



Town of West Newbury
Board Selectmen
Monday, March 29, 2021 @ 5:30pm
381 Main Street, Town Office Building
www.wnewbury.org

RECEIVED
TOWN CLERK
WEST NEWBURY, MA
2021 MAR 25 PM 3:38

AGENDA

Executive Session: 5:30pm by remote participation

- ❖ MGL Ch. 30A §21(a) 3: To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares (*litigation; Police Union contract; Dispatch 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 (*Coffin Street; Main Street*).

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

Open Session: 7:00pm by remote participation (see below)

Announcements:

- This meeting is being broadcast on local cable TV and recorded for rebroadcast on the local cable channels and on the internet. Meeting also accessible by remote participation; instructions below.
- Virtual Arbor Day Celebration, Friday April 30th and Saturday May 1st – see Tree Committee webpage for details!
- Town-Wide Cleanup in celebration of Earth Day – Saturday and Sunday, May 1-2 – stay tuned for more details!
- Town Election Monday, May 3rd 7am-8pm. Annual & Special Town Meetings: Sat., May 22, 2021 (time TBD).
- Reminder to subscribe for emailed Town news/announcements at <https://www.wnewbury.org/subscribe>

Regular Business

- A. Request for appointment of Matthew Dixon as Reserve Police Officer
- B. Presentation of Whittier Tech FY22 budget and potential school building project – *Superintendent Maureen Lynch and Business Manager Kara Kosmes*
- C. Special Event Permit Application: Horse Trials (Sunday, July 11 and Sunday, Oct. 10) and Adventure Trail Day (Sunday, Sept. 12) – *West Newbury Riding & Driving Club*
- D. Presentation of proposed Wetlands Bylaw – *Conservation Commission*
- E. Discussion of changing designation of Board of Selectmen to Select Board and initiating process to formalize this change administratively and in law
- F. Notification of recent change to Massachusetts election law – *Mike McCarron, Town Clerk/Counsel*
- G. Proposed revisions to Tax Collections Finance Policy
- H. Discussion of potential revisions to Bereavement Leave Policy (Sec. 5.4 of Personnel Policy)
- I. Updates regarding draft Annual and Special Town Meeting warrant articles
- J. Meeting minutes: February 4, 2019; February 19; 2019, March 18, 2019; January 19, 2021; February 22, 2021; March 1, 2021.

Town Manager Updates

- K. Update on FY22 budget process and Finance Committee meeting schedule
- L. Soldiers & Sailors Memorial Building: Planning Board cont'd Site Plan Review hearing April 6th
- M. Issuance of RFQ for affordable housing consultant – responses due on/by April 12th
- N. Timeline for anticipated availability of Electric Vehicle charging stations at 1910 Building
- O. Middle Street Bridge design and permitting: cont'd ConCom review on April 5th
- P. Page School Playground – bids received and under review; update on process and timeline
- Q. Updates on other active projects
- R. Follow up meeting assignments; and placing items for future agendas

Addendum to Meeting Notice regarding Remote Participation

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

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

Zoom Meeting

Phone: (646) 558 8656

Meeting ID: 924 5131 8343

Passcode: 260917

Join at <https://zoom.us/j/92451318343?pwd=dDBiUIRVU1JERUFhL09abzhZdnpsZz09>

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



Town of
West Newbury
Massachusetts

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The West Newbury Tree Committee's Arbor Day Events

April 30th and May 1st

POSTED ON: MARCH 25, 2021 - 8:56AM



The West Newbury Tree Committee is hosting a **Virtual Arbor Day Celebration on Friday April 30th and Saturday May 1st.**

Our Town is fortunate to be graced with beautiful forests and a roster of significant trees.

- Please join us in a Zoom teleconference about the history of forests and trees in West Newbury and New England at **6:30PM on Friday, April 30th.**
- Learn how to identify commonly seen trees in West Newbury on a Virtual Tree Walk on Zoom at **11:00AM on Saturday, May 1st.**
- In honor of Arbor Day, the Tree Committee is giving away Tree Seedlings at **10:00AM on Saturday, May 1st.**

More details by Town email to follow.

www.wnewbury.org/tree-committee.

Town of West Newbury, 381 Main Street, West Newbury, Massachusetts 01985

The Town of West Newbury is an Equal Opportunity Employer

MAY 3, 2021 ANNUAL TOWN ELECTION
LIST OF OFFICES WITH CANDIDATES
WEST NEWBURY, MASSACHUSETTS

<u>OFFICE</u>	<u>TERM</u>	<u>YR ENDG PAPERS</u>	<u>RET</u>
<u>SELECTMAN</u>	For Three Years	2024	
Wendy Reed	For Three Years	1/11/21	1/21/21
<u>BOARD OF HEALTH</u>	For Three Years	2024	
Robert P. Janes		1/6/21	1/20/21
<u>PLANNING BOARD</u>	For Five Years	2026	
Raymond Cook		1/20/21	3/10/21
<u>PLANNING BOARD</u>	For One Year	2022	
Jake Cormier		3/4/2021	3/6/21
<u>HOUSING AUTHORITY</u>	For Five Years	2026	
Richard Miller		3/11/21	3/2/21
<u>HOUSING AUTHORITY</u>	For Four Years	2025	
Marjorie Peterson		3/3/21	3/11/21
<u>TRUSTEES OF THE PUBLIC LIBRARY</u>	For Three Years	2024	
Amy Custance		2/1/21	3/10/21
Thomas Salvo		1/18/21	2/01/21
Paula Breger		2/16/21	3/10/21
<u>ASSESSOR</u>	For Three Years	2024	
Jenifer Polisenno		1/27/21	3/9/21
Walter Burmeister		1/11/21	3/15/21

<u>SCHOOL COMMITTEE</u>	For Three Years	2024	
Marie E. Felzani		1/11/21	2/11/21
<u>WATER COMMISSIONER</u>	For Three years	2024	
W. Lawrence Corcoran		1/20/21	3/1/21
<u>PARK AND RECREATION COMMISSIONER</u>	For Three Years	2024	
VACANT			
<u>CONSTABLE</u>	For Three Years	2024	
Brian Richard		1/6/21	2/1/21
<u>TOWN MODERATOR</u>	For Three Years	2024	
Kathleen C. Swallow		1/20/21	3/1/21

Updated 3/16/2021 @ 11:52 am
Marie Felzani



WEST NEWBURY POLICE DEPARTMENT

401 Main Street, West Newbury, MA 01985

978-363-1213

978-363-1114 fax

Jeff Durand, Police Chief
durand@westnewburysafety.org

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

FROM: Jeff Durand, Chief of Police

DATE: March 23, 2021

RE: Reserve Officer appointment of Matthew Dixon

Gentlemen, I would like to have Matthew Dixon appointed as a reserve officer for the Town. Matthew lives in West Newbury and currently works at the Anna Jaques hospital as a security guard. He has a Bachelor's degree from Merrimac College as well as recently completing the reserve academy. As an added disclosure I would like to mention that he is the nephew of Michael Dwyer. Matthew completed our pre-employment testing as well a psychological testing, and I feel he will be a good fit on the department.

Thank You, Chief Durand

Town Manager

From: Kara Kosmes [REDACTED]
Sent: Friday, March 12, 2021 2:57 PM
To: Chuck Benevento; Anthony Marino; Tracy Blais; Angel A. Wills; Mike Farrell; Debbie Eagan; Ethan Manning; Carol McLeod; Town Manager; Neil Harrington; kpaicos@grovelandma.com
Cc: Maureen Lynch
Subject: FY22 Assessments and Update on funding for MSBA Feasibility study
Attachments: E.1 total assessments.pdf; SC minutes 2-10-21 MSBA feasb vote excerpt.pdf

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Good afternoon everyone:

I hope you are all doing well! I wanted to update you on the status of our FY22 budget as well as our MSBA project.

On Wed March 10 the SC approved Whittier's FY22 budget. While the final approval will not happen until April 14 after the Public Hearing, it is unlikely that there will be any changes.

The total increase to our budget was 2.42%

Attached please find the FY22 assessment sheet, which shows the breakdown by community.

I also wanted to let each of you know that on February 10, the School Committee approved an appropriation of \$1,800,000 into the District's Capital Projects fund to cover the cost of the MSBA feasibility study. We have submitted all of the required eligibility phase paperwork and it is expected that we will be approved to move to the feasibility phase very soon.

Whittier did not need to borrow funds to cover this cost, nor did we need to request additional funds from our member communities.

Instead, we transferred \$1,105,000 from the District's Stabilization account and \$695,000 from the District's FY21 Capital Outlay account. We were able to utilize all of the \$695,000 FY21 Capital Outlay account for this purpose since the cost of phase 3 of our athletic field project (the track), was much lower than anticipated and was able to instead be covered through savings in our athletics operating budget. I have attached an excerpt from the February SC minutes (that were approved this past Wednesday evening) which details the SC votes taken to fund the study.

The Superintendent and I are fully aware of the many financial (and other) challenges that our member communities are facing during these unusual times and we greatly appreciate all of the support you have given to Whittier over the years

Please feel free to call [REDACTED] or email me if you have any questions.

Have a wonderful weekend.

Kara

Please visit us at <https://whittiertech.org>

**WHITTIER REGIONAL VOCATIONAL TECHNICAL HIGH SCHOOL
TOTAL ASSESSMENTS FOR FY 2022
Executive Subcommittee**

Required Net School Spending	22,952,999
Other Assessments, Transportation and Community Education	1,538,029
Long Term Debt Assessment	-
Capital Assessment	695,000
Other Educational Assessment	<u>2,019,390</u>
Gross Budget	27,205,418

Less Revenues To Be Applied:

Chapter 70 aid		11,032,165	
E and D			
Transportation		<u>969,015</u>	<u>12,001,180</u>

Total Assessments 15,204,239

	<u>Minimum Contribution</u>	<u>Other Assessments</u>	<u>Long-term Debt Assessments</u>	<u>Capital Assessments</u>	<u>Other Educational Assessments</u>	<u>Total Assessments</u>
Amesbury	1,439,619	48,485	-	69,269	172,070	1,729,443
Georgetown	577,477	17,839	-	48,203	63,309	706,828
Groveland	538,195	17,839	-	28,814	63,309	648,157
Haverhill	6,578,381	397,944	-	285,259	1,412,274	8,673,859
Ipswich	426,217	12,807	-	55,113	45,453	539,590
Merrimac	656,076	22,870	-	26,936	81,165	787,047
Newbury	258,775	7,776	-	24,185	27,596	318,332
Newburyport	502,327	15,094	-	83,324	53,569	654,314
Rowley	289,219	8,691	-	24,688	30,843	353,441
Salisbury	517,550	15,552	-	27,607	55,192	615,901
West Newbury	136,998	4,117	-	21,602	14,610	177,327
TOTALS	<u>11,920,834</u>	<u>569,015</u>	<u>-</u>	<u>695,000</u>	<u>2,019,390</u>	<u>15,204,239</u>

PRINCIPAL'S REPORT

Mr. Chris Laganas, the Principal provided a principal's update. He stated it is exciting to have students back in the building for five (5) days. The students are settling in nicely to being back on Mondays for their vocational in-person day. On Monday, February 22nd students will still come to school following the same hybrid cohort but they will now have lunch at school and stay until 2:03 pm daily. All students are completing mid-term exams this week. Term 3 will begin after February vacation and Term 2 report cards will be out February 26th. Guidance counselors have started interviews with all of the middle schools remotely, in-person and through google meets throughout this week and during February vacation week. On Tuesdays and Thursdays, Kristine Morrison, Head of Guidance, is offering virtual information sessions. If you are interested, you can register online. Grab-and-go meals are still available at the end of the school day for students who wish to have meals available for their remote and weekend days. Remote Monday pickup sites for breakfast and lunch will continue to be available every Monday in February from 10 am until noon at the Poet's Inn entrance. Meals are provided for 7 days.

BUSINESS MANAGER'S REPORT

Ms. Kara Kosmes, the Business Manager stated that over the past 14 months, Whittier has been in the eligibility phase with MSBA for a school building project. She stated that this phase is coming to an end and she expects to move on to the next stage which is the feasibility stage. One of the requirements of this stage is for the School Committee to vote to authorize an appropriation to cover the cost of the feasibility study associated with the project. The first step is a vote of the School Committee to authorize the establishment of a Capital Projects Fund.

