



Town of West Newbury
Board of Selectmen
Tuesday, May 26, 2020 @ 6:00pm
381 Main Street, Town Office Building
www.wnewbury.org

RECEIVED
TOWN CLERK
WEST NEWBURY, MA
2020 MAY 21 PM 4:49

AGENDA

Executive Session: 6:00pm by remote participation

- ❖ MGL Ch. 30A §21(a) 3: To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares (*Police Union contract*);
- ❖ 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) 6: To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the Board (*31 Dole Place*).

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

Announcements:

- This meeting is being broadcast on local cable TV and recorded for rebroadcast on the local cable channels and on the internet. Meeting also accessible by remote participation; instructions below.
- Recognition of Memorial Day 2020
- Announcement of HILLAP grant award for improvements to Hills Court and Boynton Court
- Reminder to subscribe for emailed Town news/announcements at <https://www.wnewbury.org/subscribe>

Regular Business

- A. Request for appointment of Interim Sergeant Jay Johnson as Police Sergeant – *Police Chief Durand*
- B. Consideration of appointment of temporary Constable
- C. Updates regarding coronavirus pandemic, including updates from Town Counsel regarding recent and proposed legislation regarding COVID-19
- D. Updates on recent meetings with Town Clerk/Counsel, Town Moderator and Health Department regarding Special and Annual Town Meeting scheduled for Saturday, June 27, 2020 at 10am
- E. Updates on planning underway for re-opening of Town buildings and facilities incl. Library
- F. Discussion of FY21 Budget including potential need to propose 1/12 budget if proposed budget not approved by June 30th
- G. Review of Town Manager proposal to increase proposed FY21 veterans' services budget
- H. Discussion of funding for pay for Summer Recreation Program staff
- I. Updates regarding Coffin Street/Main Street 40B housing proposal
- J. Discussion of anticipated citizen petition article to provide supplemental funding regarding Coffin Street/Main Street 40B proposal
- K. Update on financing strategy for Water capital (Brake Hill water tank, and new treatment building for bedrock well) projects and Soldiers & Sailors Memorial building
- L. Endorsement of proposed extension of MOU with Salisbury for FY21 Harbormaster services
- M. Meeting minutes: May 11, 2020.

Town Manager Updates

- N. Update on work with ZBA and upcoming meeting dates
- O. MassWorks grant for Middle Street Bridge fully executed
- P. 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: (786) 535-3211

Access Code: 765-986-013

Or, from computer, tablet or smartphone: <https://global.gotomeeting.com/join/765986013>

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: [REDACTED]
Sent: Wednesday, May 20, 2020 10:24 AM
To: Jerry Peterson; Gary Bill; Susan Babb; Leisa Mingo; Town Manager
Subject: HILLAP GRANT!!!!

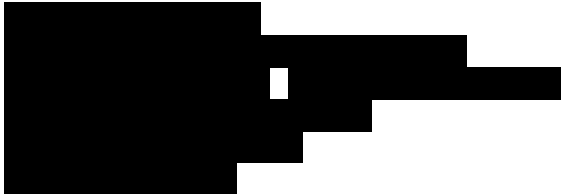
Good Morning All!

I just wanted to inform everyone that I have received a verbal confirmation from DHCD that we have been awarded the HILLAP Grant for the kitchens and bathrooms!! I am anxiously awaiting the formal letter but wanted to let everyone know regardless!

Good news during these trying times! I hope you are all holding up and well!
I'll continue to update as the formal process continues!

Thank you!
Tracy

Tracy M. Watson
Executive Director
Newburyport Housing Authority





WEST NEWBURY POLICE DEPARTMENT

401 Main Street, West Newbury, MA 01985

978-363-1213
978-363-1114 fax

Jeff Durand, Police Chief
durand@westnewburysafety.org

TO: Angus Jennings, Town Manager and the Board of Selectmen

FROM: Jeff Durand, Chief of Police

RE: Permanent appointment of Jay Johnson to Sergeant

DATE: May 18, 2020

Gentlemen,

I would like to have Sergeant Jay Johnson's appointment to sergeant made permanent. Since being appointed acting sergeant last year Jay has done an exemplary job for the police department and Town. I have no reservations with this being made a permanent assignment. Thank you all for your thoughtful consideration.

Chief Jeff Durand



Town of West Newbury

381 Main Street

West Newbury, Massachusetts 01985

Angus Jennings, Town Manager

978-363-1100, Ext. 111 Fax 978-363-1826

townmanager@wnewbury.org

TO: Board of Selectmen
FROM: Angus Jennings, Town Manager
DATE: May 22, 2020
RE: Consideration of appointment of temporary Constable

Mike McCarron has advised that it may be advisable to appoint a temporary Constable to assist with the June 3, 2020 election. At this time he does not have a candidate, but by Tuesday evening he may have identified one or more candidates for the Board to consider. If you know of potential candidates for this appointment, please contact Mike – but he is working on it, and is optimistic that he'll find someone to help.

Town Manager

From: stamembers@googlegroups.com on behalf of Shaun Suhoski
<ssuhoski@townofathol.org>
Sent: Monday, May 18, 2020 11:41 AM
To: stamembers@googlegroups.com
Subject: STAM Listserv- CARES Act Guidance for Municipalities
Attachments: EOA&F GUIDANCE re CARES 1 funds.pdf; Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf

Dear STAM,

As I await the Governor's 11am press conference (at 11:30 a.m. and ticking away), I wanted to disburse some information that was provided to me late last week by Division of Local Services Sr. Deputy Commissioner Sean Cronin. He sought to further amplify and clarify comments made during the Zoom meeting with rural communities and that I share with this information with STAM communities.

Mr. Cronin advised that EOA&F guidance has shifted in terms of the original CARES Act funding available for cities and towns and how to approach utilizing these funds. Originally, the suggestion was not to budget COVID expenses for fear of some becoming ineligible. However, Mr. Cronin says that it is OK to budget for COVID related expenses in FY21 since the formal guidance allows use of CARES funds for eligible items not budgeted in the most recent annual budget as of March 27, 2020. Note that the original CARES funding does have strict limitations on the nature of eligible costs and that lost revenue is still, unfortunately not allowed as an expense.

Attached is the EOA&F guidance document together with a document that Mr. Cronin attributes to the U.S. Dept. of the Treasury and which state finance officials are relying upon to interpret the CARES Act. Attachment "C" in the EOA&F document (which you have probably already reviewed) includes the total amount of funds (combined FY20 and FY21) available for every municipality in the Commonwealth. You may consider CARES Act funds as a source for cash flow for eligible costs, but, keep in mind that expending same on ineligible costs means you'll have to return the balance of funds.

The CARES Act provides that payments from the Fund may only be used to cover costs that—

1. are necessary expenditures incurred due to the public health emergency with the Coronavirus Disease 2019 (COVID-19);
2. were not accounted for in the budget most recently approved as of March 27, 2020 (date of enactment of the CARES Act) for the State or government; and
3. were incurred during the period that begins on March 1, 2020, and ends on December 31, 2020.¹

The guidance that follows sets forth the Department of the Treasury's interpretation of these limitations on the permissible use of Fund payments.

Both the EOA&F document and U.S. Treasury guidance have lists of suggested eligible and ineligible expenses. The EOA&F document has the municipal CEO form to specify the CARES eligible funds being sought for FY20 and you will be

eligible for the balance of your allocation in FY21. (I am personally hoping that the latest stimulus at least gets debated in the Senate and that some form of municipal relief on the revenue side emerges. Even if Congress changed the definition of eligible expense to include lost revenues it would help immensely (the existing CARES Act funding provides six and seven-figure allocations for STAM communities).

Though I'm sharing these documents I am learning day-by-day and working through the personnel- and financial- related challenges of COVID-19 just as you are. The membership will hear from Andrea and the Programming Committee about helpful and instructive programs that will provide us all guidance in the immediate future.

Best regards,
Shaun

Shaun A. Suhoski
Athol Town Manager

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You received this message because you are subscribed to the Google Groups "STAMmembers" group.

To unsubscribe from this group and stop receiving emails from it, send an email to

stammembers+unsubscribe@googlegroups.com.

To view this discussion on the web visit

<https://groups.google.com/d/msgid/stammembers/044901d62d2a%24c20d3490%2446279db0%24%40townofathol.org>



MICHAEL
HEFFERNAN
SECRETARY

Commonwealth of Massachusetts

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

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

To: Chief Executives of Massachusetts Cities and Towns
From: Michael J. Heffernan, Secretary of Administration and Finance
Date: May 14, 2020
Re: Federal Coronavirus Relief Fund

The federal Coronavirus Aid, Relief, and Economic Security Act (the “CARES Act”) includes funds for Massachusetts governments to use to pay costs incurred in responding to the COVID-19 outbreak. This memo describes how your city or town can access funds for that purpose.

Background

The CARES Act authorized \$150 B through the Coronavirus Relief Fund for state and local governments, including \$2.7 B for Massachusetts. Aside from large local government units (Boston and Plymouth County), funds have been sent in the first instance to the state, with the expectation that the state will use funds for its own expenses and those of municipalities.

The Executive Office for Administration and Finance (“A&F”) has established an expendable trust to hold the federal funds and is authorized to spend from that trust on the basis of the federal law.

Eligible Uses

Under federal law, eligible uses must meet three conditions. They must be:

1. “Necessary expenditures incurred due to the public health emergency with respect to ... COVID–19”
 - a. Funds may not be used to substitute for lost revenue
2. Not budgeted as of March 27, 2020 when the CARES Act was enacted
 - a. May not supplant state or municipal spending
3. Incurred on or after March 1, 2020, up to December 30, 2020

For further context on costs that A&F anticipates municipalities may incur, see the attached list of potential uses (Attachment A). If your municipality contemplates the use of funds outside these parameters, please contact the Division of Local Services (DLS) at LocalGovCaresAct@dor.state.ma.us and we will follow up to discuss your needs further.

Note that these eligible uses are as currently described in federal law and relevant guidance from the US Treasury. If these uses are modified by future federal actions, A&F will revisit the process and procedures described in this guidance.

Intersection with Other Funding Sources

Eligible uses of the federal Coronavirus Relief Fund may overlap with allowable uses of other federal grants and reimbursements. A&F will be working with the Command Center,^{*} state agencies, and municipalities to optimize the use of federal funds.

As a condition of accepting federal Coronavirus Relief Fund money, municipalities must maximize Federal Emergency Management Agency (“FEMA”) reimbursements. In other words, for costs that appear eligible under the federal Coronavirus Relief Fund as well as for FEMA reimbursement, municipalities must apply for FEMA reimbursement.[†] Federal dollars cannot under any circumstances be claimed twice for the same spending. DLS will issue further guidance on establishment of appropriate fund structures for both anticipated FEMA reimbursement and CARES Act funds.

To the extent that municipalities are unsure of their precise needs or need money for cash flow purposes, they are free to request funds from the federal Coronavirus Relief Fund, with the understanding that unspent amounts will need to be returned to the Commonwealth.

While this approach may be a little complicated due to possible multiple funding sources for similar expenses, providing municipalities with funding now eliminates or reduces FY20 deficits and helps with cash flow issues.

Available Funds

A&F has determined that initially 25% of total federal Coronavirus Relief Fund dollars to the Commonwealth will be directly available for municipalities. After subtracting amounts for Boston and Plymouth County municipalities, funds have been allocated in proportion to population. The attached chart indicates total eligible amounts for each municipality to be distributed in this FY20 round and a subsequent FY21 round later in the calendar year.

At this time, cities and towns are asked to estimate their FY20 COVID-19 expenses. Municipalities who request less than the amount for which they are eligible do not forego the opportunity to ask for additional funds at a later date. Municipalities will be asked to estimate their COVID-19 expenses in FY21 still within the same ceiling. In other words, the ceiling is the preliminary total amount available for FY20 and FY21, but at this point all you are being asked to do is estimate your FY20 COVID-19 expenses.

^{*} The Command Center, headed by Health and Human Services Secretary Marylou Sudders, is the coordinating entity for the administration’s response to the COVID-19 outbreak.

[†] For further information on the FEMA reimbursement process, please see MEMA’s resource page: <https://www.mass.gov/info-details/covid-19-federal-disaster-declaration>.

Note that to the extent actual expenditures are less than the amount requested, at this time A&F expects that municipalities will be required to return the balance of unspent funds to the Commonwealth.

This approach is intended to get money out to municipalities quickly, and to allow adjustments over the coming months. A&F and DLS will continue to monitor the situation and may make additional funds available at a later date. Please contact DLS at LocalGovCaresAct@dor.state.ma.us if your FY20 expenditures are likely to exceed the eligible amounts in the first round. Municipalities located in Plymouth County should contact county officials for information about the Coronavirus Relief Fund.

Dispersal of Funds

Municipalities, through their chief executive officer, should complete the [web-based application form](#). The application asks for estimates of FY20 incurred or anticipated expenses for each category listed in Attachment A. Based on these estimated amounts, the application will calculate an Estimated Request amount based on an assumed FEMA reimbursement rate for each category. Municipalities may request an amount above or below the Estimated Request using the Other Request field.

Further, municipalities must return the certification (see Attachment B) through the web-based application form and agree to document costs and to return unspent funds, if any. The application deadline is Friday, June 5, 2020, but submissions will be reviewed and approved on a rolling basis.

DLS will provide guidance regarding local accounting requirements (e.g., treatment of funds, general ledger entries, etc.) via a Bulletin.

Audit Provisions and Documentation

Federal Coronavirus Relief Fund expenditures are subject to audit by an Inspector General within the U.S. Department of the Treasury. Documenting that costs were eligible uses are essential to managing compliance risk and to minimizing the possibility that the costs are deemed ineligible, thereby requiring that the municipality and the state may need to return funds to the federal government.

A&F will establish a bimonthly reporting process to monitor incurred spending relative to estimates, and to ensure that documentation is adequate to minimize compliance risk.

For now, we ask that you document costs clearly with respect to the date and nature of the expense incurred so that together we can best manage resources in the interests of the residents of Massachusetts. In general, we will be asking that you document expenses with the same specificity as for FEMA reimbursements. A&F will follow up with further guidance as necessary.

Thank you for your cooperation as we work together to protect the interests of all our residents.

Attachment A- Potential Municipal Uses

Note that the state and municipalities should coordinate on appropriate funding source where more than one source is potentially available for the purpose. For purposes of calculating the Estimated Request, costs in categories denoted with an asterisk () are assumed to be ineligible for FEMA reimbursement but FEMA has final approval for eligibility determination. Cost in all other categories are assumed to be reimbursed by FEMA at a rate of 75 percent.*

- Core municipal services, in a declared state of emergency
 - First responder costs, including:
 - Direct staffing costs – Overtime, additional hires, and/or backfilling staff who test positive
 - Quarantine/isolation costs for first responders who may be infected and should not put household members at risk – or who should be kept apart from potentially infected household members
 - Including hotel/motel space, sanitization of first responder vehicles, etc.
 - Temporary staff to backfill sick or quarantined municipal employees including:
 - City/town management
 - Phone/administrative support
 - Janitorial
 - Police, fire, EMT
 - Trash collection
 - Other
 - Staff for compliance and reporting associated with this funding
 - Accelerated telework capacity – infrastructure, subscriptions for meeting services, hardware (laptops)*
 - Hiring and training, including training for employees and contractors hired for COVID-19 response
 - PPE, including first responders, grocery store employees, gas station attendants and others who interact with public
 - Sanitation and Refuse Collection*
 - Food inspection*
 - Cleaning/disinfection of public buildings
 - Municipal buildings, including fire stations
 - Public housing
 - Specialized cleaning equipment
 - Air filtration / HVAC
 - School distance learning, to the extent not funded from other sources, including
 - Planning and development, including IT costs*
 - Incremental costs of special education services required under individual education plans (IEPs) in a remote, distance, or alternative location*
 - Food for families that rely on food through the school system*
 - Costs of debt financing related to COVID-19 investments – short-term borrowing and construction carrying costs*

- Health insurance claims costs in excess of reasonably budgeted claims costs, and directly related to COVID-19 medical costs
- Expanded public health mission
 - Boards of health staffing needs – to the extent not addressed with public health funding
 - Use of public spaces/ building as field hospitals
 - Shelter for those who are homeless or otherwise have nowhere they can go without significant risk to themselves or other household members, and are at high risk of or recovering from COVID-19
 - Food banks / food pantries – need tied to COVID-19*
 - Travel expenses – for distribution of resources
 - Transporting residents to COVID-19 medical and testing appointments
 - Signage and communication including translation services
 - Educational materials related to COVID-19
 - Testing for COVID-19
- Services and supports to residents in their homes
 - Grocery and/or meals delivery – modeled on COA activities
 - Expanded participation
 - Replacement of meals delivery volunteer staff (often retirees)
 - Wellness check-ins with vulnerable elders*
 - Short-term rental or mortgage support*
 - Prescription drug delivery*

Attachment B - CERTIFICATION

I, **[Insert name of signatory]**, am the chief executive of **[insert name of municipality]**, and I certify that:

1. I have the authority on behalf of **[insert name of municipality]** to request payment from the Commonwealth of Massachusetts. At this time, I am requesting payment in the amount of **[\$X – reflecting current estimate of eligible FY20 costs]** for fiscal year 2020 costs in connection with section 601 of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, div. A, Title V (Mar. 27, 2020) (“section 601”).
2. I understand that the Commonwealth will rely on this certification as a material representation in making a payment to **[insert name of municipality]**.
3. As required by federal law, **[Insert name of municipality]**'s proposed uses of the funds provided as payment in response to this request will be used only to cover those costs that-
 - a. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
 - b. were not accounted for in the budget most recently approved as of March 27, 2020, for **[insert name of municipality]**; and
 - c. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.
4. I will report bimonthly on incurred expenses in a form prescribed by the Secretary of Administration and Finance, and will cooperate with the Executive Office for Administration and Finance in creating and retaining appropriate documentation to demonstrate that the proposed uses meet the requirements of section 601.
5. I will coordinate with the Executive Office for Administration and Finance in optimizing federal funds from section 601 and other potentially available federal sources. In particular, I will prioritize and coordinate application for FEMA reimbursement where available.
6. To the extent actual expenditures are less than the amount requested per item 1 above, I agree to return the balance of unspent funds to the Commonwealth. If the United States Department of the Treasury recoups funds from the Commonwealth based on a determination they were used by **[insert name of municipality]** in a manner not in compliance with section 601, I agree that the Commonwealth may recover funds from the city or town through an assessment or deduction from the city or town’s periodic unrestricted local aid distribution.

By: _____

Signature: _____

Title: _____

Date: _____

	<u>Total Eligible Amounts</u>		<u>Total Eligible Amounts</u>
Sheffield	\$277,905	Waltham	\$5,551,215
Shelburne	\$164,080	Ware	\$865,013
Sherborn	\$382,736	Warren	\$462,704
Shirley	\$674,395	Warwick	\$68,771
Shrewsbury	\$3,347,993	Washington	\$47,699
Shutesbury	\$156,410	Watertown	\$3,169,982
Somerset	\$1,602,977	Wayland	\$1,223,944
Somerville	\$7,191,135	Webster	\$1,501,232
South Hadley	\$1,569,914	Wellesley	\$2,616,201
Southampton	\$546,287	Wellfleet	\$240,610
Southborough	\$896,577	Wendell	\$78,117
Southbridge	\$1,492,768	Wenham	\$465,878
Southwick	\$863,426	West Boylston	\$724,298
Spencer	\$1,055,456	West Brookfield	\$333,715
Springfield	\$13,668,817	West Newbury	\$413,595
Sterling	\$722,094	West Springfield	\$2,534,557
Stockbridge	\$167,783	West Stockbridge	\$111,444
Stoneham	\$2,003,964	West Tisbury	\$255,775
Stoughton	\$2,552,455	Westborough	\$1,691,850
Stow	\$636,042	Westfield	\$3,674,830
Sturbridge	\$849,937	Westford	\$2,142,123
Sudbury	\$1,730,468	Westhampton	\$144,683
Sunderland	\$322,606	Westminster	\$695,114
Sutton	\$842,090	Weston	\$1,069,827
Swampscott	\$1,342,530	Westport	\$1,409,625
Swansea	\$1,472,842	Westwood	\$1,421,881
Taunton	\$5,051,657	Weymouth	\$5,088,952
Templeton	\$718,831	Whately	\$139,305
Tewksbury	\$2,767,408	Wilbraham	\$1,300,386
Tisbury	\$362,457	Williamsburg	\$219,449
Tolland	\$44,877	Williamstown	\$704,725
Topsfield	\$584,287	Wilmington	\$2,107,825
Townsend	\$841,737	Winchendon	\$961,998
Truro	\$176,247	Winchester	\$2,014,720
Tyngsborough	\$1,094,867	Windsor	\$77,147
Tyringham	\$27,861	Winthrop	\$1,647,678
Upton	\$706,400	Woburn	\$3,561,711
Uxbridge	\$1,242,724	Worcester	\$16,388,350
Wakefield	\$2,392,431	Worthington	\$104,655
Wales	\$167,342	Wrentham	\$1,054,839
Walpole	\$2,222,620	Yarmouth	\$2,055,630

Coronavirus Relief Fund
Guidance for State, Territorial, Local, and Tribal Governments
April 22, 2020

The purpose of this document is to provide guidance to recipients of the funding available under section 601(a) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”). The CARES Act established the Coronavirus Relief Fund (the “Fund”) and appropriated \$150 billion to the Fund. Under the CARES Act, the Fund is to be used to make payments for specified uses to States and certain local governments; the District of Columbia and U.S. Territories (consisting of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands); and Tribal governments.

The CARES Act provides that payments from the Fund may only be used to cover costs that—

1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and
3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.¹

The guidance that follows sets forth the Department of the Treasury’s interpretation of these limitations on the permissible use of Fund payments.

Necessary expenditures incurred due to the public health emergency

The requirement that expenditures be incurred “due to” the public health emergency means that expenditures must be used for actions taken to respond to the public health emergency. These may include expenditures incurred to allow the State, territorial, local, or Tribal government to respond directly to the emergency, such as by addressing medical or public health needs, as well as expenditures incurred to respond to second-order effects of the emergency, such as by providing economic support to those suffering from employment or business interruptions due to COVID-19-related business closures.

Funds may not be used to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify under the statute. Although a broad range of uses is allowed, revenue replacement is not a permissible use of Fund payments.

The statute also specifies that expenditures using Fund payments must be “necessary.” The Department of the Treasury understands this term broadly to mean that the expenditure is reasonably necessary for its intended use in the reasonable judgment of the government officials responsible for spending Fund payments.

Costs not accounted for in the budget most recently approved as of March 27, 2020

The CARES Act also requires that payments be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. A cost meets this requirement if either (a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget *or* (b) the cost

¹ See Section 601(d) of the Social Security Act, as added by section 5001 of the CARES Act.

is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation.

The “most recently approved” budget refers to the enacted budget for the relevant fiscal period for the particular government, without taking into account subsequent supplemental appropriations enacted or other budgetary adjustments made by that government in response to the COVID-19 public health emergency. A cost is not considered to have been accounted for in a budget merely because it could be met using a budgetary stabilization fund, rainy day fund, or similar reserve account.

Costs incurred during the period that begins on March 1, 2020, and ends on December 30, 2020

A cost is “incurred” when the responsible unit of government has expended funds to cover the cost.

Nonexclusive examples of eligible expenditures

Eligible expenditures include, but are not limited to, payment for:

1. Medical expenses such as:
 - COVID-19-related expenses of public hospitals, clinics, and similar facilities.
 - Expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs.
 - Costs of providing COVID-19 testing, including serological testing.
 - Emergency medical response expenses, including emergency medical transportation, related to COVID-19.
 - Expenses for establishing and operating public telemedicine capabilities for COVID-19-related treatment.
2. Public health expenses such as:
 - Expenses for communication and enforcement by State, territorial, local, and Tribal governments of public health orders related to COVID-19.
 - Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency.
 - Expenses for disinfection of public areas and other facilities, *e.g.*, nursing homes, in response to the COVID-19 public health emergency.
 - Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety.
 - Expenses for public safety measures undertaken in response to COVID-19.
 - Expenses for quarantining individuals.
3. Payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

4. Expenses of actions to facilitate compliance with COVID-19-related public health measures, such as:
 - Expenses for food delivery to residents, including, for example, senior citizens and other vulnerable populations, to enable compliance with COVID-19 public health precautions.
 - Expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions.
 - Expenses to improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions.
 - Expenses of providing paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions.
 - COVID-19-related expenses of maintaining state prisons and county jails, including as relates to sanitation and improvement of social distancing measures, to enable compliance with COVID-19 public health precautions.
 - Expenses for care for homeless populations provided to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions.
5. Expenses associated with the provision of economic support in connection with the COVID-19 public health emergency, such as:
 - Expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures.
 - Expenditures related to a State, territorial, local, or Tribal government payroll support program.
 - Unemployment insurance costs related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.
6. Any other COVID-19-related expenses reasonably necessary to the function of government that satisfy the Fund's eligibility criteria.

