



Town of West Newbury
Board of Selectmen
Monday, June 22, 2020 @ 7:00pm
381 Main Street, Town Office Building
www.wnewbury.org
AGENDA

RECEIVED
TOWN CLERK
WEST NEWBURY, MA
2020 JUN 18 PM 5:55

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.
- Call for volunteers: seeking members for Finance Committee, Capital Improvements Committee, etc.
- Town Meeting Informational Forum: Tuesday, June 23rd at 6 pm. **Details on Town website.**
- Municipal Vulnerability Preparedness Listening Session, Thurs., June 25th, 7:00pm. Details on website.
- Reminder to subscribe for emailed Town news/announcements at <https://www.wnewbury.org/subscribe>

Regular Business

- A. Approval of sale of Bond Anticipation Notes (BANs) and award of interest rate of purchaser
- B. Discussion of Special and Annual Town Meeting scheduled for Saturday, June 27, 2020 at 10am, incl. consideration of reducing quorum requirements as allowed by recent legislation
- C. Review/finalize Motions for Annual Town Meeting and Special Town Meetings with Town Moderator and Town Clerk/Counsel
- D. Preview of Town Meeting Online Informational Forum: Tuesday, June 23rd at 6 pm
- E. Report by the Massachusetts Office of the Inspector General Re: Selectman Kemper and Money Owed to Town
- F. Personnel reappointments for FY21
- G. Board/Commission/Committee appointments and reappointments for FY21
- H. Designation of Board of Selectmen representatives to other Boards and Committees for FY21
- I. Discussion of overall work plan and prioritization of staff efforts for remainder of fiscal year
- J. Meeting minutes: May 26, 2020; June 8, 2020.

Town Manager Updates

- K. Report on anticipated schedule for Newburyport City Council consideration of proposed MOU regarding Middle Street Bridge
- L. Recent ZBA approval of new 40B Comprehensive Permit Rules; and ZBA call for comments on approved Rules for consideration at a public hearing on Thursday, July 2nd at 6pm
- M. Review of proposed FY21 Holiday Recognition Schedule
- N. Follow up meeting assignments; and placing items for future agendas

Addendum to Meeting Notice regarding Remote Participation

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 23, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the West Newbury Board of Selectmen will be conducted via remote participation to the greatest extent possible.

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

GoToMeeting

Phone: (312) 757-3121

Access Code: 242-554-413

Or, from computer, tablet or smartphone: <https://global.gotomeeting.com/join/242554413>

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



Town of West Newbury Massachusetts

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

[Home](#) > Pre-Town Meeting Online Informational Forum

Pre-Town Meeting Online Informational Forum

Tuesday, June 23rd at 6:00pm

Pre-Town Meeting Online Informational Forum

This Tuesday, June 23rd at 6 PM

Opportunity to ask questions regarding proposed FY21 operating budget, capital expenditures, and all proposed Warrant Articles for the upcoming Annual and Special Town Meetings. Ask your questions of the Town Moderator, representatives of the Board of Selectmen and Finance Committee, Town Manager, and Town Clerk/Counsel! Meeting will be recorded and rebroadcast on local cable and Town YouTube channel.

The Town Meeting warrants, Finance Committee booklet and other materials are posted at <https://www.wnewbury.org/Annual-Town-Meeting-2020>

A letter from the Moderator to all West Newbury residents, which will arrive soon via U.S. mail, is attached to this post. It sets out what voters can expect, and how this year's outdoor Town Meeting will differ from prior years' meetings due to COVID-19.

Instructions to access online meeting below:

Zoom Meeting


<https://zoom.us/j/99865425805?pwd=TW5NakVYUzBFVXVKti9KOTdWTzIGUT09>

Meeting ID: 998 6542 5805

Password: 112293

Attachment

Size

 [moderators letter page 1 only final 6-18-20.pdf](#) 152.85 KB

Source URL: <https://www.wnewbury.org/home/news/pre-town-meeting-online-informational-forum>



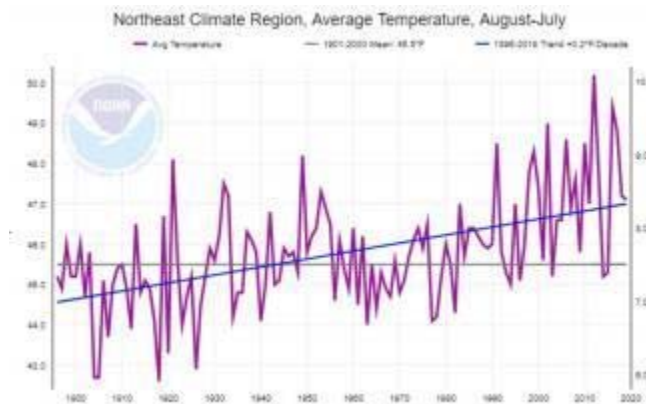
Town of West Newbury Massachusetts

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

[Home](#) > Listening Session: Climate Change Municipal Vulnerability Preparedness

Listening Session: Climate Change Municipal Vulnerability Preparedness

June 25, 2020 7-8 p.m.



Summer temperatures trend

As part of West Newbury's Municipal Vulnerability Preparedness planning for climate change, a Listening Session will take place on June 25, 2020 at 7-8 p.m.. This one-hour session will include an overview of the MVP process as well as climate change hazards facing West Newbury. It also outlines the priority actions that the Town can take--and can seek Action Grants to accomplish, and provides an opportunity for public questions and comments. **[Click here](#)** for more background information.

Please join the meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/447953285>

You can also dial in using your phone.

United States: +1 (224) 501-3412

Access Code: 447-953-285

Source URL: <https://www.wnewbury.org/municipal-vulnerability-preparedness-working-group/news/listening-session-climate-change-municipal>

VOTE OF THE BOARD OF SELECTMEN

I, the Clerk of the Board of Selectmen of the Town of West Newbury, Massachusetts, certify that at a meeting of the board held June 22, 2020, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody:

Voted: to approve the sale of \$1,100,000 2.00 percent General Obligation Bond Anticipation Notes (the “Notes”) of the Town dated July 15, 2020, payable July 15, 2021, to Piper Sandler & Co. at par and accrued interest, if any, plus the premium of \$13,981.00.

Further Voted: that in connection with the marketing and sale of the Notes, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated June 9, 2020, and a final Official Statement dated June 17, 2020, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a significant events disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Notes for the benefit of the holders of the Notes from time to time.

Further Voted: that we authorize and direct the Town Treasurer to establish post issuance federal tax compliance procedures and continuing disclosure procedures in such forms as the Town Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Notes and to comply with relevant securities laws.

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Notes were taken in executive session, all in accordance with G.L. c.30A, §§18-25 as amended, and all as further suspended, supplemented or modified by the Executive Order of the Governor of The Commonwealth of

Massachusetts Suspending Certain Provisions of the Open Meeting Law, Chapter 30A, §20 dated March 12, 2020.

Dated: June 22, 2020

Clerk of the Board of Selectmen

Town Manager

From: Monica Mulcahy (HTS) [REDACTED]
Sent: Wednesday, June 17, 2020 11:03 AM
To: Susan Yeames; Town Manager; Town Accountant
Cc: Peter Frazier (HTS); Abby Jeffers (HTS); Megan Hyland (HTS); Melissa Toland (HTS); Raela Trifoni (HTS)
Subject: West Newbury, MA BAN Results
Attachments: West Newbury Results.pdf; West Newbury MPL.pdf; West Newbury Certificate of Award.pdf

Good Morning,

Attached please find the results, MPL and Certificate of Award for the Town's \$1,100,000 General Obligation Bond Anticipation Notes which sold today. Please sign the Certificate of Award and email it back to us at your earliest convenience.

We will be contacting you shortly to confirm where you would like the proceeds to go.

Should you have any questions, please contact [REDACTED]

Thank you!

Monica Mulcahy
Hilltop Securities Inc.

[REDACTED]

CONFIDENTIALITY NOTICE: The information contained in this email communication (including any attachment(s)) is strictly confidential and intended solely for the person or entity named above. If you are not the intended recipient of this email, you are hereby notified that any disclosure, distribution, reproduction, or other use of this communication is strictly prohibited. If you have received this communication in error, please immediately notify the sender by return email and permanently delete this communication (including any attachment(s)) from your system.

E-mail cannot be guaranteed to be secure or without error. Hilltop Securities Inc. and its affiliates employ e-mail monitoring software for the review of incoming and outgoing messages. The sender of this e-mail does not accept or assume any liability for any error or omissions arising as a result of transmission. Nothing in the content of this e-mail should be considered a specific investment recommendation or tax or legal advice. All prices and yields are subject to change and availability.

Town of West Newbury, Massachusetts

\$1,100,000 General Obligation Bond Anticipation Notes

Sale Date: 6/17/2020
Dated Date: 7/15/2020
Delivery Date: 7/15/2020
Due Date: 7/15/2021
Days Per Year: 360
Day Count: 360
Bank Qualified: Yes
Rating: None



Bidder	Underwriter	Principal	Coupon Rate	Premium	Interest	Net Interest	NIC	Prorata Premium	Prorata Interest	Award	Reoffering Yield
Piper Sandler & Co.	•	\$1,100,000	2.00%	\$13,981.00	\$22,000.00	\$8,019.00	0.7290%	\$13,981.00	\$22,000.00	\$1,100,000	
Century Bank		\$1,100,000	0.85%	\$0.00	\$9,350.00	\$9,350.00	0.8500%				
BNYMellon Capital Markets	•	\$1,100,000	2.00%	\$11,803.77	\$22,000.00	\$10,196.23	0.9269%				
Oppenheimer & Co., Inc.	•	\$1,100,000	1.50%	\$6,204.00	\$16,500.00	\$10,296.00	0.9360%				
Award Totals								\$13,981.00	\$22,000.00	\$1,100,000	

Weighted Average Net Interest Cost: 0.7290%

MUNICIPAL PURPOSE LOAN

Town of West Newbury, Massachusetts

\$1,100,000 General Obligation Bond Anticipation Notes

Sale Date: 6/17/2020
 Dated Date: 7/15/2020
 Delivery Date: 7/15/2020
 Due Date: 7/15/2021
 Bank Qualification: Yes

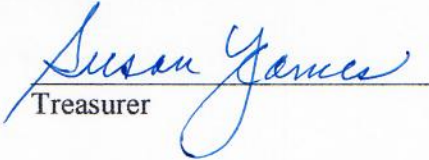


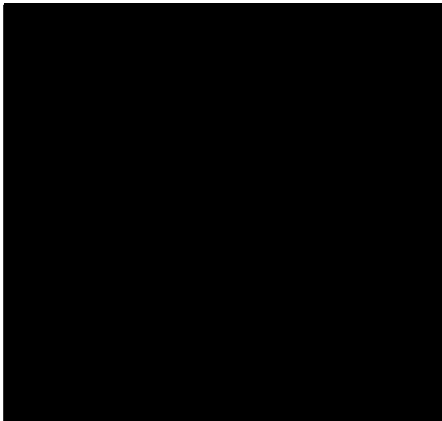
<u>Purpose</u>	<u>Vote Date(s)</u>	<u>Reference Statutory Reference</u>	<u>Amount Authorized</u>	<u>Previous Issues</u>	<u>Bonds, Grants, and/or Paydowns</u>	<u>Renewal This Issue</u>	<u>New This Issue</u>	<u>Total This Issue</u>	<u>Balance Unissued</u>	<u>Original Issue Date</u>	<u>Prorata Interest</u>	<u>Prorata Premium</u>
Water Tank	4/29/2019	Ch. 44, s. 8(4)	\$1,100,000	\$1,100,000	\$0	\$1,100,000	\$0	\$1,100,000	\$0	1/24/2020	\$22,000.00	\$13,981.00
Totals			\$1,100,000	\$1,100,000	\$0	\$1,100,000	\$0	\$1,100,000	\$0		\$22,000.00	\$13,981.00

Certificate of Award

I, the Treasurer of the Town of West Newbury, Massachusetts, hereby award the \$1,100,000 General Obligation Bond Anticipation Notes dated July 15, 2020 (the "Notes") to the bidder or bidders submitting the bid or bids attached hereto in accordance with the terms set forth in the attached bid or bids and in the Notice of Sale dated June 9, 2020 relating to the Notes, subject to the approval of this award by the Board of Selectmen.

Date: June 17, 2020


Treasurer



June 19, 2020

VIA OVERNIGHT DELIVERY

Susan Yeames, Treasurer
Town of West Newbury
381 Main Street
West Newbury, Massachusetts 01985

Re: \$1,100,000 General Obligation Bond Anticipation Notes (the “Note”)
Dated and closing: July 15, 2020

Dear Susan:

Enclosed are the Note certificate and four copies of each of the related closing documents for the above-referenced issue. The Note certificate and each copy of the closing documents are to be executed as follows:

1. Note Certificate – to be signed by you as the Treasurer and by the Board of Selectmen, and sealed with the Town seal.
2. Vote of the Board of Selectmen– to be passed at the June 22, 2020 meeting of the Board of Selectmen and signed by the Clerk of the Board of Selectmen.
3. Signature, No Litigation and Official Statement Certificate – to be signed by you as the Treasurer, by the Board of Selectmen and by the Town Clerk, and sealed with the Town seal.
4. Tax Certificate – to be signed by you as the Treasurer and by the Board of Selectmen. (We will coordinate signature of the exhibits.) Prior to execution, we ask that each person signing read this certificate to confirm that it is factually correct. If it is incorrect or unclear, please call me prior to the closing to discuss any changes that may need to be made. Please note that this document will be reviewed by our tax partner. In the event that any material changes are made, we will send you copies for your records.
5. IRS Form 8038-G – to be signed by you as the Treasurer. (We will take care of filing this with the IRS on behalf of the Town.)

Susan Yeames, Treasurer
June 19, 2020
Page 2

6. Significant Events Disclosure Certificate – to be signed by you as the Treasurer and by the Board of Selectmen.

Once executed, these documents should be returned to me using the enclosed fedex package.

If you should have any questions or if we can provide anything further, please do not hesitate to contact me.

Very truly yours,



Brenda M. McDonough

Enclosures

cc: Peter Frazier
Abby Jeffers

Enclosures

83073631v.1



RECEIVED
TOWN CLERK
WEST NEWBURY, MA

2020 JUN 11 AM 8:01

Town of West Newbury Board of Selectmen

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

NOTICE OF CONSIDERATION OF CHANGE OF TOWN MEETING QUORUM

In accordance with the provisions of Section 7 (b) of Chapter 92 of the Acts of 2020, NOTICE is hereby given that the Board of Selectmen of the Town of West Newbury shall meet by remote participation at 7:00 PM on Monday, June 22, 2020 to consider whether to lower the quorum requirements for the Annual and Special Town Meetings to be held on June 27, 2020. The Board of Selectmen will consult with the Town Moderator to proscribe the number of voters necessary to constitute a quorum at these town meetings. The public is invited to attend and participate in this discussion. Information as to how to remotely attend this meeting will be published in the Open Meeting Notice for the Board of Selectmen's June 22, 2020 meeting, which will be available on the Town website, www.wnewbury.org.

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

BOARD OF SELECTMEN

VOTE OF BOARD OF SELECTMEN REGARDING
CHANGE IN TOWN MEETING QUORUM

I move that in accordance with the provisions of Section 7 of Chapter 92 of the Acts of 2020, with the advice and consent of the Town Moderator, that the Board vote as follows:

That notwithstanding the requirements of Section XX of the West Newbury Town Bylaws, the number of voters necessary to constitute a quorum for the 2020 Annual Town Meeting which was called pursuant to a Warrant dated April 28, 2020 for June 1, 2020 and postponed by the Town Moderator in accordance with the provisions of G.L. c. 39 §10A until June 27, 2020, be reduced for all articles from ninety (90) voters to forty (40) voters

That notwithstanding the requirements of Section XX of the West Newbury Town Bylaws, the number of voters necessary to constitute a quorum for the 2020 Special Town Meeting which was called pursuant to a Warrant dated April 28, 2020 for June 1, 2020 and postponed by the Town Moderator in accordance with the provisions of G.L. c. 39 §10A until June 27, 2020, be reduced for all articles from ninety (90) voters to forty (40) voters

That notwithstanding the requirements of Section XX of the West Newbury Town Bylaws, the number of voters necessary to constitute a quorum for the 2020 Special Town Meeting which was called pursuant to a Warrant dated June 8, 2020 for June 27, 2020, be reduced for all articles from ninety (90) voters to forty (40) voters

NOTICE of the consideration of change of town meeting quorum was published on June 11, 2020.

**TOWN OF WEST NEWBURY
COMMONWEALTH OF MASSACHUSETTS
DRAFT MOTIONS – SPECIAL TOWN MEETING
SATURDAY, JUNE 27, 2020 @ 10am**

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

No motion: No reports for Town Meeting.

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

MOTION: I move to transfer from Community Preservation Act funds the sum of \$462,857.00 from the CPC Undesignated Fund Balance for all costs and expenses relating to the reconstruction of and accessibility improvements to the Page School playground in conformity with the Application filed with and approved by the Community Preservation Committee. Any remaining funds will be closed out to the Community Preservation Act Funds Unrestricted Fund Balance at the close of Fiscal Year 2023.

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

MOTION: I move to transfer from free cash the sum of \$49,150 to pay expenses pertaining to improvements and repairs to the Council on Aging facility, Public Safety Complex, old DPW garage (on Page School site), the 1910 Building, and to pay for any unforeseen emergency repairs to Town properties. Any remaining funds will be closed out to the undesignated fund balance at the close of Fiscal Year 2023.

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

MOTION: I move to transfer from free cash the sum of \$61,087.00 to fund the Snow and Ice deficit. Any remaining funds will be closed out to the undesignated fund balance at the close of Fiscal Year 2021.

ARTICLE 5. To see if the Town will vote to transfer from available funds the sum of \$3,800 to pay for salaries and expenses pertaining to the operation of early voting for the 2020 State

Primary Election and November Presidential Election with any sums remaining by the end of fiscal year 2021 to be returned to the Town. *By request of the Town Clerk.*

MOTION: I move to transfer from free cash the sum of \$3,800 to pay for salaries and expenses pertaining to the operation of early voting for the 2020 State Primary Election and November Presidential Election. Any remaining funds will be closed out to the undesignated fund balance at the close of Fiscal Year 2021.

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

MOTION: I move that the Town take no action on this Article.

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

MOTION: I move to transfer from free cash the sum of \$8,048.00 for the Town's share of expenses for the grant-supported installation of electric vehicle charging stations at the Page School and the 1910 Building. Any remaining funds will be closed out to the undesignated fund balance at the close of Fiscal Year 2021.

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

MOTION: I move to transfer from free cash the sum of \$16,443 to pay all expenses pertaining to the Essex Agricultural and Technical High School FY20 budget deficit.

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

MOTION: I move to transfer from free cash the sum of \$20,247.44 to pay all expenses pertaining to the underbilled but incurred National Grid charges related to the Public Safety Complex.

**TOWN OF WEST NEWBURY
COMMONWEALTH OF MASSACHUSETTS
WARRANT -- ANNUAL TOWN MEETING
SATURDAY, JUNE 27, 2020 @ 10am**

GENERAL GOVERNMENT MATTERS

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

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

No reports

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

MOTION: I move to adopt the Line Item Budget (as amended).

WATER ENTERPRISE FUND

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

No Motion

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

MOTION: I move to appropriate, in anticipation of Water Department revenue, the sum of \$861,446 of which \$205,579 for Salaries and Wages which include \$1,700 for Water Commissioners stipends, \$27,141 for Insurances, \$379,896 for Expenses, \$176,920 for Debt Service, \$20,000 for Extraordinary and Unforeseen and \$51,910 for Indirect Cost.

APPROPRIATIONS

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

MOTION: I move that the Town take no action on this Article.

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

MOTION: I move that the Town take no action on this Article.

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

MOTION: I move to raise and appropriate the sum of \$328,600 to be placed in the special purpose municipal stabilization fund established pursuant to MGL Chapter 40 Section 5B (the School Stabilization Fund) in order to fund capital expenditures for school related building projects.

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

MOTION: I move to transfer the sum of \$652,340 from the School Stabilization Fund to pay the debt service associated with the building of the new Middle/High School for the Pentucket Regional School District.

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

MOTION: I move to transfer the sum of \$21,965.20 from the Septic Loan Revolving Account for the repayment of debt service.

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

MOTION: I move that the Town take no action on this Article.

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

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

MOTION: I move to allocate and/or reserve from the Community Preservation Fund annual revenues the amounts as set forth in Article 12.

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

MOTION: I move to transfer from Community Preservation Act funds, the sum of \$175,000.00 with \$148,308.41 from the Open Space and Recreation Fund Balance, and \$26,691.50 from the Undesignated Fund Balance, in conformity with the applications submitted, to purchase a conservation restriction in conjunction with any other party on

three parcels of land containing approximately 38 acres of land, located off Middle Street and as shown on Assessors' Map R-27 as Parcels 28, 28A and 29. Said lots are also described in the deeds recorded with the Southern Essex District Registry of Deeds in Book 6703, Page 590, and Book 6547, Page 419. Said conservation restriction is to be conveyed to the Town of West Newbury; said purchase to be subject to approval of the conservation restriction by all involved parties, and that the Board of Selectmen be authorized to execute, acknowledge and deliver all grants, agreements and such other instruments, including but not limited to the conservation restriction, in accordance with Massachusetts General Laws Chapter 184 or any other applicable statute or regulation, as may be necessary on behalf of the Town of West Newbury to effectuate the purchase of said conservation restriction.

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

MOTION: I move transfer from Community Preservation Act funds, Historic Resources Reserve, the sum of \$85,000 for the payment of debt service and related borrowing costs authorized at the November 4, 2019 Special Town Meeting associated with the Preservation and Restoration of the Soldiers & Sailors Memorial Building.

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

MOTION: I move that the Town take no action on this Article.

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

MOTION: I move to transfer from the Capital Stabilization Fund the sum of \$304,000 to replace and/or improve the fire alarm system in the Page School. Any remaining funds will be closed out to the undesignated fund balance at the close of Fiscal Year 2022.

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

MOTION: I move to transfer from the Capital Stabilization Fund the sum of \$40,000 to replace failing sections of concrete flooring throughout the Page School. Any remaining funds will be closed out to the undesignated fund balance at the close of Fiscal Year 2023.

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

MOTION: I move to transfer from free cash the sum of \$19,000 to replace the police cruiser radios and portable radios. Any remaining funds will be closed out to the undesignated fund balance at the close of Fiscal Year 2021.

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

MOTION: I move to transfer from free cash the sum of \$4,000 for the purchase by the Fire Department of emergency equipment – ice/water rescue suits. Any remaining funds will be closed out to the undesignated fund balance at the close of Fiscal Year 2021.

