



Town of West Newbury
Board of Selectmen
Monday, May 11, 2020 @ 6:00pm
381 Main Street, Town Office Building
www.wnewbury.org
AGENDA

Executive Session: 6:00pm by remote participation

- ❖ MGL Ch. 30A §21(a) 7: To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements (*proposed Coffin Street development*);
- ❖ MGL Ch. 30A §21(a) 2: To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel (*personnel FLSA classification*);
- ❖ 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 (*Police Union contract*).

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

Announcements:

- This meeting is being broadcast on local cable TV and recorded for rebroadcast on the local cable channels and on the internet. Meeting also accessible by remote participation; instructions below.
- Tree Committee awarded DCR Urban and Community Forestry Challenge Grant!
- Reminder to subscribe for emailed Town news/announcements at <https://www.wnewbury.org/subscribe>

Regular Business

- A. Updates regarding coronavirus pandemic, including updates from Town Counsel regarding recent and proposed legislation regarding COVID-19
- B. Discussion with Town Clerk/Counsel and Town Moderator regarding date/logistics for Annual Town Meeting
- C. Updates on preliminary planning underway for future re-opening of Town buildings and facilities
- D. Request from Pentucket Arts Foundation to host a "Reverse Arts Parade" on/around July 4th
- E. Updates regarding Coffin Street/Main Street 40B housing proposal including scheduling Board site visit; comments received from residents, staff, boards/commissions/committees; discussion of special Board meeting and public informational workshop regarding 40B on May 14, 2020 at 6:30 PM
- F. Update on financing options for water projects and Soldiers & Sailors Memorial building
- G. Update regarding Board member site walk of Industrially-zoned land to evaluate solar PV potential
- H. Policy discussion: noise bylaw (Zoning Sec. 7.A.4) and MassDEP noise regulations (310 CMR 7.00)
- I. Meeting minutes: May 4, 2020; April 28, 2020; April 13, 2020; April 9, 2020.

Town Manager Updates

- J. Update on Finance Committee Town Meeting booklet
- K. Update on work with Board of Appeals (ZBA)
- L. Update on continued work to ensure compliance with EPA MS4 stormwater management general permit
- M. 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: (872) 240-3212

Access Code: 767-572-605

Or, from computer, tablet or smartphone: <https://global.gotomeeting.com/join/767572605>

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 Manager

From: Tree Committee
Sent: Wednesday, May 6, 2020 9:34 AM
To: Fred Chanania; cbcassoc2000@yahoo.com; mhawkins513@hotmail.com; janeemartin@comcast.net; DPW Director; fpomerantz@salemstate.edu; barhaackpots@gmail.com; Town Manager
Cc: Finance Admin
Subject: Fw: DCR Urban and Community Forestry Challenge Grant
Attachments: Signed Award Letter_West Newbury.docx

Hello Everyone:

Here is the great news about our reimbursable grant application, which just won an award from Mass DCR of \$1510.00 for the Tree Committee. Below is the email from Julie Coop, our grant coordinator at DCR, and attached is the official award letter. I have omitted the other two forms (referenced in Julie's email), but I will be working on getting those forms filled out as directed and submitted to the state as soon as possible so that the grant award can actually be finalized.

As you may remember, this reimbursable grant application covers two things: (1) money for equipment needed to measure and mark trees and also for the personnel safety equipment needed for site visits, both related to our effort to compile a Roster of Significant and Remarkable Trees in West Newbury; and (2) training on tree stewardship (in late October 2020) for the members of the Tree Committee.

Because this is a reimbursable grant, it is tied to our budget request for FY 2021, which appears on track for approval at the upcoming town meeting. We need to obtain that upfront money from the Town, expend it consistent with the terms of the grant award, and then submit a request for reimbursement to the state.

I do not anticipate any issues in moving forward with completing the paperwork to activate the grant and to obtain the upfront FY 2021 funds from the Town. We will be making sure that all appropriate record keeping will be done to ensure compliance with the grant award and to ensure eventual reimbursement of \$1510 to the Town.

This is indeed good news for and from the Tree Committee!

My best regards,
Fred Chanania

From: Coop, Julie (DCR) <julie.coop@state.ma.us>
Sent: Monday, May 4, 2020 8:49 AM
To: Tree Committee <treecommittee@wnewbury.org>
Subject: DCR Urban and Community Forestry Challenge Grant

Hi Fred,

Congratulations! The Town of West Newbury's DCR Urban and Community Forestry Challenge Grant proposal titled, *Equipment and Training for Tree Committee*, has been approved and selected to receive funding in the amount of \$1,510.00.

Please find attached to this e-mail an award letter and two documents, a Standard Contract and the Contractor Authorized Signatory List form (casl), that must be signed by the Town of West Newbury and returned to me.

Please ensure that both documents are signed in **BLUE** ink and obtain a notary seal for the Contractor Authorized Signatory List form. Once signed and notarized, contact me and I will provide you with the next steps. Either way, I will need the originals mailed to me, I'm just not sure where I will be at that time, and the copies scanned and e-mailed to me.

All documents must be signed by both the Commonwealth and Contractor, the Town of West Newbury, prior to the execution of the grant.

Do not hesitate to contact me if you have any questions.

I look forward to working with you on this project!

Take care,
Julie

Julie Coop

Department of Conservation & Recreation
Urban & Community Forestry State Coordinator
251 Causeway Street, Suite 600
Boston, MA 02114-2119
(617) 797-3392 (cell)
(617) 626-1468 (office)



April 10, 2020

Fred Chanania, Tree Committee Chair
West Newbury Town Offices
381 Main Street
West Newbury, MA 01985

Dear Mr. Chanania,

On behalf of Governor Charles Baker and Energy and Environmental Affairs Secretary Kathleen Theoharides, I am pleased to announce that the Department of Conservation and Recreation (DCR) has selected your project entitled, "Equipment and Training for Tree Committee" for a Massachusetts DCR Urban and Community Forestry Challenge Grant. Your project has been approved for the amount of \$1,510.

The DCR received twenty applications totaling \$264,823 in grant requests. Using funds from the USDA Forest Service, the Mass ReLeaf Trust Fund, and from Massachusetts Clean Energy, the DCR is able to award grant funds to seventeen of the applicants in this round of grants. These projects include strategic tree planting and preservation in communities, engaging and building citizen advocacy and stewardship in the community, revitalizing collaborative, community based inventory and management plans of the urban forest, and establishing and strengthening community wood banks. These are all important goals of DCR's Urban and Community Forestry Program, as we remain committed to assisting our local community partners in managing our shared forest resources.

I would like to extend my congratulations and best wishes for a successful project. Should you require any additional information or assistance, please contact Julie Coop, (617) 626-1468 or Julie.Coop@mass.gov. We look forward to working with you.

Sincerely,

Jim Montgomery
Commissioner

COMMONWEALTH OF MASSACHUSETTS - EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS

Department of Conservation and Recreation
251 Causeway Street, Suite 600
Boston, MA 02114-2199
617-626-1150 617-626-1351 Fax
www.mass.gov/orgs/department-of-conservation-recreation



Charles D. Baker
Governor

Karyn B. Polito
Lt. Governor

Kathleen A. Theoharides, Secretary, Executive
Office of Energy & Environmental Affairs

Jim Montgomery, Commissioner
Department of Conservation & Recreation

Town Manager

From: [kelsey@jgpr.net on behalf of Kelsey Bode <kelsey@jgpr.net>](mailto:kelsey@jgpr.net)
Sent: Friday, May 8, 2020 1:38 PM
To: Town Manager
Subject: Pentucket Music Conservatory to Share Video Performances

Display problems? [Open this email in your web browser.](#)

Pentucket Regional School District

Superintendent Dr. Justin
Bartholomew

22 Main St.
West Newbury, MA 01985



FOR IMMEDIATE RELEASE

Friday, May 8, 2020

Media Contact: Kelsey Bode

Phone: 617-993-0003
Email: kelsey@jgpr.net

Pentucket Music Conservatory to Share Video Performances

WEST NEWBURY -- Superintendent Justin Bartholomew is pleased to announce that Pentucket Regional School District will be sharing video performances by students and alumni this month.

"The Pentucket Music Conservatory is thrilled to offer these opportunities to our students, alumni, and community at a time when we could all use some positive entertainment," said Director of Jazz and Music Conservatory Leader David

Schumacher. "These events are a great celebration of the work these musicians have put in. It has been fantastic to reconnect with our jazz alumni over the past few weeks in preparation for this event. You will be amazed at what they have all accomplished since moving on from Pentucket. I couldn't be more proud."

Students, alumni, faculty, staff, community members and the media can access all of the video performances on their designated publication dates by visiting the Pentucket Music Conservatory YouTube channel at <https://www.youtube.com/user/pentucketbands> or by searching pentucketmusicconservatory on YouTube.

20th Anniversary of Cafe Jazz

WHEN:

Friday, May 15 at 7 p.m.

WHAT:

Prior to the COVID-19 outbreak which has forced school facilities statewide to close for the remainder of the school year, Pentucket had planned a series of events to celebrate the 20th anniversary of Cafe Jazz.

During Cafe Jazz, the Pentucket Regional High School cafeteria is decorated to transform into a "jazz club" for a night of student performances. Next year's in-person performances are tentatively scheduled to be held in May 2021, and this month, alumni have been invited to perform as special guests. Their performances will be shared online for their peers and the community.

The video performances will also offer viewers an opportunity to write in and interact with comments and questions.

West Newbury resident, Pentucket parent and professional video editor, Tim Kane of Indian Hill Productions, has volunteered to produce the Cafe Jazz video this month.

Performers for the virtual Cafe Jazz event include:

- Collin Tarr, class of 2017, a composer who will perform his original work "A Far Cry From Here: Birds of Another Feather"

- Duncan Tarr, class of 2012, on bass will perform "SNUSS" with his band normandd and "Hand in Hand" with his band Conspicuous Bystanders
- Kevin Dacey, class of 2010, on drums will perform "Maximillian," written and programmed in Abeton by Ramon Castillo
- Adam Medonca, class of 2006, will sing and play guitar while performing "I Fall In Love Too Easily" by Styne/Cahn and his original work "Air To Lungs"
- Alden Slack, class of 2014 on saxophone and Cooper Slack, class of 2015 on piano will perform "Infant Eyes" by Wayne Shorter
- Bobby Spellman, class of 2006 and a composer, will play the trumpet while performing an original "Ode to Brink" with his Revenge of the Cool Nonet
- Derek Skala, class of 2019, on vibraphone will perform "Ruby, My Dear" by Thelonious Monk
- Jake Baynes, class of 2019, on guitar will perform "Big Legged Woman" by Freddie King
- Josh Torvi, class of 2013, on guitar will perform an original "78" with his band Josh Torvi Trio
- Steven Ferrara, class of 2015, on trumpet will perform "It Ain't Necessarily So" by Gershwin
- Josh Schulz, class of 2015, on bass will perform "Tell Me A Bedtime Story" by Herbie Hancock

Pentucket Music Conservatory Recital

WHEN:

Wednesday, May 27 at 7 p.m.

WHAT:

Pentucket Regional School District students have the opportunity this May to volunteer their own video performances through the first-ever Pentucket Music Conservatory recital, and a video of all the performances will be archived and viewable after May 27 on the [conservatory's YouTube channel](#) as well.

Students in grades seven through 12 will perform in the recital, and faculty will also participate. Students have been given the opportunity to perform using any instrument they wish, and are not limited to the instruments they primarily practice through their academics or after school activities. Performances will include solos, solos with accompaniment or a digital collaboration with peers.

Pentucket Music Conservatory Encore Performance Series

The district will be sharing the Pentucket Music Conservatory Encore Performance Series this month, through which the district will be posting encore "premieres" online of district performances from spring 2018 and 2019.

WHEN:

Pentucket Regional School District Orchestra performances from spring 2019 will be shared Wednesday, May 13

Pentucket's spring 2018 Band Jamboree performance will be shared on Tuesday, May 19

Pentucket Regional Middle and High School Choir and Percussion performances from spring 2019 will be shared on Wednesday, May 20

All encore performances will be posted at 7 p.m.

"Our faculty, students and alumni have gone above and beyond to put this series of events together, and its truly remarkable to see what they've been able to accomplish," Superintendent Bartholomew said. "We're all looking forward to enjoying these performances, and encourage community members to tune in and listen to our talented Pentucket musicians."

###

A message from Pentucket Regional School District

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John Guilfoil Public Relations LLC

8 Prospect St.
Georgetown, MA 01833
617-993-0003



COVID-19 will likely lead to a recession. Can Massachusetts municipal budgets handle one?

By Andrew Mikula, Peters fellow

For many, March 2020 was eerily similar to [September 2008](#), at least in one way. Economic uncertainty reached all corners of society. Unemployment claims [soared](#) in all 50 states, and small businesses [shut down](#) left and right.

But while the federal government has [unfathomable financial clout](#) during this crisis, local governments [do not](#). In the aftermath of widespread shuttering of businesses, some municipal revenue streams will be devastated while others remain stable.

For example, the effect of the Great Recession on property taxes was both [lagged and diminished](#) relative to its impact on property *values*. This is largely because property taxes are calculated based on past years' data, and changes in real estate assessments are often phased in. The main concern with property taxes for many communities will likely be difficulty collecting from cash-strapped families, not a decline in value given existing formulas. While legislation like [Proposition 2.5](#) has rightly ensured that towns and cities can't tax their way out of a budget shortfall, they may not need to try in the first place. Revenue from property taxes remained stable throughout the Great Recession.

