DATE: April 14, 2020

Per Gov. Baker’s Executive Order dated March 12, 2020, suspending G.L. c. 30A sec. 20, the meeting was held by remote participation, namely through Zoom video and audio conferencing. The Public did not have an opportunity to participate as it is not a public hearing. Minutes of the meeting will be posted within 48 hours of the meeting and will be posted on the Town Website, www.townofnewbury.org

PRESENT: Board of Selectmen: J.R. Colby, Chair, Selectmen; Damon Jespersen, Geoffrey Walker, Michael Doyle and Selectwoman, Alicia Greco

Town Administrator, Tracy Blais

Chief Michael Reilly, Director, Emergency Management Agency

Ellen Jameson, Executive Administrator

Planning Board: Peter Paicos, Chair

Call to Order

Board and Committee Reports

- Report of Chairman Colby - None

Grants, Gifts & Donations

(Chapter 44: Section 53A Grants and gifts; acceptance and expenditure)

New Business:

Review and approval - Commercial Clam Permit Application 2020 Season

Motion: A motion was made by Chairman Colby, seconded by Selectman Walker and voted unanimously to approve the Commercial Clam Permit Application for William Poulin, 41 Central St., Byfield and also that the Chair can execute the documents on behalf of the Board.

Discussion re: Fred Hoysradt – Request for reconsideration of Commercial Clam Permit Application denial of 3/24/20

Following discussion:
Motion: A motion was made by Selectman Jespersen and seconded by Selectman Walker to ask Fred Hoysradt to refile the Commercial Clam Permit Application and if he submits proof of change in residency prior to the deadline of March 1, 2020, he will not be charged the late fee.

Roll Call vote:

The Motion passed 5-0.

License Agreement - National Grid & 7 Morgan Avenue

Motion: Selectman Jespersen made the following motion, seconded by Selectman Doyle:
I move to grant a license to Massachusetts Electric Company to install, construct, reconstruct, repair, replace, add to, maintain and operate an underground electric distribution system located in, through, under, over, across and upon land located at 7 Morgan Avenue for the purpose of providing electric service to 7 Morgan Avenue, and that the Chair can execute the document(s) on behalf of the Board.

Roll Call vote:

The Board voted unanimously in favor of the motion.

Public Hearings:

7:15 p.m. – Public Hearing – Continued from Wednesday, March 4, 2020 - Modification to the Special Permit for the Newbury Golf Center, 131, 133, and 151 Scotland Road, Assessors Map R43, Lots 2, 11, and 4B, Applicant: Erik Sorensen, President, Newbury Golf Center, Inc., granted by the Selectmen on November 15, 2017. The Applicant requests approval of a proposed plan to restore areas of disturbance outside the approved limit of work for the project, as shown on the drawings entitled "131, 133-151 Scotland Road, Disturbance Plan of Land," Sheet 1 of 1, dated April 9, 2018, and "131, 133 & 151 Scotland Road, Buffer Zone Mitigation Plan," Sheets 1 and 2 of 2, dated April 30, 2018, and described in supporting documents, prepared by Meridian Associates and LEC Environmental Consultants, Inc. The Applicant also requests release of a stop work order in order to implement the remediation plan and stabilize the overall site.

Selectman Jespersen read the request of Erik Sorensen, President, Newbury Golf Center to continue the public hearing to mid-May.

On behalf of the Board of Selectmen and Planning Board, Selectman Jespersen read the following statement:

Pursuant to Chapter 53 of the Acts of 2020, section 17, the public hearing, continued from Wednesday, March 4, 2020, for the application of Erik Sorensen, President, Newbury Golf Center, Inc., for Modification to the Special Permit for the Newbury Golf Center, 131, 133, and 151 Scotland Road, Assessors Map R43, Lots 2, 11, and 4B, shall be continued to Tuesday, May 12, 2020 at 7:15 p.m., at Newbury Town Hall.
Planning Board Chair, Pete Paicos confirmed the statement on behalf of the Planning Board for the Planning Board’s Site Plan Modification hearing.

