



**Town of West Newbury  
Select Board  
Monday, January 3, 2022 @ 5:30pm**  
381 Main Street, Town Office Building  
[www.wnewbury.org](http://www.wnewbury.org)

RECEIVED  
TOWN CLERK  
WEST NEWBURY, MA  
2021 DEC 29 PM 4:09

**AGENDA**

**Executive Session: 5:30pm in the 1910 Building, 381 Main Street, First Floor Conference Room**

- ❖ MGL Ch. 30A §21(a) 2: To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel (*Police Chief search; Library staffing/wages; Town Manager/Finance Dept staffing*);
- ❖ MGL Ch. 30A §21(a) 3: To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares (*Police Union contract*);
- ❖ MGL Ch. 30A §21(a) 6: To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body (*31 Dole Place; tax title properties*);
- ❖ MGL Ch. 30A §21(a) 7: To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements (*public records requests*).

**The Board may take a brief recess between the Executive Session and the Open Session beginning at 7 PM.**

**Open Session: 7:00pm by in-person attendance or remote participation (instructions 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.
- Regional Vaccination Clinics for COVID booster shots. See Town website for dates and details.
- Call for volunteers: current opportunities at <https://www.wnewbury.org/volunteer>
- Reminder to subscribe for emailed Town news/announcements at <https://www.wnewbury.org/subscribe>

**Regular Business**

- A. Recognition of Kelly Scott for donation of restored 1856 Town Map
- B. Request for waiver of 15-day waiting period for appointment of interim COA Director
- C. Extend term of Interim Regulations for Housing Contribution Payments and Resale Fees
- D. Confirm method of calculating accrual rates for Qualified Part-Time employees
- E. Review of draft Wetlands Bylaw received from Conservation Commission
- F. Town Manager performance evaluation and discussion of 2022 Board priorities

**Town Manager Updates**

- G. Vendor contract, Wage Classification Study
- H. Upcoming kickoff meeting for Page School/Pipestave/Main Street safety audit
- I. Updates on active projects
- J. Follow up meeting assignment; placing items for future agendas

**Addendum to Meeting Notice regarding Remote Participation**

Public participation in this meeting of the West Newbury Select Board will be available via remote participation. For this meeting, members of the public who wish to listen to the meeting may do so in the following manner:

**Zoom Meeting**

Phone: (646) 558 8656  
Meeting ID: 822 2551 9769  
Passcode: 492032

Join at <https://us06web.zoom.us/j/82225519769?pwd=NmhQNEtxcDIyRWpUd0Y1Vkp6ZWJwQT09>  
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 of proceedings as soon as practicable after the meeting.

*Posted Agenda on 12/29/2021 at the Town Offices and the Town's Official Website [www.wnewbury.org](http://www.wnewbury.org)*

**Town Manager**

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**From:** Town Manager  
**Sent:** Wednesday, December 29, 2021 4:01 PM  
**To:** Elisa Grammer  
**Cc:** Rick Parker; Bob Janes; Jennifer Conway; Residents Admin  
**Subject:** RE: Historical Commission on Select Board agenda?

Hi,

This is just to confirm that the Board's recognition of Kelly Scott's generous donation will be agenda'd for Monday's (1/3) Select Board mtg.

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](mailto:townmanager@wnewbury.org)

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**From:** Elisa Grammer [REDACTED]  
**Sent:** Saturday, December 18, 2021 6:02 PM  
**To:** Town Manager <townmanager@wnewbury.org>  
**Cc:** Rick Parker <rparker@wnewbury.org>; Bob Janes [REDACTED]; Jennifer Conway [REDACTED]  
 [REDACTED] Residents Admin <residents.admin@wnewbury.org>  
**Subject:** Re: Historical Commission on Select Board agenda?

Thanks!

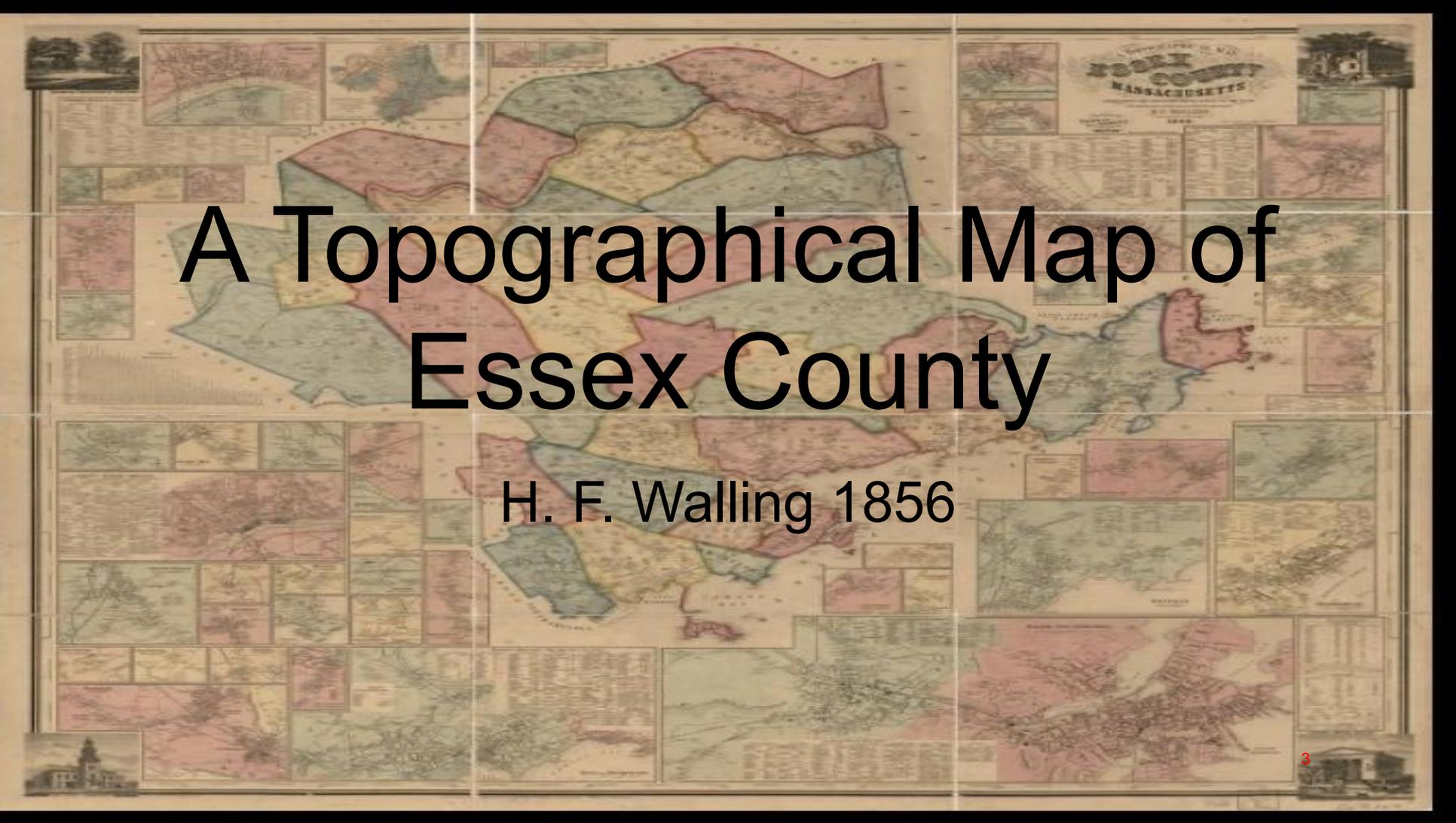
Kelly Scott tells me she can participate in the Select Board meeting on January 3 to discuss the gift of the map and appreciates the opportunity to do so.

As to getting rid of unneeded documents, it's great to hear that we can do so administratively. As you may have gathered, we already consulted the town clerk & he is Ok with it. I will reach out to Annie this coming week. If she says it's acceptable, we will go from there.

On Thu, Dec 16, 2021 at 4:31 PM Town Manager <[townmanager@wnewbury.org](mailto:townmanager@wnewbury.org)> wrote:

Hi Elisa,

I spoke with Rick and he plans to include the first item below on the Board's first agenda of the new year, on Jan 3 at 7pm. This will allow time to notify Kelly; if that date is not convenient for her or for you or others who may wish to participate from the Commission, please let us know.



# A Topographical Map of Essex County

H. F. Walling 1856

# Robert Lovejoy

From Daily News Obituary:

West Newbury, MA - Robert R. Lovejoy, a longtime resident of West Newbury, Mass., passed away on October 24, 2019, just three days short of his 89th birthday. He graduated from Lowell High School, Colorado College, and Columbia University, where he earned a Master's degree in public health and later taught in the school of public health. He enjoyed a long career in hospital administration, including 20 years as president of The Waltham Hospital.

For almost his whole life he was in perpetual motion. He enjoyed sailing, skiing, traveling, and his annual trip with friends to his summer home in Cape Breton during the lobstering season. Upon retirement, he started the Christmas tree farm known as Evergreen Farm and took great pride and pleasure in sharing his farm with his customers every year.

Bob was a great steward of our local ecosystem, setting up systems to keep the turtle population safe from predators and car strikes along his property on Ash Street

Bob was also a well known and respected supporter of NEER-North the Equine rescue also on Ash Street. He adopted and cared for many animals from the rescue including mini horses and donkeys and a very difficult-to-place dog who had once been owned by Lydia Grew

# The Map Maker

Walling began conducting surveys of Massachusetts in the early 1850s. After a spike in business he moved his headquarters to Boston. He prepared numerous town plans on contract for municipal officials, and after providing them a certain number of maps he was free to sell additional copies on his own. In 1853, he published seven maps for towns in Essex, Middlesex, Norfolk, Plymouth and Worcester counties. On his plan of Concord—which identifies the residence of Ralph Waldo Emerson—he notes that “the Town Lines are laid down principally from old Surveys. White Pond & Walden Pond from Surveys by H. D. Thoreau, Civ. Engr.” As the present document indicates, Walling was appointed by the Legislature in 1852 as Superintendent of the State Map of Massachusetts. Between 1850 and 1857, he and his associates prepared up to fifty Massachusetts town plans. In 1855 the Massachusetts governor called upon him to update and revise Simeon Borden’s state map of Massachusetts, originally published in 1842. By 1860 he had surveyed and published maps of all fourteen Massachusetts counties and began extending his activity to other New England states.

REFERENCES: Ristow, Walter W. *American Maps and Mapmakers* (Detroit: Wayne State University Press, 1985), pp. 327-331.

Once a prized possession of Robert Lovejoy, this map went up for auction after his death. He was proud of its historical significance and proud of the unique information it displays.

His map was in need of restoration, mainly around the West Newbury section as he had constantly used it to teach and explain our Town's history.