As businesses shutter and workers are laid off, revenue from these taxes will likely decline, as during the Great Recession.

This is good news, as property taxes make up the majority of [revenue streams](#) in 89 percent of Massachusetts municipalities. Still, the other 11 percent include some of the state's poorest communities, reliant on state revenues to balance budgets and vulnerable to business cycle volatility (see Figure 1). The top five recipients of [state revenue per capita](#) are Lawrence, Springfield, Chelsea, Brockton, and Holyoke, in that order.

Meanwhile, the state [largely relies](#) on income and sales taxes to fill its coffers. As businesses shutter and workers are laid off, revenue from these taxes will likely decline, as [during the Great Recession](#) (see Figure 2). After facing budget cuts in 2009, Massachusetts lawmakers [boosted the sales tax rate](#) from 5 percent to 6.25 percent, prolonging the state's reliance on volatile revenue sources.

Many municipal coffers would also suffer during a prolonged recession. If COVID-19 continues to disrupt daily life for several months, the virus could influence [crucial legislative votes](#) on the state budget over the summer. Just like during the 2008 financial crisis, aid to local governments could take a hit. From 2008–2010, the amount the legislature allotted for local aid [declined by 28 percent](#), even while overall spending grew. In Fiscal Year 2020, local aid spending remains 12 percent below its 2008 peak.



PIONEER INSTITUTE
PUBLIC POLICY RESEARCH

Andrew Mikula is the Lovett & Ruth Peters Economic Opportunity Fellow at Pioneer Institute. Mr. Mikula was previously a Roger Perry Government Transparency Intern at Pioneer Institute and studied economics at Bates College.

Figure 1: 2017 municipal revenues by category among the least tax-reliant communities in MA

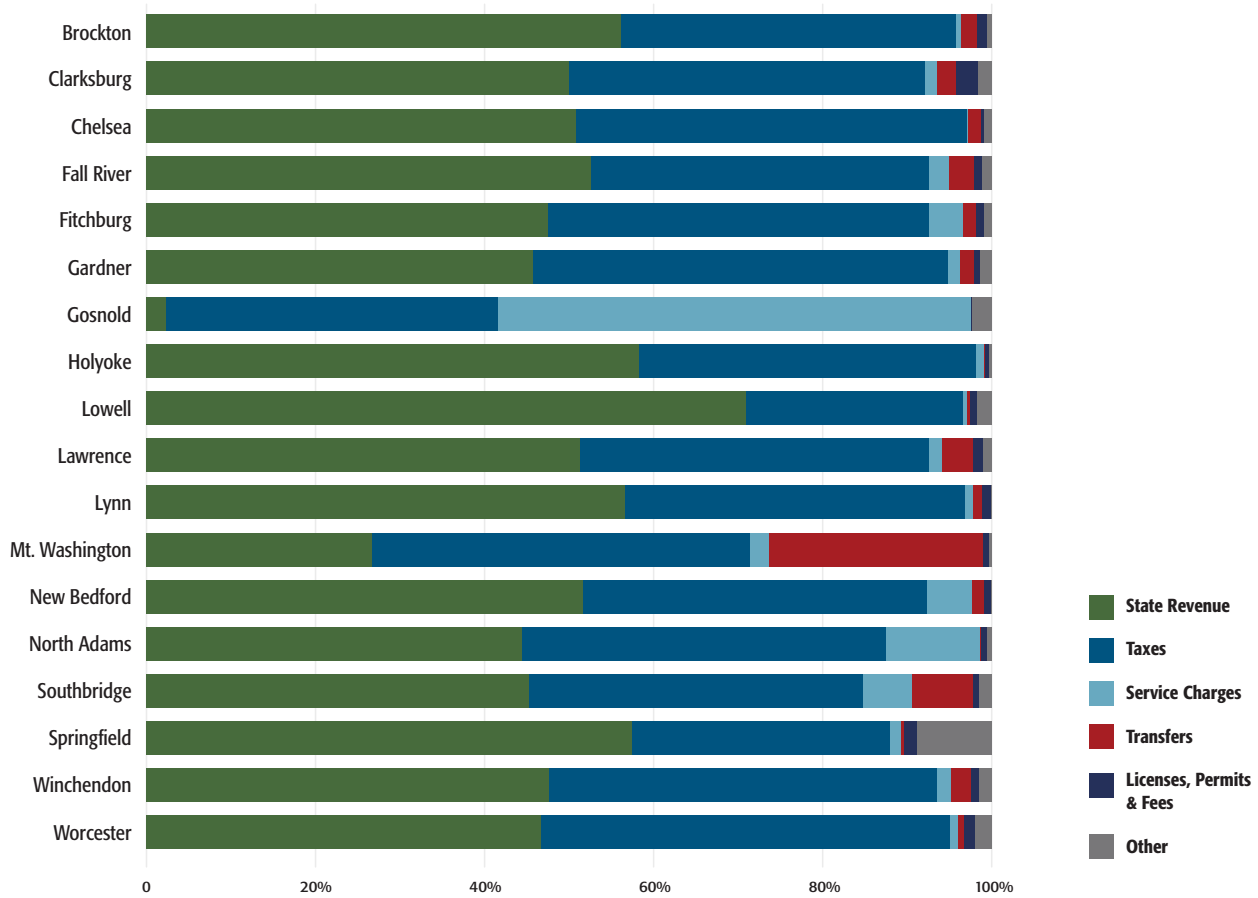
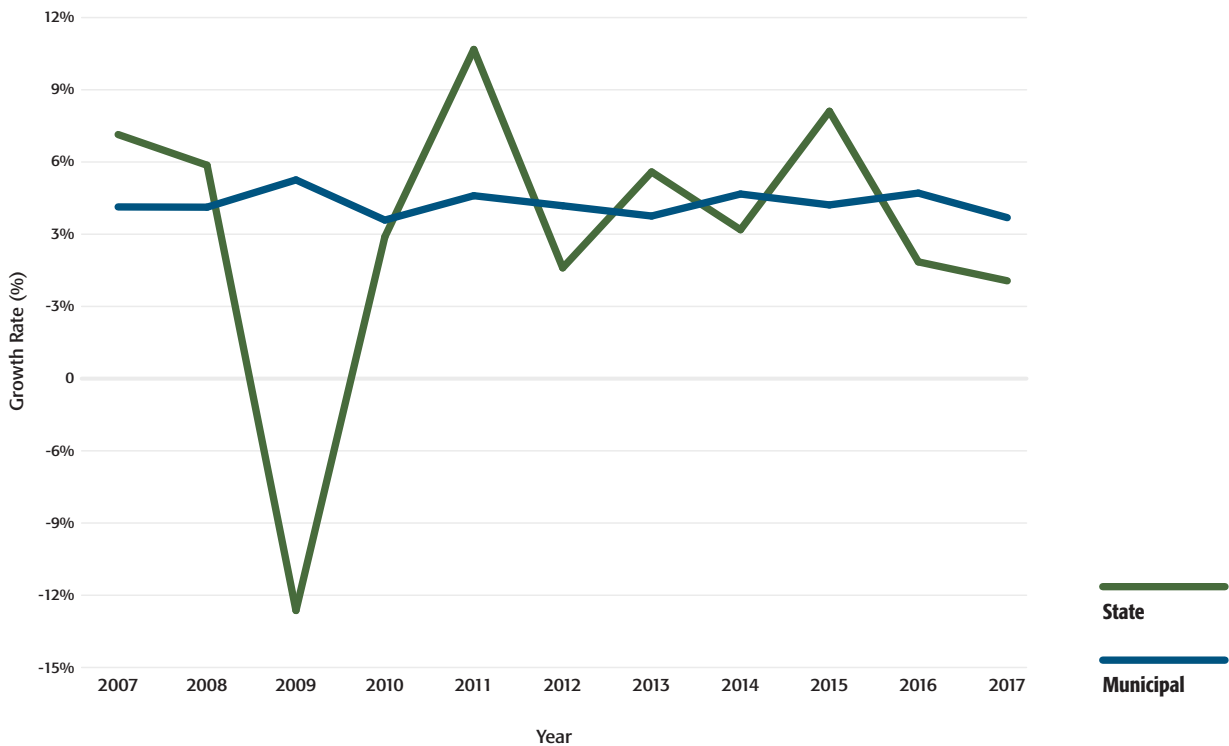


Figure 2: Tax revenue growth rate in Massachusetts state and local governments, 2007–2017



Other municipal revenue sources have their own problems. Revenue from licensing and impact fees is small, and also depends on consumers and small businesses in a way that is unreliable during a recession. With fewer people out shopping or taking vacations, communities that rely more on revenue from business licenses, beach stickers, and parking violations may respond by [getting stricter](#) about pricing and enforcement. From 2012–2016, as the nation recovered from the Great Recession, the number of speeding tickets issued in Massachusetts declined by 26 percent.

Still, changes in local law enforcement and fees are often guided by [state policy](#), and only 18 percent of Massachusetts communities got more than a tenth of their revenue from non-tax, non-state sources in 2017. These figures bolster the importance of the fact that state grants are the only major municipal revenue source that [consistently dries up](#) during hard times.

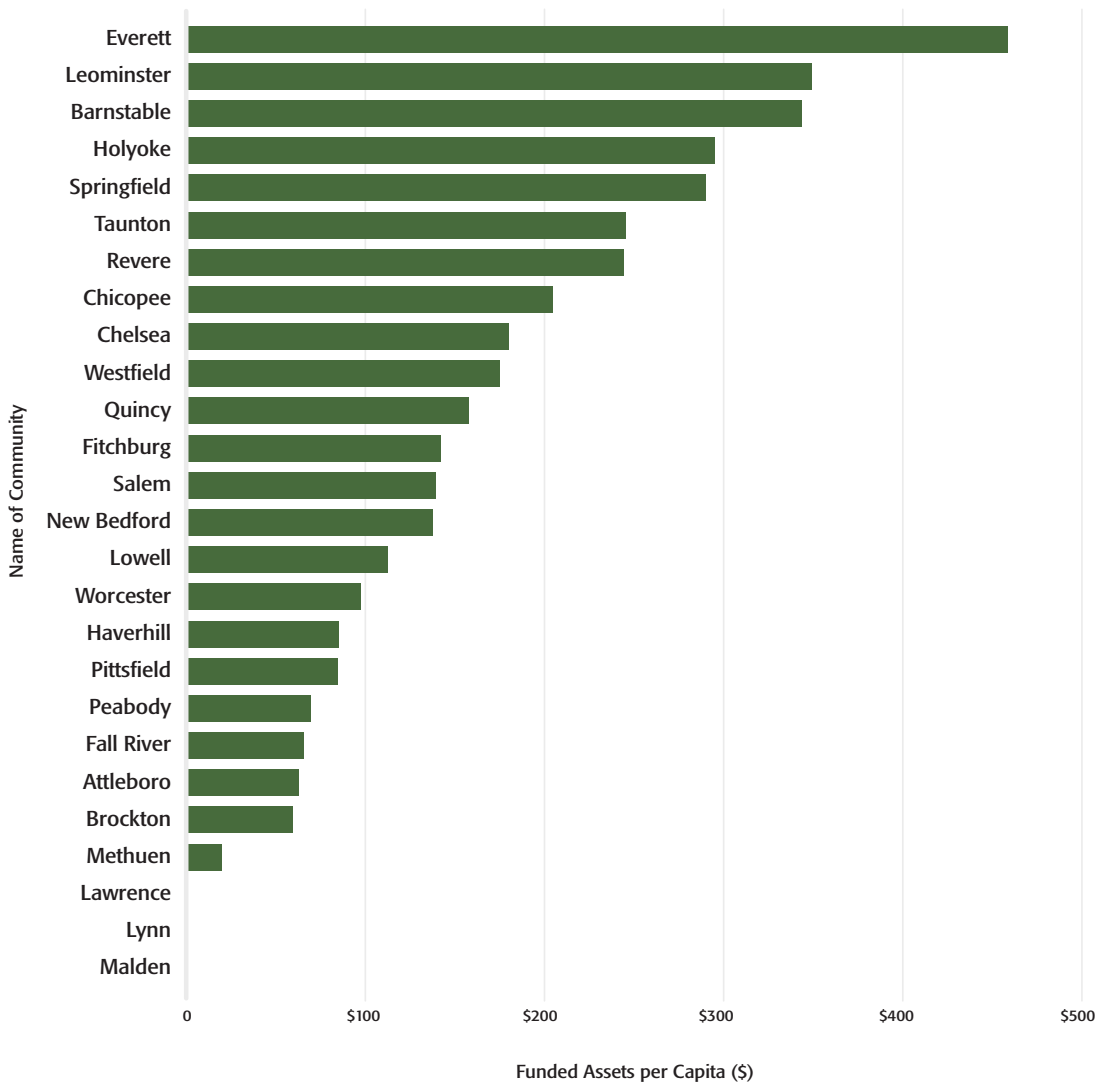
Many communities reshuffle their financial assets in order to

close deficits, and in 2017, 61 percent of Massachusetts municipalities reported at least \$1 million in stabilization (“rainy day”) funds. In Gateway Cities, stabilization funds contained some [\\$142 per capita](#), providing some benefit for communities that disproportionately rely on state revenues to fill their coffers (see Figure 3).