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

MOTION: I move to transfer from free cash the sum of \$7,500 for the purchase by the Fire Department of emergency equipment – (2) 20” Dual Power Fans. Any remaining funds will be closed out to the undesignated fund balance at the close of Fiscal Year 2021.

BY-LAWS – OTHERS

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

MOTION: I move that the Town accept the provisions of Massachusetts General Laws, Chapter 59, Section 5, Clause 22H.

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

MOTION: I move that the Town take no action on this Article.

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

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

MOTION: I move that the Town vote to limit the total amount that may be expended from each revolving fund as set forth in Article 23.

ARTICLE 24. Zoning amendments

By request of the Planning Board.

MOTION: I move that the Town take no action on this Article.

**TOWN OF WEST NEWBURY
COMMONWEALTH OF MASSACHUSETTS
DRAFT MOTION – SPECIAL TOWN MEETING 2
SATURDAY, JUNE 27, 2020 @ 10am**

ARTICLE 1. 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. *By citizen petition.*

MOTION: I move to transfer from free cash the sum of \$_____ for the Board of Selectmen to hire and retain professional services, including but not limited to legal, engineering and environmental, to examine, advise and review the proposed 40B Project located at 566 Main Street and 28 Coffin Street.

DRAFT



Town of West Newbury, Annual Town Meeting

A Word from the Moderator

June 27, 2020, 10:00 am

Dear West Newbury Voters,

The Covid-19 pandemic has brought changes to our Annual and Special Town Meetings. The risk of infection is less in open spaces and, therefore, our meetings will be held in the bandstand area behind the Town Offices. Seating will be primarily in the playing fields south of the bandstand with some fully ADA accessible seating in the parking lot.

Arrival, Check-in and Seating

Please plan to arrive early to avoid delays in starting the meeting. All attendees are required to wear masks at all times, in accordance with Governor Baker's COVID-19 Order No. 31. There will be a special seating area for those who cannot wear masks due to medical reasons. There will be 3 check-in points. You may go to any check-in point regardless of your address. You will be given two voting cards, green for aye and red for nay.

Seating locations will be marked by posts spaced 16 ft. apart. Household members may sit together. All others must sit singly. Please bring water, a blanket, lawn chairs, hats, sun screen, insect repellent and any necessary medications. Once seated you must not move around unless you are going to the microphones to speak. There is sufficient space between the posts to allow you to maintain at least 6 ft. distance from other persons at all times. Microphones will be covered with disposable covers and disinfected between speakers.

Motions and Discussion

We will make every effort to expedite the meeting without adversely affecting the integrity of the proceedings. After an article is read, one member of the Finance Committee will present their recommendations and one of the Selectmen will make the motions. There will be no formal presentations or reports. Therefore, it is *imperative* to familiarize yourselves with the warrant articles and the line-item budget before the meeting. All of the articles and the line-item budget are in the Finance Committee booklet available on the town website (<https://wnewbury.org/finance-committee>) or in print at the Town Offices, West Newbury Food Mart, West Newbury Pizza, and Nick's Place. If you have questions about any article, please contact the Town Manager, a Selectman, and/or the article sponsor prior to the meeting. We will either answer your question or direct it to someone who can. At the meeting, please ask only absolutely necessary questions and always go through the Moderator. Speakers must limit their remarks to 2 minutes and may not return to the microphone until all others have had a chance to speak.

The line-item budget will be presented without reading each line in toto. The Moderator will read only the number of the line and pause for voters to place a hold. When all lines have been addressed we will return to those on which a hold has been placed. As usual, all budget lines without a hold will be considered passed with the amount recommended by the Finance Committee.

Sequence of events

We will begin the meeting with the Annual Town Meeting warrant and take up the line-item budget before recessing to take up the first Special Town Meeting. At the conclusion of the first Special Town Meeting we will return to the Annual Town Meeting. At the conclusion of the Annual Town Meeting we will take up the second Special Town Meeting, which includes the proposed citizen petition article regarding a proposed 40B development project. The warrant for the second Special Town Meeting is not included in the Finance Committee Handbook. It can be found at <https://www.wnewbury.org/Annual-Town-Meeting-2020>.

At the conclusion, voters will be dismissed in an orderly fashion by seating area. We will do this to avoid bottlenecks at the exits and to maintain social distancing during the egress. These procedures are being adopted to protect the health and safety of the attendees. They should not affect your right to participate freely and openly in the meeting, the legislative branch of the government of the Town of West Newbury. Should you feel that your participation is being adversely affected you should respectfully raise a point of order.

Signed,

KC Swallow, Town Moderator

WEST NEWBURY, MA 01985

POSTAL CUSTOMER

PRRST STD
U.S. POSTAGE
PAID
W. NEWBURY, MA
Permit No. 68

WEST NEWBURY, MA 01985

WEST NEWBURY TOWN MODERATOR



Pre-Town Meeting Online Informational Forum

This Tuesday, June 23rd at 6 PM

Opportunity to ask questions regarding proposed FY21 operating budget, capital expenditures, and all proposed Warrant Articles for the upcoming Annual and Special Town Meetings. Ask your questions of the Town Moderator, representatives of the Board of Selectmen and Finance Committee, Town Manager, and Town Clerk/Counsel! Meeting will be recorded and rebroadcast on local cable and Town YouTube channel.

Instructions to access online meeting below, and posted to the June 23rd calendar event on the Town of West Newbury online calendar at www.wnewbury.org

Zoom Meeting: <https://zoom.us/j/99865425805?pwd=TW5NakVYUzBFVXVKti9KOTdWTzIGUT09>

Meeting ID: 998 6542 5805

Password: 112293



GLENN A. CUNHA
INSPECTOR GENERAL

The Commonwealth of Massachusetts

Office of the Inspector General

JOHN W. McCORMACK
STATE OFFICE BUILDING
ONE ASHBURTON PLACE
ROOM 1311
BOSTON, MA 02108
TEL: (617) 727-9140
FAX: (617) 723-2334

June 3, 2020

Angus Jennings, Town Manager
Town of West Newbury
381 Main Street
West Newbury, MA 01985

Re: Selectman Kemper and Money Owed to Town

Dear Mr. Jennings:

The Massachusetts Office of the Inspector General (“OIG”) reviewed allegations that one of West Newbury’s selectmen, Glenn Kemper, owed the town thousands of dollars and that town employees had been unable to collect the money. The OIG found that Selectman Kemper accrued over \$29,440 in debt to the town for his health insurance premiums. Selectman Kemper accrued this debt over three and a half years; after the town removed Selectman Kemper from its health insurance, the debt remained unpaid for another two years. Furthermore, other selectmen knew of the debt but did not require Selectman Kemper to repay the town. After the OIG began its review, Selectman Kemper paid the town in full.

By neglecting to pay the town for his share of his insurance premiums, Selectman Kemper abused his elected position and violated his duties of care to the town. Furthermore, Selectmen Archibald and Anderson should have required Selectman Kemper to repay the town. In failing to do so, they failed in their duties to the town and its residents.

Background

The town of West Newbury offers health insurance to its employees, including paid elected officials. In March 2010, the town paid fifty percent of each employee’s health insurance premium. Each town employee was responsible for the other half. Then, as now, an employee’s portion was deducted from their paycheck or the employee was required to pay their share to the town each month. Town officials were also required to pay their share of the premium to the town every month.

On March 1, 2010, in response to a budget shortfall, the Board of Selectmen voted to reduce the annual stipends for elected town officials to one dollar. The Board reduced the stipend to one dollar – rather than eliminating the stipend altogether – so Board members would remain eligible for the town’s health insurance.¹

Selectman Kemper has served on the West Newbury Board of Selectmen for thirteen years: from August 2005 to May 2011 and from May 2012 to the present. Selectman Kemper served as Chair of the Board in fiscal years 2010, 2016 and 2019.

In May 2012, Selectman Kemper began participating in the town’s health insurance program. Selectman Kemper consistently paid his portion (50%) of the monthly health insurance premiums from May 2012 to May 2013. When Selectman Kemper did not pay for July and August 2013, the town treasurer sent an overdue notice to Selectman Kemper’s home on October 15, 2013. In response, Selectman Kemper paid \$913 dollars in November 2013, leaving a balance of \$3,059.

Selectman Kemper continued to pay the town sporadically and by the end of June 2014, he owed the town \$4,478. Despite the outstanding debt and additional overdue notices from the town treasurer, the town continued to provide Selectman Kemper with a family health insurance plan. The debt increased monthly until June 2015, when it reached a balance of \$15,863. Selectman Kemper then paid \$2,070, leaving a balance of \$13,793. In March 2016, Selectman Kemper paid another \$2,000 towards his outstanding debt, but continued to owe a significant balance (\$20,929) to the town.

In July 2016, the town’s contribution to employee health insurance premiums increased to sixty percent, with the employee’s contribution decreasing to forty percent.

On December 14, 2016, the town’s finance director, Michael Bertino, notified Selectman Kemper in writing that his insurance coverage would be cancelled on December 31, 2016 due to his outstanding balance. Selectman Kemper did not pay the town and Mr. Bertino cancelled his health insurance effective December 31, 2016. At the time, Selectman Kemper owed the town approximately \$29,440.²

In January 2017, Mr. Bertino resigned as the financial director and Andrew Gould became the interim finance director. When Mr. Gould began his tenure, Mr. Bertino told him about Selectman Kemper’s outstanding debt.³ In May 2017, Selectman Kemper paid another \$2,000 and

¹ Selectman Kemper voted to approve this reduction. He did not have health insurance through the town at the time.

² See Attachment A.

³ The town experienced a period of high turnover in the finance department between 2011 and 2018, resulting in the loss of some institutional knowledge. Warren Sproul served as the finance director from 2011 to 2015, Michael Bertino served from 2015 to December 2016, and Andrew Gould served as interim finance director from January 2017 to June 2018. In 2018, the town changed its form of government and created the town manager position. Angus Jennings, as the new town manager, assumed the duties of finance director on July 2, 2018.

inquired about getting back on the town's insurance plan. Mr. Gould told Selectman Kemper that he was ineligible due to his outstanding debt to the town.

According to Selectman Kemper, he never requested or drafted a payment plan so he could repay the town. When Mr. Gould tried to establish a repayment schedule, Selectman Kemper told Mr. Gould he needed to assess what a new health insurance policy would cost on a monthly basis and then he would propose a reasonable arrangement. Nevertheless, Selectman Kemper did not propose a plan or repay the town.

Mr. Gould also told the town's other selectmen, Joseph Anderson and David Archibald, about Selectman Kemper's debt, asking for guidance on how to implement a repayment agreement. Mr. Gould never heard back from either of them. As a result, no repayment agreement was established.

In annual audit management letters from 2015 through 2019, the town's independent auditor addressed Selectman Kemper's debt. The annual audit management letters are always addressed to the Board. Since 2018, the town manager has also received the letters. In their letter dated January 27, 2019, the auditors reported the following:

In two prior years we communicated to the town that the health insurance withholding balances did not reconcile properly and that a significant deficit also existed. This amounted to approximately \$10,000 at the end of 2016 and \$20,000 at the end of 2017. This situation was unchanged during fiscal year 2018. These deficits are, for the most part, the result of the nonpayment of health insurance obligations by an individual who was on the health insurance rolls through December 2016.

We urge the town to negotiate with this individual and make attempts to make the town whole. We also strongly recommend the town seek advice from outside special counsel. Many issues could evolve as a result of negotiations such as (1) has an unauthorized loan occurred, or (2) should any resolved negotiation be approved at town Meeting.

On Friday, April 5, 2019, after town officials learned of the OIG's investigation, Selectman Kemper met with the town manager Angus Jennings, and confirmed the exact amount he owed. The stated amount – \$27,440 – did not include any interest on the original balance. The next day, Selectman Kemper hand-delivered two treasurer's checks to the treasurer's office for the full amount he owed to the town.

Selectman Kemper had failed to pay his full share of the monthly premiums for more than five years. Selectman Kemper indicated to the OIG that the outstanding debt was not "that serious" as no one had made a "big deal" about it. He denied that the issue was important to the town, despite the auditors' reports and despite the fact that town employees had repeatedly tried to collect from him.

Finding 1: Selectman Kemper violated the duties of care that he owes to the residents of West Newbury as an elected official.

Selectman Kemper abused his position and failed to hold the public interest above his own. Upon taking office, Selectman Kemper swore an oath to “faithfully and impartially discharge and perform all the duties incumbent upon [a Selectmen]....”⁴ Included in those duties is a responsibility to the town and its citizens to faithfully and impartially administer town funds. Under Article V of the Massachusetts Declaration of Rights, moreover, all governmental officials in the Commonwealth, as agents of the people, should “work with an eye single to the interest” of the public.⁵

By his own admission, Selectman Kemper knew about his outstanding debt to the town and of the repeated efforts by various town officials to implement a repayment plan. Nevertheless, Selectman Kemper did not fully repay the town for five years. He did so only after town officials learned of the OIG’s investigation. In essence, Selectman Kemper gave himself an interest-free loan from the town – a benefit unavailable to any other town employee or resident.

Furthermore, Selectman Kemper continued to vote on financial decisions during public meetings, including salary increases and funding union contracts for town employees, while he owed the town more than \$29,000.

Finding 2: Other selectmen failed to establish a corrective action plan in a timely manner and therefore neglected their duties to the town and its employees.

Selectmen Archibald and Anderson also swore an oath to “faithfully and impartially discharge and perform all the duties incumbent upon [Selectmen]....”⁶ By the early summer of 2017, both selectmen knew about Selectman Kemper’s debt. Nevertheless, both failed to take action, such as to establish a repayment plan. It was the other selectmen’s responsibility to address the issue; instead, they left the responsibility to town employees whose positions and salaries were ultimately overseen by Selectman Kemper. That is, Selectman Kemper was in a position of power over the employees who were tasked with collecting money from him. The lack of leadership from the other selectmen put these employees – who were trying to protect the town – in an untenable position.

By failing to address Selectman Kemper’s debt, Selectmen Archibald and Anderson failed in their responsibilities to protect the public interest.

⁴ Town of West Newbury Oath of Office.

⁵ *IA Auto, Inc. v. Dir. of Office of Campaign & Political Fin.*, 480 Mass. 423, 445 (2018) (Budd, J. concurring) (internal quotation marks omitted) (citing *McKinley v. Williams*, 74 F. 94, 95 (8th Cir. 1896)).

⁶ Town of West Newbury’s Oath of Office.

Conclusion

The OIG's investigation revealed that by virtue of his position, Selectman Kemper avoided paying for health insurance premiums that all other participating town employees had to pay, in essence giving himself an interest-free loan from the town. Further, the other members of the Board of Selectmen tasked town employees with collecting the debt, rather than implementing a plan themselves. In doing so, the other selectmen did not consider the imbalanced power dynamic between these employees and Selectman Kemper, and they failed in their responsibilities to town employees and the town.

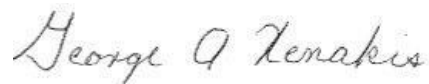
Recommendations

The OIG recommends the town revise its policies and procedures to include clear and precise parameters for participation in the town's health insurance program, including policies pertaining to eligibility, payment, and consequences for non-payment. Moreover, the town must then enforce those policies.

Further, the OIG recommends that the Board of Selectmen attend a training on fiduciary duties and the responsibilities of public boards. For instance, the OIG provides a free, online training for members of boards and commissions.

Thank you for your attention to this matter. The OIG appreciates the cooperation of the town of West Newbury, its employees and residents. If the town needs any assistance in pursuing these recommendations, fraud prevention programs or other internal control measures, please do not hesitate to contact us.

Sincerely,



George A. Xenakis
Director
Audit, Oversight and Investigations

cc: David W. Archibald, Chairman of the Board of Selectmen
Glenn A. Kemper, Selectman
Richard Parker, Selectman

Payment due	Amt. Due	Payment Made	Outstanding Balance
07/01/2012	\$ 913.04	\$ 913.04	\$ -
08/01/2012	\$ 913.04	\$ 913.04	\$ -
09/01/2012	\$ 913.04	\$ 913.04	\$ -
10/01/2012	\$ 913.04	\$ 913.04	\$ -
11/01/2012	\$ 913.04	\$ 913.04	\$ -
12/01/2012	\$ 913.04	\$ 913.04	\$ -
01/01/2013	\$ 913.04	\$ 913.04	\$ -
02/01/2013	\$ 913.04	\$ 913.04	\$ -
03/01/2013	\$ 913.04	\$ 913.04	\$ -
04/01/2013	\$ 913.04	\$ 913.04	\$ -
05/01/2013	\$ 913.04	\$ 913.04	\$ -
06/01/2013	\$ 913.04		\$ 913.04
07/01/2013	\$ 977.10		\$ 1,890.14
08/01/2013	\$ 977.10	\$ 1,826.88	\$ 1,040.36
09/01/2013	\$ 977.10		\$ 2,017.46
10/01/2013	\$ 977.10		\$ 2,994.56
11/01/2013	\$ 977.10	\$ 913.04	\$ 3,058.62
12/01/2013	\$ 977.10		\$ 4,035.72
01/01/2014	\$ 977.10	\$ 3,652.16	\$ 1,360.66
02/01/2014	\$ 977.10		\$ 2,337.76
03/01/2014	\$ 977.10		\$ 3,314.86
04/01/2014	\$ 977.10		\$ 4,291.96
05/01/2014	\$ 977.10	\$ 913.04	\$ 4,356.02
06/01/2014	\$ 1,035.04	\$ 913.04	\$ 4,478.02
07/01/2014	\$ 1,035.04		\$ 5,513.06
08/01/2014	\$ 1,035.04		\$ 6,548.10
09/01/2014	\$ 1,035.04		\$ 7,583.14
10/01/2014	\$ 1,035.04		\$ 8,618.18
11/01/2014	\$ 1,035.04		\$ 9,653.22
12/01/2014	\$ 1,035.04		\$ 10,688.26
01/01/2015	\$ 1,035.04		\$ 11,723.30
02/01/2015	\$ 1,035.04		\$ 12,758.34
03/01/2015	\$ 1,035.04		\$ 13,793.38
04/01/2015	\$ 1,035.04		\$ 14,828.42
05/01/2015	\$ 1,035.04		\$ 15,863.46
06/02/2015		\$ 2,070.08	\$ 13,793.38
06/01/2015	\$ 913.61		\$ 14,706.99
07/01/2015	\$ 913.61		\$ 15,620.60
08/01/2015	\$ 913.61		\$ 16,534.21
09/01/2015	\$ 913.61		\$ 17,447.82
10/01/2015	\$ 913.61		\$ 18,361.43
11/01/2015	\$ 913.61		\$ 19,275.04
12/01/2015	\$ 913.61		\$ 20,188.65
01/01/2016	\$ 913.61		\$ 21,102.26

Payment due	Amt. Due	Payment Made	Outstanding Balance
02/01/2016	\$ 913.61		\$ 22,015.87
03/01/2016	\$ 913.61		\$ 22,929.48
03/07/2016		\$ 2,000.00	\$ 20,929.48
04/01/2016	\$ 913.61		\$ 21,843.09
05/01/2016	\$ 913.61		\$ 22,756.70
06/01/2016	\$ 954.72		\$ 23,711.42
07/01/2016	\$ 954.72		\$ 24,666.14
08/01/2016	\$ 954.72		\$ 25,620.86
09/01/2016	\$ 954.72		\$ 26,575.58
10/01/2016	\$ 954.72		\$ 27,530.30
11/01/2016	\$ 954.72		\$ 28,485.02
12/01/2016	\$ 954.72		\$ 29,439.74
05/23/2017		\$ 2,000.00	\$ 27,439.74
04/05/2019		\$ 13,646.36	\$ 13,793.38
04/05/2019		\$ 13,793.30	\$ 0.08

Last Name	First Name	Department	Current Term Expiration (fiscal year)	Requested Reappointment	Date of Board Vote
Board of Fire Engineers					
Evans	Dave	Board of Fire Engineers	4/30/2021		4/28/2020
Dwyer	Michael	Board of Fire Engineers, Chief Engineer	4/30/2021		4/28/2020
Jennell	Benjamin	Board of Fire Engineers	4/30/2021		4/28/2020
Finance Committee					
(6) Members/three year terms					
Roberts	Gary	Finance Committee, Chair	2022		
Kelly	Nathan	Finance Committee	2022		
Beaudoin	Brad	Finance Committee	2020	requested no FY21 reappointment requested no FY21 reappointment	
Durey	Forbes C.	Finance Committee	2020		
Knezek	Jessica	Finance Committee	2021		
Sperelakis	James	Finance Committee	2021		
Registrars of Voters					
Three members/Three Year Terms					
Duchemin	Margaret	Registrars of Voters	2021		
Veator	Rosamond B.	Registrars of Voters	2022		
Grant	Cheryl	Registrars of Voters	2020	6/15/2023	
McCarron	Michael P.	Registrars of Voters (ex officio)	2020	6/15/2021	
ZBA					
(5) Members - Five Year Terms; Two Associate Members - One Year Term					
Gregg	Judith	Zoning Board of Appeals	2024		
Higgins	Patrick	Zoning Board of Appeals	2020	6/15/2025 requested no FY21 reappointment	
Bachrach	William	Zoning Board of Appeals	2020		
Kelly	Paul O.	Zoning Board of Appeals	2021		

Last Name	First Name	Department	Current Term Expiration (fiscal year)	Requested Reappointment	Date of Board Vote
Davies	Richard	Zoning Board of Appeals	2022		
Lucey	Dennis	Zoning Board of Appeals (Alternate)	2020	6/15/2021	
Harbor Committee					
Three Members, 3 year terms					
Goodwin	Thomas	Harbor Committee/Asst Harbormaster	2022		
Hartford	Terence	Harbor Committee	2022		
Dore	Brad	Harbor Committee	2021		
Boyd	Steve	Harbor Committee, Alternate	2020	6/15/2021	
Richard	Brian	Harbor Committee, Alternate	2020	6/15/2021	
Council on Aging					
Eleven Members: six of whom shall be over 60 years of age/(3) year terms					
Peterson	Marjorie	Council on Aging, Chair	2022		
Publicover	Joseph	Council on Aging, Vice Chair	2022		
Preble	Richard F.	Council on Aging	2022		
Babb	Susan	Council on Aging	2022		
Allen	George T.	Council on Aging	2020	requested no FY21 reappointment requested no FY21 reappointment	
Bartlett	Elizabeth	Council on Aging	2020		
Warne	Barbara	Council on Aging, Secretary	2020		6/15/2023
DiNaro	Gail	Council on Aging	2021		
Johnston	Jacqueline	Council on Aging	2021		
Cavanaugh	M. Dorothy	Council on Aging, Treasurer	2021		
Woodbury	Theresa	Director of the Senior Center/COA	2020	6/15/2021	
Historical Commission					
Five Members/Three year terms					
Janes	Robert	Historical Commission - Chairman	2022		
Conway	Jennifer	Historical Commission	2020	6/15/2023	