Nonexclusive examples of ineligible expenditures²

The following is a list of examples of costs that would *not* be eligible expenditures of payments from the Fund.

1. Expenses for the State share of Medicaid.³
2. Damages covered by insurance.
3. Payroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

² In addition, pursuant to section 5001(b) of the CARES Act, payments from the Fund may not be expended for an elective abortion or on research in which a human embryo is destroyed, discarded, or knowingly subjected to risk of injury or death. The prohibition on payment for abortions does not apply to an abortion if the pregnancy is the result of an act of rape or incest; or in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed. Furthermore, no government which receives payments from the Fund may discriminate against a health care entity on the basis that the entity does not provide, pay for, provide coverage of, or refer for abortions.

³ See 42 C.F.R. § 433.51 and 45 C.F.R. § 75.306.

4. Expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds.
5. Reimbursement to donors for donated items or services.
6. Workforce bonuses other than hazard pay or overtime.
7. Severance pay.
8. Legal settlements.



COVID-19

Frequently Encountered Municipal Topics

Over the past two months, MIIA Risk Management has fielded a number of questions related to managing through the COVID-19 pandemic. These inquiries span a wide range of topics including building maintenance protocols, State and DLS mandates on who and what constitutes “essential services”, PPE usage, disinfecting protocols, work from home guidelines and their employment practices, and strategies on how to develop a back to work plan. In this document, we have aggregated resources and guidance by topic that we have found to be on point and instructive. Bear in mind the pandemic is a fluid situation with new regulations and protocols being established each day. Be sure to check back with the **CDC, OSHA, Mass.gov and the MMA** for ever-developing guidance.

<https://www.coronavirus.gov/>

<https://www.cdc.gov/>

<https://www.osha.gov/SLTC/covid-19/>

<https://www.mass.gov/info-details/covid-19-updates-and-information>

<https://www.mma.org/resources/covid19/#guidance>

I. Employment Practices during COVID-19

“BEST PRACTICES FOR AVOIDING DISCRIMINATION CLAIMS DURING THE COVID-19 PANDEMIC

Be patient, consistent, open-minded and remember this is temporary!!”

Avoid ADA Discrimination Claims

EEOC’s position on teleworking:

1. An employer may provide reasonable accommodations on a temporary basis and limit it in time or for the duration of the pandemic;
2. There is no requirement for employers to have telework programs. However, permitting an employee to work at home may be a reasonable accommodation for a disabled employee;
3. An employer must engage in the “interactive process” to determine whether someone may need to work at home as a reasonable accommodation;
4. The frequency of an accommodation to work at home should be limited to the extent that the disability necessitates it;
5. An employer may make accommodations that enable an employee to work full-time in the workplace rather than granting a request to work at home.

EEOC's guide to handling ADA claims during a pandemic

1. Send employees home if they display influenza-like symptoms;
2. Ask employees who report feeling ill at work, or who call in sick, questions about their symptoms to determine if they have or may have COVID-19. Currently these symptoms include, for example, fever, chills, cough, shortness of breath, or sore throat;
3. Take employees' temperatures to determine whether they have a fever but keep this medical information confidential;
4. Follow the advice of the CDC and state/local public health authorities regarding information needed to permit an employee's return to the workplace. This may include quarantining after returning from a business or personal trip.
5. Do not ask employees *who do not have influenza symptoms* to disclose whether they have a medical condition that the CDC says could make them especially vulnerable to influenza complications;
6. An employer may encourage employees to telework (i.e., work from an alternative location such as home) as an infection-control strategy during a pandemic;
7. An employer may require its employees to adopt infection-control practices, such as regular hand washing at the workplace;
8. An employer may require its employees to wear personal protective equipment (e.g., face masks, gloves, or gowns) designed to reduce the transmission of pandemic infection but if due to a disability or religious belief the employer may need to accommodate the employee;
9. An employer can't order all employees to get the influenza vaccine regardless of their medical conditions or their religious beliefs during a pandemic;
10. An employer must continue to provide reasonable accommodations for employees with known disabilities that are unrelated to the pandemic, barring undue hardship;
11. An employer may ask an employee why he or she has been absent from work if the employer suspects it is for a medical reason;
12. An employer may require employees who have been away from the workplace during a pandemic to provide a doctor's note certifying fitness to return to work.

Avoid National Origin and Race Discrimination Claims

Employers may enforce government directives on travel bans or restrictions on immediately returning to the workplace after traveling to impacted areas regardless of the employee's race or national origin. However, harassment of employees from China, employees of Chinese origin (or employees married to or associated with someone) must not be tolerated. Moreover, employees cannot demand that individuals who are from a certain country be restricted from the workplace or that they not be required to work with such persons based solely on race or national origin.

Avoid Age Discrimination Claims

Under the ADEA there is no legal obligation to permit an older worker to telework. However, if an older worker has a disability that puts him/her “at risk”, then, under the ADA the employer may permit the older worker to telework as an accommodation. On the flipside, an employer should refrain from *requiring* older workers to alter their schedule or working conditions, but an employer can offer only older workers the option to *voluntarily* stay home or telecommute per the ADEA.

Avoid Pregnancy Discrimination Claims

The CDC list of people who are at higher risk for severe illness if they contract COVID-19 includes pregnant women. As pregnant employees are protected by law which prohibits discrimination an accommodation such as teleworking may be a reasonable accommodation for a pregnant worker.

Avoid Religious Discrimination Claims

An employee may request a religious accommodation including refusal to get a vaccine or blood test or modified PPE due to religious garb. If an employee objects to vaccines, testing, or the use of PPE on religious grounds, employers must only provide an effective, reasonable accommodation that does not cause more than a *de minimis* burden.

Miscellaneous COVID-19 Information

Employees can only refuse to come to work because of fear of infection if they believe they are in imminent danger.

Note: This information is general in nature and does not, and is not intended to, constitute legal advice. Neither the provision nor receipt of this information creates an attorney-client relationship between the presenter(s) and the recipient. You are advised not to take, or to refrain from taking, any action based on this information without consulting your legal counsel about the specific issue(s).

II. Building Closure, Maintenance & Re-opening

Below is a listing of links to resources related to best practices on sanitization, identification and prevention of mold and other water related contamination, and start-up checklists related to mechanical, plumbing and sprinkler systems.

- **CDC: Reopening Guidance for Cleaning and Disinfecting Public Spaces, Workplaces, Businesses, Schools, and Homes**
<https://www.cdc.gov/coronavirus/2019-ncov/community/reopen-guidance.html> - This is a very comprehensive site and if you read through and scroll down you will see specific guidance for community locations such as schools, parks and rec, law enforcement, retirement homes, EMS, etc
- **CDC: Cleaning and Disinfecting Decision Tool**
<https://www.cdc.gov/coronavirus/2019-ncov/community/cleaning-disinfecting-decision-tool.html>
- **CDC: Guidance for Reopening Buildings After Prolonged Shutdown or Reduced Operation**
<https://www.cdc.gov/coronavirus/2019-ncov/php/building-water-system.html>

Please also refer to our partner the **Massachusetts Facilities Administrators Association (MFAA)** for more guidance on COVID-19 as it relates to facilities: <https://massfacilities.com/covid-resources/>

- ASHRAE COVID-19 Building Readiness/Reopening Guidance:
<https://www.ashrae.org/about/news/2020/ashrae-offers-covid-19-building-readiness-reopening-guidance>

III. Working from Home

An overview of key workers compensation considerations when looking at claims that arise from working at home. In addition, cyber links to best practices when working remotely.

A. Prepare a Remote Work Policy

<https://icma.org/blog-posts/quick-steps-prepare-remote-work-policy-your-local-government>

B. Workers Compensation

Due to the ongoing social distancing and shelter-in-place measures, many employees are now working remotely from home. We have received a number of questions regarding how to handle any claimed injuries that may occur while these employees are working from home. The short answer is that these potential injuries must be evaluated using the normal compensability analysis—whether the injury “arose out of and in the course of” the employment. There are no special statutes addressing work-from-home injuries, but there is case law. All such claims will be evaluated on an individual claim by claim basis.

Where an employee is now working at home due to COVID-19, the home will likely be considered part of the employer’s premises for purposes of determining compensability. If the employee has a particular portion of the home set up as a home office, we could try to limit the locale of the employment to only that portion of the home. Time is a separate issue. If the employee has fixed hours (i.e., 9 AM to 5 PM), and the injury occurs during those fixed hours, that portion of the compensability analysis will be satisfied. Injuries outside the fixed working hours will be more difficult for the employee to prove compensability—the employee will have to show that they were engaged in work activity outside of their fixed hours. An injury suffered while an employee is engaged in a purely personal activity will not be considered compensable. However, there is also a set of activities that will be considered “dual purpose” activities—i.e., those that have both an employment and personal connection. Dual purpose activities have been held compensable under Massachusetts case law.

It will be difficult to assess compensability for any potential injuries suffered during this work-from-home period. We have trained the adjusters as to how to conduct a more immediate and thorough investigation. The adjusters will immediately contact and interview the injured employee to ascertain **exactly** what they were doing at the moment of injury.

C. Ergonomics

Ergonomics While Working From Home :

https://www.emiia.org/writable/files/ergonomics_for_the_home_or_virtual_office_march_2020_.pdf

D. Cyber

How to Securely Work from Home:

https://www.emiia.org/writable/files/wfh_guide_from_eplace_solutions.pdf

IV. MA Specific Guidance for Reopening

Four Phase Approach to Reopening

[https://www.mass.gov/news/baker-polito-administration-announces-four-phase-approach-to-reopening-and-publishes-mandatory](https://www.mass.gov/news/baker-polito-administration-announces-four-phase-approach-to-reopening-and-publishes-mandatory-workplace-safety-standards) workplace safety standards

- ◆ **Mandatory -safety -standards for workplace**

<https://www.mass.gov/info-details/reopening-mandatory-safety-standards-for-workplaces>

V. Employee Safety Topics

Exposure Identification and Control

- **Guidance for Preparing Workplaces for COVID-19** – This is from OSHA and is a comprehensive approach to identify and categorize risk and to develop a reopening plan: <https://www.osha.gov/Publications/OSHA3990.pdf>
- **Classifying Worker Exposure Risk:** <https://www.osha.gov/Publications/OSHA3993.pdf>
- **OSHA Hazard Control for COVID-19:** <https://www.osha.gov/SLTC/covid-19/controlprevention.html>

Construction

- **COVID-19 Guidance for the Construction Workforce:** Many municipal activities fall under construction such as DPW, Highway, Water & Sewer.
<https://www.osha.gov/Publications/OSHA4000.pdf>

Proper Face Mask/ Respirator Use

- **Seven Steps to Correctly Wear a Respirator:**
<https://www.osha.gov/Publications/OSHA4015.pdf>
- **OSHA video on how to correctly wear a face mask:**
<https://www.youtube.com/watch?v=oU4stOgCtV8>

Wellness

- **Information for Individual Health and Healthcare Questions - Blue Cross Blue Shield COVID-19**
link: <https://www.bluecrossma.org/myblue/coronavirus-resource-center>
- **EAP Resources**
 - ◆ **All One Health - COVID-19 Mindful Resources:** <https://allonehealth.com/blog/>
- **Other Mental Health Resources:**
 - ◆ <https://www.cdc.gov/coronavirus/2019-ncov/community/mental-health-healthcare.htm>
 - ◆ <https://www.cdc.gov/coronavirus/2019-ncov/community/mental-health-non-healthcare.html>
 - ◆ <https://www.cdc.gov/coronavirus/2019-ncov/hcp/managing-workplace-fatigue.html>

First Responders and Law Enforcement

- **CDC Guidance for First Responders and Law Enforcement:**

<https://www.cdc.gov/coronavirus/2019-ncov/community/first-responders.html>

- **MA.gov - Emergency Responders/Police:**

<https://www.mass.gov/info-details/covid-19-guidance-and-directives#emergency-responders-&-law-enforcement->

Other Resources

- **White House (Reopening America Guidance):** <https://www.whitehouse.gov/openingamerica/>
- **Apple (Evaluate Covid19 Symptoms):** <https://apps.apple.com/us/app/id1504132184>
- **USPS (Postal Service):** <https://faq.usps.com/s/article/USPS-Coronavirus-Updates-for-Business-Customers>
- **MA.gov (Contact Tracing):** [COVID-19 contact tracing resources and information](#)
- **Apple/Google (Contact Tracing):** [Apple and Google partner on COVID-19 contact tracing technology](#)



TOWN OF WEST NEWBURY

D

K.C. Swallow
Town Moderator

381 Main Street
West Newbury, MA 01985

May 21, 2020

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 10:00 AM on June 27, 2020 at the Town Office Complex, 379 Main Street, West Newbury, MA

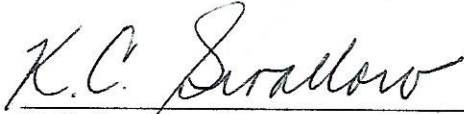
I am making this Declaration after careful and considerable deliberation of our current situation. I have reviewed Governor Baker's March 10, 2020 Declaration of a State of Emergency in the Commonwealth along with the current guidance for the Massachusetts Department of Public Health and the U. S. Centers 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 posted on the Town website and social media accounts.

Declaration of Town Moderator

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

cc: Board of Selectmen
Town Manager
Town Clerk
Finance Committee

MAHNB

Assisting Massachusetts Boards of Health through
training, technical assistance and legal education



MASSACHUSETTS ASSOCIATION OF HEALTH BOARDS COVID-19

The Role of the Board of Health in the Postponement/Continuance of Town Meeting May 12, 2020

Public health professionals, especially local health departments and boards of health, are facing many questions from local public officials, residents, parents, health care providers, and others about COVID-19. MAHB's series of documents are meant to provide answers and guidance to health departments and boards of health. **This document is provided *for educational purposes only* and is not to be construed as legal advice. For legal advice, please contact your city or town attorney.**

Question: What role does a local Board of Health have in postponing or continuing a town meeting during the COVID-19 state of emergency?

Background: Massachusetts General Laws c. 39, § 10A was amended by Chapter 53 of the Acts of 2020, "An Act to Address Challenges Faced by Municipalities and State Authorities Resulting From COVID-19," on April 3, 2020. The recent amendment of the statute was accomplished in order to add "public health officials" to the process for continuing town meeting dates to a later date. Previously, the statute applied only to public safety emergency situations and weather related emergencies in order to postpone a town meeting.

Under the current statute, the procedures are divided into 2 categories. First, is the procedure to be followed if the *warrant for the town meeting has already been posted* at the time of the emergency necessitating the continuance. The second is the procedure to be followed if the *warrant has not yet been posted* as of the time of the declaration of an emergency.

Town Meeting Warrant Posted:

The procedure established for when the town meeting has been posted already calls for the town moderator to consult with local public health officials and the board of selectman to determine whether it is appropriate to recess and continue a town meeting previously called. If the decision to postpone is made the moderator may extend the date for a period of up to 30 days from the original date. That extension may be renewed should the condition still exist at the time of the rescheduled session. All subsequent continuances may be done for periods of up to 30 days at a time, until the time that the emergency has been rescinded. In any event, the session must be held within 30 days of the rescission of the state of emergency. If the moderator wants to extend beyond the date of the rescission of the emergency declaration, that must be announced by the moderator within 5 days following the end of the emergency. This additional post-rescission 30 day period was added to allow the moderator ample time to prepare all documentation and notifications necessary to administer a town meeting.

The discussions between the moderator and the health officials and select board are not considered “deliberations” for open meeting purposes, if the only subject of that discussion is the recess and continuance.

Because of social distancing requirements currently in place, it is possible a given town may not have a facility large enough to hold a town meeting within its borders. The statute allows a town meeting to occur at a suitable location in a neighboring municipality.

Another provision in the amended statute places the responsibility upon a public health official who must be designated by the board of selectman to submit a report to the Attorney General providing the public health based justification for the declaration that the time meeting is to be postponed.

Town Meeting Warrant Not Yet Posted:

Where the town meeting warrant has not yet been posted, the amended G.L. c. 39, § 10A also provides for a procedure to be followed. In such a situation the board of selectman can vote to supersede any charter or by law provisions which require the town meeting to occur during any particular period of time. Such a continued town meeting would be scheduled applying the regular procedures for scheduling any other town meeting not in the face of an emergency situation.

Board of Health Role:

The role of the local board of health in the postponement of a town meeting is somewhat limited. While the moderator must confer with health officials as part of the scheduling process, there is nothing in the statute to require the moderator to accede to the wishes of the LBOH. However, if the LBOH reasonably believes that holding a town meeting could place the attendees in a position of danger, and if the moderator refuses to postpone the town meeting, the LBOH is always free to exert its traditional statutory powers under G.L. c. 111, §§ 95 – 105, which grant the board “broad authority to implement safeguards to prevent the spread of infectious disease.”

The LBOH should look at particular facts and circumstances facing the town at the particular time. If there is probable cause to believe that there is an infectious disease presenting a threat to the public health, and if the facts and circumstances known to a LBOH at the time are sufficient to warrant a person to reasonably believe that the town meeting members are likely to be exposed to an infectious disease, the LBOH may take reasonable steps to protect the uninfected members of town meeting. The power of an LBOH to enforce reasonable protective measures to prevent the spread of communicable diseases has been acknowledged for well over a century.¹

The LBOH should follow the reasoning that if there is any possibility that a town meeting member is COVID-positive, then it is a reasonable step for the board to protect the other members of town meeting from the spread of that infectious disease. In such an instance, the LBOH may issue an order that will halt the town meeting, should there be no logical cooperation by the select board or the moderator. This would be a last resort, but it would be effective.

In addition, under G.L. c. 111, § 104, “if a disease dangerous to the public health exists in a town, the selectman and board of health shall use all possible care to prevent the spread of the infection and may give public notice of infected places by such means as in their judgment maybe most effectual for the common safety.” This statute, in particular, differs from other statutorily imposed powers of boards of health, in that it requires a meeting of the minds between the board of health and the board of selectman or other CEO of a municipality.

Conclusion: In order to assure a reasoned decision it is important that the LBOH or its agent meet with the other officials who have responsibility for such a decision, in order to fully vet all options and assure buy-in from the other municipal agencies.

Under the new statutory scheme, the LBOH is not the sole decision maker without input of the board of selectman. Here, the LBOH should be prepared to discuss all options while maintaining its ultimate position of strength.

In addition to the above, it is worth looking at the nuisance powers of a board of health as another possible last resort, which removes all other agencies including the moderator from the equation. That is the strength of the LBOH, referred to above. Should the LBOH be placed in a position where it must exert its authority pursuant to the nuisance statute, it should make certain to provide ample written documentation that the board believes the COVID pandemic presents a threat to the public health of the town meeting members, and that the actions taken by the board are reasonably related to the protection of public health. This language will give the LBOH the strongest footing, should the actions of the board be challenged in court.

¹ *Brown v. Murdock*, 140 Mass. 314 (1885).

As a final note should a town meeting be convened, the enforcement of masks and social distancing remains in the hands of the LBOH, and all such prerequisites must be met in order to hold any public meetings in person.

Pending legislation:

At the time of this Guidance Document, there is legislation pending in the House of Representatives, which has passed the Senate, which may have tangential effect upon the actual administration of the town meeting process. This legislation does not contain any provisions that affect any health-related decisions or actions.

SB. 2680, “An Act Relative to Municipal Governance During the COVID-19 Emergency, was passed on May 4, 2020, and is now pending before the House Committee on Ways and Means. The provisions of this bill include such measures as re-defining a quorum of an “open town meeting,” along with budget implementation procedures, and notifications of the Attorney General of actions affecting such “open” town meeting. The bill also lays out the procedural considerations of a remote “representative” town meeting, including ADA compliance, choice of remote platforms (i.e.: Zoom, Webex, etc.), and how to deal with a month-to-month budget. There are no LBOH issues raised anywhere in the pending legislation, other than those where the delay may have an impact upon the board of health budget line item.

DRAFT

Town Manager

From: DPW Director
Sent: Friday, May 15, 2020 3:10 PM
To: Town Manager; Kathleen Swallow; Michael McCarron; Paul Sevigny; Finance Admin
Subject: Town Meeting June 27, 2020 - action ideas and planning
Attachments: Town Meeting 2020 Logistic Spreadsheet.xlsx; 20200515151208503.pdf

All,
Great meeting yesterday. I'm not trying to step on anyone's foot or lead the town meeting planning process – you all have much more experience and knowledge on how our meeting should go. However, as an engineer I see everything in list and plan form. As a result I prepared a spreadsheet of detailed task and a plan for discussion purposes at our next meeting.

Feel free to add, delete or laugh off some of these suggestions and actions.

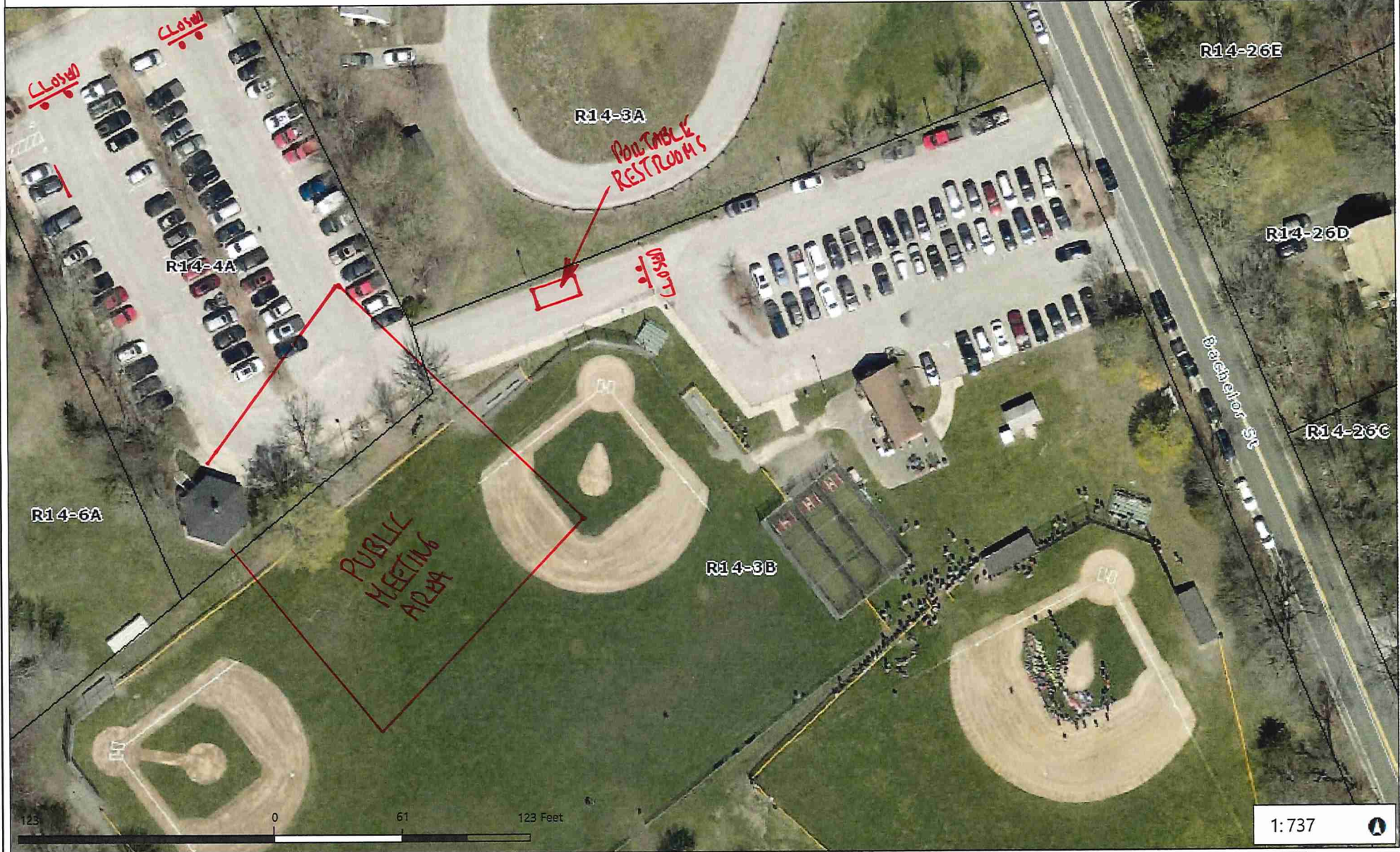
Thanks,
Wayne

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

PS- I added a Town Meeting Logistic folder on the shared drive so everyone can access and add information and documents to.