Public works and culture & recreation are the only expenses that were [consistently cut](#) from municipal budgets during the Great Recession. Historically, foregoing roadway and park maintenance rather than cutting school or public safety funding has been more palatable for communities.

This time, it’s unclear whether local governments will face these kinds of tradeoffs, especially if the nation bounces back from COVID-19 quickly. The challenge for many municipal officials is that the state of their finances next year largely depends on management (whether fiscal or pandemic-related) at the state and federal levels.

Figure 3: Stabilization fund assets per capita among Massachusetts Gateway Cities, 2017



In Gateway Cities, stabilization funds contained some \$142 per capita, providing some benefit for communities that disproportionately rely on state revenues to fill their coffers

MEMORANDUM TO MUNICIPAL OFFICIALS

TO: TOWN OFFICIALS
 FR: ROBERT W. GALVIN, TOWN COUNSEL
 DA: April 2, 2020
 RE: NEW LEGISLATION HIGHLIGHTS (PENDING GOVERNOR'S SIGNATURE)

1. Extends the abilities of Town to conduct Annual Town Meeting beyond June 30 if there is a continuing emergency of a health or safety nature and governor has declared a state of emergency with respect to this health or safety issues.

New section of law reads as follows:

Gen. L. c. 39, sec. 9. Annual meeting; other meetings; election of officers; times; adjournment; holidays

Section 9. Except as otherwise provided by special law or a charter adopted or revised or amended under Sections two, three, or four of Article LXXXIX of the Amendments to the Constitution of the Commonwealth which may provide for a different time for the election of town officials and other matters to be determined by ballot, the annual meeting of each town shall be held in February, March, April, May or June; and other meetings may be held at such times as the selectmen may order or the charter or by-law prescribe; provided, however, that, notwithstanding the provisions of this section or of any other law, by-law, or charter to the contrary, a town, by the vote of its board of selectmen or town council may delay the annual town meeting; and provided, further, that such a delayed annual town meeting shall complete its business on or before June 30 except 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. Town meetings shall be held within the geographic limits of the town unless a special law, charter or by-law provides otherwise; provided, however, that any meeting for the election by ballot of federal, state or other officers or the determination of other matters that are to be determined by ballot at an election shall be held within the geographic limits of the town. Meetings may be adjourned from time to time and meet and adjourn to any place authorized by law provided that officers shall be elected, and matters required by law to be elected or determined by ballot, shall be so elected or determined during the hours during which polls shall remain open as hereinafter provided. If the day set for a town meeting by by-law or otherwise falls on a legal holiday, such meetings shall be held on the day following. A town may by by-law designate the hour at which the annual town meeting shall be called and subject to section sixty-four of chapter fifty-four by vote or by-law designate the hours during which polls shall remain open in meetings for the election of officers and the determination of other matters that are required by law to be determined by ballot.

2. Extends the ability of moderator to recess and continue a town meeting called pursuant to a warrant by renewable 30 day periods but not later than 30 days following the rescission of the governor's state of emergency; strikes out former subsection (c) requiring Town Meeting to be conducted within 30 days of moderator's announcement; requires a local public safety or health official to report reason to attorney general within 10 days with justification for declaration.

New section of law reads as follows:

Gen. L. c. 39, Section 10A: Recession and continuation of town meeting due to inclement weather or public safety emergency; notice

Section 10A. (a) Notwithstanding any general or special law, charter provision or by-law to the contrary, during and for a period of 5 days after the termination of any weather-related, public safety or public health emergency, the town moderator or person designated to perform the duties of town moderator may, in consultation with local public safety or public health officials and the board of selectmen, recess and continue a town meeting previously called pursuant to a warrant issued pursuant to section 10 to a time, date and place certain; provided, however, that any such recess and continuance period shall not exceed 30 days. The moderator or person designated to perform the duties of town moderator may renew the declaration of recess and continuance period for up to 30 days at a time but not more than 30 days following the date of rescission of a state of emergency declared by the governor. If a town does not have a moderator, the board of selectmen may recess and continue town meeting in accordance with this paragraph. A discussion to recess and continue a town meeting under this section shall not constitute a "deliberation", as defined by section 18 of chapter 30A, if the only subject of that discussion is the recess and continuance. If due to the emergency, a new meeting place may be required but cannot be then identified, the moderator may recess and continue the town meeting and the board of selectmen shall within 3 days of the declaration of recess and continuance select a meeting place and the moderator shall declare the meeting location. If due to the emergency no suitable town facility is available for a meeting place in a town that typically holds such meetings within the town limits, the board of selectmen may move the meeting location to a suitable meeting place in a contiguous municipality.

The moderator need not appear at the place of the town meeting to announce a declaration of recess and continuance. The moderator shall announce the declaration of recess and continuance as far in advance of the town meeting being continued as is practicable.

(b) A notice of the declaration of recess and continuance shall be prepared by the moderator and printed in a legible, easily understandable format and shall contain the date, time and place of the continued meeting, state the reason for the declaration and identify the date and time that the moderator announced the recess and continuance. If the moderator does not identify the location of the continued meeting in the notice, within 3 days of the announcement of the declaration of recess and continuance the moderator shall issue an amended notice which identifies the meeting place. Notice shall be filed with the municipal clerk as soon as practicable and then posted in a manner

conspicuously visible to the public at all hours in or on the municipal building in which the clerk's office is located. As soon as practicable, the notice of declaration of recess and continuance and the amended notice shall be directed to the constables or to some other persons, who shall post the notice in the manner otherwise prescribed by general law, charter or by-laws for the posting of notice of town meetings. One copy of the notice of declaration of recess and continuance or the amended notice shall be posted at the main entrance of the place of the town meeting as soon as is practicable. In addition, the moderator may use any electronic, broadcast or print media convenient to circulate the notice of recess and continuance and any amended notice. Those towns that have a municipal website shall post a copy of the notice of declaration of recess and continuance or amended notice on the town's municipal website as soon as practicable. Towns having a representative town meeting form of government may by by-law establish additional requirements for providing notice to representative town meeting members.

~~(c) A town meeting session recessed by the declaration of recess and continuance pursuant to this act shall be convened by the moderator not later than 30 days following the date and time of the moderator's original announcement of the declaration of recess and continuance.~~

(d) Within 10 days after the initial declaration of recess and continuance of a town meeting pursuant to this section, a local public safety or public health official designated by the board of selectmen shall submit a report to the attorney general providing the justification for the declaration.

3. Amends c. 44 sec. 31 and allows select boards/selectmen/town council/district directors in the case of a declared emergency to notify the director and obtain approval for expenditures in 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. (*Similar to the authority possessed by cities).

New section of the law reads as follows:

Gen. L. c. 44, Section 31: Liabilities in excess of appropriations forbidden; exceptions

Section 31. No department financed by municipal revenue, or in whole or in part by taxation, of any city or town, except Boston, shall incur a liability in excess of the appropriation made for the use of such department, each item recommended by the mayor and voted by the council in cities, and each item voted by the town meeting in towns, being considered as a separate 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 or by a vote in a city of two-thirds of the members of the

[TOWN LETTERHEAD]

This Declaration is being issued pursuant to the authority vested in the Town Moderator by the provisions of G.L. c. 39 §10A.

I hereby provide notice to the Town of West Newbury that I have determined that it is in the public's interest, due to the public health and safety risks posed by the novel coronavirus COVID-19, to recess and continue the June 1, 2020 Annual Town Meeting and June 1 Special Town Meeting until (*insert time and date of new meeting not to exceed thirty days*) at (*insert place*)

I am making this Declaration after careful and considerable deliberation of our current situation. I have reviewed Governor Baker's March 10, 2020 Declaration of a State of Emergency in the Commonwealth along with the current guidance for the Massachusetts Department of Public Health and the U. S. Centers for Disease Control and Prevention (CDC). I have also consulted with the Board of Selectmen, public safety officials, the Board of Health, the Town Manager and the Town Clerk. Of special note is the current guidance for people to avoid large gatherings. I recognize that voters do not want to choose between their right to participate in the Town Meeting and managing their health in a manner most appropriate for them.

Given the important role of Town Meeting as the legislative body of the Town and my obligation to ensure that those who wish to participate are able to participate, I have concluded that the delaying of the Annual Town Meeting and the Special Town Meeting is in the best interest of the Town and its citizens.

In accordance with the recent amendments to G.L. c. 39 §10A, this notice shall be filed with the Town Clerk and then posted in a manner conspicuously visible to the public in the front lobby of the 1910 Office Building, 381 Main Street which is available at all hours; this notice shall also be posted by a constable in accordance with the Bylaws of the Town of West Newbury and at the main entrance of (*place of recessed town meeting*); and posted on the Town website and social media accounts.

Within ten days of this declaration, the Board of Health shall submit a justification of this declaration to the Attorney General of the Commonwealth in accordance with G.L. c. 39 §10A(c).

K.C. Swallow, West Newbury Town Moderator



JOINT GUIDANCE ISSUED BY
THE OFFICE OF THE ATTORNEY GENERAL
AND
THE MASSACHUSETTS CHIEFS OF POLICE
ASSOCIATION



COVID-19 LAW ENFORCEMENT GUIDANCE

MASKS & FACE COVERINGS FAQS

DISCLAIMER

This publication is produced to provide general information on the topic presented. It is distributed with the understanding that the publisher is not engaged in rendering legal or professional services. Although this publication is prepared by professionals, it should not be used as a substitute for professional services. Particularly due to the quickly evolving nature of the COVID-19 pandemic, whether to take any action based upon the information contained herein should be determined only after consultation with legal counsel. Furthermore, this guidance may be updated based upon new information as it is received. Be sure you are reading the most up-to-date guidance on this particular issue. Law enforcement should also consult with their municipal counsel in view of the circumstances present in each community and the requirements of any applicable charter, by-law, ordinance, or other law.

Frequently Asked Questions (FAQs)¹

On May 1, 2020, Massachusetts Governor Charlie Baker signed the Order Requiring Face Coverings in Public Places Where Social Distancing Is Not Possible. This Order may be accessed [here](#). Shortly thereafter, and pursuant to the Governor's Order, Commissioner Bharel of the Commonwealth of Massachusetts Department Public Health (DPH) issued Guidance For Wearing Face Masks In Public Settings. This Guidance may be accessed [here](#).

What is the effective date for the Order requiring face coverings?

¹ This guidance represents a collaboration between the Office of the Attorney General for the Commonwealth of Massachusetts and the Massachusetts Chiefs of Police Association.

This Order will become effective on **Wednesday, May 6, 2020** and will remain in effect until the Governor rescinds it, or the state of emergency ends, whichever comes first.

What are the requirements of the Order?

The Order **requires** that every person over the age of five (5) wear a mask or cloth face covering in the following instances:

1. When in a place open to the public, whether indoor or outdoor **and** when the person is unable to maintain social distancing; or
2. When a person is inside, or waiting in line outside of any grocery store, pharmacy, or other retail store; or
3. When a person is providing or using the services of any taxi, car, livery, ride-sharing, or similar service or any means of mass public transit, or while within an enclosed or semi-enclosed transit stop or waiting area.

This also applies to all workers and customers of businesses or other organizations open to the public that are permitted to operate as COVID-19 Essential Businesses.²

Are there any exceptions to the requirement to wear a mask or face covering under the Order?

Yes, the Order specifically **exempts** the following individuals from the requirement to wear a mask or face covering under the Order:

1. Those with **medical conditions** or disabilities that may inhibit them from wearing a mask or face covering safely. This may include, but is not limited to:
 - Those who cannot breathe safely;
 - Those who, due to a behavioral health diagnosis, are unable to do so;
 - Those communicating with people who rely upon lip-reading;
 - Those who require supplemental oxygen to breathe;
2. Those who are **exercising outdoors** and are able to keep physical distance from others; and
3. Children under the age of **2 years**.

Keep in mind that individuals not wearing a mask or face cover due to a medical condition or disability are not required to produce any documentation verifying the condition.

² Such businesses are enumerated in Appendix A of COVID-19 Order 13, as extended by COVID-19 Orders 21 and 30.

Are children between two (2) and five (5) years of age required to wear a mask or face covering under the Order?

Children between the ages of two (2) and five (5) years of age are **encouraged** to wear a mask or face covering, but it is up to the discretion of the parent or guardian. As a result, the Order **does not require** such children to wear a mask or face covering.

What is a “mask or face covering”?

There is no official definition other than the requirement that the mask or face covering covers the person’s nose and mouth.

The DPH Guidance **advises** that such masks or coverings **should**:

- fit securely and comfortably against the side of the face;
- be secured with ties or ear loops;
- allow for breathing without restriction; and
- be able to be laundered and dried without damage or change of shape.³

Further, the Order **strongly discourages** individuals from using medical-grade masks to comply with the Order. These masks should be reserved for use by healthcare workers or first responders.

May businesses require customers to wear masks or face coverings while on their property?

Yes, businesses have the right to decline the entry of any customer who refuses to wear a mask or face covering for non-medical reasons. **Businesses cannot, however, decline entry of a customer for failing to wear a mask or face covering because of a medical condition.** Businesses may also consider providing other reasonable accommodations to individuals with medical conditions or disabilities such as curbside service. Individuals with medical conditions or disabilities who are denied service because they are unable to wear a face mask can file a complaint with the Massachusetts Attorney General’s Office.

How is the Order enforced?

