DATE: April 28, 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

Call to Order:

Motion: At 7:00 p.m., a motion was made by Vice Chairman Jespersen and seconded by Selectman Doyle to open the meeting.

Chairman Colby called the meeting to order and confirmed member access by roll call that all members and persons anticipated on the agenda were present and could hear him. He requested as he called the names, to respond in the affirmative as follows:

Board of Selectmen:
• Damon Jespersen – Yes
• Michael Doyle – Here
• Alicia Greco – Yes
• Geof Walker – Yes
• J.R. Colby - Yes

Staff:
• Tracy Blais, Town Administrator – Yes
• Ellen Jameson, Executive Administrator – Yes
• Chief Michael Reilly, Emergency Management Director – Yes

Anticipated Speakers on the Agenda:

• Karen Tyler, Eastern Essex District Veterans’ Services Director - Yes
• John Nutile, 11 Morgan Avenue - Yes

Chairman Colby announced the parameters for the meeting.
Board and Committee Reports

Report of Chairman Colby - None

Grants, Gifts & Donations - None

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

Public Hearings - None

New Business:

Public Property Use Request – Rich Morrell, YuKan Sports, LLC, Town & Country Road Race, Sunday June 14, 2020 from 8:00 a.m. to 11:00 a.m.

Following discussion:

**Motion**: A motion was made by Selectman Jespersen, seconded by Selectman Doyle to approve the Public Property Use Request for Rich Morrell, YuKan Sports, LLC, for the Town & Country Road Race, Sunday June 14, 2020, with the contingency that the Stay-at-Home Advisory & the Prohibition on Gatherings of More Than 10 People Order, issued by the State of Massachusetts, are lifted.

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


**Motion**: A motion was made by Selectman Jespersen, seconded by Selectman Doyle to approve the Public Property Use Request for Rich Morrell, YuKan Sports, LLC, for three (3), Riverwalk IPA 5 K Road Races, Sundays, July 12, 2020, August 23, 2020, and September 27, 2020, with the contingency that the Stay-at-Home Advisory & the Prohibition on Gatherings Of More Than 10 People Order, issued by the State of Massachusetts, are lifted.

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

Eastern Essex District Veterans’ Services Director, Karen Tyler:

Eastern Essex District Veterans’ Services Director, Karen Tyler reported to the Board of Selectmen on the function of the Veterans’ Services Office, outreach to Veterans, and services available for Veterans during the COVID-19 pandemic.

She reported on the approved FY21 budget, reporting that although the Town of Hamilton has withdrawn from the program, with adjustments, the assessment for the 7 remaining towns has remained the same.
Memorial Day Flags have been ordered and will be delivered to the Veterans’ Services office. Following the Advisories and Orders issued by the State relating to the COVID-19 pandemic, the flags will be placed in time for Memorial Day. An on-line Honor Roll will be created for those Veterans that passed away during the past year. Karen also reported the well attended 2020 Veterans’ Day luncheon is being planned again for 2021.

John Nutil – Sign on Morgan Avenue:

Chairman J.R. Colby and Selectman Michael Doyle recused themselves from the discussion.

Selectman Jespersen read the letter dated April 7, 2020 received by the Board of Selectmen from John Nutil of 11 Morgan Avenue regarding his Goat Manure for Sale sign he has placed at theintersection of Morgan Avenue and High Road each spring and fall.

John Nutil explained that prior to Building Commissioner Sam Joslin leaving his position in Newbury, he e-mailed and had discussions with Sam about the violation of the manure for sale sign placed at the intersection.

Agricultural signs are to advertise products raised or grown principally on the premises and not the by-products of products raised or grown. Manure is not raised or grown. He felt signs advertising eggs, milk/cheese, honey, maple syrup, or wool/fiber, all by-products of products raised and grown, would be in violation as well. He requested that by-products be considered for Agricultural Purpose Signs. He added Agricultural Purpose Signs under the Bylaws of the Town can be amended from time to time by vote of the Planning Board.