Town of West Newbury

5/15/2020



Data Sources: Produced by Merrimack Valley Planning Commission (MVPC) using data provided by the Town of West Newbury & MassIT/MassGIS. MVPC AND THE TOWN OF WEST NEWBURY MAKES NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE ACCURACY, COMPLETENESS, RELIABILITY, OR SUITABILITY OF THESE DATA. THE TOWN OF WEST NEWBURY AND MVPC DOES NOT ASSUME ANY LIABILITY ASSOCIATED WITH THE USE OR MISUSE OF THIS INFORMATION.

Legend	
MVPC Boundary	Major Road
Parcels	Local Road
Trails	Hydrographic Features
Easements	Streams
Hydrographic Features	Wetlands
Roads	Interstate



Annual Town Meeting - Band Stand Concourse

June 27, 2020 at 10am

Item #	Priority	Task	Status	Lead Person
1	3	Ballpark fence access points narrow	Will have fence contractor remove 3 sections of fencing to allow for a 15' wide opening	WSA
2	3	Mow ballfield 2 days prior to event	DPW will mow fields on June 25th	WSA
3	3	Clean parking and areas around bandstand	DPW will conduct a full cleanup on Friday 26th	WSA
4	3	Conduct yearly landscaping in area around Gazebo	Ongoing during the month of May	WSA
5	3	Fix light base covers in parking lot	reattach bases	WSA
6	3	Replace and relocate No Skate Boarding sign	Will be done in the next few weeks	WSA
7	3	Paint trash receptacles around area of park	Will be done in the next few weeks	WSA
8	1	Sound System with 4 mics	Hiring vendor ????? Adam?	Angus
9	1	Portable Restrooms	Need 1 Handicapped and 1 non-handicapped and two stall hand washing station	DPW
10	3	Restrict Parking near Gazebo	Use stanchions and rope to reserve section of parking lot for seating and restrooms.	DPW
11	3	Outdoor Seating Setup	Should set up seating for 50-75 people in the parking lot at social distance requirements. (some people may not want to sit on a grass field and seating must be ADA.)	DPW
12	1	Legally Post Town Meeting with Location		Mike M.
13	3	TENT	No tent recommended at this time	n/a
14	1	Free Bottled Water - should we supply ???	If this is a 85 degree day it could be really hot out there	???
15	1	Public Speaking Options - cell phone / mics		KC
16	3	Annex Restrooms - Open	Have available for all to use	WSA
17	3	Reserve band standing parking lot for staff who are staying for whole event		WSA
18	3	Reserve other parking lots for residents	Town Offices, snack shack, Action Cove, Fire Department, senior apartments	

Special Notes:

- SN1 Should we sell this event as a coming out of the Virus Party and town meeting.
 Encourage a picnic, umbrella with blanket atmosphere????
 Kids at action cove with parents in the field voting. I see lots of great options with having the meeting outside.
- SN2 Crazy Idea - Do we want to invite ice cream truck (no music of course) or sausage vendor.
 This town meeting can be a great event for the whole town to come out.

Town Manager

From: [REDACTED]
Sent: Monday, May 18, 2020 5:36 PM
To: Town Manager
Subject: COVID-19 Reopening Plan Released - Phase One Starts Today



Baker-Polito Administration Releases State Reopening Plan

The Baker-Polito Administration today released the Reopening Advisory Board's report, [Reopening Massachusetts](#), which details a four-phased strategy to reopen businesses and activities while continuing to fight COVID-19. The state has launched a comprehensive website with detailed reopening information at www.mass.gov/reopening.

The Administration also released a new "[Safer at Home](#)" Advisory, which instructs residents to stay at home unless engaging with newly opened activities, as a way to continue limiting the spread of COVID-19.

All businesses and expanded activities, including governmental services, will need to comply with mandatory safety standards for workplaces that were announced last week, including social distancing, hygiene protocols, staffing and operations, and cleaning and disinfecting. In addition, the state will be setting industry-specific safety requirements and guidance, if clearer or more stringent steps are necessary, as determined by public health officials.

The Administration's COVID-19 Reopening Advisory Board finalized the specifics of the plan over the weekend. Today's announcement was accompanied by an official report, specific industry guidance for those businesses/activities that will be permitted in Phase 1, materials for businesses to use for preparation and self-certification of their compliance with state-set health and safety requirements, and updated Executive Orders to implement the new phase.

Phase 1 of the Reopening (“Start”) Begins Today, May 18

Allowed Activity During Phase One

- **Gatherings will continue to be limited to a maximum of 10 people**, unless otherwise provided in other orders and guidelines.
- **The state is eliminating the “Essential” and “Non-Essential” distinctions**, and will authorize categories of businesses or industry segments to reopen following specific guidance and conditions that will be provided in advance of each phase.
- **For the Start phase, the state is allowing the following business activity as of May 18:**
 - **Essential Businesses** that are operating now will remain open, and have until May 25 to implement the new mandatory workplace safety standards and other Phase 1 requirements for their industry sector.
 - **Manufacturing and Construction**, following specific industry workplace guidelines & standards (links to these requirements can be found below).
 - **Houses of Worship**, with only 40% of maximum capacity allowed and other safety requirements (a link to the requirements can be found below).
 - **Gun Stores** are open due to a federal court ruling.
 - **Outdoor Recreation activities**, including **Beaches, Parks, Fishing, Hunting**, and other activities, following guidelines published today by the Executive Office of Energy & Environmental Affairs (a link to these can be found below).
- **For the Start phase, the state is allowing the following business activity as of May 25:**
 - **Offices and Laboratories** (June 1 for Boston), with a cap on occupancy at 25% and other requirements, and a very strong “Work From Home” advisory for all those who can operate remotely (links to the requirements can be found below).
 - **Retail Establishments** – Fulfillment and Curbside Only, with no indoor customer access during Phase One.
 - Hair Salons, Car Washes and Pet Grooming, following conditions and requirements established by the state (links to these can be found below).
 - Expanded Elective Medical Procedures could proceed, following state guidelines.
- **For Phase 2, the reopening plan expects to include the following:** In-store retail, restaurants and lodging (the limitations are under review), additional personal services (nail salons or day spas, e.g.), campgrounds, playgrounds, public and community pools, athletic fields, limited youth sports (no games).

- **For Phase 3, the reopening plan expects to include the following:** bars, gyms, museums, other arts & entertainment (other than nightclubs and large venues), youth sports with games and tournaments (with limited crowd sizes).

Enforcement Will be a Combination of Self-Certification and On-Site Inspections

In order to reopen, businesses must develop a written COVID-19 Control Plan outlining how its workplace will prevent the spread of COVID-19. Required materials are located on [mass.gov/reopening](https://www.mass.gov/reopening), and include detailed sector-specific circulars and checklists to facilitate compliance. Many of these links are listed below.

- **Rule-Making and Enforcement Roles** – The Department of Public Health and the Department of Labor Standards is responsible for developing the health and safety standards for each industry sector, and enforcement will primarily occur through local Boards of Health.
- **Administration provides guidance document on municipal enforcement** – the Baker-Polito Administration has provided a document outlining their guidance on municipal enforcement protocols and procedures as businesses begin to reopen. [MMA is providing a link to the state’s guidance document here](#) and below, and is reviewing the guidance with municipal officials.
- **Self-Attestation** – All allowed businesses and activities would be required to download and sign an “Attestation Poster” from the state website to attest that they are in compliance with the mandatory safety standards announced last week and the supplemental industry-specific requirements published by the state.
- **Plans** – All allowed businesses and activities would be required to develop their own plans on how to comply with the mandatory safety standards, with a sample template provided on the state website.
- **Posting** – The attestations must be posted on site for employees and customers to see.
- **On-Site Records** – The attestations and plans would be kept on site, and would **not** be filed with the Commonwealth or local government.
- **Access and Inspections** – State and local enforcement agencies would have the authority to review the attestations and plans upon request and inspect to ensure compliance.

Additional Elements

- The state is developing a series of guidelines and procedures for the Commonwealth’s own operations, and will be sharing those with municipalities, including human resources policies for state employees, the use and operation of public buildings (being developed by the Division of Capital Asset Management and Maintenance), and the delivery of public-facing services (being developed by the Registry of Motor Vehicles);

- Future phases will progressively include additional activities and business operations (in-store retail operations, personal services, restaurants, bars, lodging, team sporting activities, large sporting and entertainment events, e.g.);
- State officials will closely monitor key COVID-19 health metrics, and determine when it is safe to proceed to the next reopening phase, with at least three weeks needed in each stage before adequate information is available to assess public health outcomes and decide the timing of moving from Start to Cautious, and then to Vigilant and New Normal;
- The state will continue to expand its testing and contact tracing capacity, with the intention of placing priority on high-density areas and hot spots;
- The Administration projects that the childcare/daycare operations that are running now for emergency and healthcare workers have the capacity to serve families that need these services during Phase One; and
- In the coming weeks, childcare/daycare and transportation, key enablers for reopening the economy will continue to be explored and expanded as possible within the realities of COVID-19, following strict health protocols to ensure public health and safety.
- The Administration also reported that public health officials are currently drafting specific guidance on summer camps, and those recommendations will be forthcoming within the next couple of weeks – summer camps are not expected to begin until Phase 2 at the earliest.

Helpful Links to Reopening Documents and Materials

Link to the Reopening Massachusetts website:

<https://www.mass.gov/info-details/reopening-massachusetts>

Link to the Reopening Massachusetts Plan:

<https://www.mass.gov/doc/reopening-massachusetts-may-18-2020/download>

Link to the Mandatory Safety Standards for all workplaces:

<https://www.mass.gov/info-details/reopening-mandatory-safety-standards-for-workplaces>

Links to the sector specific requirements for what's allowed to reopen on May 18:

Construction

<https://www.mass.gov/lists/safety-standards-for-construction>

Manufacturing

<https://www.mass.gov/lists/safety-standards-for-manufacturing>

Places of Worship

<https://www.mass.gov/lists/safety-standards-for-places-of-worship>

Links to the sector specific requirements for what is reopening on May 25:

Offices

<https://www.mass.gov/lists/safety-standards-for-office-spaces>

Labs

<https://www.mass.gov/lists/safety-standards-for-laboratories>

Hair Salons & Barbershops

<https://www.mass.gov/lists/safety-standards-for-hair-salons-and-barbershops>

Car Washes

<https://www.mass.gov/lists/safety-standards-for-car-washes>

Pet Grooming

<https://www.mass.gov/lists/safety-standards-for-pet-grooming-services>

Links to the business compliance documents:

State guidance on municipal enforcement of COVID-19 orders

<https://www.mma.org/wp-content/uploads/2020/05/State-Guidance-to-Municipalities-on-COVID-19-Order-Enforcement-Final.pdf>

Compliance attestation poster

<https://www.mass.gov/doc/compliance-attestation/download>

COVID-19 control plan template

<https://www.mass.gov/doc/covid-19-reopening-control-plan-template/download>

Employer poster

<https://www.mass.gov/doc/employer-reopening-poster/download>

Employee poster

<https://www.mass.gov/doc/employee-reopening-poster/download>

Links to updated (May 18) state guidance on outdoor recreation, beaches, campgrounds, boating, hunting, fishing, campgrounds, facility restrooms and more:

<https://www.mass.gov/info-details/executive-office-of-energy-and-environmental-affairs-eea-covid-19-guidance-documents#parks,-open-space,-and-outdoor-education-programs->

MMA Issues Key Recommendations to Support Municipalities During the Reopening Process

The MMA has developed a series of strong recommendations to address the needs of cities and towns during the reopening process, and presented those key priorities to the Reopening Advisory Board on May 13, urging their adoption in the Reopening Plan. [Please Click this Link to Read the MMA's 22-Page Reopening Presentation to the Administration.](#)

The MMA is emphasizing four main action areas:

1. **Providing timely notice, guidance and information to municipalities in advance of each phase;**
2. **Issuing strong and clear directives and standards in each phase,** including specific guidance for delivering public-facing programs and services;
3. **Ensuring universal access to resources for all municipalities,** including PPE, equipment, cleaning supplies, testing for municipal employees and the public, technical assistance and funding; and

4. **Affirming clear local enforcement authority.**

MMA leaders are continuing to hold detailed and productive discussions on these priorities at the highest levels of the Administration, and we appreciate that this collaborative and open discussion will be ongoing throughout the entire reopening process, particularly on those items that were not fully reflected in the state's reopening plan as announced on May 18. Many details and questions will emerge in the coming days and weeks, and MMA will continue to work on all of these issues.

The MMA will provide further updates and information on the state's reopening process as details become available

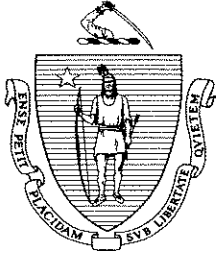
Thank you!



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GOVERNOR

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LIEUTENANT GOVERNOR

**ORDER IMPLEMENTING A PHASED REOPENING OF
WORKPLACES AND IMPOSING WORKPLACE SAFETY
MEASURES TO ADDRESS COVID-19**

COVID-19 Order No. 33

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

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

WHEREAS, the Federal Centers for Disease Control have advised that COVID-19 is spread mainly by person to person contact and that the best means of slowing the spread of the virus is through practicing social distancing and protecting oneself and others by minimizing personal contact with environments where this potentially deadly virus may be transmitted;

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

WHEREAS, on March 31, 2020, April 28, 2020, and May 15, 2020, I issued COVID-19 Orders No. 21, 30, and 32, respectively, which extended the period in which COVID-19 Order No. 13 would continue to restrict the operation of businesses and organizations that do not provide COVID-19 Essential Services;

WHEREAS, recent public health data indicate improvement in key areas of measurement as a result of the extraordinary efforts of health care providers in the Commonwealth and the public’s unselfish compliance with the restrictions imposed in COVID-19 Order No. 13 and other limitations imposed in response to the COVID-19 health crisis;

WHEREAS, the improving public health data permits a carefully phased relaxation of certain restrictions that COVID-19 Order No. 13 has placed on businesses and other organizations, provided that any adjustment can only be maintained or expanded on the basis of continuing improvements in the public health data, and further provided that any adjustment must reflect the reality that the Commonwealth remains in the midst of a public health emergency, as demonstrated by reporting from the Department of Public Health that as of May 17, 2020, 2,597 persons remain hospitalized in the Commonwealth as a result of COVID-19 and 702 of these patients are receiving treatment in intensive care units;

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

NOW, THEREFORE, I hereby order the following:

1. Phase I Opening of Businesses and Other Organizations

Beginning on the dates specified below, businesses and other organizations that are included within the Phase I categories below are permitted to operate from their physical workplaces and facilities (“brick-and-mortar premises”) and may open those premises to workers, customers, and the public provided they comply with all workplace safety rules and standards issued or maintained pursuant to Section 2 and all other terms of this Order.

Beginning May 18, 2020

- A. COVID-19 Essential Services: businesses and other organizations providing products and services identified as “COVID-19 Essential Services” in Exhibit A to COVID-19 Order No. 13 (as amended March 31, 2020)
- B. Manufacturing: businesses and other organizations engaged in the making, altering, repairing, finishing, or adapting for sale any article or part
- C. Construction
- D. Places of Worship: churches, temples, mosques, and other places of worship
- E. Firearms retailers and shooting ranges

Beginning May 25, 2020

- F. General Use Offices: businesses and other organizations operating within general use office spaces, provided that such offices located within the limits of the City of Boston shall not be open before June 1, 2020
- G. Car Washes
- H. Hair Salons and Barber Shops
- I. Pet Groomers
- J. Drive-In Movie Theaters
- K. Laboratories: businesses and other organizations operating within facilities equipped and used for scientific experiments, research, or for the manufacture of drugs or chemicals or similar products
- L. Certain Outdoor Recreational Facilities and Activities as specified in Attachment 1

As of the dates indicated above, businesses and other organizations included within categories B-L above are no longer subject to the restrictions imposed by COVID-19 Order No. 13.

Businesses and other organizations not included within categories A-L above remain subject to the restrictions imposed by COVID-19 Order No. 13.

2. Adoption of Workplace Safety Rules

General Workplace Safety Rules: All businesses and other organizations in the Commonwealth that are permitted to operate brick-and-mortar premises must immediately adopt and maintain the following generally applicable COVID-19 workplace safety rules.

Social Distancing	<ul style="list-style-type: none">• All persons, including employees, customers, and vendors should remain at least six feet apart to the greatest extent possible, both inside and outside workplaces• Establish protocols to ensure that employees can practice adequate social distancing• Provide signage for safe social distancing• Require face coverings or masks for all employees
Hygiene Protocols	<ul style="list-style-type: none">• Provide hand-washing capabilities throughout the workplace• Ensure frequent hand washing by employees and adequate supplies to do so• Provide regular sanitization of high touch areas, such as workstations, equipment, screens, doorknobs, restrooms throughout work site
Staffing and Operations	<ul style="list-style-type: none">• Provide training for employees regarding the social distancing and hygiene protocols• Employees who are displaying COVID-19-like symptoms do not report to work• Establish a plan for employees getting ill from COVID-19 at work, and a return-to-work plan
Cleaning and Disinfecting	<ul style="list-style-type: none">• Establish and maintain cleaning protocols specific to the business• When an active employee is diagnosed with COVID-19, cleaning and disinfecting must be performed

	<ul style="list-style-type: none"> • Disinfection of all common surfaces must take place at intervals appropriate to said workplace
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The Director of the Department of Labor Standards (“DLS”) is hereby directed to post on the Department’s publicly accessible website a directive implementing these generally applicable COVID-19 workplace safety rules for all workplaces subject to this Order.

Sector-Specific Rules: The Director of Labor Standards, in consultation with the Commissioner of Public Health and subject to my approval, shall in addition issue COVID-19 workplace safety rules for certain, specific workplace sectors (“Sector-Specific Rules”) to address the particular circumstances and operational needs of those specific workplace sectors. Sector-Specific Rules shall supplement the generally applicable COVID-19 safety rules applicable to all workplaces in the Commonwealth. Businesses and other organizations shall adopt and comply with all Sector-Specific Rules applicable to their workplace.

Phase I Sector-Specific Requirements: The Director of Labor Standards is directed immediately to issue detailed Sector-Specific Rules for the following workplace sectors:

- Manufacturing
- Construction
- Places of Worship
- General Use Offices
- Car Washes
- Hair Salons and Barber Shops
- Pet Groomers
- Laboratories

Earlier Issued DPH Sector-Specific Orders: The Commissioner of Public Health, at my direction, has previously issued orders and mandatory guidance implementing detailed, sector-specific COVID-19 workplace safety standards for the workplaces indicated below that have been designated as Essential Services pursuant to COVID-19 Order No. 13. These previously issued orders and mandatory guidance, as they may be subsequently amended by the Commissioner, shall continue to apply to these businesses and organizations under the terms of this Order.

- Grocery Stores and Pharmacies
- Nurseries, Greenhouses, Garden Centers, and Agricultural Supply Stores
- Farmer’s Markets, Farm Stands, and Community-Supported Agriculture Programs (CSAs)

Otherwise Applicable Health and Safety Standards: These generally applicable COVID-19 workplace safety rules and any Sector-Specific Rules shall supplement and, except as

provided in Section 6 below, shall not displace otherwise applicable health and safety rules issued by any Federal, State, or Local authority acting within the scope of its lawful authority.

3. Compliance and Self-Certification

Newly Opened Workplaces: Businesses and other organizations that are authorized under the terms of this Order to open their brick-and-mortar premises to workers, customers, and the public shall be required to certify compliance with all applicable general and applicable Sector-Specific rules. Before opening a brick-and-mortar premises under the terms of this Order, a business or other organization not previously authorized to operate as COVID-19 Essential Service pursuant to COVID-19 Order No. 13 shall be required to implement the following measures:

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

The Director of Labor Standards shall establish the procedures and publish the forms of self-certification and public notice required to comply with these provisions.

Re-starting Construction Projects: In addition, before any construction project that is inactive as of May 17, 2020 re-opens pursuant to this Order, the general contractor shall:

- a. Ensure that all municipal permits are in place
- b. Satisfy all conditions that appear in the Sector-Specific Rules for Construction; and
- c. For all projects that do not involve construction or remodeling in 1 to 3 unit residences involving 5 or fewer workers, notify the City or Town in which the project is located of the date that construction will re-start and meet any City or Town requirements necessary to confirm that the project satisfies all of the conditions that appear in the Sector-Specific Rules for Construction.

COVID-19 Essential Services: A business or other organization that has prior to the issuance of this Order been authorized to remain open to workers, customers, and the public as a “COVID-19 Essential Service” shall have until May 25, 2020 to comply with and certify its compliance with any COVID-19 workplace safety rule issued pursuant to this Order or with the public notice provisions specified above.

Such businesses and other organizations shall, in any event, immediately undertake best efforts to comply with the generally applicable COVID-19 workplace safety rules adopted in Section 2 of this Order.

4. Limitations on Gatherings

A business or other organization that is authorized to open its brick-and-mortar premises to workers, customers, and the public under the terms of this Order shall not be subject to the 10-person limitation on gatherings established in Section 3 of COVID-19 Order No. 13 in its normal operations of those premises; provided, however, that such businesses and other organizations must comply with the general social distancing requirements and any more specific limitations on gatherings and meeting sizes established pursuant to the provisions of Section 2 of this Order.

Section 3 of COVID-19 Order No. 13 shall otherwise remain in effect.

5. Limited Operations by Retail Stores not providing Essential Services

Retail stores that do not provide Essential Services as defined in COVID-19 Order No. 13 (and Exhibit A to the Order) are not included in the Phase I Opening and may not open their brick-and-mortar premises. These retail businesses may, however, continue to provide limited remote fulfillment in accordance with guidance issued by the Executive Office of Housing and Economic Development, provided that they adopt and maintain the generally applicable COVID-19 workplace safety rules in Section 2. (Guidance available at <https://www.mass.gov/info-details/covid-19-essential-services-faqs#general-questions---essential-services-related->)

Additionally, I hereby direct the Executive Office of Housing and Economic Development to issue supplemental guidance specifying methods by which retail businesses may permissibly expand their current limited remote fulfillment operations to accommodate customer curbside pick-up. This guidance shall permit retail business customer curbside pick-up transactions beginning May 25, 2020.

6. Enforcement and Authority

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

DPH shall have specific authority to promulgate directives, regulations, and guidance to implement and enforce the terms of this Order as it applies to businesses, organizations, and workplaces subject to the sanitary code established pursuant to section 127A of chapter 111 of the General Laws and where DPH otherwise has existing regulatory authority.

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

This Order is intended to establish a uniform set of COVID-19 workplace safety rules for all businesses and other organizations operating brick-and-mortar premises across the Commonwealth. No municipal or other local authority should adopt or enforce any workplace

health or safety rule to address COVID-19 that is in addition to, stricter than, or otherwise in conflict with any COVID-19 workplace safety rule adopted in this Order or under the implementing directives, regulations, and guidance issued by DLS or DPH under the authority granted by this Order. DLS, DPH, and each municipal or local authority shall uniformly apply any enforceable COVID-19 workplace safety rule.

Violation of the terms of this Order or any directives, regulations, or guidance issued by DLS or DPH pursuant to this Order may result in a civil fine of up to \$300 per violation. This Order may also be enforced by injunction. A motion for an injunction to enforce this Order or any directives, regulations, or guidance issued on its authority may be filed in the district court or other any court of competent jurisdiction for the municipality in which the violation has been charged.

In issuing directives, regulations, or guidance under the terms of this Order, (a) the Director of Labor Standards shall act under the authority G. L. c. 149, §§ 6 & 6½; and (b) the Commissioner of Public Health shall act under the authority of G. L. c. 17, § 2A and G. L. c. 111, §§ 6 & 127A, insofar as those statutes are consistent with the provisions of this Order and authority is available thereunder. The Director of Labor Standards and the Commissioner of Public Health may issue regulations implementing the terms of this Order pursuant to the processes generally provided in G. L. c. 30A, §§ 2-6.