The Order states that the Department of Public Health, local boards of health, and authorized agents under G.L. c. 111, § 30 **are authorized to enforce the Order** and if necessary, may do so with the assistance of State or municipal police.

³ The Guidance further advises that masks and face coverings should be routinely washed depending on the frequency of use. When possible, masks should be washed in a washing machine. If a washing machine is unavailable, masks should be washed with soap and water and allow drying fully before using again.

The Order provides that violations of this Order will be punished in the following manner:

- (a) a warning for the first offense; and
- (b) a civil citation and fine of up to \$300.00 for the second or subsequent offense.

What about existing local board of health regulations or orders regarding masks and face coverings?

The Governor's Order preempts all conflicting local board of health regulations or municipal orders regarding masks and face coverings, and as of Wednesday, May 6, 2020, those regulations may no longer be enforced. Note, however, that if individuals have already been cited under such a regulation for a violation occurring before March 6, 2020, the municipality still has the authority to collect any such fines for that violation.

What is law enforcement's role in enforcing the Order, and what is the recommended response?

Again, law enforcement **may** be called upon to assist the DPH, local boards of health, or authorized agents in enforcing the Order, **if necessary**.⁴ However, the DPH, local boards of health, and authorized agents remain the **enforcement authorities**. As a result, law enforcement has only a support role, if called upon, to enforce the Order.

Prior to any law enforcement response, chiefs of police and law enforcement executives should have interactive discussions with their local boards of health, municipal counsel and authorized agents of local boards of health to clarify:

- In what instances law enforcement personnel may be called upon to assist;
- The method by which law enforcement personnel may be called upon to assist;
- The information needed in calling upon law enforcement personnel to assist; and
- The anticipated level of law enforcement response in certain situations.

If law enforcement is called upon to assist the DPH, local board of health, or their authorized agents, then the following response is recommended after arriving on scene:⁵

- 1. Identify the party, establish contact, and diffuse the situation.** Officers should be aware that individuals may be experiencing a high-level of stress based upon the ongoing pandemic, and the orders and regulations being placed upon their liberty. As with all citizen contacts, officers should seek to use this first contact with the party to calm the situation as much as possible, to establish a connection, and to diffuse the situation. Note that nothing in this guidance is meant to require, advise or recommend that officers

⁴ This enforcement authority is derived from Chapter 639 of the Acts of 1950 (the Massachusetts Civil Defense Act).

⁵ Keep in mind that the recommended response is highly dependent upon the situation presented to the responding personnel and may quickly evolve depending upon the actions of the parties present.

deviate from accepted officer safety standards and tactics. Officer safety remains paramount.

2. **Determine whether an exemption applies.** Remember, certain individuals are exempt from the requirements of the Order. In order to determine whether an exemption applies, officers should tactfully ask the party why they are refusing to wear a mask or face covering. If the reason is because the person has a medical condition or disability, then the party will indicate this. **Officers should not follow up with requests for documentation to substantiate this. Likewise, officers should not ask the party to identify the specific medical condition or disability.** And if an exemption applies and the person is seeking to enter a business, ascertain whether a reasonable accommodation has been offered to allow the person to access the business without wearing a mask. One such example may include offering curbside service.
3. **If an exemption does not apply, attempt to achieve voluntary compliance.** Officers should always attempt to achieve voluntary compliance. One aspect of the role of law enforcement is to provide education and training to the public on not just what the law is, but also, why the law exists. Officers may wish to carry such educational materials with them to share with citizens. These materials may display, in a picture format for instance, the benefits of using such masks and face coverings, and the benefits of social distancing. Similarly, officers may wish to talk through ways the person could comply with the order if a tradition mask is not available. For example, the use of a bandana, long sock or cloth. Additionally, the Department may want to research local providers in the area that offer masks and face coverings and officers consider carrying extra masks whenever possible. The primary goal is that through a congenial conversation, officers can achieve voluntary compliance.
4. **If voluntary compliance cannot be achieved, then officers may issue a citation to the party under the Order if absolutely necessary.** This is the last resort for simple violations of the Order. If absolutely necessary to gain compliance, officers may issue a civil citation for up to \$300.00 using the same process that they use for marijuana and other violations under G.L. c. 40, § 21D.
5. **If the party is in violation of other criminal laws and regulations, then officers may respond in accordance to the violation.** If the party is in violation of other criminal laws or regulations (e.g. breach of the peace, disturbing the peace, trespass, disorderly conduct, etc.), then officers may response to those infractions in the usual manner.

What if a business declines entry to a customer because they are refusing to wear a mask?

If law enforcement is called upon to respond to an incident where a business declines entry to a customer because they are refusing to wear a mask or face covering, then officers should consider the following:

- 1. Determine whether the party has a medical or disability related reason for not wearing a mask.** Remember, under the Order, businesses may only decline entry to a customer for refusing to wear a mask or face covering for non-medical reasons. As a result, officers should attempt to determine, with discretion, why the person is refusing to wear a mask or face covering. In order to determine whether an exemption applies, simply ask the party, why they are refusing to wear a mask or face covering. If the reason is due to a medical condition or disability, then the party will indicate this. **Officers should not follow up with requests for documentation to substantiate this. Likewise, officers should not ask the party to identify the specific medical condition or disability.**
- 2. Determine whether a reasonable accommodation was offered.** If the customer has a medical condition or disability which means they cannot safely wear a mask, the business is required to either allow the customer to enter the store without a mask or provide another reasonable accommodation that allows access to the business. If a business does not provide a reasonable accommodation, a complaint can be filed with the Massachusetts Attorney General's Office.
- 3. Determine whether there is a discriminatory motive for declining entry to the party.** Remember that G.L. c. 272, § 92A provides that a place of public accommodation may not discriminate against any person based upon their religious sect, creed, class, race, color, denomination, sex, gender identity, sexual orientation, nationality, deafness, blindness, or physical or mental disability. As a result, officers shall not take any enforcement action if there are sufficient grounds to believe that the reason why the party is being denied entry is discriminatory in nature. Again, such instances of discrimination may be referred to the Massachusetts Attorney General's Office.
- 4. Attempt to achieve voluntary compliance.** Officers should always attempt to achieve voluntary compliance. One aspect of the role of law enforcement is providing education and training to the public on not just what the law is, but also, why the law exists. Officers may wish to carry such educational materials with them to share with citizens and which display, in a picture format, the benefits of using such masks and face coverings, and the benefits of social distancing. Similarly, officers may wish to talk through ways the person could comply with the order if a tradition mask is not available. For example, the use of a bandana, long sock or cloth. Additionally, the Department may want to research local providers in the area that offer masks and face coverings and officers should consider carrying extra masks whenever possible. The primary goal is that through a congenial conversation, officers can achieve voluntary compliance. Officers may advise the person that they have to comply, or the business may have them removed.

5. **If voluntary compliance cannot be achieved in a business setting, officers may utilize the trespass charge as the last resort.** If the party will not voluntarily comply, either by donning a mask or face covering, or by refusing to leave the business, and an exemption does not apply, then the officer may consider utilizing the charge of trespass under G.L. c. 266, § 120. Again, such charges should only be used as a last resort when voluntary compliance cannot be achieved through other means.

Town Manager

From: JENNIFER SOLIS <jensolis@comcast.net>
Sent: Thursday, May 7, 2020 11:15 AM
To: David Archibald; David Archibald; Glenn Kemper; glenn kemper; Rick Parker; Town Manager; Jennifer Merrimac Selectmen; mwood@grovelandma.com; boneil@grovelandma.com; kkastrinelis@grovelandma.com; edw104@aol.com; Denise Dembkoski; Rebecca Oldham
Subject: Arts request

Hello Boards of Selectmen in the Pentucket Region,

We hope this note finds you and your families well during this very strange time. I am contacting you all today at the request of the Board of Directors of the Pentucket Arts Foundation. Because of our partnership with the Essex County Community Foundation on the Tape Art project last summer, ECCF has generously gifted us funds as part of their emergency COVID relief for artists and arts foundations.

The Board would like to use the funds to host a "Reverse Arts Parade" in the three towns. The idea is to have local fine and performing artists create and install artwork along a designated parade route in town and then have people drive along the parade route to view the art. Everyone stays in their cars throughout the parade. We are thinking it might be appropriate to plan the event for sometime around July 4, if possible.

The visual arts installation process would be conducted in a manner appropriate with social distancing protocols and the solo performing artists (musicians, vocalists, dancers) would be required to stay the appropriate distance from each other during the parade as well.

We believe strongly in the power of the arts to unite and heal, so we hope our reverse parade might unite, empower, and inspire the communities around the time of the national holiday; while at the same time provide income for some of the local talent in our area who have been particularly hit economically by this pandemic.

We hope you will support this concept and can guide us further on how we can make it work in your town. To get the best response from the creative community, we need to send out a call for artists ASAP. If this idea could be placed on the next available selectmen's agenda, that would be great. Running it past your local health agent before the meeting might perhaps facilitate the process more quickly. (??) Please don't hesitate to contact me with any clarifying questions you might have!

Thank you very much for your consideration!

Jen Leonard Solis
 Co-Chair
 Pentucket Arts Foundation
www.pentucketarts.org
jensolis@comcast.net

ARTICLE FOR INCLUSION ON SPECIAL TOWN MEETING WARRANT

ARTICLE:

To see if the Town will vote to transfer the sum of \$250,000.00, or any other sum, from Free Cash to the "Professional Services Account" to hire peer review consultants and legal experts to examine, advise and review the proposed 40B Project consisting of 152 units at 566 Main Street and 28 Coffin Street., or act in relation thereto.

Rationale:

The Board of Selectmen posted on the town website a developer's application to MassHousing for 40B Project Eligibility/Site Approval. The proposal is for 152 units at 566 Main Street and 28 Coffin Street.

The MassHousing Project Eligibility/Site Approval process is the required first step in the process. The developer is required to receive a Project Eligibility/Site Approval before being eligible to file a 40B Comprehensive Permit Application with the Zoning Board of Appeals (ZBA). The ZBA would hold public hearings at that time.

The developer has also filed an Abbreviated Notice of Resource Area Delineation (ANRAD) with the Conservation Commission in order to confirm the delineation of regulated resource areas. The developer's consultant, Hughes Environmental Consultant, sent an abutter notice in the beginning of April referring to an April 6th Conservation Commission hearing date.

Whereas, less than 10% of the town's housing stock is deed restricted as affordable, developers whose plans include 25% affordable homes can seek waivers releasing them from local regulations pertaining to density and other restrictions that make their project financially untenable. The project would increase town population by 10% on just 1% of the town's overall acreage. The citizen concerns are about the size of the project; increased traffic on a narrow, curvy roadway that connects to commuter routes; storm water runoff and potential impacts on private well water; wastewater treatment systems; demands on town finances and services; and discrepancies in wetlands delineation. The town of West Newbury must hire peer review consultants and legal experts to monitor, review and guide the community through the complexities of and multiple steps associated with 40B projects.

WE, THE UNDERSIGNED QUALIFIED VOTERS OF THE TOWN OF WEST NEWBURY, HEREBY REQUEST THAT A SPECIAL TOWN MEETING BE HELD WITHIN THE NEXT 45 DAYS AND THAT THE ABOVE SUBJECT BE INSERTED AS A SINGLE ARTICLE INTO THE WARRANT.

Signature	Print Name	Address/Number and Street

Part I ADMINISTRATION OF THE GOVERNMENT

Title VII CITIES, TOWNS AND DISTRICTS

Chapter 39 MUNICIPAL GOVERNMENT

Section 10 WARRANT; ISSUANCE; CONTENTS

Section 10. Every town meeting or town election, except as hereinafter provided, shall be called in pursuance of a warrant, under the hands of the selectmen, notice of which shall be given at least seven days before the annual meeting or an annual or special election and at least fourteen days before any special town meeting. The warrant shall be directed to the constables or to some other persons, who shall forthwith give notice of such meeting in the manner prescribed by the by-laws, or, if there are no by-laws, by a vote of the town, or in a manner approved by the attorney general. The warrant for all town meetings shall state the time and place of holding the meeting and the subjects to be acted upon thereat. The town meeting may be held in one or more places; provided, that if it is held in more than one place, the places are connected by means of a public address system and loud speakers so that the proceedings in all such places may be

heard and participated in by all the voters present therein. Whenever the moderator determines that voters are being excluded from the town meeting because there is no room for them in the places provided or that voters in attendance are being deprived of the opportunity to participate therein for any reason whatsoever, he shall either, on his own motion recess the meeting for any period during the day of the meeting or, after consultation with the members of the board of selectmen then present, adjourn the same to another date, not later than fourteen days following the date of said meeting, when places and facilities sufficient to accommodate all voters attending and to enable them to participate therein shall be available. The selectmen shall insert in the warrant for the annual meeting all subjects the insertion of which shall be requested of them in writing by ten or more registered voters of the town and in the warrant for every special town meeting all subjects the insertion of which shall be requested of them in writing by one hundred registered voters or by ten per cent of the total number of registered voters of the town whichever number is the lesser. The selectmen shall call a special town meeting upon request in writing, of two hundred registered voters or of twenty per cent of the total number of registered voters of the town, whichever number is the lesser; such meeting to be held not later than forty-five days after the receipt of such request, and shall insert in the warrant therefor all subjects the insertion of which shall be requested by said petition. No action shall be valid

unless the subject matter thereof is contained in the warrant. Two or more distinct town meetings for distinct purposes may be called by the same warrant.

