*

Note: - Insertions are **underlined/bold/italics**.

-Deletions have ~~strikethrough~~.

-Rationale for each proposal is shown in *italics*.

-Article Numbers are to be determined in consultation with the Town Manager.

- c. Amend Section 5.A.3.j. by deleting the terms, “Non-profit schools, kindergartens, nursery school, children centers”, and replacing them with the terms, “For profit”, as follows:

“j. ~~Non-profit schools, kindergartens, nursery schools, children centers,~~ **For profit** arts, crafts and dramatic schools, dancing and music schools.” *Rationale: The provisions regarding non-profit schools, kindergartens, nursery schools and child centers are in violation MGL Ch. 40A, s.3. Clarifies that the other schools mentioned are for profit, so as not to be in violation of said law.*

- III. Amend regulations for “Congregate Housing” to clarify provisions and to eliminate unnecessary restrictions, as follows:

- a. Amend the definition for “Congregate Housing” in Section 2 of the Zoning Bylaw by removing the word “nonprofit” from the first line and by adding the terms “and persons with disabilities” after the terms “elderly persons” in the first line, as follows:

“**Congregate Housing**. A ~~nonprofit~~ group living arrangement for elderly persons **and persons with disabilities** who cannot easily maintain their own housing, financially or otherwise, but who do not need nursing home care. The persons living together may care for themselves or may have some support services.” *Rationale: Limiting the development group to non-profit charitable organizations is overly restrictive and might prevent projects that are beneficial to the Town. The proposal adds persons with disabilities to be in line with the State’s definition of Congregate Housing.*

- b. Amend Section 5.A.3.i. regarding uses permitted in the Residence A, B & C Districts with a special permit, by refining the requirements for congregare housing by: 1. replacing the terms “one-half (1/2) again” with “150%” (section 5.A.3.i.i); 2. combining subsection 5.A.3.i.i. with Section 5.A.3.i.; and, deleting subsections 5.A.3.i.ii. through vi. as follows:

“i. Congregate housing for the elderly **and persons with disabilities**, and shared elderly housing ~~providing~~ **provided** that: i) ~~In~~, **in addition to the requirements of Section 6.A, the lot shall contain at least one-half (1/2) again 150% of the required lot area for the District in which it is located.**

Rationale: Adds persons with disabilities to be in line with the State’s definition of Congregate Housing. Clarifies the confusing lot area requirement.

ii. ~~There shall be no more than twelve (12) persons per unit and no more than two (2) persons per bedroom.~~

Rationale: This provision unnecessarily restricts a project. Persons per unit and per bedroom are regulated by other authorities (State, Board of Health).

iii) ~~All required licenses and permits from the Commonwealth and the Board of Health have been obtained.~~ *Rationale: Requirements of these authorities stand in and of themselves.*

- Note: - Insertions are **underlined/bold/italics**.
-Deletions have ~~strikethrough~~.
-Rationale for each proposal is shown in *italics*.
-Article Numbers are to be determined in consultation with the Town Manager.

iv) ~~The use is served by municipal water.~~ *Rationale: This provision unnecessarily restricts a project. Other authorities (Water Department, Board of Health, DEP) regulate access to drinking water.*

v) ~~Off street parking is provided in the side or rear yards.~~
Rationale: This provision unnecessarily restricts a project.

vi) ~~Off street loading, if any, is in the rear of the structure."~~
Rationale: This provision unnecessarily restricts a project.

IV. Amend Section 5.B.1.e.i, regarding outdoor storage and display as an accessory use permitted in the Business District subject to a site plan approved by the Planning Board, as follows:

"e. Accessory buildings and uses provided that:

i) Outdoor **business-related** storage and display **that** is ~~conducted~~ **located** in the rear and/or side yard, ~~and such storage or display is **shall be** screened from view of **abutting residential** dwellings in abutting Residence A, B or C Districts with shrubs or a fence of at least four (4) feet in height.~~
Rationale: Clarifies that this regulation applies to business related storage only. Further, the regulation currently only requires screening for dwellings in abutting residential districts, whereas any abutting residential dwelling should be screened from outdoor business-related storage and display, regardless of Zoning District.

V. Amend Section 5.B.2., regarding uses permitted in the Business District upon a special permit granted by the Planning Board, as follows:

a. Delete subsection 5.B.2.e. regarding Child Care Centers in its entirety and re-letter the subsequent subsection, as follows:

~~"e. Child Care Center. A child care facility for more than six children may be permitted in the Business District by a special permit from the Planning Board, provided that the lot area used for facilities at least 60,000 square feet, that the facility provides service for no more than twenty (20) children, and that a safe and fenced yard/outdoor play area is provided having at least 10,000 square feet.~~

f.e. Residential units ..."
Rationale: The existing subsection "e." is in violation of GL Ch. 40A, s.3.

b. Amend new subsection 5.B.2.e. (formerly subsection f.) regarding residential units located in the same buildings as commercial enterprises, by deleting the terms “, provided that they be in compliance with other local regulations, including Board of Health” and by adding the terms “by the Planning Board” to the end, as follows:

Note: - Insertions are **underlined/bold/italics**.

-Deletions have ~~strikethrough~~.

-Rationale for each proposal is shown in *italics*.

-Article Numbers are to be determined in consultation with the Town Manager.

“f. Residential units located in the same buildings as commercial enterprises, ~~provided that they be in compliance with other local regulations, including Board of Health.~~ Visual elements, density, and parking shall be part of the special permit review **by the Planning Board.**”

Rationale: Other local regulations such as those of the Board of Health stand in and of themselves. This revision also clarifies that the Planning Board, and not another entity, is the Special Permit Granting Authority reviewing “visual elements, density and parking”.

VI. Amend the following Zoning Bylaw Sections regarding properties having rooms for rent as follows:

a. Revise the definition of “Bed and Breakfast” by changing the duration of stay from “15 days” to “less than 14 consecutive nights” as follows:

“Bed and Breakfast. A house, or portion thereof, where up to four lodging rooms, with meals, are provided providing that the maximum duration of any tenant shall **be less than 14 consecutive nights** ~~not exceed 15 days~~. The operator shall live on the premises, or in an adjacent premises immediately abutting the residence with the bed and breakfast facility.”

b. Add new definition of “Short Term Paying Guest” as follows:

“Short Term Paying Guest”: A person who rents a room in a hotel or bed & breakfast for less than 14 consecutive nights.”

Rationale for a. & b.: Properties having rooms for rent are differentiated in the Zoning Bylaw by the duration of stay. However, the actual number of days in the stay are not well defined. Hotels (Including Inns, Motels, Tourist Homes and Lodging Houses) are intended for temporary occupancy, though the duration of stay is not stated. Bed and Breakfast rooms have a maximum occupancy duration of 15 days. Boarding Houses (Including Rooming Houses) are not open to short term paying guests, which presumes guests are staying for an extended period of time. The Town’s “Short Term Rentals Bylaw” (Chapter XXXIX) requires that short term paying guests stay for a duration of less than 14 consecutive nights. The proposal seeks to define the length of stay using terms consistent with the “Short Term Rentals” Bylaw.

c. Revise the definition of “Boarding House” as follows:

“Boarding House: A building or premises, other than a hotel, ~~inn, motel, tourist house or lodging house or bed & breakfast,~~ **for not more than four (4) persons, provided that the principal** use is ~~house is also occupied~~ as a private residence, where rooms are let and where meals may be regularly served by prearrangement for compensation; not open to **short term paying guests.** ~~transients; in contrast to hotels, restaurants, and tourist homes, open to transients;.~~ *Rationale: Clarifies that the boarding house is only allowed by right in a residential district as an accessory use and that the primary use must be a dwelling. Added the definition content from Section*

Note: - Insertions are **underlined/bold/italics**.

-Deletions have ~~strikethrough~~.

-Rationale for each proposal is shown in *italics*.

-Article Numbers are to be determined in consultation with the Town Manager.

5.A.2.c.iii regarding number of persons (see XI.3. below). Stating that a Boarding House is not a hotel, restaurant, or tourist home two times is redundant and not necessary.

d. Revise the definition of “Hotel” as follows:

“Hotel”, ~~(Inn, Motel, Tourist Home or Lodging House)~~. A building, or portion thereof, or a group of buildings on a single lot, intended to be used for the temporary occupancy of three (3) or more ~~persons~~ **short term paying guests** who are lodged, with or without meals, and in which major provision for cooking may be made in a central kitchen but may not be in the individual rooms or suites. *Rationale: Each of these terms (Inn, Motel, Tourist Home, Lodging House) are defined in Section 2. as “Hotel”. They are one and the same in the Zoning Bylaw. These terms create unnecessary confusion. One common term, “Hotel” should be used. Also, the duration of stay is clarified by adding the terms “short term paying guest”.*

e. Delete the definitions of “Motel”, “Tourist Home”, “Lodging House”, and “Inn” in Section 2. “Definitions”. *Rationale: Each of these terms are defined in Section 2. as “Hotel”, as noted in “d” above.*

f. Delete the definition of “Rooming House” in Section 2. “Definitions”.

Rationale: The definition of “Rooming House” in Section 2. is “Boarding House”, therefore use of the term is unnecessary.

g. Revise Section 5.A.2.c.iii) regarding permitted accessory uses in the Res A, B, & C Districts as follows:

~~“iii. Boarding house or rooming house for not more than four (4) persons, provided that the house is also occupied as a private residence.”~~

Rationale: A boarding house and a rooming house are the same, as defined in the Zoning Bylaw. The definition of rooming house is proposed to be deleted, as noted above. This is the only instance in the Zoning Bylaw where a boarding house is allowed, therefore the occupancy requirements should more appropriately appear in the definition for “boarding house”.

h. Revise Section 5.A.3.d. regarding uses permitted in the Res A, B, & C Districts with a Special Permit, as follows:

~~“d. Restaurant or Inn~~ **Hotel**” *Rationale: A Hotel and an Inn are the same, as defined in the Zoning Bylaw. Further, the definition of Inn is proposed to be deleted, as noted above.*

i. Revise Section 5.B.2.d. regarding uses permitted in the Business District with a Special Permit, as follows:

~~“d. Motels and~~ **Hotels**” *Rationale: A Hotel and a Motel are the same, as defined in the Zoning Bylaw. Further, the definition of Motel is proposed to be deleted, as noted above.*

From: [Town Manager](#)
To: [COA](#)
Cc: [Finance Admin](#)
Subject: RE: Memorial Day Parade
Date: Wednesday, April 01, 2020 12:42:59 PM

I've talked informally w BOS members and expect the decision will be made to cancel this year's parade. However this is not final or official. Archie and I talked about adding this to the 3/30 BOS agenda but that agenda was already quite full; I have this penciled in for the 4/13 agenda and expect a decision to be made that night. If it is cancelled, I'd welcome your help on getting a letter out to all of last year's participants letting them know and getting a positive word out about getting back to normal in 2021. Thanks

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

From: COA <coa@wnewbury.org>
Sent: Wednesday, April 1, 2020 12:03 PM
To: Town Manager <townmanager@wnewbury.org>
Subject: Memorial Day Parade

I know that this is low on the totem pole in the grand scheme of things but are we forgoing it this year? Do I need to get my act together and start planning it? Are we postponing? If you can let me know your thoughts.

Thanks
Theresa

Theresa Woodbury
Director
West Newbury Council on Aging
381 Main Street
West Newbury, Ma. 01985

Phone: 978-363-1104
Fax: 978-363-1117

Like us on Facebook: [West Newbury COA](#)

Town Manager

From: Town Manager
Sent: Friday, April 10, 2020 12:34 PM
To:
Cc:

Subject:

Mr. Doak,

Your email and all public comments received on this matter will continue to be shared with each of the Selectmen. We'll include the add'l questions you've asked in the FAQ.

We have committed to get an FAQ posted by the end of next week and we will do so, but meeting this timeline will test our very limited and strained personnel capacity and I'm not prepared to commit to making this available any sooner. Of course we want to turn around the FAQ as soon as we can, but it obviously takes more time to give correct answers than quick answers, esp. given the complexity and nuance of the 40B statute, regs and case law, and the importance of internal reviews among key town personnel. We're also aware that every correspondence we send or receive is a matter of public record, so we need to always choose our words carefully. Once posted, the FAQ will continue to be expanded and refined through the process ahead.

One quick – and correct – answer I can offer at this time is that yes, all West Newbury citizens will have an opportunity to view comments from West Newbury committees prepared for the June 14th submittal to MassHousing. Our intent in setting a timeline of June 1 for comments to be submitted to us, and for town departments/boards/commissions/committees' comments more like mid-May, is so that we have enough advance time with others' comments to ensure that the Board's comments are fully reflective of the community's interests.

Thanks, and good health to you as well,
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: Donald Doak <pmd6432@msn.com>
Sent: Friday, April 10, 2020 12:02 PM

Town Manager

From: Town Manager
Sent: Wednesday, April 8, 2020 2:55 PM
To: Paul O. Kelly (pokelly@comcast.net); Sam Joslin (building.inspector@wnewbury.org)
Cc: Michael McCarron; Leah Zambarnardi (lzambarnardi@wnewbury.org); Jennifer Walsh (finance.admin@wnewbury.org); Joan Croteau
Subject: Comprehensive Permit Rules/Regs
Attachments: West Newbury Comprehensive Permit Rules and Application 2002.pdf
Importance: High

Paul, Sam,

As you know, the Town has until June 14th to issue comments on the pending MassHousing project eligibility/site approval application. The developer needs to have MassHousing's approval in-hand in order to apply for a comprehensive permit locally, so the earliest that filing could take place (in my estimation) would be late June (and more likely July, as MassHousing's review is likely to take a few weeks or more).

This 75-day comment period is longer than the standard 30-day comment period MassHousing typically provides.

We therefore have some time – not a lot, but some – to take a close look at West Newbury's rules/regs to make sure they're in good shape to ensure the ZBA has the tools it needs to do a thorough review if/when the time comes (including to ensure adequacy of peer reviews re different aspects of the proposed development). I have attached the current 40B rules/regs, for your review. A lot has changed in the 40B landscape since these were adopted in 2002.