Last Name	First Name	Department	Current Term Expiration (fiscal year)	Requested Reappointment	Date of Board Vote
Knezek	S. Paul	Historical Commission	2020	requested no FY21 reappointment	
Grammer	Elisa	Historical Commission	2021		
Cavanaugh	M. Dorothy	Historical Commission	2021		
Historic District Commission					
Five Members with three year terms/Two Alternates with three year terms					
Clewley	Jeffrey	Historic District Commission	2022		
Alden	Jack	Historic District Commission	2022		
Adolphson	Judy	Historic District Commission	2022		
Dunlap	Margaret I.	Historic District Commission	2021		
Cavanaugh	Dorothy	Historic District Commission	2021		
Personnel Advisory Committee					
Personnel Bylaw: "The Personnel Advisory Committee shall be composed of such a number of members for such periods of time as the Board of Selectmen shall so determine."					
Mizner	Judith H.	Personnel Advisory Committee	2020	6/15/2021	
Goodwin	Ryan	Personnel Advisory Committee	2020	6/15/2021	
Conrad	Catherine	Personnel Advisory Committee	2020	6/15/2021	
Conservation Commission					
Five Members/3 Yr Terms - Appointed by Town Manager, confirmed by Selectmen					
Reed	Wendy	Conservation Commission	2022		
Mizner	Judy	Conservation Commission	2022		
Hawkins	Margaret	Conservation Commission	2020	6/15/2023	
Fusco	N. Dawne	Conservation Commission, Chair	2021		
Atwood	Thomas M.	Conservation Commission	2021		
Mill Pond Committee					
(7) Voting Members/three year terms; (5) or more Associate Members/one year terms					
Goodwin	Ryan	Mill Pond Committee, Chairman	2022		

Last Name	First Name	Department	Current Term Expiration (fiscal year)	Requested Reappointment	Date of Board Vote
Hamilton	Deborah R.	Mill Pond Committee, Secretary	2022		
Corning	Zip	Mill Pond Committee	2022		
Shwom	Matthew	Mill Pond Committee	2022		
Pendergast	Robin	Mill Pond Committee	2022		
Welch	Michael	Mill Pond Committee	2020	6/15/2023	
Delaney	Paul	Mill Pond Committee	2020	6/15/2023	
McDowell	Polly	Mill Pond Committee, Associate	2020	6/15/2021	
Capital Improvements Committee					
Members from BOS, Finance Committee (1) year terms and (5) at-large members (3) year rotating term.					
Preble	Richard	Capital Improvements Committee	2020	requested no FY21 reappointment	
Parker	Richard	Capital Improvements Committee, BoS Rep	2020	6/15/2021	
		Capital Improvements Committee, FinCom Rep			
Kelly	Nathan	Rep	2020	6/15/2023	
Mizner	Judith	Capital Improvements Committee	2021		
Boria	Julie	Capital Improvements Committee	2022		
McDowell	Polly	Capital Improvements Committee	2022		
Cultural Council					
Six year term only (Limited to two three year terms)					
Part I, Title II, Chapter 10, Section 58: At least (5) but not more than (22) Members					
Cosentino	Jocelyne	Cultural Council 2016-2019	2022		
DeWitt	Catherine	Cultural Council 2017-2020	2020	6/15/2023	
Karp	Heather	Cultural Council 2017-2020	2020	6/15/2023	
				requested no FY21 reappointment	
Felzani	Marie	Cultural Council 2017-2020	2020		
Young	Linda	Cultural Council 2017-2020	2020	6/15/2023	
Pullman	Margo	Cultural Council 2018-2021	2021		
Dougherty	Susan	Cultural Council 2018-2021	2021		

Last Name	First Name	Department	Current Term Expiration (fiscal year)	Requested Reappointment	Date of Board Vote
Cavanaugh	M. Dorothy	Cultural Council 2018-2021	2021		
Friend	Amy	Cultural Council 2019-2022	2022		
Dion	S. Helena	Cultural Council 2019-2022	2022		
Tedeschi	Alyson	Cultural Council 2019-2022	2022		
Open Space Committee					
(7) Voting Members/Three Year Terms; (2) Associate Members/One Year Terms					
Reeser	Patricia	Open Space Committee	2022		
Bourquard	A. Don	Open Space Committee	2022		
Dodge	John	Open Space Committee	2022		
Switzer	Marlene	Open Space Committee	2020	6/15/2021 requested no FY21 reappointment	
Buschur	Brad	Open Space Committee	2020		
Lambert	Jean T.	Open Space Committee	2021		
Azenaro	Jessica	Open Space Committee	2021		
Reed	Wendy	Open Space Committee	2020	6/15/2021	
Decker	Carol	Open Space Committee	2020	6/15/2021	
Community Preservation Committee					
Appointed three-year terms from Boards/Committees - Selectmen one year term					
Pruyn	Sherry	At-Large, Vice Chairman	2022		
Parker	Richard	Selectmen's Rep	2020	6/15/2021	
Bachrach	William	Parks & Recreation Rep	2020		
Janes	Robert P.	Historical Comm Rep	2020		
Mizner	Judy	Conservation Commission Rep	2020		
Cook	Raymond	Planning Board Rep	2021		
Bill	Gary	Housing Authority Rep, Secretary	2022		
Jennings	Angus	CPC (ex officio, per Town Bylaw)	2021		
Energy Advisory Committee					
One year terms					

Last Name	First Name	Department	Current Term Expiration (fiscal year)	Requested Reappointment	Date of Board Vote
Callahan	Elizabeth	Energy Advisory Committee, Chairman	2020	6/15/2021	
Grammer	Elisa	Energy Advisory Committee	2020	6/15/2021	
Wallace	Arthur	Energy Advisory Committee	2020	6/15/2021	
Parker	Richard	Energy Advisory Committee	2020	6/15/2021	
Robinson	Phillips	Energy Advisory Committee	2020	6/15/2021	
Hatch	Elizabeth	Energy Advisory Committee	2020	requested no FY21 reappointment	
Cable Advisory Committee					
Kemper	Glenn	Cable Advisory Committee, Chairman	2020	6/15/2021	
Bowe	Kevin	Cable Advisory Committee	2020	6/15/2021	
Investment Policy Committee					
Three Year Terms					
Madden	Lark	Investment Policy Committee, Chairman	2022		
Trim	Jean	Investment Policy Committee	2022		
Archibald	David	Selectmen's Rep	2022		
Knezek	Jessica	Finance Committee Rep	2020	requested no FY21 reappointment	
Wilde	Christopher	Investment Policy Committee	2020	6/15/2023	
Yeames	Susan	Treasurer, Investment Policy Comm	2020	6/15/2021	
Carr Post Building Committee					
Term: One Year; Number of Members: 5					
Janes	Robert	Carr Post Bldg Committee, Chairman	2020	6/15/2021	
Switzer	Marlene	Carr Post Bldg Committee	2020	6/15/2021	
Atwater, Jr.	Richard	Carr Post Bldg Committee	2020	6/15/2021	
Ringebach	Peter	Carr Post Bldg Committee	2020	6/15/2021	
River Access Committee					

Last Name	First Name	Department	Current Term Expiration (fiscal year)	Requested Reappointment	Date of Board Vote
One year terms					
Phillips, Jr.	Robert	River Access Committee, Chairman	2020	} Requested BOS discussion re Committee Charge	
Grammer	Elisa	River Access Committee	2020		
LaCroix	Barry	River Access Committee	2020	6/15/2021	
WN Rep to the Board of Directors of the Eastern District - Veterans' Affairs					
Janes	Robert P.	WN Rep to the Board of Directors of the Eastern District - Veterans' Affairs	2020	6/15/2021	
Bandstand Coordinator					
Young	Brian	Bandstand Coordinator	2020	6/15/2021	
Tree Committee					
Up to Five (5) members; Three year terms					
Chanania	Fred	Tree Committee	2022		
Hawkins	Margaret	Tree Committee	2022		
Mandeville	Kathy	Tree Committee	2022		
Martin	Jane	Tree Committee	2022		
Woods	Claudia	Tree Committee	2022		
Pomerantz	Francesca	Tree Committee	2022		
Haack	Barbara	Tree Committee, Associate member	2022		
Veteran's Grave Officer, Bridge St., Rural & Merrimack Cemeteries					
Janes	Robert	Veteran's Grave Officer, Bridge St., Rural & Merrimack Cemeteries	2020	6/15/2021	

Town Manager

From: [REDACTED]
Sent: Friday, April 24, 2020 10:05 AM
To: Town Manager
Cc: Residents Admin
Subject: River Access Committee

To the Board of Selectmen:

The River Access Committee was formed a few years back by the Board of Selectmen. At that time, the State of Massachusetts was pushing a project at Ferry Landing. The Open Space Committee Chair was championing the State's proposal. Things got contentious and, as I recall, the Open Space Committee asked the Selectmen to take Ferry Landing off their plate. That request made great sense since there were many moving parts, many stakeholders and some higher degree of complexity to the land surrounding Ferry Park and Ferry Landing.

Now here we are, several years along, under different circumstances and with a Town Manager in place.

There are several things that the Town can keep working on as it relates to River Access. There are several Boards, Committees, Organizations and individuals who have an interest, have a stake and who can be of great help in increasing and improving our enjoyment of the River. Open Space, Garden Club, Fire & Rescue, Parks & Recreation and Harbor Committee are some that come easily to mind. Along with the State, there is a regional interest in improving our enjoyment of the Merrimack River.

I'm not so sure the typical and usual committee approach will work best going forward. I have been of the opinion that our Town has too many lesser Committees, they are too insular in scope and don't coordinate effectively to the rest of Town government. I see a need for the Town Manager, working within his authority and with the blessing of the Select Board, setting the agenda and then pulling in those needed to move things forward with a more fluid and operational approach than has been typical.

But, in any regards, I need to ask: what is the portfolio of the River Access Committee, as you see it? How do you want us to proceed? I prefer to not assume that the status quo should remain in place.

Thanks very much,
Rob

[REDACTED]



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: July 20, 2019
RE: Personnel Advisory Committee

The next meeting of the PAC is August 1 at 7:30 PM. Per the Personnel Bylaw, “the Personnel Advisory Committee shall conduct such research and carry out such instructions as the Board of Selectmen shall direct including, but not limited to, review of compensation for employees, benefits, methods of selection of personnel, performance appraisal, and personnel procedures.”

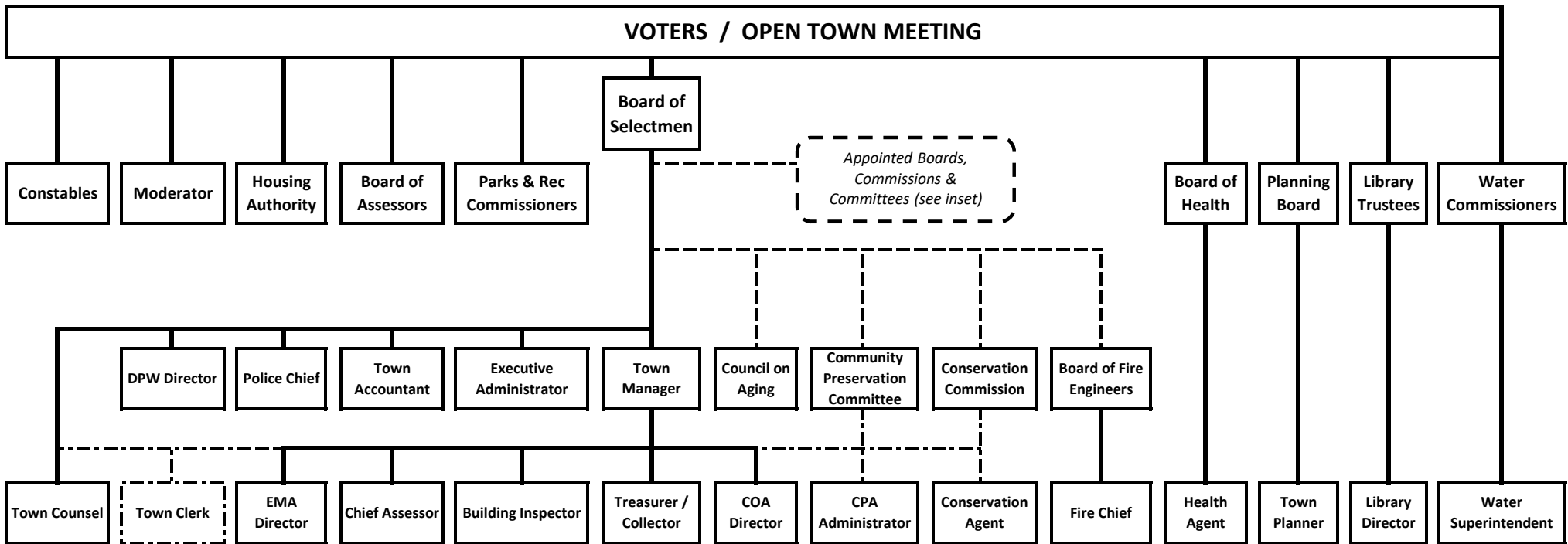
To reflect the change to a new form of government, and my responsibilities under the Town Manager legislation at Sec. 8(e) to “oversee the town’s personnel system and staff in accordance with town by-laws and shall oversee personnel evaluation policies and practices, employee benefit programs, enforcement of labor contracts, labor relations, collective bargaining, state and federal equal opportunities law compliance in the town and such other human resource obligations as designated by the board of selectmen,” and in compliance with the FY18 Audit Management Letter recommendations, I anticipate recommending changes to local bylaws and policies to clarify and to more fully integrate the new form of government into the Town’s policy structure.

Because the scope of the Committee’s work is defined by the Board of Selectmen, I respectfully request that the Board forward the following questions to the PAC for review and consideration:

1. Continue PAC initiative, initiated in February 2019, related to employee job descriptions.
2. Review of Salary Compensation By-Law, including recommending changes if appropriate.
3. Review of Personnel Bylaw and Personnel Policies, including recommending changes if appropriate including but not limited to:
 - a. Definition of full-time employee as working 40 hours/week; vacation and sick accruals and use; holidays and holiday compensation; office hours; Board/Commission/Committee support; performance reviews; draft Payroll Change Form.
 - b. Standardizing process for advertising jobs, hiring, on-boarding, and amendment and approval of employee job descriptions, including implementing uniform practices for all appointing authorities of non-union personnel.
4. Review of proposed changes to job functions related to human resources, personnel and benefits administration, as may be recommended by the Town Manager.
5. Review potential change to timing for processing payroll, as may be recommended by the Town Manager and Town Accountant.

The topics above have all been considered at one or more previous meetings of the PAC, and are expected to be continuing areas for review. The Board’s endorsement of this scope of review will provide direction to the PAC to continue its review and bring forward eventual recommendations.

Town of West Newbury Organizational Chart



LEGEND

- Appointing Authority (staff) —————
- Appointing Authority (B/C/C) - - - - -
- Hybrid · - - - - -

Boards, Commissions & Committees appointed by Board of Selectmen

- Bicentennial Committee
- Capital Improvements Committee
- Carr Post Committee
- Energy Advisory Committee
- Finance Committee
- Harbor Committee
- Historic District Commission
- Historical Commission
- Insurance Advisory Committee
- Investment Policy Committee
- Mill Pond Committee
- Open Space Committee
- Personnel Committee
- River Access Committee
- Zoning Board of Appeals

Source: Angus Jennings, Town Manager. WORKING DRAFT of 2/19/19.

Town Manager

From: Rick Parker
Sent: Tuesday, June 2, 2020 10:40 AM
To: Town Manager; David Archibald; Glenn Kemper
Cc: Town Accountant; Finance Admin; Michael McCarron
Subject: RE: One Twelfth Budget - and update on overall workplan

Angus,

The compilation of tasks you've put together makes my head spin, particularly considering the time sensitive nature of virtually every item. The list alone is cause for concern when matched up with the people and hours to accomplish the tasks and it's amplified by our near complete lack of redundancy within the town government structure. If one key person were to become unavailable at this point we would be sunk. I take your point on the town's thin human resources and **would like to discuss at our next BoS meeting**. I understand the reluctance to add costs by adding staff, but am concerned that we're set up to fail at our basic mission.

Thx - rick

From: Town Manager <townmanager@wnewbury.org>
Sent: Friday, May 29, 2020 3:29 PM
To: David Archibald <darchibald@wnewbury.org>; Glenn Kemper <gkemper@wnewbury.org>; Rick Parker <rparker@wnewbury.org>
Cc: Town Accountant <townaccountant@wnewbury.org>; Finance Admin <finance.admin@wnewbury.org>; Michael McCarron <mmccarron@wnewbury.org>
Subject: One Twelfth Budget - and update on overall workplan

Board,

You may be interested to review the attached materials which were the subject of a webinar I attended earlier today with other small town managers/administrators.

My office will be working on a proposal for Board consideration ideally on June 8th, though other work needed in the same timeframe is substantial, including (but by no means limited to):

1. finalizing (by Tuesday) the Preliminary Official Statement for the reissue of BANs which mature July 17th (status: 90%+ complete);
2. finalizing (by/on next Friday June 5) certification due to MassDOR to preserve West Newbury's ability to seek future Fed funding from CARES Act;
3. finalizing 3 items for the FinCom booklet (revenue table, capital report, cover letter incl. FY21 tax rate estimate which requires completion of the FY21 tax rate recap model) (status: at least 20 hours have gone toward this between me and Stephanie, with probably at least this number of hours remaining to get these items done. This has been made more complicated by the fact that I have recently revised downward the projections of FY21 non-tax revenue, based on the latest available info re COVID-19 impacts);
4. reviewing and assembling the 50+ 40B comment letters since the most recent distribution to the Board 2 weeks ago; and preparing a draft of BOS comments to MassHousing re the 40B, taking into account comments received and anticipated incl. from PB, ConCom, Open Space, Fire Chief, DPW, Water;
5. coordinate and participate in call w MassHousing re Coffin Street;
6. finalize proposed new 40B regulations, which the ZBA will refer to public hearing at its meeting on Tuesday afternoon (status: draft nearly complete, subject to further edits that will result from Tuesday's mtg; the draft will go out to ZBA w their mtg packet later today);
7. work w Moderator, Clerk/Counsel, DPW, public safety, Health re logistics for Town Meeting(s);

8. prepare new STM Warrant assuming 200+ signatures from this week's citizen petition are certified (Dianne is working on this now and this will likely be certified today);
9. update a draft phased re-opening plan and re-circulate updated draft to staff/depts for review/comment;
10. work w Health and Parks & Rec on reviewing/revising Town policy re parks/ballfields (group mtg Monday);
11. send proposed contract extension to Police Union and schedule remote mtg to review;
12. recalculate Town and employee health insurance premiums for July (payable in June) to account for unexpected discount communicated from MIIA earlier this week which will reduce Town's (and employees') health insurance costs for the month due to a one-time benefit voted by the MIIA Board, and communicate the reduced June withholdings to affected employees (Treasurer is leading this work under my oversight);
13. award contract to appraiser to get work started on Dole Place (90% done);
14. record a voiceover from the Coffin Street site walk to allow that video to be posted to local cable and website (~30 min);
15. continued work on 54 Board/Committee reappointments for FY21, all due to expire June 15th (Annie is doing most of this work, and at the 6/8 BOS mtg I'm going to request that the Board extend all current year appointments through June 30th to give us an extra couple of weeks to formalize all the appointments);
16. resolve details (incl. working w P&R Chair and affected staff) of compensation for summer rec program coordinators;
17. finalize exempt/non-exempt determination and send this to BOH (85% done, will go out later today).

Other items that are important, and time sensitive, are below. There is no way that these will get done in the next week but they're part of the background work ongoing:

1. Preparing BOS and Town Manager sections for inclusion in FY19 Town report (this has been on my work list since late 2019 and continually gets pushed);
2. Working w Auditor to finalize FY19 Audit (incl. Management Letter) for presentation to BOS prior to Town Meeting;
3. Continue to work w Finance Dept to reconcile FY20 payroll accruals, and configure Harpers' payroll software to automatically post accruals beginning July 1. (This work, which has taken many hours and will take many more, is directly responsive to an Auditor recommendation, and is a major shortfall in the Finance Department's operations that extends back at least 8-10 years);
4. Continue to work w Finance Dept to resolve backlog of postings not completed (or completed incorrectly) prior to the transition to a new Town Accountant;
5. On the basis of YTD expenses, propose line item transfers for FinCom and BOS approval as needed.

Hopefully this list – which covers the next 10 days or so and does not include many fiscal year-end tasks that the Finance Dept (incl. me in my role as Finance Director) needs to get done in the second half of June – helps explain why I have been “raising the caution flag” about organizational bandwidth to continue to manage the “baseline” work, without even taking into account the work to continue to advance the Town's policy agenda. Needless to say, my office also handles any number of daily correspondences and questions on a wide range of topics, incl. those above, but also ranging toward, for example, putting a former resident in touch with the right contact to arrange a burial at the Rural Cemetery (yesterday, required 3 calls and an email), facilitating the signing and recording of 2 ANR plans recently approved by the Planning Board, the timing of which had become a “critical path” issue to keep the school construction timing on track; assisting a resident with legitimate concerns about a Comcast work project that affects his and Town property and turns out not to have pulled the required permits, etc.

In your review of the attached materials it may interest you to know that the source town – Hadley – with population 5,346, shows the following finance/admin personnel in their org structure:

- Town Administrator
- Assistant Procurement Officer/Licensing Coordinator
- Town Clerk
- Asst Town Clerk
- Town Accountant

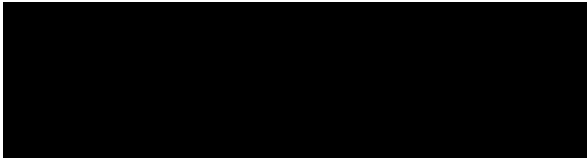
- Asst Town Accountant
- Human Resources Director
- Collector
- Asst Collector
- Treasurer
- Asst Treasurer / Payroll & Benefits Coordinator

I checked the list of names above and, while I'm sure some of these positions are part-time, they are all separate people (i.e. not the same person with multiple titles). It continues to be obvious to me, as it has been since early in my tenure, that we are woefully under-resourced, relative to actual need and with reference to other towns' staffing structures in finance & administration... but that is a problem for another day.

As I write this, it is looking impossible that all of the required pre-Town Meeting and other time sensitive BOS actions will be ready for the June 8th meeting. **If that proves true, I will recommend that the BOS schedule an extra mtg on Monday, June 15th.**

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



Good Morning,
Thank you for registering for the STAM meeting today. Please find attached presenter David Nixon's Powerpoint presentation, his 1/12th Budget document and accompanying Excel file.