The written requests of registered voters for the insertion of subjects in town meeting warrants shall not be valid unless the required number of registered voters not only sign their names but also state their residence, with street and number, if any. The selectmen shall submit such written requests to the board of registrars of voters or the board of election commissioners who shall check and forthwith certify the number of signatures so checked which are names of voters in the town, and only names so checked and certified shall be counted. A greater number of names than are required in each case need not be certified.



**Tentative Financing Schedule
For Discussion Purposes Only
Town of West Newbury, Massachusetts**

May							June							July						
S	M	T	W	Th	F	S	S	M	T	W	Th	F	S	S	M	T	W	Th	F	S
					1	2		1	2	3	4	5	6				1	2	3	4
3	4	5	6	7	8	9	7	8	9	10	11	12	13	5	6	7	8	9	10	11
10	11	12	13	14	15	16	14	15	16	17	18	19	20	12	13	14	15	16	17	18
17	18	19	20	21	22	23	21	22	23	24	25	26	27	19	20	21	22	23	24	25
24	25	26	27	28	29	30	28	29	30					26	27	28	29	30	31	
31																				

Holiday
 FOMC Meeting

- April 28, 2020 Hilltop Securities sends the Town a draft Preliminary Official Statement (POS) with embedded **red** questions for updates/confirmations

- By June 2, 2020 Last day for Town to finalize the upcoming issue

- June 3, 2020 Hilltop Securities sends draft POS and to Bond Counsel for review

- June 10, 2020 Electronically distribute POS to prospective bidders

- June 17, 2020 Competitive sale

- June 22, 2020 Board of Selectmen meeting to approve sale and sign associated borrowing paperwork **(NEEDS TO BE CONFIRMED)**

- By July 10, 2020 Signed borrowing paperwork must be returned to **Locke Lord**
(Hilltop can send a courier to pick up the signed documents, if needed)

- July 15, 2020 Dated/Delivery date of issue;
Town receives funds

- July 17, 2020 Town pays off maturing BANs

- July 15, 2021 Maturity date of renewal BAN

From: [Town Manager](#)
To: [Abby Jeffers \(HTS\)](#)
Cc: [Peter Frazier \(HTS\)](#); [Susan Yeames](#); [Town Accountant](#); [Finance Admin](#)
Subject: RE: West Newbury July BAN issue
Date: Thursday, May 07, 2020 6:27:09 PM

Abby,

My notes below. Further responses will follow, incl. re draft POS, as available. If any of responses below require further info please let us know.

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: Abby Jeffers (HTS) <abby.jeffers@hilltopsecurities.com>
Sent: Tuesday, April 28, 2020 1:00 PM
To: Town Manager <townmanager@wnewbury.org>
Cc: Peter Frazier (HTS) <peter.frazier@hilltopsecurities.com>; Susan Yeames <syeames@wnewbury.org>
Subject: West Newbury July BAN issue

Good Afternoon. As discussed, we've prepared a tentative financing schedule and draft Preliminary Official Statement (POS). The POS is in great shape due to the recent Annual Report filing, however there are a few sections that require updates/confirmations that are marked in **red**. We've also added an additional section within the disclosure document to address COVID-19. If the Town could provide responses to the questions below, we'd be happy to update this section as needed. Please send along the updates as they become available.

Can you tell us which financial institutions the Town currently has banking relationships?

The Treasurer responded to this question separately.

We'll also want to know the Town's responses to the following COVID-19 related questions:

- Are there current cost overruns related to the covid 19 outbreak, and if so, what are they – overtime, school meals, health dept, computers, etc., and how are they going to be covered?

There have been some COVID-19 related costs, and we are tracking these in anticipation of

seeking future reimbursement if/as available. None of the costs, so far, are on pace to overspend budgeted amounts. We have received two grants from the Metropolitan Area Planning Council – one for \$12,500 and one for \$5,000 – which is MA Dept of Public Health Emergency COVID-19 funding. We are assigning costs to that newly established grant line, as eligible, which is offsetting any impact on our operating budget.

- Does the Town have the ability to have employees work remotely so as to lessen the impact on the provision of services? Is town hall open and if not how is the town conducting it's normal business as far as tax collection, accounts payable, payment of debt service, etc.?

Yes. Town offices have been closed to public access since March 18th and all non-essential personnel have been working from home. Some employees are continuing to work in the office, observing social distancing and with enhanced cleaning protocols. Some employees working remotely are coming into the office one day a week on staggered schedules to minimize social contact. This includes the Treasurer/Collector, who is in the office one (or more) days a week to, among other things, deposit funds to the bank. We continue to process payroll biweekly and AP warrants weekly.

- Does the Town have a plan to make sure debt service is paid if, let's say, all of the key players who make sure debt service is paid have to self-quarantine at the same time (for example, we are aware of an instance when an entire department was sent home to self-quarantine because someone with "low grade" fever came in).

We don't have a specific plan for this. We do, however, have some backup which could be available if needed, including a retired Town Accountant who served as our Interim Town Accountant in late 2019 and has continued to provide some backup assistance as needed (although not since the COVID-19 issues arose). We also have a backup Treasurer/Collector, duly sworn in and bonded, who could be available to serve in this capacity. However, as noted, we don't have a formal plan in the event that all current finance personnel became unavailable. We will give this some more thought.

- Is the board of selectmen continuing to hold meetings pursuant to the suspension of certain provisions of the Open Meetings Law permitted by the Governor's order? Does it look like the passage of the budget for next year will be impacted by the current outbreak?

Yes. The Board has maintained its regular biweekly meeting schedule throughout this period, and in fact has held many extra meetings, both COVID-19 related and otherwise. All meetings are remote, using best practices as advised by our in-house town counsel and outside legal counsel KP Law. The FY21 budget would normally have been voted at the April 27 Town Meeting, but that was postponed until June 1. This coming Monday the BOS, Town Clerk/Counsel and Moderator will convene to consider potential further postponement. At this point, we expect the FY21 budget will be approved by June 30, but that could change. We are closely tracking proposed legislation for contingency planning in the event that this cannot safely occur.

Is the Town able to quantify the effect on any lost revenues (ie. proper tax and meals and room tax, etc.) and is there any estimate of any cost overruns that it might experience?

The Board of Selectmen recently voted to modify two lease agreements with existing childcare businesses who lease two separate town buildings, and to waive their rent due during the period of mandated closure of childcare facilities in MA. We expect this will cost us about \$40k in lost revenues this fiscal year. Other than that, we do not anticipate a significant reduction in revenues at this time.

- Are there any cash flow concerns?

Not at this time. The Board did extend the tax due date (detail [here](#)) as authorized by recent legislation, but this still requires payment by fiscal year-end.

The dates incorporated into the attached documents revolve around the Board of Selectmen meeting on June 22nd. Can you confirm they are scheduled to meet on this date and if so, please add the approval of the sales to the meeting agenda?

Confirmed, and this item is scheduled.

Please send along the POS updates as they become available.

Thank you,
Abby

Abby Jeffers

Director Hilltop Securities Inc. 54 Canal Street, Suite 320, Boston, MA 02114 Direct: 617.619.4404 Fax: 617.619.4411 Abby.Jeffers@hilltopsecurities.com	
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Town Manager

From: Rick Parker
Sent: Thursday, May 7, 2020 12:32 PM
To: Town Manager
Cc: Rick Parker; Michael McCarron
Subject: Industrial Zoning District

Angus,

Although you and I discussed this last week, this email confirms in writing my 4/23 walk with Brian Murphey, Planning Board Chairperson, of the land to the east of I-95 that comprises West Newbury's Industrial Zoning District.

The hope was that the land would be suitable for consideration of siting a large- scale solar PV installation which could contribute to the town's tax base, provide recurring income from energy production, and increase WN's renewable energy supply. Unfortunately, most of the upland terrain has very rough topography with considerable exposed ledge and would not be practical to develop for solar PV construction. Also, much of the forest cover is comprised of large mature hardwoods, removal of which is discouraged in DOER's solar PV incentive program due to their large amount of existing and future potential for carbon sequestration.

As we discussed, there are numerous other obstacles to any form of industrial development of this land, including lack of road frontage, difficult access, no availability of municipal water or sewer services, MassDOT ownership of much of the land and location adjacent to and behind the Mass State Police barracks. I had hoped we could work to resolve certain of these obstacles if the land appeared suitable for solar PV, but that's now not relevant.

Please share this with Archie and Glenn, as we touched on this topic several months ago.

Thanks - rick

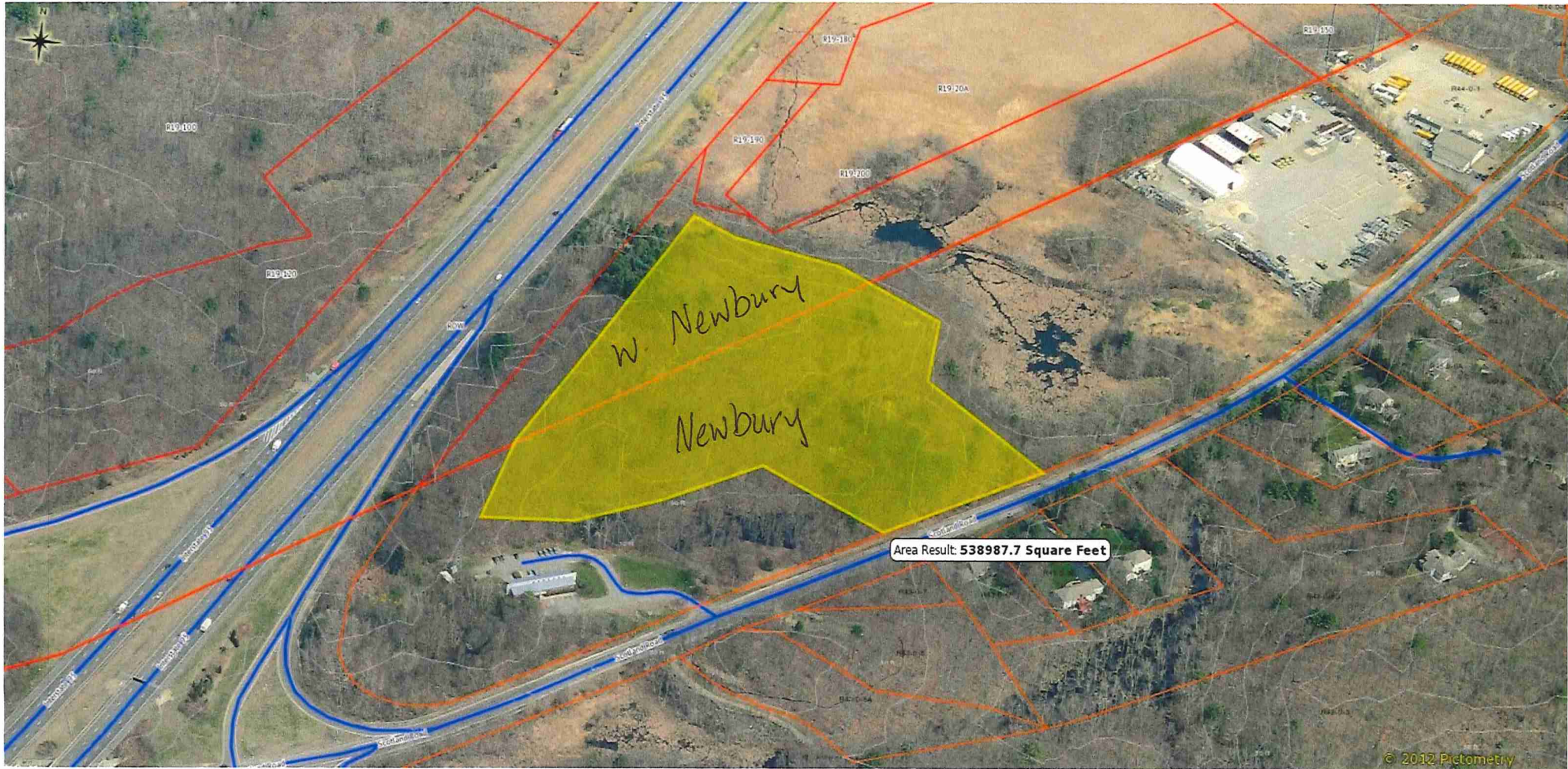
Town Manager

From: Town Manager
Sent: Tuesday, July 30, 2019 11:40 AM
To: Rick Parker
Subject: Planning Board files re industrially zoned land
Attachments: MADPW Upland.pdf; Parcel Maps.pdf; R19-200 Assessors Card.pdf; R19-200 Deed MADPW.pdf; R19-200 Plan of Land 1969.pdf; Relevant Zoning.pdf; West Newbury Industrial Zone Map.pdf; Zoning, Wetlands, Ownership, Floodplain.pdf