I worked in Westford from 2010-13 and we handled at least 3 40B projects during my tenure, and I would offer for reference their 40B rules/regs as a good model:

<https://www.westfordma.gov/DocumentCenter/View/2988/Comprehensive-Permit-40B-Rules-and-Regulations-PDF?bidId=>

If we determine that amendments to our rules/regs would be beneficial, we'd need to get this process underway soon in order that any revised rules/regs would be in place prior to the developer filing for a comprehensive permit locally. Therefore please review these carefully, as well as any other reference documents (other towns' rules) you may be aware of as good samples.

Mike, can you provide advice regarding the process – notice, hearing etc. – required if the ZBA does determine that amendments are in order? Depending on the process required, we can work backwards from a mid-June target date to have updated rules in place.

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

Town Manager

From: Town Manager
Sent: Friday, April 10, 2020 2:08 PM
To: Patrick Higgins; Paul Kelly; Dennis Lucey; William Bachrach; Rick Davies; Judy Gregg
Cc: Sam Joslin (building.inspector@wnewbury.org); Michael McCarron; Joan Croteau
Subject: RE: CPTC Training for 40B project

Hi all,

I've been talking w Paul K. and with our new Building Inspector Sam Joslin (copied here) about getting a 40B training set up; there were major changes to the DHCD regulations in 2008 and since then there have been any number of court cases that have provided further clarity re the statute. It will be very important for the Board of Appeals (ZBA) to participate in a dedicated training.

Sam spoke with Phil DeMartino at DHCD this week and Phil can run an online (remote) training so we all can participate while maintaining social distancing. Our Town Counsel Mike McCarron would also participate. As a meeting with a quorum of the ZBA, this would be posted as a public meeting, but to ensure the greatest value for Board members as a training, I'd recommend that we "mute" all participants other than the trainer, Board members and staff. The public is welcome to listen/observe, but this will not be a public hearing, and the focus needs to be ensuring that each of you have every opportunity to ask questions, etc.

Once Sam hears back from Phil with some date/time options he'll contact you all again to poll your availability and get something on the calendar in the next couple/few weeks. Patrick I could not agree more with the guidance that you've offered the other Board members in your email below, and I thank you for sharing it.


On a related topic, we're also looking closely at the existing West Newbury 40B procedural rules (online [here](#)), and Sam, Leah Z., Mike M. and I will all be looking at these compared to other communities' regs and best practices. I think it is likely that we'll recommend that the ZBA either amend, or repeal and replace, the regs before any comprehensive permit application may be filed to ensure that our rules/regs put the Board in the best position to conduct a thorough review with appropriate third-party reviews funded by the applicant. If any of you want to be more hands-on with this effort please let me know and we'll loop you in on related correspondence; I've advised Paul that the Board should anticipate holding two meetings this spring – the first would be the training, and a vote to refer the existing rules for review and update, and the second would be later (probably early June) to adopt updated/new procedural regs.

Thanks,
Angus

p.s. the best way to stay informed re the Coffin/Main Street proposal is the Town website [here](#); we'll be building out an FAQ over the course of the next week or so, and posting periodic updates w new info as it comes in.

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: Patrick Higgins <pghiggins@comcast.net>
Sent: Friday, April 10, 2020 1:45 PM



[REDACTED]

To: Paul Kelly, Chair of ZBA and Angus Jennings, West Newbury Town Manager
Re: Training of ZBA by Angus Jennings & CPTC (citizens planning training collaborative) related to 40B permit applications?

4/10/2020

I sent a follow up email related to training today to Joan Croteau, and it redirected me to contact the Building Inspector, hence I am reaching out to you both regarding any information related to training. This email has all five ZBA members on it and the Associate Member, we need a second Associate member.

Sincerely,

Patrick Higgins
[REDACTED]

Hi,

Any updates as far as informational training with Angus Jennings and the CPTC (citizens planning training collaborative)?

As a reminder, the ZBA (members) can attend informational meetings by other Boards & Committees, but the ZBA is not at liberty to discuss any issues related to future Applications.

We are impartial & unbiased, and cannot have predetermined opinions or discuss formal applications that are before us, we can only discuss permit applications during the public hearing.

Patrick Higgins

On February 19, 2020 at 10:56 AM Joan Croteau
<inspection.admin@wnewbury.org> wrote:

Good Morning,

I am reaching out to the ZBA for times and dates that would be good for everyone to come meet with Angus and the CPTC (citizens planning training collaborative). They would like to have an informational seminar for 40B projects. Paul and Patrick could you please forward this to the other members. I do not have all the emails.

Also, could I please get the email addresses for all members.

Thank you,

Joan Croteau

Administrative Assistant

Inspection Department

Town of West Newbury

381 Main Street

West Newbury MA 01985

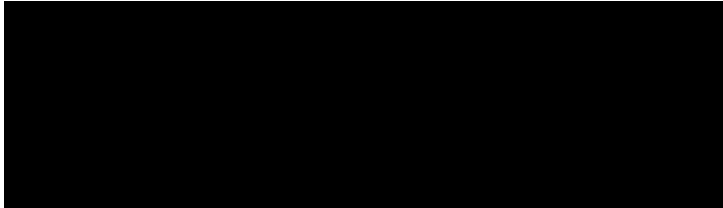
978-363-1100 x 122

Inspection.admin@wnewbury.org

From: [Francesca Pomerantz](#)
To: [Town Manager](#); [Fred Chanania](#); [Michael McCarron](#)
Cc: [Finance Admin](#)
Subject: Re: [EXTERNAL] RE: New Member of Tree Committee
Date: Thursday, April 02, 2020 4:28:57 PM

Hello Angus,

In response to your email I am requesting appointment as a full Tree Committee member.



SALEM STATE UNIVERSITY
School of Education
352 Lafayette Street
303 Sullivan
Salem, MA 01970
www.salemstate.edu

From: Town Manager <townmanager@wnewbury.org>
Sent: Thursday, April 2, 2020 3:27 PM
To: [REDACTED] Michael McCarron <mmccarron@wnewbury.org>;
[REDACTED]
Cc: Finance Admin <finance.admin@wnewbury.org>
Subject: [EXTERNAL] RE: New Member of Tree Committee

CAUTION: This email originated from outside of Salem State University. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Fred,

I've penciled in appointment of Francesca as a full Tree Committee member on the 4/13 BOS agenda. Her attendance is not required, but Francesca if you could please simply send me an email requesting this appointment I can include that in the Board's packet materials.

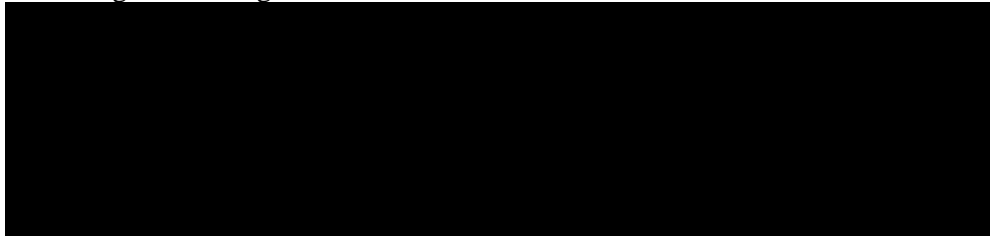
I would think the BOS would be amenable to appointment more than one Associate member as well. For housekeeping, it may be good to see them update the Committee Charge to provide for some specified number of Associate members.

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

-----Original Message-----



Hello Mike:

I trust that, by now, you have gotten Kathy Mandeville's letter of resignation from Tree Committee. We are very sorry to have her leave but she is going to enter the Medical Reserves, so we wish her well.

We have asked one of our Associate Members, Francesca Pomerantz, to become a full member of the Tree Committee, and she has assented. We are extremely excited to have her on board. I am not sure what process we need to follow at this point to have Francesca become a full member. She may well have already taken the necessary oaths and ethics training when she became an Associate member last September.

Can you kindly advise us as to what we and/or Francesca need to do? Thanks.

We also will have an Associate member vacancy once Francesca becomes a full Committee member. Is there a process by which we can invite others to join the tree Committee as an Associate member? And, can we add more than one Associate member at this point?

Thanks very much for your help on this, and I hope you and your family are well.

Fred Chanania

Town Manager

From: cmsmailer@civicplus.com on behalf of Katherine Mandeville via Town of West Newbury MA <cmsmailer@civicplus.com>
Sent: Thursday, April 2, 2020 2:41 PM
To: Selectmen
Subject: Board of Selectmen

Submitted on Thursday, April 2, 2020 - 2:40pm Submitted by anonymous user: 98.216.127.220 Submitted values are:

Subject: Board of Selectmen

Regarding: General Inquiry

Message:

Selectman David Archibald, Chairman

Town of West Newbury

381 Main Street

West Newbury, Mass. 01985

RE: Tree Committee

Dear Mr. Archibald,

I am notifying you that I am resigning from the West Newbury Tree Committee.

I have recently agreed to remain President of the West Newbury Garden Club for a fifth year. More significantly, I've also joined the Medical Reserve Corps, and in that capacity am assisting West Newbury's Health Agent, Paul Sevigny and his staff, with our town's Covid-19 response. This has been a privileged opportunity given my background in nursing and public health, and I am grateful to be able to help. I feel that my energies in volunteering on behalf of our town's residents are best used with these two activities.

The Tree Committee is in excellent hands with its Chairperson, Fred Chanania and committee members. My resignation will allow for the appointment of associate committee member, Francesca Pomerantz.

Thank you in advance for your understanding.

Sincerely,

Katherine (Kathy) Mandeville

Cc: Fred Chanania





Town of West Newbury

Investment Policy Statement

April 2020

I. The Investment of General Funds, Special Revenue Funds, and Enterprise Funds.

A. Scope

The first section of this policy applies to short term operating funds such as general funds, special revenue funds, enterprise funds, bond proceeds and capital project funds. Section two will deal with funds set aside for longer term use by the Town such as trust funds, Community Preservation Act funds, stabilization funds and any other long-term funds managed by the Town. The third section will deal with the OPEB Investment Funds, which are also long term in nature. The Essex Regional Retirement Board and the Massachusetts Teachers' Retirement System are responsible for the investment of pension funds. The last section of the policy describes the operation and responsibilities of the Town Investment Policy Committee.

All investment activity by Town employees, Investment Policy Committee members and any other authorized persons shall be subject to the policies described in paragraphs C, E, and F below.

B. Authorization

The Treasurer has authority to invest municipality/district funds, subject to the statutes of the Commonwealth Massachusetts General Law Chapter 44 Section 55,55A, & 55B as amended.

C. Ethics

With respect to the investment of any Town funds, all Town Officers, employees and members of the Investment Policy Committee shall maintain compliance with MGL Part 1, Title IV, Chapter 32, Section 23B Requirements applicable to retirement board contracts for the procurement of investment, actuarial, legal and accounting services (see Addendum).

D. Diversification

Diversification should be interpreted in two ways: in terms of maturity as well as instrument type and issuer. The diversification concept should include prohibition against over concentration of maturities as well as concentration in a specific institution. With the exception of U.S. Treasury obligations or investments fully collateralized by U.S. Treasuries or agencies, and State pools (MMDT), no more than 25% of the Town's investments shall be invested in a single financial institution.

E. Standards of Care

The standard of prudence to be used by the Treasurer and Investment Policy Committee shall be the "Prudent Person" standard and shall be applied in the context of managing an overall portfolio. The Treasurer acting in accordance with written procedures, and this investment policy, and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided the purchases and sale of securities is carried out in accordance with the terms of this policy.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs; not for speculation but for investment considering the probable safety of their capital as well as the probable income to be derived.

In addition, this section would also apply to M.G.L. Chapter 44 Section 55A which refers to the absence of liability of the Treasurer for losses due to bankruptcy by a depository institution.

F. Relationship with Financial Institutions

Financial institutions should be selected first and foremost with regard to safety. The Town subscribes to the Veribanc Rating Service to evaluate the banking institutions that it currently has relationships with. Brokers should be recognized, reputable dealers and members of FINRA.

Veribanc, Inc. classifies banks into the following color categories based upon their financial stability:

- **GREEN:** The highest rating awarded to an institution, the equity of which exceeds 5% of its assets and it was profitable during the most recent reporting quarter.
- **YELLOW:** The institution's equity is between 3% - 5% of its assets or it incurred a net loss during the most recent reporting quarter. Both of these conditions may apply. If there was a net loss, the loss was not sufficient to erode a significant portion of the institution's equity. A yellow classification merits the investor's attention.
- **RED:** The institution's equity is less than 3% of its assets or it incurred a significant net loss during the most recent reporting quarter (or both). A red classification deserves close scrutiny.

The Treasurer may invest in such banks that earn a green rating in a particular quarter. If a rating is yellow, the Treasurer should contact the appropriate banking institution and request in writing an explanation of the change in rating and the expected time table for it to be upgraded back to green.

If for a second quarter such rating has not been corrected, the Treasurer should consider removing all funds that are not collateralized, or which do not carry some form of depositor's insurance.

If a rating moves to red, all funds should be immediately collateralized or covered by some form of depositors' insurance or be removed from the banking institution.

The Treasurer will require any brokerage houses and broker/dealers wishing to do business with the municipality to supply the following information to the Treasurer:

- Audited financial statements
- If acting as an Investment Advisor their updated Form ADV upon request.
- Proof of National Association of Security Dealers certification
- A statement that the dealer has read the municipality's investment policy and will comply with it on an annual basis.
- Proof of credit worthiness (minimum standards: at least five years in operation and a minimum capital of \$10 million dollars)

G. Reporting Requirements

The Treasurer shall reconcile the Cash Account at the end of each month to both Bank Statements and General Ledger. All variances must be identified and resolved with either the bank or the Town Accountant. All reconciliations must be provided to the independent auditor for review on an annual basis.