A video of the webinar will be posted on mma.org by early next week.

Thank you,

Denise Baker
Senior Member Services Coordinator



1 Winthrop Square
Boston, MA 02110
617-775-5963
www.mma.org



Town of West Newbury

381 Main Street

West Newbury, Massachusetts 01985

Angus Jennings, Town Manager

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

townmanager@wnewbury.org

TO: Board of Selectmen
FROM: Angus Jennings, Town Manager
DATE: September 27, 2018
RE: Status update, 90-days in office: Goals, “baseline” responsibilities and policy priorities

Prior to my tenure, we met to discuss 90-day and 6-month goals and priorities. At our meeting in June, the Board provided its goals and priorities, I provided mine, and we talked them over.

In early July, Department Heads were invited to submit their departments’ FY19 goals and, later in the summer, Board of Selectmen members were invited to each provide me a list of their priorities. I have also been meeting with staff, Boards, Committees and Commissions to get a better understanding of their baseline responsibilities, ongoing initiatives, and policy goals and priorities.

And, since beginning my work here, I have re-assessed and updated my own punchlist of goals and priorities, based on my own prior experience applied to my observations here in West Newbury.

In light of all of the above, when the Board discussed the potential establishment of goals and priorities at its August 6th meeting, I respectfully requested that this item be tabled until the October 1 meeting, to allow me time to process what I’m learning and report back to the Board. It was already quite obvious to me that the cumulative weight of all of the goals and priorities already articulated would far outstrip staff capacity to deliver on these commitments – all at the same time, anyway. After all, the distance between making a commitment to progress – and actually making that progress – can often be measured in the dozens or hundreds of personnel-hours.

On Monday evening, I’ll present a status update on progress toward the Board’s 90-day goals (enclosed), all of which are complete or have been substantially advanced. I will also provide updates on the 6-month goals that the Board provided me in June – all of which are also underway.

I had hoped to have a written presentation for inclusion in this packet, but the demands of each day have not left time available to prepare a comprehensive presentation; this will therefore remain in draft form, for completion and presentation at another time.

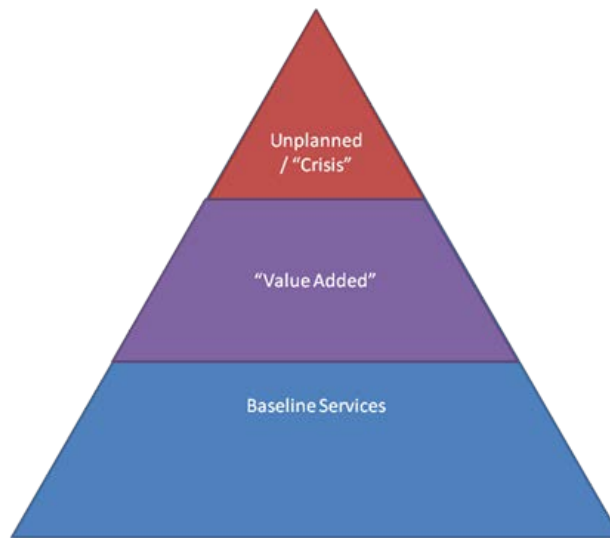
However, in preparation for Monday night, I would like to share the following observations, and outline of my management philosophy as applied to the setting of goals and priorities.

Three Categories of Municipal Work

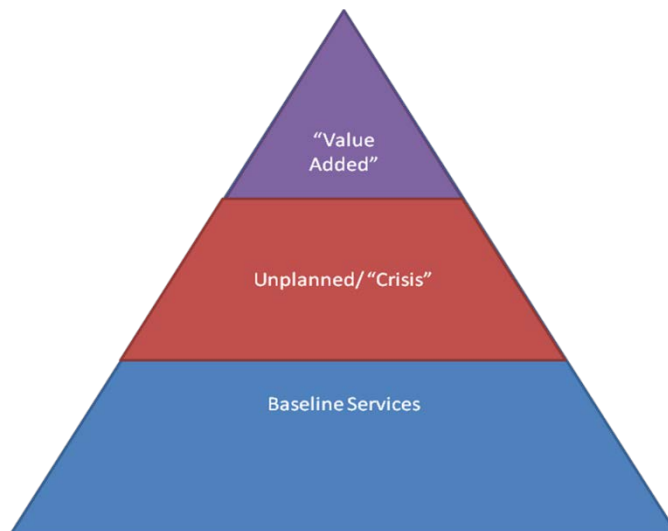
Over the course of my municipal career I’ve come to think of the services towns provide in three categories, illustrated as follows:

- ◇ Baseline services include functions that are mandated by local, State or Federal statute, regulation or administrative agency.
- ◇ “Value added” services include, for example, proactive planning and zoning efforts, grant applications, and non-mandated services that are nonetheless provided on a regular basis.
- ◇ Unplanned services represent issues that are not part of a specific work plan but, when they arise, must be addressed. In some departments more than others, this category can represent “crises” in a true sense of the word. “Crises” can also result from a lack of advance planning.

The pyramid below is intended to illustrate relative time impact (in personnel hours) of the various types of services (i.e. on a week to week basis, Baseline Services occupy the greatest share of staff time, etc.):



As a practical matter, when Unplanned/Crisis situations arise, these have the effect – for whatever the duration of the event – of displacing time toward Value Added services, while in every circumstance the Baseline Services must continue to be provided. So, during periods where Unplanned/Crisis work arises, the pyramid looks more like this:



For this reason, it is important to re-evaluate work plan and priorities on a regular basis in order to make adjustments to the timing of Value Added services if and as needed to accommodate Unplanned/Crisis work while also maintaining Baseline Services.

As we discussed during the Town Manager interview process last winter, it is my opinion that true prioritization requires a statement of both what is to be done, and of what will not be done (either at all, or on a particular timeframe, i.e. extending the time horizon for certain Value Added services that may be important, but that – in light of overall work planning – are not near-term priorities).

As we also discussed during the interview process, it is my opinion that government is notoriously bad at leveling with the public (and, sometimes, itself) regarding what will not be achieved within a defined period of time. In my experience this has two inevitable and unfortunate consequences: the first is that the public can become frustrated by statements of what will be achieved, but a failure to achieve the goals on the established timeline; and, because the system of government is trying to achieve more than it has the capacity to achieve, the quality of work suffers because tasks are done with an emphasis on speed rather than diligent attention, and balls can be dropped because the system is over capacity. Personnel fatigue and burnout can result.

As I have advanced in my municipal career, I have made a commitment to myself that I would not proceed in this manner, but rather would work with elected leadership based on clear information regarding priorities, capacity/bandwidth, and the time it takes to accomplish particular tasks, in order to establish meaningful priorities that can actually inform the work planning for municipal personnel and private sector and institutional partners (i.e. vendors, Pentucket, MVPC, etc.).

While it is not easy to state on the public record that certain public goals – which are understood to be important – will not get done (on a certain timeframe), it is imperative to do so. If the municipal government is unable (or unwilling) to establish and maintain priorities, every new commitment of resources (whether mandated, “value added” or “crisis”) simply competes against those commitments already underway, and can threaten the system’s ability to meet the commitments it has already made. Over time, in addition to doing actual harm (i.e. balls dropped), this can affect municipal government’s credibility, and can undermine public confidence.

Although it can be difficult to find time to “step back” from the day-to-day to do so, this exercise of prioritization is essential in order to advance from “priorities” to meaningful **priorities**. In so doing, we will need to identify important work items that can be deferred. However, we will also agree to work items that are of greater importance in FY19 and, in so doing, we can actually deliver on the commitments we make (and that have already been made). This exercise will also be critical to my ability to effectively manage personnel resources so that each of our municipal departments can actually “plan their work and work their plan.”

It should be obvious that I do not expect to complete, nor even substantially advance, this process on Monday night; to do so will require a much more thorough accounting of commitments already made – including our expanding “baseline” responsibilities, notably new stormwater management and OSHA compliance requirements that will take significant staff time this fiscal year.

However, I do hope that Monday will help to set a baseline for a continuing process ahead.

Town Manager

From: Town Manager
Sent: Tuesday, November 13, 2018 3:48 PM
To: Glenn Kemper; David Archibald; Joe Anderson
Subject: Town Manager projects list
Attachments: Project Management matrix as of 11-13-18.pdf

Board,

Please find attached a working draft matrix of projects either complete, underway, or identified but not yet begun (either at all, or in a serious way). This is referenced in the memo for item K.g. tonight (“Overall project management framework”). I do not intend to present this information tonight, and do not expect you will have time to review prior to the meeting, but wanted to share the draft that I’m working from in terms of tracking active and pending requests. I’ll be happy to answer any questions on this document generally or regarding specific projects.

I have formatted this to only print the projects with limited add’l info. For some projects I have built out add’l info which identifies both the timing of projects (based on quarter of the fiscal year), as well as which entities (both Departments, and Boards/Commissions/Committees) have either lead or support roles in each project. Once this info is fully built out, it will make this tool helpful to me in tracking various entities’ work on various projects. However I’ve left it out of this version because it’s incomplete.

As you review the list, you may see items and wonder “why is Angus working on that?” To clarify, these are not all items that I am personally involved with; it includes projects organization-wide. However, there are a great many projects that I am personally involved with, so far, that should not – in my opinion – be part of my work plan on an indefinite basis. (To be clear, I’m happy to help on most anything, but I recognize that my time toward projects that aren’t necessarily central to my responsibilities diverts time away from other “baseline” functions – and is therefore unsustainable).

As I’ve told the Board, it is a high priority for me to better define the staff relationships with B/C/Cs so the necessary support work can be better spread around through the organization. If no dedicated staff support is made available, I’ve found that B/C/Cs look to this office to provide support. I’ve been able to get staff to take on some support work for some B/C/Cs on an informal basis, but this effort will be greatly improved if job descriptions can be revised to formally assign work to different staff. Therefore, this ties directly into the discussions in tonight’s Exec Session and BoS meeting.

Thanks,
Angus

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

Town Manager
Project Management

LEGEND	
Complete	x Project Manager
Underway	o Project Support
Not Started	- In the loop

#	Project	FY19				Initiated by:
		Q1	Q2	Q3	Q4	
1	Meet & work with Department Heads/key employees. First three weeks half day with: Police, DPW, Town Clerk/Counsel, Finance (Assessor, Accountant & Treasurer/Collector), Executive Administrator, Fire, COA, Library, Inspection, Health, Planning & Water. Set up all prior to start.	x				BoS
2	Key board meetings to attend in the first 2-3 months: Finance Committee, Planning, Health, Water, Assessors, Board of Fire Inspectors, COA, Library, Open Space, Bicentennial, Capital Improvements & Community Center Committee.	x				BoS
3	Review and understand the legislation & job description that created this position	x				BoS
4	Review and understand the FY '19 and previous year budgets and the West Newbury Community Compact.	x				BoS
5	Review employee job descriptions. Ask what works and what doesn't work and what can be improved.	x				BoS
6	Establish cadence of staff meetings (more frequent) and employee meetings (less frequent).	x				BoS
7	Individual discussion with BOS members (rotate) weekly for 6 weeks, bi-weekly next 12 weeks.	x				BoS
8	Join Pentucket School Building Committee and refine school financing plan.	x				BoS
9	Develop relationships with the new Pentucket administration and the West Newbury Finance Committee.	x				BoS
10	Work with the Executive Administrator for her to generate the FY '18 Town Report.	x				BoS
11	Review resident communications strategy and make recommendations to the Selectmen for improvements.	x				BoS
12	Develop plan with Newburyport to fix the Artichoke River Bridge.	x	x			BoS
13	Review, update and refine capital plan.	x	x			BoS
14	Understand and formalize Operations & Maintenance plans.	x	x			BoS
15	Engage in water source options. Complete existing well upgrade. Develop strategies for new wellfield site.	x	x			BoS
16	Salary matrix comparison (to North Shore towns)	x	x			BoS
17	How do we maximize time and productivity? Identify where resources are underutilized and over-utilized.	x	x			BoS
18	Familiarize yourself with the employee health insurance plan. Investigate costs and options.	x	x			BoS
19	Improve intranet sharing of information.	x	x			BoS
20	0 Continue to Collect Elliot Fund Unpaid balances					BoS
21	0 Correct Small Finance Dept Budget Shortfall for 2018					BoS
22	0 Create Mail box Policy					BoS
23	0 Continue to Improve Town Wide Communication					BoS

#	Project	Q1	Q2	Q3	Q4	Initiated by:
24	1 Complete Page school Electrical system repairs: Generator Transfer Box Old conduits					BoS
25	2 Consolidate many different telephone, cell phone contracts with multiple vendors all departments					BoS
26	2 Reconcile bank statements vs. cash accounts in Finance Dept & address other Auditor recommendations					BoS
27	2 Complete Upgrade to existing Well field					BoS
28	2 Flesh out Social media policy					BoS
29	3 Purchase new software for Finance Dept					BoS
30	3 Purchase Well Field Dole Place					BoS
31	3 Reestablish the Page School Capital Plan					BoS
32	3 Establish a Page School Maintenance Plan					BoS
33	3 Continue to Finance New School Project					BoS
34	3 Create Recreational Marijuana Policy					BoS
35	3 Develop Community Center Plan					BoS
36	3 Sell unneeded unused town lands					BoS
37	3 Continue to Fund Pension Liability					BoS
38	3 Continue to create Free Cash/Financial Planning					BoS
39	4 Eliminate Double Telephone Poles					BoS
40	4 Scrutinize Web Site: not always up to date material on members of committees, minutes, agendas, etc.					BoS
41	4 Update Capital Assets List & Replacement Schedule					BoS
42	5 Reevaluate Town wide speed limits					BoS
43	5 Create plan for rapid town invoice vendor payment					BoS
44	6 Continue to evaluate Town Center					BoS
45	7 Develop Plan for Standpipe at Page School					BoS
46	7 Formalize Harbormaster situation					BoS
47	7 Create Carr Post Plan					BoS
48	8 Review solar field rules					BoS
49	9 Create Plan for MVPCC Guard rail report					BoS
50	9 Continue Stormwater plan					BoS
51	10 Purchase Street lights					BoS
52	Establish protocols for use of shared calendars among staff					Town Mgr
53	Confirm authority to revise job descriptions					Town Mgr
54	Update wage classification matrix (last updated FY16)					Town Mgr
55	Establish relationship with Personnel Committee					Town Mgr
56	Consider standardizing hours of operation across more town departments					Town Mgr
57	Formalize adoption of BoS policies: written Board Orders/Resolutions					Town Mgr
58	Update/implement improved protocols for establishment of Committees, swearing in, charges, etc (update 2001 Committee Handbook)					Town Mgr
59	Standardize payroll, timesheets, tracking of sick/comp/ vacation/personal days across departments					Town Mgr
60	Update purchasing policy; designate TM as CPO, or eliminate CPO designation					Town Mgr

#	Project	Q1	Q2	Q3	Q4	Initiated by:
61	Building access protocols (keys given, building closure protocols); consider keyless entry					Town Mgr
62	Evaluate office layout / finance dept					Town Mgr
63	Routine correspondence to BoS: forwarded by email as it comes in? Paper copies to mailboxes? Included in next BoS mtg packet? All of the above?					BoS
64	Improve format and detail for BoS agendas					Town Mgr
65	Advance consideration of a Town Charter					Town Mgr
66	FY18 performance evals: role of BoS v. Manager. Basis of evals: goals? And/or job descriptions?					Town Mgr
67	Committees - bring actual into alignment with prior bylaws, policies, Board orders (as needed)					Town Mgr
68	Train person as payroll backup during absences/vacations					Town Mgr
69	Establish clear methodology to assign Water Dept indirect costs (part of Community Compact recommendations)					Town Mgr
70	Repeal or amend 2005 statute creating DPW					Town Mgr
71	Top to bottom review of existing policies and By-Laws in order to revise as needed for consistency w change in form of govt (incl. BoS policies, Finance policies)					Town Mgr
72	Work with Auditor and finance staff on FY18 Audit					Required
73	Review proposed Community Compact policies with Finance staff in detail, including relationship to current practice, prior to 8/13 joint FinComm/BoS mtg					BoS
74	Update Prop/Caus insurance schedules if/as needed- by 8/31					Required
75	Clarify protocols/timing for BoS after-the-fact review/approval(?) of warrants (A/P? Payroll?)					Town Mgr
76	Memos to Police and DPW clarifying timing of payout of longevity bonuses (FY beginning, end, or date of hire)					Dept Head
77	Clarify method for allocation of retirement costs per department					Town Mgr
78	Support Planning Dept in retaining new minutes taker					Dept Head
79	Personnel Policy revisions					Dept Head
80	Tracking of sick time donated to/drawn from Sick Time Pool for Catastrophic Illness (Personnel Policy sec. 5.2.4)					Required
81	Adopt and implement policy recommendations of Community Compact					BoS
82	Create agricultural common signs					BoS
83	Coordinate cell phone service plans					BoS
84	Support Energy Comm for compliance with Green Communities					Energy Comm
85	Install signage re leash law at Moulton Hill Reservoir; Amend bylaws to specify no dogs off leash at Indian Hill Reservoir (10/22/18 BoS mtg)					BoS/Town Mgr
86	Ensure that Parks & Rec is doing CORI checks in hiring					Dept Head
87	Work with private Cemetery Trustees to establish a sustainable long-term plan for cemeteries' O&M and Town residents' needs					Citizens
88	Amend Severe Weather Policy					Town Mgr
89	Submit required paperwork to Mass Historical Commission for closeout of grant for historic property inventory					Hist Comm
90	Update Town Facilities Rental Policy					BoS
91	Update Town Special Events Policy					BoS
92	Update Inspectional Services dept fees					Dept Head

#	Project	Q1	Q2	Q3	Q4	Initiated by:
93	Manage DPW Director retirement and recruitment					Required
94	Manage Police Chief retirement and recruitment					Required
95	Establish and serve as Chair of Pipestave Land Use, Parking and Circulation Committee. In that capacity, establish Committee recommendations re parking strategy and prepare proposal for CPC funding in Fall 2018.					BoS
96	Oversee renewal and execution of Ambulance Contract					Town Mgr
97	Process Short-Term Rental Application, 15 Norino Drive					Required
98	Implement Hilltop parking restrictions relative to construction of Brakes Hill water tank; communications to residents					BoS
99	Support Open Space & Rec Committee's work on updates to OSRP, incl. coordinating ADA/AAB compliance review					Open Space Comm
100	Update FY19 wage schedule					Required
101	Dispatchers' Union contract renewal					Required
102	DPW Union contract renewal (end of FY19)		x	x		Required
103	Update 2001 BoS Committee Handbook					Town Mgr
104	Clarify policy/procedure for disposition of items of low value					Dept Head
105	Clarify staff enforcement responsibilities for Short Term Rental Bylaw					Town Mgr
106	Promote and attend presentation of Town Center Shared Septic Study					Planning Board
107	Clarify authority for administrative oversight of personnel (i.e. signing timesheets, approving vacation requests, performance evaluations, etc.)					Town Mgr
108	Clarify communication protocols between Board and staff between meetings					BoS
109	Work with Planning Board and others to implement Housing Production Plan endorsed in spring 2018					Required
110	Prepare for new OSHA requirements taking effect Feb. 2019					Required
111	Work with BOH regarding increased recycling costs, Special Town Mtg warrant article, contract amendment					Required
112	Work with BOH regarding increased landfill monitoring costs, Special Town Mtg warrant article, DEP approval of monitoring plan					Board of Health
113	Secure BoS approval for location of new LED public safety sign					Dept Head
114	Secure BoS approval to execute FY19 pump-out agreement with Salisbury Harbormaster					Required
115	Prepare and submit NOI to EPA re MS4 Stormwater permit (due 10/1/19)					Required
116	MS4 implementation: prepare stormwater plan (by 6/30/19)					Required
117	MS4 implementation: amend Site Plan Review Bylaw (by 6/30/19)					Required
118	MS4 implementation: adopt and implement IDDE program (by 6/30/19)					Required
119	MS4 implementation: create construction and post-construction erosion control bylaw(s) (by 6/30/19)					Required
120	Support Bicentennial Committee					BoS
121	Support Community Center Committee's scoping and procurement of concept design services					Comm Ctr Comm
122	Work with DOR, Finance Team to complete recap and FY19 tax rate					Required
123	Determine amount of Free Cash transfer needed for Special Town Meeting to arrive at expected 14.6 tax rate	x				Required
124	Write letter and complete paperwork necessary to secure \$25k state funding for Bicentennial					Bicentennial Comm

#	Project	Q1	Q2	Q3	Q4	Initiated by:
125	Clarify method to track accrual of vacation and sick time for qualified part time personnel; implement w Dept Heads					Town Mgr
126	Secure Town Mtg authorization to accept Carr Post easement for Drake's Landing development	x	x			Required
127	Work with Drake's Landing developer and third-party Monitoring Agent to ensure that affordable units are eligible for addition to town's Subsidized Housing Inventory					Required
128	Work w PSRD to secure FY19 IT grant sponsored by W Newbury		x			PSRD
129	Prepare FY19 holiday recognition date schedule for BoS approval	x				Town Mgr
130	Secure improved interest rates for large balance bank accounts	x	x			Dept Head
131	Review and evaluate Town Offices' layout, administrative needs and staffing					Town Mgr
132	Create template for new hire offer letter					Town Mgr
133	Improved wayfinding signage (directory board) in Town Offices					BoS
134	Define job descriptions of newly created positions so staff know who to approach for what					Dept Head
135	Re-bid paving and schedule FY19 paving for June 2019					Required
136	Work with Planning, Conservation, DPW, Health, inspectional Svcs to improve coordination and quality of construction inspections					Town Mgr
137	Transfer Page School apartment house to Housing Authority (after necessary repairs and improvements); Town Mtg authorized transfer spring 2016					BoS
138	Improve compliance with and documentation of required trainings for DOL, OSHA					Required
139	Adopt and implement Hazard Communication Policy, and add SDS sheets to all current and new chemicals					Required
140	Improve enforcement of Harbor regulations, including establishing better protocols for issuance of mooring permits including coordination with Conservation					Required
141	Cable license renewal with Verizon (last one 2006)					Required
142	Clarify whether and when surety is required for street opening permits (McCarron 7/11/18)					Dept Head
143	Establish a management agreement w Housing Authority (McCarron 7/11/18)					Dept Head
144	Update Town Office phone system (Joe Lagana)					BoS
145	Establish realistic and sustainable plan to fund Water capital needs					Town Mgr
146	Clarify protocols for press communications					Town Mgr
147	Handle/resolve communications w Chase St residents re downed wire in winter 2018					BoS
148	Secure BoS and FinComm approval for reserve fund transfer to pay deductible on Horgan claims (MIIA)					Required
149	Update or repeal Financial Management Policies and Objectives					Town Mgr
150	Consider whether to pursue eligibility for Municipal Vulnerability Preparedness (MVP) grant program					Energy Comm
151	Review and edit annual updates to Community Preservation Plan.					Required
152	Clarify reported change in yield for OPEB Trust					Required
153	Provide HR support to Library Director during personnel turnover					Dept Head
154	Clarify protocols for management/scoping of annual Local Technical Assistance (LTA) hours from MVPC					Town Mgr

#	Project	Q1	Q2	Q3	Q4	Initiated by:
155	Secure scope of work from MVPC to get historic forms linked to MiMap on town website					Hist Comm
156	Build 30-year school finance model					BoS
157	Upon completion of updates, send capital program to State House delegation					Sen. Tarr
158	Engage UMass Donohue Institute to look at population forecast					Town Mgr
159	Look at opportunities to regionalize services if cost savings and comparable level of service can be achieved					Town Mgr
160	Contingency planning with School District, and updates to PSRD Regional Agreement					PSRD
161	Support update of Library 5-year strategic plan					Library Board
162	Secure Counsel advice regarding solicitation of funds by Town employee/Board					Dept Head
163	Clarify method of communication of new employee options for health benefits					Dept Head
164	Work with interim Police Chief during transition and budget season					Required
165	Advance title work done for River Access Committee					River Access Comm
166	Support Energy Comm Microgrid feasibility study					Energy Comm
167	Clean up fixed assets report, improve coordination with prop/causality insurance schedules					BoS
168	Reconcile departing employee's vacation payout request	x				Required
169	Secure easement on Buschur property					BoS
170	Work with Housing Authority, ConsComm to close out DEP permit for Housing Authority project					Housing Auth
	LEGEND					
	Complete		x			Project Manager
	Underway		o			Project Support
	Not Underway (at all; or in a meaningful way)		-			In the loop



**Town of West Newbury
Board of Selectmen
Tuesday, May 26, 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: (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.