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

7. Exceptions

This Order shall not apply to any of the following businesses, organizations, workplaces, or facilities:

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

- Facilities operated or licensed by the Department of Mental Health or the Department of Developmental Services
- And any other facilities or workplaces that the Commissioner of Public Health may in writing exempt from the terms of this Order

COVID-19 Order No. 32 is hereby rescinded.

COVID-19 Order No. 13 as modified by this Order is hereby extended and shall remain in effect until rescinded or until the state of emergency is ended, whichever occurs first.

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

Given in Boston at 9:50 AM this 18th
day of May, two thousand and twenty



CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts

Attachment 1 to COVID-19 Order No. 33

Defining Certain Outdoor Recreational Activities and Facilities
included in the Phase I Opening

“Certain Outdoor Recreational Activities and Facilities” means the following:

- a. **campgrounds**; provided, however, that individual campsites, including campsites with cabins and campsites for self-contained recreational vehicles, be occupied and used only by single household groups, and provided further that all common areas, excluding restrooms, remain closed
- b. **recreational boating facilities**, solely for the purpose of enabling recreational boating, including rowing and sailing facilities, yacht clubs, boat clubs, and boat rentals; provided, however, that the occupants of a vessel be limited to a single household group and that no more than 10 people are aboard a single vessel at any one time
- c. **for hire and charter fishing**; provided, however, that no more than 10 people, including any captain and crew, are aboard a single vessel at any one time
- d. **white water rafting**; provided, however, that the occupants of a raft or kayak be limited to a single household group and, if applicable, a guide
- e. **zoos, botanical gardens, nature centers, and outdoor wildlife reserves**; provided, however, that buildings, other than restrooms, remain closed to the public; and provided, further that admission be capped at not more than 20% of overall outdoor capacity
- f. **businesses providing outdoor recreational experiences and educational activities**, including ski area summer activities, alpine slides, zip-lines, horse riding schools and stables, mountain biking, and archery ranges



May 18, 2020



**SECTOR SPECIFIC WORKPLACE SPECIFIC SAFETY STANDARDS
FOR OFFICE SPACES TO ADDRESS COVID-19
As of May 18, 2020**

Purpose

These sector specific COVID-19 workplace safety standards for Office Spaces are issued to provide businesses and other organizations operating within general use office spaces and workers in these office spaces with instructions to help protect against the spread of COVID-19. Workers and contractors must continue to telework if feasible.

These standards are minimum requirements only and are not exclusive or exhaustive. The public health data and matrix for disease prevention upon which these guidelines are based can and does change frequently, and the operator of the office space is accountable for adhering to all local, state and federal requirements. The operator of the office space is also responsible for staying abreast of any updates to these requirements.

Standards for Responsible Office Spaces in Massachusetts

No activity in office spaces can occur without meeting the following sector specific COVID-19 workplace safety standards. These standards apply to all businesses and other organizations operating in general use office space until rescinded or amended by the State.

The following workplace specific safety standards are organized around four distinct categories covering Social Distancing, Hygiene Protocols, Staffing and Operations, and Cleaning and Disinfecting.

I. Social Distancing

- Businesses and other organizations shall limit occupancy within their office space to no more than
 - 25 percent of (a) the maximum occupancy level specified in any certificate of occupancy or similar permit or as provided for under the state building code; or (b) the business or organization’s typical occupancy as of March 1, 2020
 - Any business or other organization that has been operating as a “COVID-19 Essential Service” as of May 18, 2020 shall have until July 1, 2020 to comply with these occupancy limitations
- Businesses and other organizations may exceed this maximum occupancy level based on a demonstrated need for relief based on public health or public safety considerations or where strict compliance may interfere with the continued delivery of critical services

- Ensure separation of 6 feet or more between individuals unless this creates a safety hazard due to the nature of the work or the configuration of the workspace
 - Close or reconfigure worker common spaces and high density areas where workers are likely to congregate (e.g., break rooms, eating areas) to allow 6 feet of physical distancing; redesign work stations to ensure physical distancing (e.g., separate tables, use distance markers to assure spacing)
 - Cafeterias may operate only with prepackaged food, practicing physical distancing and appropriate hygiene measures
 - Physical partitions must separate workstations that cannot be spaced out (partitions must be taller than a standing workers)
 - Establish directional hallways and passageways for foot traffic if possible, to minimize contact. Post clearly visible signage regarding these policies
 - Limit visitors where feasible, and avoid congregation in common areas (e.g., lobbies)
- Designate assigned working areas (e.g., floor, building) to individuals where possible to limit movement throughout the facility and limit contact between workers
- Stagger work schedules and improve ventilation for enclosed spaces where possible (e.g., open doors and windows)
- Limit meeting sizes, ensure 6 feet of social distancing, encourage remote participation
- Stagger lunch and break times, regulating maximum number of people in one place and ensuring at least 6 feet of physical distancing
- Minimize the use of confined spaces (e.g., elevators, control rooms, vehicles) by more than one individual at a time; all workers in such spaces at the same time are required to wear face coverings

II. Hygiene Protocols

- Ensure access to handwashing facilities on site, including soap and running water, wherever possible and encourage frequent handwashing; alcohol-based hand sanitizers with at least 60% alcohol may be used as an alternative
- Supply workers at workplace location with adequate cleaning products (e.g., sanitizer, disinfecting wipes)
- Require regular and not less than daily cleaning and sanitation of all high-touch areas such as workstations, door handles, and restrooms
- Avoid sharing use of office materials / equipment or disinfect equipment between use (e.g., telephones, fax machines)
- Post visible signage throughout the site to remind workers of the hygiene and safety protocols

III. Staffing and Operations

- Establish and communicate a worksite specific COVID-19 Prevention Plan for all office locations, including:
 - Contact information for local health authorities, including the MA Department of Public Health, and your local / municipal Health Authority
 - Regularly evaluate all workspaces to ensure compliance with all Federal, State and Local Guidelines

- Isolation, Contact Tracing, and Communication plan for if an worker is diagnosed as positive with COVID-19, or comes into close contact (within 6 feet for 10 minutes or more) with an individual diagnosed with COVID-19
- Provide training to workers on up-to-date safety information and precautions including hygiene and other measures aimed at reducing disease transmission, including:
 - Social distancing, hand-washing, proper use of face coverings
 - Self-screening at home, including temperature or symptom checks
 - Importance of not coming to work if ill
 - When to seek medical attention if symptoms become severe
 - Which underlying health conditions may make individuals more susceptible to contracting and suffering from a severe case of the virus
- Workers must wear face coverings when social distancing of 6 feet is not possible, except where unsafe due to medical condition or disability
- Workers must continue to telework if feasible; external meetings should be remote to reduce density in the office
- Employers should establish adjusted workplace hours and shifts for workers (if working in-person, leverage working teams with different schedules or staggered arrival / departure) to minimize contact across workers and reduce congestion at entry points
- Limit visitors and service providers on site; shipping and deliveries should be completed in designated areas
- Limit business sponsored travel and comply with state and federal travel restrictions / guidelines
- Workers must stay home if feeling ill
- Workers who are particularly vulnerable to COVID-19 according to the Centers for Disease Control (e.g., due to age or underlying conditions) are encouraged to stay home or arrange an alternate work assignment
- Workers are strongly encouraged to self-identify symptoms or any close contact to a known or suspected COVID-19 case to the employer
- Encourage workers who test positive for COVID-19, to disclose to the employer of the office for purposes of cleaning / disinfecting and contact tracing. If the employer is notified of a positive case at the workplace, the employer should notify the local Board of Health (LBOH) where the workplace is located and work with them to trace likely contacts in the workplace and advise workers to isolate and self-quarantine. Testing of other workers may be recommended consistent with guidance and / or at the request of the LBOH
- Post notice to workers and customers of important health information and relevant safety measures as outlined in government guidelines
- Log everyone who comes in contact with site to enable contact tracing, including temporary visitors (e.g., those doing material drop-offs)

IV. Cleaning and Disinfecting

- Conduct frequent cleaning and disinfection of site (at least daily and more frequently if feasible)
- Keep cleaning logs that include date, time, and scope of cleaning
- Conduct frequent disinfecting of heavy transit areas and high-touch surfaces (e.g., doorknobs, elevator buttons, staircases, vending machine, bathrooms)
- Clean shared spaces (e.g., conference rooms) between use and supply cleaning products (e.g., sanitizer, disinfecting wipes)

- In event of a positive case, shut down site for a deep cleaning and disinfecting of the workplace in accordance with current CDC guidance

Additional worker safety guidelines and resources (with hyperlinks to web pages) are available below:

U.S. Department of Labor, Occupational Safety and Health Administration (OSHA):

[OSHA – COVID-19 Webpage](#)

[OSHA – Enforcement Guidelines Webpage](#)

[OSHA Fact Sheet – Protecting Workers During a Pandemic](#)

U.S. Centers for Disease Control (CDC):

[CDC – Environmental Cleaning and Disinfection Recommendations](#)

[CDC – Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease \(Updated 3/21/20\)](#)

Additional Information:

Massachusetts State Coronavirus (COVID-19) Website
mass.gov/covid19

United States Centers for Disease Control and Prevention Coronavirus (COVID-19) Website
<https://www.cdc.gov/coronavirus/2019-ncov/index.html>

GUIDANCE TO MUNICIPALITIES ON ENFORCING COVID-19 ORDERS

Slowing the spread of COVID-19 requires the cooperation of all of us. The plan to re-open the economy safely requires that everyone do their part, and we expect most people will be diligent about keeping themselves and their neighbors safe and healthy.

Permitted Activities

Phase 1 of the re-opening plan keeps in place existing restrictions, advisories and guidance but provides exceptions for certain activities that can resume safely.

What Can Individuals Do?

- A new “stay safer at home” advisory requests that individuals stay at home when they can. The safer at home advisory is not enforceable. However, [all individuals are required to wear a face covering in most places when outside of the home](#). The requirement to wear a face covering is enforceable by the local board of health.
- All individuals remain subject to the existing order [limiting gatherings to no more than 10 persons](#), except in unconfined outdoor spaces. The restriction on gathering size is enforceable by the local board of health. This limitation does not apply to workplaces authorized to operate, but more specific capacity and meeting rules will apply.
- Compliance with the mandatory rules outlined above is enforceable by the local board of health through the issuance of civil fines of up to \$300 per violation.

What Can Businesses Do?

- Essential services have been allowed to operate prior to first phase or reopening. Currently operating businesses must come into compliance with new workplace safety standards by May 25.
- In addition, the businesses listed in the table below will be permitted to resume operations on May 18 or May 25. **All other businesses and workplaces remain closed through Phase 1.** No business is required to re-open and may not reopen until it is ready.

<u>May 18</u>	<u>May 25</u>
<ul style="list-style-type: none">▪ Essential businesses already operating must self-certify and comply with applicable standards by May 25 or July 1.▪ Manufacturing▪ Construction▪ Retail curbside pickup only▪ Places of worship (40% occupancy limit)▪ Firearms retailers and shooting ranges	<ul style="list-style-type: none">▪ Laboratories and life sciences facilities▪ Offices limited to < 25% maximum occupancy; work from home strongly encouraged. (Boston office opening delayed to June 1.)▪ Car Washes exterior and self-service only▪ Hair salons/barber shops by appointment only▪ Pet grooming by appointment (curbside drop-off and pick-up)▪ Certain outdoor recreational facilities and activities

- All operating businesses must comply with general [mandatory workplace safety standards](#), as well as [sector-specific workplace standards and protocols](#) where applicable. Note that some specific sector and workplace standards and protocols are mandatory (actions that “must” be taken), while others are best practice guidance (actions that “should” be taken).

Enforcement of Workplace Safety Standards

- Only essential services and businesses specifically designated for reopening can operate in phase 1. In order to open or continue operation, all businesses must:
 - Develop a written COVID-19 safety plan outlining how will prevent the spread of COVID-19.
 - Self-certify that it will operate in compliance with all applicable and mandatory workplace safety standards. Templates are available [here](#).
 - Produce this self-certification, if requested, by the local board of health, DLS or DPH. Failure or refusal to produce the self-certification upon request is grounds for enforcement action.
- Workplace safety standards are enforced jointly by the local boards of health and DLS. Enforcement can be initiated by either the local board of health or DLS, whichever entity is called in first by a person filing a complaint. DLS and each municipal authority shall uniformly apply any enforceable COVID-19 workplace safety rule.
- Local boards of health and DPH retain all authority they have under current public laws to regulate and inspect under chapters of the State Sanitary Code. Cities and towns should not adopt stricter rules or ordinances that are intended to address the risks of COVID-19.

Escalating Enforcement

- DLS and local boards of health are not required to undertake inspections of businesses that are reopening. It is expected that most enforcement actions will be initiated by a complaint from a customer or employee.
- The goal of enforcement should be to educate and promote compliance. Enforcement escalation for any particular business should follow the escalation grid below. Upon issuance of each escalation measure, the enforcement authority should allow for at least 24 hours for the business to make necessary changes prior to a subsequent inspection.

Verbal consultation & redirection	Up to 1 time before escalation to next level
Written redirection	Up to 1 time before escalation to next level
Fines up to \$300	Up to 3 times before escalation to next level
Cease & Desist letter	Up to 1 time

- Enforcement actions taken by DLS will be communicated to the local board of health. Enforcement actions taken by a board of health should be communicated to DLS.
- Neither DLS nor the local board of health has authority to close a business for violation of a COVID-19 workplace safety standard. They may revoke a permit or close a business pursuant to other regulations or local ordinances. Where continued non-compliance with a COVID-19 workplace safety standard warrants the closing of a business, the local board of health or DLS must first seek a court injunction.
- DLS and local boards of health may request the assistance of state and local law enforcement authorities when needed. It is expected that police presence will be limited and will be required only when a compliance issue presents an immediate threat to health and safety or the risk of a violent confrontation.
- Local boards of health can request enforcement assistance and interpretive guidance can be by calling the DLS hotline: (508) 616-0461 x9488 or by sending an email to safepublicworkplacemailbox@mass.gov.

Town Manager

From: Corinn Flaherty <cflaherty@westnewburylibrary.org>
Sent: Wednesday, May 20, 2020 1:48 PM
To: Town Manager
Cc: Paul Sevigny
Subject: Library reopening plan
Attachments: 5.20.20 DRAFT GAR COVID reopening plan .pdf

Hi Angus,

I attached the draft plan, only phase one has been approved, but I thought it would be helpful to resend the whole thing.

Thanks for meeting today. I do not anticipate that we will need a significant amount of hand sanitizer/wipes until Phase 3 of the Library reopening plan, as that is when the public will be back allowed in the building. During the first phase we will likely need less than one large container of saniwipes per week (we have one container in the building right now) and we'll need one more large (liter size) hand sanitizer (or 4 small ones), which should last us for a while while we are closed to the public.

One thing to consider that I forgot to mention, we can quarantine incoming books instead of wiping them down, but once we begin curbside (phase 2 of library plan), I think we will have to wipe down the materials we are checking out to people to make sure patrons are picking up items that are sanitized (just in case one of the staff is unknowingly carrying the virus). So in phase 2, I'll estimate that we will need 2-3 containers of saniwipes per week. And hand sanitizer will remain the same as phase 1.

That's the best I can do on an estimate until we're actually here using these things and I see what our circ volume looks like.

Thanks again, I'll wait to hear from you at then end of the week or sometime next week with an update.

Corinn

Corinn Flaherty

Director
G.A.R. Memorial Library
490 Main Street
West Newbury, MA 01985
978-363-1105

G.A.R. Memorial Library COVID-19 Reopening Plan

This G.A.R. Library Reopening Plan is defined by phases which are dependent on a number of factors that we cannot currently predict, such as when the governmental stay at home advisory will be lifted and when non-essential workers will be allowed to come back to work. We know that there will not be an immediate return to a pre-pandemic environment, and that limitations including the stay at home advisory may be reintroduced at any point. Although this plan shows a linear progression through the phases of re-opening, we understand that the progression may be both forward and backwards at different times depending on the status of governmental orders and recommendations.

Overall, we are planning for changes in work flow and services provided by the G.A.R. Library and its staff in order to ensure the health, safety, and well-being of both our staff members and our patrons. This phased plan takes into consideration the concerns particular to public libraries and the services we provide and remains subject to change as agencies from the state and federal level continue to roll out guidance on this matter. We will coordinate our reopening plans and tasks with the Town of West Newbury, the Massachusetts Board of Library Commissioners and the Merrimack Valley Library Consortium.

Reopening Phases Definitions & Expectations

Phase 1

Context: Stay-at-home advisory is lifted by state and local authorities. Physical distancing is recommended. Infection risks are still high. Supplies are limited and restocking ability is uncertain.

Anticipated date: Dependent on local and state assessment of risk.

Summary: Library building remains closed to the public. Circulation of physical materials outside remains prohibited. Scheduled staff start working onsite under specific safety procedures to prepare spaces, collections and technology for re-opening the building. Some staff may continue to work remotely.

Safety Guidelines: Staff are trained in safety protocols. Staff training is scheduled in a manner that addresses the need for distancing in work spaces. When in the building, staff maintain a 6-foot physical distance. Masks and gloves are available for staff who need them.

Tasks:

Spaces

- Cleaning library spaces and surfaces
- Preparing staff and public spaces for physical distancing by removing, toys, desks, tables, and chairs as needed
- Ordering, organizing and distributing required and recommended sanitation supplies in staff and public areas

Services and Programs

- Promoting and expanding digital library (collections, technology, services, programming)
- Providing remote tech help with digital collections and online resources
- Verifying residency of new digital accounts
- Answering incoming emails and forwarded calls
- Updating patron records with corrected emails as needed

Collections

- Continuing selection and ordering of new digital and physical materials

- Receiving, invoicing, cataloging and processing new materials
- Working with MVLC to prepare for Phase 2
- Check-in, sorting and shelving materials after sufficient quarantine
- Cleaning discs
- Ready and organizing shelves
- Inventorying materials and supplies

Technology

- Providing technology infrastructure and support for staff working remotely and onsite by rearranging workspaces and creating mobile work stations

Phase 2

Context: Physical distancing is recommended. Infection risks are still high. We have sufficient supplies in the short-term to comply with safety recommendations for public and staff, but longer-term supply needs and availability are uncertain.

Anticipated Date: Dependent on local and state assessment of risk.

Summary: Library reopens with reduced hours to provide access to physical materials via curbside pickup only; the physical building remains closed to the public. Appropriate quarantine area and procedures are established for returned materials that have been circulated outside of library building. Staff provides assistance through phone calls and emails. Some staff continue to work from home.

Safety Guidelines: Hand sanitizer and wipes are provided throughout the library for self-sanitization of hands and surfaces. Returned materials are quarantined for an appropriate length of time.

Tasks:

Spaces

- Preparing space and needed carts and materials for curbside pick-up to be set up outside when weather permits and in the entrance lobby when it does not
- Designating and preparing quarantine areas for returned materials.

Services and Programs

- Promoting and expanding digital library (collections, technology, services, programming)
- Answering incoming emails and calls
- Providing remote technology help with digital collections and online resources
- Developing and presenting virtual programming
- Verifying residency of new digital accounts

Collections

- Allowing checkout and pickup of existing materials but only staff has access to materials on shelves
- Curating materials by request for pick-up or delivery
- Receiving, invoicing, cataloging and processing new materials
- Checking in, sorting and shelving circulated materials after sufficient quarantine period
- Cleaning discs
- Ready and organizing shelves
- Inventorying materials and supplies

Technology

- Possibly offering print jobs for pickup and possibly providing scanning and faxing services

Phase 3

Context: Physical distancing is still recommended, but infection risk is declining. Supply needs are predictable and sufficient current and future supplies are available.

Anticipated Date: Dependent on local and state assessment of risk

Summary: Library building opens to the public with new post-COVID safety measures and rules in place. Limited browsing within the library begins and circulation of physical materials outside of library begins instead of curbside pickup. Quarantine areas for returned materials is continued. Clear and visible signage about safety measures and rules is displayed. Specific hours for vulnerable patrons may be established. The number of patrons in the building at one time is limited. No public programming is held. Computers are accessible but only at socially distant intervals with sanitization between successive users. Tutors can meet with students by appointment only. Only one staff member at a time at the circulation desk. Optima delivery may be reintroduced. One staff member is designated as the Safety Manager.

Safety Guidelines: 6 ft. distance is marked at all service points. Plexiglass shield to protect staff is installed at circulation desk. Staff and patrons are required to wear masks inside the library at all times, including children >2 years of age, per Governor Baker Executive Order. Hand sanitizer and masks are provided for patrons who are not wearing them. Designated Safety Manager monitors patron behavior to ensure compliance with safety guidelines and sanitizes spaces and surfaces as needed.

Tasks:

Spaces

- Signage on safety guidelines for library use are prominently posted in numerous locations.
- Some furniture is reintroduced and placed at safe physical distances.
- Signage with guidelines for table use is posted.

Services and Programs

- Staffing of circulation desk begins with one staff member only.
- Continuing to develop and present virtual programming

Collections

- Curating materials by request for pick-up (Children, Families, Seniors prioritized)
- Checking in materials from OPTIMA deliveries (when service is restored) and other returns after sufficient quarantine period
- Receiving, invoicing, cataloging and processing new materials
- Check-in, sorting and shelving materials after sufficient quarantine period
- Cleaning discs
- Readyng and organizing shelves
- Inventorying materials and supplies

Technology

- Public PCs and stations for copy/scan/print/fax activities are accessible with proper social distancing and sanitization between successive users

Phase 4

Context: Physical distancing guidelines have been relaxed to allow for smaller group gatherings. Large group gatherings are still considered a relatively high risk.

Anticipated Date: Dependent on local and state assessment of risk

Summary: Library opening and circulation of materials continues under measures instituted in Phase 3 above. Some additional seating is re-introduced but configured to allow for physical distance. Tutors can regularly meet with students again. Appropriate limitations on larger group gatherings for meetings and programs are instituted. Programs for children in grade school and older maybe offered as well as adult and teen programming, but children must be able to understand and practice safe hygiene and physical distancing. Community engagement and outreach to young children in-person is still suspended.

Safety Guidelines: Expectations for safe behavior in the library are clearly communicated to patrons via signage and a designated Staff Safety Manager continues to ensure compliance.

Tasks:

Spaces

- Seating is reintroduced. Toys are reintroduced to the children’s room but are disinfected daily
- Browsing of shelves and other use of spaces is allowed without additional restrictions

Services and Programs

- Small groups and tutors can meet again
- Library programs are planned for small audiences 25 or fewer attendees (registration required to be able to enforce limits)
- Programs for children may be planned for ages 5-7 (with a caregiver) or for Grades 3 and up (children must be able to understand and comply with physical distancing and safe hygiene practices during the program)

Collections

- All collections services are fully restored

Technology

- All public technology is fully accessible

Phase 5

Context: Infection threat is considered low or non-existent or there is a vaccine.

Anticipated Date: Dependent on local and state assessment of risk.

Summary: Most library services are reintroduced and we return to regular hours. Service desks are fully staffed. All computers are in operation. All seating areas are back on the floor. Larger group gatherings of all ages for meetings or library programs are allowed. Visits to schools resume.

Safety Guidelines: Return to non-COVID related safety practices.

Health and Safety Procedures for Staff

The health and well-being of library staff members is our highest priority. Therefore, the library will reinforce these best practices and guidelines with regard to preventive health measures throughout the phases of reopening the library.

Hygiene Practices for Staff: To stop the spread of pathogens at work

- Clean your hands often. Wash your hands with soap and water, vigorously rubbing together front and back for 20 seconds or, alternatively, use alcohol-based hand sanitizers, rubbing hands until they are dry.

- Cover your mouth and nose when you sneeze or cough. Alternatively, sneeze into a tissue and then throw it away; use your arm or sleeve to cover if you do not have a tissue.
- Avoid touching your eyes, nose, or mouth. Pathogens need an entry point, and the average adult touches their face once every three or four minutes.
- Clean shared surfaces and equipment often. Use disinfectants to clean commonly touched items such as doorknobs, faucet handles, copy machines, coffee pot handles, desktops, handrails, microwave buttons, keyboards, and elevator buttons.
- Stay home when you are sick. When you are sick or have flu symptoms, stay home, get plenty of rest, check with a health care provider as needed, and notify your supervisor as needed. See the illness practices below for additional information.