By motion of Mr. Irving, seconded by Dr. Testaverde to establish a Capital Projects Fund as outlined in the Business Manager's memorandum of February 4, 2021. Unanimously approved by roll call vote

Ms. Kosmes stated that in FY21, the School Committee approved a capital outlay budget totaling \$695,000. She stated that \$395,000 was allotted for the final phase of the athletic field project with the remaining \$350,000 to be applied towards the cost of the MSBA feasibility study. The field project is nearly complete and the cost is not expected to exceed \$250,000. Additionally, because of COVID-19, the athletics budget has unused funds which can be used to cover the cost of the track. This would free up the entire Capital Outlay budget to be available for the cost of the feasibility study.

By motion of Mr. Early, seconded by Mr. Irving to approve a transfer to reallocate the entire \$695,000 Capital Outlay budget appropriation for the MSBA feasibility study. Unanimously approved by roll call vote

Ms. Kosmes reported that the District has identified \$1,800,000 in funding that is available to cover the cost of the feasibility study. She requested that the School Committee vote to authorize a transfer from the Stabilization fund in the amount of \$1,105,000 and \$695,000 from the Capital Outlay fund into the Capital Projects Fund.

By motion of Mr. Early, seconded by Mr. LaBella to transfer \$1,105,000 from the Stabilization fund and \$695,000 from the Capital Outlay fund into the Capital Projects fund as presented. Unanimously approved by roll call vote

Ms. Kosmes stated that the final step of the process is for the School Committee to vote on the appropriation and authorization of \$1,800,000 from the Capital Projects fund to pay for the cost of the feasibility study.

By motion of Mr. LaBella, seconded by Mr. Fitzgerald to appropriate and authorize the amount of \$1,800,000 for the purpose of paying costs of the Feasibility Study for the Whittier Regional Vocational High School, 115 Amesbury Line Road, Haverhill, including all costs incidental and related thereto (the "Study") said amount to be expended under the direction of Whittier Regional Vocational High School Building Committee. To meet this appropriation, the District is authorized to expend said amount from the Capital Projects Fund under and pursuant to the District Agreement, as amended, or pursuant to any other enabling authority. The District acknowledges that the Massachusetts School Building Authority's ("MSBA's") grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District. Unanimously approved by roll call vote

COMMITTEE CHAIRPERSON

Mr. Murphy went over the annual agenda items for March.

C

WEST NEWBURY RIDING AND DRIVING CLUB

CEIVED
MAR 16 2021
TOWN OF
WEST NEWBURY

March 10, 2021

TO: West Newbury Board of Selectmen
West Newbury Parks and Recreation Commission & Mill Pond Committee

Dear Board/Commission/Committee Members,

As is traditional, the West Newbury Riding and Driving Club would like to give you our dates for our 2021 equestrian events at Pipestave Hill. We are planning to run 3 equestrian events this year. Our 2021 equestrian event dates are:

- Sunday, July 11 Horse Trials
- Sunday, September 12 Adventure Trail Day
- Sunday, October 10 Horse Trials

Because of the number of people and horses, and safety issues, no other athletic events (including practices) can occur at the same time as the equestrian events on the three Sundays listed. We will also be setting up in the rings and on the cross-country course in the fields on the Saturday before the events.

We do not wish to create any ill will for our very limited use of the facility and wish to work cooperatively with the other organizations which use the Pipestave Hill facility, including the West Newbury sports leagues and non-WN leagues. We would ask that Parks and Recreation please pass on our equestrian dates to all other leagues and organizations which use the athletic fields. We may also run a few WNRDC members-only activities during the year which involve much smaller numbers and would only use the designated horse trailer parking area.

We are not charged a fee by the Mill Pond Committee for use of the equestrian facilities because of the extensive work the WNRDC volunteers do to maintain the property. Throughout the year, Club members can be found mowing, trimming, removing debris, weed whacking, clearing trails and maintaining the jumps. The Club also uses funds raised from our events to pay for improvements such as maintaining the footing and fencing of the two riding rings, as well as trail maintenance in other parts of town. We are pleased that the mowing we do in the middle and lower fields, as well as around the back hay field, benefits everyone who uses Pipestave, from the dog walkers to the cross-country runners.

Please feel free to contact me if you have any questions and if you would like to know more about our activities, please check out our website, wnrdc.com.

Sincerely,

Kathy Feehery

Kathy Feehery
Pipestave Hill Horse Trials
West Newbury Riding & Driving Club



Enclosed is the "Request for Use of Facilities" form which has been sent to the above committees as well.

Thanks!

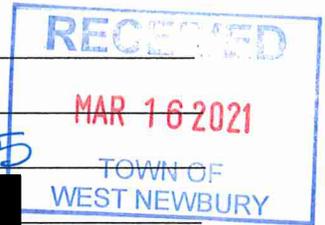
REQUEST FOR USE OF FACILITIES

Organization or Group W. Newbury Riding & Driving Club

Person Making Reservation Kathy Fechery

Mailing Address W. Newbury, MA 01985

Phone [redacted] mobile) e-mail [redacted]



Event Date: July 11 Oct 10 Start Time 6:30 am End Time 5 pm at the latest

Summary of Event Pipestave Hill Horse Trials

Number of Attendees Usually 70 but if COVID limitations require less, we will follow.

Event Details: *Please be specific* i.e. alcohol*, music, food - Horse trials using both rings, warm-up & parking areas, middle & lower fields, perimeter

If alcohol is being served, a Liquor Liability Policy must be provided (\$1,000,000), see page 2. of hayfield, back of soccer fields (on path)

Check Appropriate Block:

Fund Raising Group Commercial In-Town Resident Town Staff
 Non-Profit/Public Agency Commercial Out-of-Town Other

Facility Requested:

1910 Bldg Hearing Room (1) Pipestave Equest. Area** Other
 1910 Bldg Meeting Room (2) Athletic Playing Fields*
 Town Hall- (across from Library) Mill Pond Rec Bldg**
 Annex Bandstand

Fee Paid by Check/Cash Fee Waived

TERMS AND CONDITIONS OF USE:

1. Must leave the facility as you found it, place tables and chairs in the storage area and remove all trash and recycling. The town does not have a custodian on staff and other events may be scheduled to use the facility after you. Please contact Dispatch at 978-363-1213, if the town offices are closed, with any problems.
2. No open flames, i.e. candles, torches, etc. (Chafing trays with sternos **are** allowed.)
3. Exits and entrances must be kept clear. Tables must be a minimum of 6' from exits and entrances.
4. All decorations must be fire resistant.
5. No live trees or shrubs allowed, including Christmas trees.
6. No smoking inside buildings; smokers must be outside of the building, 20' from all entrances and exits.
7. If deemed necessary to maintain the safety of the public, a Fire Watch (Fire Dept. representative.) may be required, at the then-current hourly fee.
8. No fog machines or fake smoke machines allowed. No helium balloons allowed in the Annex.
10. Permits are required for temporary signs. No signs are allowed on public property without prior approval by the Board of Selectmen

PLEASE NOTE: IF YOU ARE APPLYING TO OFFER ANY KIND OF CAMP FOR CHILDREN, YOU MUST GET PRIOR APPROVAL FROM THE BOARD OF HEALTH.

978-363-1100, x. 118

Name: W. Newbury Riding & Driving Club

Event: Pipestave Hill Horse Trials

Insurance: The organization's representative or the individual requesting the space will be required to sign an indemnification agreement (below) with the Town of West Newbury for a scheduled event. A general liability policy (\$1,000,000 per occurrence/\$2,000,000 aggregate) is required as part of the rental agreement, and a certificate of insurance naming the Town as an additional insured must be provided before the date of the event as proof of said policy. If alcohol is being served, a Liquor Liability Policy must be provided (\$1,000,000) in addition to the general liability coverage.

* **ATHLETIC PLAYING FIELDS RENTAL:** Must have prior approval by the Parks and Rec Commissioners. Payment by check (to: Town of West Newbury) or cash must be received in the Town Manager's Office, and a Certificate of Insurance must be received prior to the date requested to use the fields. (See above for details.)

****MILL POND RECREATION BUILDING AND PIPESTAVE EQUESTRIAN AREA:** Must have prior approval by the Mill Pond Committee.

Indemnification Agreement: I/We, W. Newbury Riding & Driving Club (group), agree to pay for any damage to the facility incurred during the term of rental by our organization. I/We understand that I/we must leave the area in the same condition that it was found. Furthermore, I/we hereby agree to save and hold harmless and/or indemnify the said Town of West Newbury against any and all claims or liabilities for personal injury or property damage arising out of use of said property.

Kathy Fehery
Individually/Authorized Signature for Group

3/10/21
Date

Parks & Rec Committee or Mill Pond Committee
Signature (if applicable): _____

Date: _____

Requests and comments:

Chief of Police
Signature: _____

Date: _____

Requests and comments:

Fire Chief
Signature: _____

Date: _____

Requests and comments:

Approval granted if signed here by Town Manager:

Date: _____

Requests and comments:

Residents Admin

From: Ryan Goodwin [REDACTED]
Sent: Tuesday, March 16, 2021 10:29 AM
To: Residents Admin
Subject: RE: Mill Pond Usage Requests

Yes, that is perfect. Thanks Annie!

From: Residents Admin <residents.admin@wnewbury.org>
Sent: Tuesday, March 16, 2021 10:08 AM
To: Ryan Goodwin [REDACTED]
Subject: RE: Mill Pond Usage Requests

Thank you Ryan for your quick reply. Paul was sent the original email concerning the Boy Scouts event and you are correct the Covid developments change quickly now.
If Paul is ok with the Boy Scout's event can I put your approval on the form as well?
~annie

From: Ryan Goodwin [REDACTED]
Sent: Tuesday, March 16, 2021 9:43 AM
To: Residents Admin <residents.admin@wnewbury.org>
Cc: Paul Sevigny <psevigny@wnewbury.org>; Town Manager <townmanager@wnewbury.org>
Subject: Mill Pond Usage Requests

Hi Annie,

As the event requested by the Boy Scouts is so large (100 people), I think it best to ensure that Paul signs off on the request to ensure safety of the participants and our residents.
I am unsure of the current developments regarding Covid and the BOS, in regards to public gatherings.

Paul - have attached their requests for your review and governance.

I believe that the riding and driving club is of less concern and naturally provides social distancing and would vote yes to approval.

Thank You,
Ryan Goodwin

From: Residents' Admin <residents.admin@wnewbury.org>
Sent: Tuesday, March 16, 2021 9:38 AM
To: Ryan Goodwin [REDACTED]
Subject: WN Riding & Driving Club - Horse Trials

Hello Ryan~

I hope all is well with you.
I have attached a letter and application from the WN Riding and Driving Club for the use of the Pipestave Equestrian Area addressed to you.

Town Manager

From: Conservation
Sent: Thursday, March 25, 2021 8:47 AM
To: Town Manager
Subject: RE: Proposed Wetlands Bylaw
Attachments: Public Comments 3.15.2021 Public Hearing.doc; G. Hochmuth Comments submitted 3.16.2021.docx

Angus,

Here are the comments received from residents during the 3/15/2021 public hearing as well as comments submitted on 3/16/2021 by Greg Hochmuth of Williams & Sparages who is regularly in front of the Commission representing project applicants.

I'll let the Commission know to plan for roughly 7:30 on Monday 3/29 I don't imagine this will be an issue but if anything comes up I'll let you know.

No changes to the bylaw were proposed during the public hearing, the hearing will be continued to 4/5/2021 so there will be an opportunity to address these comments as well as anything that comes up during the BOS meeting.

Bert Comins
 Conservation Agent
 Town of West Newbury
 381 Main Street West Newbury, MA 01985
conservation@wnewbury.org
 (978)363-1100 ext. 126

From: Town Manager
Sent: Wednesday, March 24, 2021 1:25 PM
To: Conservation
Cc: Michael McCarron
Subject: RE: Proposed Wetlands Bylaw

Bert,

I'm working w Archie to prepare Monday's (3/29) BOS agenda. The Board has a presentation from Whittier Tech proposed right at the beginning, plus a staff appointment (which is routine/quick). Archie would like to schedule the ConCom presentation of the Bylaw for, say, 7:30pm to allow the Board to address these and some other minor items first. Would 7:30 work?

I would like to receive the comments the Commission received as part of their hearing record so I can also provide these to the BOS in their meeting packet. I close out the packet Friday, so would need these materials no later than Friday morning. Also, if the Commission made any changes to the proposed bylaw at their hearing last week, I would want to include the latest copy in the Board's meeting packet.