The Massachusetts Department of Revenue requires that the Treasurer report on a quarterly basis, the Town's cash positions by instrument type, location by institution and current yield. The reports of the first three (3) quarters must be kept on file in the Office of the Town Treasurer and be made available upon request. The final quarterly report,

which includes balances at the fiscal year end, must be approved by both the Town Treasurer and the Town Accountant and submitted to the Department of Revenue prior to Free Cash Certification.

On a regular basis (quarterly, semi-annually, or annually), a report containing the following information will be prepared by the Treasurer and maintained on file as appropriate. The quarterly report will include the following information, as a minimum requirement:

- A listing of the individual accounts and individual securities held at the end of the reporting period.
- A listing of the short-term investment portfolio by security type and maturity to ensure compliance with the diversification and maturity guidelines established in the "Diversification" section of this Investment Policy.
- A summary of the income earned on a monthly basis and year to date basis shall be reported.
- The municipal treasurer shall include in the report a brief statement of general market and economic conditions and other factors that may affect the Town's cash position.
- The report should demonstrate the degree of compliance with the tenets set forth in the Investment Policy.

H. Restrictions

Chapter 44, Section 55 sets forth the several restrictions that the Treasurer must be aware of when making investment selections.

- The Treasurer shall not at any one time have on deposit in a bank or trust company an amount exceeding 5% of the capital and surplus of such bank or trust company, or banking company, unless satisfactory security is given to it by such bank or trust company, or banking company for such excess.
- The Treasurer and the Investment Policy Committee will not make a deposit in any bank, trust company or banking company that he is associated as an officer or employee or has been the same for any time during the three years immediately preceding the date of any such deposit.
- All securities shall have a maturity from date of purchase of one year or less.
- Purchases under an agreement with a trust company, national bank or Banking Company to repurchase at not less than original purchase price of said securities on a fixed date shall not exceed ninety days.

I. Legal References

Massachusetts General Law Chapter 44, Section 55
Massachusetts General Law Chapter 44, Section 55A
Massachusetts General Law Chapter 44; Section 55BD. Short Term Investment Objectives

J. Objective

Massachusetts General Laws, Chapter 44, section 55B requires the municipal/district treasurer to invest all public funds except those required to be kept uninvested for purposes of immediate distribution. Modern banking systems enable the public treasurer to maintain even these funds in interest bearing form until the date a disbursement order clears through the banking system. Generally, short term municipal funds shall be invested in debt instruments, certificates of deposit, short term money market funds. Investment of short term funds in equity like securities is not permitted.

The state law further requires that invested funds are to be placed at the highest possible rate of interest reasonably available, taking into account safety, liquidity and yield. Therefore, these guidelines are intended to further the objective of securing the highest return that is consistent with safety of principal while meeting the daily cash requirements for the operation of the entity's business.

- **Safety** of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital through the mitigation of credit risk and interest rate risk. These risks shall be mitigated by the diversification and prudent selection of investment instruments, and choice of depository. Credit risk is the risk of loss due to the failure of the security issuer

or backer. Interest rate risk is the risk that the market value of the security will fall due to changes in general interest rates.

- **Liquidity** is the next most important objective. The overall investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. Since all possible cash demands cannot be anticipated, the treasurer shall carry out investment activities in a manner that provides for meeting unusual cash demands without the liquidation of investments that could result in forfeiture of accrued interest earnings, and loss of principal in some cases.
- **Yield** is the third, and last, objective. Investments shall be undertaken so as to achieve a fair market average rate of return, taking into account safety and liquidity constraints as well as all legal requirements.

K. Risk Tolerance

Risk Tolerance of the Town's short- and long-term funds (non-OPEB) is defined and will be managed as follows:

Credit Risk

- Credit risk is the risk that an issuer or other counterparty to an investment will not fulfill its obligations.
- The Town will manage credit risk several ways. There will be no limit to the amount of United States Treasury and agency obligations which both of these types of investments carry a AAA rating. In regards to other investments, the Town will only purchase investment grade securities with a high concentration in securities rated A and above.
- The Town may invest in the Massachusetts Municipal Depository Trust (MMDT) with no limit to the amount of funds placed in the fund.
- The Town may place funds in banking institutions as stated in the Section C of this policy.

Custodial Risk

- The custodial credit risk for deposits is the risk that, in the event of the failure of a depository financial institution, a government will not be able to recover deposits or will not be able to recover collateral securities that are in the possession of an outside party. The custodial credit risk for investments is the risk that, in the event of the failure of the counterparty to a transaction, a government will not be able to recover the value of investment or collateral securities that are in the possession of an outside party.
- The Town will review the firm's financial statements and the background of the sales representative. The intent of this qualification is to limit the Town's exposure to only those institutions with a proven financial strength, Capital adequacy of the firm, and overall affirmative reputation in the municipal industry.
- Further all securities not held directly by the Town, will be held in the Town's name and tax identification number by a third-party custodian approved by the Treasurer and evidenced by safekeeping receipts showing individual CUSIP numbers for each security.

Concentration of Credit Risk

- Concentration of credit risk is the risk of loss attributed to the magnitude of a government's investment in a single issuer.
- The town will minimize Concentration of Credit Risk by diversifying the investment portfolio so that the impact of potential losses from any one type of security or issuer will be minimized.

Interest Rate Risk

- Interest rate risk is the risk that changes in interest rates will adversely affect the fair value of an investment.
- The town will manage interest rate risk by managing duration in the account.

Foreign Currency Risk

- Foreign currency risk is the risk that changes in the exchange rates will adversely affect the fair value of an investment or a deposit. The Town will not invest in any instrument exposed to foreign currency risk.

L. Short Term Investment Instruments

Note: Public investments in Massachusetts are not protected through provisions in State law. Therefore, they are largely uncollateralized. However, many banking institutions are willing to provide collateral, albeit at a cost to the Town of receiving a lower interest rate. The Treasurer negotiates for the highest rates possible, consistent with safety principles.

The Treasurer may invest in the following instruments:

- Massachusetts State pooled fund: **Unlimited amounts** (Pool is liquid)
 - The Massachusetts Municipal Depository Trust (MMDT), an investment pool for state, local, county and other independent governmental authorities, is under the auspices of the State Treasurer and currently managed by Fidelity Investments. It invests in Bankers Acceptances, Commercial Paper of high quality, Bank Certificates of Deposit, Repurchase agreements (Repos), and U. S. Treasury Obligations. It has Federal Deposit Insurance Corporation (F.D.I.C.) pass-through insurance on the C.D.'s and takes delivery on the Repos and Treasuries. Under Government Accounting Standards Board Regulation (GASB III), it is not considered an uncollateralized product.
- U. S. Treasuries that will be held to maturity: **Unlimited amounts (Up to one year maturity from date of purchase)**
- U.S. Agency obligations that will be held to maturity. **Unlimited amounts (Up to one year maturity from date of purchase)**
- Bank accounts or Certificates of Deposit, hitherto termed C.D.'s. **(Up to one year)** which are fully collateralized through a third party agreement: **Unlimited Amounts**
- Bank accounts and C.D.'s **(Up to one year)** insured by F.D.I.C. up to the maximum insurable limit. All bank accounts and C.D.'s in one institution are considered in the aggregate to receive the maximum allowed insurance coverage. In some cases Banking Institutions carry additional insurance, Depository Insurance Fund (D.I.F.): Contact banking representative for amounts of coverage.
- **Unsecured bank deposits** of any kind such as other checking, savings, money market, or Certificates of Deposit accounts at Banks that do not fit the above categories. These investments are subject to the following limitations: These investments **will be limited to no more than 5% of an institution's assets and no more than 25% of the Town's cash**. This percentage may be increase for not more than 30 days during times of heavy collection or in anticipation of large payments that will be made by the Town in the near future. These payments may be for such items as debt service payment or regional school assessments. Their credit worthiness will be tracked by Veribanc, or other bank credit worthiness reporting systems. They will be diversified as much as possible. C.D.'s will be purchased for no more than one year and will be reviewed frequently.

- **Money Market Mutual Funds** that are registered with the Securities and Exchange Commission that have received the highest possible rating from at least one nationally recognized statistical rating organization and as otherwise referenced in the Massachusetts General Law Chapter 44 Section 55.

II. The Investment of Trust Funds, Stabilization Funds and Community Preservation Act Funds

This section of the policy applies only to funds that could be invested long term, i.e. trust funds, stabilization funds, community preservation act funds and other funds the Town may set aside for long term use.

A. Scope

This policy applies to all accounts that are designated as Trust Funds, Stabilization Funds, and Community Preservation Funds and any other funds designated by the Town as long term in nature.

All accounts will be maintained separately receiving their proportionate interest and any realized and unrealized gains or losses. The account will be established as a pooled investment portfolio unless otherwise stated. Any additional accounts will be maintained in this same manner.

B. Investment Instruments

MGL Chapter 44 Section 54 provides as follows: “Trust funds, including cemetery perpetual care funds, unless otherwise provided or directed by the donor of the funds, shall be deposited in: a trust company, co-operative bank or savings bank, if the trust company or bank is organized or exists under the laws of the commonwealth or any other state or may transact business in the commonwealth and has its main office or a branch office in the commonwealth; a national bank, federal savings bank or federal savings and loan association, if the bank or association may transact business and has its main office or a branch office in the commonwealth; provided, however, that a state-chartered or federally-chartered bank shall be insured by the Federal Deposit Insurance Corporation or its successor or invested by cities and towns in participation units in a combined investment fund under section 38A of chapter 29 or in bonds or notes which are legal investments for savings banks. Cities and towns having such funds in the custody of the treasurer in an aggregate amount in excess of two hundred and fifty thousand dollars may also invest such funds in securities, other than mortgages or collateral loans, which are legal for the investment of funds of savings banks under the laws of the commonwealth; provided, that not more than fifteen per cent of any such trust funds shall be invested in bank stocks and insurance company stocks, nor shall more than one and one-half per cent of such funds be invested in the stock of any one bank or insurance company.”

The Investment Advisory Committee recommends that the Town avoid direct investments of Town CPA, stabilization funds or long term trust funds in the equity securities of savings and loans, savings banks or insurance companies. See attached the Commonwealth of Massachusetts [List of Legal Investments](#).

The Treasurer may invest in the following instruments:

- U. S. Treasuries that maybe sold prior to maturity: **Unlimited amounts (With no limit to the length of maturity from date of purchase)**
- U.S. Agency obligations that may be sold prior to maturity. **Unlimited amounts (With no limit to the length of maturity from date of purchase)**
- Bank accounts or Certificates of Deposit, hitherto termed C.D.'s. **Unlimited amounts (With no limit to the length of maturity from date of purchase)**, which is fully collateralized through a third-party agreement:

- Bank accounts and C.D.'s (**With no limit to the length of maturity from date of purchase**), fully insured by F.D.I.C. and in some cases also Depository Insurance Fund of Massachusetts (D.I.F.): the maximum allowable insurable amount all bank accounts and C.D.'s in one institution are considered in the aggregate to receive the maximum allowable insurance coverage.
- **Unsecured bank deposits** of any kind such as other checking, savings, money market, or Certificates of Deposit accounts at Banks that do not fit the above categories. These investments are subject to the following limitations: These investments **will be limited to no more than 5% of an institution's assets and no more than 25% of a municipality's cash**. Their credit worthiness will be tracked by Veribanc, or other bank credit worthiness reporting systems. They will be diversified as much as possible. C.D.'s will be purchased with no limit to the length of maturity from the date of purchase and will be reviewed frequently.

Common and preferred stock that are listed in the **List of Legal Investments other than direct investments in the stock of savings and loans, savings banks and insurance companies**

Investment Funds that are listed in the **List of Legal Investments**.

- All other items not separately identified here that are listed in the **List of Legal Investments**. Each trust fund must be accounted for separately. Chapter 44 Section 54 sets forth that Treasurers may invest in instruments that are legal for savings banks. This list of investments is included in the Commonwealth of Massachusetts List of Legal Investments, Chapter 167 Section 15A.

III. The Investment of OPEB Funds

A Purpose

The primary purpose of this Investment Policy Statement (IPS) is to provide a clear presentation of the objectives, goals, risk tolerance, and investment guidelines established for the OPEB (Other Post-Employment Benefits) fund. The secondary purpose is to describe for the Office of Treasurer & Collector of Taxes, the public, and staff the underlying logic and philosophy supporting this Statement.

B. Scope

This IPS applies to all funds that are separately designated as long-term OPEB funds. The account will be established as a pooled investment portfolio unless otherwise stated. Any additional contributions to the account will be maintained in the same manner.

C. Authority

Massachusetts General Law Chapter 32B, section 20 allows a city, town, district, county or municipal lighting plant to set up a special trust fund, the Other Post Employment Benefits (OPEB) Liability Trust Fund. The Town of West Newbury's treasurer is the custodian of the fund. Investment of fund monies by the custodian must be consistent with the prudent person standard set forth in Massachusetts General Law Chapter 203C for private trust funds. Interest, dividends and capital gains and losses earned on the investment of fund monies belongs to the fund.

D. Introduction

OPEB liabilities represent long term future payments to retired Town employees to help defray the cost of health care insurance. Investment of the funds is based on an actuarial estimate of the future cost of health care for the retiree pool, and the estimated long term returns to be earned by the OPEB account. Investment policy needs to identify those permitted investments most likely, over the long term, to approximate the rate of return targeted by the Town's actuarial study. Under GASB 45, the target return should be the long term expected rate of return on the

investments that are expected to be used to pay benefits as they come due. Investments within an OPEB Fund will closely approximate pension fund-type investments securities.

The policy statement is also designed to withstand "trustee risk" — the possibility that, at some stress point (most frequently an extreme decline in the stock or bond markets), those who oversee the funds may react in a manner detrimental to the long-term health of the Funds.