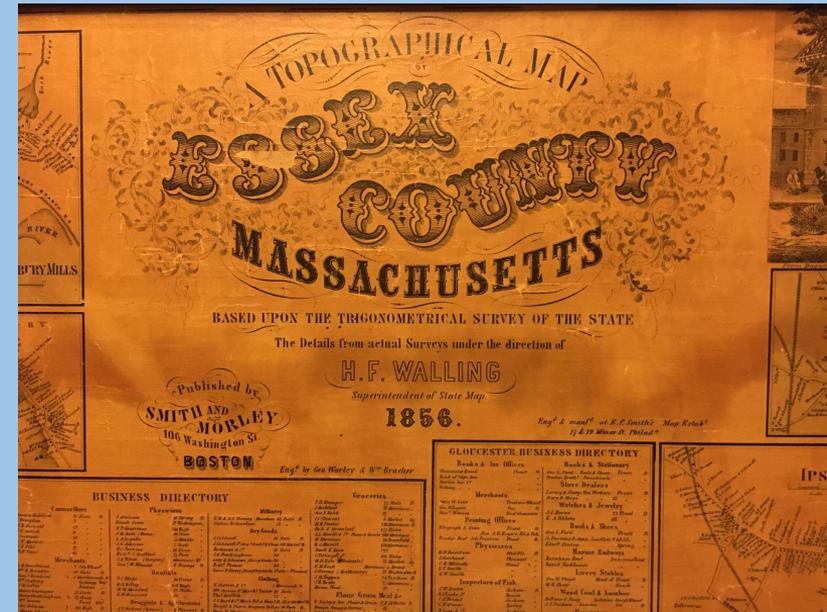
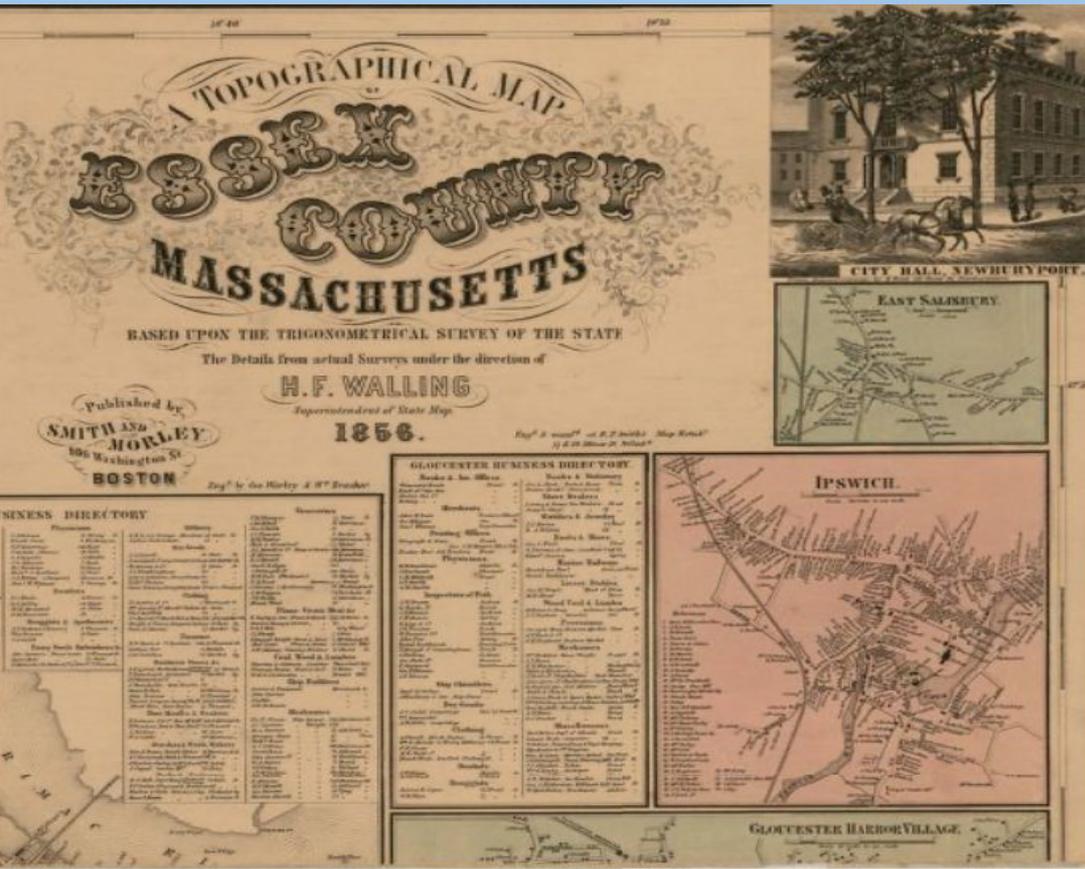


Image of this map, pre-restoration

Image from Library of Congress

# Restoration

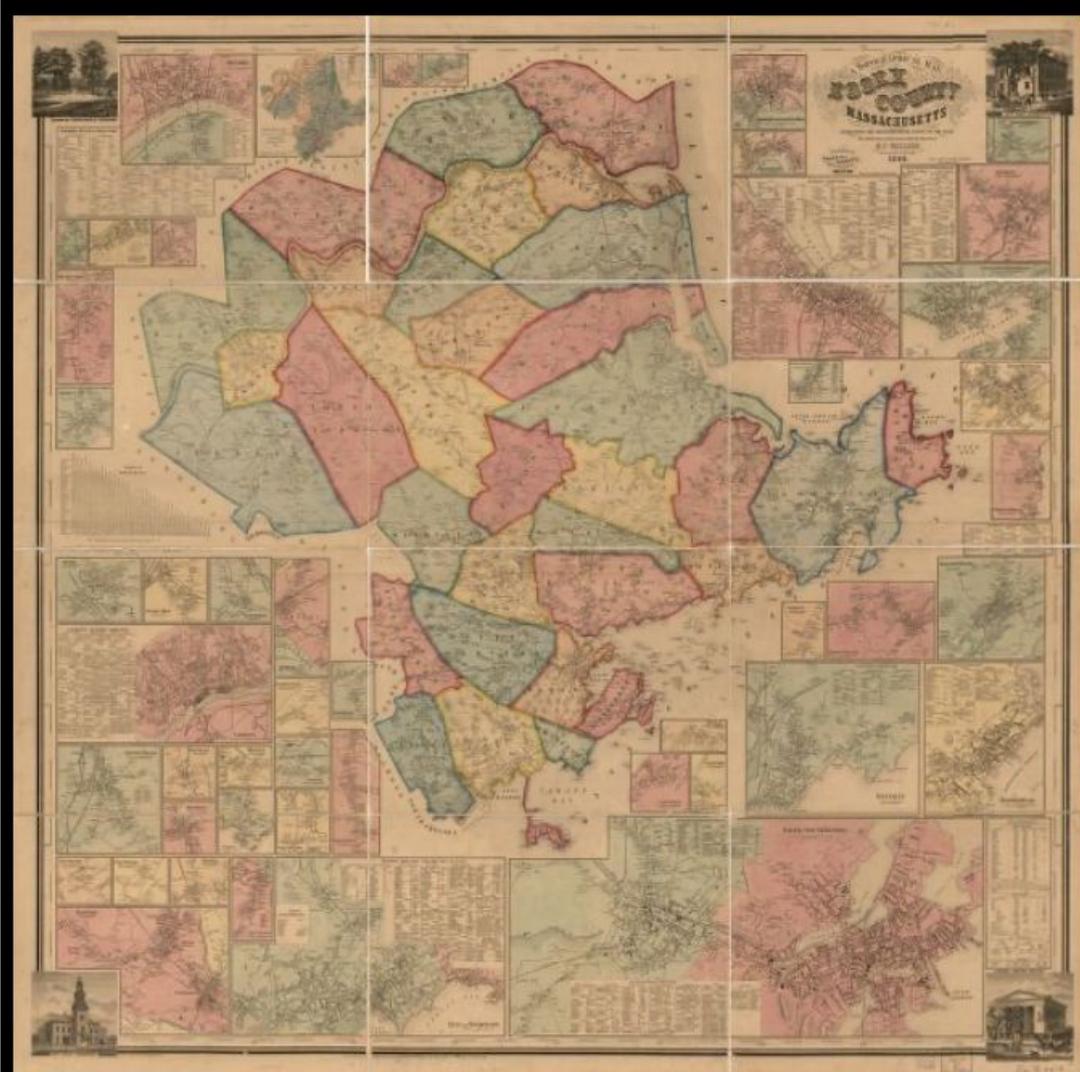
- Consolidate and re-attach the areas of loose media as necessary
- Clean with a HEPA vacuum to remove particulates of dirt
- Perform a dry surface cleaning of the front of the map
- Remove tape and adhesive from the front as possible
- Retouch the most noticeable areas of lost media

Please Note:

- Areas where the old discolored tape was removed or left on will be toned with colored paper to minimize distracting appearance.
- The map will be left in its frame during the course of treatment

**Cost:** \$2,000 - \$2,500

Framed  
Dimensions  
64" x 60"



[Library of Congress link to same map:](#)

# A TOPOGRAPHICAL MAP OF ESSEX COUNTY MASSACHUSETTS.

Home > Shop > Maps > A Topographical Map of Essex County Massachusetts.

18TH-19TH  
CENTURY  
SUBJECTS

CURRIER & IVES

20TH CENTURY  
SUBJECTS

MAPS

CONTEMPORARY  
ARTISTS

18TH-19TH  
CENTURY ARTISTS

20TH CENTURY  
ARTISTS

CARTOGRAPHERS



HENRY WALLING

*A Topographical Map of Essex County  
Massachusetts.*

Engraving, 1856

Good condition for a period varnished  
wall map.

LOCATION: New York City

Inventory Number: 67568

Price: \$2,450.00

Publisher : Published by, Smith and  
Morley 106 Washington Street, Boston.

Engraved by Geo. Worley & William  
Bracher. Images in upper corners are  
"Andover Theological Seminary; City  
Hall, Newburyport." Images in lower  
corners are "City Hall, Lawrence; Court  
House, Salem." Many insets of individual  
towns giving fun details of roads,  
building structures, home owners names,  
etc. Many of the larger towns have  
business directories listed. Table of  
distances and inset of 'Geographical  
Map of Essex County' by Edward  
Hitchcock. Restored. Backed on new linen  
and finished with green cloth trim.

# My Hopes for this Map

I wish for it to hang in a place that the citizens of West Newbury may be able to view and use it as a primary source of historical information.

I would love to be able to also have a plaque that says:

Donated to the Town of West Newbury, in loving memory of Robert Lovejoy

I'm fully willing to fund the creation and mounting of said plaque.