**New Business continued:**

Approval of Yesair Conservation Restriction, Main Street

Selectwoman Greco recused herself from the discussion and vote.

**Motion:** Selectman Jespersen made the following motion, seconded by Selectman Walker: I move to approve the Conservation Restriction from Ruth A. Yesair, Trustee of and acting as such on behalf of the Ruth A. Yesair Trust u/d/t dated June 27, 2013, to Essex County Greenbelt Association, Inc., in the public interest pursuant to Section 32 of Chapter 184 of the General Laws of Massachusetts and that the Chair can execute the document(s) on behalf of the Board, and further, that the Owner shall provide to the Town a copy of the restriction once recorded at the Essex South Registry of Deeds.

Roll Call vote: D. Jespersen – yes; M. Doyle – yes; G. Walker – yes; J.R. Colby – yes

The **Motion** passed 4-0

**Emergency Management Director Update** – Chief Michael Reilly, Director

Emergency Management Agency Director, Chief Michael Reilly gave an update regarding the Novel Coronavirus Disease (COVID-19) Public Health Emergency. He reported the Town of Newbury is holding steady at three confirmed COVID-19 cases. Social distancing is working. He thanked the public and private business owners for their ongoing cooperation and patience during this crisis.

Thanks and accolades were given to Health Director, Deb Rogers, for her professionalism, expertise, and for the tireless work she is doing on behalf of the Town during the pandemic.

Private parking lots on Plum Island were determined to be non-essential businesses and therefore, have been closed. Lot owners were thanked for their cooperation and understanding. Areas within the Town of Newbury, on Plum Island, are currently by permit parking only. The Police Dept will be strict in enforcing permit parking.

As the weather grows warmer, a moratorium on private rentals is being examined. The Emergency Management Agency is collaborating with other area beach towns to come up with a cohesive plan as to how to handle the issue.

Chairman Colby thanked Chief Reilly and the EMA, the Fire Department, the DPW, and the Town Hall staff for their on-going commitment to working and getting as much done as they can during this unprecedented time.

**Old Business:**
Town Clerk – Discussion re: Election time

Town Clerk, Leslie Haley, explained the discussion and possible decision tonight would be about modifying the polling hours for the June 16th Annual Town Election. She stated the decision needs to focus on people and not politics.

Reading from a prepared statement Leslie reported the following:

The Emergency Legislation which was passed in March greatly increased voting options for any Annual Town Election being held prior to June 30th.

Absentee voting (absence from town during polling hours, religious belief or medical conditions) was expanded to include any person taking precautions related to COVID-19.

Early Voting by mail was added for all eligible voters. This is a first for municipal elections in Massachusetts. For both Absentee Voting and Early Voting, a ballot must be requested in writing along with the voter’s signature.

Under Massachusetts General Law mailing a ballot out to each voter in town in not permitted.

The legislation was provided as a tool to allow safe mail-in options for voting in response to the pandemic and in consideration of Federal, State and local stay-at-home advisories.

Given the current situation and guidelines, our mission should be to urge our voters to stay home, stay safe and vote by mail.

In pursuit of that goal, I have created an Early Voting application which has been mailed to every household in the Town of Newbury. The application and instructions are easy to follow and a single application can be used for up to 6 eligible members of a household.

Early Voting and Absentee Voting ballot applications can also be accessed on our web-site. Additionally the Democratic and Republican Town Committee Chairs has been contacted, a notice has been sent to the Newburyport Daily News for publication and soon will appear on the Newbury Cable Channel and will be sent out via our social media platform.

Many of you are only vaguely aware of what is involved in the administration of an election. The process is initiated months prior to the election and ends several days after. Election Day scheduling is based on personnel requirements under Massachusetts General Law. There are a total of 8 positions for each of 2 shifts (upward of 7 hours per shift) for 2 polling locations, totaling 32 positions that need to be filled. Currently we have 30 appointed Election Workers and of those there are only 16 who have committed themselves to work on June 16th. That number may go slightly up or down however there is no way to predict that. As a side note, the average age of the Election Workers is over age 72.

As you can plainly see, we don’t have the personnel to fill all the positions for our “normal” polling hours.