E. Objective

OPEB funds are long-term investments. Given an assumed rate of return target, a long-term investment approach enables the Town to purchase a balanced portfolio of investment assets such as equities and longer-term fixed income securities, which tend to have high returns over many years but whose price volatility precludes their use by those with shorter time horizons.

Historically, equities have served as a hedge against eroding fund values due to long term inflationary trends. We expect the stock market to provide greater total returns than the bond market does. We make this statement in a long-term sense, knowing that both economies and markets suffer periodic (but normally brief) declines, and knowing that there have been periods when cash and bonds outperform stocks.

We expect the relationship between the economy, the stock market, and inflation that has been in existence for the past 70 years to continue. We expect the American economy to show modest real growth over full business cycles, after allowance for occasional recessions. We expect stock prices to grow slightly faster than inflation. We expect cash dividends from stocks also to grow slightly faster than inflation, and to fluctuate much less than stock prices do.

We expect continued inflation. Its timing and severity we cannot predict, but we believe it will be of sufficient magnitude that to ignore it would threaten our ability to meet our long-term objectives.

Our definition of risk is not always the common one. Most investors define investment risk in terms of the volatility of short-term total returns. This definition is appropriate for funds with a very short-term time horizon, but inappropriate for quasi-perpetual funds such as this OPEB Fund. Our managed funds bear three potential kinds of risk. One comes from any mismatch between the natural cash flows out of the Fund (the amount requisitioned from the Funds) and the cash flows coming in (from contributions, dividends and interest). A second source of risk is the possibility that the assets in the funds do not perform the way the investment manager(s) or we expect them to. The third form of risk is that of reacting inappropriately at a volatile period, most likely after a severe market decline. We hope to minimize these risks to as great a degree as is possible without harming the Fund's long-term objectives. Market value fluctuations are of secondary importance unless individual assets have permanently impaired values and must be liquidated to preserve remaining value.

F. Strategy

It is expected that the Investment Policy Committee shall utilize the services of a contracted qualified Investment Manager. The contracted Investment Manager(s) will utilize the following investment guidelines in terms of asset allocation. This policy is subject to review by the Investment Policy Committee and can be amended at any time.

0 – 10% Cash and cash equivalents – normalized at 5%. Cash will be maintained to provide periodic cash distributions. Cash will not normally be held as a strategic investment asset, although the Investment Manager may seek to allow cash to build to the maximum level in times of market uncertainty.

0 – 20% Alternative Investments – normalized at 0%. Alternative Investment strategies include, but are not limited to, investment vehicles with the following objectives: market-neutral, absolute return, global macro, long/short, commodities, managed futures and arbitrage. To the extent that alternative investments are utilized an appropriate benchmark will be determined.

30 – 50% Fixed Income - normalized at 40%. To ensure appropriate diversification and to minimize default risk, the Trust Fund will invest primarily in high-quality taxable bonds, notes, and other credits through mutual funds,

exchange-traded funds (ETFs) or individual bonds. Lower-quality bonds may be held through mutual fund or ETF ownership. The overall goal of the fixed-income portion of the portfolio is to provide returns competitive with, and price volatility similar to, the Barclays Aggregate Bond Index. The fixed income allocation exists to provide income and to dampen the volatility from the fund's equity holdings.

30 – 70% Equities – normalized at 60%.

To ensure appropriate diversification the trust fund will invest primarily in American Depository Receipts, common stock, mutual funds, exchange traded funds and preferred stock. The overall goal of the public equity portion of the portfolio is to provide returns and price volatility similar to the MSCI-ACW Index. The equity allocation exists to provide growth. Adequate diversification and risk controls must be maintained. An appropriate benchmark for the overall asset class of equities will be determined and agreed upon between the Town and the Investment Manager(s).

G. Investment Instruments

M.G.L. Chapter 203C: section 1 known as the Massachusetts Prudent Investor Act, states that a custodian shall invest and manage trust assets as a prudent investor would, considering the purposes, terms, and other circumstances of the trust, including those set forth in subsection c. In satisfying this standard, the trustee shall exercise reasonable care, skill, and caution. A custodian's investment and management decisions respecting individual assets shall be considered in the context of the trust portfolio as a part of an overall investment strategy reasonably suited to the funds.

Among circumstances that a custodian shall consider in investing and managing fund assets are such of the following as are relevant to the fund or its beneficiaries: 1) general economic conditions; 2) the possible effect of inflation or deflation; 3) the role that each investment or course of action plays within the overall portfolio; 4) the expected total return from income and appreciation of capital; 5) other resources of the beneficiaries; 6) needs for liquidity, regularity of income, and preservation or appreciation of capital.

A custodian shall make a reasonable effort to verify facts relevant to the investment and management of fund assets. A custodian may invest in any kind of property or type of investment consistent with the standards of this chapter. A custodian who has special skills or expertise, shall have a duty to use such special skills or expertise.

Section 4: A custodian shall reasonably diversify the investments of the Funds unless, under the circumstances, it is prudent not to do so.

With respect to the OPEB account the Investment Policy Committee can authorize the contract Investment Manager to invest in the following instruments:

- U. S. Treasuries that may be sold prior to maturity: **Unlimited amounts** (With no limit to the length of maturity from date of purchase)
- U.S. Agency obligations that may be sold prior to maturity: **Unlimited amounts** (With no limit to the length of maturity from date of purchase)
- **U.S. Government Mortgage-Backed securities**
- **Corporate bonds**
- Bank accounts or Certificates of Deposit ("CDs"): **Unlimited amounts** (With no limit to the length of maturity from date of purchase), which is fully collateralized through a third party agreement.
- Bank accounts and CDs: (With no limit to the length of maturity from date of purchase) fully insured by F.D.I.C. and in some cases also Depository Insurance Fund of Massachusetts (D.I.F.): All bank accounts and CDs in one institution are considered in the aggregate to receive the insurance coverage limit.

- Money market mutual funds.
- Fixed-income mutual funds and exchange-traded funds (ETFs).
- Preferred stock: securities must be investment grade at the time of purchase.
- Common stock.
- Equity mutual funds and exchange-traded funds (ETFs).
- Alternative investment-oriented mutual funds. Leveraged (i.e. 2x or 3x) investment strategies are not permitted.

H. Specific Risks

The Investment Policy Committee will instruct the Investment Manager to invest OPEB funds while minimizing the following risks:

- **Credit Risk**

Credit risk is the risk that an issuer or other counterparty to an investment will not fulfill its obligations.

The Town will manage credit risk several ways. There will be no limit to the amount of United States Treasury and United States Government Agency obligations, as they carry an AA rating.

In regards to fixed-income investments, the Town will only purchase investment grade securities with a high concentration in securities rated A or better. Lower-quality investments may only be held through diversified vehicles, such as mutual funds or exchange-traded funds. Investments in fixed income securities will be made primarily for income and capital preservation. The Town may invest in the Massachusetts Municipal Depository Trust (MMDT) with no limit to the amount of funds placed in the fund.

- **Custodial Risk**

The custodial credit risk for deposits is the risk that, in the event of the failure of a depository financial institution, a government will not be able to recover deposits or will not be able to recover collateral securities that are in the possession of an outside party. The custodial credit risk for investments is the risk that, in the event of the failure of the counterparty to a transaction, a government will not be able to recover the value of investment or collateral securities that are in the possession of an outside party.

The Town will review the financial institution's financial statements and the background of the sales representative. The intent of this qualification is to limit the Town's exposure to only those institutions with a proven financial strength, Capital adequacy of the firm, and overall affirmative reputation in the municipal industry.

Further, all securities not held directly by the Town, will be held in the Town's name and tax identification number by a third-party custodian approved by the Treasurer and evidenced by safekeeping receipts showing individual CUSIP numbers for each security.

- **Concentration of Credit Risk**

Concentration of credit risk is the risk of loss attributed to the magnitude of a government's investment in a single issuer.

The Town of West Newbury will minimize Concentration of Credit Risk by diversifying the investment portfolio so that the impact of potential losses from any one type of security or issuer will be minimized. As stated above, securities of a single corporate issuer (with the exception of the United States Government and its Agencies) will not exceed 5% of the portfolio value.

- **Interest Rate Risk**

Interest rate risk is the risk that changes in interest rates will adversely affect the fair value of an investment.

The town will manage interest rate risk by managing duration in the account.- Duration to be +/- 1 year of benchmark

Diversification

- **Equity**

The equity portion of the portfolio should consist of a diversified mix of investments (individual equities, mutual funds and exchange-traded funds) suitable to achieve the objective of capital appreciation. Individual equity holdings in any one company should not exceed 5% of the market value of the portfolio.

Equity holdings may be selected from the New York and American Stock Exchange or the NASDAQ markets. Securities may be in U.S. companies, or foreign companies purchased as American Depository Receipts (ADR's). Funds may be invested in securities convertible into equities or preferred stock.

No funds may be invested in real estate (other than publicly traded Real Estate Investment Trusts), Reg D private placements or letter stock. The Investment Advisor shall not engage in margin transactions, short sales or any other such specialized investment vehicles. The manager of a specific mutual fund and exchange-traded fund, however, may engage in short sales as part of an overall investment strategy. The selection of individual equities will be at the discretion of the Investment Advisor. OPEB funds may be invested in the State Retiree Benefits Trust Fund (SRBTF) and are therefore exempt from having to comply with the activity described in the beginning of this paragraph.

- **Fixed Income**

Investments in fixed income securities will be made principally for income and capital preservation. Selection should be made from liquid, investment grade corporate debt, convertible debt and obligations of the United States Government and its agencies. Lower-quality investments may only be held through diversified vehicles, such as mutual funds or exchange-traded funds.

Securities of a single corporate issuer (excluding the United States Government and its Agencies) will not exceed 5% of the portfolio market value. Investments in U.S. Government debt will not include agencies that are not permitted under Massachusetts General Laws (i.e. Sallie Mae (SLMA) or Ginnie Mae (GNMA) obligations).

No more than 20% of the portfolio's total market value will be invested in convertible securities.

Individual corporate debt and preferred stock issues must be rated BBB or better, as defined by Moody's and/or Standard & Poor's Rating Agency.

There shall be no direct investments in real estate, mortgages, collateral or non-collateral loans, Reg D private placements, fixed income or interest rate futures, and no engagement in any other specialized fixed income ventures, such as interest rate swaps. The investment manager or the manager of a specific mutual fund and exchange-traded fund, however, may engage in fixed income and interest rate futures as part of an overall investment strategy.

Diversification should be interpreted in two ways: in terms of maturity as well as instrument type and issuer. The diversification concept should include prohibition against over concentration of maturities, as well as concentration in a specific institution, with the exception of U.S. Treasury obligations or investments fully collateralized by U.S. Treasuries or agencies.

I. Performance Measurement and Evaluation

- The Funds' performance will be measured by comparison with their stated objectives in comparison to their respective benchmarks.
- To monitor the intermediate term performance of the Funds, the Treasurer will compare the investment manager's results to a blended benchmark, to be determined in conjunction with the Investment Manager(s).
- Rebalancing of the portfolios should happen at least annually or more frequently if appropriate and approved by the Treasurer and the Investment Policy Committee.
- It is the objective that the performance figures of the Fund, and any sub-strategy, will outperform their respective benchmarks, net of fees, on a long term (business cycle) basis.

J. Supervision

- The Treasurer will meet with the Investment Policy Committee and the investment manager(s) as frequently as semi-annually to monitor the performance of the funds and the investment manager(s) compliance with these guidelines. The Treasurer will receive and review portfolio management reports quarterly.
- The Treasurer and the Investment Policy Committee will review this Investment Policy Statement at least once a year to ensure that it remains appropriate and complete.
- The Treasurer and the Investment Policy Committee have the option to put the management of funds out for bid periodically, and shall consider such option not less frequently than every five years, through a request for information, request for proposal, or similar process as required by law or town policy.

K. Legal References

- Massachusetts General Law Chapter 32B, Section 20
- Massachusetts General Law Chapter 203C, Section 1 through 11

IV. The Investment Policy Committee

ARTICLE I PURPOSE

- 1.1. The Investment Policy Committee is created for the sole purpose of providing advisory and oversight of the Town's Investments, or as determined by the Town.

ARTICLE 2 Members

- 2.1. The Investment Policy Committee shall consist of six (6) members, who shall include the Town Treasurer; a member of the Board of Selectmen voted annually by that Board; a member of the Finance Committee voted annually by that Committee; and three members of the community appointed to a 3-year term by the Board of Selectmen. Upon expiration of the term or sooner resignation or removal of the Town Treasurer the position shall be deemed vacant. In case of a tie vote the representative of the Selectmen shall cast the deciding vote.
- 2.2. The Board of Selectmen shall call for the first meeting of the Investment Policy Committee and the member of the Board of Selectmen shall serve as the initial Chairperson of the Investment Policy Committee to facilitate the organization of the Committee. Thereafter, the Investment Policy Committee will annually elect a chairperson and a secretary.
- 2.3. In the event an Investment Policy Committee member resigns, is removed or is otherwise unable to serve, the Board of Selectmen shall appoint an at large or Board of Selectmen to fill the vacancy.
- 2.4. Upon leaving office, a member of the Investment Policy Committee shall promptly and without unreasonable delay, deliver to the Treasurer's office any and all records, documents, or other documents in his possession or under his control belonging to the Funds.
- 2.5. The members of the Investment Policy Committee shall be special municipal employees for purposes of G.L. c.268A and shall be subject to the restrictions and prohibitions set forth therein.
See:
<http://www.mass.gov/ethics/education-and-training-resources/educational-materials/explanations-of-the-conflict-of-interest-law/special-municipal-employees-summary.html>
and
<https://malegislature.gov/Laws/GeneralLaws/PartIV/TitleI/Chapter268A>

ARTICLE 3 LIABILITY OF THE INVESTMENT POLICY COMMITTEE

- 3.1. A member of the Investment Policy Committee shall not be liable for any mistake of judgment or other action made, taken or omitted by a Committee member in good faith, nor for any action taken or omitted by any other member or any agent or employee selected with reasonable care, and the duties and obligations of the Investment Policy Committee member hereunder shall be expressly limited to those imposed upon them by this Investment Policy Statement.
- 3.2. No successor member of the Investment Policy Committee shall be held responsible for an act or failure of a predecessor member of the Investment Policy Committee.
- 3.3. Member of the Investment Policy Committee are public employees for purposes of G.L. c.258, and shall be indemnified by the Town against any civil claim, action, award, compromise, settlement or judgment by reason of an intentional tort to the same extent and under the same condition as other public employees of the Town.
- 3.4. A member of the Investment Policy Committee shall not be indemnified for violation of the civil rights of any person if he acted in a grossly negligent, willful or malicious manner, or in connection with any matter

where it is shown to be a breach of fiduciary duty, an act of willful dishonesty or an intentional violation of law by the member of the Investment Policy Committee.