Selectman Jespersen requested that Town Planner Martha Taylor speak to the issue. Martha explained that the Zoning Bylaw does not allow for an Agricultural sign to be within 200 feet of an intersection. She suggested the issue be referred back to the Building Commissioner to render a decision.

A decision can be appealed through the Zoning Board of Appeals. The ZBA may then review the Agricultural Sign Bylaw. And the Planning Board can review the ByLaw as well.

Following discussion, the Selectmen agreed that the Bylaw for Agricultural Purpose Signs may conflict with the reality of agriculture in Newbury and clarity may be needed.

Signs placed in dangerous areas are another problem. It was recommended John continue discussions with the Building Inspector.

Review and approval – Hoysradt Commercial Clam Permit Application 2020 Season:

Motion: The motion was made by Selectman Jespersen, seconded by Selectman Doyle to approve the Commercial Clam Permit Application for the 2020 Season for Fred Hoysradt, 35 Old Rowley Road and also that the Chair can execute the document(s) on behalf of the Board.

Roll Call vote:
D. Jespersen – Yes; M. Doyle – Yes; A. Greco – Yes; G. Walker – Yes; J.R. Colby – Yes
Approval of Cavanaugh Conservation Restriction, 254 Middle Road:

Chairman J.R. Colby recused himself from the discussion and vote.

**Motion:** Selectman Jespersen made the following motion, seconded by Selectman Walker:
I move to approve the Conservation Restriction from Sarah H. Cavanagh and Ginette M. Van Knowe Trustees of and acting as such on behalf of the Paul D. Cavanagh Trust, u/d/t dated April 13, 1984, as amended, with an address of 254 Middle Road, Byfield, Massachusetts, 01922, to Essex County Greenbelt Association, Inc., in the public interest pursuant to Sections 31-33 of Chapter 184 of the General Laws of Massachusetts and that the Chair can execute the document(s) on behalf of the Board.

Roll call vote:

Michael Doyle – Yes; Alicia Greco – Yes; Geof Walker – Yes; Damon Jespersen - Yes

Protection Fire 1 - Lease Agreement

**Motion:** A motion was made by Chairman Colby, seconded by Selectman Jespersen to approve Lease agreement between the Town of Newbury and Fire Protection Company No. 1, dated April 28, 2020, and also that the Chair can execute the document(s) on behalf of the Board.

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

Citizen’s Concerns:

The BOS discussed public comment during the pandemic and how to address the “Citizen’s Concerns” agenda item in the future.

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

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 remains low for COVID-19 cases with 6 cases town wide. Information and daily updates for all cities and towns can be found on the Massachusetts Department of Public Health website.

An update was given regarding visitors to Plum Island and the parking restrictions put in place on the island.

Daily Public Safety calls are occurring with department heads. Through the Massachusetts Emergency Management Agency (MEMA) more personal protective equipment was secured and distributed to the Fire Department and the Police Department.

Under the guidance of the Governor’s Office, Newbury EMA is working diligently with Town Administrator Blais in preparing Town Hall for the return of employees.

Daily Public Safety conference calls with MEMA, The Massachusetts Department of Public Health, and Boards of Health in surrounding areas are ongoing.
Chairman Colby thanked EMA Director, Chief Reilly, Health Agent, Deb Rogers and Town Administrator, Tracy Blais for working together so diligently throughout this pandemic.

**Town Administrators Report:**

Town Administrator, Tracy Blais, reported that moving into the 6th week of uncertainty due to the pandemic and disjointed operations, she is very impressed with how employees have stepped up to keep the municipal operations of the Town running.

The Governor has announced an extension of the Stay at Home Advisory through May 18th for non-essential workers. Until May 18th the Municipal Offices, the Library, and the Council on Aging will remain closed to the public. A meeting with Chief Reilly and Deb Rogers has been scheduled to review the reopening plan that is being worked on and to share input towards ensuring a safe reopening.