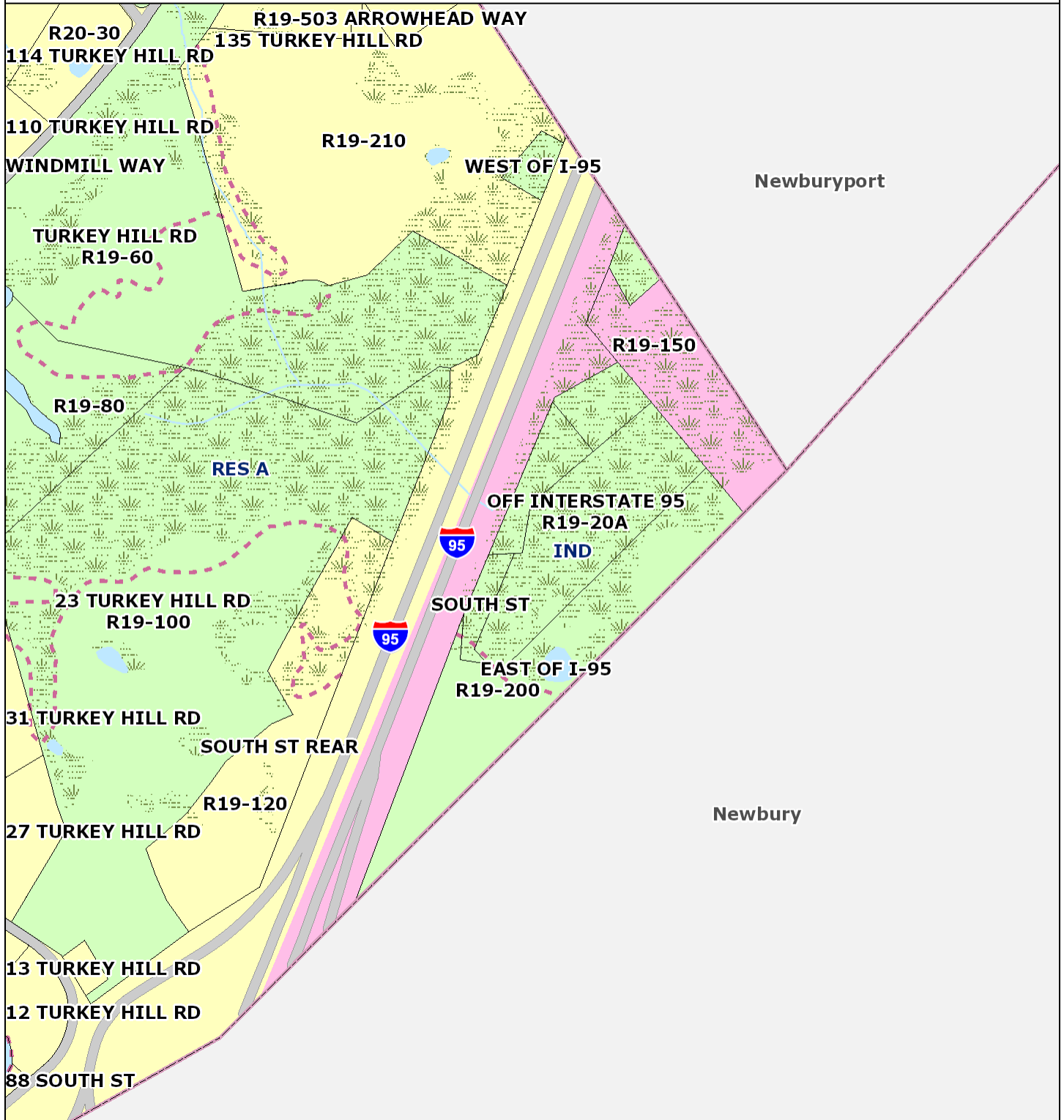
Leah advised that, based on her office's review, the only real developable piece is owned by the MA DPW (Map R19-200) and the frontage is in Newbury on Scotland Road.

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

Commonwealth Property



yellow = land owned by Commonwealth that is likely to be upland.



- MVP Boundary
- West Newbury Boundary
- Parcels
- Easements
- Road Right of Way
 - Public
 - Private
- Hydrographic Features
 - Streams
 - Wetlands
 - Exempt Lands
- Zoning**
 - Business
 - Industrial
 - Residential A
 - Residential B
 - Residential C

1" = 585 ft



The Town of West Newbury and Merrimack Valley Planning Commission do not make any warranty, expressed or implied, nor assume any legal liability or responsibility for the accuracy, completeness, or usefulness of the Geographic Information System (GIS) Data or any other data provided herein. The GIS data is illustrative only and should not be considered for any other purpose. The data does not take the place of a professional survey and has no legal bearing on the true shape, size, location, or existence of a geographic feature, property line, or political representation. Merrimack Valley Planning Commission and the Town of West Newbury make no warranties or representations as to the accuracy of said information. Concerns about zoning and wetland issues must be addressed to the appropriate Town department. Any use of this information is at the recipient's own risk.

Town Manager

From: Rick Parker
Sent: Wednesday, May 6, 2020 7:24 AM
To: Town Manager
Cc: Building Inspector
Subject: RE: Noise complaint - Applicability of Zoning Bylaw 7.A.4 Noise

Yes, I would also like this to be on the BoS meeting agenda. It would be helpful to understand what noise complaints others have encountered and if the town needs to consider if there are limits that are enforceable.

From: Town Manager <townmanager@wnewbury.org>
Sent: Monday, May 4, 2020 12:35 PM
To: Rick Parker <rparker@wnewbury.org>
Cc: Building Inspector <building.inspector@wnewbury.org>
Subject: RE: Noise complaint - Applicability of Zoning Bylaw 7.A.4 Noise

Rick,
 We have had interdepartmental “huddles” including planning, conservation, building, health, town counsel, and me. I’d like to see this item agenda’d for BOS since I think it speaks to a pretty fundamental issue of what degree the Town wants staff to go to intervene in neighbor issues. In the instance you brought forward, it’s worth noting that DEP regs specifically exempt “domestic equipment such as lawn mowers and power saws between the hours of 7am-9pm.” I’d like to confer w Paul S. re whether/how his office has addressed this type of issue over time since under DEP regs noise is an area of BOH jurisdiction.

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: Rick Parker <rparker@wnewbury.org>
Sent: Monday, May 4, 2020 10:10 AM
To: Town Manager <townmanager@wnewbury.org>; Building Inspector <building.inspector@wnewbury.org>
Subject: RE: Noise complaint - Applicability of Zoning Bylaw 7.A.4 Noise

Sam, thanks for the comments on the difficulty in actually applying the existing zoning bylaw re: noise. I kind of expected what you observed; the bylaw is not easily or practically enforceable. Maybe the town should reconsider and modify the bylaw to make it possible to enforce. Let’s see where the conversation goes in the next few weeks and maybe it will make sense for you to contact the offending neighbor.

Angus, which departments are included in the “land use department heads’ video call”? Is the noise issue something that could be introduced briefly under updates at the end of tonight’s BoS meeting or does it need to wait until the 5/11

regularly scheduled board meeting? It's difficult to know if the situation at-hand is an outlier or if it's a more common problem that people tolerate.

Thx - rick

From: Town Manager <townmanager@wnewbury.org>
Sent: Thursday, April 30, 2020 1:40 PM
To: Building Inspector <building.inspector@wnewbury.org>
Cc: Rick Parker <rparker@wnewbury.org>
Subject: Re: Noise complaint - Applicability of Zoning Bylaw 7.A.4 Noise

Sam,
I've had pretty extensive experience w this issue as well and agree that it's impractical to approach from a regulatory standpoint; just as you say, under DEP regulations the equipment needed to establish ambient noise in a particular location and the measuring duration required to do so - and then to capture a violating noise of adequate duration - is out of reach in all but the most extreme instances. The degree to which the town goes in a neighbor issue like this is a matter of policy; I suggest holding off on getting involved For the moment and we can include this for discussion in the next land use department heads' video call. Rick I'll circle back to you afterwards to let you know what direction we intend to go. Sam I'll call you this afternoon. And Rick I'm happy to provide an update under Town Manager updates at the next regularly scheduled board meeting.

Thanks,
Angus

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

Sent from my mobile device

On Apr 30, 2020, at 1:17 PM, Building Inspector <building.inspector@wnewbury.org> wrote:

Hi Rick, the issue I find with this type of bylaw is our lack of ability to determine a violation. Although I'm certain it is annoying to the neighbor it is not possible for me to determine a decibel level without a decibel meter and even with a meter I would have to wait until such time that the leaf blower is operating to go by the location and measure. I can send a letter notifying the neighbor of the bylaw and ask they stop if in violation but if challenged it would be difficult to enforce. I could also just stop by and talk to the neighbor to see if he is willing to reduce the use of the blower.

I'm open to suggestions.

Sam

Sent from my iPad

On Apr 30, 2020, at 1:03 PM, Rick Parker <rparker@wnewbury.org> wrote:

Hello Sam,

A resident who lives on Crane Neck Street contacted me with an issue they have regarding repetitive noise created by a neighbor's use of a leaf blower. The neighbor reportedly uses their leaf blower nearly every evening and for more prolonged periods of time on weekends. The tone is irritating, as evidenced by an audio recording sent to me by the reporting resident. They have contacted and been visited by the WNPD, which reports that they have limited ability to do anything about the issue. Based on the Noise zoning bylaw below, do you see this as addressable through zoning enforcement and, if so, what would the resident need to do to pursue that route? I have forwarded them the link to the online Zoning Complaint Form.

7.A.4. Noise

a. All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness, and as measured at any property line of the lot shall not exceed the following intensity in relation to sound frequency during the hours between eight (8) P.M. and seven (7) A.M.:

Frequency. Cycles Per Second	Maximum Sound Level. Above Zero Decibels Permitted*
0 to 74	74
75 to 149	59
150 to 299	52
300 to 599	46
600 to 1199	42
1200 to 2399	39
2400 to 4799	36
4800 to —	33

Thank you – rick parker

7.10: U Noise

- (1) No person owning, leasing, or controlling a source of sound shall willfully, negligently, or through failure to provide necessary equipment, service, or maintenance or to take necessary precautions cause, suffer, allow, or permit unnecessary emissions from said source of sound that may cause noise.
- (2) 310 CMR 7.10(1) shall pertain to, but shall not be limited to, prolonged unattended sounding of burglar alarms, construction and demolition equipment which characteristically emit sound but which may be fitted and accommodated with equipment such as enclosures to suppress sound or may be operated in a manner so as to suppress sound, suppressible and preventable industrial and commercial sources of sound, and other man-made sounds that cause noise.
- (3) 310 CMR 7.10(1) shall not apply to sounds emitted during and associated with:
 - (a) parades, public gatherings, or sporting events, for which permits have been issued provided that said parades, public gatherings, or sporting events in one city or town do not cause noise in another city or town;
 - (b) emergency police, fire, and ambulance vehicles;
 - (c) police, fire, and civil and national defense activities;
 - (d) domestic equipment such as lawn mowers and power saws between the hours of 7:00 A.M. and 9:00 P.M.
- (4) 310 CMR 7.10(1) is subject to the enforcement provisions specified in 310 CMR 7.52.



Town of West Newbury
Board of Selectmen
Monday, May 4, 2020 @ 4:30pm
 381 Main Street, Town Office Building
www.wnewbury.org

Minutes of Meeting – DRAFT

Open Session: 4:30pm 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: (669) 224-3412
 Access Code: 989-189-453

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 4:39 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 Town Meeting Articles for recommendations.

Chairman David Archibald stated that the purpose of this meeting is to review Articles not yet formally voted by the Board.

SPECIAL TOWN MEETING

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.*

Motion was made by Selectman Glenn Kemper, seconded by Selectman Richard Parker to support Special Town Meeting Article 2.

Yes 3, No 0

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.*

Town Manager Angus Jennings explained that the actual deficit exceeds the amount posted in the warrant due to invoices that were received and paid this week, and a small expense on the current week payroll. The adjusted Snow & Ice deficit is \$64,562, leaving the following options:

1. Propose a motion on Town Meeting floor for an amount greater than stated in the posted warrant.
2. DPW transfers some of the incurred expenses to be paid from a different expense account, so as to reduce the deficit in the Snow & Ice line to the amount in the warrant.

Motion was made by Selectman Glenn Kemper, seconded by Selectman Richard Parker to support Special Town Meeting Article 4 for the posted amount of \$61,087.

Yes 3, No 0

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*

Chairman David Archibald recognized the great work done by the Bicentennial Committee commending them for staying under budget; however, with the Town's current budgeting concerns, doesn't support this expenditure at this time. Selectmen Parker and Kemper agreed.

Motion was made by Selectman Glenn Kemper, seconded by Selectman Richard Parker to disapprove Special Town Meeting Article 6.

Yes 3, No 0

ANNUAL TOWN MEETING

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.

Motion was made by Selectman Glenn Kemper, seconded by Chairman David Archibald to make no recommendation on Annual Town Meeting Article 24, implementing will of the Town.

Yes 3, No 0

Motion was made by Selectman Glenn Kemper, seconded by Selectman Richard Parker to adjourn the meeting at 5:16 p.m.

Yes 3, No 0

Respectfully submitted, Jennifer Walsh



Town of West Newbury
Board of Selectmen
Tuesday, April 28, 2020
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: (872) 240-3212

Access Code: 368-836-901

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

The meeting was called to order at 7:08 p.m. by Chairman David Archibald.

Participation at the Meeting:

- ❖ Board of Selectmen: David Archibald, 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
- ❖ DPW Director Wayne Amaral
- ❖ Police Chief Jeffrey Durand
- ❖ Health Agent Paul Seigny
- ❖ Board of Health Member Thomas Fahey
- ❖ Finance Committee Vice Chairman Forbes Durey

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 those who helped with Annual Town Roadside Cleanup on weekend of April 25th and 26th

Chairman David Archibald thanked everyone who participated in the town-wide clean up over the weekend, affirming a noticeable improvement in many areas. He acknowledged the great work of Barbara Haack who initiated this event several years ago and has continued as project lead year after year, making this a successful event for the Town. The Board expressed the desire to carry on this annual tradition in celebration of Earth Day as a town-led event.