Combined with the knowledge that our Annual Town Election attracts an average (10 years) of 1,350 voters and the expectation of a strong response to Early & Absentee Voting by mail, I urge the consideration of the following recommendations:
1. Reduce the polling hours to allow for 1 shift only, bearing in mind that election personnel actually work an additional 2 ½-3 hours above and beyond the hours the polls are open. (The recent State Primary began for many of us at 6 a.m. and ended at 10:30 p.m.)

Another side note: Up until 1994, the polling hours for the Annual Town Election were 12 p.m. to 8 p.m. Hours were increased in 1995, however after searching BOS meeting minutes and Town Meeting minutes during that period, there was nothing found related to any public discussion, agenda item, warrant items, or vote to signify a reason for increasing the hours.

2. Delay a decision on polling hours until mid-May when we may hopefully have a clearer picture on current Federal, State and Local guidelines, the number of Early Voting and Absentee Voting ballots requested and mailed, and the number of qualified election personnel who are available and willing to work on June 16th.

The best way to ensure the protection of our community and the safety of our election workers is by Town Officials and Candidates together endorsing and embracing the vote-by-mail option which will effectively reduce the need for extensive polling hours.

Following discussion:

**Motion:** A motion was made by Selectman Jespersen, seconded by Selectman Doyle to table the decision pertaining to the polling hours for the 6/16/2020 Annual Town Election until the first Board of Selectmen meeting in May. (5/12/2020)

Roll Call vote:
D. Jespersen – yes; M. Doyle – yes; A. Greco – yes; G. Walker – yes; J.R. Colby – yes

The **Motion** passed 5-0.

BOS Discussion of Application for the Village at Cricket Lane - 55R Pearson Drive, Byfield (Tabled from 3/24/2020 BOS meeting)

As part of the Comprehensive Permit/40B process, the Zoning Board of Appeals provided a copy of the Application for the Village at Cricket Lane - 55R Pearson Drive, Byfield and seeks feedback as it relates to corresponding Boards/Committees/Departments within the Town and by the Town’s peer review consultants.

Selectman Jespersen remarked that the letter to Mass Housing regarding the previous submission for Byfield Estates largely covers many of the issues. He feels the water testing done for volume was done at an inappropriate time and does not reflect water usage. The road size is too small and it’s in the wrong location for that particular type of development. Thedevelopment is inappropriately close to the Martin Burns Wildlife Management Area and to wetlands. While not opposed to developing appropriate low-income housing he feels this location is a bad place for it. The Board should submit a formal letter to that effect which J.R. could sign on behalf of the Board.

Selectman Doyle remarked that after he read the application his opinion is the development will put too much traffic onto Pearson Drive. 254 additional cars that would use the roadway in the course of a day
is very significant impact for a small neighborhood. His concern is for safety for the residents already living there and the additional amount of traffic that would be generated.

Selectwoman Greco remarked that she is very concerned with the road being just 22 feet wide. She’s unclear whether that is enough space to allow two fire trucks to pass each other, side by side on the road. As the proposed development is so close to the Martin Burns Wildlife Management and hunting is allowed there, she would like to understand how that affects the discharge of firearms. Significant funds have been put forth by the State towards allowing hunting in that area and the development may infringe on that activity. She agreed with Selectman Jespersen about the issue of water pressure. Certain locations in Newbury were identified as amenable to 40B development by the Housing Production Plan put together by the Planning Board. A development at this particular location was not an identified site. The density is too great.

Selectman Walker remarked that the Town is a victim of the State’s Open Space Residential Development, (OSRD) which allows a percentage of the houses built to be affordable, is being used as a tool for development. It sometimes ends up as a tool for developers to use land in the Town which is inappropriate and marginal for that kind of development.