# 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](mailto:townmanager@wnewbury.org)

TO: Select Board

FROM: Angus Jennings, Town Manager

DATE: December 30, 2021

RE: Request for waiver of 15-day waiting period for interim appointment

To ensure continuity of operations in the Senior Center/Council on Aging, I would like to appoint an interim Director.

In my former job, this type of staffing decision would have been the Town Manager's authority to make, with no further approval needed. However, in reviewing this with Chairman Parker, and in light of the ambiguity that affects virtually all personnel matters here in West Newbury, we agreed that it would make sense to request Board waiver of the 15-day waiting period for personnel appointments included the Town Manager Act.

I therefore request that the Board waive the 15-day period for effectiveness of appointments. The position was posted internally on December 28<sup>th</sup>, and my intent is to make an interim appointment once the 5-day internal posting period has passed.



## Town of West Newbury, MA

### Interim Council on Aging Director

The Town of West Newbury, MA, is seeking an Interim Council on Aging (COA) Director. This is a temporary position, until a permanent COA Director is hired. It is anticipated that a new COA Director would be hired and begin work in March or April, 2022.

The COA Director is appointed by the Town Manager, subject to Select Board review in accordance with Sec. 10(B) of the Town Manager Act (Chapter 97 of the Acts of 2017).

Pay rate is \$30.15 to \$36.86 per hour based on experience. Some job requirements, including the position's working hours, may be waived or revised during this interim period.

This job ad is posted internally in accordance with the Town Personnel Policy. Internal applicants (i.e. current Town employees) should notify the Town Manager of your interest in and qualifications for this temporary position. Appointment of an internal candidate would be contingent upon arranging for backup coverage of the employee's current responsibilities during the period of interim appointment.

The Town of West Newbury is an Affirmative Action / Equal Opportunity Employer.

*Date of internal posting: December 28, 2021*

**COMMONWEALTH OF MASSACHUSETTS  
TOWN OF WEST NEWBURY**

**JOB TITLE: COUNCIL ON AGING DIRECTOR (L7)**

**Supervision:**

*Supervision Received:* Provides primary staff support to the appointed Council on Aging Board. Works under the administrative direction of the Town Manager and in accordance with the provisions of the Massachusetts General Laws and Chapter 97 of the Acts of 2017.

*Supervision Given:* Supervises two part-time employees, developing job direction, assigning tasks and instructions, and monitoring performance. Supervises seasonal volunteers and part-time employees.

**Job Environment:**

Work is performed under typical office conditions, with frequent interruptions. Provides assistance and information to the general public on a walk-in basis, by email and on the telephone. Required to attend meetings of the Council on Aging Board. Operates computer and general office equipment such as copier, fax, and telephone. Makes frequent contacts with town departments, boards and committees, and the general public.

**Essential Functions:**

*(The essential functions or duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.)*

**COMMUNICATE AND COLLABORATE WITH COUNCIL ON AGING (COA) BOARD**

- Working with Chairperson, plan and attend Council on Aging meetings; support Chairperson's preparation and posting of meeting agenda; recommend needed action; assure compliance with approved plans and programs; prepare annual report.
- Prepare (written) monthly update of routine service and volunteer statistics as well as special programs/activities; copies to Town Manager
- Research/recommend innovative projects
- Work with related municipal committees/boards
- Advise Board regarding center/office operations and policy
- Share information regarding key/significant correspondence and announcements
- Provide statistics to Board regarding programming, funding, etc.

**PROGRAMS AND ADMINISTRATION**

- Organize and supervise classes, workshops and activities for senior adults, engaged in recreation programs and co-sponsored programs.
- Select, train, motivate and schedule Senior Center staff, instructors, employees and volunteers
- Provide for regular staff meetings, weekly case conferences with outreach worker(s)

- Maintain up-to-date listing of resources (providers, in-kind, informal, public, private non-profit, civic, religious, fraternal, educational)
- Maintain up-to-date “intake” file, incl. basic demographics, service needs (& unmet needs) and use information; may verify “intake” data for certain assistance programs
- Prepare monthly schedule of activities
- Prepare for publication, a variety of brochures, calendars, letters, posters, news releases, flyers and related communications regarding Senior Programs.
- Speak to (and/or maintain relationships with) groups/organizations regarding COA functions and activities
- Maintain direct link with service providers (health, meals, transportation, and other), including arranging for activities (e.g. recreation)
- Respond to public inquiries about senior adult programs made by telephone, correspondence, and/or during public meetings.
- File annual report and other required materials with Elder Affairs and the municipality
- Maintain contact/visibility with state & regional associations & advocates
- Attend trainings, workshops or other related activities
- Provide direct services, counseling or other support assistance, help plan long term care needs with families. Conduct home visits to define needs-attend follow up visits
- Provide information and referral services for a variety of social services available to seniors in the community
- Assist residents/families in filling out appropriate forms
- Provide Health Insurance Counseling-maintain SHINE Certification.
- Administer medical supply closet; clean supplies when coming in, maintain statistics on usage
- Administer food pantry; maintain appropriate records, hold food drives
- Administer van services-maintain appropriate records incl. regarding vehicle maintenance
- Perform duties of a Senior Advocate by providing information, referral, resources and assistance to seniors on benefits and services available to them. Includes health care, social security, legal and financial assistance, military benefits, health resources, housing alternatives, food programs, transportation and caregiver resources.
- Study and standardize procedures and policies to improve efficiency and effectiveness of operations
- Serve as a representative of senior community on various advisory boards and committees within the community and network.
- Follow all OSHA guidelines
- Maintain CORI Certification and preform CORI’s yearly on all employees, volunteers and contractors.

#### FISCAL/GRANT DUTIES

- Prepare an annual operating budget and monitor the budget throughout the year, including adjusting the budget according to increases and reductions throughout the year.
- Monitor all revenues and expenditures for the Senior Center.
- Seek out alternative funding resources
- Maintain/monitor inventories for equipment and supplies, ordering equipment, arranging for resources and reporting needed repairs.
- Prepare and present budget (with COA) to Town Manager, Finance Committee
- Write formula (Elder Affairs) and other grant proposals
- Act as liaison with “Friends,” charitable organizations/foundations/trusts

**Supervisory Responsibility:**

- General oversight of support staff and volunteers. Duties may include recruitment, setting objectives, orientation, and evaluation of staff (including volunteers).

**Recommended Minimum Qualifications:**

**Education, Training and Experience:**

- College/professional degree in public/business administration, community organization, social work, gerontology, human relations or a related field. A minimum of two years of full time (paid) responsible work may substitute for up to two (2) years of non-graduate study, or one year of graduate work.

**Special Requirements:**

Valid MA driver's license

SHINE Certification, desirable but not necessary (may be obtained on the job)

Certification to conduct CORI checks desirable (may be obtained on the job)

Satisfactory CORI

**Knowledge, Ability and Skill:**

- Have a working familiarity with state and local laws, practices and regulations regarding human service (elder) programs.
- Knowledgeable regarding elder needs and resources. Experience researching and preparing proposals for funding, obtaining and managing grants from various sources.
- Good written and oral communication skills. Must be able to represent COA effectively and to advocate for elders in a variety of situations requiring knowledge, negotiation skills, diplomacy and tact. Capable of exercising independent judgment.
- Must be able to respect/preserve confidentiality and empathize with elders.
- Pleasant personality, be flexible and able to interact well with others.
- Familiarity and experience with creative problem solving/counseling techniques.
- Working knowledge of boards.
- Familiarity/working knowledge of office computer software.
- Sense of humor.

**Physical Requirements:**

*The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.*

Tasks require the ability to exert light physical effort in sedentary to light work, which may involve some lifting, carrying, pushing and/or pulling of objects and materials of light weight (up to 50 pounds) and ability to move furniture for programming. Tasks may involve extended periods of time at a keyboard or workstation. Requires the ability to operate, maneuver and/or control the actions of equipment, machinery, tools, and/or materials used in performing essential functions.

*Revised December 28, 2021*



**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](mailto:townmanager@wnewbury.org)

TO: Select Board  
FROM: Angus Jennings, Town Manager  
DATE: December 30, 2021  
RE: Interim Regulations re affordable housing fee-in-lieu funds

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When the Planning Board referred the enclosed regulations to the Select Board in early 2021, it saw fit to include an expiration date of December 31, 2021. At the time, I and the Town Planner advised that this may not be a realistic timeline for establishment of a Housing Trust, as was contemplated in the Interim Regulations, and that proved correct. This is to request a Select Board vote to extend the effective date of the Interim Regulations through June 30, 2022, or until such time as a Housing Trust is formally established, whichever occurs first. This action by the Board will avoid any potential ambiguity regarding continuing authority to expend funds from this account as contemplated within the Interim Regulations.

**Interim Regulations for Housing Contribution Payments and Resale Fees  
Pursuant to Section 5.F.8 of the West Newbury Zoning Bylaw 'Inclusionary Housing'**

A. Purpose and Applicability:

The West Newbury Planning Board promulgated these Interim Regulations (the "Regulations") pursuant to Section 5.F.8 of the West Newbury Zoning Bylaw (the "Bylaw") to establish interim protocols and procedures for the distribution and use of Housing Contribution Payments and Resale Fees collected. The Regulations were approved by the Board of Selectmen on January 31, 2021 pursuant to the Bylaw.

The Regulations are supplementary to and, where in conflict, subordinate to the West Newbury Zoning Bylaw Section 5.F., as may be amended, and the Massachusetts Department of Housing and Community Development's ("DHCD") regulations and guidelines under Chapter 40B of the Massachusetts General Laws, as may be amended.

The Regulations shall cease to have effect after December 31, 2021 unless further action is taken by the Board of Selectmen to extend the term, or until such time that the Town of West Newbury may adopt a Municipal Affordable Housing Trust Fund pursuant to Massachusetts General Law Chapter 44, Section 55.C, whichever occurs first.

B. Funding Sources:

1. Housing Contribution Payments in Lieu of Fractional Affordable Housing Units collected pursuant to Section 5.F.6. of the Bylaw.
2. Fees collected upon Resale of an Affordable Housing Unit pursuant to the LIP Universal Deed Rider attached to the affordable unit being sold.

C. Designated Account (the "Account"): Funds received pursuant to parts B.1. and B.2. shall be deposited into an interest-bearing account established and operated pursuant to parts D. and E.

D. Authorized Expenditures. Funds expended shall not exceed an aggregate amount of \$10,000 per fiscal year, unless approval is granted pursuant to Part E. below, and may be used for the following purposes.