Physical Distancing Practices: To minimize the spread of pathogens among the staff.

During the workday until Phases 4 and 5 are reached, staff members are requested to:

- Avoid meeting people face-to-face. Staff are encouraged to use the telephone, online conferencing, e-mail, or instant messaging to conduct business as much as possible, even when participants are in the same building. Unavoidable in-person meetings should be short and should take place in a large space where people can sit at least six feet from each other; avoid shaking hands.
- Eliminate unnecessary travel and cancel or postpone nonessential meetings, gatherings, workshops and training sessions.
- Encourage patrons to request information and materials via phone and email in order to minimize person-to-person contact. Have the materials and information ready for fast pick-up or delivery.

Illness Practices: What to do if you or a family member has signs or symptoms indicating illness.

- Cold, Influenza (Flu): Fever, coughing, and difficulty breathing are symptoms associated with these viruses. Staff members exhibiting any of these symptoms or other signs of illness should stay home or will be asked to return home. Staff members should not return to work until all signs and symptoms are gone, including being fever free for at least 24 hours while free from medication.
- COVID-19: If a staff member has signs or symptoms indicating COVID-19 (fever and/or symptoms of acute respiratory illness), the staff member will be asked to notify the West Newbury Board of Health and seek medical assistance. Staff members who have tested positive for COVID-19 may be asked to submit a doctor's note indicating they are fit to return to duty prior to returning to the library.
- Increased vulnerability to illness: Based on CDC recommendations and other guidance, staff members over a certain age or with underlying health conditions may not be allowed to return to work in the library building. E-work may be an option, if available.



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Town of Lanesborough
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Matt Streeter, Town of Granville
Co-Secretaries

FRIDAY May 29, 2020
10:00 – 11:00
REMOTE: ZOOM MEETING
Filing your Emergency 1/12th Budget Spending Request
As Authorized under Chapter 53 of the Acts of 2020, Section 5
Due to COVID-19

You are invited to a Zoom meeting.

When: May 29, 2020 10:00 AM Eastern Time (US and Canada)

Register in advance for this meeting:

<https://mma.zoom.us/meeting/register/JYtcOmgrDkpEtCixmLKKdlrTc-2-0bV68Tj>

After registering, you will receive a confirmation email containing information about joining the meeting.

There is a lot of uncertainty about Annual Town Meeting this year, and many of our small towns have delayed our ATM until sometime in June (or maybe later).

If due to emergency circumstances you are unable to hold an Annual Town Meeting prior to June 30, 2020 then as of July 1, 2020 you will be unable to spend any funds.

EVEN if you expect to hold your Annual Town Meeting prior to July 1st the Division of Local Services is encouraging communities to file a 1/12th budget request for approval from the DLS Director prior to June 30th as a precautionary measure.

David Nixon, Town Administrator in Hadley, has filed his 1/12th budget request with the Division of Local Services. David has agreed to share his plan and walk us through his process.

Town Manager

From: [REDACTED]
Sent: Friday, May 15, 2020 11:14 AM
To: Town Manager
Subject: Newburyport Mayor Seeks Short-Term Budget Amid Evolving COVID-19 Crisis

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

City of Newburyport



Mayor Donna D. Holaday

60 Pleasant St.

Newburyport, MA 01950

FOR IMMEDIATE RELEASE

Friday, May 15, 2020

Media Contact: Kelsey Bode



Newburyport Mayor Seeks Short-Term Budget Amid Evolving COVID-19 Crisis

NEWBURYPORT -- As communities statewide await details on the reopening plan from Gov. Charlie Baker next week, municipal leaders budgeting for the coming fiscal year have been given a hefty task: funding an unpredictable future.

What the coming months and year will look like amid the ongoing COVID-19 public health crisis is uncertain, and still being determined at the state and federal level.

Tasked with submitting a budget for fiscal year 2021, which begins July 1, Mayor Donna Holaday, like some municipal leaders in the state, is instead requesting a short-term budget from the City Council. The \$24.7 million continuing appropriation request would allow the City of Newburyport to continue to operate for the next three months while the realities of living with COVID-19 are solidified in Massachusetts and the rest of the country.

To read the request, visit <https://www.cityofnewburyport.com/budget>.

“Avoiding layoffs and continuing to meet all contractual obligations of the city is my utmost priority,” Mayor Holaday said. “Adopting a three month budget will give us the ability to track the state budget process and better understand the impacts on city revenue. I am confident that taking the additional time to develop a balanced fiscal 2021 budget will yield the best long-term results for the residents and taxpayers of Newburyport.”

The City Council must approve the continuing appropriation request by June 30 for it to take effect, and will discuss the request at their June 8 meeting. All City Council meetings are currently being held remotely using Zoom due to COVID-19, and login information for the public will be posted when available on the public meeting calendar on the City website [here](#). The City Council may also discuss the budget at its June 29 meeting.

According to a [March report by the Center for State Policy Analysis at Tufts University](#), the state of Massachusetts may lose between \$1.8 and \$3 million in tax revenue over a 15 month time period that began in March due to COVID-19. This loss may also be exacerbated by emergency state spending due to the virus, the report indicates.

State aid comprises approximately 6.5% of the City of Newburyport's annual revenue, including the schools.

Preliminary revenue estimates suggest the City of Newburyport could see an 8% decrease in local receipts and a 12% decrease in state aid due to COVID-19.

If approved, Mayor Holaday's continuing appropriation request would allow the City to develop a budget for the remainder of the year that will be tailored to the needs of the community moving forward as a result of the COVID-19 pandemic and the anticipated loss of revenue statewide.

The City of Newburyport will continue to provide residents with frequent updates about the COVID-19 crisis as more information becomes available.

###

A message from the City of Newburyport

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Massachusetts Economic and Fiscal Outlook FY 2020-2021

Senate Committee on Ways and Means

Sen. Michael J. Rodrigues, Chair

Agenda

- Economic Variables
 - Unemployment
 - Gross Domestic Product
 - Shape of the Recovery
 - Role of the Federal Government
- FY 2020 Tax Revenue Forecasts
- FY 2021 Tax Revenue Forecasts
- Historical Context
- Strengths and Weaknesses of Massachusetts

Virtual Economic Roundtable

- On Tuesday, April 14th, the Chairs of the Joint Committee on Ways and Means and the Secretary of Administration and Finance hosted a number of economists, academics and think tanks to provide their perspectives on the economic and fiscal impacts of the COVID-19 pandemic on Massachusetts.
- Our guests included:
 - Treasurer Deborah Goldberg
 - Eileen McAnneny, Massachusetts Taxpayers Foundation
 - David Tuerck and William Burke, Beacon Hill Institute
 - Marie-Frances Rivera, Massachusetts Budget and Policy Center
 - Evan Horowitz, Center for State Policy Analysis at Tufts University
 - Michael Goodman, University of Massachusetts Dartmouth
 - Alan Clayton-Matthews, Northeastern University
 - Beth Ann Bovino, S&P Global
 - Nick White, Moody's Analytics

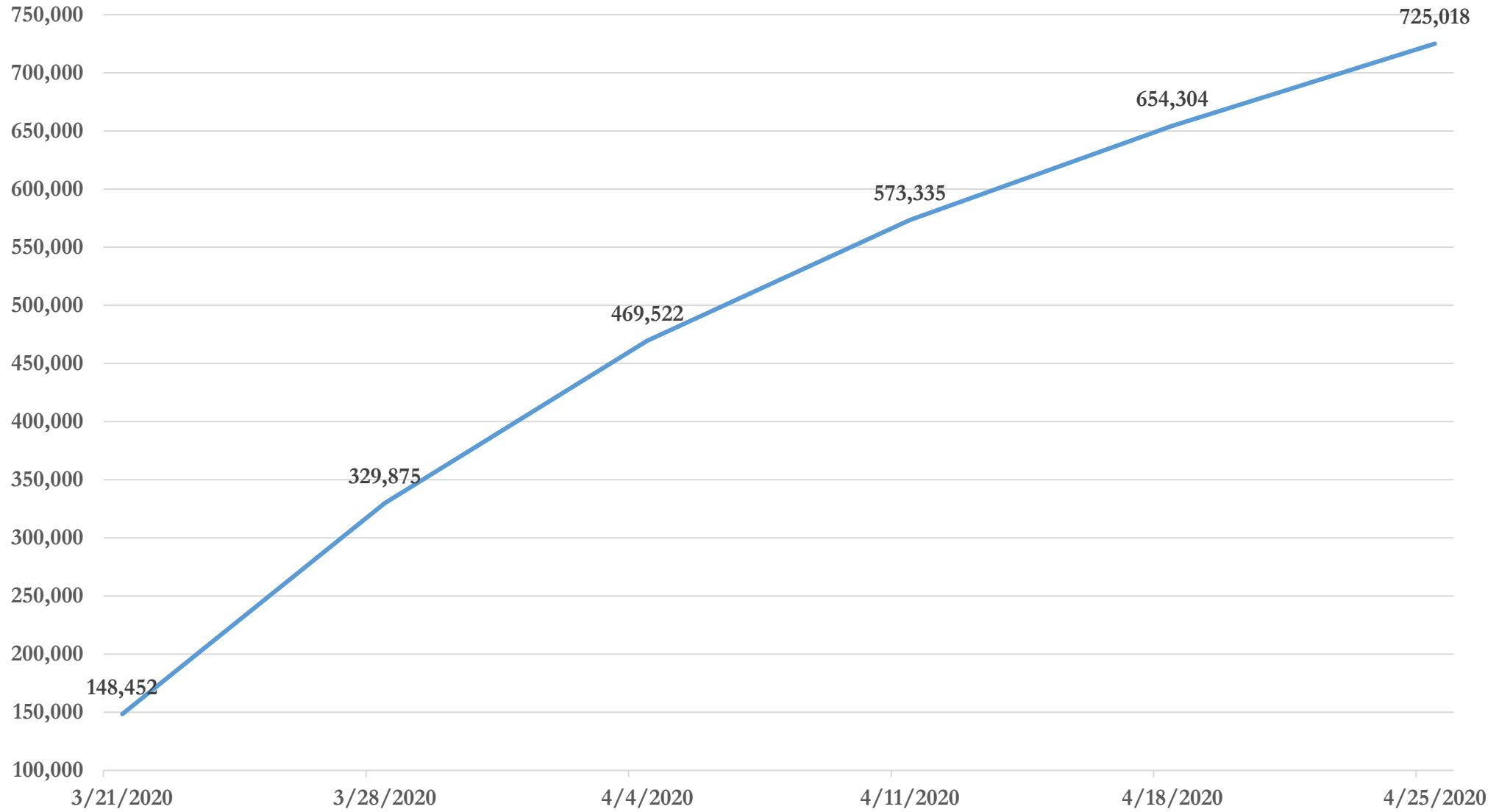
Economic Variables

- Before diving into our experts' tax revenue forecasts, it is important to look at some of the economic variables we are monitoring throughout the pandemic.
- The items listed below touch on some of the issue areas discussed during the roundtable:
 - Unemployment
 - Gross Domestic Product
 - Shape of the Recovery
 - Role of the Federal Government

Unemployment

- Between March 15th and April 25th, U.S. unemployment claims skyrocketed to over **30M**.
- In Massachusetts, the same six-week period saw more than **720K** initial unemployment claims filed.
- This data does not include previously ineligible workers, such as contractors and self-employed individuals – which is estimated to add another **172K** workers to the unemployment insurance system.
- Several of our roundtable experts projected highs in unemployment of between **15-18%** - however, our estimated claims from last week's data suggest somewhere between **24-26%** of the workforce is unemployed or furloughed during the peak of the public health crisis.

Bureau of Labor Statistics: MA Cumulative Unemployment Claims (Weeks of 03/21-04/18)



Gross Domestic Product: Quarter 1 2020

- According to estimates released by the U.S. Bureau of Economic Analysis, U.S. real GDP for the first quarter of 2020 contracted at a **4.8% annualized rate** – the worst contraction for the U.S. since the 2008 financial crisis.
 - The economic indicators used to estimate growth for the quarter primarily occurred **before** the non-essential business closures, massive layoffs and furloughs, and stay-at-home advisories.
 - In fact, Goldman Sachs believes the true U.S. decline for the quarter to be **closer to 8.25%**.
- MassBenchmarks estimates that Massachusetts real GDP declined by **6.1%** over the same period.

Gross Domestic Product: Remainder of 2020

- Our experts cited that, while Q1 2020 will be bad, some of the larger financial institutions predict that **Q2 2020 will be dramatically devastating for the United States and lead to historic losses in GDP for the year:**

Financial Institution	2020 Quarter 2 Est. Change	2020 Annual Est. Change
Bank of America	-30%	-10.4%
Goldman Sachs	-34%	-6.2%
Morgan Stanley	-38%	-5.5%

- These estimated annual declines would all represent **the worst annual contraction since 1946.**
- Based on current unemployment levels, Prof. Clayton-Matthews believes “the actual decline in Massachusetts gross domestic product in the second quarter is expected to be on the order of **25-50%** on an annualized basis.”

Shape of the Recovery

- As Dr. Anthony Fauci has said, **“you don’t make the timeline, the virus makes the timeline.”**
- This point was emphasized by our experts in terms of the timeline for an economic recovery.
- Modeling has become extremely challenging due to unknown variables like the peak of the virus, consumer confidence, and the odds of reoccurring infections.
- Our experts articulated that the shape of this economic recovery is particularly bound to the cause of our recession – the virus.

Shape	Characteristics
V	<ul style="list-style-type: none"> •Most optimistic recovery model; •Starts with sharp decline in GDP and spike in unemployment; •COVID-19 peak occurs in April/May and the recovery begins in the summer; •Federal programs to help businesses avoid layoffs are successful, helping production, manufacturing and services to start up immediately; •Pent up demand brings economic output back to pre-COVID-19 levels by end of 2020.
U	<ul style="list-style-type: none"> •More elongated recovery model; •Starts with sharp decline in GDP and spike in unemployment; •COVID-19 peak extends into the summer with stabilization/recovery in the second half of 2020; •Consumers are not totally confident, despite pent up demand; •Businesses and factories do not immediately return to full capacity and not every job lost due to the crisis is won back; •Recovery would occur more gradually between late 2020 and early 2021.
W	<ul style="list-style-type: none"> •Up and down recovery model; •Starts with sharp decline in GDP and spike in unemployment; •COVID-19 peak appears to be controlled, leading to loosening of stay-at-home advisories, business shutdowns and economic growth; •COVID-19 infections reemerge, leading to a second wave of stay-at-home advisories, business shutdowns and economic contraction; •Cycle continues until there is a widely available vaccine or other medical means of reducing the severity and spread of the virus.
L	<ul style="list-style-type: none"> •Sharp decline in GDP and spike in unemployment persists due to continued threat of COVID-19 into second half of 2020; •Extension of stay-at-home advisories and business closures disallows recovery; •Consumers demonstrate little confidence and largely limit spending; •Debts built before or during the crisis become more difficult to pay off, causing defaults and business bankruptcies.
✓	<ul style="list-style-type: none"> •Recovery model characterized by slow and steady recovery through 2021; •Starts with sharp decline in GDP and spike in unemployment; •Loosening of stay-at-home advisories and business closures is done slowly, gradually and methodically; •Consumers remain cautious, causing gradual return to pre-crisis economic levels.

Role of the Federal Government

- The federal government has provided more than **\$2.6 trillion** in multiple economic and public health assistance bills.
- The series of bills – the largest being the **\$2 trillion** CARES Act – projects to provide Massachusetts with over **\$5.7B** for COVID-19 supports, including:
 - **\$2.67B** from the Coronavirus Relief Fund
 - **\$1.2B** from the Federal Transit Administration
 - **\$546M** from the Department of Education
- Also, MA is one of only 9 states receiving more than **\$10B** from the Small Business Administration's Payroll Protection Program.
- Additionally, the Federal Reserve has been and must continue to be active in order to assist with the recovery.
 - To date, it has made up to **\$2.3B** available in relief loans for businesses and state and local governments.
 - It also lowered its **target interest rate to a range of 0 to 0.25%** at the start of March to promote borrowing.

Challenges:

- In many ways, the current federal assistance bills are restrictive on allowable spending, particularly **disallowing funds from being used to backfill revenue losses**. Federal funds during the Great Recession were much more flexible.
 - As an example, we were able to use enhanced Federal Medical Assistance Percentages (FMAP) funds to backfill revenue losses.
 - The CARES Act explicitly prohibits states from using the Coronavirus Relief Fund for the state share of Medicaid – thus removing a valuable tool.

FY 2020 Tax Revenue Impact: Current Performance

Tax Type	Total April Collections	\$ Comp. to April Benchmark	Year-to-Date Collections	\$ Comp. to YTD Benchmark
Income	\$1,122	-\$1,895	\$12,609	-\$1,944
Income Withholding	\$1,053	-\$34	\$11,521	\$2
Income Non-Withholding	\$69	-\$1,860	\$1,088	-\$1,946
Sales & Use	\$469	-\$139	\$5,791	-\$174
Corporate & Business	\$209	-\$111	\$2,434	\$101
Other	\$181	-\$23	\$2,212	\$85
Total	\$1,981	-\$2,168	\$23,045	-\$1,932

FY 2020 Tax Revenue Forecasts

- The majority of our experts refrained from providing FY 2020 tax revenue forecasts due to the extreme uncertainty of COVID-19.
- A 2% revenue loss from benchmark between March and June is much more significant, as the state does not have as many tools at its disposal to close a budget gap as it would at the start of the year.

Expert	FY20 Est.	\$ Diff. from Bench.	% Diff. from Bench.
FY 2020 Benchmark: \$30,288.00			
Center for State Policy Analysis at Tufts (average)	\$29,663.00	-\$625.00	-2.1%
Alan Clayton-Matthews	\$29,692.00	-\$596.00	-2.0%
Average	\$29,677.50	-\$610.50	-2.0%

FY 2021 Tax Revenue Forecasts

- Some of the biggest challenges in forecasting the upcoming fiscal year is once again the uncertainty of the timing and reemergence of the virus' peak, consumer confidence, as well as the impacts of federal stimulus bills.
- It is worth keeping in mind that these estimates were provided in mid-April. Given the continued shutdown and spread of the virus, more pessimistic economic outlooks are most certainly likely.

Expert	FY21 Est.	\$ Diff. from CR	% Diff. from CR
FY 2021 Consensus Revenue Agreement: \$31,151.00			
MassBudget (average)	\$25,801.00	-\$5,350.00	-17.2%
Alan Clayton-Matthews	\$26,112.00	-\$5,039.00	-16.2%
Mass. Taxpayers	\$26,756.00	-\$4,395.00	-14.1%
Center for State Policy Analysis at Tufts	\$28,970.00	-\$2,181.00	-7.0%

Historical Context

- To put these estimated revenue losses into perspective, consider the tax revenue declines experienced during the first two fiscal years of the Great Recession:
 - Over the course of FY 2009 and 2010, the Commonwealth saw an aggregated tax revenue decrease of **\$4.14B** compared to the two respective consensus revenue agreements.
 - Based on our experts’ testimony, FY 2021 tax revenues will likely eclipse those aggregated losses in one year.

FY	CR Agreement	Actual Collections/ Projected Estimate	Difference	% Change
2009	\$21.23	\$18.26	-\$2.97	-14.0%
2010	\$19.71	\$18.54	-\$1.17	-5.9%
Total Difference			-\$4.14	-10.1%
2021	\$31.15	\$26.43	-\$4.72	-15.1%

*FY 2021 projected estimate is based on the average updated forecasts from annual consensus revenue hearing participants.

Historical Context

- The Great Recession, while different in terms of the root cause of the economic downturn, can provide us with some important context relative to the challenging budget decisions ahead of us.
- Over the course of FY09-10, some of the difficult cuts and policy solutions made by the Legislature and Governor included:
 - **\$378M (28.8%)** for UGGA;
 - **\$195M (29.7%)** for institutions of higher education;
 - **\$96.9M (42.1%)** for Special Education Circuit Breaker;
 - **\$20.8M (30.5%)** for Regional School Transportation;
 - **\$18.5M (31.7%)** for Regional Transit Authorities;
 - **\$20.5M (10%)** for energy and environment programs;
 - **\$48.4M (8%)** for the Trial Court;
 - Increasing the sales and use tax from **5%** to **6.25%**;
 - Increasing state employees' health insurance premium contributions by 5% with the highest contributions rising from **20%** to **25%**;
 - Extending the state pension schedule by two years;
 - Layoffs of more than 1,600 state employees and furloughs across state government.

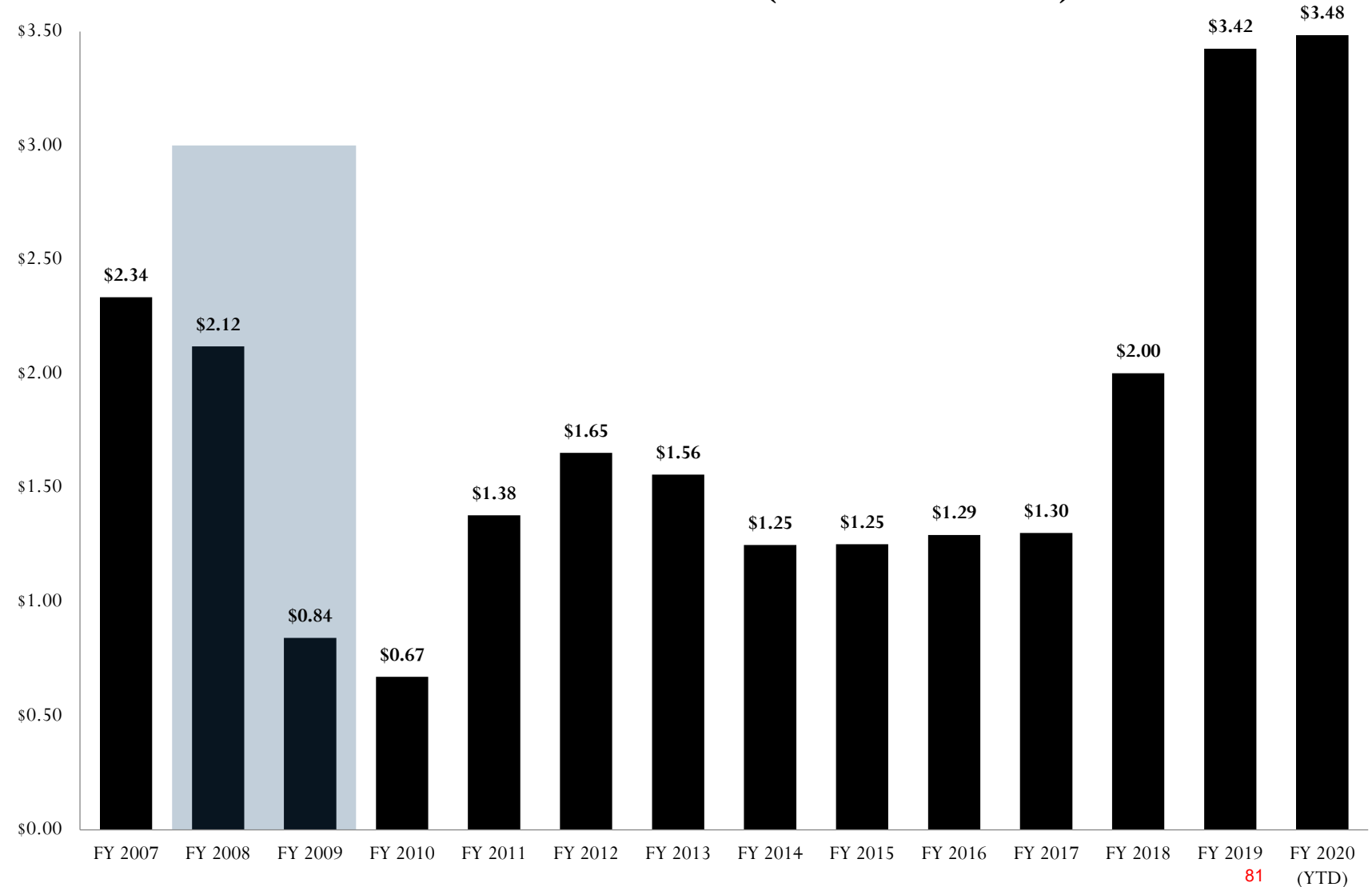
Strengths and Weaknesses of Massachusetts

- Moody's Analytics has run state "stress test" models and indicates that Massachusetts has typically performed well in tougher economies due to robust healthcare and education industries – given historical data, their model still suggests that we will be buoyed by those sectors.
- Professor Goodman agrees, saying that **“even through some of the worst economic experiences that we've had, our health care institutions have grown and added jobs. Similarly, higher education has had its challenges during downturns, but both have been stalwart counter-cyclical employment stabilizers.”**
 - However, Professor Goodman notes that, given the public health crisis, hospital systems have been forced to cancel elective procedures, forgoing billions of dollars.
 - Similarly, institutions of higher education are in a state of complete unknowing in terms of enrollment, revenue streams and simply the ability to house students on campus in the fall.
- All of these points return to the fact that this pandemic is unlike anything we have ever seen in terms of the public health implication, as well as the economic ramifications.