Thanks,
 Angus

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

From: Conservation <conservation@wnewbury.org>
Sent: Wednesday, March 17, 2021 8:08 AM
To: Town Manager <townmanager@wnewbury.org>
Cc: Michael McCarron <mmccarron@wnewbury.org>
Subject: RE: Proposed Wetlands Bylaw

Angus,

Members of the Conservation Commission will be on the March 29th BOS meeting to present the bylaw proposal. They did ask if I could find out where on the agenda it might be so I can let them know it will be somewhat later. I think they would prefer it to be towards the beginning of the meeting if possible.

No vote was taken by the Commission to close the public hearing but there was also no discussion of continuing the hearing. What would be the best way to proceed with this? The comments were timely received and addressed during the public hearing. I will get you written responses to these as well as a record of comments made by the public during the hearing.

On another note, the Commission voted to approve/issue a Negative Determination for the Carr Post work as proposed.

Bert Comins
Conservation Agent
Town of West Newbury
381 Main Street West Newbury, MA 01985
conservation@wnewbury.org
(978)363-1100 ext.126

From: Town Manager
Sent: Tuesday, March 16, 2021 4:24 PM
To: Conservation
Cc: Michael McCarron
Subject: RE: Proposed Wetlands Bylaw

Bert,

The BOS would like to schedule a presentation of the proposed Wetlands Bylaw for their next regularly scheduled mtg on Monday, March 29th. The meeting begins at 7pm but there are a couple of other items scheduled so this topic would begin somewhat later. Please confirm that someone from the Commission can be available to present the proposed bylaw, and if so what would be a preferred start time.

Did the Commission close the public hearing last night or will it continue to their next mtg? Please also send me whatever comments were received as part of the hearing record so I can also provide these to the BOS. Please also confirm that the comments below were timely received and taken into account within the public hearing. It would be

helpful to receive any responses the Commission may have had, and/or revisions to the initial bylaw as proposed, once available.

Thanks,
Angus

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

From: Town Manager
Sent: Wednesday, March 10, 2021 6:11 PM
To: Conservation <conservation@wnewbury.org>
Cc: Michael McCarron <mmccarron@wnewbury.org>
Subject: RE: Proposed Wetlands Bylaw

Bert,

As we discussed, I circulated the proposed Wetlands Bylaw to the BOS and, while they haven't reviewed it as a Board, I invited any individual members who may have comments or questions to submit them. I am forwarding below the questions/comments I received:

- In the article request:
 - Ancillary Costs: None
 - This seems impossible as with additional areas to require permitting there would be more staff time, meetings, appeals, etc.

- Questions about the proposed Bylaw (in no particular order)
 - Abutter notifications of all within 300 feet of boundary rather than 100 in WPA. Why?
 - Intermittent creeks or brooks . What are they? And subject to 200 feet of setbacks. Not in WPA
 - All exceptions mentioned in WPA not valid. What are they?
 - For a wildlife or plant consultant fee must be paid in full in 20 days or permit is denied. Sounds a little draconian. Who decides a consultant is needed if not delineated on state maps ? Sounds subjective.
 - Minimum Pond size was downsized from state size of 10,000 sq feet. Why?
 - Wet fields or vernal pool water cover was shortened from 5 months to 2 months. A little ice on a field could easily disqualify a site with that change. Why?

Please include these questions/comments in the ConCom's meeting materials for their upcoming public hearing on March 15th. At that time you can also ask them about what future date would work for a presentation of the proposed Bylaw at a BOS 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

From: Conservation <conservation@wnewbury.org>
Sent: Wednesday, March 3, 2021 11:20 AM
To: Town Manager <townmanager@wnewbury.org>
Subject: RE: Proposed Wetlands Bylaw

Hi Angus,

That approach makes sense to me. If the BOS could get any comments in by Wednesday March 10th that should be good, although the earlier they are able to the better.

After the meeting on the 15th the Concomm is not scheduled to meet again in March. April meetings are scheduled for the 5th and 19th, so it seems to me that it would make sense for the presentation to be done at the April 12th BOS meeting (assuming commission member availability). That way the Commission will have the opportunity to address any changes that come out of the public hearing before presenting.

On another note, thanks for the land agent input. I think something as simple as a facebook post letting people know who to contact if there are any trail issues could go a long way, let me know whatever you would need for that and I'll get it to you. I'll be sure to keep you updated once I have an outlined management plan and will be in touch with Wayne.

Lastly, I received the RDA for Carr Post from GM2 and submitted a legal notice to NBPT News this morning. As long as they have time to get this published on Monday the hearing for this RDA will be opened at the March 15th Concomm meeting.

Bert Comins
Conservation Agent
Town of West Newbury
381 Main Street West Newbury, MA 01985
conservation@wnewbury.org
(978)363-1100 ext.126

From: Town Manager
Sent: Tuesday, March 02, 2021 2:00 PM
To: Conservation
Cc: Michael McCarron; Finance Admin
Subject: RE: Proposed Wetlands Bylaw

Bert,

I spoke w Archie and here's our recommended approach:

- Since the ConCom will be having a hearing on March 15, it does not make sense to have a duplicate presentation earlier that night.
- Rather, I'll recirculate the proposed bylaw to the BOS and invite that, if any of them have individual comments, that they send those to you timely to include in the Commission's materials for the March 15 hearing. Mike

McCarron will also be conducting a review of the proposed bylaw. When would you need to receive comments by?

- Coming out of the March 15 hearing, we anticipate that the Commission may make revisions to the proposal based on comments received. If so, it would make sense to postpone the Commission's presentation of the proposed bylaw to the BOS until it reflects any changes resulting from the hearing, if any. So let's not plan to include this item for the March 15 BOS agenda.
- Instead, it would be good to pencil in a date for later in March/early April for a presentation of the proposed bylaw at a BOS mtg. As you may know, the BOS takes a position to recommend (or not) every article on the warrant, and for more substantive/complex proposals such as this often invites the article proponent to present their proposal at a Board mtg

Please confirm that this approach makes sense to you.

Also, once you post a public hearing notice for the March 15 ConCom hearing, please send me a copy and we can also circulate this via the town website and social media.

Thanks,
Angus

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

From: Conservation <conservation@wnewbury.org>
Sent: Tuesday, March 2, 2021 10:54 AM
To: Town Manager <townmanager@wnewbury.org>
Subject: RE: Proposed Wetlands Bylaw

Angus,

The Concomm will be holding a public hearing for the proposed bylaw this same night. The Commission was hoping that the public hearing during the Concomm meeting would be sufficient but most commissioners said they would be able to attend the BOS meeting on 3/15 if need be. If it is possible to start at 6:45 that would be best. Judy did most of the work in drafting the bylaw and said she would try to make a meeting at 6:45 but could not guarantee she'd be able to attend based on her work schedule.

Let me know what you think and I can communicate with the Commission.

Bert Comins
Conservation Agent
Town of West Newbury
381 Main Street West Newbury, MA 01985
conservation@wnewbury.org
(978)363-1100 ext.126

From: Town Manager
Sent: Monday, March 1, 2021 3:15 PM
To: Dawne Fusco [REDACTED]; Judith Mizner; Conservation
Cc: Michael McCarron; Finance Admin
Subject: Proposed Wetlands Bylaw

Hi,

The BOS would like to invite a presentation of the proposed bylaw at one of their future meetings. Please let me know if you think this could be workable as the initial item on the March 15th BOS agenda; I know this is the same date as a regularly scheduled ConCom mtg so this would only work if the presentation and related discussion could be complete prior to your regular mtg at 7:30 that evening. If your schedules allowed an earlier start, I could also see about asking the BOS to open that mtg at 6:45pm not 7 to allow a bit more time.

The Board is interested in having the bylaw presented at a televised public mtg to improve their understanding and public understanding of the proposal.

Thanks,
Angus

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



TOWN OF WEST NEWBURY

CONSERVATION COMMISSION

381 Main Street, West Newbury, Mass. 01985

TEL: 978-363-1100 x126 FAX: 978-363-1119

Wetlands Protection Bylaw Proposal Public Hearing March 15, 2021 Public Comments

Fred Chanania: 47 Coffin Street & West Newbury Tree Committee

Mr. Chanania stated he believed the bylaw was “long needed, well designed and well written.” With respect to trees Mr. Chanania was very pleased to see that trees and tree damage were covered in what he believes is a constructive way. Mr. Chanania suggested that if a plant consultant is being hired for matters concerning trees that consultant should be a Certified Arborist with the explanation that a Certified Arborist has a greater knowledge base and skillset with respect to trees than a general plant consultant. Mr. Chanania would prefer more specificity on activities that create soil compaction and that it might be better to add in language specifically relating to soil compaction. This is considered the number one concern for tree damage and death resulting from construction activity. The Tree Committee has a draft guidance document to prevent tree damage caused by construction and Mr. Chanania offered the use of this guidance document. Mr. Chanania closed his comment by congratulating the Commission on what he feels is a significant advancement and reiterated his happiness that protection of trees was included in this bylaw.

Kathy Feehery: 540 Main Street

Ms. Feehery stated she had been following the fact that the Conservation Commission had been working on a bylaw and that she was very pleased with the way it came out. She and her daughter, who is an environmental law student, believed it was very well written. Ms. Feehery was glad the Conservation Commission was doing this.

Town Manager

From: Gregory Hochmuth [REDACTED]
Sent: Thursday, March 18, 2021 12:11 PM
To: Town Manager
Subject: FW: Wetlands Bylaw

From: Gregory Hochmuth
Sent: Tuesday, March 16, 2021 9:29 AM
To: Conservation <conservation@wnewbury.org>
Cc: Judy Mizner [REDACTED]; Molly Hawking [REDACTED]
[REDACTED]; Wendy Reed [REDACTED]; Dawne FUSCO [REDACTED]
[REDACTED]; Tom Atwood [REDACTED]
Subject: Wetlands Bylaw

Good Morning Everyone, First off, congratulations on the draft Wetlands Bylaw. It's hard to imagine that West Newbury has gone this long without one. As a consultant that does a lot of work in town I wanted to put together a quick e-mail with some thoughts that I had now that I've had a chance to review it:

Section II. Jurisdiction

- Springs? I'm wondering what the definition of springs is? I can't recall seeing springs listed in any of the surrounding towns bylaws or the WPA.
- 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.....

Reading this it appears that the Bylaw is stating that there will be a 200 foot riverfront area from intermittent streams. This could be troublesome and is something that the Commission may want to reconsider. The only bylaw around us that has something similar is the City of Peabody and it has not worked out well for them. To expect residents in town to comply with the Rivers Protection Act for any project within 200 feet of an intermittent stream is excessive and certainly not the intent of the Model Bylaw that MACC put out. Most people reading this language will not understand the implications until they have to deal with it. In the town of West Newbury there are probably thousands of intermittent streams. What other towns have done, Boxford and Topsfield come to mind, is listed streams in town that they felt deserved a higher level of protection and they listed those streams in their bylaw and regulations. This allows for more protection to those resource areas. Below is an example from the Boxford Regulations:

- Definitions, critical characteristics, and boundaries
(1)
- A riverfront area is the area of land between a river, stream, or brook's mean annual high water line and a parallel line measured 200 feet horizontally out from the river. The riverfront area may include or overlap other resources areas or their buffer zones. The riverfront area does not have a buffer zone. A river, stream, or brook with designated riverfront area normally remains a river, stream, or brook, except when interrupted by a lake or pond.
(2)

- In Boxford, the list of rivers, streams, and brooks that are presumed to have riverfront area includes, but is not limited to the following. (See also the map Town of Boxford riverfront areas located at the end of these regulations.)
 - (a)
 - Fish Brook, from Stiles Pond to the Ipswich River, including:
 - [1]
 - The first order stream flowing from the wetland north of Lawrence Road and parallel to Main Street;
 - [2]
 - The first order stream flowing from the large wetland north of Main Street halfway between Towne Road and Middleton Road;
 - [3]
 - The stream flowing from Crooked Pond;
 - [4]
 - The stream flowing east from Middleton Road and joining the stream flowing from Crooked Pond south of Lockwood Lane;
 - [5]
 - Excluding Howes Pond.
 - (b)
 - Pye Brook, from Fourmile Pond to the Boxford/Topsfield Town line (excluding Lowe Pond).
 - (c)
 - The Ipswich River.
 - (d)
 - The stream locally known as "Alderbrook Stream," from Hovey's Pond to Johnson's Pond.
 - (e)
 - The stream locally known as "West Brook," from Oak Ridge Road to the Haverhill Town line.
 - (f)
 - The Parker River, including:
 - [1]
 - The first order stream (Porter Brook) that flows south from Sperry's Pond;
 - [2]
 - The second order stream flowing west from the fire pond north of Ipswich Road and west of Porter Road at Boxford Tax Assessor's Map 13, Block 2, Lot 11 (excluding Cole Pond).