1. Perform Administrative Monitoring Services: In instances where the Town of West Newbury is the designated "Monitoring Agent" for Local Action Units in deed riders or regulatory agreements approved pursuant to the Local Initiative Program ("LIP"), the Town Manager is hereby authorized to expend funds from the Account for administrative monitoring services to ensure regulatory compliance. Subject to applicable procurement requirements, the Town Manager may contract with a qualified entity to perform this work on the Town's behalf.
  - a. Administrative Monitoring During Initial Unit Sales:
    - i. Review the Affirmative Fair Housing Marketing Plan (AFHMP), Resident Selection Plan, Maximum Initial Sale Price, Regulatory Agreement and Affordable Housing Deed Rider, each as created and provided by the developer, for compliance with applicable LIP regulations and guidelines.
    - ii. Write Local Preference Request for the Town to submit to DHCD, which if approved, would make some affordable housing units available for local preference pursuant to applicable LIP regulations and guidelines.
    - iii. Monitor initial sales, each as conducted by the developer, to ensure compliance with the affordability requirements for the specific unit and with applicable LIP regulations and

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guidelines.

b. Supplemental Administrative Monitoring Services:

- i. Manage the Resale Process - calculate maximum resale price, market the unit, qualify eligible buyers, manage process if an eligible buyer is not located.
  - ii. Review Refinance Requests, Capital Improvements, and Incidents of Foreclosure.
  - iii. Provide support for the Town Manager or a designee appointed by the Town Manager to facilitate compliance with the Town's responsibilities to enforce terms of Affordable Housing Restrictions, including in the event of non-compliance.
  - iv. Provide support for the Town Manager or a designee appointed by the Town Manager to facilitate compliance with the Town's responsibilities to perform Annual Reporting and/or monitoring as may be required by applicable Regulatory Agreements.
2. Establish a Municipal Affordable Housing Trust: The Town Manager is hereby authorized to expend funds from the Account to facilitate the creation of a proposal to establish a Municipal Affordable Housing Trust pursuant to Mass. Gen. Laws Ch. 44, Sec. 55C, and to provide seed funding for dedicated administrative and/or professional support for the operations of said Trust. Subject to applicable procurement requirements, the Town Manager may contract with a qualified entity to perform this work on the Town's behalf.

- E. Fund Distribution Procedures Beyond Annual Allocation: In the event that the costs to perform work specified in parts D.1. and D.2. above exceed \$10,000 in a given fiscal year, the Town Manager shall apply for approval in writing to the Board of Selectmen indicating the nature and cost of the proposed work. The Board of Selectmen shall consider and act upon the application at a regularly scheduled meeting.

Pursuant to Section 5.F.8 of the Zoning Bylaw, on January 19, 2021 the West Newbury Planning Board voted unanimously to approve this document and to submit it to the West Newbury Board of Selectmen for review and final action.

At its regularly scheduled meeting on February 1, 2021 the Board of Selectmen voted unanimously 3-0 to approve this policy.



## 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](mailto:townmanager@wnewbury.org)

TO: Select Board  
 FROM: Angus Jennings, Town Manager  
 DATE: December 30, 2021  
 RE: QPT sick time accruals

The enclosed memo was provided to the Board in late August, but was not taken up due to time constraints within that meeting. It has recently come to my attention that, notwithstanding my memo to staff on June 8, 2021, one or more qualified part-time (QPT) employees continue to believe that they are accruing sick time at a different rate than is calculated by the Finance Department based on its (and my) reading of the policy.

This is to request Board confirmation, or not, of my office's reading of this policy. The relevant question is outlined in my August 26, 2021 memo, enclosed, with reference also to the second section ("Sick Time Accrual Rates") in my June 8, 2021 memo. (Please note that the earlier portion of my June 8<sup>th</sup> memo – Holiday Pay – is no longer relevant in light of that policy's amendment in the fall.)

While I continue to believe that my and the Finance Department's reading of the Personnel Policy (as relates to QPT sick time accrual rates) is the only fair and equitable reading – given the overall objective of fairness and consistency across the board, regardless of what town department an employee works for – I also acknowledge that some long-tenured employees were given different advice by former Finance personnel in prior years. For one or more employees, our current reading of the policy would be perceived as a "take back" of what they perceive as an employee benefit.

Therefore, in fairness to all parties, I recommend that the Board set out the policy direction you would like to see, and that this be translated into amended language for inclusion in the Personnel Policy, following notice to employees and public hearing as required by the Personnel Bylaw.



# 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](mailto:townmanager@wnewbury.org)

TO: Select Board  
FROM: Angus Jennings, Town Manager  
DATE: August 26, 2021  
RE: QPT sick time accruals

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Although not directly related to the agenda'd item re QPT holiday pay, I want to bring to your attention another matter that has recently caused confusion and some disagreement. As the Finance Department continues its now years-long effort to build accruals (vacation, sick, personal – accrual and use) into the payroll software (just like every other properly functioning organization), we continue to run into the reasons why our predecessors never were able to get this done. However, we are very close to achieving this – which we hope will go a long way to providing clarity to staff and management re accrual status, avoiding future disagreements, and obviating the need for periodic per-department or per-employee reconciliations of accruals which are extremely time-intensive to conduct.

The issue at hand is the rate that sick time accrues for QPT employees. In the attached memo dated June 8, 2021, I set out my office's understanding of the current policy (Sec. 5.2.1 of the Personnel Policy, online [here](#)). This memo was drafted in close consultation with all Finance Department staff, and reflects the understanding of all Finance Department staff (and my own). The memo was intended to clarify for all parties the issues of QPT holiday pay and sick time accrual rates.

One response received asserted that this interpretation would “short” that employee, as follows:

- The Personnel Policy provides for 10 sick days per year.
- The employee is budgeted to work 32 hrs/wk, comprised of 4 8-hour days.
- Based on the methodology outlined in the memo (which prorates accruals), that employee would accrue 64 hours of sick time/year – the equivalent of 2 complete work weeks.
- The employee believes that 80 hours (or, 10 8-hr days) should accrue per year.
- My office (with the Finance Department) believes that this reading would result in QPT accruing sick leave in inverse proportion to their hours worked (i.e. the fewer an employee's budgeted weekly hours, the more sick days they would accrue), which would not be a logical outcome. (In other words, if an employee worked, say, 20 hrs/wk, but accrued 80 hrs of sick time/year, this would translate to 4 weeks of sick leave, whereas a full-time employee accrues 2 weeks/year).

My June 8 memo was intended to clarify – not change – policy, based on my and current Finance staff understanding of policy. I responded immediately to the employee's concern, assuring the person that there is no intent to “short” anyone, and offering to bring this to the Board for your guidance as to how this policy should be interpreted/enforced. While the Board did endorse my understanding of the policy early in my tenure here (Aug/Sept 2018), I in no way want to implement the policy in a manner that does not meet the current Board's understanding.

Obviously, we all look forward to a day when our policies can be clearly understood as written, and not subject to interpretation.



# 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](mailto:townmanager@wnewbury.org)

TO: Qualified Part-Time Employees & Department Heads with QPT employees  
FROM: Angus Jennings, Town Manager  
DATE: June 8, 2021  
RE: Personnel policies / QPT accruals

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This is sent to all qualified part-time (QPT) employees, defined in the Town Personnel Policy as "a part-time employee working at least twenty (20) hours per week for 52 weeks per year," and to department heads overseeing departments with QPT employees.<sup>1</sup> This memo is intended to clarify a couple of items to help ensure consistency in administration of the Town's personnel policy.

## Holiday Pay

A review of employee timesheets shows inconsistencies in how QPT are recording (or not) hours on their timesheets for holiday pay. The policy, as written, is a bit unclear, but has been enforced consistently over the years. This memo is intended to clarify the policy and provide direction regarding how to record holiday pay on your timesheets.

The Policy at Sec. 7.3 reads as follows:

7.3 Qualified part-time employees will be excused from working on holidays which fall on or are observed on days they are regularly scheduled to work. Qualified part-time employees will be given holiday pay for all holidays, based on the number of hours in their regular scheduled work week divided by forty (40). For example, a qualified part-time employee whose regular scheduled work week is twenty-four hours will be paid holiday pay for all holidays at the rate of 60% of their salary for an eight-hour day.

The use of the word "all" is key to understanding the policy. It means that QPT employees should include your prorated hours on your timesheets for all eleven holidays recognized in the Personnel Policy, including for holidays that fall on a day that you are regularly scheduled to work, and also for holidays that fall on days that you are not normally scheduled to work. The Select Board's intent in approving this policy in 2014 was that the extra pay received for holidays when you are not normally scheduled to work would balance out the fact that, on holidays when you are normally scheduled to work, your compensated time is only a portion of your normally scheduled hours.

As part of the Finance Department's FY21 fiscal year-end closeout, we will be reviewing all employees' accruals to ensure reconciliation as we prepare for FY21 Audit.

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<sup>1</sup> Complete policy online at: <https://www.wnewbury.org/board-selectmen/pages/bylaws-policy-and-procedures>

If you have questions about this policy, including whether your FY21 timesheets year-to-date may have reported time for holiday pay different than outlined here, please contact Stephanie Frontiera in the Finance Department to discuss any questions or to request review of your timesheets or accrual records.

**Sick Time Accrual Rates**

In the process of reconciling accrual records, it has again come to my attention that there are inconsistencies in how the rate of accrual of sick time for QPT employees is being calculated.

Sick time accrual should be pro-rated in the same manner that vacation time is prorated in accordance with Sec. 5.1.2 of the Personnel Policy. This results in a different calculation of sick time accrual for different QPT employees, based on their weekly scheduled hours.

I am aware that several years ago a former Finance Department staff person provided some QPT employees a template for timesheets showing a sick time accrual rate of 6.664 hours per month. This was based on applying the .833 days in the policy to an 8-hour work day. However, this template timesheet did not factor in the prorated accrual in the policy (and, if applied, would result in QPT employees receiving sick time in inverse proportion to their hours worked, i.e. fewer hours worked would equal more sick time, which is not a logical outcome).

The following table provides the actual number of sick hours that will accrue per month, based on the number of hours different QPT employees are budgeted to work each week:

<b>Dept</b>	<b>Position</b>	<b>Budgeted Hrs/Wk (FY21)</b>	<b>Percent of FT (40 hrs)</b>	<b>Monthly Accrual (Sick Time, in hours)</b>
Police	Admin Asst.	32	80	5.3312
Library	Librarian	31	78	5.1646
Water / Planning	Water Admin / Planning Admin	30 (combined)	75	4.998
Library	Librarian	28	70	4.6648
Assessing	Assessors Clerk	28	70	4.6648
Insp. Svcs.	Building Inspector	27	68	4.4982
Library	Librarian	27	68	4.4982
Planning	Town Planner	25	63	4.1650
Health	Health Admin	24	60	3.9984
Select Board	Resident Svcs. Admin	22	55	3.6652
Conservation	Conservation / Land Agent	22	55	3.6652
Insp. Svcs.	Insp. Svcs. Admin	20	50	3.332

This method of calculating QPT sick time accruals was reviewed with and approved by the Select Board in September 2018. Many QPT employees have already been using these accrual rates. This memo is intended to ensure that all QPT employees are using the same accrual rates as the Finance Department, to ensure consistency with policy and to facilitate reconciliation of records.