Strengths of Massachusetts

- **Stabilization Fund:** since FY 2017, we have added **\$2.18B** to our reserves.
- While this seems substantial, keep in mind that between FY 2007-2010 we drew down the fund from **\$2.34B to \$670M**.
- **Tax Structure:** Moody's notes that MA has a stable tax revenue base compared to other states, and has done a fair job de-risking our budgeted tax revenue sources by not overly relying on volatile collections like capital gains.

Stabilization Fund Balance (FY 2007-2020 YTD)



Weaknesses of Massachusetts

- Massachusetts has been one of the most severely impacted states by COVID-19. Based on the magnitude of the public health crisis here, it is fair to assume that we will lag behind the nation in terms of our economic recovery.
- Moody's Analytics lists **Massachusetts as one of the most vulnerable states**, based on some of the following demographic features:
 - **Exposure to the virus** – calculated by the number of infections, as well as the level of international travel
 - **Demographics** – based on population density, portion of population ages 65 and older, and levels of migration
 - **Global interconnectedness** – number of airline passengers and percent of export trade
 - **Finance** – reliance on securities industry, as well as investment income share
 - **Tourism** – levels of employment in accommodations
- **Bottom line:** the public health aspect of this recession potentially positions Massachusetts in a worse position than historic recessions, meaning the playbook on how to counter this economic downturn will likely need to be revamped.

Questions?



Town of West Newbury

381 Main Street

West Newbury, Massachusetts 01985

Angus Jennings, Town Manager

978-363-1100, Ext. 111 Fax 978-363-1826

townmanager@wnewbury.org

TO: Board of Selectmen
 FROM: Angus Jennings, Town Manager
 DATE: May 22, 2020
 RE: Proposed increase to FY21 veterans' services budget

Earlier this week we received notice from our Veterans' Agent that a veteran recently moved to town who qualifies for benefits pursuant to MGL Ch. 115.¹

When I prepared the proposed FY21 veterans' benefits budget, I factored in the current benefits that we pay, and adjusted upward to provide a buffer given that there is always some uncertainty in this budget line. However, the amount of the new resident's benefit (\$1,389/month) exceeds the amount of "contingency" built into the recommended budget.

Therefore, I request that the Board recommend an increase to the proposed FY21 budget line, as follows:

Amount in recommended FY21 budget:	\$10,000
Known benefit amount (prior to this week):	\$4,824
Additional benefit amount (annual):	\$16,668
Total (known) benefit amount:	\$21,492
Recommended amended budget amount:	\$24,000

The amount I am recommending is just a guess, but is intended to factor in the fact that, in addition to the known benefit amounts, the Town could be responsible for payment of additional veterans' benefits associated with medical expenses, or otherwise. The proposed recommended amount could prove insufficient, but if we see that during the course of FY21 we could bring a supplemental article to the Special Town Meeting next fall or next April.

It is important to keep in mind that, while the full amount of the benefit paid must be budgeted, the Town does receive 75% reimbursement through its Cherry Sheet. The lag time before reimbursement can be about 18 months.

cc: *Finance Committee*
Town Accountant/Business Manager

¹ <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVII/Chapter115>

SCHEDULE OF PAYMENTS

JUNE 2020

Accounting Use Only
Batch # _____
Date Paid _____

Org # _____

Department Name Veterans' Services

Department # _____

WEST NEWBURY

Voucher Number	Invoice Number	Invoice Date	Amount	VENDOR	PO/Contract Number	Object Number
		OB \$1,389.00	\$1,389.00	[REDACTED]		
				Medicare B		
				Medigap		
			\$1,389.00	Veterans' Services		

Total Amount of Schedule \$ 1,389.00

5/18/2020

I hereby certify that all goods, materials, and (or) services have been received, and have been purchased in compliance with Massachusetts General Laws.

Kon Tyle (Ka) _____ Date 5/18/2020

Department Head

Date



Town of West Newbury

381 Main Street

West Newbury, Massachusetts 01985

Angus Jennings, Town Manager

978-363-1100, Ext. 111 Fax 978-363-1826

townmanager@wnewbury.org

TO: Board of Selectmen
 FROM: Angus Jennings, Town Manager
 DATE: May 22, 2020
 RE: Compensation for Summer Rec program staff

Late yesterday, in consultation with my office and with the Health Department, the Chair of the Parks & Rec Commission Jack Foley made official the decision to cancel the Page School summer rec program. This is very disappointing, but not surprising, and this decision is fully in accordance with local and State public health guidelines.

The question before us is whether to compensate the two program coordinators the full amount that had been authorized for the season (via the adoption of the FY20 wage schedule, last June). These two employees have been working for months leading up to the season, not knowing that it would be canceled, and there is sufficient balance in the Parks & Rec revolving funds to compensate this work. However, the revolving fund balances (approx. \$11,000) fall short of the total amount of compensation for the coordinators (totaling \$16,900).

The Board approved a policy in March to continue to pay Town employees their budgeted wages, without regard to full-time/part-time, union/non-union, etc. However, those wages are paid from funds appropriated through the annual budget. In contrast, the Parks & Rec wages are paid through revolving funds funded entirely by fees that are generated by the programs. This summer, we will not see the fees necessary to pay these wages.

I have been reviewing this issue in detail with Chairman Foley, and if the decision is made to pay the full wages I have recommended that this funding come from a combination of revolving funds and proceeds from the Mosley Foundation grants awarded to the Town some years ago in support of the summer rec program. While the protocols to approve expenditure of the Mosley Fund grant are not formalized, it is generally agreed that these funds could be spent with the authorization of the Parks & Rec Commission; and the Town Accountant has agreed that this would be an eligible use of the funds.

If the workers are paid their normal wages, I would work with Jack and the Commission to ensure that alternate work is done over the summer months to approximate the time that the workers would otherwise have spent organizing, operating and closing out the summer rec program.

cc: *Jack Foley, Parks & Rec Commission*

Recreation Fund balances as of 5/21/2020

Balance				
24-630-3590-241001	FB- Park & Recreation(44 53D)		0.00	5,350.13
24-630-3590-241004	FB - Summer Rec (44 53E 1/2)		0.00	5,728.00
25-630-3590-251007	FB - Moseley Foundation Grant		0.00	44,825.81
25-630-3590-251008	FB - Action Cove Gift		0.00	3,616.74
25-630-3590-251009	FB - Parks & Rec Gift		0.00	0.00

COMMENTS OF THE WEST NEWBURY PLANNING BOARD THE COTTAGES AT ROLLING HILLS

The Planning Board is in receipt of the Project Eligibility/Site Approval request submitted to MassHousing by Cottage Advisors MA, LLC (Howard J. Hall, Manager) and Deschene & Farrell, P.C. (Melissa Robbins, Attorney). Pursuant to 760 CMR 56.04(3) “*Review and Comment Process*,” Local Boards may submit comments to MassHousing, and the West Newbury Board of Selectmen have also requested comments from Town Committees and Departments.

Materials Reviewed and Referenced:

- MassHousing Application for Project Eligibility/Site Approval, 28 Coffin Street & 566 Main Street, dated March 27, 2020, submitted by Cottage Advisors MA, LLC (Howard J. Hall, Manager) and Deschene & Farrell, P.C. (Melissa Robbins, Attorney)
- Plans entitled, “Site Plan the Cottages at Rolling Hills 28 Coffin Street and 566 Main Street West Newbury, MA”, drawings C-0, EX-1 – EX-7, C-1, C-2, A-1 & A-2, dated March 24, 2020, prepared by Landtech Consultants, 515 Groton Road, Westford, MA 01886 and Scott M. Brown, 48 Market Street, Newburyport MA 01950.
- Handbook: Approach to Chapter 40B Design Reviews: Prepared for Massachusetts Department of Housing and Community Development, MassDevelopment, Mass Housing, The Cecil Group, January 2011.
- Town of West Newbury Zoning Bylaw, with amendments, April 29, 2019. (Referred to herein as the “Zoning Bylaw.”)
- Town of West Newbury Planning Board, Rules and Regulations Governing the Subdivision of Land Adopted October 3, 2006, as amended April 21, 2009, and December 21, 2010. (Referred to herein as the “Subdivision Regulations.”)

I. General Comments

In the Handbook: Approach to Chapter 40B Design Reviews, it states that there are “a number of terms to consider related to use and design” and it then cites the following as one of the “Findings in Determination:”

(c) that the conceptual project design is generally appropriate for the site on which it is located, taking into consideration factors that may include proposed use, conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns (such finding, with supporting reasoning, to be set forth in reasonable detail).

The West Newbury Planning Board finds that the proposed plan fails to meet these criteria as outlined herein.

- A. While the proposed project would contribute toward some of the Town’s goals for affordable residential development, the project is inconsistent with building massing, topography, environmental resources, and integration into existing development patterns. The proposed plan has significant impacts on municipal infrastructure, traffic, public safety, protection of environmental resources, protection of viewsheds, and the preservation of open space. The developer should provide further information as noted and seek public input (particularly from nearby residents) regarding the development plans.

- B. The Board acknowledges the need for the development of additional affordable housing in West Newbury. The Town worked with the Merrimack Valley Planning Commission to update its Housing Production Plan (HPP) in 2017-2018. The plan identifies housing needs and strategies to help the Town achieve its goal of attaining 10% affordable housing. Identified issues included the need to accommodate the housing needs of our aging population, a general lack of housing options other than single-family homes, need for starter homes and other moderately priced residential units, the scarcity of rental properties, and the gap between housing prices and income levels, among others. The proposed development, which includes a mix of smaller single-family and duplex units and moderate and affordable units, meets some of the identified needs.
- C. A public workshop was held during the development of the HPP, where participants were asked to identify areas in Town that might be conducive to housing development. Locations were chosen that provided access to public services and public transit and proximity to existing housing (reducing sprawl). The 28 Coffin Street property was noted with the caveat that there are other criteria that should be considered should the Town decide to prioritize sites further, including the presence of environmental resources. The HPP noted this, as, at that time, the site was being evaluated for a solar energy field, with areas set aside for conservation.
- D. The Town's housing goals must be balanced with its other community goals, including the protection of natural resources and rural character, which is germane to the subject property. The proposed development would be, by far, the largest residential development ever in West Newbury, and the density and size of the development, though consistent with developments in large cities and towns, is not consistent with rural communities such as West Newbury¹. The comments below are made with the intent of identifying elements of the plan that are deficient or diverge from good planning practices and the Town's standards for development and facilitating a project that will fit better with its surroundings in terms of site and building design, open space and the natural environment, traffic, pedestrian, rider and cyclist safety, and existing development patterns.
- E. In evaluating the proposal, note that the Town has already made efforts to maintain and expand its existing affordable housing stock and to facilitate the creation of new moderately-priced and affordable units. In addition to the HPP, the Town has made the following efforts:
- The Town adopted an Inclusionary Housing Bylaw (IHB), which requires 10% affordable housing in developments of three or more units.
 - Through the IHB, the Town has generated 13 affordable units and \$201,200 in funds since 2005.
 - The Town has adopted provisions in its Open Space Preservation Development (OSPD) bylaw to encourage the production of smaller, more affordable units.
 - The Planning Board negotiated with Cottage Advisors for the creation of four duplex units with a moderate initial sale price at the Drakes Landing housing development.
 - The Town adopted a bylaw allowing for mixed-use development by special permit in the Business District.
 - The Town maintains a balance for affordable housing in its Community Preservation Act fund, which has been used to maintain its existing affordable housing units.

¹ West Newbury is classified by the Commonwealth as a rural community, having a population density of less than 500 persons per square mile. See M.G.L. c23A, Section 66(a)

- The Town will be developing a system to administer the Town's Affordable Housing Funds and implementing goals and strategies in the HPP.
- F. For each of the large residential developments that have required Planning Board approval in the last six years, West Newbury has added seven affordable units and four moderately priced units, out of a total of 64 units.
- G. The largest development to date in West Newbury is Ocean Meadow, an age-restricted community with six affordable units and a total of 56 units.
- H. The number of housing units in West Newbury, according to West Newbury's 2018 Housing Production Plan, was 1,609 units based on information in a 2015 American Community Survey. Since that time, it's reasonable to assume that new construction has resulted in roughly 1700 housing units today.

II. Plan Set Comments

A. Title Sheet

1. Plan Deviation: Note 1. states, "Deviation from an approved plan is not permitted without the written approval of applicable local boards and this office." What does this note refer to?
2. Field Survey: Note 3. states that "Boundary information taken from a field survey performed by Landtech Consultants Inc. in September 2014. Is this date correct? For what purpose was this survey done in 2014?"
3. Flood Hazard: Note 5. (including notes 5.1 and 5.2) indicates that the parcel is partially located in Flood Zone "A" and references two delineations of the floodplain: one based on the FIRM 25017C0227E 6/4/10, and one based on a detailed survey (by whom?). This information is incorrect. The subject property is within FIRM 25009C0111F & 25009C0103F, both dated 7/3/12 and is identified as 'Zone X Area of Minimal Flood Hazard'.
4. Zoning Districts: Note 6. indicates that the parcel is in the 'RA 'Zoning District and refers to yard setbacks that do not correspond to West Newbury's 'Res A 'Zoning District. Further, the property is not in the 'Res A 'Zoning District. It is mostly located in the 'Res B 'Zoning District, with some of the land toward Main Street being in the 'Res C 'Zoning District.
5. Vertical Datum: Note 7. information on vertical datum is out of date and conflicts with information provided further in the plan set.
6. 566 Main Street: 566 Main Street, Assessors Map 230, Lot 50 is part of the project, but is omitted from the Assessor's Reference notes, Record Owner and Deed References on the title page and throughout the document.

B. Existing Conditions Plans:

1. Lots 50 and 80: The Assessor's References Section leaves out Lot 50 and Lot 80, both of which are part of the project.
2. Area Discrepancy: The total lot area is identified as being 73.37 acres (3,282,984 ft²). When the land area of all seven parcels is added, the total is 75.37 acres (3,282,984 ft²).

3. Property Line Discrepancy: The dimensions for the west side property line at the south side of the lot on the Existing Conditions plan vary slightly from those shown on the Site Plan and the Yield Plan.

C. Site Plan:

1. Development Patterns: The proposed Site Plan is inconsistent with development patterns near the proposed site and inconsistent with development throughout the Town. Traditional subdivisions, such as the abutting development on Cortland Lane, have substantially fewer units on larger lots, and wider roadways. The density, expanse, size, and scope of the development far exceeds any other development existing or proposed in West Newbury. The proposed site not only abuts residential development but also conflicts with small farms, stables, and open space in the immediate vicinity.
2. Open Space Preservation: The Town provides for cluster developments under our OSPD bylaw (Section 6.B. of the Zoning Bylaw). In the application materials, the developer states, “The development is following the residential design principles of open space clustering as instituted by most of the progressive communities throughout the Commonwealth of Massachusetts. The goal of these types of residential developments is to minimize the disruption of the existing land, therefore, minimizing the impact to wetlands and preserving as many trees as possible.” The application materials state that 66% of the property is open space, though it is not clearly defined or called out on the plan. Upon examination of the plan, it appears that all of the potentially developable land will be disturbed and developed for roads, homes, the leaching field, leaching field utilities, parking, drainage, and other improvements. The remaining undisturbed land on the proposed site consists of wetlands, areas of steep slopes, and areas located in or beyond an easement for high voltage transmission lines. Such land areas are already prohibited from development and have questionable value as open space as defined in the OSPD bylaw.
3. Drainage: Drainage structures and retention facilities are not shown on the site plan. It can be assumed that these facilities will require significant space and, therefore, that remaining open space within the developed areas will be utilized for them. Drainage elements such as retention ponds are not considered open space under the OSPD bylaw.
4. Steep Slopes: By the definition of “Contiguous and Buildable Area” of the Zoning Bylaw, only areas with grades of less than 20% are considered buildable and by Section 6.A.2 of the Zoning Bylaw, “...slopes in excess of 20% shall not be considered buildable land...” A preliminary analysis by the Planning Board indicates that approximately 263,200 ft² (6.04 acres) of the site have slopes in excess of 20% and that the site plan proposes seven duplex buildings or fourteen units located partially within such areas (Appendix A).
5. Wetlands and Wetland Crossings: A preliminary analysis of the wetlands on the site along with corresponding 25’ buffers indicates an area of approximately 1,006,800 ft² (23.11 acres) is unbuildable land (Appendix B). The West Newbury Conservation Commission requires this buffer as a delineated and marked area that must remain undisturbed. Though no proposed buildings are within the 25’ buffer, there are nine duplex buildings and six single-family homes for a total of 24 units that are so close to the buffer area that there will be no useable side yard, back yard, or both (Appendix B, in red). It is highly probable that residents of such units will intentionally or inadvertently disturb these buffer zones as they maintain their dwellings and yard spaces.

The site plan shows two wetland crossings and one access road in the 25’ buffer area. Wetland crossings are not automatically allowed by the Conservation Commission, even with mitigation. Should the crossings be allowed, it is unclear where constructed wetlands, as part of the mitigation

efforts could be constructed as, again, very little non-wetland, non-steep-slope area remains in the development.

Wetland boundaries have not been verified by the Town through the Conservation Commission. Some delineations will likely move. Since the planned roads and units are extremely close to the wetlands and wetland buffers, changes in the wetland delineations will likely require significant changes in the number of wetland crossings, the location and configuration of roads, and the location and number of dwelling units.

6. Area Within Easement of High Voltage Transmission Lines or Beyond Assumed Easement: A preliminary analysis of the power line easement and the area beyond that easement, which is inaccessible because of that easement is 405,544 ft² (9.31 acres) (Appendix C).
7. Buildable Area: A preliminary analysis indicates that there are three separate areas, not contiguous, that are exclusive of wetlands, the 25' wetland buffers, slopes in excess of 20%, the power line easement, and the inaccessible area beyond the power line easement: an area to the south of approximately 599,700 ft² (13.77 acres), an area to the north of approximately 1,046,100 ft² (24.02 acres), and a wetland "island" of approximately 44,200 ft² (1.02 acres) for a total of approximately 1,690,000 ft² (38.80 acres) (Appendix D). Thus, of the 75.37 acres of the project, only 51.5% is "buildable," it is not contiguous, and nearly all are disturbed by the proposed site plan.

By the Zoning Bylaw, Section 6.A.2, at least 75% of a lot must be "contiguous and buildable." This preliminary analysis shows that this lot does not meet this condition.

It can also be argued that these areas are the only areas useful for passive recreation as open space and that almost none of it will remain useful as such.

8. Scale and Setbacks: The height and scale of the proposed homes abutting residential properties should be mitigated. Conventional zoning requires a 40-foot front yard setback and 20-foot side and rear yard setbacks while the OSPD bylaw requires a buffer area of 75-feet around the perimeter of the property in the Residence B Zoning District. New homes are proposed in very close proximity to the property lines (Appendix E). The plans show that rear yard setbacks of some of the new homes are less than 8 feet, five duplex buildings, and one single-family unit are within a 20' setback for a total of eleven units (Appendix E in red). Thus, the proposed plan does not follow the traditional development patterns in Town. Noting that the developer categorizes this project as a cluster development, the OSPD bylaw buffers should be respected. By Section 6.B.11.b.iii.a. of the Zoning Bylaw, a 75' buffer (setback) is required. The plans show eighteen duplex buildings and two single-family homes within the 75' setback for a total of 38 units (Appendix E, blue and red).

Furthermore, it is the Planning Board's opinion that the developer should consider additional measures to create a better transition from the new homes to abutting properties such as landscaping solutions and gradual increases in height and massing of buildings, so the scale of the development appears less obtrusive to abutters.

Cottage Advisors has extensive experience with the Town's OSPD bylaw, having designed and constructed two such developments in Town. The developer should provide further information, as noted above. More effort should be made with this plan to incorporate the goals and principles of the Town's OSPD mentioned above.

9. Summary: As a result of this preliminary analysis, 29 duplex buildings and eight single-family buildings for a total of 66 units of the 152 proposed (~43%) were found to be within the 75' buffer, too close to the wetlands buffers, or built in areas of steep slopes.

D. Yield Plan:

1. Relevance: The applicant has provided a Yield Plan but has not explained why the yield plan is required or provided. The Yield Plan, if it is found to be useful or necessary, has deficiencies as outlined herein.
2. Deficiencies: It is not possible to determine whether the lots shown on the Yield Plan are valid building lots as the information has not been provided:
 - A Zoning Summary Table is not provided for the Yield Plan.
 - Building setback lines have been left off of the Yield Plan.
 - Lots, such as Lot 38, have the majority of the lot comprised of wetlands, power lines, or both and thus are unlikely to qualify as valid building lots.
 - Calculations for Contiguous and Buildable Area (Zoning Section 6.A.2.) and Lot Width at the Front Yard Setback (Zoning Section 6.A.6.) for the lots are not provided.
 - Steep slopes, difficult clay soils, wetlands, and areas of ledge can be found throughout the Town. Because the entire Town is reliant on private septic systems, the buildability of a lot is dependent upon the land's ability to host one. The Yield Plan does not provide information demonstrating that suitable soils exist on each lot to accommodate a septic system, thus further bringing into question whether each lot shown on the Yield Plan is buildable.

III. Evaluation of the Site Plan and Yield Plan with Respect to the Subdivision Regulations

A. Frontage and Entrance Locations

Frontage and location requirements are in place to allow sufficient space for the new roadway, to ensure a safe distance between the new roadway and abutting curb cuts, and to provide a minimum buffer to abutting lots. These deficiencies appear on both the Site Plan and the Yield Plan.

1. Insufficient Frontage: The frontage on Coffin Street is 165.37'. Section 4.2.4.9 of the Subdivision Regulations requires "The minimum frontage on the existing street of the parcel to be subdivided shall be at least the frontage required for the zoning district to provide for the right-of-way and buffers to abutting properties." By Section 6.A.1 of the Zoning Bylaw, 200' is required. Thus, the proposed roadway entrance on Coffin Street is in conflict with Section 4.2.4.9 of the Subdivision Regulations.
2. Offset Entrance: The site plan shows the proposed roadway entrance from Main Street to be within the western portion of the 150.00' frontage. This conflicts with Section 4.2.4.11 of the Subdivision Regulation, which requires that "the centerline of the road shall be located from the sidelines of the existing abutting lots a distance of at least one half the frontage required for the zoning district."
3. Radius at Entrance: Section 4.2.4.7 of the Subdivision Regulations requires that property lines at street intersections shall be rounded or cut back to provide for a curb line radius of not less than 15 feet. No such radius is provided at the property line on the west side of the Main Street access on the Yield Plan or the Site Plan.

B. Cut, Fill, and Steep Slopes

1. Cut and Fill Depth: Section 4.2.10.1 of the Subdivision Regulations states, “No road construction requiring cut or fill of an area in excess of 8-feet in depth shall be allowed without an analysis justifying a need for additional cutting or filling. The cut or fill depth shall be measured from the pre-construction natural grade to the elevation of the proposed road at centerline.” The proposed Site Plan has areas of cut and fill in excess of 8-feet in depth, particularly on the southern end of the project. These areas will require considerations of slope stability, tall retaining walls, complex grading, potentially hazardous roadways, driveways with steep slopes, and the lack of useable yard areas. Furthermore, mitigation is likely to require an unwieldy schedule of required and regular maintenance, which, if not followed rigorously, could cause a rapid deterioration of the development’s infrastructure.
2. Steep Slopes: Section 4.2.10.2 of the Subdivision Regulations states, “Construction shall not be proposed of roads, storm water management systems, driveways, pipes, or other infrastructure construction shown on a subdivision plan on a land area which slopes at a pre-construction grade of 25% or more.” Areas of slopes in excess of 25% exist in multiple locations throughout the site, especially in the southern area.