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

Participation at the Meeting:

- ❖ Board of Selectmen: David Archibald, Richard Parker and Glenn Kemper
- ❖ Town Manager, Angus Jennings
- ❖ Town Clerk/Counsel & Procurement Officer, Michael McCarron
- ❖ Assistant to Town Manager and Finance Department, Jennifer Walsh
- ❖ Police Chief Jeffrey Durand
- ❖ Moderator KC Swallow
- ❖ Town Accountant/Business Manager Stephanie Fronteira
- ❖ Donald Doak
- ❖ Adam Stone

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

Chairman David Archibald thanked all those involved in putting together such a meaningful tribute in honor of Memorial Day, with special thanks going out to Town Manager Angus Jennings and Adam Stone for their time taking pictures, shooting video and editing work. The video is available on the Town's Website, Facebook and YouTube accounts.

- Announcement of HILLAP grant award for improvements to Hills Court and Boynton Court

Town Manager Angus Jennings shared that the Housing Authority received word they have been awarded the HILLAP Grant for improvements to kitchens and bathrooms at Hills Court and Boynton Court. The amount of the award will be included in the official letter, expected presently, and is estimated to be substantial. At Town Meeting this past fall, voters authorized \$387,000 for these improvements and based on the HILLAP program the State match tends to be \$2.5 for every \$1 of local funds spent. Once the official letter is received, it will be shared with the Board.

- 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*

Police Chief Durand requested appointment of Interim Sergeant Jay Johnson as Police Sergeant noting that he has done an exemplary job for the Department as acting sergeant since being appointed last year.

Motion was made by Selectman Richard Parker to appoint Interim Sergeant Jay Johnson as Police Sergeant, seconded by Selectman Glenn Kemper.

Yes 3, No 0

- B. Consideration of appointment of temporary Constable

Town Clerk/Counsel Michael McCarron advised that it is necessary to appoint a temporary Constable to assist with the June 3, 2020 election and recommended Dan Grabowski, a retired State Police Officer and resident in Town.

Motion was made by Selectman Glenn Kemper to appoint Dan Grabowski as a Constable for the June 3, 2020 election, seconded by Selectman Richard Parker.

Yes 3, No 0

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

Town Manager Angus Jennings spoke about the guidance received from STAM on accessing the CARES Act funding available to Massachusetts governments to pay costs incurred in response to COVID-19. The Town has until June 5th to submit certification for first round funding. Discussion took place on eligible uses which is still being explored with new guidance coming out daily.

Chairman David Archibald asked how the Town has been functioning with the number of employees that are working remotely. Town Manager Jennings stated that the Town is doing a good job managing the baseline services; however, expressed the difficulties faced in advancing the Town's policy agenda.

Town Clerk/Counsel announced that the election will be going forward as scheduled and ensured the public that social distancing protocols will be observed as well as personal protective gear made available for anyone who does not have their own. The procedure for voting by absentee ballot for anyone who is not comfortable with in-person voting was reiterated.

- 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

Discussion took place with the Board of Selectmen, Moderator KC Swallow and Town Clerk/Counsel Michael McCarron concerning the proposed site for Town Meeting and the planning in process for check-in and seating while observing social distancing. It was recommended, and agreed upon, that a section be designated for anyone not wearing a face covering for health reasons.

- E. Updates on planning underway for re-opening of Town buildings and facilities incl. Library

Town Manager Angus Jennings informed the Board that planning continues toward phased reopening of Town buildings and facilities; however, timelines are not firm and subject to change as we continue to get updated guidance from the Department of Public Health.

- F. Discussion of FY21 Budget including potential need to propose 1/12 budget if proposed budget not approved by June 30th

Chairman David Archibald addressed the need to file a 1/12th budget request for approval from DLS prior to June 30th as a precautionary measure. If due to emergency circumstances the Town is unable to hold an Annual Town Meeting prior to June 30, 2020 then as of July 1, 2020 would be unable to spend any funds. A *minimum* 1/12th of the prior year's budget would be proposed based on forecasted expenditures for the month.

Town Clerk/Counsel Michael McCarron recommended that the Board preplan a rain date for the Annual and Special Town Meetings and make it known to residents in order to better position the Town to have an approved budget by June 30, 2020. He suggested a date of Sunday, June 28th to which the Board and Moderator agreed adding that Monday, June 29th in the evening could also be considered.

- G. Review of Town Manager proposal to increase proposed FY21 veterans' services budget

Town Manager Angus Jennings briefed the Board on a proposed increase to the FY21 veterans' services budget due to notification that a veteran who qualifies for benefits pursuant to MGL Ch. 115 has recently moved to town. His proposal is contained in the agenda packet.

Motion was made by Selectman Glenn Kemper to increase the proposed FY21 veteran's services budget from \$10K to \$24K, seconded by Selectman Richard Parker.

Yes 3, No 0

H. Discussion of funding for pay for Summer Recreation Program staff

Town Manager Angus Jennings, since learning the Summer Recreation Program was canceled and, therefore, not generating revenues for the Summer Rec. revolving fund, brought forward the question of whether to compensate the two program coordinators their full stipend authorized for the season. These employees invested time planning for the program in advance of COVID-19 and the subsequent decision to cancel. The Board felt that compensation should be made for hours worked; however, not for time lost due to cancelation of programs. Town Manager Jennings stated he had a clear sense of the Board's direction on this.

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

Town Manager Jennings gave an update regarding the Town's ongoing review of the developer's application to MassHousing for 40B Project Eligibility/Site Approval for the site at 566 Main Street and 28 Coffin Street. Town Manager Jennings and Chairman Archibald each commended the Planning Board and staff for their tremendous efforts toward comments provided on the application (contained in the agenda packet.)

The Board of Appeals is working with the Town Manager and Building Inspector, in consult with outside legal counsel Jon Witten, to review and update its existing 40B rules and regulations. A draft is anticipated to be completed by end of week and circulated to the ZBA for approval at their meeting on June 2nd and subsequently referred to public hearing on June 11th with a goal to have new 40B regulations locally approved prior to the June 16th deadline.

J. Discussion of anticipated citizen petition article to provide supplemental funding regarding Coffin Street/Main Street 40B proposal

Chairman David Archibald, in anticipation of receiving a citizens' petition article, consulted with Town Moderator KC Swallow about timing and logistics for a second Special Town Meeting which, in accordance with Massachusetts statutes, has to be called within forty-five days of certifying that the petition has been signed by at least two hundred registered voters. Following discussion and consideration of all options and potential complications, it was agreed that it would make sense to call a second Special Town Meeting on the same date, time and place as the Annual and Special Town Meeting currently scheduled for Saturday, June 27, 2020 at 10am. Discussion continued regarding how to best conduct abbreviated meetings. Town Manager Jennings will recommend Articles that could be passed over without putting the Town's legal or financial obligations at risk. The Board will consider his recommendations at their next scheduled meeting.

Resident Donald Doak, lead sponsor of the petition article, was available by remote participation and informed the Board that it was his intention to bring signatures (over 370 by last count) for certification tomorrow (May 27th). He followed by asking what the potential was for further postponement of the date for Annual and Special Town Meeting; and, what consequence that would have given the statute to call this second Special Town Meeting within forty-five days. Town Clerk/Counsel McCarron explained that, just as with the other Town Meetings, 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

- 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

Chairman David Archibald reviewed the strategy in issuing new BANs to support the ongoing Water capital projects underway rather than issuing permanent financing at this time. At the Board's May 11, 2020 meeting, Chairman David Archibald asked about the risk in waiting considering today's financial uncertainties. Town Manager Angus Jennings conferred with Hilltop Securities to provide the Board with rationale for why this strategy is financially advantageous which they provided in email (contained in the agenda packet.) Following review of the rationale, the Board agreed with this strategy.

- L. Endorsement of proposed extension of MOU with Salisbury for FY21 Harbormaster services

A draft of the Intermunicipal Agreement is contained in the agenda packet.

Motion was made by Selectman Glenn Kemper to endorse the extension of MOU with Salisbury for FY21 Harbormaster services, seconded by Selectman Richard Parker.

Yes 3, No 0

- M. Meeting minutes: May 11, 2020

Draft minutes are contained in the agenda packet.

Motion was made by Chairman David Archibald to approve meeting minutes for May 11, 2020, seconded by Selectman Richard Parker.

Yes 3, No 0

Town Manager Updates

- N. Update on work with ZBA and upcoming meeting dates

- O. MassWorks grant for Middle Street Bridge fully executed

Town Manager Jennings confirmed that quarterly reporting requirements start right away. The first report will be due June 30th. A call is scheduled for later this week with the Mayor of Newburyport and her Chief of Staff to go over a number of discussion items toward that effort.

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

Motion was made by Selectman Glenn Kemper, seconded by Chairman David Archibald to adjourn the meeting at 9:29 p.m.

Yes 3, No 0

Respectfully submitted, Jennifer Walsh



**Town of West Newbury
Board of Selectmen
Monday, June 8, 2020**
381 Main Street, Town Office Building
www.wnewbury.org

Minutes of Meeting

Open Session: 7:00 p.m. by remote participation (see below)

Addendum to Meeting Notice regarding Remote Participation

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 23, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the West Newbury Board of Selectmen will be conducted via remote participation to the greatest extent possible.

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

GoToMeeting

Phone: (872) 240-3212

Access Code: 767-572-605

Or, from computer, tablet or smartphone: <https://global.gotomeeting.com/join/417365965>

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 7:04 p.m. by Chairman David Archibald.

Participation at the Meeting:

- ❖ Board of Selectmen: David Archibald, Richard Parker and Glenn Kemper
- ❖ Town Manager, Angus Jennings
- ❖ Town Clerk/Counsel & Procurement Officer, Michael McCarron
- ❖ Assistant to Town Manager and Finance Department, Jennifer Walsh
- ❖ Moderator KC Swallow
- ❖ Rose Vetere
- ❖ Jen Solis
- ❖ Don Doak

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.
- Thanks to Town Clerk Michael McCarron for running a great municipal election under difficult circumstances. There was quite a good turnout and should be commended.
- Congratulations to all participants, winners and losers, and it was great to have such an active election in such a difficult situation.
- Town Clerk Michael McCarron stated that he expects everyone to come in to be sworn in, even incumbents. The process is to call and make an appointment, you'll be met at the door, maintain social distance, be sworn in and get materials. Just bring a mask and a pen. Already had a number who have been sworn in, including Mr. Archibald.
- Thursday, June 11, 2020 at 2:00 p.m., there is a Merrimack Valley Planning Council training on 40B and housing production plans. Very timely for the Town. Details are on the Town website.
- Selectman Richard Parker gave an update on the Merrimack Valley Listening Session for the MVP process scheduled for Thursday, June 11th. There's also a ZBA meeting scheduled for the night with significant overlap. Due to the significant overlap, the Listening Session needed to be rescheduled due to the interest in both the Listening Session and the ZBA meeting. As a result, the Listening Session will be rescheduled in the next few days since there is plenty of leeway for completing the MVP process.
- Town Manager Angus Jennings confirmed that the Zoning Board of Appeals public hearing is at 6:00 p.m. on Thursday.
- Chairman David Archibald confirmed that if you want to keep up with things in the Town, go to WestNewbury.org and subscribe so that you get announcements via e-mail.
- Chairman David Archibald made the following comments, speaking for himself and not the Board or Town:
 - ❖ Over the past few months, Town employees have been working effectively under quite adverse conditions, at the same time handling additional unforeseen duties in less than ideal conditions, such as the 40B proposal. Wants to send out kudos to all employees for the work they've done this spring.
 - ❖ And as these less than ideal conditions persist, he'd ask that the Boards, Commissions, and Commissions not to ask the Town to take on new initiatives to expand the workload that they have already at this time to let staff catch up on what's going on (i.e. new school construction)
 - ❖ Regarding recent police protests and global interconnectedness, try to treat everyone with respect and make our small corner a little better of a place than we found it.
 - ❖ Comment by Selectman Glenn Kemper – “Well said.”

- Regarding item discussed in Executive Session, to be added to the end of the agenda regarding signing a Memorandum of Understanding on the funding and the project of the Middle Street Bridge with the City of Newburyport. Will be done at the end of the regularly scheduled agenda. Wasn't on the agenda but it is highly timely and wants to get it done tonight.
- 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 Glenn Kemper to add this item to the agenda at the end of the discussion. Second by Richard Parker.

Yes 3, No 0

REGULAR AGENDA

A. Reconsideration of proposed FY21 Library personnel budget:

Library trustees requested to table the request for a new staff person for FY21, but now with the uncertainty of how the library is going to work this year, at least for the fall, they have asked that that additional person no longer be added, at least at the moment.

Library Director Corinn Flaherty had no comment but wanted to let everyone know that she is here via telephone.

Chairman David Archibald stated that the Selectmen did support this, but thanked her for understanding due to the times that we have and that it can be pushed off to a later date and he appreciates her forward thinking under the circumstances.

Chairman David Archibald asked Town Manager Angus Jennings that since this is in the budget if a motion had to be made. Town Manager Angus Jennings stated that the Finance Committee's initial recommendation constitutes the initial motion at Town Meeting and the Finance Committee's recommended budget had not included this, so the initial motion will not change, but at the Town Meeting, there may be a difference between the Fin Com number and the selected number and they might be asked about that.

Chairman David Archibald stated that they could put a hold on it and also designate one of the Selectmen to put a hold on it so it will move in one direction, and they will give a brief understanding that under the circumstances, the Board of Library Trustees voted not to have this position but would like to address this next fiscal year.

Selectman Richard Parker stated that as far as putting the hold on is concerned, they had talked about the line item budget being introduced as a whole, and he doesn't recall where that ended up going, but in the interest of time, they had talked about possibly introducing the line item budget as a whole, so they would need to insert that specifically, even though it wasn't itemized in conversation.

(Previously Item J) Chairman David Archibald asked if they could take Item J out of order since Library Director Corinn Flaherty was in attendance to conduct a further discussion on where we stand regarding reopening of the library, and everyone agreed to take it out of order.

Town Manager Angus Jennings stated that an e-mail was received from Library Director Corinn Flaherty with a proposed plan to allow for curbside pickup for customers of the library beginning next week. This plan would be taken up by the Library Board of Trustees at their meeting on June 9th meeting, so this was put in front of the Board for suggestions before it goes to the Library Board for their endorsement next week.

Town Manager Angus Jennings wanted to know if Corinn would elaborate on the intent before Board discussions got underway. Library Director Corinn Flaherty had no comment but stated that she would answer any questions during the discussion.

Selectman Glenn Kemper stated that this is awesome, but before the meeting, he suggests that she talk to the Board of Health before the meeting, asking for his recommendations for public safety to incorporate into the recommendation before the vote and Library Director Corinn Flaherty stated that she would be happy to do that and will send it to him tomorrow and ask him for his feedback.

Town Manager Angus Jennings stated that there is a posted Board of Health meeting tomorrow at 4:30 and he is sure that they have a lot on their agenda and not sure if they would be able to get into this in detail at that meeting, but wanted to make her aware.

Selectman Glenn Kemper just wanted her to discuss with the Town's Health Agent to see if he could make some good recommendations and perhaps she could have an informal conversation with Paul to see if there are any problems with the health aspect of it and see if he has any recommendations to make it better and safer for the people to bring back to the Library Board for a vote, and Library Director Corinn Flaherty agreed that she could do that.

B. Review and sign Special Town Meeting warrant with citizen petition article to provide supplemental funding regarding Coffin Street/Main Street 40B proposal; schedule date/time for Special Town Meeting:

Chairman David Archibald stated that the Board has no discretion in this and have to vote to accept the special warrant item as it has the required number of certified signatures, so that's not subject to dispute and wants to talk about time and place, etc.

Spoke with everyone and Saturday, June 22nd after the regular annual Town Meeting and the regular Special Town Meeting, they would close that out and start the new Special Town Meeting at 2:00 at the baseball fields behind the bandstand, provided the regular Town Meeting would be finished by 12:00-12:15.

Selectman Glenn Kemper asked why not just do it all at the same time rather than have people leave and come back. Chairman David Archibald stated that there may be two populations of people and have always not wanted to have special interest items in the beginning of the meeting and then people leave. Wants to prevent a lot of extraneous people from moving through the

entrances and exits. Glenn stated that they're asking to check people in two separate times, so why not schedule it at the same time and then take it up at the end.

Selectman Glenn Kemper asked Town Clerk Mike McCarron about this and he stated that if it is posted all at the same time, the moderator has the determination as to when she wishes to hold each meeting.

Moderator KC Swallow stated that the reason that she suggested to post the Special Town Meeting for 2:00 is that it is a special interest group, that they have been sitting outdoors for at least two hours, at which time it becomes high sun time. There are probably going to be people interested in one but not both since it's a different clientele who are interested in each of those meetings. She doesn't want to end up with bottlenecks at the egress, so the idea is to open the Annual Town Meeting and Special Town Meeting, adjourn, then break for lunch, and then at 2:00, start the second Special Town Meeting. If people have to sit straight through, it will be a burden on people and some people will try to leave unmasked.

Selectman Glenn Kemper stated that nobody should be allowed to attend without a mask but in principle, he understands that, but he doesn't think that the people who signed the petition, maybe 60-70% of the people care about the other aspects around town, and with the signs around town, you're going to get everybody there and bringing people in and out would be the hardest part. Getting people seated was easy, but getting people in, seated, proper space, was the hardest part, so doing that twice would be hard, but he could agree with that.

Moderator KC Swallow also wanted to mention that the State Legislature just passed a recent motion that Selectmen can reduce the quorum for the Annual Town Meeting since it may be more difficult for people to go to the Town Meeting, making it difficult to get a quorum so the Board of Selectmen has the authority to reduce the quorum to 10% of the normal quorum (nine people), but that it doesn't have to be reduced. She has no estimate about how many people may be coming to Town Meeting.

Selectman Glenn Kemper stated that another meeting will be held on 40B before June 22nd at which they would have a discussion about quorum and then take a formal vote on June 22nd.

Chairman David Archibald asked Don Doak about what he expects to be the attendance. Mr. Doak stated that he thinks that there will be at least 250-300 people in attendance and believes that this should be placed as one of the highest items of importance and that he is concerned about the 2:00 p.m. start, which is at the height of the sun, so he would like it taken up sooner.

Moderator KC Swallow commented that It's her call as to what order things are taken up, and that she would not take it up before the Annual Town Meeting and the first Special Town Meeting since those are critical to the running of the Town. She would prefer to have the break because she's guessing that some number of people will want to leave after the first Special Town Meeting and have to have an orderly egress to avoid bottlenecks, and since it will be hot, and without the break, people that are only there for the 40B meeting will have been sitting there for over two hours. So, if the decision of the Board is to post that meeting at 10:00, the order she will take them up in is open the Annual Town Meeting, then she will put the meeting through the Town budget before she recesses for the Special Town Meeting because the line item budget is the most important part of this meeting at this point.

With regards to how she is going to address the line item budget, she feels that time could be saved, she would propose to advise everyone that they should familiarize themselves with the entire warrant before the meeting, including the line item budget, and when they get to the line item budget, she will read less detail in the budget and then would take up “holds.” The motion on the floor is from the Finance Committee to accept their recommendations and anything that doesn’t have a hold put on it are considered passed and a discussion would ensue on the holds.

Selectman Glenn Kemper stated that he thinks it’s a great idea, and then asked KC, what about posting everything for 10:00 a.m. then she could make a game time decision if she feels that the Annual Town Meeting and Special Town Meeting is running too long and say when she would like to recess, but at least have the ability to continue if everything is going fast and smooth. He stated that the last time that the Town had a 40B project in front of them, they had to move the meeting to the high school, and he sees this as a town-wide issue.

Moderator KC Swallow stated that she does have that discretion if she makes that game time decision, and if she feels that people have been sitting there too long and are showing signs of distress due to weather, but if people have been sitting there and their item hasn’t been discussed, they may be unhappy with a recess until 2:00. Selectman Glenn Kemper feels that maybe they’re overthinking everything, but he would say to post everything early and try to get through it quickly.

Chairman David Archibald suggested that perhaps getting people there at 9:30 since the later it goes, the hotter it gets, and Moderator KC Swallow says it can’t be changed now since the warrant says 10:00. Selectman Glenn Kemper suggested that they post the whole thing and make people aware that they could take a break or might not but let them sit there since everybody else is going to sit there. And he also feels that the 40B issue is a town-wide issue that people will want to stay for.

Don Doak requested permission to ask a question of the Town Council. Question to Town Clerk Mike McCarron that the warrant says that the Special Meeting shall take place within 45 days of the Annual Town Meeting, but what option is there legally for it to happen on another day? Town Clerk Mike McCarron stated that it has to be held within 45 days from his certification of the signatures, so the Board of Selectmen has the discretion to call the Special Town Meeting at any time as long as it’s within 45 days. The Board sets the time and date for the petitioned Special Meeting.