As has been discussed previously, my office intends to undertake a thorough review of the Personnel Policy, including participation by any/all employees and supervising Boards and Commissions who may wish to participate. I expect that this process, which will get underway this summer, to lead to proposed revisions to the Personnel Policy. Among other things, this process will result in clearer policies, that can be applied fairly and uniformly across the organization. However, unless and until the policy is updated, my office will continue to strive to implement it as written, in an effort to ensure fair and consistent administration for all employees.

If you have any questions, please contact me or Stephanie to review.

**Town Manager**

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**From:** Conservation  
**Sent:** Tuesday, December 28, 2021 10:47 AM  
**To:** Assistant Assessor; Assistant Clerk; Brian Richard; Building Inspector; Christian Kuhn; COA; Community Preservation Committee; Conservation; Corinn Flaherty; DPW Admin; DPW Director; Electrical Inspector; Finance Admin; Jane Krafton; Jeff Durand; Joan Croteau; John Savage; Leah Zambenardi; Lee Ann Delp; Lorraine Hermann; Michael Dwyer; Mike Gootee; Office Assistant; Paul Sevigny; Planning Admin; Residents Admin; Stan Kulacz; Town Accountant; Town Clerk; Town Manager; Town Treasurer; WNWater  
**Subject:** Conservation Commission Draft Bylaws for Review and Comment  
**Attachments:** WN Wetlands Protection Bylaw rev 3.docx

Good Morning,

The Conservation Commission has completed a draft wetlands protection bylaw that they are seeking comments on. After comments are received, the bylaw will be sent to KP Law for review. The intent of the Commission is to include the bylaw as a warrant item for vote at the Spring Town Meeting.

If you have any questions or would like to submit any comments to the Commission, please let me know.

Thank you,

Michelle Greene  
Conservation Agent  
Town of West Newbury  
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West Newbury, MA 01985  
Office: (978) 363-1100 x126  
Cellphone: (978) 891-0238  
conservation@wnewbury.org

# DRAFT

## Town of West Newbury Conservation Commission

### WETLANDS PROTECTION BYLAW

#### I. Purpose

The purpose of this bylaw is to protect the wetlands, water resources, flood prone areas, and adjoining upland areas in the Town of West Newbury by controlling activities deemed by the Conservation Commission likely to have a significant or cumulative effect on resource area values, including but not limited to the following: public or private water supply, groundwater supply, flood control, erosion and sedimentation control, storm damage prevention including coastal storm flowage, water quality, prevention and control of pollution, fisheries, shellfisheries, wildlife habitat, rare species habitat including rare plant and animal species, agriculture, aquaculture, and recreation values, deemed important to the community (collectively, the “resource area values protected by this bylaw”).

This bylaw is intended to utilize the Home Rule authority of West Newbury to protect the resource areas under the Wetlands Protection Act (G.L. Ch.131 §40; the Act) to a greater degree, to protect additional resource areas recognized by the Town as significant, to protect all resource areas for their additional values beyond those recognized in the Act, and to impose in local regulations and permits additional standards and procedures in addition to those of the Act and regulations thereunder (310CMR 10.00), subject, however, to the rights and benefits accorded to agricultural uses and structures of all kinds under the laws of the Commonwealth and other relevant bylaws of the Town of West Newbury.

#### II. Jurisdiction

Except as permitted by the Conservation Commission no person shall remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following resource areas: any freshwater or coastal wetlands, isolated wetlands, marshes, wet meadows, bogs, swamps, vernal pools, springs, banks, reservoirs, lakes, ponds of any size, beaches, dunes, estuaries, and lands under water bodies; lands adjoining these resource areas out to a distance of 100 feet, known as the buffer zone; rivers, streams, brooks and creeks whether perennial or intermittent; lands adjoining these resource areas out to a distance of 200 feet, known as the riverfront area, with the exception of intermittent streams running alongside roadways where the jurisdictional land adjoining those streams shall extend out to a distance of 100 feet; lands subject to flooding or inundation by groundwater or surface water; and lands subject to tidal action, coastal storm flowage, or flooding (collectively the “resource areas protected by this bylaw”). Said resource areas shall be protected whether or not they border surface waters.

The jurisdiction of this bylaw shall not extend to uses and structures of agriculture that enjoy the rights and privileges of laws and regulations of the Commonwealth governing agriculture, including work performed for normal maintenance or improvement of land in agricultural or aquacultural uses as defined by the Wetlands Protection Act regulations, found at 310 CMR 10.04.

#### III. Exemptions and Exceptions

The applications and permits required by this bylaw shall not be required for work performed for normal maintenance or improvement of land in agricultural and aquacultural use as defined by the Wetlands Protection Act regulations at 310 CMR 10.04.

The applications and permits required by this bylaw shall not be required for maintaining, repairing, or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the

service of the public to provide electric, gas, water, telephone, telegraph, or other telecommunication services, provided that written notice is provided to the Conservation Commission prior to commencement of work, and provided that the work conforms to any performance standards and design specifications in regulations adopted by the Commission.

The applications and permits required by this bylaw shall not be required for work in a buffer zone in accordance with 310 CMR 10.02(2)(b)(2)(g) –(p) provided that written notice is provided to the Conservation Commission prior to commencement of work and provided that the work also conforms to any performance standards and design specifications in regulations adopted by the Commission.

The applications and permits required by this bylaw shall not be required for emergency projects necessary for the protection of the health and safety of the public, provided that the work is to be performed by or has been ordered to be performed by an agency of the Commonwealth or a political subdivision thereof; provided that advance notice, oral or written, has been given to the Commission prior to commencement of work or within 24 hours after commencement; provided that the Commission or its agent certifies the work as an emergency project; provided that the work is performed only for the time and place certified by the Commission for the limited purposes necessary to abate the emergency; and provided that within 21 days of commencement of an emergency project a permit application shall be filed with the Commission for review as provided by this bylaw. Upon failure to meet these and other requirements of the Commission, the Commission may, after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.

Other than stated in this bylaw, the exceptions provided in the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00) shall not apply under this bylaw.

The Commission may waive provisions of this bylaw provided the applicant demonstrates that the proposed project will not adversely impact any of the interests protected by this bylaw

#### **IV. Applications and Fees**

Written application shall be filed with the Conservation Commission to perform activities that may impact resource areas protected by this bylaw. The permit application shall include such information and plans deemed necessary by the Commission to describe proposed activities and their effects on the resource areas protected by this bylaw. No activities shall commence without receiving and complying with a permit issued pursuant to this bylaw.

The Commission may accept as the application and plans under this bylaw any application and plans filed under the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00) where they are sufficient to meet the requirements of the bylaw and an regulations promulgated thereto, but the Commission is not obliged to do so.

Any person desiring to know whether or not a proposed activity or an area is subject to this bylaw may request, in writing, a determination from the Commission. Such a Request for Determination of Applicability (RDA) or Abbreviated Notice of Resource Area Delineation (ANRAD) filed under the Act shall include information and plans deemed necessary by the Commission.

At the time of an application, the applicant shall pay a filing fee specified in regulations of the Commission. The fee is in addition to that required by the Wetlands Protection Act and regulations. The Commission may waive fees for applications filed by a government agency, including a municipal department, board, and/or committee, or not-for-profit organization.

Pursuant to G.L. Ch. 44 §53G and regulations promulgated by the Commission, the Commission may impose reasonable fees upon applicants for the purpose of securing outside consultants including engineers, wetlands

scientists, wildlife biologists or other experts to aid in the review of proposed projects presenting technical issues requiring additional expertise to assist in protecting resource areas. Such funds shall be deposited with the town treasurer, who shall create an account specifically for this purpose. Additional consultant fees may be requested where the requisite review is more expensive than originally calculated or where new information requires additional consultant services.

Only costs relating to consultant work done in connection with a project for which a consultant fee has been collected shall be paid from this account, and expenditures may be made at the sole discretion of the Commission. Any consultant hired under this provision shall be selected by, and report exclusively to, the Commission. The Commission shall provide applicants with written notice of the selection of a consultant, identifying the consultant, the amount of the fee to be charged to the applicant, and a request for payment of that fee. Notice shall be deemed to have been given on the date it is mailed or delivered. The applicant may withdraw the application or request within five (5) business days of the date notice is given without incurring any costs or expenses.

The entire fee must be received before the initiation of consulting services. Failure by the applicant to pay the requested consultant fee within ten (10) business days of the request for payment shall be cause for the Commission to declare the application administratively incomplete and deny the permit without prejudice, except in the case of an appeal. The Commission shall inform the applicant and Department of Environmental Protection (DEP) of such a decision in writing.

The applicant may appeal the selection of an outside consultant to the Select Board, who may disqualify the consultant only on the grounds that the consultant has a conflict of interest or is not properly qualified. The minimum qualifications shall consist of either an educational degree or three or more years of practice in the field at issue, or a related field. The applicant shall make such an appeal in writing, and must be received within ten (10) business days of the date that request for consultant fees was made by the Commission. Such appeal shall extend the applicable time limits for action upon the application.

## **V. Notice and Hearings**

Any person filing a permit or other application or NOI or ANRAD or other request with the Conservation Commission shall give written notice thereof, at the same time, by certified mail (return receipt requested) or hand delivery, to all abutters at their mailing addresses shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line of the applicant, including any in another municipality or across a body of water. Any person filing an RDA shall give written notice thereof, at the same time, by certified mail (return receipt requested) or hand delivery, to all abutters at their mailing addresses shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within 100 feet of the property line of the applicant, including any in another municipality or across a body of water. The notice shall provide a brief description of the project or other proposal and the date of any Commission hearing or meeting date if known. The notice to abutters also shall include a copy of the application or request, with plans, or shall state where copies may be examined and obtained by abutters. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. When a person requesting any determination is someone other than the owner, the request, the notice of the hearing and the determination itself shall be sent by the Commission to the owner as well as to the person making the request.

The Commission shall conduct a public hearing on any permit application, RDA, or ANRAD with written notice given at the expense of the applicant, at least five business days prior to the hearing, in a newspaper of general circulation in the municipality. The Commission shall commence the public hearing within 21 days from receipt of a completed permit application, RDA, or ANRAD unless an extension is authorized in writing by the applicant. The Commission shall have authority to continue the hearing to a specific date announced at the hearing, for reasons stated at the hearing, which may include the need for additional information from the applicant or others

as deemed necessary by the Commission in its discretion, based on comments and recommendations of the boards and officials listed in §VI.