IV. Application Materials:

A. Project Eligibility /Site Approval Application

1. Age Restriction: In Section 1: General Information, the applicant indicates the project is not age-restricted, however, the box for “62+” years of age is checked off. Is the project age restricted?
2. Buildable Area: In Section 2: Existing Conditions/Site Information, the applicant is asked to explain the existing conditions of the site. This information is requested to get a better understanding of the site characteristics. While there is no specific checkbox for significant slopes, their existence impacts the buildability of a project. It appears that the proposed Site Plan has such areas of steep slopes as noted above, and that acreage should be provided for as “Other Non-Buildable” in the Table for “Buildable Area Calculations.”
3. Powerline Easement: In Section 2, Subsection “Site Characteristics and Development Constraints,” the applicant answered “No” regarding “easements, rights-of-way or other restrictions of record affecting the development of the site.” This is incorrect as the applicant notes in the provided plans that there is a National Grid easement with high voltage transmission lines running through the northwest corner of the site. While the Site Plan does not show buildings within the easement, structures are shown within proximity to the easement in that area. It is likely that construction will inadvertently extend into the easement area. Further, the Yield Plan shows a roadway in the easement and directly under the power lines as well as house lots within the easement area. It is unlikely that these activities are permitted within the easement. No information has been provided by the applicant on this matter. The applicant should confirm if there are easements, rights-of-way, or other restrictions that may impact the development of the site, and, if there are, provide updated and corrected information. This information should include confirmations from National Grid and other easement holders, if any, and restriction beneficiaries regarding the acceptability of the proposed construction and other activities.
4. Ledge and Steep Slopes: In the aforementioned subsection, the applicant answered “Yes” when asked whether there are any known significant areas of ledge or steep slopes, however, these areas are not called out in the Existing Conditions Plan or on the existing conditions table In Section 2: Existing Conditions/Site Information.

5. Parking: In Section 3: Project Information, in Subsection “Parking,” the applicant indicates the project will have 510 parking spaces while the site plan indicates that 638 parking spaces are provided. The developer should provide clarification.
6. Previous Affordable Housing: In Section 3.3: Narrative, the applicant states that he has “successfully integrated affordable housing... [at] River Hill and at Drakes Landing.” It should be noted that this affordable housing was not part of the developer’s proposal and was either required by the Town’s Inclusionary Housing Bylaw or negotiated by the Board in exchange for favorable development density bonuses under the OSPD bylaw. The Board notes that Drake’s Landing units currently being offered for sale by the developer are at nearly double the price that the Board and the developer agreed represented a moderately priced entry-level unit in 2017.
7. Sustainable Development: In Section 3.5: Sustainable Development Principles, Point 1 “Concentrate Development and Mix Uses,” the developer provides information on how the project complies with the Commonwealth’s Sustainable Development Principles. This Principle is stated as follows: “Support the revitalization of city and town centers and neighborhoods by promoting development that is compact, conserves land, provides historic resources and integrates uses. Encourage remediation and reuse of existing sites, structures, and infrastructure rather than new construction in undeveloped areas.” Except for one parcel to be purchased by the developer for access to Main Street, the parcel is entirely undeveloped and is comprised of forests, fields, streams, and ponds that provide a habitat for many species of animals, birds, and plants. The developer states that its proposed “village concept housing will allow for the site to retain 66% of the site as Open Space.” Yet, no calculations are provided to substantiate that claim, and the site plan shows no substantial area meeting the definition of open space (according to the OSPD bylaw).
8. Pedestrian Friendly: The developer states that it “is a pedestrian-friendly neighborhood with sidewalks that is within a mile from the Town Hall, Open Space and Trails, Playgrounds, and Schools,” which implies that residents will be able to walk to such areas easily. However, it should be noted that there are no sidewalks from the development location to those facilities, and pedestrians and children would have to walk along State Highway 113, where there are limited shoulders, high traffic density, and high vehicular speeds to arrive at the cited areas.
9. Water Supply and Infrastructure: The developer states that “the development will utilize existing water by connecting to existing municipal water infrastructure that is readily available in the abutting road and is more than adequate to handle the services necessary for the proposed project.” However, West Newbury has a long history of difficulties supplying sufficient water in the aforementioned system and must purchase water from Newburyport annually. This water supply is not guaranteed, and the Town is working to develop alternative sources. Additionally, an engineering analysis of the water system is in order as it is unknown if the existing water main supply lines are adequate or if the addition of 152 units on this supply will adversely affect flows required for fire protection throughout the Town.
10. Rehabilitation of Existing Home: The developer states that he will “rehabilitate the existing home at 566 Main St,” but by doing so, this home’s function will be compromised by its proximity to the main access road to the development, and there is no indication how this home’s driveway can be made to work as there is no apparent safe location for a new curb cut either on Route 113 or the new access road.
11. Equity: The developer has failed to provide any detailed plan to accomplish the goals of promoting “equitable sharing of the benefits and burdens of development,” providing “technical and strategic support for inclusive community planning and decision making to ensure social, economic, and environmental justice” other than to say “The Project creates affordable housing in a community

which has not reached their goal of 10%.” To date, the developer has made no effort to seek input from the community or to integrate its development plans with the plans, policies, and goals established by the Town. Furthermore, the developer notes that “The Project also expands the tax base” without also noting that the increased demand for services such as education, police, water supply, and fire protection will likely exceed the increased tax revenue.

12. Protection of Land and Ecosystems: With respect to the goals to “Protect and restore environmentally sensitive lands, natural resources, agricultural lands, critical habitats, wetlands and water resources, and cultural and historic landscapes. Increase the quantity, quality, and accessibility of open spaces and recreational opportunities,” the developer states only that “The site will cluster development and post-development will allow the site to remain as 66% of the site as Open Space and will protect resource areas including wetlands.” A review of the site plan reveals that nearly all upland area is compromised, building will occur in areas of steep slopes, remaining open space is nearly all wetland, there is no preservation of the pre-development landscape, nearly all of the remaining open space is not accessible, and recreational opportunities will likely be restricted to a small and ill-defined community center and walking on the leach fields. The only conclusion that can reasonably be made is that the majority of the natural resources and habitat described above would be obliterated.
13. Wise Use of Natural Resources: In response to Sustainable Development Principle point 4 “Use Natural Resources Wisely,” the developer refers to the use of plywood, vinyl siding, deck materials, recycled concrete and asphalt, and recycling receptacles, entirely ignoring the aspect of this Principles relating to the conservation of natural resources on the land itself.
14. Expansion of Housing: Sustainable Development Principle 5, “Expand Housing Opportunities,” supports the “construction and rehabilitation of homes to meet the needs of people of all abilities, income levels, and household types. Build homes near jobs, transit, and where services are available. Foster the development of housing, particularly multifamily and single-family homes, in a way that is compatible with a community’s character and vision and with providing new housing choices for people of all means.” In response, the developer notes that the design includes smaller two and three-bedroom units and duplex style units and that the “Project is located near jobs, transit and where municipal services are available.” The only attribute of affordability that would be associated with this development is the inclusion of the 38 affordable units that would entitle the developer to proceed under Section 40B. The developer would construct 114 other market-price units, which significantly dilutes the contribution of the 38 affordable units toward the Town’s 10% affordable housing goal. Based on other projects constructed by the developer in the Town, the price of the market units may exceed the median home value in the Town, making no contribution to the effort to make housing in West Newbury more affordable or accessible. As noted in more detail herein, the developer has made no effort to construct a development that is compatible with the community’s character and vision.
15. Public Input: In Section 3.5 “Sustainable Development Criteria Scorecard” under “Method 2” Section (2), The developer indicates that there has been a “Concerted public participation effort (beyond the municipally required public hearings.” To the Board’s knowledge, no efforts to seek public input have been made at this time.
16. Emergency Access Via Cortland Lane: Section 4: Site Control: In response to the question “Will any easements or rights of way over other properties be required to develop the site as proposed?” the applicant responded “No.” The developer proposes to use the 50-foot wide “stub” at the end of Cortland Lane, an emergency access route. There is information available indicating that the Town accepted the stub following completion of the Cortland Lane subdivision. However, no information has been found showing that the title was transferred from the Cortland Lane developer

to the Town. There is no information as to whether the “stub” was for future access or simply utility easements. Whether the developer has the right to use the “stub” in as emergency access is, therefore, in question. The developer should also provide further information regarding the proposed utilization of Cortland Lane, currently a short residential cul-de-sac, for access to the development, including for the protection of vehicle, pedestrian and cyclist safety.

V. In the Event of Approval from MassHousing:

The Board recommends that the West Newbury Zoning Board of Appeals consider the following:

1. Meet with Neighbors Prior to Public Hearing: The developer was asked to meet with the Town in a public setting to share the plans and receive comments prior to submitting the Project Eligibility Application to MassHousing. This did not occur, presumably because of the State of Emergency and associated limits on public gatherings. The ZBA should strongly encourage that the developer meet with neighbors before the Zoning Board’s public hearing and outside the public hearing process to address neighborhood concerns, perhaps through internet conferencing, wherever possible.
2. Provide Missing Information: The developer should be required to provide further information, as noted in these comments.
3. Seek Assistance: The ZBA should take advantage of technical assistance opportunities such as the Massachusetts Housing Partnership (MHP) Technical assistance program, Citizen Planner Training Collaborative workshops and publications, and the Mass Department of Housing and Community Development (DHCD) Chapter 40B Conference.
4. Engage Peer Review: The ZBA should hire peer review consultants at the expense of the developer to advise the ZBA on technical matters such as design review, site / civil engineering, traffic management and vehicle/ pedestrian, equine and cyclist safety, environmental and resource impacts, stormwater management, drinking water and fire-fighting supply, and site planning. The ZBA should coordinate with the Conservation Commission, Board of Health, Schools, the Department of Public Works, Public Safety, and the Open Space Committee to share peer reviewers as appropriate.
5. Seek Local Preference: The Developer should be required to work with the Town to obtain approval from DHCD for local preference when selecting tenants for the affordable units.
6. Require Renderings: The Developer should be required to submit graphic materials that clarify height, massing, setbacks, and overall relationship of the project to neighbors with the Comprehensive Permit application.

APPENDIX A
Preliminary Analysis of Steep Slopes



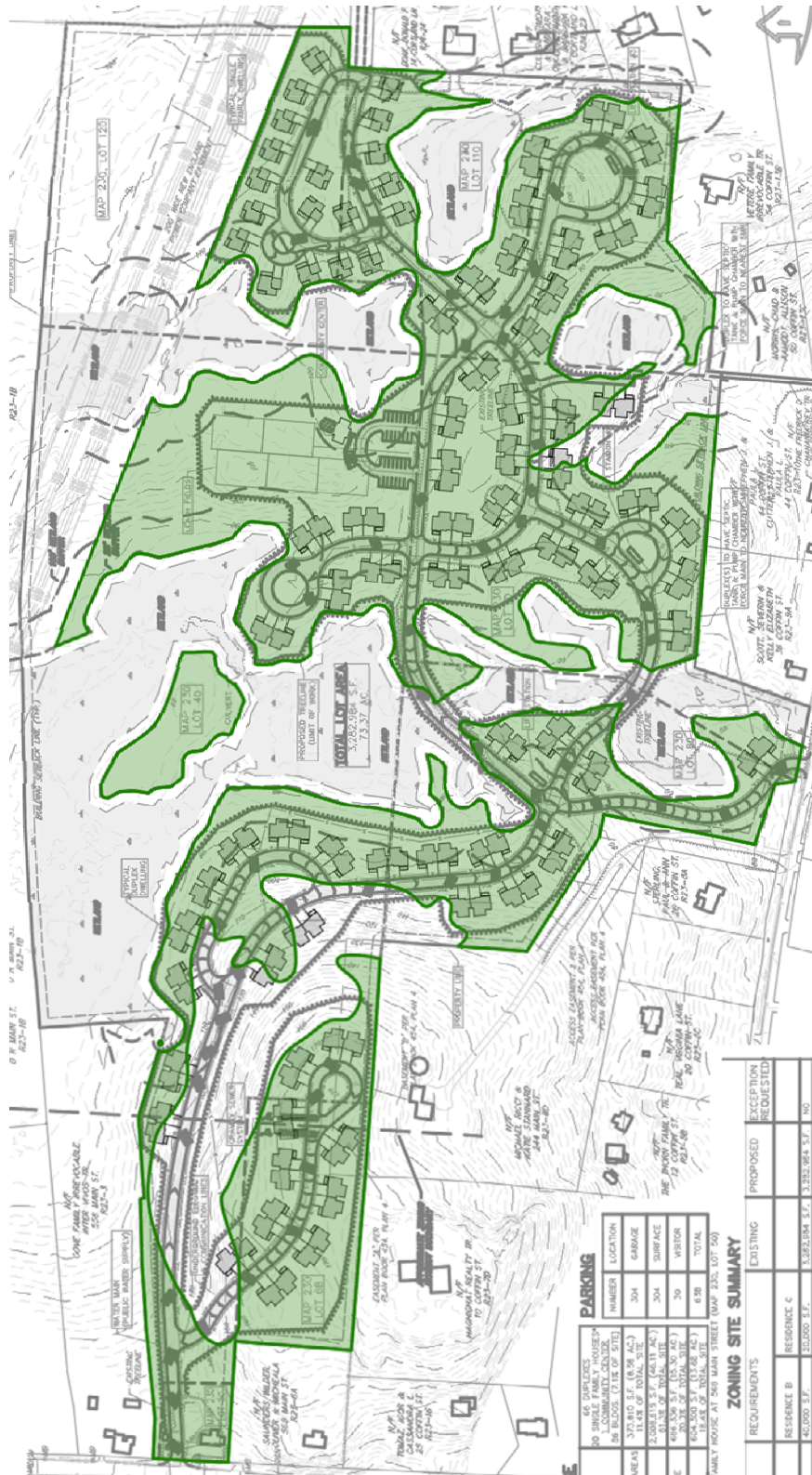
APPENDIX C

Area of High Tension Power Line Easement and Lands Beyond

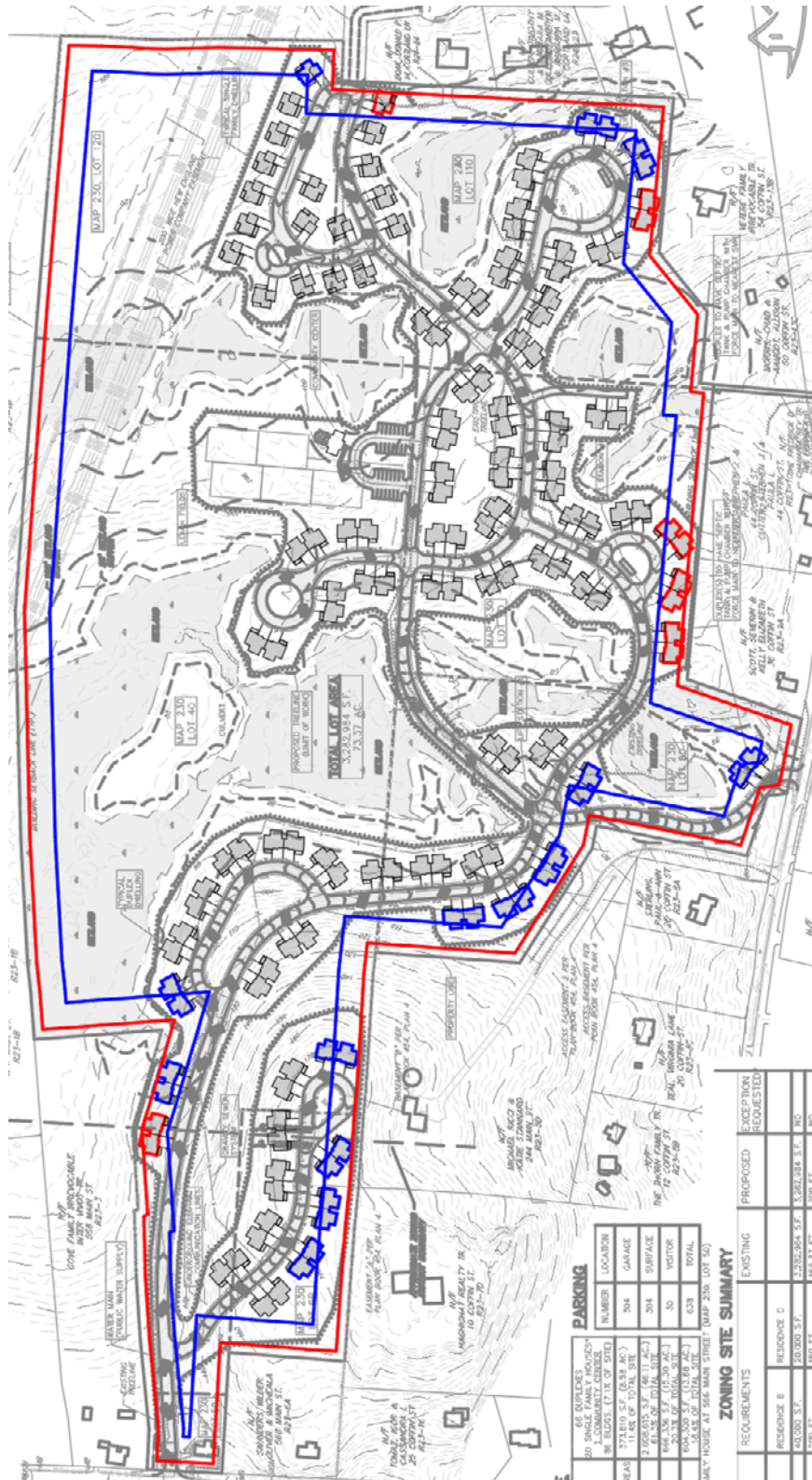


APPENDIX D

Areas Exclusive of Steep Grades, Wetlands, and Power Line Easements



APPENDIX E
Buildings Within 20' and 75' Setbacks



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.

Town Manager

From: [Redacted]
Sent: Tuesday, May 19, 2020 1:38 PM
To: Town Manager; Peter Frazier (HTS)
Cc: Susan Yeames; Town Accountant; Finance Admin
Subject: RE: West Newbury July BAN issue

Hi Angus. As discussed, a bond issue involves significantly greater issuance costs than a similarly sized bond anticipation note. Generally speaking, it's most cost effective for the Town to aggregate multiple projects into fewer, larger BAN or bond issues as the costs are prorated amongst all projects and larger bond issues tend to attract more interest in the municipal marketplace. Please see the estimated issuance costs below:

- \$1.1M water BAN renewal; est. issuance cost \$8,100
- \$1.1M water Bond; est. issuance cost \$50,000
- \$1.25M Soldiers Memorial Bond; est. issuance costs \$50,000
- \$2.3M Combined Bond (\$1.1M water + \$1.25M Soldiers Memorial); est. issuance cost \$65,000 of which approximately \$30,000 would be attributable to water.

In this example, the issuance cost savings associated with issuing a single bond issue instead of two issues is approximately \$35,000.

Please let us know if you need any additional information.

Thank you,

Abby

Abby Jeffers
Director

[Redacted signature block]

From: Town Manager [mailto:townmanager@wnewbury.org]
Sent: Tuesday, May 19, 2020 12:09 PM
To: Abby Jeffers (HTS) <[Redacted]>

[Redacted email body content]

[Redacted signature block]

Abby, Peter,

I updated the Board of Selectmen recently re the anticipated timeline to issue new BANs to support the ongoing Water capital projects.

They would like to understand why it would be financially advantageous to go this route rather than issuing permanent financing for the Water projects this spring, then separately financing the Soldiers & Sailors project when we're ready to do so. I told them I'm not sure it would even be feasible to do so, given that we're only 2 months out from the BANs maturing, but that I'd look into this.

Peter when we spoke a couple of weeks ago you said it would be more efficient to go the BAN route due to issuance (and legal) costs. Is this something you could write up briefly; and/or, would it be an option for you to participate directly with the Board at a future mtg? Their next regularly scheduled mtg is next Tuesday May 26 at 7pm.

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: Thursday, May 7, 2020 6:27 PM
To: Abby Jeffers ([REDACTED]

Subject: RE: West Newbury July BAN issue

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) [REDACTED]

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

**TOWN OF SALISBURY AND
TOWN OF WEST NEWBURY
INTERMUNICIPAL AGREEMENT FOR THE
ADMINISTRATION OF SHARED SERVICES**

Article 1. Purpose

This Agreement is entered into, pursuant to Massachusetts General Laws Chapter 40, Section 4A, by and between the Town of Salisbury, as authorized by its Town Manager and approved by its Board of Selectmen, and the Town of West Newbury, as authorized by its Town Manager and approved by its Board of Selectmen.

WHEREAS, the Town of Salisbury and the Town of West Newbury are each desirous of providing pump out boat services for their respective resident boaters on the Merrimack River; and

WHEREAS, the Town of West Newbury is desirous of providing enforcement of harbor regulations for their resident boaters on the Merrimack River; and

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

WHEREAS, the Town of Salisbury and the Town of West Newbury have determined to join together to establish and administer a program of shared pump out and enforcement services.

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

Article 2. Definitions

Harbormaster: The duly appointed Harbormaster of the Town of Salisbury.

Participating Governmental Units: The Town of Salisbury and the Town of West Newbury.

Pump out Services: The operation and maintenance of a vessel designed to extract vessel sewage in accordance with the Clean Vessel Act.

West Newbury Harbor Regulations: Section XXVI of the West Newbury Town Bylaws, "General Harbor Regulations," adopted May 12, 1993 with amendments through June 13, 2005, as may be amended.

Article 3. Term

This Agreement shall take effect upon its approval and execution by the Boards of Selectmen of the respective Participating Governmental Units, and shall expire on June 30, ~~2020~~2021. However, the Agreement may be extended by up to two additional one-year terms commencing on July 1, ~~2020~~2021, and July 1, ~~2021~~2022, respectively. Any such extension term(s) shall be subject to approval by the Town of Salisbury, as authorized by its Board of Selectmen, and the

Town of West Newbury, as authorized by its Board of Selectmen. Either Participating Governmental Unit shall give notice in writing to the other at least ninety (90) days prior to the start of the fiscal year of whether or not it wishes to extend this initial term. Should the parties fail to extend this Agreement by written addendum hereto, the agreement shall terminate upon the last day of the then-current term.

Article 4. Lead Town

The Town of Salisbury shall act as the "lead town" for the Participating Governmental Units, by employing the necessary officers and providing the necessary equipment in connection with the services as set forth hereafter. Said officers shall be considered employees of the Town of Salisbury and be accorded all applicable benefits enjoyed by other Salisbury municipal employees as they are or shall be established. The office where such employees shall be primarily located will be in Salisbury.

Article 5. Funding Contribution

During Fiscal Year ~~2020~~2021, the Town of West Newbury shall pay the Town of Salisbury two separate amounts for services provided by the Town of Salisbury. The Town of West Newbury shall pay the Town of Salisbury for pump out services a total sum of not greater than \$6,000.00 to be paid upon receipt of invoices for services rendered. In addition, upon presentation of invoices by the Town of Salisbury, the Town of West Newbury shall pay the Town of Salisbury for enforcement of Harbor Regulations a total sum of \$2,000.00 in two equal payment of \$1,000.00 on or before July 31, 2019 and November 30, 2019, to be paid as a fixed fee for services provided pursuant to Article 7 below. These payments shall include all applicable expenses incurred by the Town of Salisbury in providing services on behalf of the Participating Governmental Units, including, but not limited to, wages and any other applicable benefits. Nothing herein shall prevent the parties from mutually agreeing in writing to change the funding contribution during the initial term or any extended term of this agreement, subject to available appropriation.

Article 6. Financial Safeguards

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

Article 7. Hours of Services and Service Requirements

The Town of Salisbury shall provide pump out services under this Agreement on an as-needed basis in accordance with Attachment A to the Town of West Newbury's Clean Vessel Act (CVA) grant agreement with the Commonwealth of Massachusetts, Division of Marine Fisheries, which is attached hereto and incorporated herein. In addition, on weekend days (including weekday holidays) during the boating season (May 15-October 15), the Town of Salisbury shall conduct periodic patrols of the portion of the Merrimack River abutting West Newbury in order to establish a visible presence of the Harbormaster and to conduct enforcement

activities pursuant to the West Newbury Harbor Regulations; provided, however, that such patrols may be suspended, upon the reasonable judgement of the Harbormaster, on days with inclement weather.