- Reminder to subscribe for emailed Town news/announcements at <https://www.wnewbury.org/subscribe>

Chairman David Archibald shared the MassDOT announcement of temporary closures for bridge repairs on the Rocks Village Drawbridge which began April 27th and will continue for the next six weeks.

Regular Business

A. Proclamation regarding Children's Mental Health Awareness Week

Town Manager Angus Jennings brought forward a request to the Board by the Parent/Professional Advocacy League to sign a proclamation to honor children's mental health awareness. Draft proclamation is contained in the agenda packet.

Motion was made by Chairman David Archibald to proclaim May 3 – 9, 2020 as Children's Mental Health Awareness Week in the Town of West Newbury, seconded by Selectman Glenn Kemper.

Yes 3, No 0

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

Town Clerk/Counsel Michael McCarron stated there was no new legislation that would have an effect on the Town. He added that the Governor declared today that he was extending the stay at home order until May 18th. Chairman Archibald followed up by recommending that everyone wear face coverings in public spaces. Discussion took place with Health Agent Paul Sevigny about the enforcement of face coverings and it was agreed that, at this time, a strong recommendation to the public is warranted.

Discussion continued on the Memorial Day Parade. In light of the current safety concerns due to COVID 19 and the likelihood that those concerns will remain for some time, the Board agreed that it is necessary to postpone the Parade until next year.

Motion was made by Selectman Glenn Kemper to postpone this year's Memorial Day Parade, seconded by Selectman Richard Parker.

Yes 3, No 0

Town Clerk/Counsel Michael McCarron alerted the Board to the possibility of having to extend postponement of Town Meeting. He will be preparing the process for consideration at the next scheduled Board of Selectmen's meeting.

C. Appointment of members of Board of Fire Engineers

Motion was made by Selectman Richard Parker to reappoint Michael Dwyer, David Evans and Benjamin Jennell to the Board of Fire Engineers, seconded by Chairman David Archibald.

Yes 3, No 0

D. Vote on requests for rent waivers for The Children's Castle and Learning Tree during term of required business closures due to COVID-19

Following deliberation in executive session on April 13th, the Board moved to vote the following in open session.

Motion was made by Selectman Richard Parker that the Town amend the existing lease with the Children's Castle in order to waive rental payments for a portion of the Page School Building from April 1, 2020 until the State Order preventing operation of day care centers is lifted, provided, however, if the Children Castle receives any grant or payment for business interruption that is allocable to rental costs, the Town should be reimbursed its share, seconded by Selectman Glenn Kemper.

Yes 3, No 0

Motion was made by Selectman Richard Parker that the Town amend the existing lease with the Learning Tree in order to waive rental payments for a portion of the Town Hall Building from March 16, 2020 until the State Order preventing operation of day care centers is lifted, provided, however, if the Learning Tree receives any grant or payment for business interruption that is allocable to rental costs, the Town should be reimbursed its share, seconded by Selectman Glenn Kemper.

Yes 3, No 0

E. Review of proposed warrant article to purchase new plow truck – *Wayne Amaral, DPW Director*

Chairman David Archibald shared the DLS recommendation that municipalities be conservative in their expenditures for FY21 and feels, under the circumstances, this capital purchase could be postponed. DPW Director Wayne Amaral agreed adding that because of the low incidence of snow/ice events this past year, the vehicle earmarked for replacement received less wear than anticipated and replacement can be deferred a year.

Motion was made by Selectman Glenn Kemper to recommend no action at Town Meeting on the warrant article request of DPW Director Wayne Amaral to purchase a new plow truck, seconded by Selectman Richard Parker.

Yes 3, No 0

F. Discussion of FY21 Police overtime budget – *Police Chief Durand*

Discussion took place on the Board's rationale for reducing the proposed FY21 Police overtime budget from \$60,791 (an increase of \$5,304 from FY20) to \$50,000 noting that a year-to-date FY20 expense report is indicative of underspending that line. Additionally, it was thought that the patrolman position that had been added would reduce the need for overtime. Police Chief Durand explained the basis behind his request stating that the goal is not to overbudget nor spend every penny. Training is calculated using the number of Officers times forty (40) hours. Court/OT and shift coverage were factored using a 3 percent increase over last year noting that shift coverage equates to only 39 shifts for the entire year and that two-thirds of Officers do not work during the day when court time occurs. The Chief also has a concern about the impact COVID-19 has had on training due to social distancing guidelines and how that will affect the need for overtime to get recruits trained when guidelines are lifted. Chairman Archibald referred to the CARES Act which provides assistance to local governments for expenditures incurred due to COVID-19 providing they were not accounted for in the budget. Using that logic, the Board would like to stay with the \$50,000 for the FY21 Police overtime budget.

G. Discussion of accounting for/payment of senior tax work-off workers unable to work due to COVID-19

Town Manager Angus Jennings brought forward a memo (contained in the agenda packet) from COA Director Theresa Woodbury addressing a concern from senior work-off program participant(s) about lost program hours as a result of town office closures due to COVID-19. The Board requested the time to look into legal opinion of this as a lawful expenditure and tabled the discussion to a future agenda.

H. Discussion of proposed FY21 Budget, incl. potential revenue/expense changes due to COVID-19

Town Manager Angus Jennings shared a request from the Board of Health to increase the Public Health Nurse line item in the FY21 proposed budget previously presented. The request (contained in the agenda packet) is two-fold and represents a rate increase (from \$40 to \$50 per hour) as well as an anticipated increase in hours as a result of COVID-19. Board of Health member Thomas Fahey explained the rationale in determining the additional hours that would be needed and recognized it as a moving target. The Board agreed the rate increase is reasonable given the Public Health Nurse's experience and skill level; and, asked to classify the \$,4800 estimated for the intake, tracing and monitoring of anticipated COVID-19 cases as a separate line item in the budget.

Town Manager Jennings highlighted the areas in the budget that differ between the Board of Selectmen and the Finance Committee detailing the changes that occurred since votes were taken. The Board was asked if they support a change from two mailed newsletters previously proposed in the Town Manager budget to only one, which they agreed to. The Board's position remains unchanged in regard to the budgets for Conservation Commission, Police, Education (Whittier) and Library where the votes are not yet in alignment.

I. Discussion of use of Free Cash to reduce tax rate; trends and projections

Chairman David Archibald discussed the potential for having to rely on Free Cash to cover expenditures if Town Meeting is delayed past June 30th (as allowed by an Act to Address Challenges Faced by Municipalities and State Authorities Resulting From COVID-19.) The Act authorizes the Town to pay expenses up to one twelfth (1/12) of the total budget each month while the emergency continues to delay Town Meeting and, therefore, preventing the adoption of a budget. Selectman Glenn Kemper asked what will happen to the appropriations from Free Cash once Town Meeting is allowed and the budget adopted. Town Manager Angus Jennings and Town Clerk/Counsel McCarron anticipate that DLS will have processes in place to allow the Town to replenish Free Cash.

J. Proposed adoption of Financial Policies: Credit Card Usage Policy; and Disbursements Policy

Draft copies of the financial policies for Credit Card Usage and Disbursements are contained in the agenda packet.

Motion was made by Selectman Glenn Kemper to adopt the Financial Policies: *Credit Card Usage and Disbursements*, seconded by Selectman Richard Parker.

Yes 3, No 0

K. Notice of approval of FY19 Green Communities Annual Report

Town Manager Angus Jennings informed the Board of the approval of the FY19 Green Communities Annual Report. Selectman Richard Parker made reference to the note about updating the fuel-efficient vehicle policy; however, at this time, it has no impact on us.

L. Meeting minutes: April 13, 2020; April 9, 2020

Draft minutes are contained in the agenda packet. The Board requested to table the minutes until the next meeting scheduled for May 11, 2020.

Town Manager Updates

M. Updates regarding Coffin Street/Main Street 40B housing proposal

Town Manager Angus Jennings gave a brief update on the continued work being done toward an FAQ and to compile comments to present to MassHousing. A site walk visit will take place in the coming weeks. Chairman Archibald brought forward a question asking when the Town would be hiring technical assistance. Town Manager Jennings explained that the Town would not be eligible for technical assistance offered by MassHousing until the developer applies locally for a comprehensive permit which cannot happen until site approval is given from MassHousing. If/when that happens, the Town is limited to a consultant on their preapproved list and further dependent on availability and scope of work.

N. Cyber security webinar

Chairman David Archibald gave a brief summary on the cyber security webinar he participated in as part of MIIA's CyberNet Program. He noted the key take-aways as:

- the importance of developing best practices for cyber security,
- being a small town makes us more vulnerable,
- the many resources available to the Town, and
- the need to develop an incident response protocol

O. Update on revenues year-to-date compared to projected and prior years' revenues

Town Manager Angus Jennings shared the year-to-date revenue figures for FY20 stating that there was nothing alarming to note at this time.

P. Update on Soldiers & Sailors Memorial Building restoration incl. designer contract

Town Clerk/Counsel Michael McCarron informed the Board that DPW Director Wayne Amaral has contracted with a company to remove asbestos flooring from the building and work on that will be starting right away.

Town Manager Angus Jennings informed the Board that he has been in contact with Hilltop Securities on the financing for this project and keeping them informed of the timeline. There is still the question of whether it will be possible to roll this into long-term BANs with the water project; and, will look for direction on a future agenda.

Town Manager Jennings asked about the pool table that remains on the property. It was reported by DPW Director Wayne Amaral that it is in very poor condition putting the value below \$1,000 and in need of extensive repair. The question to the Board is if it should be declared as surplus. It is the opinion of Town Clerk/Counsel Michael McCarron that, because of the low value, the Board does not need to be involved.

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

Selectman Richard Parker expressed the need to develop a climate action plan recognizing this as a long-term plan. Discussion took place on how to proceed and what resources would be needed. Selectman Parker suggested starting this as a citizen's petition which would then be supported by the Board of Selectmen adding that the end goal is to get to net zero carbon emissions.

Motion was made by Selectman Glenn Kemper, seconded by Selectman Richard Parker to adjourn the meeting at 9:53 p.m.

Yes 3, No 0

Respectfully submitted, Jennifer Walsh



**Town of West Newbury
Board of Selectmen
Monday, April 13, 2020
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: (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.

The meeting was called to order at 7:10 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
- ❖ Board of Health Member Blake Seale
- ❖ Planning Board: Chair, Brian Murphey, Richard Bridges and Town Planner, Leah Zambernardi

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!

Town Manager Angus Jennings acknowledged the generosity of West Newbury's people who, collectively, have donated \$2,700.00 to the Food Pantry Gift Account and, again, recognized the wonderful work being done by COA Director Theresa Woodbury and staff.

- 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

Chairman David Archibald brought forward the proposed legislation addressing local tax matters. Town Clerk/Counsel Michael McCarron explained the three local options and the votes necessary for each.

- 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

Motion was made by Selectman Glenn Kemper 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, seconded by Selectman Richard Parker.

Discussion: Selectman Richard Parker noted that it would be worth making residents aware that this does have a financial impact and the hope is that those who have the ability to pay will do so. Town Clerk/Counsel Michael McCarron stated he will draft a notice to taxpayers that will be posted on the town's website and official social media account.

Yes 3, No 0

Motion was made by Selectman Glenn Kemper that the Town adopt the local option set forth in Section 11 of Chapter 53 of the Acts of 2020 to waive any 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, seconded by Selectman Richard Parker.

Yes 3, No 0

Motion was made by Selectman Glenn Kemper 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, seconded by Selectman Richard Parker.

Yes 3, No 0

- C. Discussion of proposed FY21 Budget, incl. potential revenue/expense changes due to COVID-19

Chairman David Archibald stated that, in light of the impact that COVID 19 will likely have on forecasted revenues and expenses, it will be necessary to revisit certain previously supported line items in the proposed FY21 operating budget and Article requests. Town Manager Angus Jennings shared a summary sheet of the proposed FY21 budget; updated to include changes since presented in February but not yet reflecting recommendations from FinComm. Town Manager Jennings went through each line item in detail highlighting areas of impact and allowing for discussion. Trends suggest that there is a potential for loss of revenue from excise tax and building permits if the economic fall is long lasting. A request was made by Selectman Kemper for YTD revenue figures which Town Manager Jennings will provide at the next meeting. (discussion continued regarding warrant Articles under item E on the agenda)

D. Discussion regarding potential 1-year solid waste hauling contract for FY21 – *Blake Seale, BOH*

Discussion took place with Board of Health member Blake Seale regarding the proposed 1-year contract with G. Mello which keeps the current level of service (in place of changing to an automated pickup) but holds the same price previously offered in the FY21 contract for changing to the lower cost service. The Board is in agreement with the amended 1-year contract which will allow the Board of Health time to do the outreach regarding automated trash pickup that was previously planned but postponed due to the COVID 19 crisis. Because the contract is an extension of time on the existing contract, the Board of Health can authorize and sign the 1-year contract with G. Mello at their next meeting. The Selectmen will review a new contract in the Fall.