Don Doak also had another topic concerning the fact that this petition was drawn up before other things took place regarding 53G accounts, peer review, payment by developer, so as that has come to light, it would appear that there is opportunity for motion to reduce the dollar amount, so he wanted to bring that potential motion to the Selectmen.

Chairman David Archibald stated that KC would make the determination on that, but as it’s written now and any proposed changes would still be notifying the Town of the intent and it wouldn’t disqualifying the warrant article. Selectman Glenn Kemper stated that not at all, as long as the amount would go down. Don Doak stated that his goal was that they put through a number to Fin Com and Board of Selectmen before the Special Town Meeting. Selectman Glenn Kemper stated that that would help with the discussion if they had something that everyone had agreed upon. Chairman David Archibald stated that he thinks that the article will pass overwhelmingly if they came up with a broadly agreed number, and discussion would go quickly.

Don Doak stated that the goal would be to do that, and in addition, there is one other area that he would like to have stricken upon motion, which would be “peer review” and change it to “professional services.” Moderator KC Swallow stated that there are two different issues, the first one being that a motion does not have to be made to reduce the amount since the warrant article is not voted upon. The warrant article warns the town of the business before it. They vote on a motion made under that article and that motion can be for any amount as long as it’s not more than the amount in the article. After she reads the article, you can make a motion under that article for any amount he wants as long as it’s under \$250,000.

With regards to the wording, that’s her call, and if the motion doesn’t exactly mirror the language of the article, then she makes a decision about what is said when the motion is made is in the spirit of what was in the article, and if she decides that it is, it’s a legitimate motion and she has already decided that it is in the spirit of what he has put into the article, so the change will not cause problems. Once she reads the article as written, a motion should be made as to what is really wanted, including the amount and language, and both should be acceptable.

Don Doak asked regarding whether it would be better if he made the motion or the Board of Selectmen, and Moderator KC Swallow stated that at prior meetings, it had been decided that for health and social distancing purposes, they would like one designated Selectman to make all motions, Motions should be submitted writing to the Selectman who will read the motions. And they will not discourage people from having discussion or debate. Selectman Glenn Kemper stated that if you’re nervous about the motion, Town Clerk Mike McCarron can vet the motion with KC.

Don Doak stated that his goal was to have a dollar amount that the Board of Selectmen and Fin Com feel good about, and he’ll draft a motion and send it to Town Clerk, Mike McCarron, Board of Selectmen, Fin Com, and KC. Selectman Glenn Kemper suggested that he put a sunset clause in the motion. Chairman David Archibald stated that this is not a good financial year and revenues are down and don’t want to encumber money sitting around and not used for some time, which is not a good recommendation either.

Selectman Glenn Kemper asked if there could be a sub-committee, working group to get a good number. Don Doak stated that he would be happy to meet with a sub-committee as a good amount of the numbers have already been vetted out so the numbers are not random, but as 53G came forward, it allowed them to reduce the \$250,000.

Selectman Richard Parker stated that he is still confused about timing. He would like to float an idea, what if Special Town Meeting two was scheduled at 11:00 or 10:30, and people could coordinate via cell phones would give the possibility of flowing right into it. Moderator KC Swallow stated that it doesn’t matter from that perspective when it says it opens. She is going to do the Annual Town Meeting and the first Special Town Meeting first. She stated that many towns have cut their warrants to bare bones since people are uncomfortable going to a Town Meeting, and everyone working on this is doing everything possible to keep things streamlined and safe.

She stated that whatever you do with the timing, she will not take up the Special Town Meeting two before the Annual Town Meeting and Special Town Meeting one, and that by the time they get through those, it will definitely be mid-day or sooner, but people tend to be cooperative and they’ll get it done, and she has been encouraged by other towns’ successes.

She feels that there are a number people interested in the 40B project as well as the Annual Town Meeting, so they may be willing to start at 10:00, go through the whole process and then take up the Second Town Meeting immediately after, and if that's what they want, that's fine, but it's going to require patience on everyone's part. She feels it might be a good idea to take a break, or adjourn later, say 4:00. She also doesn't feel there's a problem with a quorum but hopes the idea of lowering the amount will be discussed since these things have to get done in a timely fashion.

Town Clerk Mike McCarron stated that the Board of Selectmen has to make a decision tonight as the warrant has to be posed Friday.

Motion was made by Selectman Richard Parker to schedule the second Special Town Meeting for noon. Second by Selectman Glenn Kemper.

Selectman Glenn Kemper stated that the discussion being that KC could decide to have a recess or go ahead. KC Swallow states that if she determines that a recess is needed, she will say that, but is concerned about the mass exodus. Selectman Richard Parker states that he agrees that she should make the decision as to what makes the most sense to her at the time, but he's just hoping that they breeze right through and that door is left open.

Chairman David Archibald agrees that if the dollar figures somewhat agreed, that will limit the amount of time on this issue. Selectman Glenn Kemper agrees that if everything is defined before the meeting, he doesn't think anybody is going to vote no since they're just asking the Town to spend a little bit more money to get more information and have a better understanding of how 40B is going to affect the Town.

Chairman David Archibald stated that the only problem with the motion is that if a lot of people show up at 11:55, it will create chaos, and Selectman Glenn Kemper suggested starting everything at the same time. Chairman David Archibald stated that with the school, they said they wouldn't take it out of order, then they did due to the overflow into the cafeteria, but there's no promise that would happen.

Chairman David Archibald made an amendment to Selectman Richard Parker's motion that all three Town Meetings start at 10:00. Second by Selectman Glenn Kemper. Agreed to by Selectman Richard Parker.

Moderator KC Swallow makes a comment that there are 300+ signatures on this motion, and since there are so many signatures, everyone thinks that their motion should come first. If all three are posted at the same time, she can't open three meetings at once. People are used to the process we've gone through for years that we open the Annual, do an amount of things, recess, open the Special, and that's the way it's been done. She's changing it this year because of no reports, so the line item budget will be done first.

The only person that can change the order of articles without a vote is her, but she's concerned that people who come who have not been to Town Meeting before and don't understand what it is will get disgruntled because their thing didn't come first after they asked for it to be first. Chairman David Archibald and Selectman Glenn Kemper said they don't disagree, but Glenn suggested that they put on their website how it's going to happen and if people get disgruntled, there will be bouncers and they'll be asked to leave and Chairman David Archibald said he thinks it would be worse if people arrive halfway through. Selectman Glenn Kemper stated that

if they educate everyone in advance, they can't worry about the ones and twos, they have to worry about the masses, and he likes to have the ability to start it all at the beginning and KC determining game day how it's going to work, and all of this can be put on the website beforehand.

Motion on the floor by Chairman David Archibald is to have meetings start at 10:00. Seconded by Selectman Glenn Kemper.

Yes 3, No 0

C. Updates regarding Coffin Street/Main Street 40B housing proposal, including discussion of draft Board of Selectmen due to MassHousing on Tuesday, June 16th:

Town Manager Angus Jennings advised that the deadline on the Board of Selectmen's comments on the MassHousing are due to Mass Housing Tuesday, June 16th, and because of the volume of comments received and the ones that have recently come in and the Board of Health is scheduled to take up the item at their meeting tomorrow afternoon, he would recommend that the Board of Selectmen schedule an extra meeting on Monday, June 15th, allowing time to review all of the comments that have come in since May 14th and review the draft comment letter.

Chairman David Archibald stated that the quality of the comments from the town was very helpful for his layman's position. Selectman Glenn Kemper asked if that would give them enough time to have it organized for the 16th. Town Manager Angus Jennings stated that yes, it would, as long as the draft in the packet is in the ballpark of what the Board is looking for, so that's where it's important for him to get the draft to them by the end of day on Wednesday so that suggestions could be sent to him by later this week so that the closer we can get to have something in front of the Board by next Monday that's in a form close to what they would vote, and any revisions could be made Monday or Tuesday and still make the deadline.

Town Manager Angus Jennings stated that the Board could address items fairly succinctly and reference an attached document that elaborates in more detail, but a huge amount of detail is already documented.

Town Manager Angus Jennings also had two related updates, to make everyone aware that the site walk video from the May 15th site walk was posted earlier today on the Town's website and to the Town UTube channel, which took some time to produce.

Also, they did have a call with Mike Buzby from MassHousing, which Selectman Richard Parker and Town Clerk Mike McCarron participated in, and a brief synopsis is that most of the items that were introduced for discussion, MassHousing said that those were items that would be addressed in the local permitting process and they wouldn't get drawn into commenting on any of that. They did take note of our comments about the large project threshold, and they understand that that would be featured prominently in the comment letter.

Town Manager Angus Jennings asked that it be confirmed that there will be a meeting on Monday, June 15th.

Motion was made by Selectman Glenn Kemper to hold a meeting on Monday, June 15th at 4:00. Second by Selectman Richard Parker.

Yes 3, No 0

D. Discussion of Special and Annual Town Meeting scheduled for Saturday, June 27, 2020, including health/safety considerations resulting from COVID-19 and discussion of potential reordering of Articles and/or recommendations to pass over one or more articles.

Article 1 – Hear and act upon reports of officers and committees.

Motion was made by Chairman David Archibald that all reports of committees should be videotaped or written and posted on the Town website, that we simply cannot have those at this particular Town Meeting. Selectman Richard Parker thinks it's a great idea.

Chairman David Archibald stated that someone that doesn't want to write it up can simply do a video presentation on their phone and it can be sent in that way. Selectman Glenn Kemper stated that if they have a question with that, they can contact him or Adam and they can help them with that to make sure it gets on the Town's website or UTube.

Motion seconded by Selectman Glenn Kemper.

Yes 3, No 0

Article 2 - Special Town Meeting re large CPC spending on the Page School playground.

Chairman David Archibald is not sure how he feels about this, it's a lot of money and he wonders if it's going to engender a lot of discussion at the meeting, which we don't want. In addition, he knows that playgrounds have been opened in Phase 2, but it's unlikely that the playground is going to be usable this year anyway. He wants to know if it's something that could be put off and he could be persuaded either way on this one.

Selectman Glenn Kemper stated that his view is that he agrees with everything said, but he would take the opposite approach and say that this is the time to do it because we may get better pricing now, that the school is not occupied, so it would be easier to implement, and that the need is there, the funding is in place, and the CPC money doesn't affect capital, operating budget and thinks this is the best time to do it because the school is not there. And his own opinion is that he doesn't think the school is coming back in the fall, so even if there is some time lapse this will be done in a more efficient manner because no kids will be there.

Chairman David Archibald asked Town Manager Angus Jennings if he knows when they could start if the money was voted. Town Manager Angus Jennings stated that they had put a timeline in the CPC application and other than the fact that we're now going to be a full two months after the Annual Town Meeting date, he thinks that timeline would still stand, and his recollection is that a certain amount of time after the vote to engage a contractor, even though we're part of a consortium and the vendor is on a pre-approved bid list, made a commitment to engage multiple vendors to make sure get the best pricing, 4 to 6 weeks, there's some amount of lead time, so once a contractor is selected and the design is based on a certain manufacturer, so once the decision is made, it can take 6 weeks before the materials are ordered, assembled and delivered. But he thinks with the original Town Meeting date of late April, he thinks it's possible but wouldn't say probable that it could have been constructed by Labor Day, but with the extended

timeline, getting it done this calendar year is certainly possible and likely, but not until mid to late fall taking into account the lead time and those aspects.

Selectman Glenn Kemper is for keeping it on, and Selectman Richard Parker thinks we should keep it on for a host of reasons, including comments by Glenn and Angus.

Article 3 – Town Building Repairs, \$49,000.

Chairman David Archibald stated that most people believe that this was deemed an essential item and wouldn't want to get rid of that and Selectman Richard Parker agreed. Town Manager Angus Jennings stated that he would suggest that only those shaded in grey on the list were the only ones that the Board should be discussed because everything else has already been discussed.

Article 7 – Electric vehicle charging

Selectman Glenn Kemper thinks this should be kept on because it's a valid program, not sure how much it's going to be used moving forward, but if they don't, they'll lose their grants, so for \$8,000, it's important to keep this on so that we're getting the grants and then moving forward. Chairman David Archibald agrees, and Selectman Richard Parker stated that yes, they would give up \$80,000 to \$90,000 in grants.

Article 14 – Annual Town Meeting – \$85,000 Debt on Car Post Borrowing

Chairman David Archibald stated that he doesn't see any reason not to pay it. Town Manager Angus Jennings agrees that we should go forward but wanted to make the Board aware that he does not expect that we would need any more appropriation in FY2021 for the reason that the full debt service would come due one year after the bonds are issued, and because the bonds are not going to be issued until the end of FY2020, the earliest that the first full year that the debt would come due would be early 2022, FY2022.

So, for that reason, you could get by with a lower appropriation, but he doesn't see a reason to do that for a couple of reasons. One is that that \$85,000 is going to be a very insistent number for the next 20-plus years, so why change it, and secondly, the appropriation will allow us to absorb costs such as if the Board decides to do a bond anticipation note, and in fact likely would, and that would definitely have some soft costs and definitely would have some debt service within six months, so he would recommend staying the course. Selectman Glenn Kemper agrees, as does Richard Parker, who agrees that it wouldn't make sense to do it for a smaller amount and should just keep it consistent rather than trying to explain some other number.

Article 18 – Updating Police Radios for \$19,000

Chairman David Archibald's feeling is if they need them updated, then it should be done. Selectman Glenn Kemper stated that it was presented to him as a safety issue, so definitely. Selectman Richard Parker also agrees.

Article 19 – New Rescue Suits for Fire Department Water Rescue and **Article 20** – Power Fans for Blowing Smoke Off

Chairman David Archibald stated that he is in favor of both of these items. Both Selectmen Glenn Kemper and Selectman Richard Parker agree.

Article 21 – Gold Star tax abatement

Chairman David Archibald stated that he is strongly in favor of keeping that on. Selectman Glenn Kemper agrees. Selectman Richard Parker agrees but states that his only question is if we actually know if there's anybody in West Newbury that will qualify and take advantage of this. Town Manager Angus Jennings stated that no, we don't. Selectman Glenn Kemper and Chairman David Archibald stated that if someone needs it, we should have it available. Selectman Richard Parker said that he expects it to be no longer than a 5-minute discussion.

Article 22 – Dog Waste

Selectman Glenn Kemper stated that if the discussion could be kept to 5 minutes, it can be kept on. Stated that he's all for it because dogs are a big issue. Chairman David Archibald stated that people go bananas about anything related to dogs and that he would support bringing it back. Selectman Richard Parker said he's all for bringing it back but he's not sure that this is the right meeting. Chairman David Archibald stated that as much as it pains him, he'll let it go.

Article 24 – Zoning Bylaw Amendments

Selectman Glenn Kemper stated that it's always a huge discussion and Chairman David Archibald stated that perhaps they should let it ride. Selectman Richard Parker said he sees it differently and thought that anything that was controversial has been removed so it was more of just clarifications at this point. Selectman Glenn Kemper suggested to push it off to the fall when it can really be discussed.

**Motion was made by Chairman David Archibald to take no action on this Article.
Seconded by Selectman Glenn Kemper.**

Yes 2, No 1

E. Review of Proposed Draft “one twelfth” FY21 budget if annual budget not approved by June 30th

Town Manager Angus Jennings stated that he would like to see it taken up next week since it's still being worked on. All were in agreement that it be passed over.

F. Consideration of adding warranty costs for Electric Vehicle Stations to proposed FY21 operating budget

Selectman Richard Parker said that it was really an oversight at the outset that they didn't take the issue of warranty as seriously as they should have. Stated that he talked with people in charge of installation and maintenance of EV charging stations in Newburyport, Amesbury, and Melrose, and the gist from all of them is that they should have a maintenance plan because they're subject to damage because people are connecting them to their cars in a parking garage and they're in a public space, so there are things that can happen and if you don't have a maintenance plan, you end up paying for them directly. And based on the experiences of the

other three communities, the maintenance plans pay for themselves easily or would have if they had taken them seriously at the outset.

There were various options of maintenance plans available and in the end, what he concluded in looking at the different options, it seems the best option would to go with a 5-year plan paid on a yearly basis as opposed to the other two options. The original option proposed was a 2-year plan, he looked a 5-year plan at \$1,000 per year per location, saving a couple hundred dollars if paid up front. He thinks it's something that should be done because otherwise we're going to get bit.

Chairman David Archibald stated that he generally doesn't like warranty plans and always prefers to roll the dice. Long-term, he's in favor of putting them in, but nearer term, we have no idea what utilization we'll see. Selectman Glenn Kemper stated 1%, he thinks. And Selectman Richard Parker stated that it's the fastest growing segment of autos sold and they're going to become common and it wasn't until he had talked to three people and gotten the same story that he became convinced that we'd be foolish not to.

Chairman David Archibald asked if they're not getting enough usage initially, do you think they'll have problems. Selectman Glenn Kemper stated only if someone runs into it, and he agrees with Selectman Archibald that he personally doesn't get these things, but since he's a Selectman, he's going to go with Selectman Richard Parker's recommendation on this. Selectman Richard Parker stated that in this case and because of the feedback he got from people who have experience in this area, that it seemed clear that they should go ahead with the warranty plan.

Chairman David Archibald asked which plan he would pick. Selectman Richard Parker said that he picked the 5-year plan because the cost of the internet convertibility and the plan that allows you to do everything with the station.

Chairman David Archibald asked if the Town is able to enter into a 5-year contract. Town Manager Angus Jennings stated that they cannot bind the Town into a 5-year plan, so if the Board recommends adding the funds to the operating budget, it's a clean way to do it. Town Clerk Michael McCarron stated that it's supposed to be three years without a vote, but a vote of the Town Meeting would allow it, so if it was a budget item referring to this, approval for five years, it would be okay. If the Town Meeting is voting this money for this purpose, then you can have up to a 5-year contract.

Motion was made by Selectman Richard Parker that we purchase the 5-year committed assurance plan for the EV charging stations at a total cost of \$5,990. Seconded by Selectman Glenn Kemper. This is \$1,198 per year per station, two sites, the 1910 Building and the Page School, with two plugs in each site.

Yes 3, No 0

Town Manager Angus Jennings stated that he wanted to make everyone aware that what was just voted is a proposed increase in the operating budget, that when the DPW town expenses line comes up in the budget for review, that will require a hold and an amended motion to add the \$2,400 to that line item.

G. Consideration to extend FY20 Board/Commission/Committee appointment terms through June 30, 2020

Chairman David Archibald thinks it's a no-brainer and would recommend that be done, as do the other two Selectmen. Town Manager Angus Jennings suggested that we extend all committee appointments that normally zero out at June 15th be extended to June 30th.

Selectman Glenn Kemper stated, "So moved." Second by Selectman Richard Parker.

Selectman Richard Parker asked how we ended up at June 15th, and Selectman Glenn Kemper stated that everywhere it's been June 15th and there is no reason that it can't be changed. He also stated that we have all these committees that keep reappointing them and thinks we should take a hard look at them and maybe not reappoint them if they aren't useful or haven't met, and also that we should start looking at the charges of these committees, that we should appoint the charges, not them back to us, and see if we don't need to have a committee any longer and look at the charge to have a good understanding of whether it's needed any longer.

Chairman David Archibald stated that he agrees with all of that and that's one of the reasons they were swamped with stuff, but thinks they should have something where the Chairman of committees come together with the Board of Selectman, Town Manager Angus Jennings, and have a big picture. Stated that Rob Phillips made a comment about the fact that committees work in their own insulate little area and have no idea about the big picture of what's going on in the Town and instead of helping the Town, they're slowing down other areas.

Selectman Glenn Kemper stated that he just wanted to bring it up but that his motion still stands that they extend all appointments until June 30th.

Chairman David Archibald advised that two people are leaving, one from the Fin Com so anybody who thinks they might be interested in joining Fin Com, since it's not going to be disbanded, we need to populate the Fin Com.

Selectman Glenn Kemper stated that before the vote is taken if they could at a later time talk about the committees and what should be done in the fall and everyone agreed, so he asked Town Manager Angus Jennings to put this on in September, October, or earlier when there's enough time to have it there as a B item to have a discussion. Chairman David Archibald agreed not to forget, and Town Manager Angus Jennings agreed.

Yes 3, No 0

H. Approval for stipends for election workers for June 3, 2020 election

Everyone is in favor, but question by Selectman Richard Parker was whether it was added up right. The numbers total \$1,250.

Motion made by Selectman Glenn Kemper to approve the stipends. Seconded by Richard Parker.

Yes 3, No 0

I. Discussion of existing Board/Commission/Committee structure; Board of Selectmen policy objectives for FY21; and preliminary discussion of potential revisions to B/C/B structure and/or changes

Town Manager Angus Jennings stated that this is the same as G and has already been talked about.

J. Updates on planning underway for reopening of Town buildings and facilities, including library

(See discussion at page 4)

Town Manager Angus Jennings stated that there is no updated draft, so still a work in progress. Selectman Glenn Kemper suggested that we keep the status quo until there is information to revisit this issue. Town Manager Angus Jennings suggested that if something comes up that need a Board vote, he would put it on the agenda; if not, it can be noted that it is being worked on because some of it falls to the Board of Health.

ADDED ITEM NOT ON AGENDA:

Chairman David Archibald stated that a motion was made in Executive Session to discuss the Memorandum of Understanding between the Town and the City of Newburyport related to rebuilding the Middle Street Bridge, and that is not in the packet.

Selectman Glenn Kemper made a motion that we accept the Carr Memorandum of Understanding with the City of Newburyport that we have and that we would sign that and send it to them by the end of the week. Seconded by Selectman Richard Parker.

Yes 3, No 0

K. Annual reorganization of Board of Selectmen

Chairman David Archibald stated that after the Town election, the Board of Selectmen reorganizes, so he would take any motions on the floor.

Selectman Richard Parker stated that he has been happy with the way Chairman David Archibald has run things for the last year and he would nominate Chairman David Archibald for a second year. Seconded by Selectman Glenn Kemper. Chairman David Archibald stated that he is willing to do it.

Yes 2, No 0 (Chairman David Archibald abstain)

L. Meeting Minutes: May 14, 2020

Chairman David Archibald made a motion to approve the minutes of May 14, 2020. Seconded by Selectman Richard Parker.

Yes 2, No 0 (Selectman Glenn Kemper abstain)

NEW BUSINESS

- Selectman Richard Parker addressed the difficulties that we're seeing as a country right now. He stated that he has the utmost respect and confidence for the integrity of our Police Department, but he was asked if he knows the policy regarding use of force in West Newbury. Selectman Glenn Kemper stated that use of force has a bigger thing, every time somebody is taken into custody there's a use of force and the best thing to do is at the next meeting, have the Chief of Police explain it. Chairman David Archibald stated that the Chief describe what kind of training the West Newbury Police receive regarding use of force and what the protocols are for use of force.