ARTICLE 4
MEETINGS OF THE INVESTMENT POLICY COMMITTEE

- 4.1. The Investment Policy Committee may meet at least semi-annually.
- 4.2. The Investment Policy Committee shall comply with the Open Meeting Law, G.L. c.30A, §§18-25 and its implementing regulations.
- 4.2. A quorum at any meeting shall be a majority of the Investment Policy Committee then in office.

ARTICLE 5
TAXES, EXPENSES, AND COMPENSATION

ARTICLE 6
ACCOUNTS

- 6.1. The books and records of the funds shall be audited annually by an independent auditor in accordance with accepted accounting practices. The results of the audit shall be provided to the Town at the same time as it is presented to the Investment Policy Committee.

ARTICLE 7
INVESTMENT OF FUNDS

- 7.1. *The Investment Policy Committee hereby advises the Town Treasurer to contract with an outside manager invest and* reinvest the amounts in a Fund not needed for current disbursement, consistent with the prudent investor rule, and as provided in the Investment Policy which is attached to this instrument and hereby incorporated.

ARTICLE 8
LIMITATION OF MEMBERS OF THE INVESTMENT POLICY COMMITTEE POWERS, DUTIES AND RESPONSIBILITIES

- 8.1. Nothing contained in this Investment Policy Statement, either expressly or by implication, shall be deemed to impose any powers, duties or responsibilities on the members other than those set forth in this Investment Policy Statement.
- 8.2. The members of the Investment Policy Committee shall not be liable for the making, retention or sale of any investment or reinvestment made by the Committee as herein provided or for any loss to or diminution of the any Funds or for anything done or admitted to be done by the Committee with respect to the Investment Policy Statement or the any Funds except as and only to the extent that such action constitutes a violation of the law or gross negligence.
- 8.3. The Town, in its discretion, may also purchase liability insurance for the Investment Policy Committee members, and as the Town may select, for any person or persons who serve in a fiduciary capacity with respect to the Committee.
- 8.4. The Town shall not assume any obligation or responsibility to any person for any act or failure to act of the members of the Investment Policy Committee, any insurance company, or any beneficiary of the any Funds. The Investment Policy Committee shall have no obligation or responsibility with respect to any action

required by this Investment Policy Statement to be taken by the Town, any insurance company, or any other person, or for the result or the failure of any of the above to act or make any payment or contribution, or to otherwise provide any benefit contemplated by this Investment Policy Statement.

- 8.5. Neither the Investment Policy Committee nor the Town shall be obliged to inquire into or be responsible for any action or failure to act on the part of the other. No insurance company shall be a party to this Policy Statement, for any purpose, or be responsible for the validity of this Policy Statement, it being intended that such insurance company shall be liable only for the obligations set forth in the policy or contract issued by it.
- 8.6. The Investment Policy Committee shall advise and monitor the investment assets as a prudent investor would, using the judgment and care under the circumstances then prevailing that persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not in regard to speculation but in regard to the permanent disposition of their funds, considering the probable income as well as the probable safety of their capital, pursuant to G.L. c.203C. Investment advice will be consistent with the other foregoing investment instruments as prescribed by law.

Investment Policy Endorsement:

Adopted _____

Angus G. Jennings, Town Manager

Chair, Board of Selectmen

Board of Selectmen

Chair, Finance Committee

Board of Selectmen

Agreement to Abide by the Terms of the Investment Policy of the Town of West Newbury

The Investment Policy Committee and Susan Yeames, Treasurer of the Town of West Newbury, have reviewed this investment policy and will manage the Towns funds under our control in accordance with this policy.

I _____, as Representative of _____ have reviewed this investment policy and will manage the Towns funds under my control in accordance with this policy.

Susan Yeames, Treasurer

Date

Addendum – MGL Chapter 32, Section 23 B

Section 23B: Requirements applicable to retirement board contracts for the procurement of investment, actuarial, legal and accounting services

- a) This section shall apply to every retirement board contract for the procurement of investment, actuarial, legal and accounting services.
- b) As used in this section the following words shall, unless the context requires otherwise, have the following meanings:—

"Contract", an agreement for the procurement of services, regardless of what the parties may call the agreement.

"Contractor", a person having a contract with a retirement board.

"Majority vote", as to any action by or on behalf of a retirement board, a simple majority of the board.

"Minor informalities", minor deviations, insignificant mistakes and matters of form rather than substance of the proposal or contract document which can be waived or corrected without prejudice to other offerors, potential offerors or the retirement board.

"Person", a natural person, business, partnership, corporation, union, committee, club or other organization, entity or group of individuals.

"Procurement", buying, purchasing, renting, leasing, or otherwise acquiring a supply or service, and all functions that pertain to the obtaining of a supply or service, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.

"Procurement officer", an individual duly authorized by the retirement board to assist in a procurement.

"Proposal", a written offer to provide a service at a stated price submitted in response to a request for proposals.

"Purchase description", the words used in a solicitation to describe the services to be purchased, including specifications attached to or incorporated by reference into the solicitation.

"Request for proposals", the documents utilized for soliciting proposals, including documents attached or incorporated by reference.

"Responsible bidder or offeror", a person who has the capability to perform fully the contract requirements and the integrity and reliability which assures good faith performance.

"Responsive bidder or offeror", a person who has submitted a bid or proposal which conforms in all respects to the request for proposals.

"Retirement board", a board established under this chapter, chapter 34B or the retirement board of the Massachusetts Water Resources Authority excluding the pension reserves investment management board.

"Services", the furnishing of labor, time or effort by a contractor, not involving the furnishing of a specific end product other than reports; provided, however, that the term shall not include employment agreements, collective bargaining agreements or grant agreements.

- c) A retirement board shall enter into procurement contracts for investment, actuarial, legal and accounting services utilizing competitive sealed proposals, in accordance with this section.
- d) A retirement board that awards a contract shall maintain a file on each contract and shall include in the file a copy of all written documents required by this section. Written documents required by this section shall be retained by the retirement board for at least 6 years from the date of final payment under the contract.
- e) The retirement board or its procurement officer shall give public notice of the request for proposals and a reasonable time prior to the date for the opening of proposals. The notice shall:
 - (1) indicate where, when and for how long the request for proposal may be obtained;
 - (2) describe the service desired and reserve the right of the retirement board to reject any or all bids;
 - (3) remain posted, for at least 2 weeks, in a conspicuous place in or near the offices of the retirement board until the time specified in the request for proposals; and
 - (4) be published at least once, not less than 2 weeks prior to the time specified for the receipt of proposals, in a newspaper of general circulation within the area served by the retirement board and in the case of a procurement for investment, accounting, actuarial or legal services in a publication of interest to those engaged in providing such services.

The retirement board or its procurement officer shall also place the notice in a publication established by the state secretary for the advertisement of such procurements.

The retirement board or its procurement officer may distribute copies of the notice to prospective bidders and may compile and maintain lists of prospective bidders to which notices may be sent.

- f) The retirement board shall unconditionally accept a proposal without alteration or correction, except as provided in this section. A bidder may correct, modify or withdraw a proposal by written notice received in the office designated in the request for proposals prior to the time and date set for the proposal opening. After proposal opening, a bidder may not change the price or any other provision of the proposal in a manner prejudicial to the interests of the retirement board or fair competition. The retirement board shall waive minor informalities or allow the bidder to correct them. If a mistake and the intended proposal are clearly evident on the face of the proposal document, the procurement officer shall correct the mistake to reflect the intended correct proposal and so notify the bidder in writing and the bidder may not withdraw the proposal. A bidder may withdraw a proposal if a mistake is clearly evident on the face of the proposal document but the intended correct proposal is not similarly evident.
- g) The retirement board shall solicit proposals through a request for proposals. The request for proposals shall include:
 - (1) the time and date for receipt of proposals, the address of the office to which the proposals are to be delivered and the maximum time for proposal acceptance by the retirement board;
 - (2) the purchase description and all evaluation criteria that may be utilized under subsection (h); and
 - (3) all contractual terms and conditions applicable to the procurement; provided, however, that the contract may incorporate by reference a plan submitted by the selected offeror for providing the required services.

The request for proposals may incorporate documents by reference; provided, however, that the request for proposals specifies where prospective offerors may obtain the documents. The retirement board or its procurement officer shall make copies of the request for proposals available to all persons on an equal basis.

- h) The retirement board or its procurement officer shall not open the proposals publicly, but shall open them in the presence of 1 or more witnesses at the time specified in the request for proposals. Notwithstanding section 7 of chapter 4, until the completion of the evaluations or until the time for acceptance specified in the request for proposals, whichever occurs earlier, the contents of the proposals shall remain confidential and shall not

be disclosed to competing offerors. At the opening of proposals the retirement board or its procurement officer shall prepare a register of proposals which shall include the name of each offeror and the number of modifications, if any, received. The register of proposals shall be open for public inspection.

- i) The retirement board or its consultant retained under this chapter shall be responsible for the initial evaluation of the proposals. The retirement board or its consultant retained under this chapter shall prepare initial evaluations based solely on the criteria set forth in the request for proposals. The evaluations shall specify in writing:
 - (1) a rating of each proposal evaluation criteria as highly advantageous, advantageous, not advantageous or unacceptable, and the reasons for the rating;
 - (2) a composite rating for each proposal and the reasons for the rating; and
 - (3) revisions, if any, to each proposed plan for providing the required services which should be obtained by negotiation prior to awarding the contract to the offeror of the proposal.

If the initial evaluation is conducted by a consultant retained under this chapter the consultant shall review all initial evaluations with the retirement board and provide to each member of the retirement board the initial evaluation of each proposal.

- j) The retirement board shall determine the most advantageous proposal from a responsible and responsive offeror taking into consideration price and the evaluation criteria set forth in the request for proposals. The retirement board shall award the contract by written notice to the selected offeror within the time for acceptance specified in the request for proposals. The parties may extend the time for acceptance by mutual agreement. The retirement board may condition an award on successful negotiation of the revisions specified in the evaluation and shall explain in writing the reasons for omitting any revision from a plan incorporated by reference in the contract.
- k) .
 - (1) In the event of a competitive process to select an investment service provider the request for proposals shall include mandatory contractual terms and conditions to be incorporated into the contract including provisions:
 - (a) stating that the contractor is a fiduciary with respect to the funds which the contractor invests on behalf of the retirement board;
 - (b) stating that the contractor shall not be indemnified by the retirement board;
 - (c) requiring the contractor to annually inform the commission and the board of any arrangements in oral or in writing, for compensation or other benefit received or expected to be received by the contractor or a related person from others in connection with the contractors services to the retirement board or any other client;
 - (d) requiring the contractor to annually disclose to the commission and the retirement board compensation, in whatever form, paid or expected to be paid, directly or indirectly, by the contractor or a related person to others in relation to the contractors services to the retirement board or any other client; and
 - (e) requiring the contractor to annually disclose to the commission and the retirement board in writing any conflict of interest the contractor may have that could reasonably be expected to impair the contractor's ability to render unbiased and objective services to the retirement board. Other mandatory contractual terms and conditions shall address investment objectives, brokerage practices, proxy voting and tender offer exercise procedures, terms of employment and termination provisions.

The retirement board shall make a preliminary determination of the most advantageous proposal from a responsible and responsive offeror taking into consideration price and the evaluation criteria set forth in the request for proposals.

The retirement board or its duly designated agent, subject to the approval of the retirement board, may negotiate all terms of the contract not deemed mandatory or non-negotiable with the offeror. If, after negotiation with the offeror, the retirement board, in consultation with its duly designated agent and its consultant retained under this chapter, determines that it is in the best interests of the retirement board to not award the contract to that offeror, the retirement board may determine the proposal which is the next most advantageous proposal from a responsible and responsive offeror taking into consideration price and the evaluation criteria set forth in the request for proposals and may negotiate all terms of the contract with the offeror.

The retirement board shall award the contract to the most advantageous proposal from a responsible and responsive offeror taking into consideration price, the evaluated criteria set forth in the request for proposals, and the terms of the negotiated contract. The retirement board shall award the contract by written notice to the selected offeror within the time for acceptance specified in the request for proposals. The time for acceptance may be extended for up to 45 days by mutual agreement between the retirement board and the responsible and responsive offeror offering the most advantageous proposal as determined by the retirement board.

On or before January 1 of each year the contractor shall file the disclosures required with the board and the commission. Failure to file disclosures or the filing of inaccurate disclosures shall subject the contractor to proceedings under section 21A.

- (2) The retirement board may cancel a request for proposals or may reject in whole or in part any and all proposals when the retirement board determines that cancellation or rejection serves the best interests of the system. The retirement board shall state in writing the reason for a cancellation or rejection.
- (3) A person submitting a proposal for the procurement or disposal of services to a retirement board shall certify in writing on the proposal as follows:

The undersigned certifies under penalties of perjury that this proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean a natural person, business, partnership, corporation, union, committee, club or other organization, entity or group of individuals.

—

(Signature of individual submitting bid or proposal)

—

(Name of business)

- (4) Each retirement board member shall certify to the commission in writing with respect to a procurement subject to this section, as follows:

The undersigned certifies under penalties of perjury that, to the best of the members knowledge and belief, this proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club or other organization, entity or group of individuals.