Section III. Exemptions and Exceptions

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

I'm just curious why the Commission wants to exclude ALL of the minor exemptions listed in 310 CMR 10.02(2)(b)2. Some of them are truly minor in nature and the Commission may want to consider keeping some of them, such as: unpaved pedestrian walkways less than 30 inches wide for private use and less than 3 feet wide for public access on conservation property, fencing, provided it will not constitute a barrier to wildlife movement, stonewalls, stacks of cordwood, plantings of native species of trees, shrubs, or groundcover, but excluding turf lawns, soil testing for septic repairs, etc.

The Commission may also want to recognize the presumption in 310 CMR 10.03(3) concerning siting, construction, inspection, and upgrade and, expansion of on-site sewage treatment and disposal systems. A system designed in accordance with Title 5 is presumed to protect the eight interests identified in M.G.L. c. 131, § 40, but only if none of the components of said system is located within a protected resource area.

Section IV. Application and Fees

- In paragraph 1 I'm not sure that the word "affecting" is the word that should be used. Perhaps, likely to impact.. Who determines if it will affect the resource area? The way it is written may result in a difference of opinion as to whether or not the activity will affect the resource areas.
- In an appropriate case the Commission may accept as the application and plans under this bylaw any application and plans filed under the WPA and regulations, by the Commission is not obliged to do so...

I'm not sure what this means???

Section VI. Coordination with Other Boards

- I think it is a good idea that other boards are aware of filings, however, a few other towns require this and it creates a lot of paper. Perhaps it would be appropriate to require a digital copy to be e-mailed to the applicable board rather than a paper copy. Just a thought.

Section VII. Burden of Proof

- Instead of "not harm" it may make sense to say "protect"

Section VIII. Permits and Conditions

- I don't think paragraph 4 is necessary. The Rivers Protection Act already requires what is being required in this paragraph. This paragraph also reinforces my comments about requiring a 200 foot Riverfront Area from all intermittent streams in town.
- In Paragraph 6 it talks about the Commission requiring a wildlife habitat study of the project area. This seems very open ended and somewhat concerning. My opinion is that the regulations that are in place now under the MESA as well as the requirements in the WPA Regulations for Wildlife Habitat Evaluations are good as is.
- In Paragraph 7 I'm wondering what the Bylaw means by "adjacent area" to the vernal pool. Under the WPA regulations the vernal pool habitat stops at the resource area boundary that it is within.
- In Paragraph 9 the Bylaw states that the Commission can revoke any permit, DOA or ORAD, or any other order. I have never heard of this. Was this in the model bylaw??
- In Paragraph 12 the bylaw mentions recording an ORAD. To my knowledge an ORAD is typically not recorded.

Section X. Definitions

- The definition of Vernal Pool may need to be fine tuned a little. *and provides essential breeding and rearing habitat functions for amphibian, reptile or other vernal pool community species* is very gray... I think it is important to include in the definition, "and which contains evidence of breeding by obligate vernal pool species as recognized by the Massachusetts Natural Heritage and Endangered Species Program".

- Also, the definition of vernal pool in the bylaw states that the boundary of the resource area for vernal pools shall be 100 feet outward from the mean annual high water line defining the depression. I believe the intent is to protect these valuable resource areas but it may not be appropriate to state that the resource area for vernal pools shall be 100 feet outward. Perhaps it would be better to have a specific setback for certain activities from the mean annual high water line of the VP. Most surrounding town bylaws have a specific no-disturb zone and no build zone from the MAHW of the VP's. just a thought.

If you have any questions please to not hesitate to contact me. Take Care, Greg

Greg J. Hochmuth, RS, PWS, CWS



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We invite you to follow us on Facebook www.facebook.com/wsengineers

TOWN COUNSEL MEMO

TO: Town Manager and Board of Selectmen

FROM: Michael P. McCarron

SUBJECT: Proposed Wetlands Bylaw

DATE: March 26, 2021

CC:

This is a confidential communication subject to the attorney client privilege. This communication is exempt from disclosure pursuant to the Public Records Act.

The following are my comments on the proposed Wetlands Bylaw.

First, a general comment in that, part of the impetus to have a local Wetlands Bylaw was a reaction to the proposed 40B project on Coffin Street. Ironically, this Bylaw may have the effect of increasing the chances of 40B projects being proposed in Town. If a landowner's right to develop her land is so restricted or diminished by the Bylaw, then the alternative would be to apply for a Comprehensive Permit, therein avoiding the restrictions of the Bylaw. Additionally, the Bylaw would be Exhibit A in an appeal to the Housing Appeals Committee demonstrating that the Town is restricting the development of housing.

SECTION XXI ENFORCEMENT:

The Bylaw purports to grant the Conservation Commission the power to force the Board of Select and Town Counsel to take legal action. "Upon request of the Commission, the Board of Selectmen and town counsel **shall** take legal action for enforcement under civil law." My opinion is that is an unconstitutional interference with the executive powers of the Select Board and in violation of the Town Manager Act, *Chap. 97 of the Acts of 2017 Section 8(k)* "With the approval of the Board of Selectmen, the town manager shall persecute, defend or compromise all litigation matters in which the town is a party." Additionally, the Conservation Commission does not have the authority to require the Chief of Police to take legal action for enforcement under criminal law.

SECTION VIII PERMITS AND CONDITIONS

The first paragraph purports to grant the Commission the power to look beyond an application and deny or restrict activities on the property based upon past activities which may have nothing to do with the applicant or the application, or based on the Commission's perceptions of potential future activities.

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.

There is no definition of what constitutes "elsewhere in the community" so a landowner could be prevented from an activity as benign as an addition to an existing house, based upon some past act or some projected act "in the community."

SECTION IX REGULATIONS

The Bylaw grants the Commission to promulgate regulations which could expand the scope of the review (the limitation being that they not be inconsistent with the bylaw) Additionally, the Commission could impose filing fees in addition to filing fees already required by the Wetlands Protection Act.

SECTION X DEFINITIONS

The definitions section expands the jurisdiction of the Commission. For example, "vernal pools" include pools beyond the scientific definitions for in the regulation under the Wetlands Protection Act and eliminates the size restriction for a "pond". Their jurisdiction would also include incremental activities which "may have" a cumulative adverse impact. Again, it grants the Commission the power to restrict activities based upon their idea of what may happen in the future.

ARTICLE REQUEST FORM
ATM 2021
ANNUAL TOWN MEETING

ARTICLE:. Whether the Town should adopt a Wetlands Protection Bylaw

AMOUNT REQUESTED \$0.00

CONTACT PERSON Dawne Fusco

PHONE NUMBER [REDACTED]

Why should the town make this purchase or adopt this article? What needs will be met? Who will benefit?

Wetlands and their bordering lands are valuable to the community. Among other values they protect the public drinking supply, store flood water and prevent storm damage, filter pollutants and slow erosion, and provide wildlife habitat. Buffer zones of 200 feet from rivers and perennial streams and 100 feet from other wetland resource areas are also protected for these purposes. The Wetlands Protection Act (G.L. Ch. 131 sec. 40) (“the Act”) was enacted in 1972 and regulations under the Act (310 CMR 10.00) were first enacted in 1974. They recognize the values provided by wetlands and their buffer zones and give local Conservation Commissions responsibility for implementation.. Despite these efforts, more than half of the original wetlands on the continental United States have been lost to commercial, agricultural and residential development.

The Home Rule authority allows individual towns to provide additional wetland protections recognized by the Town as significant, to protect resource areas for their additional values beyond those recognized in the Act, and to impose additional standards and procedures in local regulations and permits through bylaws deemed appropriate by their residents. A majority of towns in Massachusetts have done so, including neighboring towns such as Newburyport, Merrimac, Georgetown, Boxford, and North Andover. West Newbury’s proposed Wetlands Protection Bylaw will protect the current and future inhabitants of the town from the costs of wetland degradation through regulations that more adequately protect the function of resource areas.

What factors affect the timing of this purchase or this request?

Wetlands continue to be lost and degraded through development and disturbance.
Enactment now can limit adverse impacts.

What ancillary costs do you anticipate? (Maintenance, Insurance, Training, etc.)

None

Please attach any supporting materials.

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, 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; 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 has been given 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 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.

IV. Applications and Fees

Written application shall be filed with the Conservation Commission to perform activities affecting 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.

In an appropriate case 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), 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.

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 in order to aid in the review of proposed projects. 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 Board of Selectmen, 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 RDA 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. 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 the 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, RDA, or ANRAD with the Conservation Commission shall provide a copy thereof at the same time, by certified mail (return receipt requested) or hand delivery, to the planning board, board of health, and building inspector. An affidavit of the person providing notice, with a copy of the notice mailed or delivered, 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 harm the interests protected by this bylaw. Failure to provide the Commission with adequate evidence supporting a determination that the proposed work will not harm 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 adjacent area, 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. If the applicant fails to perform such recording, the Commission may record the documents itself and require the Applicant to furnish the recording fee therefore, either at the time of recording or as a condition precedent to the issuance of a COC.

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 not inconsistent with the bylaw, 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 “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 “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 resource area for vernal pools 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.

TOWN COUNSEL MEMO

TO: Town Manager and select board
 FROM: Michael P. McCarron
 SUBJECT: Naming of select board/ board of selectmen
 DATE: March 16, 2021
 CC:

This is a confidential communication subject to the attorney client privilege. This communication is exempt from disclosure pursuant to the Public Records Act.

Question Presented: The process for changing the name of the Board of Selectmen to a gender-neutral name.

Answer: In accordance with Chapter 97 of the Acts of 2017, the executive power of the Town of West Newbury is vested in the “board of selectmen” Thus, the proper method to officially change the name is to amend the Act to represent the change. For example, attached please find Chapter 3 of the Acts of 2020 which changed the name of the Board of Selectmen of the Town of Lexington to the Select Board. Therefore, until the time that there is a similar change, I would recommend that any official document such as a deed, a bond or a town warrant retain the term “board of selectmen”

That does not prevent the board from adopting a policy that would commonly refer to the board of selectmen as the select board.

A sample motion would be “I move that in accordance with the powers set forth in Section 4(c) of chapter 97 of the Acts of 2017, that it be the policy of the Town to use the following terms in connection with this Board:

The Board of Selectmen shall be referred to as “the Select Board”

A member of the Select Board shall be referred to as “a Select Board Member”

Since the Town Manager act already refers to a “chairperson” (Section 4 (b) “...shall annually elect a chairperson...”) I believe that is the correct term to use.

Acts (2020)

Chapter 3

AN ACT CHANGING THE NAME OF THE BOARD OF SELECTMEN IN THE TOWN OF LEXINGTON TO THE SELECT BOARD

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 1 of chapter 215 of the acts of 1929, as most recently amended by section 1 of chapter 132 of the acts of 1989, is hereby further amended by striking out the word “selectmen”, each time it appears, and inserting in place thereof, in each instance, the following words:- select board.

SECTION 2. The first sentence of the first paragraph of section 3 of chapter 215 of the acts of 1929, as most recently amended by chapter 117 of the acts of 2019, is hereby further amended by striking out the words “boards of selectmen and” and inserting in place thereof the following words:- select board and board of.

SECTION 3. Section 5 of said chapter 215 is hereby amended by striking out the word “selectmen” and inserting in place thereof the following words:- select board.

SECTION 4. The second sentence of section 8 of said chapter 215, as appearing in chapter 108 of the acts of 2008, is hereby amended by striking out the word “selectmen”, each time it appears, and inserting in place thereof the following words:- select board.

SECTION 5. Section 1 of chapter 753 of the acts of 1968 is hereby amended by striking out the words “board of selectmen”, each time they appear, and inserting in place thereof, in each instance, the following words:- select board.

SECTION 6. The third sentence of the second paragraph of said section 1 of said chapter 753 is hereby amended by striking out the word “selectmen” and inserting in place thereof the following words:- select board.

SECTION 7. Subsection (a) of section 2 of said chapter 753 is hereby amended by striking out the word “selectmen” and inserting in place thereof the following words:- select board.

SECTION 8. Subsection (b) of said section 2 of said chapter 753 is hereby amended by striking out the word “selectmen” and inserting in place thereof the following words:- select board.

SECTION 9. Subsection (d) of said section 2 of said chapter 753, inserted by section 1 of chapter 284 of the acts of 1976, is hereby amended by striking out the words “board of selectmen” and inserting in place thereof the following words:- select board.

SECTION 10. Subsection (e) of said section 2 of said chapter 753, inserted by section 1 of chapter 120 of the acts of 1985, is hereby amended by striking out the word “selectmen” and inserting in place thereof the following words:- select board.