Article 8. Vehicle Usage

The Town of West Newbury shall provide a pump out boat. This vehicle shall be made available for the use of the Salisbury Harbormaster. Collision and liability insurance for this vehicle shall be paid by the Town of West Newbury. The Town of Salisbury shall be responsible for the garaging, maintenance and upkeep of West Newbury's pump out boat during the term of this Agreement.

Article 9. Fees and Fines

Any fees or fines collected during the provision of pump-out or enforcement services will be collected on behalf of and returned to the Participating Governmental Unit from within the municipal boundaries of which the service is performed. All citations or warnings issued by the Salisbury Harbormaster within the portion of the Merrimack River abutting West Newbury shall be sent to the West Newbury Harbor Committee, care of the Town Manager's office, not later than seven (7) calendar days after the date of issuance of the citation or warning.

Article 10. Indemnification

In the event that any claims, demands, suits, causes of action, costs, and expenses arise with respect to the services provided pursuant to this Agreement, and to the extent permitted by Massachusetts General Laws chapter 258 and other applicable law, a Participating Governmental Unit shall indemnify, defend and hold harmless the other participating Government Unit from and against any such claims, demands, suits, causes of actions, costs and expends, including reasonable attorneys' fees and legal costs, but only to the extent that they arise from or relate to the negligent acts or omissions of the first Participating Governmental Unit, or its agents, servants, or employees. By entering into this Agreement, neither of the parties has waived any governmental immunity or limitation of liability or damages which may be extended to them by operation of law. This Agreement is by and between the municipalities which have executed it and each states that the Agreement is intended for their mutual benefit alone and is not intended to confer any express or implied benefits on any other entity or person. This Agreement is not intended to confer third party beneficiary status on any person.

Article 11. Miscellaneous

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

Witness our hands and seals as of this ____ day of ~~June~~ _____, ~~2019~~2020.

TOWN OF WEST NEWBURY
By its Board of Selectmen

TOWN OF SALISBURY
By its Board of Selectmen

Dated: _____

Town of Salisbury
Proposed Operating Budget - HARBORMASTER DEPARTMENTS
Fiscal Year 2021

GL ACCOUNT	DESCRIPTION	FY 2017 BUDGET	FY 2017 EXPEND S	FY 2018 BUDGET	FY 2018 EXPEND S	FY 2019 BUDGET	FY 2019 EXPEND S	FY 2020 BUDGET	AS OF 12/15/19	HEAD PROPOS ED	HEAD PROPOS ED	HEAD PROPOS ED	EXPLANATION FOR NEW POSITIONS & OTHER SIGNIFICANT INCREASES
	HARBORMASTER												
0100.0295.5110	Harbor Master	11,500	11,500	11,500	11,500	11,500	11,500	11,500	4,866	11,500	0	0.0%	
0100.0295.5111	Assistant Harbormaster/Dockmaster	27,478	27,226	30,680	30,666	28,230	27,810	28,230	17,902	29,000	770	2.7%	increase pay to \$16 or \$18/hr for experienced or deputy
	TOTAL SALARIES	38,978	38,726	42,180	42,166	39,730	39,310	39,730	22,768	40,500	770	1.9%	
0100.0295.5213	Water Purchase	0	273	200	273	273	273	265	111	265	0	0.0%	
0100.0295.5220	IT Contracted Services	0	604	0	259	264	264	300	0	300	0	0.0%	
0100.0295.5230	Equip Repair & Maint	6,752	7,150	6,000	6,005	5,851	5,000	7,000	5,646	7,000	0	0.0%	
0100.0295.5275	Software Maintenance	0	0	950	1,141	1,200	950	1,200	950	1,200	0	0.0%	
0100.0295.5340	Postage/Printing	1,515	594	815	606	527	486	750	0	1,000	250	33.3%	Lettering on boats with new phone numbers
0100.0295.5350	Telephone/Internet	2,485	2,131	3,000	2,663	3,800	3,404	2,700	1,126	3,000	300	11.1%	Add 2 phones, one for each prime boat
	TOTAL PURCHASE OF SERVICES	10,752	10,752	10,965	10,947	11,915	10,377	12,215	7,833	12,765	550	4.5%	
0100.0295.5420	Office Supplies	700	402	619	608	700	580	700	69	700	0	0.0%	
0100.0295.5430	Eqpt Supplies/Ground Tackle	735	645	781	780	1,000	345	1,200	219	1,200	0	0.0%	
0100.0295.5450	Fuel	5,200	5,192	4,700	4,681	6,000	5,388	6,000	4,399	6,000	0	0.0%	
	TOTAL SUPPLIES	6,635	6,239	6,100	6,069	7,700	6,313	7,900	4,687	7,900	0	0.0%	
0100.0295.5730	Travel/Professional Development	800	880	50	0	150	0	150	29	150	0	0.0%	
0100.0295.5735	Dues & Subscriptions	200	0	500	440	450	250	250	0	250	0	0.0%	
0100.0295.5740	Marina & Boats Ins	0	0	0	0	0	0	11,500	1,000	11,500	0	0.0%	
0100.0295.5798	Uniforms/Other	765	885	500	566	600	485	800	455	800	0	0.0%	
	TOTAL OTHER CHARGES & EXPENSES	1,765	1,765	1,050	1,006	1,200	735	12,700	1,484	12,700	0	0.0%	
0100.0295.5850	Boat	0	0	0	0	0	0	0	0	0	0	NA	
	TOTAL CAPITAL OUTLAY	0	0	0	0	0	0	0	0	0	0	NA	
	TOTAL HARBORMASTER	58,130	57,482	60,295	60,188	60,545	56,735	72,545	36,772	73,865	1,320	1.8%	
	WEST NEWBURY PUMP-OUT BOAT												
0100.0297.5111	West Newbury Pump-Out Wages	0	0	0	0	3,000	3,666	4,000	2,565		(4,000)	-100.0%	Have emailed WN Town Mgr to see if he plans any
	TOTAL SALARIES	0	0	0	0	3,000	3,666	4,000	2,565	0	(4,000)	-100.0%	changes. I expect at this point to maintain the same
		0	0	0	0	0	0	0	0	0	0	NA	but will let you know if he has any different plans.
	TOTAL PURCHASE OF SERVICES	0	0	0	0	0	0	0	0	0	0	NA	
0100.0297.5431	West Newbury Pump-Out Expenses	0	0	0	0	3,000	2,334	4,000	1,458		(4,000)	-100.0%	
	TOTAL SUPPLIES	0	0	0	0	3,000	2,334	4,000	1,458	0	(4,000)	-100.0%	
		0	0	0	0	0	0	0	0	0	0	NA	
	TOTAL OTHER CHARGES & EXPENSES	0	0	0	0	0	0	0	0	0	0	NA	
	TOTAL WEST NEWBURY PUMP-OUT BOAT	0	0	0	0	6,000	6,000	8,000	4,023	0	(8,000)	-100.0%	
	CLAM FLATS												
0100.0298.5110	Constable	1,500	225	1,500	0	750	188	750	60	750	0	0.0%	No changes needed at this time
	TOTAL SALARIES	1,500	225	1,500	0	750	188	750	60	750	0	0.0%	
		0	0	0	0	0	0	0	0	0	0	NA	
	TOTAL PURCHASE OF SERVICES	0	0	0	0	0	0	0	0	0	0	NA	
0100.0298.5420	Office Supplies	0	0	0	0	0	0	0	0	0	0	NA	
	TOTAL SUPPLIES	0	0	0	0	0	0	0	0	0	0	NA	
0100.0298.5730	Travel/Professional Development	500	197	500	0	160	0	250	0	250	0	0.0%	
0100.0298.5798	Other/Water Testing	0	0	0	0	90	84	270	0	270	0	0.0%	
	TOTAL OTHER CHARGES & EXPENSES	500	197	500	0	250	84	520	0	520	0	0.0%	
	TOTAL CLAM FLATS	2,000	422	2,000	0	1,000	272	1,270	60	1,270	0	0.0%	



**Town of West Newbury
Board of Selectmen
Monday, May 11, 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: 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.

The meeting was called to order at 7:10 p.m. by Chairman David Archibald.

Participation at the Meeting:

- ❖ Board of Selectmen: David Archibald, Richard Parker and Glenn Kemper (left meeting prior to votes)
- ❖ Town Manager, Angus Jennings
- ❖ Town Clerk/Counsel & Procurement Officer, Michael McCarron
- ❖ Assistant to Town Manager and Finance Department, Jennifer Walsh
- ❖ Moderator KC Swallow
- ❖ Finance Committee Vice Chair Forbes Durey
- ❖ Health Agent Paul Seigny
- ❖ Jen Solis
- ❖ Building Inspector Sam Joslin

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

Moderator KC Swallow explained the amendment to Massachusetts General Laws c. 39, § 10A by Chapter 53 of the Acts of 2020, “An Act to Address Challenges Faced by Municipalities and State Authorities Resulting From COVID-19,” on April 3, 2020. The recent amendment adds “public health officials” to the process for continuing town meeting dates to a later date. Previously, the statute applied only to public safety emergency situations and weather-related emergencies in order to postpone a town meeting. If the decision to postpone is made, the moderator may extend the date for a period of up to 30 days from the original date. That extension may be renewed should the condition still exist at the time of the rescheduled session. All subsequent continuances may be done for periods of up to 30 days at a time, until the time that the emergency has been rescinded.

- B. Discussion with Town Clerk/Counsel and Town Moderator regarding date/logistics for Annual Town Meeting

Moderator KC Swallow, following dialogue with The Gavel Line (a Massachusetts Moderators Association email discussion group), shared concerns that transmission of COVID-19 has occurred mostly indoors and proposed continuance of Town Meeting for up to 30 days to allow for an outdoor location. Discussion continued with the Board of Selectmen, Health Agent Paul Sevigny, Town Manager Angus Jennings and Town Clerk/Counsel Michael McCarron regarding a potential location, date and time, as well as the logistics for conducting a safe, inclusive and productive meeting outdoors.

Motion was made by Chairman David Archibald to recess and continue the June 1, 2020 Annual Town Meeting and June 1, 2020 Special Town Meeting until June 27, 2020 at 10:00 a.m. with details to be worked out in the coming days, seconded by Selectman Richard Parker.

Yes 2, No 0

Moderator KC Swallow introduced the idea of doing a consent agenda, a practice that groups routine articles into one, as a means to save time. The consent agenda can be approved in one action, rather than filing motions on each article separately.

Town Clerk/Counsel Michael McCarron advised the Board that they need to designate a public health official to submit a report to the Attorney General providing the public health-based justification for the declaration and recommended Health Agent Paul Sevigny.

Motion was made by Chairman David Archibald to place the responsibility upon Health Agent Paul Sevigny to submit a report to the Attorney General providing the public health-based justification for the declaration, seconded by Selectman Richard Parker.

Yes 2, No 0

C. Updates on preliminary planning underway for future re-opening of Town buildings and facilities

Health Agent Paul Seigny reported an ongoing downward trend of positive cases of COVID-19 and recommended opening up Mill Pond & Pipestave Hill parking areas for residents only effective May 25, 2020.

Chairman David Archibald added that Essex County Greenbelt, who holds a conservation restriction on the land, stated that the town may restrict public access as they see fit, whenever they believe it is warranted, and approval from Essex County Greenbelt is not required.

Motion was made by Chairman David Archibald that the Town pursuant of the power given to the Board of Selectmen by Chapter 40, Section 22 of the General Laws of Massachusetts and by virtue of any other power it hereto enabling, hereby adopt the following rule for the regulation of vehicles and parking of vehicles for the Mill Pond/Pipestave recreation areas:

- 1. Parking at the Mill Pond/Pipestave recreation areas shall be limited to Town Residents who have a parking permit.**
 - 2. Any resident wishing to use the parking areas at the Mill Pond/Pipestave recreation areas shall first obtain a parking permit from the Town.**
 - 3. Any violator shall be subject to fines and penalties (including but not limited to towing of unpermitted vehicles) in accordance with the provisions of G.L. c. 40 §22D,**
- seconded by Selectman Richard Parker.**

Yes 2, No 0

Town Manager Angus Jennings updated the Board on the planning underway at staff level for phased reopening of Town buildings. Meetings are planned with the Council on Aging and the Library Board of Trustees in the coming days to continue these discussions.

D. Request from Pentucket Arts Foundation to host a “Reverse Arts Parade” on/around July 4th

Chairman David Archibald shared the request (contained in the agenda packet) from Jen Solis on behalf of the Pentucket Arts Foundation to host a “Reverse Arts Parade” in the three Pentucket towns. Jen Solis requested support from the Board of Selectman to allow local artists to create and install artwork along a selected parade route where observers would then drive to view the art. Ms. Solis noted that there were details that still needed to be ironed out and will report back with more information at a meeting in June. The Board supports this idea.

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

Town Manager Angus Jennings referred to the May 11, 2020 update posted to the Town’s website.

There is not an application currently pending before the Town of West Newbury. Rather, the developer is seeking a “Project Eligibility Letter” (or PEL) from MassHousing, and MassHousing has in turn requested the Town’s comments. The deadline for the Town to provide comments to MassHousing is Tuesday, June 16th (unchanged), and the Town in turn has requested to receive public comments on or before June 1st. Comments from Town departments, Boards, Commissions and Committees are encouraged sooner than that, if possible.

The Board of Selectmen has scheduled a special meeting for this Thursday, May 14th at 6:30 pm. That meeting will have two purposes:

1. 40B informational workshop/training to be led by Atty. Jon Witten from KP Law. Atty Witten is one of the most experienced attorneys in the Commonwealth with regard to advising and representing municipalities regarding 40B. This session will be very informative. The slides presented by Atty Witten can be accessed online here.
2. Upon completion of the workshop/training, the Board will also invite comments from participants regarding any aspect of 40B, including the current request for PEL pending before MassHousing.

The meeting will be recorded and broadcast live, and will be made available on local cable and the Town YouTube channel.

On Friday, May 15th, the Board of Selectmen and a small number of Town personnel will conduct a site visit of the property at 566 Main and 28 Coffin. Due to public health concerns, public attendance at the site walk will not be permitted. However, the site walk will be video-recorded, and a recording of the proceedings will be produced for airing to local cable and the Town YouTube channel as soon as possible.

The Board of Selectmen and the Town Manager's office continues its work on a FAQ in response to the many questions and comments we have received regarding the Main/Coffin Street proposal. This has taken longer to produce than we'd hoped, but is still underway and will be shared as soon as it is available.

F. Update on financing options for water projects and Soldiers & Sailors Memorial building

Town Manager Angus Jennings updated the Board on the anticipated timeline (contained in the agenda packet) to issue new BANs to support the ongoing Water capital projects underway. The Town is faced with either issuing long-term debt at this time or rolling the maturing BANs into another BAN to be in a position to consolidate financing with the Soldiers & Sailors project when ready, which is believed to be financially advantageous. Chairman David Archibald asked about the risk in waiting considering today's financial uncertainties. Town Manager Angus Jennings will reconvene with Hilltop Securities and will report back at the next meeting.

G. Update regarding Board member site walk of Industrially-zoned land to evaluate solar PV potential

Selectman Richard Parker gave an update on his site walk with Planning Board Chair Brian Murphey of the Town's only industrially zoned land. Due to the difficult terrain and mature forests, it was determined that the land is not economically viable for a large-scale solar PV installation as hoped.

H. Policy discussion: noise bylaw (Zoning Sec. 7.A.4) and MassDEP noise regulations (310 CMR 7.00)

Selectman Richard Parker brought forward a noise complaint by a resident on Crane Neck Street siting excessive use of an audibly unpleasant leaf blower by a neighbor. Discussion took place regarding the complications of determining a violation of the bylaw, adhering to DEP regulations, and enforcement.

I. Meeting minutes: May 4, 2020; April 28, 2020; April 13, 2020; April 9, 2020

Draft meeting minutes are contained in the agenda packet.

Motion was made by Chairman David Archibald to approve meeting minutes for May 4, 2020, April 28, 2020, April 13, 2020 and April 9, 2020, seconded by Selectman Richard Parker.

Yes 2, No 0

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

Motion was made by Chairman David Archibald, seconded by Selectman Richard Parker to adjourn the meeting at 9:10 p.m.

Yes 2, No 0

Respectfully submitted, Jennifer Walsh



Town of West Newbury

381 Main Street

West Newbury, Massachusetts 01985

Angus Jennings, Town Manager

978-363-1100, Ext. 111 Fax 978-363-1826

townmanager@wnewbury.org

TO: Board of Selectmen
FROM: Angus Jennings, Town Manager
DATE: May 22, 2020
RE: ZBA regulations

The ZBA met on Tuesday afternoon May 19th, and had a productive 40B training session with Phil DeMartino from DHCD. At that time the Board also referred its current (2002) 40B Rules for staff review and recommendation. My office is working with the Building Inspector and with Atty. Jon Witten of KP Law, and will prepare a review draft of new/updated regulations by the end of next week. The Board of Appeals will meet again on June 2 at 4pm to review the draft and offer comments and recommendations; then will hold a public hearing on Thursday, June 11 (time TBD) to consider adoption of new/amended regulations.

Town Manager



Thursday, May 14, 2020 1:47 PM
To: Town Manager
Cc: DPW Director; Finance Admin
Subject: MassWorks - Executed Contract and Notice to Proceed - West Newbury
Attachments: MWIP 2019 West Newbury - 00 Contract Package v.2 - EXECUTED - LC.pdf

Good afternoon Angus,

I hope this message finds you safe and well.

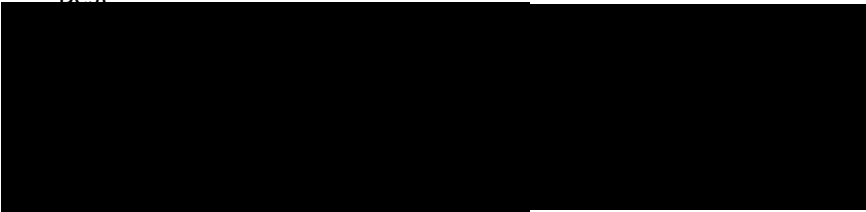
Attached, please find a fully executed copy of the following contract between the Town of West Newbury and the Executive Office of Housing and Economic Development (EOHED):

Project Name: Plummer Spring Road Bridge Replacement Project
Maximum Obligation Amount: \$1,000,000
Funding Program Name: MassWorks Infrastructure


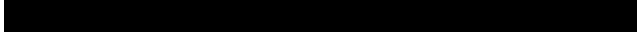
The Town is authorized to commence work in accordance with the terms of this contract. I will follow up in another email with instructions regarding management of the contract, including reporting requirements and reimbursement requests.

Please don't hesitate to reach out with any questions.

Best



Town Manager

 
Thursday, May 14, 2020 2:05 PM
To: Town Manager
Cc: DPW Director; Finance Admin
Subject: MassWorks - Grant management guidance and documents - West Newbury
Attachments: Grant Management Instructions (v.05-2020 njb) - MWIP.docx; MWIP 2019 West Newbury - Quarterly Report (v.05-2020) - LC.docx; MWIP 2019 West Newbury - Reimb Request (v.05-2020) - LC.docx

Hi Angus,

Attached, please find an instruction sheet for managing the Town's 2019 MassWorks award for the Plummer Spring Road Bridge Replacement Project. **Please review this sheet and email in full as our procedures and requirements have been updated.**

In addition to general administration information, the attached sheet outlines procedures and requirements for submitting milestone deliverables, reimbursement requests, quarterly reports, contract closeout documents, and requests for contract amendments. **Please pay close attention to the information on Reimbursement Requests and Drawdowns.**

Additionally, forms associated with the management of the grant are attached. These include:

- Quarterly Report Form – **First report due June 30th.**
- Reimbursement Request Form.

Please save these forms for easy access in the future, as they will be used throughout the administration of the grant. These forms have been prepopulated for your convenience.

Please note that the Town's first quarterly report is due June 30th. I look forward to hearing the latest updates.

Please don't hesitate to reach out whenever needed.

Best,
Nicholas Bulens



MassWorks Infrastructure Program – Grant Management Instructions

Your Contract Manager at EOHEd is: Nicholas Bulens [REDACTED]

Send All Documents Electronically

- **Please submit all documents electronically unless otherwise requested.**
- Scanned signatures are OK for nearly all documents requiring signatures.
- Documents should be sent via email ([REDACTED]@[REDACTED]).
- Overly large documents may be sent via a file hosting service (e.g., DropBox).
- **Please be detailed oriented when completing forms. Incomplete/incorrect forms may be returned and may delay the disbursement of funds.**

Milestones and Deliverables

- The following milestone documents should be **sent via email as they become available:**
 - 100% bid plan/drawings (no specs required)
 - Bid advertisement (no bid docs required)
 - Bid tabulation sheet
 - General construction contract
 - Substantial Completion Certificate, Completed Punch List, or Letter of Acceptance of Work

Quarterly Reports

- Grantees are required to submit Quarterly Reports until the grant contract is officially closed.
- **Quarterly Reports are due every:**
 - Sep-30th
 - Dec-31^s
 - Mar-31st
 - Jun-30th
- Due dates are subject to change at the direction of the CFO.
- **Quarterly Reports must include:**
 - A statement of the **percentage completion** (e.g., 100% design and 15% construction completion).
 - A summary description of **recent project activities/milestones – not just construction work, but also design and permitting activities.**
 - A breakdown of **actual or anticipated drawdowns** of grant funds by quarter.
- Incomplete reports may be returned and **may delay the disbursement of funds.**

MassWorks Infrastructure Program – Grant Management Instructions

Your Contract Manager at EOHEd is: Nicholas Bulens, [REDACTED] [REDACTED]@ [REDACTED] [REDACTED]

Reimbursement Requests and Drawdowns

- Grantees are expected to drawdown the full amount of their yearly allocation of grant funds by the close of the corresponding fiscal year. Yearly allocations are listed in your grant contract's Attachment A.
- **IMPORTANT: Any funds not drawn down by the close of their fiscal year will be lost and cannot be used in later fiscal years without a contractual Drawdown Amendment, subject to Secretary, Assistant Secretary, and/or CFO approval.** See "Contract Amendments" below for further information. NO Drawdown Amendment is guaranteed.
- In order to receive grant funds, grantees must submit a completed and signed Reimbursement Request Form (see attached) with back-up documentation (invoices, schedule of values, etc.) showing the *actual work completed*.
- **Pre-paid invoices are NOT required** unless you are otherwise directed by your contract manager to provide proof of payment.
- Reimbursement requests are generally accepted between the 1st and 15th of each month. If you miss this window, please wait for the following month, unless otherwise indicated by your contract manager.
- **Final end-of-FY Reimbursement Requests must be submitted by Jul-15st** unless otherwise expressly approved by your contract manager. **Any outstanding invoices not submitted by this time may be denied.**
- 5% of the grant award will be held as retainage until the project is complete.

Project Closeout

- The following documents are **required to closeout your grant contract:**
 - Your final reimbursement request.
 - Your final quarterly report.
 - A completed and signed Project Closeout Form.
 - Submission and acceptance of all milestone documents. See "Milestones and Deliverables" above.
- The Project Closeout Form must be signed by your municipality's *authorized signatory*.

Contract Amendments

- To request a contract amendment, grantees must submit an Amendment Request Form. **NO amendment is guaranteed.** All amendments require Secretary, Assistant Secretary, and/or CFO approval.
- A Drawdown Amendment is necessary to requests the movement of funds across fiscal years. **Unless a Drawdown Amendment is requested and approved, any funds not**

MassWorks Infrastructure Program – Grant Management Instructions

Your Contract Manager at EOHEd is: Nicholas Bulens, [REDACTED] [REDACTED]@ [REDACTED] [REDACTED]

drawn down by the close of their fiscal year will be lost and cannot be used in later fiscal years.

- If you believe a contract amendment is or will be needed, you **must notify your contract manager by Mar-31st as part of your Quarterly Report submission.**

Ask Questions, Keep Me Informed, and Respond to Requests

- I am here to help! Reach out whenever needed. Notify me of issues, delays, and/or concerns that could result in a project delay or contract amendment. Changes and surprises happen. **The sooner I know, the better I can help.**
- MassWorks staff **must be notified of any public event** sponsored by your municipality in celebration of the project, especially groundbreakings and ribbon cuttings.
- **The Secretary, Lt. Governor, or Governor can request a special event and/or site visit at any time.** Please be responsive to inquiries and/or event requests from your contract manager.