E. Review and discuss Board recommendations regarding proposed Town Meeting warrant articles, incl. potential increased funding for electric vehicle charging stations to support maintenance

Draft Warrants for Annual Town Meeting and Special Town Meeting are contained in the agenda packet. In consideration of potential revenue loss, Chairman Archibald suggested that the Board change their position and take no action on Articles 6, 7 and 11 on the Annual Town Meeting Warrant (Review Draft 4/9/20). Selectman Kemper requested that Article 11 be reviewed first in Executive Session. Additionally, the Board asked that all other Articles be reviewed for absolute necessity. Selectman Richard Parker didn't have the information he was waiting for and agreed to hold off until Fall Town Meeting for the increased funding for electric vehicle charging stations to support maintenance.

F. Recommendation on proposed zoning amendments – *Planning Board*

Town Planner Leah Zambarnardi reviewed the proposed zoning amendments voted unanimously to recommend to Town Meeting by the Planning Board following a public hearing on Wednesday, March 4, 2020. Proposed amendments are contained in the agenda packet highlighting insertions, deletions, and rationale for each proposal.

Town Manager Angus Jennings recommended the Planning Board consider a minor change to reference ITE in subsection 5.A.2.c.iv.g.

Town Clerk/Counsel elucidated that by removing "riding stables" from section 5.A.3.b. it prohibits riding stables on land less than 5 acres and keeping it in would allow an individual the opportunity to apply for a special permit, and suggested omitting the change unless that is the intent. Town Planner Zambarnardi will review the language.

Selectman Richard Parker asked for clarification on the revised definition of a "Bed and Breakfast" that essentially reduces the duration by 1 day and asking if that was the intent. Planning Board Chair Brian Murphey explained that this amendment was to bring the definition in synch with the Town By-Law.

The Board will make their recommendation at a future meeting.

G. Discussion of potential cancellation of 2020 Memorial Day Parade due to COVID-19

Selectman Glenn Kemper stated it was too early to commit to cancelling the Parade and, acknowledging it would be difficult to manage preparations given current staff constraints, suggested the possibility of it being a scaled-down event. Town Manager Jennings stated that the Town would need to submit with DOT for road closure soon but could rescind it later, if needed. No action was taken and consideration for potential cancellation will be taken up at a future meeting.

H. Updates from April 9 BOS meeting regarding Coffin Street/Main Street 40B housing proposal

Town Manager Angus Jennings stated that the meeting went very well and some great comments were received from the public. Staff will be preparing a FAQ to be added to the website toward the end of the week and will provide for notification of updates on the project. A site walk is planned for later this month keeping social distancing guidelines in mind. Town Clerk/Counsel suggested there be only one or two neighborhood representatives present.

I. Request for appointment of Francesca Pomerantz as full member of Tree Committee

Motion was made by Selectman Richard Parker to appoint Francesca Pomerantz as a full member of the Tree Committee, seconded by Selectman Glenn Kemper.

Yes 3, No 0

J. Adoption of updated Investment Policy Statement – *referral from Investment Policy Committee*

Chairman David Archibald recognized the tremendous amount of time and effort that has gone into reviewing and updating the Policy which adds a lot of valuable content; and, recommended adoption of the Policy Statement. Town Manager Jennings added that this was directly responsive to a consistent item in the audit management letter; and, also recommends adoption.

Motion was made by Selectman Glenn Kemper to repeal the former policy and to adopt the April 2020 Investment Policy Statement, seconded by Selectman Richard Parker.

Yes 3, No 0

K. Meeting minutes: April 7, 2020; March 30, 2020; March 25, 2020; March 4, 2019; January 7, 2019

Draft minutes are contained in the agenda packet.

Motion was made by Chairman David Archibald to accept the meeting minutes of April 7, 2020, March 30, 2020 and March 25, 2020 as written, seconded by Selectman Glenn Kemper.

Yes 3, No 0

Motion was made by Chairman David Archibald to accept the meeting minutes of March 4, 2019, and January 7, 2019 as written, seconded by Selectman Glenn Kemper.

Yes 2, No 0, Abstain 1 (Parker)

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

Motion was made by Selectman Glenn Kemper, seconded by Selectman Richard Parker to adjourn the meeting at 9:23 p.m.

Yes 3, No 0

Respectfully submitted, Jennifer Walsh



**Town of West Newbury
Special Meeting of the Board of Selectmen
Thursday, April 9, 2020**

381 Main Street, Town Office Building

www.wnewbury.org

Minutes of Meeting – DRAFT

Open Session: 6pm 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 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: (571) 317-3122

Access Code: 996-133-693

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.

To facilitate consideration of comments and questions regarding the 40B project eligibility / site approval process, please email your questions/comments in advance (or during meeting) to selectmen@wnewbury.org. Verbal questions/comments will be allowed during the meeting, but providing written questions/comments will help us to facilitate a more efficient and productive meeting.

The meeting was called to order at 6:03 p.m. by Chairman David Archibald.

Participation at the Meeting:

- ❖ Board of Selectmen: David Archibald and Richard Parker (Kemper absent)
- ❖ Town Manager, Angus Jennings
- ❖ Town Clerk/Counsel & Procurement Officer, Michael McCarron
- ❖ Fire Chief Michael Dwyer and Police Chief Jeffrey Durand
- ❖ Health Agent Paul Sevigny
- ❖ Water Superintendent Michael Gootée
- ❖ Conservation Agent Bert Comins
- ❖ Town Planner Leah Zambernardi
- ❖ Open Space Committee; John Dodge and Wendy Reed

Regular Business

- A. 40B Project Eligibility/Site Approval application submitted to MassHousing by Cottage Advisors MA, LLC for property at 28 Coffin Street and 566 Main Street:
- a. Summary of project eligibility/site approval process and timeline (*est. 10 min*);

Town Manger Angus Jennings gave a summary of the process noting that the developer cannot apply for a comprehensive permit (40B) locally with the Zoning Board of Appeals (ZBA) until they receive a project eligibility letter from MassHousing. Normally, the Town would have 30 days to provide any comments on the project; however, due to current circumstances, a 75-day extension was granted lengthening the comment period to June 14th. The Town is seeking comments from residents, town departments and Boards/Commissions/Committees to submit in single letter to MassHousing. Town Manager Jennings read aloud the criteria listed in 760 CMR 56.04 in which a PE determination is made.

If project eligibility/site approval is granted, the developer would be eligible to file a 40B comprehensive permit application for waivers needed to proceed, and the ZBA would hold public hearings at that time.

- b. Call for preliminary comments from Town departments and representatives for Town Boards / Commissions / Committees (*est. 15-20 min*);

Public Safety, Health, Water, Conservation, Planning and Open Space leaders were available to provide comment and answer questions about the project.

- c. Call for preliminary comments from residents (*limit 2 min. per speaker*);

Many residents participated in the conversation expressing concern about the significant scale of the project that would result in a 10% rise in population occurring on 1% of the Town's land; and, the negative impact it would have on town resources, water supply, traffic, and stormwater runoff.

- d. Review of next steps in process.

Town Manager Angus Jennings stated that an update will be provided at the next scheduled Board of Selectmen meeting on April 28th to summarize this discussion and set out the next steps in the process. There will be at least one more dedicated meeting during the comment period and staff will be preparing a FAQ page based on questions/comments received.

The meeting was adjourned at 7:41 p.m. by Chairman David Archibald

Respectfully submitted, Jennifer Walsh

Town Manager

From: Town Manager
Sent: Thursday, May 7, 2020 9:52 AM
To: Paul Kelly; Patrick Higgins; Dennis Lucey; William Bachrach; Rick Davies; Judy Gregg
Cc: Building Inspector; Michael McCarron; Joan Croteau
Subject: Scheduling a ZBA training re 40B

Importance: High

Hi ZBA,

We've been able to pin down the DHCD staff person Phil DeMartino who has agreed to run a training for the ZBA regarding 40B (comprehensive permits).

Phil is available any day but Thursdays, and has not expressed a preference for daytime or evening. This would be posted as a public meeting, so would customarily be in the evening, but that's not set in stone if a daytime meeting works better for the Board.

My schedule for next week is already pretty booked up, so I suggest we aim for the week of May 18th. Sam and I are both flexible that week. **Please respond with dates/times that you are unavailable that week, day or evening.**

In other news, we are also working to set up a separate training re 40B that is more geared toward the general public. (The DHCD training, while open to the public, will be more geared toward you in your role as ZBA members). While we have not yet finalized terms, the other training is expected to be led by an attorney with our outside counsel firm KP Law who is specialized in 40B. We should have those details firmed up around the first of next week.

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 Manager
Sent: Friday, April 10, 2020 2:40 PM
To: Patrick Higgins <pghiggins@comcast.net>; Paul Kelly <pokelly@comcast.net>; Dennis Lucey <bdlucey@gmail.com>; William Bachrach <Bachrachw@comcast.net>; Rick Davies <radcarol777@yahoo.com>; Judy Gregg <jdgregg1@verizon.net>
Cc: Building Inspector <building.inspector@wnewbury.org>; Michael McCarron <mmccarron@wnewbury.org>; Joan Croteau <inspection.admin@wnewbury.org>
Subject: RE: Existing Board of Appeals filing Regulations circa 1996, revised in 2004

Patrick,

Thanks for sending these, I had not seem them previously and will post them to the ZBA webpage today.

The WN Comprehensive Permit Rules are already posted there ([here](#)) and were my/staff near-term focus, though now that I'm aware of the 2004 regs I think these should be dusted off and looked at as well. At minimum, the 2004 regs

should be updated to incorporate by cross-reference the 40B rules/regs, and the procedural requirements between the two should be made consistent.

Perhaps more than 2 ZBA mtgs will be needed this spring to get this all sorted out! Also happy to have less than a quorum on a working group w town staff.

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: Patrick Higgins <pghiggins@comcast.net>
Sent: Friday, April 10, 2020 2:34 PM
To: Town Manager <townmanager@wnewbury.org>; Paul Kelly <pokelly@comcast.net>; Dennis Lucey <bdlucey@gmail.com>; William Bachrach <Bachrachw@comcast.net>; Rick Davies <radcarol777@yahoo.com>; Judy Gregg <jdgregg1@verizon.net>; Patrick Higgins <pghiggins@comcast.net>
Cc: Building Inspector <building.inspector@wnewbury.org>; Michael McCarron <mmccarron@wnewbury.org>; Joan Croteau <inspection.admin@wnewbury.org>
Subject: RE: Existing Board of Appeals filing Regulations circa 1996, revised in 2004

Hi,

I am attaching a scan of the ZBA filing Regulations for Appeals, this was given to me by a former Clerk of the Board before she moved out of Town. As you can see the regulations were drafted in 1996 and revised in 2004.

I hope the current ZBA Full & Associate members will participate in the review, update and amendment of 40B procedural rules so that they fully understand them if the time comes that we need to follow & use them.

I would like to be kept in the loop as this process proceeds.

Sincerely,

Patrick Higgins

On April 10, 2020 at 2:07 PM Town Manager <townmanager@wnewbury.org> wrote:

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
To: Joan Croteau <inspection.admin@wnewbury.org>; Paul Kelly <pokelly@comcast.net>; Dennis Lucey <bdlucey@gmail.com>; William Bachrach <Bachrachw@comcast.net>; Rick Davies <radcarol777@yahoo.com>; Judy Gregg <jdgregg1@verizon.net>; Patrick Higgins <pghiggins@comcast.net>; Town Manager <townmanager@wnewbury.org>
Subject: Re: CPTC Training for 40B project

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

On April 10, 2020 at 1:24 PM Patrick Higgins <pghiggins@comcast.net> wrote:

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

Town Manager

From: DPW Director
Sent: Thursday, May 7, 2020 4:05 PM
To: Town Manager; Leah Zambarnardi; Paul Sevigny; Conservation
Subject: MS4 Work Group - Status

All,

I had a kick-off meeting with our MS4 permit and compliance consultant Horsley Witten Group today. I have attempted to summarize the meeting below.

Task 1. Public Education.

The consultant will contact Greenscapes to confirm that the current outreach meets our MS4 requirements and if not make any recommendations if required.

MS4 Work Group Actions: No action required by at this time.

Task 2. Stormwater System Mapping.

The consultant will be collaborating with MVPC and myself to distribute plans showing our stormwater system. These maps I have been told by Gary is not 100% accurate and may need some additional review. I will distribute these to the work group for your review. Any updates, changes or concerns can be sent back to me so I can update the map with MCPC and the consultant.

MS4 Work Group Actions: Future review of maps which should be distributed within the next few weeks.

Task 3 IDDE Training

This task has been removed from the consultant work plan. Highway staff and myself attended an on-line 2-hour IDDE refresher training class this morning hosted by the Central Mass Stormwater Coalition. This on-line class will meet our MS4 permit requirements.

MS4 Work Group Actions: No action required by at this time.

Task 4 Pollution Prevention Written Procedures

The consultant will be preparing templates for each facility within the permit area for DPW Directors review. I may need Paul and Bert's assistant – but will do as much as I can.

MS4 Work Group Actions: No action required by at this time.

Task 5 General Compliance Support (extra task)

I have requested the consultant assist with the reviewing our compliance with our existing stormwater bylaw. We all believe that the bylaw will need some updates and revisions. This task must be completed before spring town meeting 2021 so it can be voted on.

MS4 Work Group Actions: The consultant will contact Bert and Leah in a few months to start the discussion on this review. They will have to meet with both to review in greater details.

So that's the very short summary on where we are.

Wayne