SECTION 11. Subsection (f) of said section 2 of said chapter 753 is hereby amended by striking out the word “selectmen” and inserting in place thereof the following words:- select board.

SECTION 12. Section 4 of said chapter 753 is hereby amended by striking out the word “selectmen” and inserting in place thereof the following words:- select board.

SECTION 13. Section 5 of said chapter 753, as most recently amended by section 4 of chapter 120 of the acts of 1985, is hereby further amended by striking out the word “selectmen”, each time it appears, and inserting in place thereof, in each instance, the following words:- select board.

SECTION 14. Section 6 of said chapter 753 is hereby amended by striking out the word “selectmen”, each time it appears, and inserting in place thereof, in each instance, the following words:- select board.

SECTION 15. Section 7 of said chapter 753, as amended by section 5 of chapter 120 of the acts of 1985, is hereby further amended by striking out the word “selectmen”, the first, second, third, fifth, sixth and seventh times it appears, and inserting in place thereof, in each instance, the following words:- select board.

SECTION 16. Said section 7 of said chapter 753, as so amended, is hereby further amended by striking out the words “board of selectmen” and inserting in place thereof the following words:- select board.

SECTION 17. Section 8 of said chapter 753 is hereby amended by striking out the word “selectmen” and inserting in place thereof the following words:- select board.

SECTION 18. Section 9 of said chapter 753 is hereby amended by striking out the word “selectmen”, the first, second, third, fourth, sixth, seventh, eighth, ninth and tenth times it appears, and inserting in place thereof, in each instance, the following words:- select board.

SECTION 19. Subsection (h) of said section 9 of said chapter 753 is hereby amended by striking out the words “board of selectmen” and inserting in place thereof the following words:- select board.

SECTION 20. Section 10 of said chapter 753 is hereby amended by striking out the word “selectmen” and inserting in place thereof the following words:- select board.

SECTION 21. Section 11 of said chapter 753 is hereby amended by striking out the word “selectmen”, each time it appears, and inserting in place thereof, in each instance, the following words:- select board.

SECTION 22. Section 12 of said chapter 753, inserted by section 6 of chapter 120 of the acts of 1985, is hereby amended by striking out the words “board of selectmen” and inserting in place thereof the following words:- select board.

SECTION 23. Said section 12 of said chapter 753, as so inserted, is hereby further amended by striking out the word “selectmen”, the second and third times it appears, and inserting in place thereof, in each instance, the following words:- select board.

SECTION 24. Section 13 of said chapter 753, as inserted by section 7 of said chapter 120, is hereby amended by striking out the words “board of selectmen” and inserting in place thereof the following words:- select board.

SECTION 25. Said section 13 of said chapter 753, as so inserted, is hereby amended by striking out the word “selectmen”, the second, third and fourth times it appears, and inserting in place thereof, in each instance, the following words:- select board.

SECTION 26. The title of section 14 of said chapter 753 is hereby amended by striking out the word “selectmen” and inserting in place thereof the following words:- the select board.

SECTION 27. Said section 14 of said chapter 753 is hereby amended by striking out the word “selectmen”, each time it appears, and inserting in place thereof, in each instance, the following words:- select board.

SECTION 28. Section 19 of said chapter 753 is hereby amended by striking out the word “selectmen”, the first, second, third, fifth and sixth times it appears, and inserting in place thereof, in each instance, the following words:- select board.

SECTION 29. Said section 19 of said chapter 753 is hereby amended by striking out the words “board of selectmen” and inserting in place thereof the following words:- select board.

SECTION 30. Notwithstanding any general or special law to the contrary, the executive body of the town of Lexington, previously known as the board of selectmen, shall be known as the select board and shall have the powers and authority of a board of selectmen under any general or special law.

SECTION 31. This act shall take effect upon its passage.

Approved, January 14, 2019.

Town Manager

From: Michael McCarron
Sent: Tuesday, March 16, 2021 3:53 PM
To: Town Manager; David Archibald; Glenn Kemper; Rick Parker
Subject: FW: Vote by Mail Expanded for Municipal Elections!!!!
Attachments: 2021 Election Law Temporary Changes.pdf; Chapter 5 of the Acts of 2021.pdf

The Legislature has passed and the Governor signed this statute regarding municipal elections

The major takeaways are:

1. The Board of Selectmen may change the date of the Town Election (but by June 30,2021)
2. Anyone can request an absentee/early ballot
3. The Town may set up in person early voting

Michael P. McCarron
 Town Clerk
 Town of West Newbury
 381 Main Street
 West Newbury, MA 01985
 Tel 978-363-1100 ext 110

From: Tassinari, Michelle (SEC) [REDACTED]
Sent: Tuesday, March 16, 2021 3:08 PM
To: All Clerks <AllClerks@sec.state.ma.us>
Cc: SEC-DL-Elections Division [REDACTED]; NancyTalbot [REDACTED]
 NicoleCrispo [REDACTED]
Subject: Vote by Mail Expanded for Municipal Elections!!!!

Good Afternoon-

At long last, the legislation to extend early voting by mail for municipal elections held on or before June 30, 2021 has been enacted!!! Attached please find a copy of the law—Chapter 5 of the Acts of 2021—and a memo detailing the changes in the law.

As you will note, the Act itself is short. That's because it just changes dates in other Acts, including Chapter 45 of the Acts of 2020 (that was already amended by Chapter 92 of the Acts of 2020) and Chapter 255 of the Acts of 2020. The memo reviews each section of the new Act and at the end, you'll find the language of each of those old Acts with the updated dates that I used my decoder ring to create.

We hope this is helpful and please let us know if you have any questions.

Michelle K. Tassinari
 Director and Legal Counsel
 Elections Division
 One Ashburton Place, Room 1705

Boston, MA 02108
617-727-2828

Town Manager

From: DLS Alerts <dls_alerts@dor.state.ma.us>
Sent: Tuesday, March 16, 2021 4:51 PM
To: Town Manager
Subject: DLS Alert: "An Act Further Providing for Early Voting by Mail" Signed into Law



"An Act Further Providing for Early Voting by Mail" Signed into Law

Today, the Governor signed H.73, "An Act Further Providing for Early Voting by Mail". Notably:

- This bill restores and extends a number of provisions originally enacted in 2020 to grant cities and towns flexibility in the administration of municipal elections as a result of the COVID-19 pandemic.
- The bill extends provisions for early voting by mail and absentee voting in all municipalities for any election occurring on or before June 30, 2021.
 - This is an extension from March 31, 2021
- Following the vote of a select board or city council, the bill authorizes municipalities to take the following additional measures:
 - Provide for early in-person voting for any election to be held on or before June 30, 2021
 - Postpone a municipal caucus or election currently scheduled to be held before June 30, 2021 to a date as late August 1, 2020
 - Eliminate a municipal caucus currently scheduled to be held before July 31, 2021 and provide for the nomination of candidates instead by submission of nomination papers bearing the signatures of 10 registered voters.

To view the full text of the bill, please [click here](#).

You are receiving this message through the [Massachusetts Department of Revenue's Division of Local Services](#) DLS Alerts system. These periodic notices include our City & Town e-newsletter, IGRs, Bulletins, Cherry Sheets and other municipal finance-related information. To unsubscribe to DLS Alerts and the City & Town e-newsletter, please email dls_alerts@dor.state.ma.us.

This email was sent to townmanager@wnewbury.org

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Massachusetts Department of Revenue - Division of Local Services · 100 Cambridge Street · Boston, MA 02114 · USA



The Commonwealth of Massachusetts

William Francis Galvin, Secretary of the Commonwealth
Elections Division

MEMORANDUM

TO: Local Election Officials

FROM: Michelle K. Tassinari, Director and Legal Counsel, Elections Division

DATE: March 16, 2021

RE: Changes to State Election Laws: Chapter 5 of the Acts of 2021

The purpose of this memo is to provide information on temporary changes to the Massachusetts state election laws contained in Chapter 5 of the Acts of 2021. This new law essentially provides extensions of provisions already set in Chapter 45 of the Acts of 2020 (as amended by Chapter 92 of the Acts of 2020) and Chapter 255 of the Acts of 2020.

As you may recall, in response to the pandemic, Chapter 45 of the Acts of 2020 was enacted which allowed municipalities to delay the date of their town election and/or town meeting and also allowing early voting by mail. Chapter 92 of the Acts of 2020 amended that to allow a municipality to eliminate a municipal caucus. The provisions in these Acts applied to 2020. Chapter 255 of the Acts of 2020 allowed for early voting by mail and other changes relative to designating polling places and appointing poll workers in addition to allowing in-person early voting for elections held on or before March 31, 2021.

The law itself only refers back to these other session laws. Below please find an overview of each section. We have also included the existing laws with the changes at the end of this document.

SECTIONS 1 and 2 amend section 1(a) Chapter 45 of the Acts of 2020. This section allows a city or town with a municipal caucus or annual or special election scheduled before **June 30, 2021** to postpone the date to a new date, which must be on or before **August 1, 2021**.

A vote to postpone an election or caucus may be taken by the select board, town council, board of registrars or city council of the city or town and must be done prior to the date of the scheduled municipal caucus or municipal election and the new date must be set at least 20 days in advance.

Since this section amends the timing for Chapter 45 of the Acts of 2020, certain other provisions of that Act still apply. Just like the process last year, the select board, town council or city council of a city or town postponing a municipal caucus or municipal election must consult with the local election official and the chief operating officer of the municipality as to logistics and feasibility before taking a vote. At least 20 days before the new date of the election or caucus, you must post a copy of Chapter 45 of the Acts of 2020 (as amended), the vote of the select board, town council or city council, and a sample ballot on your municipal website.

Additionally, you'll need to advertise to your voter that the caucus or election has been postponed, which can be done by a "reverse-911" call, municipal list-serve notifications, advertisement on local cable television or issuance of a press release sent to local news media.

If you postpone the date of your municipal election, the voter registration deadline changes to **10** days before the new date and the voter registration session must be held from at least 2-4 pm and from 7-8 pm. If you keep your election day the same, the voter registration deadline remains at 20 days and the session is from 9 am until 8 pm (unless you have less than 1,500 voters in which case your session must be held from at least 2-4 pm and 7-8 pm).

If you vote to postpone your election but have already prepared your materials, including ballots, you can still use those ballots that have the original date. If you have not printed your ballots, you should print with the new date.

SECTION 3 amends section 1A of Chapter 45 of the Acts of 2020. This section allows the select board, board of selectmen, town council or board of registrars to vote to eliminate a municipal caucus, scheduled to occur between March 23, 2020 and **July 31, 2021**, if such board concludes that holding the municipal caucus would constitute a threat to the public health and safety due to the 2019 novel coronavirus, also known as COVID-19. If the town votes eliminate a municipal caucus, candidates must use nomination papers that must be signed by at least 10 registered voters.

SECTIONS 4, 5, 6 and 7 amend Chapter 255 of the Acts of 2020. These sections extend the provisions of Chapter 255 of the Acts of 2020 from March 31, 2021, to **June 30, 2021**. Below please find an overview of each section of Chapter 255 of the Acts of 2020.

Subsection (a): Allows any person any person taking precautions related to COVID-19 in response to a declared state of emergency or guidance from a medical professional,

local or state health official or any civil authority vote absentee by reason of physical disability for all elections held on or before June 30, 2021.

Subsection (b): Allows a voter who has been instructed by a medical professional or a local or state health official to self-quarantine in their home beginning after noon on the seventh day before any annual or special municipal or state primary or election held on or before **June 30, 2021** can qualify as if they were admitted to a healthcare facility in accordance with subsection (c) of section 91B of chapter 54 of the General Laws. Such voters may designate their home address for delivery of the ballot.

Subsection (c): Allows early voting by mail for any annual or special municipal or state primary or election held on or before **June 30, 2021**.

Subsection (d): Allows voters to use a vote by mail application or any form of written communication to request a ballot and sets the deadline for you to receive any vote by mail applications no later than 5 pm on the fourth business day before election day.

Subsection (e): Allows use of absentee ballots for early voting by mail, but requires use of an early voting affidavit envelope for all early voters by mail. We recommend using "Early/Absentee" in the header if you have not already ordered ballots.

Subsection (f): Requires you to add "EV" on the voting list next to the name of an early voter.

Subsection (g): Requires the counting of early voting ballots in accordance with section 25B of chapter 54 and further requires that the inner envelopes be retained with the ballots cast at the election and shall be preserved and destroyed in the manner provided by law for the retention, preservation or destruction of official ballots. Please note that you must count all early voting ballots at the appropriate precinct. Unlike last year for the state primary and state election, you CANNOT advance remove or deposit early voting ballots for municipal elections.