The Commission shall issue its permit, other order or determination in writing within 21 days of the close of the public hearing thereon unless an extension is authorized in writing by the applicant. The Commission in an appropriate case may combine its hearing under this bylaw with a hearing conducted under the Wetlands Protection Act (G.L. Ch.131 §40) and regulations (310 CMR 10.00).

#### **VI. Coordination with Other Boards**

Any person filing a permit application, NOI, RDA, or ANRAD with the Conservation Commission shall provide written notification to the planning board, board of health, and building inspector at the time abutter notification is provided. An affidavit of the person providing notice, with a copy of the notice provided, shall be filed with the Commission. The Commission shall not take final action until the above boards and officials have had 14 days from receipt of notice to file written comments and recommendations with the Commission, which the Commission shall take into account but which shall not be binding on the Commission. The applicant shall have the right to receive any comments and recommendations, and to respond to them at a hearing of the Commission, prior to final action.

#### **VII. Burden of Proof**

The applicant shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application will not have significant or cumulative adverse effects on the interests protected by this bylaw. Failure to provide the Commission with adequate evidence supporting a determination that the proposed work will not have such adverse impacts on the interests protected by this bylaw shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions, or, at the Commission's discretion, to continue the hearing to another date to enable the applicant or others to present additional evidence upon such terms and conditions the Commission deems reasonable.

#### **VIII. Permits and Conditions**

If the Conservation Commission, after a public hearing, determines that the activities which are subject to the permit application, or the land and water uses which will result therefrom, are likely to have a significant individual or cumulative effect on the resource area values protected by this bylaw, the Commission, within 21 days of the close of the hearing, shall issue or deny a permit for the activities requested. The Commission shall take into account the extent to which the applicant has avoided, minimized and mitigated any such effect. The Commission also shall take into account any loss, degradation, isolation, and replacement or replication of such protected resource areas elsewhere in the community and the watershed, resulting from past activities, whether permitted, unpermitted or exempt, and foreseeable future activities.

If it issues a permit, the Commission shall impose conditions which the Commission deems necessary or desirable to protect said resource area values, and all activities shall be conducted in accordance with those conditions. Where no conditions are adequate to protect said resource area values, the Commission is empowered to deny a permit for failure to meet the requirements of this bylaw. It may also deny a permit: for failure to submit necessary information and plans requested by the Commission; for failure to comply with the procedures, design specifications, performance standards, and other requirements in regulations of the Commission; or for failure to avoid, minimize or mitigate unacceptable significant or cumulative effects upon the resource area values protected by this bylaw. Due consideration shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing. The Commission may waive specifically identified and requested procedures, design specifications, performance standards, or other requirements set forth in its regulations, provided that: the Commission finds in writing after said public hearing that there are no reasonable conditions or alternatives that would allow the proposed activity to proceed in compliance with said regulations; that avoidance, minimization and mitigation have been employed to the maximum extent feasible; and that the waiver is

necessary to accommodate an overriding public interest or to avoid a decision that so restricts the use of the property as to constitute an unconstitutional taking without compensation.

In reviewing activities within the buffer zone, the Commission shall presume the buffer zone is important to the protection of other resource areas because activities undertaken in close proximity have a high likelihood of adverse impact, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities. These adverse impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, and loss of wildlife habitat. The Commission may establish, in its regulations, design specifications, performance standards, and other measures and safeguards, including setbacks, no-disturb areas, no-build areas, and other work limits for protection of such lands, including without limitation strips of continuous, undisturbed vegetative cover, unless the applicant convinces the Commission that the area or part of it may be disturbed without harm to the values protected by the bylaw

In reviewing activities within the riverfront area, the Commission shall presume the riverfront area is important to all the resource area values unless demonstrated otherwise, and no permit issued hereunder shall permit any activities unless the applicant, in addition to meeting the otherwise applicable requirements of this bylaw, has proved by a preponderance of the evidence that (1) there is no practicable alternative to the proposed project with less adverse effects, and that (2) such activities, including proposed mitigation measures, will have no significant adverse impact on the areas or values protected by this bylaw. The Commission shall regard as practicable an alternative which is reasonably available and capable of being done after taking into consideration the proposed property use, overall project purpose (e.g., residential, institutional, commercial, or industrial), logistics, existing technology, costs of the alternatives, and overall project costs.

To prevent resource area loss, the Commission shall require applicants to avoid alteration wherever feasible; to minimize alteration; and, where alteration is unavoidable and has been minimized, to provide full mitigation. The Commission may authorize or require replication of wetlands as a form of mitigation, but only with specific plans, professional design, proper safeguards, adequate security, and professional monitoring and reporting to assure success, because of the significant likelihood of failure of replication.

The Commission may require a wildlife habitat study of the project area, to be paid for by the applicant, whenever it deems appropriate, regardless of the type of resource area or the amount or type of alteration proposed. The decision shall be based upon the Commission's estimation of the importance of the habitat area considering (but not limited to) such factors as proximity to other areas suitable for wildlife, importance of wildlife "corridors" in the area, or actual or possible presence of rare plant or animal species in the area. The work shall be performed by an individual who at least meets the qualifications set out in the wildlife habitat section of the Wetlands Protection Act regulations (310 CMR 10.60).

The Commission shall presume that all areas meeting the definition of "vernal pools" under §X of this bylaw, including the area surrounding vernal pools not to be disturbed, perform essential habitat functions. This presumption may be overcome only by the presentation of credible evidence which, in the judgment of the Commission, demonstrates that the basin or depression does not provide essential habitat functions. Any formal evaluation should be performed by an individual who at least meets the qualifications under the wildlife habitat section of the Wetlands Protection Act regulations.

A permit, Determination of Applicability (DOA), or Order of Resource Area Delineation (ORAD) shall expire three years from the date of issuance. Notwithstanding the above, the Commission in its discretion may issue a permit expiring five years from the date of issuance for recurring or continuous maintenance work, provided that annual notification of time and location of work is given to the Commission. Any permit may be renewed once for an additional one-year period, provided that a request for a renewal is received in writing by the Commission prior to expiration. Notwithstanding the above, a permit may identify requirements which shall be enforceable for

a stated number of years, indefinitely, or until permanent protection is in place, and shall apply to all present and future owners of the land.

For good cause the Commission may revoke any permit, DOA, or ORAD or any other order, determination or other decision issued under this bylaw after notice to the holder, the public, abutters, and town boards, pursuant to §V and §VI, and after a public hearing.

Amendments to permits, DOAs, or ORADs shall be handled in the manner set out in the Wetlands Protection Act regulations and policies thereunder.

In an appropriate case the Commission may combine the decision issued under this bylaw with the permit, DOA, ORAD, or Certificate of Compliance (COC) issued under the Wetlands Protection Act and regulations.

No work proposed in any application shall be undertaken until the permit or ORAD issued by the Commission with respect to such work has been recorded in the registry of deeds or, if the land affected is registered land, in the registry section of the land court for the district wherein the land lies, and until the holder of the permit certifies in writing to the Commission that the document has been recorded.

### **IX. Regulations**

After public notice and public hearing, the Conservation Commission shall promulgate rules and regulations to effectuate the purposes of this bylaw, effective when voted and filed with the town clerk. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this bylaw. At a minimum these regulations shall reiterate the terms defined in this bylaw, define additional terms and requirements not inconsistent with the bylaw, provide for undisturbed vegetative buffers extending from the edge of resource areas, and impose filing and consultant fees.

### **X. Definitions**

The following definitions shall apply in the interpretation and implementation of this bylaw.

The term “agriculture” shall refer to the definition as provided by G.L. Ch. 128 §1A.

The term “alter” shall include, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by this bylaw:

- A. Removal, excavation, or dredging of soil, sand, gravel, or aggregate materials of any kind
- B. Changing of preexisting drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, or flood retention characteristics
- C. Drainage, or other disturbance of water level or water table
- D. Dumping, discharging, or filling with any material which may degrade water quality
- E. Placing of fill, or removal of material, which would alter elevation
- F. Driving of piles, erection, expansion or repair of buildings, or structures of any kind
- G. Placing of obstructions or objects in water
- H. Destruction of plant life including but not limited to cutting or trimming of trees, shrubs and other vegetation
- I. Changing temperature, biochemical oxygen demand, or other physical, biological, or chemical characteristics of any waters
- J. Any activities, changes, or work which may cause or tend to contribute to pollution of any body of water or groundwater
- K. Incremental activities which have, or may have, a cumulative adverse impact on the resource areas protected by this bylaw.

The term “bank” shall include the land area which normally abuts and confines a water body; the lower boundary being the mean annual low flow level, and the upper boundary being the first observable break in the slope or the mean annual flood level, whichever is higher.

The term “cumulative adverse effects” shall include the adverse effects of activities regulated under this Bylaw which may be individually insignificant to the interests and values under this Bylaw, but when considered in relation to other past or present activities in a given area may be significant to said interests and values in the aggregate.

The term “person” shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to town bylaws, administrative agency, public or quasi-public corporation or body, this municipality, and any other legal entity, its legal representatives, agents, or assigns.

The term “pond” shall follow the definition of 310 CMR 10.04 except that the size threshold of 10,000 square feet shall not apply.

The term “spring” shall include a water resource formed when the side of a hill, valley bottom, or other excavation intersects a flowing body of groundwater at or below the local water table, below which the subsurface material is saturated with water,

The term “rare species” shall include, without limitation, all vertebrate and invertebrate animals and all plant species listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife, regardless whether the site in which they occur has been previously identified by the Division.

The term “vernal pool” shall include, in addition to scientific definitions found in the regulations under the Wetlands Protection Act, any confined basin or depression not occurring in existing lawns, gardens, landscaped areas or driveways which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, contains at least 200 cubic feet of water at some time during most years, is free of adult predatory fish populations, and provides essential breeding and rearing habitat functions for amphibian, reptile or other vernal pool community species, regardless of whether the site has been certified by the Massachusetts Division of Fisheries and Wildlife. The boundary of the area surrounding vernal pools not to be disturbed shall be 100 feet outward from the mean annual high-water line defining the depression.

Except as otherwise provided in this bylaw or in associated regulations of the Conservation Commission, the definitions of terms and the procedures in this bylaw shall be as set forth in the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00).

## **XI. Security**

As part of a permit issued under this bylaw, in addition to any security required by any other municipal or state board, agency, or official, the Conservation Commission may require that the performance and observance of the conditions imposed thereunder (including conditions requiring mitigation work) be secured wholly or in part by one or both of the methods described below:

A. By a proper bond, deposit of money or negotiable securities under a written third-party escrow arrangement, or other undertaking of financial responsibility sufficient in the opinion of the Commission, to be released in whole or in part upon issuance of a COC for work performed pursuant to the permit.

B. By accepting a conservation restriction, easement, or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of West Newbury whereby the

permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed. This method shall be used only with the consent of the applicant.