Chairman Colby remarked his observations of the project are similar to the last time around. The entrance placement between two homes is obtrusive. He grew up with many of the original residents of Pearson Drive and many still live there. He understands their concerns about the development and the additional traffic it will bring to the neighborhood. He is in agreement that it’s not an appropriate area for such a dense, sizable development. The proximity to the Martin Burns Wildlife Management Area is problematic. The area is currently a safe place to hunt and encroaching on the area diminishes that quality. There may be alternative ways for Newbury to reach their affordable housing quota. In conversations with the State he learned that when it comes to affordable housing, a unit is a unit. A half house is a unit. An apartment is a unit. It could be that an apartment building may be the fastest way to help reach the 40B quota. Once the quota is reached there is more leverage and ability to steer friendly 40B developments.

**Motion:** A motion was made Selectmen Jespersen, seconded by Selectman Doyle to review the letter that was submitted on the last application and authorize the Chair to update and execute a letter on the Board’s behalf.

Selectman Jespersen noted he is actively working with Town Planner, Martha Taylor and Planning Board Chair, Pete Paicos to develop some options for a friendly 40B development in Town which may allow applications of this sort to be avoided or delayed.

Zoning Board of Appeals Administrator, Susan Noyes, reported the Public Hearing regarding the Application for the Village at Cricket Lane - 55R Pearson Drive was opened on March 19, 2020 and continued to May 21, 2020. During the two month time period, comments will be collected from Boards/Committees/Departments within the Town and by the Town’s peer review consultants.

**Town Administrators Report**

Town Administrator, Tracy Blais remarked that many can find a lot of negatives right now in dealing with the impact from the COVID-19 pandemic. But every now and then a positive is seen that needs to be brought to everyone’s attention.
A manager’s meeting occurred last week. Maggie Malley, the Council on Aging Director had an opportunity to update the group. She mentioned the number of Newbury residents who have been stepping up and offering to volunteer to work with the Council on Aging to keep the elderly residents informed of what’s going on. It’s been very impressive to hear of so many people coming forward. Maggie noted in particular that their biggest focus right now as a Council is on making reassurance calls to the elderly population. That is happening daily Monday through Friday of every week. The Council is also checking their voicemail every day and addressing concerns of residents. The new volunteers are stepping up and assisting with grocery shopping and prescription drug runs. It is nice to know that even though there is a lot difficulty going on there are a lot of engaged, great people in Newbury that are willing to help out.

As part of the Manager’s Meeting each department manager had an opportunity to discuss the function of their department during this time. Departments are currently working on a flexible work schedule so that a member of each department is in the office one day per week and everyone else is working remotely. As of last Thursday there were no backlogs reported from any of the functions of the municipal operations. The wheels of Newbury Town Government have successfully been kept turning during this time, much to the credit of the department managers.

The Massachusetts Department of Public Health has awarded the Town of Newbury another $5,000 grant which will be used to help defray the cost of the public health nurses going forward.

Chairman Colby had asked Ms. Blais to look into Chapter 53 of the Acts of 2020, acting in accordance with the legislation approved on April 3, 2020. She reported the Town is going to be able to provide some relief from local tax payments.

The Town has elected to extend the due dates for Real Estate Tax Bills, Personal Property Tax Bills, and Motor Vehicle Excise Tax Bills and also the Exemption and Deferral Applications. As of now, the Real Estate and Personal Property Tax Bills, which are due on May 1, 2020 will be extended to the new due date of June 1, 2020. The Motor Vehicle Excise Tax Bills which are due on March 12, 2020 and May 8, 2020 will now both be due on June 1, 2020. Property Tax Exemption and Deferral Applications, due on April 1, 2020, will be extended to June 1, 2020.

In addition to extending the due dates, the Town will also be waiving interest and penalties for those bills that were due between the dates of March 10, 2020 and June 1, 2020. The last day for a taxpayer to pay the bill and qualify for the waiver of interest is June 29, 2020.

The relevant language as written in the Legislation states that payments be made after its respective due date but before June 30, 2020. If the bill is paid on June 30, 2020 it’s too late for the waiver to apply. To be clear, if the property tax due date was extended to June 1, 2020 and it’s paid on June 30, 2020, interest will accrue from the due date to June 30, 2020. If, however, the bill is paid on June 29, 2020 the interest will be waived.

To keep residents informed, the information will be published on the Town’s website.