Subsection (h): Sets the deadline to return early voting ballots by mail to be the close of polls on the day of the election and allows voters to return their ballot by: (i) delivering it in person to the office of the appropriate city or town clerk; (ii) dropping it in a secured municipal drop box; or (iii) mailing it to the appropriate city or town clerk.

Subsection (i): Requires the selectmen or city council to evaluate and report on whether a polling place change would have a disparate adverse impact on the basis of race, national origin, disability, income, or age. The report must be posted on the city/town's website and in the clerk's office at least 3 days before the vote to change it. This subsection further requires polling place changes be posted on the municipal website and other places determined by the selectmen or city council and allows notification to voters by electronic means, to the extent possible, including by email or by reverse 911 call. You DO NOT need to mail a notice to every household.

Subsection (j): Allows the appointing authority to appoint election officers without regard to political party membership, voter status, residence in the city or town or inclusion on a list filed by a political party committee if you determine there is a deficiency. This subsection also allows you to appoint any competent person willing to serve, without regard to political party membership, voter status, residence in the city or town or inclusion on a list filed by a political party committee a warden, clerk or inspector or the deputy of any such officer, if any such position is vacant within the 3 weeks preceding the election.

Subsection (k): Allows you to eliminate the check-out table.

Subsection (l): Provides a local option for in-person early voting for municipal elections held on or before **June 30, 2021**. In order to have in-person early voting, the local election official must request and recommend in-person early voting. The vote must occur not less than 5 business days prior to the proposed beginning of early voting. The vote itself must set the dates and hours, can begin no sooner than 10 days before the election and end must end no later than the business day preceding the business day before the election. You can opt to use your regular business hours unless you set different hours, which could be limited to weekend hours. If you conduct early voting in-person for a municipal election, you have to designate an early voting site that is centrally located, suitable and in a convenient public building and publish notice of the early voting location, dates and hours at least 48 weekday hours before the early voting period begins.

SECTION 7 amends Chapter 255 of the Acts of 2020 to add a new section (m), requiring providing an accommodation to voters who request one. The accommodation is limited to voters who are blind or have vision impairments, mobility or dexterity disabilities, or other disabilities that make it difficult or impossible for them to effectively access a paper vote by mail ballot because they cannot independently read, write, hold, or physically manipulate standard print materials. This new section requires that upon receiving a request, the local election official shall make reasonable efforts to grant accommodations to the voter.

Chapter 45 of the Acts of 2020 (which was previously modified by chapter 92 of the Acts of 2020). Red indicates new date, strike through means it does not apply.

SECTION 1. (a) Notwithstanding section 9 of chapter 39, sections 26 and 28 of chapter 51 and chapters 53 and 54 of the General Laws or any other general or special law or by-law to the contrary, a city or town with a municipal caucus or annual or special municipal election scheduled between the effective date of this act and **June 30, 2021**, may postpone such municipal caucus or municipal election in accordance with this act. The select board, town council, board of registrars or city council of the city or town may vote on any day prior to the date of their scheduled municipal caucus or municipal election to postpone the municipal caucus or municipal election to a date certain on or before **August 1, 2021**. Such rescheduled caucus or election shall be held in accordance with all applicable election laws except as otherwise provided in this act.

(b) The select board, town council or city council of a city or town postponing a municipal caucus or municipal election pursuant to this act shall, following consultation with the local election official and the chief operating officer of the municipality as to logistics and feasibility, vote to reschedule the municipal caucus or municipal election. A copy of this act, the vote of the select board, town council or city council and a sample ballot shall be placed on the official municipal website not later than 20 days before the date to which the rescheduled caucus or election has been postponed. Notice of such action shall be provided to the public in other ways reasonably calculated to enable eligible voters to learn of the rescheduled election date and to cast ballots therein. The notice may include, but shall not be limited to, a “reverse-911” call, municipal list-serve notifications, advertisement on local cable television or issuance of a press release sent to local news media.

(c) Consistent with section 107 of chapter 41 of the General Laws, an incumbent elected official whose term would have expired at a municipal annual town election if the election was not postponed pursuant to this act shall continue to serve in the official’s position until a successor is elected and qualified.

(d) If this act does not take effect until after the date of a scheduled municipal caucus or municipal election during the state of emergency declared by the governor pursuant to executive order 591, declaration of a state of emergency to respond to COVID-19, the actions of the board of selectmen, town council, city council and local election officials to postpone a municipal caucus or municipal election shall be ratified, validated and confirmed as if this act had been in place prior thereto.

SECTION 1A. The select board, board of selectmen, town council or board of registrars may vote to eliminate a municipal caucus, scheduled to occur between March 23, 2020 and **July 31, 2021**, if such board concludes that holding the municipal caucus would constitute a threat to the public health and safety due to the 2019 novel coronavirus, also known as COVID-19. In any town that eliminates the municipal caucus, nomination papers shall be used to nominate candidates pursuant to sections 7 and 10 of chapter

53 of the General Laws; provided, however, that such nomination papers shall be signed by not fewer than 10 registered voters of the town; provided, however, that to the extent that the forty-ninth day prior to the date of the election has passed, nomination papers shall be made available immediately, and shall be returned to the office of the board of registrars for certification no later than the date designated by the town clerk, which shall be no earlier than 36 days and no later than 32 days prior to the date of the election; provided further, that candidates shall be notified if their names will be placed on the ballot on the next business day after the deadline for filing, and the time for filing withdrawals and objections shall expire at 5:00 p.m. on the following business day.

SECTION 2. The last day to register to vote for any annual or special municipal or state election postponed pursuant to this act or otherwise postponed in response to COVID-19 shall be 10 days before the date to which the rescheduled election has been postponed; provided, however, that the board of registrars shall hold a registration session on that date not less than from 2:00 PM to 4:00 PM and from 7:00 PM to 8:00 PM. The voting list to be used at such rescheduled election shall include all eligible voters registered as of that date.

SECTION 3. The caucus or election materials, including, but not limited to, absentee and official ballots, prepared for a municipal caucus or any annual or special municipal or state election postponed pursuant to this act or otherwise postponed in response to COVID-19 and bearing that date shall be used for the rescheduled caucus or election to the extent practicable. If additional ballots are required to be printed, the ballots shall be identical in form to those prepared for the original caucus or election.

SECTION 4. Absentee ballots cast in connection with the original election date for any annual or special municipal or state election postponed pursuant to this act or otherwise postponed in response to COVID-19, whether returned before the original election or otherwise, and received by the local election official before the close of polls on the date of the rescheduled election, shall be processed in accordance with applicable law; provided, however, that any voter who chooses to vote in person on the date of the rescheduled election may do so if their absentee ballot has not yet been counted. ~~Completed applications to vote by absentee ballot in the rescheduled election shall be accepted by the board of registrars until 12:00 noon on the last business day before the rescheduled election.~~

~~For an election held on or before June 30, 2020 any person taking precaution related to COVID-19 in response to a declared state of emergency or from guidance from a medical professional, local or state health official, or any civil authority shall be deemed to be unable by reason of physical disability to cast their vote in person at a polling location.~~

SECTION 5. ~~(a) Notwithstanding section 25B of chapter 54 of the General Laws or any other general or special law to the contrary, any eligible voter may vote early by mail for any annual or special municipal or state election held on or before June 30, 2020.~~

~~(b) Any qualified voter wanting to early vote by mail may file with their local election official an application for an early voting ballot. Any form of written communication evidencing a desire to have an early voting ballot be sent for use for voting at an election shall be given the same effect as an application made in the form prescribed by the state secretary. Local election officials shall send early voting by mail ballots to those who have applied as soon as ballots are available. No application shall be deemed to be seasonably filed unless it is received in the office of the local election official before noon on the last business day before the date on which the rescheduled election is held.~~

~~(c) Local election officials may substitute absentee ballots for early voting ballots for those voters requesting to vote early by mail in municipal elections. An early voting ballot or absentee ballot substituted for an early voting ballot, along with an envelope bearing an affidavit as set forth in section 25B of chapter 54 of the General Laws, shall be provided to each qualified voter who participates in early voting by mail.~~

~~(d) The local election officials shall cause to be placed on the voting lists opposite the name of a qualified voter who participates in early voting the letters "EV" designating an early voter.~~

~~(e) The counting of early voting ballots shall be consistent with section 25B of chapter 54 of the General Laws and implemented regulations to the extent practicable. All envelopes referred to in this section shall be retained with the ballots cast at the election and shall be preserved and destroyed in the manner provided by law for the retention, preservation or destruction of official ballots.~~

~~(f) All early voting ballots voted by mail shall be received by the town clerk before the hour fixed for closing the polls on the date on which the rescheduled election is held. Early voting ballots cast under the authority of this section shall be processed at the polls in a manner consistent with that set forth in said section 25B of said chapter 54.~~

Chapter 255 of the Acts of 2020 as amended. Red indicates new date, blue indicates new language.

(a) For any annual or special municipal or state primary or election held on or before **June 30, 2021**, any person taking precautions related to COVID-19 in response to a declared state of emergency or guidance from a medical professional, local or state health official or any civil authority shall be deemed to be unable to cast their vote in person at a polling location by reason of physical disability.

(b) Notwithstanding any general or special law to the contrary, subsection (c) of section 91B of chapter 54 of the General Laws shall apply to voters who have been instructed by a medical professional or a local or state health official to self-quarantine in their home beginning after noon on the seventh day before any annual or special municipal or state primary or election held on or before **June 30, 2021** and such voters may designate their home address for delivery of the ballot.

(c) Notwithstanding section 25B of said chapter 54 or any other general or special law to the contrary, any eligible voter may vote early by mail or as prescribed herein for any annual or special municipal or state primary or election held on or before **June 30, 2021**.

(d) Any qualified voter wanting to early vote by mail may file with their local election official an application for an early voting ballot. Any form of written communication evidencing a desire to have an early voting ballot be sent for use for voting at an election shall be given the same effect as an application made in the form prescribed by the state secretary. Local election officials shall send early voting by mail ballots to those who have applied as soon as ballots are available. No application shall be deemed to be seasonably filed unless it is received in the office of the local election official before 5 P.M. on the fourth business day before the date on which the election is held.

(e) Local election officials may substitute absentee ballots for early voting ballots for those voters requesting to vote early by mail in municipal elections. An early voting ballot or absentee ballot substituted for an early voting ballot, along with an envelope bearing an affidavit as set forth in said section 25B of said chapter 54, shall be provided to each qualified voter who participates in early voting by mail.

(f) The local election officials shall cause to be placed on the voting lists opposite the name of a qualified voter who participates in early voting the letters "EV" designating an early voter.

(g) The counting of early voting ballots shall be consistent with said section 25B of said chapter 54 and related regulations to the extent practicable. All envelopes referred to in this act shall be retained with the ballots cast at the election and shall be preserved and destroyed in the manner provided by law for the retention, preservation or destruction of official ballots.

(h)(1) A voter in receipt of an early voting ballot for any election pursuant to this act may complete and return the ballot by: (i) delivering it in person to the office of the appropriate city or town clerk; (ii) dropping it in a secured municipal drop box; or (iii) mailing it to the appropriate city or town clerk.

(2) All early voting ballots submitted by mail, delivered in person to the office of the city or town clerk or returned to a secured municipal drop box as provided by this act shall be received by the city or town clerk before the hour fixed for closing the polls on the day of the election.

(i) Notwithstanding section 24 of said chapter 54 or any other general or special law to the contrary, the select board, board of selectmen, town council or city council may, by recorded and public vote, change any polling place to be used at the election not less than 20 days prior to the date of the election if it is determined that the public convenience or public health would be better served. If the select board, board of selectmen or town council determines that the public convenience or public health would be better served, they may house all polling places in a single building within the municipality if such building is suitably equipped; provided, however, that alcoholic beverages shall not be served or consumed in that portion of a building used as a polling place, during voting hours or while ballots are being counted therein. In cities, the city council may designate polling places in non-adjacent precincts if they determine the public convenience or public health would be better served. In making a decision to change a polling place, the select board, board of selectmen, town council or city council shall evaluate and report on whether such change would have a disparate, adverse impact on access to the polls on the basis of race, national origin, disability, income or age and, not later than 3 days prior to changing a polling place, shall make publicly available on its website and at the office of the town or city clerk a report on its evaluation. When the polling places have been designated pursuant to this act, the board of registrars shall post on the municipal website and at other such places as it may determine, a description of the polling places and shall notify voters by using an electronic means, to the extent available, such as via email or reverse 911 call.