—

(Signature of individual retirement board member)

—

(Name of retirement board)

- (5) No person shall cause or conspire to cause the splitting or division of a request for proposals, proposal, solicitation or quotation for the purpose of evading a requirement of this section.
- (6) Unless otherwise provided by law and subject to clause (i), a retirement board may enter into a contract for a period of time which serves the best interests of the retirement board; provided, however, that the retirement board shall include in the solicitation the term of the contract and conditions of renewal, extension or purchase, if any.
 - (i) A retirement board shall not award a contract for a term exceeding 7 years, including any renewal, extension or option; provided, however, that a retirement board may participate in a limited partnership, trust or other entity with a term for a period longer than 7 years as part of an investment of system assets.

When a contract is to contain an option for renewal, extension or purchase, the solicitation shall include notice of the provision. The retirement board shall retain sole discretion in exercising the option and no exercise of an option shall be subject to agreement or acceptance by the contractor.

- (ii) The retirement board shall not exercise an option for renewal, extension or purchase unless the retirement board, after reasonable investigation of costs and benefits, has determined in writing that the exercise of the option is more advantageous than alternate means of procuring comparable services.
- (7) All specifications shall be written in a manner which describes the requirements to be met without having the effect of exclusively requiring a proprietary service or procurement from a sole source.
- (8) All contracts shall be in writing and the retirement board shall make no payment for a service rendered prior to the execution of the contract.
 - (i) A contract made in violation of this section shall not be valid and the retirement board shall make no payment under such contract. Minor informalities shall not require invalidation of a contract.
 - (ii) A person who causes or conspires with another to cause a contract to be solicited or awarded in violation this section shall forfeit and pay to the appropriate retirement board not more than \$2,000 for each violation. In addition, the person shall pay double the amount of damages sustained by the retirement board by reason of the violation, together with the costs of any action. If more than 1 person participates in the violation, the damages and costs may be apportioned among them.
 - (iii) The commission or the retirement board may file a civil action in the superior court to enforce clause (ii).



Town of West Newbury
Special Meeting of the Board of Selectmen
Tuesday, April 7, 2020 @ 5:00pm
381 Main Street, Town Office Building
www.wnewbury.org
Minutes of Meeting – DRAFT

Open Session: 5pm 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 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. For this meeting, members of the public who wish to listen to the meeting may do so in the following manner:

GoToMeeting

Phone: (646) 749-3122
Access Code: 576-368-397

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 5:20 p.m. by Chairman David Archibald.

Participation at the Meeting:

- ❖ Board of Selectmen: David Archibald, Glenn Kemper and Richard Parker
- ❖ Town Manager, Angus Jennings
- ❖ Town Clerk/Counsel & Procurement Officer, Michael McCarron
- ❖ Police Chief, Jeffrey Durand
- ❖ Assistant to Town Manager and Finance Department, Jennifer Walsh

Regular Business

- A. Meeting with Police Chief regarding applicability of Families First Coronavirus Response Act

Motion was made by Selectman Richard Parker that the Town exclude emergency responders as defined by the US Dept of Labor from Paid Sick Leave and Expanded Family Medical Leave under the FFCRA, seconded by Selectman Glenn Kemper.

Discussion: Chairman David Archibald stated that he agrees with the motion made by Selectman Parker adding that the Board wishes to work with employees experiencing difficulties during these unprecedented times; however, being such a small Town, this Act would create tremendous hardship on Departments when we need people the most. Selectmen Glenn Kemper further added that the Town has been working, and will continue to work, with all employees on an individual basis addressing their personal needs.

Yes 3, No 0

Further Discussion: Selectman Richard Parker asked if there were emergency child care programs in our area (authorized by the Department of Early Education and Care (EEC) to care for children of families who work to maintain the health, safety and welfare of the Commonwealth). The answer was not immediately known.

Motion was made by Selectman Glenn Kemper, seconded by Selectman Richard Parker to adjourn the meeting at 5:27 p.m.

Yes 3, No 0

Respectfully submitted, Jennifer Walsh



**Town of West Newbury
Board of Selectmen
Monday, March 30, 2020 @ 7pm
381 Main Street, Town Office Building
www.wnewbury.org
Minutes of Meeting – DRAFT**

Open Session: 7pm 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: (669) 224-3412

Access Code: 562-253-461

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 7:09 p.m. by Chairman David Archibald.

Participation at the Meeting:

- ❖ Board of Selectmen: David Archibald, Glenn Kemper, Richard Parker
- ❖ Town Manager, Angus Jennings
- ❖ Town Clerk/Counsel & Procurement Officer, Michael McCarron
- ❖ Town Accountant/Business Manager, Stephanie Fronteira
- ❖ Assistant to Town Manager and Finance Department, Jennifer Walsh
- ❖ Moderator, KC Swallow
- ❖ Finance Committee: Gary Roberts, Forbes Durey and Nathan Kelly
- ❖ Registrar, Cheryl Grant

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.

Regular Business

- A. Updates regarding coronavirus pandemic, including updates from Town Counsel regarding recent and proposed legislation regarding COVID-19

Chairman David Archibald addressed the issue of postponement of Town Meeting and Town Election. Selectman Glenn Kemper made the suggestion of June 1st for Town Meeting and June 3rd for Town Election. Registrar Cheryl Grant added that she agreed with postponement and felt the proposed dates would work well. Discussion took place regarding the potential for a Saturday; ultimately, it was decided that the dates suggested make the most sense.

Motion was made by Selectman Glenn Kemper pursuant to Massachusetts General Laws c. 39 §9 and because of the state of emergency declared by the governor pursuant to Executive Order 591, Declaration of a State of Emergency to Respond to COVID-19, the West Newbury Annual Town Meeting scheduled for April 27, 2020 be postponed until June 1, 2020, seconded by Selectman Richard Parker.

Yes 3, No 0

- B. Joint (remote) meeting with Board of Registrars to discuss potential postponement of Town election

Town Clerk/Counsel shared the recently signed legislation allowing for the postponement of the Annual Town Election. Ballot materials and candidates from the original date will remain the same. Absentee ballots already cast will be counted and voters wishing to cast an absentee or early ballot may do so. An application for absentee voting will be on the Town Clerk's webpage or request can be made by any form of written communication that is signed and dated.

Motion was made by Selectman Glenn Kemper pursuant to Section 1 of Chapter 45 of the Acts of 2020 and because of the state of emergency declared by the governor pursuant to Executive Order 591, Declaration of a State of Emergency to Respond to COVID-19, the West Newbury Annual Town Election scheduled for May 4, 2020 be postponed until June 3, 2020, seconded by Selectman Richard Parker.

Yes 3, No 0

Discussion: The question of timing for posting of the warrants was addressed. In the interest in giving voters more time to have a voice in the process, it was suggested to push the posting out two weeks.

Motion was made by Selectman Glenn Kemper to push the posting of the warrants to April 24, 2020, seconded by Selectman Richard Parker.

Yes 3, No 0

- C. Acknowledgement of receipt of FY21 Capital Improvement Committee report and recommendations

The Board of Selectmen acknowledged receipt of the FY21 Capital Improvement Committee report and accepted with no recommendations.

- D. Meeting (remote) with Finance Committee, Moderator, Town Counsel, and Town Manager to review Annual and Special Town Meeting Warrants and any related business, including potential to postpone Town Meeting due to COVID-19

SPECIAL TOWN MEETING

Draft copy of Articles contained in the agenda packet.

- **ARTICLE 2.** *FinCom 3-3 (Beaudoin, Durey, Roberts dissenting), BOS no vote*

Moderator KC Swallow noted that there was a misspelling of the word “Balance” in the second paragraph that should be corrected.

- **ARTICLE 3.** *FinCom 3-3 (Durey, Roberts, Knezek disapproving) Sunset Clause End FY23, BOS 3-0, Free Cash, end FY23*

Moderator KC Swallow suggested clarifying “Council on Aging” as “Council on Aging Facility”

- **ARTICLE 4.** *FinCom 4-2 (Roberts, Kelly dissenting) Sunset Clause End of FY21, BOS no vote*
- **ARTICLE 5.** *FinCom 4-0 Sunset Clause End FY21, BOS 3-0, Free Cash, end FY21*
- **ARTICLE 6.** *FinCom 0-4 (Durey, Roberts, Kelley, Sperelakis dissenting), BOS No Vote*
- **ARTICLE 7.** *FinCom 2-3 (Beaudoin, Durey, Roberts dissenting, BOS 3-0, Free Cash, end FY21*
- **ARTICLE 8.** *FinCom 6-0, BOS 3-0, Free Cash, End Fy20*
- **ARTICLE 9.** *FinCom 6-0, BOS 3-0, Free Cash, end FY20*
- **ARTICLE 10.** *ARTICLE REMOVED*

ANNUAL TOWN MEETING

Draft copy of Articles contained in the agenda packet.

- **ARTICLE 5.** *FinCom 6-0, BOS 3-0, Free Cash*
- **ARTICLE 6.** *ARTICLE PULLED FOR FALL TOWN MEETING*
- **ARTICLE 7.** *FinCom 6-0, BOS 3-0, Free Cash*
- **ARTICLE 8.** *FinCom 6-0, BOS 3-0, Free Cash*

Chairman David Archibald explained that the Plan is the most funded plan in Massachusetts and the deficit resulted from a change in accounting rules. He would be comfortable lowering the amount to \$5,000.

Motion was made by Chairman David Archibald to amend the Article to the sum of \$5,000 for the OPEB Stabilization Fund, seconded by Selectman Glenn Kemper.

Yes 3, No 0

Moderator KC Swallow suggested the acronym OPEB should be spelled out for clarity.

- **ARTICLE 9.** *FinCom 6-0, BOS 3-0, Raise & Appropriate*
- **ARTICLE 10.** *FinCom 6-0 (ON ORIGINAL AMOUNT), BOS 3-0, School Stabilization Fund*

Chairman David Archibald stated that he would like to double the amount of the Article request to help relieve some of the economic toll the COVID 19 pandemic has taken on taxpayers. Selectmen Glenn Kemper added he wants no impact to the taxpayers this year as a result of the debt service associated with the building of the new Middle/High School. Town Manager Angus Jennings confirmed that number to be \$652,340.

Motion was made by Selectman Glenn Kemper to amend the Article to the sum of \$652,340 from the School Stabilization Fund, seconded by Chairman David Archibald.

Yes 3, No 0

- **ARTICLE 11.** *FinCom 4-0, BOS 3-0, Revolving Septic Fund*
- **ARTICLE 12.** *FinCom 6-0, BOS 3-0, Free Cash*
- **ARTICLE 13.** *FinCom 6-0, BOS 3-0, CPA funding & surcharge on RE taxes*
- **ARTICLE 14.** *FinCom 6-0, BOS 3-0, CPA funds*

Town Clerk/Council suggested including language in the motion that would authorize the Board of Selectmen to move into negotiations if the Article passes at Town Meeting.

- **ARTICLE 15.** *FinCom 2-3 (Durey, Kelley, Roberts dissenting), BOS 3-0, CPA Historic Reserve*
- **ARTICLE 16.** *FinCom 6-0 Sunset end of FY21, BOS 3-0, Stabilization, end FY21*

It was suggested language be added to make clear that the existing dump truck will be disposed of in accordance with Town policy for disposition of surplus property.

- **ARTICLE 17.** *FinCom 6-0 Sunset End of FY22, BOS 3-0, Stabilization, end FY22*
- **ARTICLE 18.** *FinCom 6-0 Sunset End of FY23, BOS 3-0, Stabilization, end FY23*
- **ARTICLE 19.** *FinCom 6-0, BOS 3-0, Free Cash, end FY21*

Moderator KC Swallow suggested the word “radios” be added after “cruiser” for clarity.

- **ARTICLE 20.** *FinCom: 6-0, BOS 3-0, Free Cash, end FY21*
- **ARTICLE 21.** *FinCom: 6-0, BOS 3-0, Free Cash, end FY21*
- **ARTICLE 22.** *FinCom 5-0, BOS 3-0,*
- **ARTICLE 23.** *FinCom 1-4 (Beaudoin, Durey, Knezek, Kelly opposed), BOS 3-0*
- **ARTICLE 24.** *FinCom 5-0, BOS 3-0*
- **ARTICLE 25.** *FinCom NO VOTE, BOS VOTE POSTPONED*

E. 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.

F. 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.

G. Review and discuss Board recommendations regarding proposed Town Meeting warrant articles

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

H. Discussion of proposed FY21 Budget

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

- I. Requests for waiver of rent due during State of Emergency: The Children’s Castle; The Learning Tree

Town Manager Angus Jennings put forward the requests received by his office from The Children’s Castle and The Learning Tree asking for a waiver of rent due during the State of Emergency. Requests are contained in the agenda packet. The Board has asked for clarification on the tenants use of the space during the period of closure and if tuition has been refunded to parents. Additionally, the Board asked if the tenants have sought any state/federal assistance resulting from COVID-19, and requested that the Finance Department estimate the direct costs resulting from the facility to ensure that any such waiver or reduction of rent does not fall to the taxpayers. No action was taken by the Board and will continue consideration at their next regular meeting.

- J. Meeting minutes: March 25, 2019; January 24, 2019; January 22, 2019.

Draft minutes are contained in the agenda packet.

Motion was made by Chairman David Archibald to accept the meeting minutes of March 25, 2019, January 24, 2019 and January 22, 2019 as written, seconded by Selectman Glenn Kemper.

Yes 2, No 0, Abstain 1 (Parker)

Town Manager Updates

- K. Update on Middle/High School project

Town Manager Angus Jennings gave a brief update saying the Town has received final approval from the Planning Board and is working with the Conservation Commission on how they can move forward with their meeting.

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

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

- M. Update on designer contract for Soldiers & Sailors Memorial Building restoration

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

- N. Follow up meeting assignments; and placing items for future agendas

Motion was made by Selectman Glenn Kemper, seconded by Selectman Richard Parker to adjourn the meeting at 10:04 p.m.