Town Clerk Michael McCarron stated that under the Strong Chief Act, there are rules and regulation that the Chief proposes for all police actions and there's a whole manual on police procedures in West Newbury, and those procedures are approved by the Board of Selectmen, so the Board of Selectman has a role in determining the procedures for the police within the Town.

Selectman Glenn Kemper that he thinks it's very timely and we should ask the Chief to come in and explain that. Use of force goes from verbal to physical to things that are horrible that are happening in the country, so it would be good for the Police Chief to explain the protocols and procedures already in place, and it should be an informative thing for us to understand rather than a cross-examination and trying to tell them how to run the Department.

Selectman Glenn Kemper makes a motion to allot a half an hour to bring the Chief in at the next meeting and ask questions about the use of force and the protocols or rules and regulations that are behind that. Seconded by Selectman Richard Parker.

Yes 3, No 0

- Archibald just wanted to give the news that MassDOT rejected the Bridge Street speed limit reduction request.

Motion was made by Selectman Glenn Kemper, seconded by Selectman Richard Parker to adjourn the meeting at 9:24 p.m.

Yes 3, No 0

Respectfully submitted,

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

**Agreement By and Between
The City of Newburyport and the Town of West Newbury
Regarding Allocation of Costs for Evaluation, Design and Repair of
The Plummer Spring Road/Middle Street Bridge**

This Agreement is made as of this ____ day of _____, 2020, by and between the City of Newburyport, a Massachusetts municipal corporation with its main office at City Hall, 60 Pleasant Street, Newburyport, MA 01950 (hereinafter referred to as “Newburyport”) and the Town of West Newbury, a Massachusetts municipal corporation with its main office at the 1910 Office Building, 381 Main Street, West Newbury, MA 01985 (hereinafter referred to as “West Newbury”).

RECITALS

Whereas, Newburyport and West Newbury in accordance with M.G.L. c. 40 §4A are authorized to enter into an agreement with another governmental unit to perform jointly or for that unit’s services, activities or undertakings which any of the contracting units is authorized by law to perform; and

Whereas, Newburyport and West Newbury desire to enter into an Agreement to share the costs to evaluate the condition of the Plummer Spring Road/Middle Street Bridge over the Artichoke Reservoir (the “Bridge”) situated on the border between Newburyport and West Newbury, and to share the costs of designing, bidding and making necessary repairs to the Bridge (the” Bridge Project”); and

Whereas, Newburyport and West Newbury both desire to work cooperatively in order to complete the repairs to the Bridge in the most expeditious fashion; and

Whereas, Newburyport has been authorized to enter into this agreement by vote of its City Council and approval of its Mayor; and

Whereas, West Newbury has been authorized to enter into this agreement by vote of its Board of Selectmen.

Now, therefore, in consideration of the mutual promises contained herein, Newburyport and West Newbury agree to the following terms, conditions and provisions.

1. **Effective Date and Term; Renewal:** This Agreement shall become effective when fully executed by Newburyport and West Newbury on the day first above written and shall continue, if

renewed in accordance with the provisions hereinafter contained, until the completion of the Bridge Project.

The initial term of this Agreement shall be one year from the date first written above. The parties shall review the status of the Bridge Project on an annual basis and may renew this Agreement with such amendments as are mutually agreed upon; provided, however, that in no event shall the term of this Agreement, including any renewal thereof, exceed twenty-five (25) years. Any renewal shall be executed by the Mayor of Newburyport on behalf of the City of Newburyport and the Town Manager of the Town of West Newbury on behalf of the Town of West Newbury.

2. **Cost Sharing; Estimated Project Cost:** Newburyport and West Newbury mutually agree that they shall share equal responsibility for all aspects of the Bridge Project, including but not limited to, the costs of evaluation, project design, permitting, bidding, scheduling, oversight, construction, and contractor payment, to the extent that work is not undertaken by employees of Newburyport or West Newbury (all of whose costs and expenses shall be paid by their respective employer). To that end, Newburyport and West Newbury shall obtain the authorization of the other prior to incurring any such costs. Cost sharing shall pertain solely to work directly related to the Bridge Project, and shall be subject to appropriation.

The estimated Bridge project cost is contained in Appendix A attached to this Agreement. Funding, including any additional funding sources as described herein, shall be provided to address the costs as listed in Appendix A. Should additional funds for the Bridge Project in excess of this estimated cost be required, such additional costs shall be expressly subject to appropriation by both parties. Periodic financial statements shall be issued to both parties with respect to expenditures undertaken for the Bridge Project.

Notwithstanding anything set forth above, each party reserves the right to petition for an apportionment of the costs associated with the Bridge Project in accordance with the provisions of M.G.L. Ch. 84 §2.

3. **Cooperation:** Newburyport and West Newbury agree to work together to complete the Bridge Project design, bidding and repair as expeditiously as possible. Newburyport and West Newbury agree to use diligent efforts to obtain without undue delay, any required local, state or federal permit, clearances, approvals, and/or waivers for the Bridge Project. Newburyport and West Newbury acknowledge that each party has received grant funding for the completion of the Bridge Project, Newburyport having received a MassDOT grant and West Newbury having received a MassWorks grant, the terms and requirements of such grants being incorporated herein by reference. In the interest of complying with such grant requirements, the Bridge project must be completed by June 30, 2023.

4. **Liability:** Each party hereto shall be liable and responsible for the negligent or intentional acts of its employees, agents and contractors with respect to the Bridge Project, and shall hold each other harmless from any claims arising therefrom, to the extent permitted by law.

5. **Additional Funding Sources:** Newburyport and West Newbury agree to use their best efforts to secure such grants, reimbursements or other sources of funding for the Bridge Project. All such additional funding sources for the Bridge Project, whether received prior to or after the date of this Agreement shall reduce each party's obligations for costs by one half of the amount secured. The parties agree to comply with all terms and conditions set forth in such grants, reimbursements or other sources of funding.

6. **Notice and Change of Circumstances:** Each party shall promptly notify the other of any legal impediment, change of circumstances, including but not limited to changes in funding availability, insurance requirements, city or town approvals, or any condition or event which may adversely affect each party's ability to carry out any of its obligation, under this Agreement. Any request, demand, authorization, direction, notice, consent, waiver or other document provided or permitted by this Agreement to be made, given, furnished or filed with one party by another party shall be in writing and shall be delivered by hand or by certified mail, return receipt requested, or by overnight delivery service, in an envelope addressed to:

NEWBURYPORT:

Office of the Mayor
Newburyport City Hall
60 Pleasant Street
Newburyport, MA 01950

WEST NEWBURY:

Town Manager
1910 Office Building
381 Main Street
West Newbury, MA 01985

7. **Governing Law:** This Agreement is to be governed and construed in accordance with the laws of the Commonwealth of Massachusetts.

8. **Severability:** If any provision of this Agreement is determined to be invalid or unenforceable, the remaining provisions shall remain in force and unaffected to the fullest extent permitted by law and regulations.

9. **Modification and Amendment:** This Agreement may be modified or amended only by written mutual agreement of the Parties.

10. **Designation of Project Coordinator:** Newburyport and West Newbury shall each designate an employee to act as the Project Coordinator who will be the point of contact for all aspects of the Bridge Project for that party. Each Project Coordinator shall be copied on all correspondence or other communication with any third party involved in the Bridge Project. In the event of the temporary absence or unavailability of a Project Coordinator, the Parties may designate a temporary Project Coordinator for the duration of such absence or unavailability.

11. **Oversight:** Newburyport and West Newbury agree that their respective employees, agents and officials shall have access to the Bridge during the pendency of this Agreement. Newburyport and West Newbury agree to promptly notify the other in the event that such party considers any work connected with the Bridge Project to be not in compliance with this Agreement, the Bridge Project contract issued pursuant to the joint IFB, or applicable federal, state or local laws and applicable regulations.

12. **Joint Invitation for Bids (“IFB”):** Newburyport and West Newbury shall prepare and advertise for a joint IFB for the construction of the Bridge Project and shall jointly open and evaluate bids and award a contract to the selected eligible and responsible bidder.

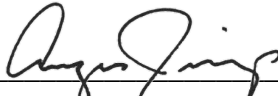
13. **Entire Agreement:** This Agreement, including all documents incorporated herein by reference, constitutes the entire integrated agreement between the parties with respect to the matters described. This Agreement supersedes all prior agreements, negotiations and representations, either written or oral, and it shall not be modified or amended except by a written document executed by the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

City of Newburyport

Mayor
Duly authorized
By _____ vote of the
Newburyport City Council
_____, 2020

Town of West Newbury



Angus Jennings, Town Manager
Duly authorized
By unanimous 3-0 vote of the
West Newbury Board of Selectmen
June 8, 2020

Town Manager

From: Matthew Coogan <MCoogan@CityofNewburyport.com>
Sent: Monday, June 15, 2020 12:51 PM
To: Town Manager; Donna Holaday; Jon-Eric White
Cc: DPW Director; Michael McCarron
Subject: RE: [Ext]Bridge MOU

Thanks, Angus. This will be included in the next City Council meeting agenda June 29th. I will let you know when the subcommittee meets. When it does get referred back to the full Council, there's one meeting in July the 13th, and they meet on the 10th and 31st.

Matt

From: Town Manager <townmanager@wnewbury.org>
Sent: Thursday, June 11, 2020 4:54 PM
To: Donna Holaday <DHoladay@CityofNewburyport.com>; Matthew Coogan <MCoogan@CityofNewburyport.com>; Jon-Eric White <JWhite@CityofNewburyport.com>
Cc: DPW Director <dpwdirector@wnewbury.org>; Michael McCarron <mmccarron@wnewbury.org>
Subject: [Ext]Bridge MOU

external e-mail use caution opening

Hi,

At their meeting on Monday night, the Board of Selectmen voted unanimously to endorse the form of MOU most recently provided by Matt Coogan by email on 5/26. The attached MOU (in PDF format) is signed; I have also attached the same document (unsigned) in Word.

Please let us know when this will be filed with the Council for their review, which we understand will involve Committee referral etc. As we discussed when we spoke recently, we'd like the Town to be represented at Council meetings on this topic, and would like to continue to work with your office to ensure that our participation/presence is helpful to the process.

When it does go to Council, it would be good if they're also presented with the key points which make this (in our opinion) advantageous to the City – namely, that it would “credit” the City with 50% of the \$1M MassWorks grant (just as, in turn, it would “credit” West Newbury with 50% of the \$500k MDOT Small Bridge grant). This may be better coming from one of your offices than from WN... just a thought. If there are other supporting materials we may have that should be part of the packet presented to the Council, please let us know.

As you know, we have our first MassWorks quarterly report due on June 30th. We'd like to include in that an estimated timeframe for Council review of the MOU. It would also be helpful, if possible, to receive an update from BSC Group regarding the current status of design, and anticipated timeline to begin filing for permits.

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

West Newbury Zoning Board of Appeals Meeting

Thursday July 2, 2020 at 6pm

On July 2, 2020, at 6 pm, the West Newbury Zoning Board of Appeals will conduct a remote meeting to include a public hearing to consider proposed amendments to the Comprehensive Permit Rules adopted by the Board of Appeals governing Comprehensive Permits in accordance with M.G.L c 40B Section 21.

See Town website for remote participation information www.wnewbury.org

RECEIVED
TOWN CLERK
WEST NEWBURY, MA
2020 JUN 11 PM 8:49

Town of West Newbury
Comprehensive Permit Rules

Adopted by the Board of Appeals on June 11, 2020

Contents of Sections

1. Purpose and Intent
2. Definitions
3. Pre-Submission Conference
4. Application and Documentation
5. Fees
6. Zoning Board of Appeals Review Criteria
7. Decision
8. Appeals
9. Amendments to Approved Plans

1.0 Purpose and Intent

These Regulations, enacted pursuant to G.L. c.40B, s.21 prescribe the West Newbury Zoning Board of Appeals requirements for the review of comprehensive permit applications (“applications” or “project”). These requirements list, supplement or clarify requirements set forth in M.G.L. c.40B §§20-23 (the Act) and the comprehensive permit regulations (760 CMR 56.00 et seq.). These regulations supplement various other rules, policies, and regulations governing land development in West Newbury. Nothing in these Regulations shall be deemed to limit the right of the Zoning Board of Appeals to require the Applicant to provide additional relevant information and/or documents or to limit the obligation of the Applicant to provide such additional information and/or documents.

An applicant for a comprehensive permit project is encouraged to review carefully these regulations, in addition, it is highly recommended that the Applicant meet with the Town Manager, Building Inspector, Town Planner, Conservation Agent, Health Agent and other relevant Town staff members prior to submitting an application for a comprehensive permit.

Strict compliance with these Regulations may be waived if the Board finds that, but for the grant of the waiver, the proposed project would be rendered uneconomic and that granting the waiver is in the public interest and is not inconsistent with the intent and purpose of the law and these Regulations, and is otherwise in accordance with G.L. c.40B, s.20-23. Any request by an applicant for a waiver from these Regulations must be

submitted to the Zoning Board of Appeals in writing as part of the application. Such requests shall identify the specific sections of these Regulations from which waivers are sought and shall include a statement setting forth the reasons why the applicant believes a waiver should be granted.

These rules alone are not sufficient to specify the Comprehensive Permit process before the West Newbury Zoning Board of Appeals. They must be read in conjunction with and implemented in a manner consistent with the complete regulations of the Housing Appeals Committee, 760 CMR 30.00 and 31.00: with the *Guidelines for Local Review of Comprehensive Permits*, published periodically by the Department of Housing and Community Development. In addition, the Zoning Board of Appeal's general rules for conduct of hearings under M.G.L. c. 40A apply to Comprehensive Permit applications.

2.0 Definitions

2.1 "Board" means the Zoning Board of Appeal, established by G.L. c. 40A, sec. 12, and Section 8.A.1 of the Town of West Newbury Zoning Bylaws, and acting in its capacity to issue a comprehensive permit under the powers granted by the Act (M.G.L. c.40B).

2.2 "Bylaws" means any and all bylaws, policies or regulations adopted by the Board or any "local board", including the West Newbury Subdivision Rules and Regulations, even when the proposed comprehensive permit proposal does not include the division of land into two or more lots.

2.3 "Local Board" means any local board, department or official, including but not limited to the Board of Health; Conservation Commission; Historical Commission; Town Manager; Fire Department, Police Department; Inspectional Services; the Board of Selectmen; Planning Department, and all boards and commissions performing functions usually performed by locally-created boards and commissions.

2.4 "Local Preference" To the maximum extent allowable by law, comprehensive permit developments shall provide for local preference tenant or homeowner selection procedures. "Local preference" tenants or homeowners include current town residents or their immediate family members (such as adult children or elderly parents), employees of the town or the school district, and non-residents who either work for private business or non-profit establishments within the town or whose children are enrolled in the West Newbury public schools.

2.5 "Member", as used in these rules, mean the ZBA member or associate member duly appointed by the Board of Selectmen and sworn in by the Town Clerk.

2.6 "Project" means any comprehensive permit development proposed pursuant to and in conformance with, these Regulations and G.L. c.40B, s.20-23. A Project shall not

include and the Board shall not approve any non-residential component of said development unless the West Newbury Zoning Bylaws authorize the non-residential use(s) on the locus.

3.0 Pre-Submission Conference

3.1 Prior to filing an application, a prospective applicant is encouraged to have a discussion of the filing requirements and these Regulations in general with the Town of West Newbury Building Inspector, who is the primary staff liaison to the ZBA. Discussion of the proposed Project is also strongly encouraged during a “pre-submission” conference with Town of West Newbury staff and the various boards, departments and commissions that are relevant to a successful development project.

3.2 Prospective applicants for a Comprehensive Permit are strongly encouraged to contact and work with Town officials, staff, and local boards (but not the ZBA), to identify suitable locations for development and building designs that fit the neighborhood. It is recommended that this be done prior to seeking a Project Eligibility (Site Approval) letter and filing an application for a Comprehensive Permit with the ZBA. The suitability of a location should be evaluated in relation to the following criteria:

- a) Land that is suitable for a septic system that complies with Title 5 or utilizes another compliant method of wastewater treatment;
- b) Land that is directly accessible from a collector or arterial street and which permits points of entry and egress in a safe manner;
- c) Land that has open or recreational space within or nearby;
- d) Land that is free of soil and engineering problems that would make the development unduly difficult or costly;
- e) Land that has an adequate drinking water supply;
- f) Land that presents minimal impact on wetlands and conservation land;
- g) Land that presents minimal impact on Town services (e.g., police, fire, school bus routes);
- h) Land that is suitable for development at a higher density than allowable by the underlying zoning; and
- i) Creative land use designs which reduce infrastructure costs and minimize adverse environmental impacts and/or maximize residents’ recreational areas, including by preserving meaningful amounts or tracts of open land whenever reasonably practicable.

3.3 Where a comprehensive permit application includes a portion of a parcel that lies, in whole or in part, in an abutting municipality, and any portion of said parcel or adjoining parcel(s) within the Town of West Newbury is proposed for use for ingress, egress, access or development, including but not limited to use for stormwater disposal,

wastewater disposal or water supply, these Rules shall apply to said parcel(s) as if the entire project was proposed within the Town of West Newbury.

4.0 Application and Documentation

4.1 Application for a Comprehensive Permit: It is the responsibility of the applicant, when applying for a Comprehensive Permit, to submit a complete application and full documentation as required herein. The Application shall be submitted to the Board, as more fully described in these Regulations, before the Application will be deemed properly filed. The detail included in such documentation shall be commensurate with the scale of the project and the project's associated impacts to the built and natural environment. In addition, the Board may require additional information during the review process, as it deems reasonably appropriate. However, the Board may also waive any of the items noted below, after written request from the Applicant noting which items it believes are not relevant for the Project review, with such request(s) accompanied by substantive reasons why such items will not assist the Board in its responsibility to evaluate the Project.

4.2 Submittal Requirements. The Applicant for a comprehensive permit or for any substantial modification of a previously issued comprehensive permit shall submit the following with its application for a comprehensive permit:

4.2.1 Project Eligibility documentation: documents specified in 760 CMR 56.04 to show the status of the Applicant and the acceptability of the site, including:

- a) Evidence that the Applicant is a public agency, non-profit organization or a limited dividend organization;
- b) Evidence that the project shall be fundable by a subsidizing agency under a low and moderate income housing subsidy program. The Board may review this documentation to ensure that the applicable subsidizing agency has performed the due diligence required under 760 CMR 56.04;
- c) Evidence that the Applicant shall control the site and the means of access thereto. This documentation must adequately demonstrate that the Applicant possesses the necessary control over the site access to develop the project as proposed in the Application, and the Board reserves the right to require applicant submittal of a purchase and sale agreement, and/or such other documentation as it may require to demonstrate site control for the entirety of the proposed development site;
- d) All materials, including correspondence to and from, the subsidizing agency, upon which the Project Eligibility letter was issued.
- e) If the applicant is seeking funding under the Local Initiative Program (LIP), the Board of Selectmen and the applicant shall work together and jointly submit an application for a Project Eligibility (Site Approval) letter. If such letter is issued, the applicant must still file an application for a Comprehensive Permit with the ZBA. The ZBA retains separate jurisdiction under Chapter 40B to review the development in its entirety,

pursuant to these Rules and Regulations.

- f) Preliminary Site Development Plan(s) - preliminary site development plan(s) ("Site Plan") showing the locations and outlines of proposed buildings; the proposed locations, general dimensions and materials for streets, drives, parking area, walks and paved areas; and proposed landscaping improvements and open areas within the site including street, trees, seating areas and landscape buffers. The Site Plan shall be signed and stamped by a registered professional engineer licensed in the Commonwealth of Massachusetts.

4.2.2 Said Site Plan shall include the following information:

- a) Existing wetland resource areas protected under the Massachusetts Wetlands Protection Act and West Newbury Wetlands Protection Bylaw and regulations, and including all land subject to flooding based on the most recent Flood Insurance Rate Maps (FIRMs) issued pursuant to the National Flood Insurance Program (NFIP). Wetlands shall be delineated by a professional wetland scientist;
- b) Existing and proposed topography of the proposed development site at two-foot contour intervals; and existing topography within one hundred feet (100') of the nearest property line, based on elevations of established vertical datum (NGVD 29 or NAVD 88) or other data sources as available;
- c) Existing structures on the proposed development site, and on adjacent properties within one hundred feet (100') of the nearest property line;
- d) Existing significant environmental features such as ledge outcrops, scenic views and large trees (i.e. greater than 24" diameter at breast height (DBH));
- e) Location of test pits and perc tests that have been completed within the project locus, including the results of same;
- f) Proposed stormwater management system;
- g) Proposed method of wastewater conveyance and disposal;
- h) Proposed entrance(s) and egress(es) to the property;
- i) Locations within the project locus that have been identified as actually or potentially including historical artifacts including but not limited to burial grounds;
- j) Proposed lighting and a photometric analysis;
- k) Any proposed on-site power generation facilities (such as a solar panel array);
- l) Any proposed wireless communication facilities;
- m) Zoning districts and municipal boundaries; and
- n) Proposed open space and/or recreational areas, including a summary of the method of proposed protection of such areas (i.e. conservation restriction, deed restriction).

4.3 Report on Existing Site Conditions - a report, together with a plan(s) using two (2) foot or smaller contour elevations of established vertical datum (NGVD 29 or NAVD 88), regarding existing site conditions and a summary of conditions in the surrounding areas,

showing the location and nature of existing buildings, any wetlands or vernal pools, mature trees, existing street elevations, traffic patterns and character of open areas, if any, in the neighborhood. The zoning district or districts, if more than one (1) district is involved, shall also be shown on the plan. (If the abutting land is in another district or town, this shall also be shown.)

4.4 Preliminary Scaled Architectural Drawings - preliminary architectural scaled drawings (with a minimum scale of 1/8" = 1'0) including typical floor plans, typical elevations and sections, and identifying construction type and exterior finish, signed and stamped by an architect. If one of the requested waivers is for relief from lot line setbacks or building height limitations, documentation shall include a street elevation showing the proposed new construction and existing buildings to at least 100 feet adjacent to the requested waiver area. For proposed structures taller than that allowed by the underlying zoning, and/or seeking a waiver from applicable setback requirements, the Board may additionally request a sun shading study after review of the streetscape elevation.

4.5 Proposed Buildings, Roadways and Open Space - a tabulation of proposed buildings by type, size (number of bedrooms, floor area), and ground coverage, and summary showing the percentage of the tract to be occupied by buildings, parking and other paved vehicular areas, and by open areas. A site plan showing the location and outline of proposed buildings. Proposed locations, and general dimensions and materials of streets, drives, parking areas, walks and other paved areas. Proposed landscaping improvements, proposed screening of neighboring properties, open areas within the site, and common areas.