(j) Notwithstanding section 29 of chapter 53 of the General Laws, sections 11, 11B, 12 and 13 of said chapter 54 or any other general or special law to the contrary, if the city or town clerk determines in writing that there is a deficiency in the number of required election officers, then the appointing authority may appoint election officers without regard to political party membership, voter status, residence in the city or town or inclusion on a list filed by a political party committee pursuant to said sections 11B and 12 of said chapter 54. If the position of the warden, clerk or inspector or the deputy of any such officer, if any, is vacant within the 3 weeks preceding the election, the city or town clerk may fill the vacancy by appointing a competent person willing to serve, without regard to political party membership, voter status, residence in the city or town or inclusion on a list filed by a political party committee pursuant to said sections 11B and 12 of said chapter 54.

(k) Notwithstanding sections 67 and 83 of said chapter 54 or any other general or special law to the contrary, the city or town clerk may eliminate the requirement that a voter provide their name or residence to an election officer at the ballot box and that the election officer mark the name off a voting list before the voter may deposit the ballot in the ballot box.

(l) Notwithstanding section 25B of chapter 54 of the General Laws or any other general or special law or municipal ordinance to the contrary, upon a recorded and public vote by the select board, board of selectmen, town council or city council authorizing early in-person voting, any eligible voter of such municipality may vote early in-person for any annual or special municipal election held on or before **June 30, 2021**. Such vote may only be taken after a request from the city or town clerk or authorized local election official recommending in-person early voting and provided that such vote occurs not less than 5 business days prior to the proposed beginning of early voting and that such early in-person voting complies with the following:

(i) A city or town, as part of the vote to allow early voting in-person, may set the early voting period to begin no sooner than 10 days before the election and end no later than the business day preceding the business day before the election.

(ii) Early voting shall be conducted during the usual business hours of the city or town clerk unless different hours are set as part of the vote, including any weekend hours.

(iii) The city or town clerk shall establish an early voting site that is centrally located, suitable and in a convenient public building. Notice of the early voting location, dates and hours must be posted at least 48 weekday hours before the early voting period begins.

(iv) A qualified voter voting early in person shall be provided with a ballot and an envelope where the ballot is placed after voting which contains an affidavit of compliance to be filled out by the voter. A qualified voter voting early in person shall complete an affidavit under the regulations promulgated by the state secretary for the administration of early voting and appearing at 950 CMR 47.00, as applicable, which shall include a notice of penalties under section 26 of chapter 56 of the General Laws

(m) A voter who is blind or has vision impairments, mobility or dexterity disabilities, or other disabilities that make it difficult or impossible for them to effectively access a paper vote by mail ballot because they cannot independently read, write, hold, or physically manipulate standard print materials may request an accommodation from their local election official. The request shall be received by the local election official not later than the fourth business day before the election. Upon receiving such information from a registered voter by phone or electronically, the local election official shall make reasonable efforts to grant accommodations to the voter.

Chapter 5
of the Acts of 2021

T H E C O M M O N W E A L T H O F M A S S A C H U S E T T S

In the One Hundred and Ninety-Second General Court

AN ACT FURTHER PROVIDING FOR EARLY VOTING BY MAIL.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for continued early voting by mail, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience. _____

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Subsection (a) of section 1 of chapter 45 of the acts of 2020 is hereby amended by striking out the words "June 30, 2020", as inserted by section 1 of chapter 92 of the acts of 2020, and inserting in place thereof the following words:- June 30, 2021.

SECTION 2. Said subsection (a) of said section 1 of said chapter 45 is hereby further amended by striking out the words "August 1, 2020", as inserted by section 2 of said chapter 92, and inserting in place thereof the following words:- August 1, 2021.

SECTION 3. Section 1A of said chapter 45, as appearing in section 3 of said chapter 92, is hereby amended by striking out the words "July 31, 2020" and inserting in place thereof the following words:- July 31, 2021.

SECTION 4. Subsection (a) of chapter 255 of the acts of 2020 is hereby amended by striking out the words "March 31, 2021" and inserting in place thereof the following words:- June 30, 2021.

SECTION 5. Subsection (b) of said chapter 255 is hereby amended by striking out the words "March 31, 2021" and inserting in place thereof the following words:- June 30, 2021.

SECTION 6. Subsection (c) of said chapter 255 is hereby amended by striking out the words "March 31, 2021" and inserting in place thereof the following words:- June 30, 2021.

SECTION 7. Subsection (l) of said chapter 255 is hereby amended by striking out the words "March 31, 2021" and inserting in place thereof the following words:- June 30, 2021.

SECTION 8. Said chapter 255 is hereby further amended by adding the following subsection:-

(m) A voter who is blind or has a vision impairment, a mobility or dexterity disability or other disability that makes it difficult or impossible for the voter to effectively access a paper vote by mail ballot because the voter cannot independently read, write, hold or physically manipulate standard print materials may request an accommodation from their local election official by phone or electronically. The request shall be received by the local election official not later than the fourth business day before the election. Upon receiving such a request from a voter, the local election official shall make reasonable efforts to grant accommodations to the voter.

House of Representatives, March 10, 2021.

Preamble adopted,

Kate Hyatt, Speaker.

In Senate, March 11, 2021.

Preamble adopted,

Bill U. Bransler, President.

House of Representatives, March 11, 2021.

Bill passed to be enacted,

Kate Hyatt, Speaker.

In Senate, March 11, 2021.

Bill passed to be enacted,

Bill U. Bransler, President.

March 16, 2021.

Approved,

at *1* o'clock and *30* minutes, *P*. M.

Charles D. Bass

Governor.

TAX ENFORCEMENT

PURPOSE

To provide guidance for equitably enforcing tax obligations and set expectations for both the Town and taxpayers, this policy clearly defines when and how the Town will transition unpaid property taxes from tax title through to foreclosure. It is in the best interest of the Town and its residents that property taxes be paid when due. The Town budget is set in anticipation of the collection of taxes, and taxes not paid by some property owners shift the cost burden onto others. The Town recognizes that individuals may go through periods of financial difficulty, but any taxpayer who becomes delinquent will be encouraged to find alternative resources to pay in full as soon as possible.

APPLICABILITY

This policy applies to the job duties of the Treasurer/Collector, including the responsibility for managing services contracted through the Town's tax title attorney. Tax enforcement applies to all Town real estate property owners whose taxes or water charges are not exempt.

POLICY

The Town intends to timely pursue all legal methods to collect taxes from delinquent property owners with the aim of achieving a target 99 percent property tax collection rate by fiscal year-end. A tax delinquency is defined as a bill outstanding at least one year and one day after its final due date, and represents a lien on property that remains in effect until all taxes, interest, and fees have been paid in full. The costs of all collection methods are added to the real estate tax bill and property lien. The Town will also periodically pursue foreclosure actions with the primary objective of receiving all monies due.

A. Demands

Final taxes are typically due to be paid as of May 1 each year (the due date for the fourth quarter tax bill). No later than one month after the due date has passed, the Treasurer/Collector will issue demand notices to all assessed property owners who have failed to pay in full, have not been granted full exemptions, and do not have automatic stays on record due to bankruptcy filings.

B. Tax Taking

The Treasurer/Collector will begin the tax taking process within approximately 60 days of the demand notice. State law allows the process to begin as soon as 15 days after the demand, but, in every case, the Treasurer/Collector must complete the takings within 3½ years from the end of the fiscal year for which the taxes were assessed to secure, or perfect, the tax liens. The Treasurer/Collector shall carefully document the taking process to preserve the Town's rights for future actions.

The Treasurer/Collector will send at least one enforcement letter to delinquent property owners as a courtesy to potentially avoid a tax taking advertisement. If this does not result in full remittance by September 1, the Treasurer/Collector will thereafter publish a Notice of Tax Taking in a local newspaper and post the notice in two or more convenient, public places. The Town customarily publishes in the Newburyport Daily News. In addition, the Treasurer/Collector posts notices on bulletin boards at the town offices (1910 Building) and the library. After the publication of the Notice of Tax Taking, only cash, certified check, or cashier's check are acceptable forms of payment.

Within 60 days of the tax taking announcements, the Treasurer/Collector shall prepare an Instrument of Taking form for each delinquent property and record it at the Registry of Deeds, the recording of which perfects the tax lien. After receiving the recorded Instruments back from the Registry, the Treasurer/Collector will notify the affected property owners of the liens by sending each of them a letter and a photocopy of the Instrument. The Treasurer/Collector will provide copies of the List of Recorded Takings to the Town Accountant/Business Manager and Town Manager.

C. Subsequent Taxes

After the demand bill and before June 15 each year, the Treasurer/Collector will certify all unpaid taxes and charges for parcels of real estate taken into tax title for nonpayment of taxes in prior years and not yet redeemed and put them in a Subsequent Tax Takings report. The Treasurer/Collector will provide copies of the report to the Town Accountant/Business Manager and Town Manager and retain one on file.

D. Interest, Fees, and License Revocation

All delinquent taxpayers are subject to charges, which the Treasurer/Collector will add to their accounts. These include interest accrued to the date of tax taking, advertising fees, certified mailing costs, legal fees, and all recording fees.

The Treasurer/Collector will create a list of all the individuals who are delinquent in paying taxes or other charges to the Town departments, boards, and committees that issue licenses and permits in accordance with the Town bylaws. These authorities will review the list to deny, suspend, or revoke delinquent taxpayers' licenses and permits.

E. Tax Title Payment Agreements

Pursuant to M.G.L. c. 60, § 62A, the Treasurer/Collector will pursue and establish payment agreements for parcels in tax title to allow delinquent taxpayers to pay off their tax liens over time. The Treasurer/Collector will actively monitor compliance with all such agreements, which will have the following features in common:

- Signed agreement between the Treasurer/Collector and taxpayer
- Upfront initial payment of at least 25 percent of the full balance owed paid with certified check, money order, or cash.
- Specific amount to be paid each month
- Non-payment of current year taxes by May 1st each year will result in default of the payment agreement
- Agreement term not exceeding five years
- Defaulting on the agreement may immediately trigger foreclosure action by the Town
- Confirmation that, as of the date a payment agreement is entered, any and all water bills are paid in full
- Confirmation that, as of the date a payment agreement is entered, no payments are due on outstanding loan amounts issued through the Elliot Fund

For taxpayers that fully comply with their payment agreements, the Treasurer/Collector will waive [(up to) 50 percent] of the interest accrued on their tax title accounts.

E-F. Redemption or Foreclosure

The primary policy goal of the Town’s foreclosure process is to receive the outstanding amounts owed. At least once every year, the Treasurer/Collector will review all tax title properties that are older than 180 days and do not have payment agreements or bankruptcy recordings. From these, the Treasurer/Collector will identify all properties of significant value to process for potential foreclosure in Land Court. To do this, the Treasurer/Collector will thoroughly verify the properties’ enforcement histories before referring them the tax title attorney, beginning with those having the largest dollar value of taxes owed.

As manager of the service contract, the Treasurer/Collector will ensure the tax title attorney complies with the objectives laid out in this policy section. The Treasurer/Collector will work with the tax title attorney to prepare parcels in tax title status for foreclosure, beginning by providing each Instrument of Taking. The tax title attorney will research the tax title properties and also mail new collection enforcement letters to the taxpayers telling them of the importance of redeeming the property and warning of potential foreclosure action.

If a taxpayer or other party pays the outstanding amount on a tax title property, the Treasurer/Collector will prepare an Instrument of Redemption and file it at the Registry of Deeds, which removes the lien. Redemption can only be done prior to the property being foreclosed. If the obligation remains unpaid, the tax title attorney will proceed with foreclosure action in Land Court, possibly resulting in auctioning of the property.

In addition to Land Court foreclosure referrals, the Treasurer/Collector is responsible for completing foreclosures on any properties below the “Land of Low Value” threshold, which is annually updated each spring by the Division of Local Services (DLS).