## **XII. Enforcement**

No person shall remove, fill, dredge, build upon, degrade, or otherwise alter resource areas protected by this bylaw, or cause, suffer, or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or an enforcement order issued pursuant to this bylaw.

The Conservation Commission, its agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this bylaw and may make or cause to be made such examinations, surveys, or sampling as the Commission deems necessary, subject to the constitutions and laws of the United States and the Commonwealth.

The Commission shall have authority to enforce this bylaw, its regulations, and permits issued thereunder by letters, phone calls, electronic communication and other informal methods, violation notices, non-criminal citations under G.L. Ch. 40 §21D, and civil and criminal court actions. Any person who violates provisions of this bylaw may be ordered to restore the property to its original condition and take other action deemed necessary to remedy such violations, or may be fined, or both.

Upon request of the Commission, the Board of Selectmen and town counsel shall take legal action for enforcement under civil law. Upon request of the Commission, the chief of police shall take legal action for enforcement under criminal law.

Municipal boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement.

Any person who violates any provision of this bylaw, or regulations, permits, or administrative orders issued thereunder, shall be punished by a fine set by the Commission of not more than \$300. Each day or portion thereof during which a violation continues, or unauthorized fill or other alteration remains in place, shall constitute a separate offense, and each provision of the bylaw, regulations, permits, or administrative orders violated shall constitute a separate offense.

As an alternative to criminal prosecution in a specific case, the Commission may issue citations with specific penalties pursuant to the non-criminal disposition procedure set forth in G.L. Ch. 40 §21D, which has been adopted by West Newbury in §XXVIII of the bylaws of the Town of West Newbury.

## **XIII. Appeals**

A decision of the Conservation Commission shall be reviewable in the superior court in accordance with G.L. Ch. 249 §4.

## **XIV. Relation to the Wetlands Protection Act**

This bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00) thereunder. It is the intention of this bylaw that the purposes, jurisdiction, authority, exemptions, regulations, specifications, standards, and other requirements shall be interpreted and administered as stricter than those under the Wetlands Protection Act and regulations.

## **XV. Severability**

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any permit, approval or determination which previously has been issued.

DRAFT

## Town Manager

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**From:** DPW Director  
**Sent:** Wednesday, December 29, 2021 12:33 PM  
**To:** David Archibald  
**Cc:** Town Manager  
**Subject:** RE: Roadside swales

Archie,

We do not have a swale map yet, but have discussed about preparing one. May be able to do in-house. Take about 7-10 days to collect data in the field and another 3-4 days to map with assistance from MVPC. If we are interested - I can put this project onto our work plan for sometime within the next 6-12 months.

In regards to swales.

From my own observations I would break your question up into two areas. Urbanized area and the non-urbanized area.

1. Urbanized Area.

Occupies about 20% of our town.

About 10 miles of roadway - so about 20 miles if you count both sides of the road.

Reviewing our MS4 map - I would estimate about 30% (6 miles) of our roadways have a roadside swale.

2. Non-Urbanized Area.

Occupies about 80% of our town.

About 36 miles of roadway - so about 76 miles if you count both sides of the road.

I would estimate about 65% (49.4 miles) of our roadways have a roadside swale.

Hope this is helpful.

Wayne

-----Original Message-----

From: David Archibald <darchibald@wnewbury.org>

Sent: Wednesday, December 29, 2021 10:45 AM

To: DPW Director <dpwdirector@wnewbury.org>

Cc: Town Manager <townmanager@wnewbury.org>

Subject: Roadside swales

Wayne : happy new year.

Do you have a list of roads that have significant water beside them ?

Archie

Sent from my iPhone



# 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](mailto:townmanager@wnewbury.org)

TO: Select Board  
FROM: Angus Jennings, Town Manager  
DATE: December 30, 2021  
RE: Page / Pipestave / 113 safety audit

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A kick-off meeting and site visit has been confirmed for Wednesday, January 12<sup>th</sup> at 9am. In addition to the vendor (TEC), attendance will include myself, Wayne Amaral, Page School Principal Emily Puteri, and West Newbury public safety personnel. Notice will be provided to the Parks & Rec Commission, Mill Pond Committee and West Newbury Riding & Driving Club. Shortly after the first of the year, we will post information regarding this initiative to the Town website and social media. While the January 12<sup>th</sup> site visit will not be posted as a public meeting, there will be several opportunities for public participation as this work goes forward. An update from the kick-off meeting will be included on the Select Board's January 18<sup>th</sup> agenda.

## CLIENT AUTHORIZATION

New Contract

Project No.: \_\_\_\_\_

Amendment No.:

Date: December 3, 2021

**Project Name:** Traffic Safety Audit & Project Scoping @ the Page School; West Newbury, MA

<b>Client:</b>	West Newbury Angus Jennings Town Manager 381 Main Street West Newbury, MA 01985	<b>Fee Proposal</b>	
		Task 1	\$ 25,750.00
		Estimated Expenses	<u>Included</u>
		TOTAL	\$ 25,750.00

Requested by: Client

Lump Sum

Time & Expenses

Cost + Fixed Fee

Other

Estimated Date of Completion: Before June 30, 2022

### Scope of Services:

The Town of West Newbury (Client) has retained TEC, Inc. (TEC) to provide preliminary engineering services for a traffic safety audit (TSA) and project scoping of pedestrian improvements at the Page School. The project area will include the Main Street (Route 113) crossing at the Page School and Pipestave Recreation Area driveways and a section of Main Street (Route 113) from Coffin Street to Chase Street (approximately 4,400') to assess the feasibility of a single sidewalk. Services to be performed are as outlined in the tasks below:

#### **Task 1 – Traffic Safety Audit (TSA) \$25,750.00**

- Perform field reconnaissance to document pavement / lane widths and measure intersection sight distances for both the Page School and Pipestave Recreation Area driveways.
- Conduct manual turning movement counts during the typical weekday (7:00 AM – 7:00 PM) and a typical Saturday (7:00 AM – 7:00 PM) at the School Driveway / Pipestave Recreation Area Driveway intersections. The counts will include pedestrian and bicycle traffic at the intersection. The date of the counts shall be agreed upon by both the Client and TEC.
- TEC will conduct an Automatic Traffic Recorder Count (ATR) across Main Street, adjacent to the Page School, for two continuous 48-hour periods, one mid-week and one weekend, to collect volume, speed, and vehicle class data.
- Compile and analyze historic crash data for the project area to include the most recent five-year period on file (2016-2020) that can be obtained from the MassDOT IMPACT Portal; crash reports will also be requested from the Town of West Newbury Police Department.
- Facilitate one (1) Traffic Safety Audit (TSA) meeting on site at the Page School / Pipestave Recreation Area driveway. Meeting will be attended by representatives from various Town Departments: Public Works, Engineering, Planning, Police Fire, School and Recreation Departments. Representatives from MassDOT will be invited to attend since the project area falls under state jurisdiction.
- Document observations from the site meeting to identify existing safety challenges at the Page School / Pipestave Recreation Area driveways and any challenges in constructing a sidewalk along one side of the roadway from Coffin Street and/or Chase Street.

- Prepare a TSA report identifying potential short-, mid- and long-term countermeasures to improve safety for those traveling along and looking to cross at the Page School / Pipestave Recreation Area driveways and walk to/from Coffin Street and/or Chase Street.
- Facilitate one (1) virtual or in-person public meeting to present the findings of the TSA report and obtain feedback from the West Newbury community that can be incorporated into the scoping of potential improvement projects.
- Prepare a color base map from aerial imagery and available GIS information to depict the existing conditions with approximate Right-of-Way limits; does not include a detailed field survey.
- Attend one (1) project meeting with DPW and other Town Staff to review the findings of the TSA Report and identify a general scope that may align with a Safe Routes to School (SRTS) grant in the amount of up to \$1,500,000. Periodic client and project review check-in phone and conference calls are included within this scope.
- Prepare one (1) conceptual layout plan over the base map and an opinion of cost
- Facilitate one (1) virtual or in-person public meeting to present the conceptual layout and obtain feedback from the West Newbury community that can be incorporated into the final conceptual plan.
- Perform one (1) revision to the conceptual plan that incorporates public feedback to the greatest extent feasible and finalize the concept for a future SRTS grant application.
- If determined to be necessary by the Client and TEC, one (1) additional virtual public meeting will be attended by TEC to obtain additional public feedback.

Additional services not listed above may be performed at the request of the Client and will be considered an amendment to this agreement.

Services will begin upon signed authorization of this agreement. TEC will invoice the Client monthly on percent complete basis for the services performed.

This proposal is valid for a period of 45 days.

**Project PM: EMO**

Please execute this Client Authorization for TEC, Inc. to proceed with the above scope of services at the stated estimated costs. No services will be provided until it is signed and returned to TEC.

- Subject to attached terms & conditions
- Subject to terms & conditions in our original agreement

**TEC, Inc. Authorization**

By   
 Title: Principal/Director of Business Development  
 Date: December 3, 2021

**Client Authorization** *(Please sign original & return)*

By   
 Title: Town Manager  
 Date: December 3, 2021

1. Cultural & Historic Resources
  - a. Tasks: Near-Term
    - i. Solicit public input to determine recommended Town strategy re Soldiers & Sailors Bldg.**
    - ii. Support update of Library 5-year strategic plan
  - b. Tasks: Longer-Term
    - i. Work with private Cemetery Trustees to establish a sustainable long-term plan for cemeteries' O&M and Town residents' needs
  
2. Natural Resources & Open Space
  - a. Tasks: Near-Term
    - i. Stormwater Regulations: adoption and implementation (via job description changes)**
    - ii. Project management: Coffin Street land acquisition
      - 1. Engage surveyor re end of Cortland Lane**
      - 2. Finalize language for Conservation Restriction**
    - iii. **Assign broader staff responsibilities, establish more centralized protocols, for Green Communities annual reporting**
    - iv. **Town-wide fields/meadows management plan (incl. re mowing)**
    - v. **Improve enforcement of Harbor regulations, including establishing better protocols for issuance of mooring permits including coordination with Conservation**
    - vi. **Resolve questions re trail location/maintenance re Ocean Meadow/ECTA**
    - vii. **Support if/as needed: Mill Pond All Persons Trail (CPC project)**
    - viii. **Support if/as needed: "Whetstone Greenway" (CPC project)**
    - ix. Confirm responsibilities, oversight, workspace (incl. PC, software etc.) for Invasive Species' interns
    - x. Consider proposing Land Acquisition Bond in spring 2022
    - xi. Establish policies/guidelines for public trails incl. in approved development projects (i.e. construction and maintenance standards, ADA compliance, etc.). Work w PB, OSC, ConCom, ADA Compliance Officer.
    - xii. Clarify status of easement, Job Swamp
  - b. Tasks: Longer-Term
    - i. Establish/Improve public access to Merrimack River**
    - ii. Evaluate Mill Pond/Pipestave Management Plan; propose changes if needed**
    - iii. Continue to work with Mill Pond Committee, Health Agent re protocols to test for/respond to water quality issues incl. cyanobacteria**
    - iv. Participate in MVPC process to renew Hazard Mitigation Plan
    - v. Potential adoption of local Wetlands Bylaw
    - vi. Evaluate un/under-used Town-owned lands re potential use(s) for open space/rec, affordable housing, renewable energy, and/or potential disposition
    - vii. Emerald Ash Borer: implications for costs, high hazard trees, etc.