Yes 3, No 0

Respectfully submitted, Jennifer Walsh



Town of West Newbury
Board of Selectmen
Monday, March 25, 2020 @ 4pm
381 Main Street, Town Office Building
www.wnewbury.org

Minutes of Meeting – DRAFT

Open Session: 4pm 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 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. 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.

The meeting was called to order at 4:14 p.m. by Chairman David Archibald.

Participation at the Meeting:

- ❖ Board of Selectmen: David Archibald, Glenn Kemper and Richard Parker
- ❖ Town Manager, Angus Jennings
- ❖ Town Clerk/Counsel & Procurement Officer, Michael McCarron
- ❖ Assistant to Town Manager and Finance Department, Jennifer Walsh

Regular Business

- A. Review of proposed policies regarding coronavirus/COVID-19 protocols

Chairman David Archibald reviewed the new regulations for trash and recycling. All trash and recyclables, including cardboard, must be in barrels. Our vendor G. Mello will not pick up any loose material including cardboard due to the fact that COVID-19 can live on a variety of surfaces. He also recommended that everyone read the Board of Health COVID-19 update that is posted to the Town's website containing valuable information on how to protect yourself and others

The Board of Selectmen met in emergency session on March 18, 2020 to establish guidelines and policies that will help to reduce spread of the virus while allowing town government to continue operations. A summary of actions taken is contained in the agenda packet. These limitations were set through a specified date and the purpose for tonight's agenda is to review and extend the policies.

The Board also reviewed the town-posted closures of town playgrounds, play structures and basketball courts in the ongoing efforts to help prevent the spread of COVID-19. Athletic fields are closed to group gatherings and sporting activities/events. Town parks remain open and residents are encouraged to continue using public, open spaces with their facilities while practicing the CDC guidelines for social distancing and hygiene.

Motion was made by Selectman Richard Parker to extend limitations indefinitely and to allow the Town Manager to review conditions weekly and make the determination on when to lift the restrictions, seconded by Selectman Glenn Kemper.

Discussion: Selectmen Glenn Kemper brought forward the question of postponement of Town Meeting and Town Election. Town Manager Angus Jennings informed the Board that a joint meeting of the Finance Committee, Moderator, Board of Selectmen, Town Manager and Town Council is set for Monday, March 30, 2020 and among items for discussion will be potential postponement of Town Meeting and/or Town Election.

Yes 3, No 0

Further Discussion: Town Manager Angus Jennings informed the Board that the work-from-home policy is an ongoing process with each of the Department Head's to assign employees work based on what can be done remotely and defining what of their job is essential. He is working with Town Accountant/Business Manager Stephanie Fronteira and Town Clerk/Town Council Michael McCarron to develop HR best practices and put forth a short-term Telecommuting Agreement. (A draft of the agreement is contained in the agenda packet) He asked the Board if they agree and want to vote the Agreement or if his office has the authority to put it out.

Motion was made by Selectman Glenn Kemper to support the Town Manager's authority in putting out a Telecommuting Agreement with any employee working from home, seconded by Selectman Richard Parker.

Yes 3, No 0

B. Meeting minutes: March 16, 2020; March 18, 2020.

Draft minutes are contained in the agenda packet.

Motion was made by Selectman Glenn Kemper to approve the minutes of March 16, 2020 as written, seconded by Selectman Richard Parker.

Yes 3, No 0

No action was taken on the minutes of March 18, 2020

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

Motion was made by Selectman Glenn Kemper, seconded by Selectman Richard Parker to adjourn the meeting at 4:48 p.m.

Yes 3, No 0

Respectfully submitted, Jennifer Walsh



**Town of West Newbury
Board of Selectmen
Monday, March 4, 2019 @ 7pm**
381 Main Street, Town Office Building
www.wnewbury.org

Minutes of Meeting -Draft

Open Session: 7pm in the First Floor Hearing Room

The Meeting was called to order at 7:10 p.m. by Chairman Kemper.

Announcements:

- This meeting is being broadcast on local cable TV and recorded for rebroadcast on the local cable channels and on the internet.
- West Newbury Fire Company Pancake Breakfast, Sunday March 31st at the Central Fire Station. Cost is Free, donations welcome!
- West Newbury Gardening Club is sponsoring “Growing West Newbury” symposium on Sunday, March 31st at the Town Hall from 1pm to 5pm as part of the West Newbury Bicentennial celebration
- Spring Annual Town Meeting, Monday April 29th, 7pm at the Pentucket High School Auditorium
- Planning Board Public Hearing on Zoning Bylaw Amendments, Tuesday, March 5, 2019
- Pentucket School Building Project panel discussion on Monday, March 11th @ 9am at the Council on Aging. Please RSVP to 978-363-1104
- NEW Budget Information on the town’s official website <https://www.wnewbury.org/budget-information>
- West Newbury has four graduates from the Call and Volunteer Fire Academy

Regular Business

A. Appointment Requests: Tim Cronin as Associate Planning Board Member

Tim has lived in West Newbury for 3 ½ years and is in-house council for Ever Source.

Motion was made by Selectman Anderson, seconded by Selectman Archibald to approve the appointment of Tim Cronin as an Associate Member to the Planning Board with a term expiring June 30, 2019.

Yes 3, No 0.

B. Correspondence from Council on Aging regarding Space Needs

Letter from Theresa Woodbury, Council on Aging Director along with photos contained in the Agenda Packets. Theresa discussed with the Board that she has had trouble scheduling activities due to the Senior Lunch and Meals on Wheels taking place from 10:00 am to 12:30 noon. There is a growing Population of seniors in West Newbury. The activities that are not being offered are a tile mosaic class and having the space to present documentaries during the day time. Town Building options were discussed with the Board such as the Library and the old town hall. The Board advised along with the Town Manager that with the support of the Finance Department and the DPW Director to create a Working group at a staff level. Angus Jennings, Town Manager with come back to the Board at a later date with proposals.

- C. Whittier Regional Vocational Technical High School Superintendent Maureen Lynch and Business Manager Kara Kosmes: Proposed FY20 Budget

Power Point Presentation contained in the Agenda Packets. Enrollment, graduation rate and upcoming Programs were discussed with the Board.

- D. Special Event Permit Requests

- a. Alzheimer's Association Cycling Fundraiser, June 22, 2019

The individual applying for the permit is ill. This item was taken off the agenda until the next meeting.

- b. American Diabetes Association Tour de Cure, May 19, 2019

Motion was made by Selectman Anderson, seconded by Selectman Archibald to approve The Special Permit.

Yes 3, No 0.

- c. Walk for Williams, May 19, 2019

No action taken. The application was not received by the Agenda deadline.

- E. Review of dates and format for public informational forums regarding Middle/High School project

The Board will confirm the dates with the School District. Suggested dates set forth by the Superintendent are March 30, 2019 at 1:00 p.m. and April 9, 2019 at 6:00 p.m. The Board would like an informal format to answer resident's questions and to provide the impact on taxes and discuss the Stabilization Fund. The Board also requests an updated chart to show the impact. The Board also requests that the meetings be advertised on Social Media and the newspaper for involvement of the community. The date of the Massachusetts School Building Authority vote is April 10, 2019 and the Warrant has to be signed April 12, 2019.

- F. Request for auth. to pursue NERAC (Northeast Homeland Security Regional Advisory Council) grant

Motion was made by Selectman Anderson to approve authorization to submit application to the Northeast Homeland Security Regional Advisory Council Grant, seconded by Selectman Kemper.

Yes 3, No 0.

- G. Energy Advisory Committee: Request to participate in Municipal Vulnerability Preparedness Program

A copy of the grant application is contained in the Agenda Packets.

Liz Callahan, Elisa Grammer and Rick Parker were present to discuss the proposed work plan.

Volunteers will be taking part in this effort. It will also affect Town Employees and their input and support will be a necessity. This committee has sensitivity as to the town employee's workloads and the Board expressed concern regarding the same. Angus will appoint a staff member as the Town's point person with all data to be reviewed by him. The application is due May 3 and this Committee will need letters of support to accompany. Elisa Grammer will be the local project manager. A State Certified Provider will be engaged to take the Town through the workshop process. Angus agreed to assist with selecting a vendor. The main points will be Climate Change and increasing Stormwater Events. Rick

stated that there is a year's time to accomplish this task. Staff members that have expressed an interest are the DPW Director, Water Department, Council on Aging and Pentucket Regional School District.

Selectman Anderson made a motion which was seconded by Selectman Archibald to Approve the authority for the Energy Advisory Committee to apply to the Municipal Vulnerability Preparedness Application Grant.

Yes 3, No 0.

H. West Newbury Youth League request for fee waiver for use of facilities more than 6 times this year

Motion was made to approve was made by Selectman Anderson to West Newbury Youth League To waive the fee in excess of 6 times for facilities use for the Annex Building, seconded by By Selectman Kemper.

Yes 3, No 0.

Motion was made by Selectman Anderson, seconded by Selectman Archibald to approve the use of facilities to the West Newbury Garden Club in excess of 6 times with the fee waived.

Yes 3, No 0.

I. Review of draft Town Meeting warrant and continued review of draft warrant articles

Special Town Meeting Warrant

Draft copy of Warrant contained in Agenda Packets.

Article 4. School Resource Officer. The appropriate way to account for this item is that the Town pays the full amount and the Pentucket Regional School District reimburses the town for their share of the cost. At the present time it appears that the Town has expended more than the budgeted amount. The reimbursement would then appear as a Budget Revenue. The Board would like a Memorandum of Understanding with the Pentucket Regional School District in place regarding this position.

Annual Town Meeting Warrant

The Board requests that the Septic item be at the end of the Warrant. It was also noted that Citizens Petitions are usually placed at the end of the Warrant.

Articles 7 & 8 Water Department Water Tank and Chemical Building. The Board requests that these items be rebid for more favorable pricing.

Article 13 School Stabilization Fund. The Board discussed that if the School Building Project was voted down the money in the School Stabilization Fund would be placed in the General Stabilization Fund.

Article 16. Improvements and Repairs to Various Buildings, \$93,000.00. The Board requests that an application be made with the Community Preservation Committee if eligible.

- J. Board vote to re-open Town Meeting Warrant and to close Town Meeting Warrant

Motion was made by Selectman Anderson, seconded by Selectman Archibald to re-open the Special Town Meeting Warrant.

Yes 3, No 0.

The purpose is to add an Article for Conservation Restriction for the purchase of Brown Spring Farm. The available Information came in after the closing of the Warrant.

Motion was made by Selectman Anderson, seconded by Selectman Kemper to add an Article for a \$200,000.00 Conservation Restriction through the Community Preservation Committee, contingent upon their approval, for Brown Spring Farm.

Selectman Anderson made a motion, seconded by Selectman Archibald to close the Town Meeting.

Yes 3, No 0.

- K. Acceptance of minutes dated December 3, 2018

Motion was made by Selectman Anderson, seconded by Selectman Anderson to approve Minutes of Meeting dated December 3, 2018 with the following change:

Item C: Motion was made by Selectman Anderson, seconded by Selectman Archibald.

Yes 3, No 0.

Town Manager Updates

- L. Update on Finance Committee budget review process and upcoming meetings

The Finance Committee is meeting on the Budgets. This will be their focus over the next few weeks. The Board requests that the \$1.00 be removed from the Assessors Budget.

- M. Update on Capital Improvements Committee project review process and upcoming meeting

This Committee has a meeting scheduled. The Town Manager, DPW Director, Water Department, and Fire Chief will be in attendance. The Board asked questions regarding the purchase of new DPW trucks and disposal of the existing vehicle. The Boards policy is when a vehicle is purchased the old vehicle is disposed of. Angus will have the DPW Director at the next meeting to explain his planned use of these vehicles.

- N. Follow up meeting assignments
O. Placing items for future agendas

1. Updated Budgets
2. School Funding

Motion was made by Selectman Kemper, seconded by Selectman Anderson to adjourn at 9:50 p.m.

Yes 3, No 0.

Respectfully submitted, Mary DiPinto



Town of West Newbury
Board of Selectmen
Monday, January 7, 2019 @ 7pm
381 Main Street, Town Office Building
www.wnewbury.org
Minutes of Meeting – DRAFT

Open Session: 7pm in the First Floor Hearing Room

The meeting was called to order by Chairman Glenn Kemper.

Present at the Meeting:

- ❖ Board of Selectmen: Glenn Kemper, David Archibald and Joseph Anderson
- ❖ Town Manager, Angus Jennings
- ❖ Town Clerk/Counsel & Procurement Officer, Michael McCarron
- ❖ Executive Administrator, Mary Winglass
- ❖ DPW Director, Wayne Amaral
- ❖ PSRD Superintendent, Justin Bartholomew
- ❖ James Sperelakis
- ❖ Jen Solis

Announcements:

- This meeting is being broadcast on local cable TV and recorded for rebroadcast on the local cable channels and on the internet
- Town Clerk released official 2019 Election Calendar. Posted in 1910 Building and online at West Newbury website on Town Clerk homepage. Nomination papers available in Town Clerk's office.
- Cultural Council is looking for community input to help improve/expand arts and cultural opportunities in town. Link to survey available on Town website – News and Announcements, or on the Cultural Council page.
- Planning Board has an opening for an Associate Member. Interested parties should send a letter of interest to the West Newbury Planning Board or email Town Planner Leah Zambenardi at lzambenardi@wnewbury.org.
- Bicentennial Committee:
 - a. Black-Tie Gala Celebration on Saturday, February 23, 2019.
 - b. Bicentennial Committee is buying a block of tickets for Red Sox Day at Fenway Park for August 9, 2019. If interested, please contact the committee via email at wnbirthday@wnewbury.org.
 - c. West Newbury Birthday Party and Cake Contest, February 24th 2pm to 6pm at Pentucket Middle School

Regular Business

- A. Request for Appointment to Finance Committee: James Sperelakis

James Sperelakis was before the Board to answer questions about his interest in serving on this Committee.