The IT Director will be scheduling Zoom training with various Boards and Committees with the hope of resuming the regular meeting schedules in May.

The Town Clerk reported she has already received over 840 requests for early voting ballots which have been fulfilled and sent out to residents. Given the large number of requests and the fact that the votes must be counted at the polling location on the night of the election, as recommended by the Town Clerk, it is making more sense to consider a reduction in the polling hours. Consideration of the request was tabled to the 5/12/20 Board of Selectmen meeting. Updated numbers will be given at that time.

As a reminder, Ms. Blais announced that Residents are encouraged to utilize the Town’s website [www.townofnewbury.org](http://www.townofnewbury.org) to conduct business.

Ms. Blais is focusing on budget contingency planning. She expects the pandemic to have an impact on both the FY2020 and FY2021 budgets. Based on weekly calls, she reported the State of Massachusetts is about four weeks behind on development of the State’s budget. Newbury’s budget will evolve as more information is received from the State.

Ms. Blais reported she does feel the Town will have to face some deficits at the end of Fiscal Year 20. Managers have been advised by Chief Reilly to keep track of COVID-19 related expenses for future Federal and State reimbursements.

Annual Town Meeting has been scheduled for June 9th. Guidance will be taken from the Governor regarding the lifting of the Stay at Home Order pertaining to June 9th. There is a possibility that large gatherings of people may not be allowed to congregate by that date. Alternatives may have to be considered.

Virtual interviews will soon be conducted pertaining to the position of Conservation Agent. The Conservation Office is currently un-manned and is the only office experiencing any type of lag in operations. Martha Taylor and Susan Noyes are pitching in to help by addressing e-mails and calls. Conservation Commission Co-Chair, Ben Gahagen is working toward holding a virtual meeting in May to begin addressing some of the issues.
The Street Light Conversion Project is complete. In addition to light fixtures being more efficient and improving visibility, a savings of $60,000 a year is expected in energy costs.

Town Administrator Blais thanked the residents of Newbury for being so very patient, cooperative, and responsible during this unprecedented time.

**Old Business - None**

**Correspondence:**
All correspondence was reviewed as follows:
- Memo dated 3/26/20 from Deborah L. Coltin, The Community Call-to-Action Against Anti-Semitism Committee
- E-mail dated 4/11/20 from Carla Moss re: trash
- Letter of 4/13/20 from Xfinity re: Programing
- Letter of 4/16/20 from Nancy Burke re: Election

**Meeting Updates:**
Selectman Doyle spoke about Eastern Essex District Veterans’ Services Director, Karen Tyler. Selectwoman Greco reported meetings of the MMA Fiscal Policy Committee had been canceled.

**Review of Meeting Minutes: April 14, 2020**

**Motion:** A motion was made by Selectman Jespersen, seconded by Selectman Doyle to approve the minutes of April 14, 2020 as written and presented.

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

**Warrants:**

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

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

**Executive Session:**

**Motion:** At 8:39 p.m. a motion was made by Chairman Colby, seconded by Selectman Jespersen as follows:
Pursuant to G.L. c. 30A sec21(a)(2) the Board move into Executive Session to contract negotiations with non-union personnel, namely the Town Administrator and the Fire Chief and collective bargaining with the Department of Public Works.

Roll call vote: Chairman Colby – Yes, Selectman Michael Doyle – Yes; Selectwoman Alicia Greco – Yes; Selectman Damon Jespersen – Yes; Selectman Geof Walker – Yes.

The meeting will not reconvene at the conclusion of the Executive Session.
As requested by Chairman Colby, Town Administrator, Tracy Blais announced the current Zoom meeting would end and a new Zoom meeting link would be e-mailed to Selectmen and staff for access to the Executive Session.

Respectfully submitted,
Ellen Jameson
Executive Administrator