4.6 Utility Plans – a utilities plan at a scale of no greater than 1"= 40' showing the proposed location and types of wastewater conveyance and disposal facilities; public and private drinking water facilities (including wells, piping and hydrants) including any proposed hydrants and/or cisterns, and the location of existing drinking water wells, wastewater disposal systems, and fire hydrants, ponds and cisterns within two hundred (200) feet of the locus, and any and all waste sites, underground storage tanks, agricultural land uses, and/or utility rights-of-way that are within 500 feet of the proposed well site(s), including adequate testing and engineering data to support the viability of proposed facilities at the proposed locations and to demonstrate whether and to what extent the proposed facilities may have an adverse impact to off-site drinking water wells and wastewater disposal systems within 200 feet of the locus; and stormwater management and drainage facilities and structures. Adequate supporting information shall be provided to demonstrate that all utilities and related infrastructure shall meet all applicable federal and state laws and regulations (including, but not limited to, Title 5, Stormwater Management Guidelines promulgated by the Massachusetts Department of Environmental Protection, or best management practices, whichever is more stringent), as well as related regulations and requirements. Additionally, the utility plan or a separate utility plan shall show the location and type of electric and gas utilities and

telecommunication(s) facilities.

4.7 Habitat – If the locus is identified as Priority Habitat or Rare and Endangered Species Habitat by the Massachusetts Natural Heritage and Endangered Species program, copies of filing for a Conservation and Management Permit or, at a minimum, copies of correspondence with the Massachusetts Natural Heritage and Endangered Species program regarding the proposed Project;

4.8 Recreation and Open Space Amenities – a detailed listing and site plan identifying the recreation and open space amenities and areas to be proposed and set aside within the proposed project's locus.

4.8 Report on impact of proposed development project to neighboring properties including noise, glare, blocking of natural light, water run-off, proposed screening, proposed hours of construction, proposed method to minimize dust related to proposed construction, etc. This information can be combined as part of the other required drawings.

4.9 Pro Forma - a complete financial pro forma, detailing the projected costs and revenues of the proposed project. The pro forma shall be updated on a regular basis at the request of the Board of Appeals. The pro forma shall itemize all development costs and all profits and distributions, in accordance with applicable law, regulations and requirements, including, where applicable, the requirements and guidelines of the Commonwealth's Department of Housing and Community Development, Mass Housing and the entity from which subsidy funding is sought. The Applicant shall fully disclose, in writing, to the Board all related party transactions. If the claimed land acquisition value is five percent (5%) or greater than the land's most recent assessed valuation as determined by the Town of West Newbury, the application shall contain an appraisal of the property, prepared by an appraiser certified as a Massachusetts General Appraiser, with a valuation date no greater than six months prior to the application date. A full compilation and certification of total development costs and total revenues on a federal income tax basis, prepared by a CPA according to generally accepted accounting standards, shall be provided. All information required to review the applicant's financial projections, credentials and market projections shall be provided. The applicant must identify any family members or persons with an identity of interest to the applicant whom the applicant plans to utilize to perform any service to the project, and must identify how the use of those individuals affects the costs or profits of the project.

4.10 Impact Analysis of the Natural and Built Environment (for applications for projects of twenty (20) or more dwelling units or if otherwise required by the Board of Appeals) - prepared by a qualified environmental scientist, professional wetland scientist (PWS), professional hydrologist, professional engineer, certified soil scientist, botanist, hydrogeologist and/or other scientific professional with demonstrated qualifications (e.g. education, training, or demonstrated experience) provided to the Board. The Impact

Analysis shall assess the impact of the construction phase(s) of the development, and the completed development on the environment within the development and adjacent thereto and shall be used to assist the Board in determining whether any local or regional need for below market rate housing outweighs relevant impacts of the proposed project at the proposed location. Such analysis shall include, but shall not necessarily be limited to, an evaluation of pre-development conditions, construction phase impacts and post-development impacts on:

- a) surface and groundwater quantity and quality;
- b) groundwater recharge;
- c) open space and recreational areas and space;
- d) wildlife habitats and corridors; wetlands and bodies of water, including streams and rivers, both localized and general;
- e) species of special concern in Massachusetts; and
- f) historic and cultural resources.

The analysis shall also consider soil conditions on and near the site, percolation, and water testing pursuant to the Department of Environmental Protections Soil Evaluation procedures under Title 5. Preliminary water table tests should be conducted under all proposed drainage detention facilities, under all buildings, and adjacent to any road cuts greater than three (3) Feet. Such analysis shall include proposed mitigation of any identified post-development impacts. Mitigation measures requiring continuing or periodic maintenance shall be identified and a proposed maintenance plan shall be included with the Impact Analysis.

The analysis shall be completed by a Registered Professional Engineer and shall include all existing and proposed conditions. Plans shall be drawn at two (2) foot contours and shall contain the information listed above as well as the locations, sizes and details of all inlets, culverts, swales, drains, manholes, pipes and all other infrastructure and/or modifications needed to comply with this section (4.10).

4.11 Traffic Impact Report (for applications for projects of twenty (20) or more dwelling units or if otherwise required by the Board) - prepared by a registered professional engineer qualified in the field of traffic engineering, analyzing the proposed project's impact on the congestion, safety and overall convenience of the roadway system, including the roads providing access to and egress from the proposed project and all roads and areas otherwise impacted in any material way or manner by the proposed project, regardless of the level of additional traffic projected and regardless of whether or not the road is under the jurisdiction of the Town of West Newbury, MassDOT, a private road, or located in an adjacent municipality. The project's cumulative impacts on both vehicular and pedestrian travel shall be addressed in detail.

4.12 Statement of Impact on Municipal Facilities and Services – The Application shall provide a detailed analysis of the impact(s) of the proposed project on municipal facilities and services and include an analysis of the costs imposed upon the Town including specific quantitative projections of the impact(s) on schools, traffic, transportation, recreation, open space, roads and road maintenance, solid waste, police and fire and other safety services and utilities (including water, power and natural gas) as well as the anticipated tax and other revenue to be generated by the proposed project, including the basis of such projections.

4.13 Roster of Development team members and list of prior developments – (i) a list of all members of the development team, including all contractors and subcontractors to the extent known at the time of the Application; (ii) a list of all prior development projects (regardless of whether residential or commercial, etc.) over the last ten (10) years; and (iii) any open litigation to which any member of the Development team is a party.

4.14 A list of abutters certified by the Chief Assessor, showing names and addresses of abutting property owners, and abutters to the abutters, whose property is within three hundred (300) feet of the property lines of the property that is the subject of the application. Owners of property directly opposite said property on any public or private street(s) as they appear in the Assessor's records shall be considered a direct abutter;

4.15 Fourteen (14) paper copies of said Application with Site Plans at 24" x 36" size (1"=40' scale), including all attachments and exhibits, shall be submitted to the Town Clerk upon filing together with 1 flash drive with separate PDF files of each of the required documents (to be distributed to the Board Members, the Inspectional Services Department, and to various Town departments). Up to ten (10) additional copies shall be provided to the Board upon request. Additionally, five (5) sets of 11" x 17" legible copies of all Site Plans (with match-lines, as applicable) shall be provided to the Board;

4.16 Recent panoramic photograph(s) of the site and immediately adjacent properties;

4.17 A list of requested exceptions to local requirements and regulations, including local bylaws, rules and regulations. The list, which may be amended by the applicant during the hearing process, must specifically designate the bylaws, rules and regulations and the particular provision(s) thereof, from which relief is sought. Each provision specified for relief shall be copied in the application, and the applicant's proposed alternative to compliance shall be defined for each provision from which relief or exception is sought. The applicant shall offer justification for each requested exemption as to public benefit, why granting the exemption is not inconsistent with the intent of local regulations and local needs, and the effect on the financial feasibility of the project if the requested exemptions are not granted;

4.18 A table showing the size (sq. ft.) and planned sale price of each unit in the proposed

development, including both affordable and market rate units;

4.19 The applicant's projected date to commence construction and the anticipated schedule for completion of all phases;

4.20 Where a subdivision of land is involved, a preliminary subdivision plan as defined by M.G.L. c. 41 §81 L;

4.21 A profile of the developer shall be provided and shall include information regarding experience and qualifications showing an ability to successfully complete the proposed development.

5.0 Fees

5.1 Fee Schedule: The Application shall be accompanied by a filing fee, based on a flat fee and the number of housing units proposed:

- a) for limited dividend organizations where the total project contains 8 or more units:
\$10,000 base fee plus \$250 per market rate unit proposed;
- b) for limited dividend organizations where the total project contains 7 or fewer units:
\$5,000 base fee plus \$200 per market rate unit proposed;
- c) for non-profit organizations and public agencies: \$1,000 base fee plus, if the total project contains more than 6 market rate units, \$100 per market rate unit proposed.

5.2 Review Fees

Pursuant to G.L. c.44, s.53G, the Board may employ outside consultants to provide technical assistance in various disciplines, including, but not limited to, civil engineering, pro forma financial analysis, traffic and transportation planning and engineering, wetlands and wildlife science, hydrology, hydrogeology, hydraulic engineering, structural engineering, architectural and landscape design, financial and construction expertise, fiscal impact analysis, and stenographers.

A review fee will be imposed consistent with the following principles:

- a) The work is in connection with the applicant's project
- b) All written results and reports are made part of the Board's record
- c) All fees assessed shall be reasonable in light of the:
 - 1) Complexity of the proposed project
 - 2) Complexity of the particular issues
 - 3) Number of dwelling units proposed

- 4) Size and character of the site
- 5) Projected construction costs
- 6) Fees charged by similar consultants for similar work.

If the Board requests the applicant to pay the fees of a particular review consultant, the applicant shall provide the Board with the fees prior to the commencement of work by the consultant. In accordance with 760 CMR 56.05(5)(c) if the applicant does not provide the Board with the requested fees within seven (7) calendar days of such written request, the Board may deny the Comprehensive Permit.

5.3 Procedures

5.3.1. Within 7 calendar days of receipt of a complete application, the Board shall notify local boards that the application has been received, which notice shall include the requested waivers. The Board may request that local boards and departments provide guidance to assist the Board in evaluating the application. All reports and correspondence shall become part of the public record.

5.3.2. The Board shall open a public hearing on a complete application within thirty (30) days of its receipt thereof provided that said complete application includes the filing fees and all the information required by these regulations. Unless one or more of the items of information required by these Regulations is waived by the Board, an application will not normally be deemed complete if it does not contain all of the filing requirements established herein. The Board may in its discretion allow one or more of the items of information required by these Regulations to be submitted during the Board's public hearing on an application.

5.3.3. The Board shall request the appearance at the hearing of such representatives of local boards or members of the general public as it considers necessary or helpful in reviewing the application. The applicant or its agent(s) shall appear at each of the public hearing sessions held on the completed application and be available for questioning by the Board, the Board's agents and representatives, representatives from any local boards and the general public, subject to the principles of due process and the procedural rules of the Board. The following is a general guideline to the order of proceeding: (a) applicant's presentation (which may be reasonably limited to a set amount of time by the Board) (b) local officials (c) comments by those in attendance (which may also be reasonably limited to a set amount of time by the Board).

5.3.4. In making its final decision, the Board shall take into consideration the recommendations of local boards and the public and acknowledge within the Board's written decision, all written comments received from local boards, officials or members of the general public.

5.3.5. Unless otherwise excused by the Board or its agents, the applicant shall cause to be present at each of the public hearing sessions held on the completed application any professional, expert or other witness who has participated in the drafting of the proposed Project plans or relevant elements of the Project or whose testimony would otherwise be relevant to the Board's deliberations and the public's understanding of the proposed Project. The Board will not accept the testimony of a lay witness (whether said witness is the applicant or the applicant's agent) with regard to technical matters (including legal, engineering, financial, scientific or construction) unless the lay witness demonstrates to the Board that he/she possesses sufficient skills and knowledge to so testify and then, and only then, the Board may permit such testimony but only in regard to the demonstrated area(s) of expertise of the witness.

5.3.6. Pursuant to G.L. c.44, s.53G or otherwise, the Board may in its discretion collect appropriate fees from the applicant for the retaining of a notary public or other qualified stenographer and may in its discretion cause a stenographic record of the proceedings to be made. The applicant shall be entitled to a copy of any such stenographic record and said record, as applicable, shall be referred to either directly or by reference in the Board's decision.

5.3.7. Where the application materials required by these Regulations, by statute, by 760 CMR 56.00 et seq. and as required by the Board during the course of the public hearing in this matter have been received or their submission waived in writing by the Board, the Board shall close the public hearing within 180 days unless said time period is extended by written agreement of the Board and the applicant. In all other respects, the public hearing is deemed terminated, in the Board's sole judgment, when all public testimony has been received and all information requested by the Board and required by these Regulations, by statute and by 760 CMR 56.00 et seq. has been received to the satisfaction of the Board.

6.0 Zoning Board of Appeals Review Criteria

6.1 Site Selection. The Town encourages comprehensive permits that promote appropriately designed developments that consider rural community characteristics of the Town of West Newbury including:

- a) Density,
- b) Scaling, massing and overall building design,
- c) Impact on the neighborhood and town, including financial impact,
- d) Suitability of the site for the proposed development,
- e) Public health and public safety considerations, and
- f) Affordability considerations.

In addition to these issues, there are other issues the ZBA will inevitably examine or need to address during the course of its hearing process on any 40B application. The Board reserves the right to request or require information to permit the thorough evaluation of any issue raised during the course of its hearing process that it deems relevant to its responsibilities.

6.2 Limited environmental impact.

Development shall minimize to the greatest extent practicable:

- a) Depletion and contamination of ground waters;
- b) Alteration or relocation of waterways and drainage patterns;
- c) Any use of groundwater for irrigation of landscaping;
- d) Alteration of existing, natural grades, and overall volume of cut and fill;
- e) Area over which existing vegetation will be disturbed, especially if within 200 feet of a river, pond or stream or wetland resource, or having a slope of more than 15%;
- f) Removal of mature trees (24" DBH or greater);
- g) Soil loss or instability during and after construction;
- h) Alteration or disturbance of land within any flood plain or wetlands area;
- i) Adverse impacts to municipal facilities;
- j) Blockage of trails or potential trails;
- k) Disturbance of important wildlife habitats or corridors, outstanding botanical features or scenic or historic environment;
- l) Visual prominence of man-made elements which are not necessary for safety or orientation including visibility of building sites from existing streets and existing protected open space;
- m) Traffic congestion and reliance on private transportation; and
- n) Number of driveways exiting onto existing streets.

Development shall maximize to the greatest extent practicable:

- o) Preservation of uncontaminated ground and surface waters;
- p) Visual prominence of natural features of the landscape;
- q) Legal and physical protection of views from public ways and existing protected open space;
- r) Connections via publicly accessed trails to and between protected open space and other trails;
- s) Buffers for and connections among existing protected open spaces;
- t) Wildlife corridors;
- u) Access to public transportation;

- v) Creation of, and access to, pedestrian walkways and bicycle paths;
- w) Stormwater Mitigation; and
- x) Compensatory Flood Storage.

6.3 Developments shall demonstrate use of environmentally sustainable planning and engineering approaches for natural resources management to improve water quality, control flooding, maintain ecological diversity, promote adaptation to climate changes and ensure that West Newbury's residential areas, commercial centers and infrastructure are developed in harmony with natural resource conservation.

6.4 Site and building planning should be compatible with the existing neighborhood character and existing development pattern.

6.5 Compatible architectural features include scale, materials, roof style and pitch, porches or balconies, and exterior detailing. Rooflines and setbacks may mitigate height differences with neighboring structures.

6.6 Site planning should maintain existing significant trees to the extent reasonably feasible and replace trees to be removed with trees of a sufficient diameter to provide shade and infill within a reasonable period after planting. All landscaped areas shall be continuously maintained and provided adequate water. The Board may require that the Applicant submit a landscape maintenance plan providing for periodic reviews by Town Departments or Boards.

6.7 All paved areas shall provide for proper stormwater control with a focus on low impact design techniques. If pervious pavers are proposed, the landscape maintenance plan must provide for control of sediment at areas of pervious pavement.

6.8 All exposed storage areas shall be screened from abutting properties. Trash dumpsters shall be fully screened on three sides with solid walls to block visual access from street level and with a solid front gate.

6.9 Traffic impacts. Developments shall minimize increase of automobile traffic and enhance access to public transit and enhance both bicycle and pedestrian access to public ways.

7.0 Decision

The Board shall render a decision, based on a majority vote of the Board, within forty (40) days after termination of the public hearing, unless such time period is extended by written agreement of the Board and the applicant.

7.1 The Board may dispose of the application in the following manner:

7.1.1 approve a comprehensive permit on the terms and conditions set forth in the application; or

7.1.2 deny a comprehensive permit as not consistent with local needs pursuant to G.L. c.40B, s.20-23 or due to the failure of the applicant to conform to these Regulations or those found at 760 CMR 56.00 et seq.; or

7.1.3 approve a comprehensive permit with conditions consistent with these Regulations provided that the approval does not render the construction or operation of such housing uneconomic, as uneconomic is defined by the Board with the assistance of the Board's advisors and consultants and subject to the definition of "uneconomic" as found in M.G.L. c.40B, s.20.

7.2 In rendering a decision to approve a comprehensive permit or approve a comprehensive permit with conditions, the Board shall:

7.2.1 never require nor permit the use, via easement, license or any other means, of private or public property, not under the control or authority of the applicant, unless the applicant demonstrates the legal right to use, via easement, license or otherwise, said private or public property;

7.2.2 always require, as a condition of comprehensive permit approval, that prior to the commencement of any construction activities or any site clearing, the comprehensive permit, with a true and attested copy of these Regulations affixed, be recorded at the Essex County Registry of Deeds.

7.2.3 always require, as a condition precedent to recording the comprehensive permit, the execution of a regulatory agreement limiting the profit of the proposed project to that set by the subsidizing agency, unless the Board chooses to establish stricter profit limitations, subject to applicable law;

7.2.4 always require, as a condition precedent to recording the comprehensive permit, the execution of a deed rider ensuring that the below market rate units remain affordable in perpetuity, or the longest period allowed by law;

7.2.5 where relevant, always require a performance guarantee;

7.2.6 always require, as a condition precedent to recording the comprehensive permit, the execution of a monitoring services agreement ensuring that the applicant has engaged the services of a competent professional or agency to monitor, in perpetuity, the transactions of the below market rate units in a for sale Project and the renting of the below market rate units in a rental Project;

7.2.7 always require the following condition: "Prior to the commencement of any construction activities or any site clearing, the Applicant shall submit to the Board a final comprehensive permit site plan and the final engineered plans and calculations associated with the construction of the roadways and related infrastructure, stormwater management utilities, the approved wastewater disposal plans, and the approved water supply plans for technical review by the Board to ensure that it is consistent with and in conformity with this Decision, which upon such finding shall be approved and endorsed by the Board (the 'Approved Plans')." The Board shall render a decision under this Condition within 45 days of the Applicant's complete submittal of these plans and calculations;

7.2.8 always require the following condition to be included in "for sale" comprehensive permit Projects: "No more than three certificates of occupancy shall be issued by the Building Commissioner for units designated for sale at fair market prices until at least one affordable housing unit has received a certificate of occupancy and made available for sale. Affordable housing units shall be constructed and made available for sale coincident with the development of market rate units. Prior to the issuance of the certificate of occupancy for the last-to-be-sold market rate dwelling unit in any phase of the Project, the Applicant shall complete construction, obtain certificates of occupancy for, and make available for sale all of the affordable dwelling units in that phase."

8.0 Appeals

8.1 If the Board approves the comprehensive permit, any person aggrieved may appeal within the time period and to the Superior Court or Land Court as provided in G.L. c. 40A, § 17 and G.L. c.40B, s.21.

8.2 If the Board denies the comprehensive permit or approves the permit with conditions or requirements considered by the applicant to render the Project uneconomic, the applicant may appeal to the Housing Appeals Committee as provided in G.L. c. 40B, § 22.

8.3 Where an appeal is taken pursuant to both Section 8.1 and Section 8.2, appeals brought pursuant to Section 8.1 shall be stayed pending final disposition of the appeal brought pursuant to Section 8.2.

8.4 Where the Housing Appeals Committee, pursuant to an appeal brought under Section 8.2 above, disturbs a decision of the Board and orders the Board to issue a revised decision, said revised decision or failure of the Board to issue same shall constitute a decision which may be appealed by any person aggrieved pursuant to Section 8.1, above.

9.0 Amendments to Approved Plans

9.1 If after the issuance of a comprehensive permit an applicant seeks to make changes to an approved project, it shall promptly notify the Board in writing, describing such change. Within 20 days of receipt of written notification, the Board shall determine and notify the applicant whether it deems the change substantial or insubstantial.

9.2 If the Board determines the change is insubstantial, the comprehensive permit shall be deemed to incorporate the change.

9.3 If the Board determines the change is substantial, it shall hold a public hearing within 30 days of its determination and issue a decision within 40 days of the close of the hearing. Only the changes in the proposal or aspects of the proposal affected thereby shall be at issue in the hearing, however nothing shall prevent the Board from ensuring that all prior conditions have been adhered to and fulfilled by the current applicant or its predecessor(s) in interest or title.

FY21 Holiday Recognition Schedule, Town of West Newbury DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

	Holiday	Labor Day	Columbus Day	Veterans Day	Thanksgiving Day	Friday after Thanksgiving	Christmas Day	New Years Day	Martin Luther King's Birthday	Presidents' Day	Patriots' Day	Memorial Day	Independence Day
Department*	Day & Date	Monday 9/7/20	Monday 10/12/20	Wednesday 11/11/20	Thursday 11/26/20	Friday 11/27/20	Friday 12/25/20	Friday 1/1/21	Monday 1/18/21	Monday 2/15/21	Monday 4/19/21	Monday 5/31/21	Sunday 7/4/21
	Normal Day(s) Closed												
Town Offices	Sat, Sun	Monday 9/7/20	Monday 10/12/20	Wednesday 11/11/20	Thursday 11/26/20	?	Friday 12/25/20	Friday 1/1/21	Monday 1/18/21	Monday 2/15/21	Monday 4/19/21	Monday 5/31/21	Monday 7/5/21
Public Works	Sat, Sun	Monday 9/7/20	Monday 10/12/20	Wednesday 11/11/20	Thursday 11/26/20	Friday 11/27/20	Friday 12/25/20	Friday 1/1/21	Monday 1/18/21	Monday 2/15/21	Monday 4/19/21	Monday 5/31/21	Monday 7/5/21
Library	Sunday (Sat & Sun in summer)	Monday 9/7/20	Monday 10/12/20	Wednesday 11/11/20	Thursday 11/26/20	n/a	Friday 12/25/20	Friday 1/1/21	Monday 1/18/21	Monday 2/15/21	Monday 4/19/21	Monday 5/31/21	Monday 7/5/21

* Holidays for Police, Fire and Public Safety Personnel governed by Union Contracts.