## 3. Planning &amp; Housing

## a. Tasks: Near-Term

- i. **Work with Town Planner re Planning Dept. staffing structure**
- ii. **AG Review/Approval for Fall 2019 zoning amendments (KP, Planning, Clerk)**
- iii. **AG Review/Approval for Fall 2020 zoning amendments (KP, Planning, Clerk)**
- iv. **Work with Town Planner and staff on housing policy, establishment of Housing Trust**
  - 1. Adopt Bylaw
  - 2. Establish vision, then projected budget
  - 3. Establish initial funding (propose transfer of Interim Inclusionary funds)
- v. Zoning Bylaw amendments
  - 1. **Floodplain Bylaw amendments**
  - 2. **New Stormwater Bylaw and Regulations (for MS4 compliance); incl. adoption of Stormwater regulations, and assignment of staff responsibilities for permitting, enforcement**
- vi. Review/update Zoning for Ground-Mounted Solar

## b. Tasks: Longer-Term

- i. Scenic Roads Bylaw – establish permitting procedures, review permit standards
- ii. Zoning Bylaw amendments
  - 1. Clarify section re Local Preference for consistency with State housing guidelines
  - 2. Review/update Zoning for Wireless Communications Facilities
  - 3. Create recreational marijuana policy
- iii. Zoning Bylaw Recodification incl. add table of use regulations
- iv. Consider making specified Town-owned land available for affordable housing (with Habitat for Humanity, and/or otherwise)
- v. Establish a management agreement w Housing Authority

## 4. Capital Planning &amp; Infrastructure

## a. Tasks: Near-Term

- i. **Work w Mayor/Mayor-Elect (and then Council) re updated Middle Street Bridge MOU**
- ii. **Continue to engage with TIP planning process for Federal transportation funds**
  - 1. Improve scoping / engineering for phased infrastructure improvement plan for Rte. 113
- iii. **Implement grant for Safety Audit at Route 113/Page/Pipestave**
  - 1. **Scope work / procurement / contracting**
  - 2. Public process
  - 3. Incorporate study recommendations into capital, project planning
  - 4. Potential Safe Routes to Schools grant application

- iv. Assess neighborhoods that may be vulnerable to impacts of climate change (incl. erosion and flooding); **Engage with review/planning process re River Road / potential climate impacts**
- v. **Map locations of drainage/flooding issues and priorities them for improvements**
- vi. **Incorporate recommendations from ADA facilities audit (June 2021) into capital and operational planning**
- vii. **Update formatting of Capital Program to Excel (with tied formulas); update/confirm dates/amounts in summary table**
- viii. **Perform a culvert analysis, and map and prioritize improvements**
- ix. **Explore feasibility of additional solar on Town-owned land and buildings**
- x. **Establish realistic and sustainable plan to fund Water capital needs**
- xi. Initiate comprehensive review/analysis of Page School (repairs/costs etc.)
- xii. Continue to incorporate MVPC Guard Rail Study findings into Capital Planning
- xiii. Active construction projects
  - 1. **Page School fire alarm upgrades**
    - a. **95% complete: box needs to be installed, then a test.**
  - 2. **Roadway paving contract**
    - a. **Done for 2022.**
  - 3. **Town Hall rehabilitation project**
    - a.
  - 4. **Town Hall drainage improvement project**
    - a.
  - 5. **Public Safety Building Sidewalk Repairs**
    - a. **Done.**
  - 6. **COA Window and Door replacement project**
    - a. **90% done.**
  - 7. **Roof resurfacing**
    - a. **1 building (Annex) done. Started public safety bldg.**
  - 8. **Brake Hill Water Tank**
  - 9. **Wellfield Chemical Treatment Building**
  - 10. **Hills/Boynton Court kitchen/bathroom upgrades (WNHA/CPA-funded)**
    - a. **Done.**
  - 11. **Continued implementation of High Hazard Tree program**
    - a. **Ongoing.**
  - 12. **Middle/High School construction**
  - 13. **COA ceiling/roof**
  - 14. **Page playground**
    - a. **Contract awarded, will begin in spring.**
- b. Tasks: Longer-Term
  - i. **Acquire land as new local water source**
  - ii. Update Town Office phone system
  - iii. Comprehensive (consultant) review of Fire Dept capital program (Chief Dwyer had prelim discussions w prospective vendor)

- iv. Oversee construction: Page School Playground replacement
- v. Improve cellular wireless and communication infrastructure (incl. emergency communication infrastructure)

## 5. Community Facilities

### a. Tasks: Near-Term

- i. **Work with DPW/Bldg dept/Bldgs & Grounds/COA re senior center roof beams/support posts issues**
- ii. **Work w Police Chief, ACO re updated presence/enforcement re Animal Bylaw (dogs/control)**
- iii. **Work w DPW Director, Committees re updated Dog Leash signage at Mill Pond/Pipestave**
- iv. **Improve process/clarify staff responsibilities regarding field use rental and processing fees (with Parks & Rec Comm)**
- v. **Soldiers & Sailors: ensure developer completes required crosswalk across Main Street, and resolve commitment toward improvements to S&S Bldg.**
- vi. **Execute new Learning Tree lease**

### b. Tasks: Longer-Term

- i. **Pipestave parking and multi-use management**
- ii. **Harbor Committee proposal re potential mooring field**
- iii. Soldiers & Sailors Building: Bidding; then Contracting; then Construction admin/oversight
- iv. Paperwork for Bond Counsel for issuance of \$1.25M BANs for Soldiers & Sailors Bldg.; or, if no intent to borrow, pursue Town Meeting rescission of borrowing authorization to remove from Town's financial encumbrances
- v. Update 1910 Building access protocols (keys given, building closure protocols); consider keyless entry

## 6. Finance & Administration

### a. Tasks: Near-Term

- i. **Integrate policy objectives of Commonwealth Climate Change Adaptation Road Map**
- ii. **Work with Amesbury toward MOU re regional vaccination clinics**
- iii. **Write Town Manager and Select Board FY20 Town Reports; finalize Town Report for printing**
- iv. Fill vacant Finance Dept position
  - 1. **Write/update job description**
  - 2. Revised Town Offices layout for new workstation
  - 3. Hiring process: Finance Dept Assistant
- v. **Determine plan for best allocation of ARPA funds**

- vi. **Continue to developer GIS user group and expand applications of GIS mapping**
- vii. **Continue to consider opportunities to regionalize services (only if cost savings and comparable level of service can be achieved)**
- viii. **Self-evaluation of pay practices per MGL Ch. 149**
- ix. **Host OML training/refreshers (incl. website update training) for BCC members**
- x. **Improve Cyber-Security protocols**
- xi. **Work with labor counsel, staff and BCCs re updates to Personnel Policies**
- xii. **Engage labor counsel review re exempt/non-exempt designations**
- xiii. **Manage active Workers' Comp filings**
- xiv. **Finance/communications re regional COVID-19 clinics (incl. FEMA, CARES, inter-municipal reimbursement processes)**
- xv. Collective bargaining
  - 1. **Police – terms agreed; rejected by Union; new negotiations underway**
  - 2. **Dispatch – terms agreed; MOU executed; awaiting redlined contracts from Union**
- xvi. **Litigation document production (cont'd)**
- xvii. Create FY22 Budget Book for office use
- xviii. Renew US Dept of Justice Asset Forfeiture Program Registration
- xix. Confirm property insurance schedules in FY22 renewal binder
- xx. Improve utilization of Senior Tax Work-off program
- xxi. Update Chief Assessor job description to enumerate additional responsibilities corresponding to increase in hours and wage rate; **continue to integrate expanded hours into active work planning (incl. re Finance special projects, IT/cyber security)**
- xxii. Review and apply regional wage rate comparison study results
- xxiii. **Work with Parks & Rec Commission re longer-term strategy for budgeting, and appropriate balance between taxpayer-funded and fee-supported costs**
- xxiv. **Confirm/clarify legal status of Parks & Rec Commission with regard to MGL Ch. 45, Sec. 5**
- xxv. **Establish regular collection/correspondence activities re outstanding Elliot Fund balances; establish policy for actions of Trustees and Town personnel**
- xxvi. **Special Legislation re change of BOS to Select Board**
- xxvii. **Index of former Town Counsel opinions to complete transition to KP Law**
- xxviii. **Continue review of Community Compact Financial Policies for adoption and/or amendment**
- xxix. **Finalize COVID-19 building protocols, taking into account staff input/suggestions**
- xxx. **Manage fraudulent unemployment claims**
- xxxi. Review/evaluate Town Offices' administrative needs and staffing
- xxxii. Initiate procurement process re investment portfolio manager
- b. Tasks: Longer-Term
  - i. **Build multi-year budget model/forecasting tool**
  - ii. Update purchasing policy and staffing responsibilities/division of labor; determine where CPO function will rest longer-term

- iii. Resolve backlog of Select Board minutes
- iv. Revisions to Facilities Use Policy and Fee Schedule
- v. Update 2001 West Newbury Committee Handbook
- vi. Consider standardizing hours of operation across more town departments
- vii. Advance public consideration of a Town Charter
- viii. Updated/New Comprehensive Master Plan
- ix. Repeal or amend 2005 statute creating DPW

7. Services/Governance

a. Tasks: Near-Term

- i. **Work with P&R and staff re 2022 Summer Recreation Program, incl. structure for staffing/administration**
- ii. **Review P&R and COA staffing levels to determine what expanded or new staff support may be needed**
- iii. **Updated FY22 Community Preservation Plan (both format and content updates)**
- iv. **Establish process/protocols for use of PEG funds, incl. for third-party proposals submitted to Cable Advisory Committee for potential programming**
- v. **Pursue electric vehicles and equipment, as feasible**

b. Tasks: Longer-Term

- i. Expand COA office hours
- ii. Upgrade Council on Aging kitchen to better support Meals-on-Wheels and other programs

Highly Capable Project Management, but Lean Staffing Structure

- Hrs per dept: TM/SB; Finance; Clerk; Assessing; DPW; Health; Planning; Bldg; Conservation; Fire/EMA; CPC; COA

-

Some Substantial Responsibilities with No Assigned Staff Responsibility

-