Motion was made by Selectman Joseph Anderson to appoint James Sperelakis to the Finance Committee open position to June 30, 2021, seconded by Selectman David Archibald.

Yes 3, No 0

B. Request for Appointment to Carr Post Committee: Richard Atwood

Motion was made by Selectman Joseph Anderson to re-appoint Richard Atwater, Jr. to the Carr Post Committee to June 30, 2019, seconded by Selectman David Archibald.

Yes 3, No 0

C. Review of recommended improvements to traffic safety at Georgetown Road and Crane Neck Street

Town Manager Angus Jennings shared the request made by resident Tom Atwood that the Board of Selectmen begin a process to consider changes to the intersection of Georgetown Road and Crane Neck Street; namely, making it a four-way stop. The request is following a number of severe accidents occurring at the intersection (reports contained in the agenda packet) as well as recently witnessed near accidents. DPW Director Wayne Amaral presented the findings of the intersection safety evaluation performed at the intersection concluding that the accidents were cited as driver error and would not be correctable with increased signage. The recommended enhancements to improve the safety of this intersection consist of moving the painted stop lines to 10 - 15' back from the intersection and to replace the stop signs with new more reflective signs placed at the new stop line locations. Discussion took place adding that warning signs also be placed on both sides of Georgetown Road.

D. Pentucket Regional School District request to consider entering Memorandum of Understanding regarding permit and inspection fees for proposed school building project

Superintendent Justin Bartholomew was before the Board to discuss the building permit fees associated with the Middle/High School Building Project. On behalf of the School Committee, the request was made to enter into a Memorandum of Understanding that would waive permit fees associated with the Building Project; however, specifying that direct expenses and payroll (above regularly budgeted hours) incurred by the Town for this project would be reimbursed. Additionally, the MOU would address the Board's concern that any direct expenses resulting from third-party inspection be the responsibility of PRSD and not be absorbed by West Newbury.

E. Confirm meeting date and objectives for joint meeting with Groveland and Merrimac regarding PSRD Regional Agreement and contingency planning, and school building project

Chairman Glenn Kemper announced that the joint meeting among the three Towns' Boards of Selectmen and PSRD administration will be on Thursday, January 24th at 6pm. Town Manager Angus Jennings added that the meeting will focus on two major issues; 1) the ongoing draft contingency planning (draft contained in the agenda packet) potentially leading to recommended amendments to the PSRD Regional Agreement for review and approval at the three Towns' Annual Town Meetings this spring, and 2) the Middle/High School Building project, including planning for public communications leading up to the Town Meetings. Chairman Glenn Kemper requested that proposed language changes to the Agreement be available at the meeting on the 24th for review.

F. Pentucket Arts Foundation request for comments Re: Tape Art Project

Jen Solis gave an update on the Tape Art Project. The Foodmart will be the West Newbury venue for the artists to create a mural on a date in July which is hoped to generate interest in the project. Town Manager Angus Jennings added that the Foundation is looking for a contact in Town who might be a good resource to collaborate with the Tape Art Historian. A draft timeline is contained in the agenda packet.

G. Review Board of Selectmen FY'18 Year-End report

The Board had no objections to the year-end report as written with the one exception noted by Selectman Joseph Anderson to remove the word “upheaval” from the third paragraph. The draft report is contained in the agenda packet.

Motion was made by Selectman Joseph Anderson to accept the FY18 Year-End Report as amended by removing the word “upheaval” from paragraph three. Seconded by Selectman David Archibald.

Yes 3, No 0

H. Request for fee waiver for town employee rental of Old Town Hall for child’s birthday party on January 19, 2019

Motion was made by Selectman Joseph Anderson to waive the fee for town employee rental of Old Town Hall for child’s birthday party on January 19, 2019, seconded by Chairman Glenn Kemper.

Yes 3, No 0

I. Selectmen Special Article Request for School Stabilization Funding for Annual Town Meeting, April 29, 2019

Discussion took place regarding the Special Purpose Education Stabilization Fund. It was explained that as current Town debt is retired, the portion of taxes raised for that expense would now be raised for the Fund to help offset future building costs of the new Middle/High School. Chairman Glenn Kemper emphasized the importance of giving a full explanation to the tax payers at Town Meeting noting that when tax payers vote on debt, they expect it will eventually fall off. The Board agreed unanimously.

Motion was made by Selectman Joseph Anderson to add Special Article for School Stabilization Funding for Annual Town Meeting, April 29, 2019, seconded by Selectman David Archibald.

Yes 3, No 0

Town Manager Updates

J. Update on office layout changes, Finance and Selectmen Offices

Town Manager Angus Jennings thanked the DPW crew and Director as well as staff for the tremendous work done to coordinate the relocation of the Finance and Selectmen offices. The move went very smoothly and staff feel very happy about the changes. Signage has been ordered and expected to be installed imminently.

K. Update on preparation of booklet of Board of Selectmen policies

Town Manager Angus Jennings updated the Board on the ongoing preparation of a Board of Selectmen Policies booklet. At last review, there were seven policies referred for additional input. At this point, all requested reviews have been received back from department heads and recommendations are being prepared on the basis of input received.

L. Update on ongoing reviews, by Town Committees/Commissions, of Mill Pond Management Plan

Town Manager Angus Jennings updated the board on work toward the Mill Pond Management Plan. He is still awaiting input from the Conservation Commission and the Open Space Committee. The Board asked to set a deadline for comments. Town Manager Jennings will continue to work to keep this moving forward.

M. Update on status of Page School generator

DPW Director Wayne Amaral gave a brief update on the Page School generator. It has been installed and was tested successfully during school vacation week. He is waiting to hear on a date for the final inspection. The Board asked to be notified when it is final and has been signed off on.

N. Update on Water Department capital projects to include water tank and wellfield chemical building

Town Manager Angus Jennings reported that the Town has received back three bids for the chemical building with the lowest coming in well above the project budget. Two bids were received for the water tank and both were well above the projected budget for that project. The Water Commission will be meeting on January 8th to regroup and think about potential options. Town Manger Jennings will be in attendance at the meeting and will report back to the Board.

O. Update on efforts toward compliance with OSHA

Town Manager Angus Jennings informed the Board that this is a continuing effort to make certain that the Town is compliant by the statutory deadline of February 1, 2019. The question to the Board is if they want to adopt a policy that broadly frames what needs to be done.

Motion was made by Chairman Glenn Kemper to adopt a policy that sets out the objective that all Town Departments shall be OSHA compliant and shall put in place procedures and assign responsibilities as necessary to meet that objective, seconded by Selectman David Archibald.

Yes 3, No 0

P. Update on contract with MVPC for MS4 (stormwater management) support

DPW Wayne Amaral updated the Board on the necessity to contract with MVPC to provide support to the Town in order to meet the FY19 obligations under the MS4 stormwater management permit. The stormwater working group (which comprises the Town Manager, DPW Director, Town Planner, Conservation Agent and Health Agent) determined that the work required this fiscal year is beyond what current staffing levels can absorb. The scope of services is contained in the agenda packet.

Q. Update on Senior Citizen Property Tax Work-Off Program

Town Manager Angus Jennings updated the Board on the occurrences leading to a tax withholding error on earnings from the Senior Citizen Property Tax Work-Off Program. Policies and procedures are underway to ensure improvements in future program administration.

R. Update on FY20 budget and capital planning process

Town Manager Angus Jennings gave a brief update on the guidance and policy direction for the FY20 budget process.

Motion was made by Selectman Joseph Anderson, seconded by Chairman Glenn Kemper to adjourn the meeting.

Yes 3, No 0

Respectfully submitted, Jennifer Walsh

**NOTIFICATION TO ABUTTERS
UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT**

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, you are hereby notified of the following:

RECEIVED
APR 06 2020

- A. The name of the Applicant is the Pentucket Regional School District.
- B. The Applicant has filed a Notice of Intent with the West Newbury Conservation Commission to remove, fill, dredge or alter an Area Subject to Protection under the Wetlands Protection Act (General Laws Chapter 131, Section 40).

TOWN MANAGER
TOWN OF WEST NEWBURY

The project consists of the demolition of the existing Middle and High School Buildings and the construction a new middle/high school building with various site improvements, including the construction of new parking lots, roadways, driveways, fields, landscaped areas, athletic fields, and utilities.

- C. The location of the proposed activity is 24 Main Street, West Newbury, MA.
- D. Copies of the Notice of Intent may be examined by appointment at the West Newbury Conservation Commission at conservation@wnewbury.org.
- E. Copies of the Notice of Intent may be obtained from the applicant's representative: Please contact Brittney Veeck at Nitsch Engineering, Inc. at bveeck@nitscheng.com.
- F. Information regarding the date, time, and place of the Public Hearing may be obtained by emailing the West Newbury Conservation Agent at conservation@wnewbury.org

The Public Hearing for the proposed project will be held during Conservation Commission meeting at the West Newbury Town Hall Annex on Monday, April 13, 2020 at 7:30 PM.

NOTE: Notice of the public hearing, including its date, time, and place, will be published at least five (5) days in advance in The Newburyport Daily News.

NOTE: Notice of the public hearing, including its date, time, and place, will be posted at West Newbury Town Hall, 381 Main Street not less than forty-eight (48) hours in advance.

NOTE: You may contact the nearest Department of Environmental Protection Regional office for more information about this application or the Wetlands Protection Act. To contact DEP, call:

Central Region: 508-792-7650

Northeast Region: 978-661-7600

Southeast Region: 508-947-6557

Western Region: 413-784-1100

Town Manager

From: DPW Director
Sent: Friday, April 3, 2020 1:03 PM
To: Town Manager
Subject: DPW Status / updates

Angus,

We have not met much over the past few weeks for obvious reasons – but DPW has been continuing with most of our daily operations. To recap;

1. Street Sweeping – Contract awarded to American Sweeping with an estimated start date of Monday May 4, 2020.
2. Pavement Markings / town-wide – Contract awarded to Markings Inc and they are scheduled to start 1-2 weeks after street sweeping is completed.
3. Catch Basin Cleaning – Contract awarded to BMC with an estimated start date of Monday May 4, 2020.
4. High Hazard Tree Removal (Phase III) – Contract awarded to Bartlett Tree Service with an estimated start date of late May.
5. Roadway Paving – Currently preparing contract that meets MassDOT standards and requirements. Gary Bill is assisting and will oversee the paving operation as a consultant. I hope to get this bid by mid-June. However, I have heard that many of the big plants and paver contractors will be at least 3-4 months behind schedule and may not bid on any additional work this year unless we delay until late fall 2020 or spring 2021. I guess we will just see how the bid responses are submitted.
6. Street Opening Permits – Still waiting on our vendor to work out some logistic software concerns I had about combining both permits together and a few other small things. We are still issuing permits from the building department with my signature.
7. MS4 Permit. I have seen some e-mail's about EPA delaying some of the reporting requirements due to the shutdown. I am not really worried. As the EPA gentleman stated at a meeting a few months back – they only have 2 people in the region with very big fish to chase and West Newbury not on their radar. We just need to be honest during our reporting.
I sent you the Horsley Witten contract for your review. Once I get that back to them, we may still be in a holding pattern until all this is lifted.
8. MCPPO – I have another training this Monday – Wednesday 8:30am – 4:30pm. Was scheduled for Boston – but they moved the class to a web base classroom. So I will be in my office with 1 hour lunch break and attending the class on my laptop.
9. COVID-19 – Continue to reduce interactions between DPW staff and we have not missed a beat in performing our daily operations.
Ordered two foggers today from about \$1,500. We will pay out of building funds with possible reimbursement in the future.
Marie working in the office on Wednesdays and now have work that can be done from home for the other 8 hours. She is working on a new time tracking database.
10. Page School Playground – I am moving a bit slowly on this pending KP's ruling and pending town meeting approval. Like to reduce any cost until we are confident the project is a go.
11. DPW Budget – on hold until meetings start back up again.
12. Carr Post – Asbestos removal. Working with vendor to get quotes for removal. This is also in a holding pattern.
13. MIAA Safety Equipment Grant – I question the amount of the award with the MIAA rep and waiting on response.

The above is not everything, but all the task that I can think at the top of my head.

Wayne

Wayne S. Amaral
Director of Public Works
Town of West Newbury
381 Main Street
West Newbury, MA 01985
(978) 363-1100 x120
dpwdirector@wnewbury.org

Town Manager

From: DPW Director
Sent: Wednesday, March 25, 2020 1:43 PM
To: Town Manager
Cc: Jack Foley
Subject: Ballfield Wish List - Repairs and Improvements

Angus,

I met with Jack Foley (P&R) last week to discuss some repairs and improvements that the committee would like to have done by town staff, article or capital improvement request. I have attempted to list these below.

Town Staff Task. (mostly labor – low cost)

1. Repair / replace cabinet doors under sink in snack shack. (Brian 2 days about \$500 – \$800.)
2. Landscaping beside building – remove and replace with grass. (Brian and 1 Highway member 2 days about \$300.)

Town staff or contractor. (Article Request)

1. Dugout #1 – need new roof, replace trim where needed and paint.
 2. Dugout #2 – need new roof, replace trim where needed and paint.
- If done by town staff if is estimated to cost about \$12,000 for both dugouts.

Town staff (Article Request)

1. Pour concrete pads under both bleaches. (estimated cost of about \$3,000)

Contractor (Capital Request)

1. Replace non ADA complaint bleachers (estimated at \$20,000 – would need to get an actual quote.)
2. Install two additional dugouts in the other field (estimated at \$50,000)

The ball is in Jack's court. He will discuss these with the P&R committee and meet me to discuss these in greater detail once we receive an official request for these or other projects. I informed Jack that I can assist with preparing any articles or capital request for fall town meeting.

Wayne

Wayne S. Amaral
Director of Public Works
Town of West Newbury
381 Main Street
West Newbury, MA 01985
(978) 363-1100 x120
dpwdirector@wnewbury.org