While the Treasurer/Collector Office remains closed, there are still many payment options. Residents can utilize the Town’s website www.townofnewbury.org and make payments to the Treasurer/Collector directly through the website. Residents can mail a check and remittance to the Town of Newbury, P.O.
Although offices within Town Hall are not open to the public, employees are still working and all offices are available to respond to e-mails and voicemail.

The Town continues to work with the 2020 fiscal year budget. Both the FY2020 and the FY 2021 budget will be impacted and have already been impacted by the pandemic. The 2021 budget process has already been postponed. The Annual Town Meeting has been rescheduled to June 9, 2020 and the Town Election to June 16, 2020. The Town will likely be facing some deficits as we get closer to the end of fiscal year 2020. In anticipation of that Ms. Blais will be asking the Selectmen and the Finance Committee to approve a special article for the Annual Town Meeting and the Special Town Meeting to address the deficits.

The Annual Town Meeting draft warrant review and votes are scheduled for the Board of Selectmen meeting agenda for May 12, 2020. The meeting will most likely be a joint meeting with the Finance Committee. During the following week, May 18, 2020 through May 22, 2020 work on preparing and printing the Finance Committee booklet will occur. The Warrant must be posted no later than May 25, 2020. The Annual Town Meeting will occur on June 9, 2020.

The search for the Conservation Agent is progressing. The job has been posted and resumes are being received and being reviewed. Ideally the hope was to have someone on board by late April or early May. Interviews have been postponed and will be rescheduled. Hopefully there will be about a month overlap before Conservation Agent, Doug Packer retires.

Town Administrator Blais expressed her deepest appreciation to the Board of Selectmen, Chairman Colby, Chief Reilly and Deb Rogers and stated their leadership has been phenomenal throughout the entire process of dealing with the impact of COVID-19. Newbury was absolutely prepared. She explained that even being well prepared with the plans in place for continuity of operation, many unexpected issues still popped up. She remarked t’s been an intense learning process and a remarkable experience working with such a great team. She is very grateful to all.

Chairman Colby thanked Town Administrator Blais for everything she does. He also thanked IT Director Susan Noyes for perseverance in working through technical glitches.

Selectwoman Greco, Tracy Blais, and Chief Reilly spoke about the COVID-19 Relief Bill the State Legislature may enact and if the Town will be eligible for funding and reimbursement.

**Correspondence:**

All correspondence was reviewed as follows:

- Letter of Certification dated 3/12/2020 from Triton Regional School District
- Letter of 3/19/20 from Comcast Xfinity
- Letter of 3/23/20 from Jim Moran
- E-mail dated 3/23/20 from Bill DiMaio
- E-mail dated 3/24/20 from Steve Mangion Re: Another override for schools
- E-mail dated 3/24/20 from Steve Mangion Re: PI Bathroom
e-mail dated 4/6/20 from Richard Piccolo Re: Trash

Selectman Doyle, Selectman Jespersen and Selectwoman Greco spoke about the e-mail of Steve Mangion.

Selectman Doyle spoke about citizen’s concerns.

**Warrants:**

**Motion:** A motion was made by Selectwoman Greco, seconded by Selectman Walker to sign the warrants as presented.

Roll call vote:
D. Jespersen – yes; M. Doyle – yes; A. Greco – yes; G. Walker – yes; J.R. Colby – yes

The Board voted unanimously in favor of the motion.

**Review of Meeting Minutes:** March 24, 2020 & March 31, 2020

**Motion:** A motion was made by Selectwoman Greco, seconded by Selectman Walker to approve the minutes of March 24, 2020 and March 31, 2020 as written and presented.

Roll call vote:
D. Jespersen – yes; M. Doyle – yes; A. Greco – yes; G. Walker – yes; J.R. Colby – yes

The Board voted unanimously in favor of the motion.

**Meeting Updates:**

Selectman Jespersen reported that the Triton District Communications (DCC) Meeting has been cancelled for this month.

**Executive Session** - None

**Adjourn:**

**Motion:** At 8:30 p.m. a motion to adjourn was made by Selectman Jespersen, seconded by Selectwoman Greco and voted unanimously.

Respectfully submitted,
Ellen Jameson
Executive Administrator