REFERENCES

[M.G.L. c. 60, § 6](#)

[M.G.L. c. 60, § 16](#)

[M.G.L. c. 60, § 50](#)

[M.G.L. c. 60, § 53](#)

[M.G.L. c. 60, § 54](#)

[M.G.L. c. 40, § 57](#)

[M.G.L. c. 60, § 61](#)

[M.G.L. c. 60, § 62](#)

[M.G.L. c. 60, § 62A](#)

[M.G.L. c. 60, § 63](#)

[M.G.L. c. 60, § 76](#)

[M.G.L. c. 60, § 77](#)

[M.G.L. c. 60, § 79](#)

[M.G.L. c. 60, § 80](#)

West Newbury bylaws Section XIII Local License or Permit Affected By Non-Payment of Local Taxes

DLS Best Practice: [Enforcing Collections](#)

DLS Informational Guideline Releases 05-208: [Payment Agreements and Tax Receivable Assignments](#) and [Land of Low Value Foreclosure Valuation Limit](#) updated annually

Massachusetts Collectors & Treasurers Association: [Treasurer’s Manual](#) and [Collector’s Manual](#)

EFFECTIVE DATE This policy was adopted on February 1, 2021, and amended on _____, 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

TO: Board of Selectmen
 FROM: Angus Jennings, Town Manager
 DATE: March 25, 2021
 RE: Proposed amendments to Bereavement Leave Policy

The Board is asked to consider the following proposed revisions to Sec. 5.4 of the Personnel Policy, the Bereavement Leave Policy (proposed deletions in ~~strike through~~, proposed additions in double underlined):

5.4 Bereavement leave

Bereavement leave will be granted by the department manager to any employee to enable him or her to take care of matters caused by the death of a member of his or her immediate family. Three days of pay will be granted for immediate family members which includes: mother, father, brother, sister, children, spouse/domestic partner, grandparent, grandchild, step-parent, step-sibling and step-child. Compensation for part-time employees shall be based on the employee's regular compensation for scheduled hours for which he or she is absent.

The changes above are limited in effect. I have attached a sample policy from my former Town Manager job in Hampden, Maine. I think there are aspects of the Hampden policy that would be improvements from our policy. If the Board wishes to consider a more comprehensive rewrite of this section of the policy, if you provide this direction on Monday night we can draft and circulate a proposal to reflect your intent.

(Note: As you know the amended FY21 budget does include funding to support engaging outside assistance to undertake a thorough review and update of the Personnel Policy, and we have begun work on scoping that project so we can engage assistance. This proposed amendment is brought forward in the meantime.)

Revisions to the Personnel Policy are governed by Section 5 of the Personnel Bylaw, a copy of which is attached. Therefore, if the Board agrees that the proposed changes make sense – as detailed above or as you may modify – the next step would be for the Board to propose the changes, which would then be posted for review and comment prior to a public hearing at a future meeting of the Board.

Thank you for your consideration.

Personnel Bylaw

Section 5 Adoption of Policies

The Board of Selectmen is empowered and authorized by this bylaw to adopt personnel policies defining the rights, benefits and obligations of employees subject to this bylaw. Such policies shall become effective in accordance with the following procedure:

- (a) The Board of Selectmen may propose new, amended or revised policies; any such proposed policy may be proposed at any meeting of the Board of Selectmen.
- (b) Any proposed new, amended or revised policies shall be posted for a period of at least ten days after being proposed by the Board of Selectmen, during which time comments, information and questions regarding any proposed policy may be provided to the Board of Selectmen. A public hearing shall be held following the ten day posting period.
- (c) Any new, amended or revised policies shall become effective upon approval by a unanimous vote of the Board of Selectmen, unless a specific effective date is provided by the Board.
- (d) Copies of new or amended policies shall be posted in prominent locations within the Town Office Building.

Source: Hampden, Maine Personnel Policy

Additionally, the Town may, at its sole discretion, decide to grant additional paid holidays or partial holidays (or early closures) on special occasions.

Holiday hours are not counted as hours worked for purposes of calculating overtime.

F. BEREAVEMENT LEAVE

The Town Manager may grant up to three (3) days of leave with pay, as necessary, in the event of the death of an immediate family member. For the purpose of bereavement leave, immediate family member is defined as: spouse, children, stepchildren, parents, stepparents, parents-in-law, siblings, stepsiblings, grandparents, grandchildren and domestic partners. This leave may be used for travel, to make necessary arrangements, attend wake/funeral, and similar activities. The bereavement days need not be taken consecutively.

For the death of other family members, such as aunts, uncles, nieces, nephews, cousins, in-laws not listed as immediate family, persons sharing your residence, and other people with whom you have a close/special relationship, the Town Manager may grant one (1) day of paid bereavement leave.

The Town Manager may grant additional days of paid bereavement, provided the total bereavement leave does not exceed a maximum of five (5) days. Extended leave will only be considered for extenuating circumstances.

Employees who need bereavement leave must contact their Supervisors or Department Head as soon as possible. Nothing herein prevents an employee from using vacation or comp time for bereavement purposes or to extend bereavement leave upon approval.

Bereavement days are not counted as hours worked for purposes of calculating overtime.

G. COMPENSATORY TIME

Accrual:

Hourly Employees. Hourly employees who actually work more than 40 hours in a week are entitled to overtime paid at 1.5 times the normal rate of pay. For the purposes of calculating overtime, the 40 hours must have actually been worked; the use of sick time, vacation time, bereavement time, comp time, or other leave is not counted toward overtime.

1. In lieu of paid overtime, hourly employees may earn compensatory time (“comp time”) up to a maximum of 40 hours per fiscal year at the discretion of the Department Head. Thereafter, any additional overtime will be paid at the overtime rate in the employee’s next paycheck.



Town of West Newbury

381 Main Street

West Newbury, Massachusetts 01985

Angus Jennings, Town Manager

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

townmanager@wnewbury.org

TO: Board of Selectmen

FROM: Angus Jennings, Town Manager

DATE: March 25, 2021

RE: Updates re draft ATM and STM articles

At their meeting on March 24th, the Finance Committee favorably recommended the following draft ATM and STM articles (using the article numbers included in the draft warrants, enclosed, understanding that these article numbers may and probably will change prior to finalizing the warrants):

STM

- 2. Page School Fire Alarm System
- 3. Painting/Preservation Old Town Hall (CPA Funds)
- 5. Snow & Ice Deficit – placeholder amount based on YTD expenses above budget
- 6. Essex Ag funding
- 7. Grant account housekeeping
- 8. Grant account housekeeping
- 12. Stormwater Consultant

ATM

- 7. Pension Liability Stabilization Fund
- 9. School Stabilization Fund
- 17. Middle Street Bridge
- 18. Roof Repairs, Town Buildings

The Article backup materials provided to the FinCom were previously circulated to each of you by email on March 23rd, and are not included in this packet.

I have enclosed the draft “impacts on Town Accounts” table which will continue to be a working draft until it is finalized for the FinCom booklet. However, we believe it to be accurate, so is a good reference in the interim.

Upon further review, I recommend that the draft ATM Article 15 (Soldiers & Sailors debt service) be removed from the warrant. The \$85,000 authorized last June did not include a sunset date, so if debt service does come due in FY22 we will be covered.

Balances Report		Estimated						Unreserved: Available for Appropriation				
		Town Capital Stabilization	Pension Stabilization	School Stabilization	Town Free Cash	Water Stabilization	Water Free Cash	CPC Comm Housing	CPC Historical	CPC Open Space	CPC Undesig	
1/1/2021		1,499,407	236,992	1,658,024	1,954,878	16,983	1,037,726	324,219	104,267	43,240	1,045,663	
5/2021 STM		Art #										
Page School fire alarm system	2	(33,000)										
CPA painting Town Hall	3							(51,675)			(53,175)	
CPA Whetstone Greenway	4										(30,000)	
Snow & Ice deficit (amt 3/22/21)	5				(23,464)							
Essex Ag FY21 costs	6				(3,137)							
WW 2 gym acct closeout	7				(287.57)							
Grant acct closeouts	8				(3,948.03)							
COVID-19 unbudgeted costs	9				(1)							
Unbudgeted personnel costs	10				(1)							
Public safety network server	11				(18,000)							
Stormwater consultant	12				(15,000)							
Assessing Dept network server	13				(9,050)							
Assessing study utility valuation	14				(8,500)							
Internships, invasive species	15				(7,000)							
Balances after STM			1,466,407	236,992	1,658,024	1,866,489		1,037,726	324,219	52,592	43,240	962,488
5/2021 ATM		Art #										
Omnibus Budget	2	500,000										
Water Stabilization	5					500,000	(500,000)					
Water Pipestave Tank repairs	6						(270,000)					
Pension Liability Stab. Fund	7		76,261		(76,261)							
OPEB Stab. Fund	8				(1)							
From School Stab. Fund	9			(397,325)								
CPC FY22 Estimated Receipts	11							57,408	57,408	57,408	(28,704)	
CPA Historic Property Survey	12							(25,000)				
CPA Mill Pond All Persons Trail	13										(30,000)	
CPA Coffin Street land acqu.	14									(100,000)	(75,000)	
CPA Soldiers & Sailors debt	15							(85,000)				
Capital Stabilization	16	700,000			(700,000)							
Middle Street Bridge	17	(600,000)										
Re-coating building roofs	18	(95,000)										
Fire Dept tanker truck	19	(500,000)										
Fire Dept Jaws of Life	20	(35,000)										
Free Cash to offset FY22 tax rate	21				(1)							
Balances after ATM			1,436,407	313,253	1,260,699	1,090,226	516,983	267,726	381,627	0	648	828,784

Source: Angus Jennings, Town Manager, 3/22/21

Balances Report		Estimated						Unreserved: Available for Appropriation			
		Town Capital Stabilization	Pension Stabilization	School Stabilization	Town Free Cash	Water Stabilization	Water Free Cash	CPC Comm Housing	CPC Historical	CPC Open Space	CPC Undesig
7/1/2020		1,739,407	236,992	1,738,977	1,954,878	16,983	1,037,726	324,219	104,267	43,240	1,045,663
10/2020 STM	Art #										
From School Stabilization Fund	2			(80,953)							
DPW dump truck	5	(240,000)									
Balances after STM		1,499,407	236,992	1,658,024	1,954,878	16,983	1,037,726	324,219	104,267	43,240	1,045,663

Source: Angus Jennings, Town Manager, 9/28/20

**TOWN OF WEST NEWBURY
COMMONWEALTH OF MASSACHUSETTS
WARRANT – SPECIAL TOWN MEETING
SATURDAY, MAY 22, 2021 @ __am**

Essex, ss.

To any of the Constables of the Town of West Newbury:

In the name of the Commonwealth, you are hereby required to notify and warn all the inhabitants of the Town of West Newbury, who are qualified to vote in the elections and Town affairs, to meet outdoors at the Bandstand located behind the Town Annex, 379 Main Street, at __:00 a.m. on Saturday, May 22, 2021 to act upon or take any other action relative to all of the following articles.

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

ARTICLE 2. To see if the Town will vote to transfer from available funds the sum of \$33,000.00 for all costs and expenses pertaining to the repair and replacement of the fire alarm system at the John C. Page School building, or take any other action relative thereto. *By request of the DPW Director.*

ARTICLE 3. To see if the Town will vote to transfer from Community Preservation Act funds the sum of \$104,850.00 for all costs and expenses pertaining to the repair, restoration and preservation of the West Newbury Town Hall, or take any other action relative thereto. *By request of the Community Preservation Committee and the DPW Director.*

ARTICLE 4. To see if the Town will vote to transfer from Community Preservation Act funds the sum of \$30,000.00 for costs and expenses pertaining to the design and construction of an all-access trail, commonly referred to as the “Whetstone Greenway” proposed to be located between River Meadow Drive and Sullivans Court Extension, or take any other action relative thereto. *By request of the Community Preservation Committee and the Open Space Committee.*

ARTICLE 5. To see if the Town will vote to transfer from available funds the sum of \$_____ to fund the fiscal year 2021 snow and ice deficit. *By request of the DPW Director.*

ARTICLE 6. To see if the Town will vote to transfer from available funds the sum of \$3,137 to fund the Essex Agricultural and Technical High School fiscal year 2021 budget deficit. *By request of the Town Manager.*

ARTICLE 7. To see if the Town will vote to transfer from available funds the sum of \$287.57 to resolve a deficit resulting from the over-expenditure of funds from the World War II Gym Stabilization Fund that occurred in fiscal year 2016. *By request of the Town Accountant/Business Manager.*

ARTICLE 8. To see if the Town will vote to transfer from available funds the sum of \$3,948.03 to resolve deficits for expired grants that did not close out properly in fiscal year 2018 and fiscal year 2019. *By request of the Town Accountant/Business Manager.*

ARTICLE 9. To see if the Town will vote to transfer from available funds the sum of \$_____ to fund unbudgeted costs associated with the operation and administration of public health clinics to administer the COVID-19 vaccine, or take any other action relative thereto. *By request of the Board of Health.*

ARTICLE 10. To see if the Town will vote to transfer from available funds the sum of \$_____ to fund unbudgeted personnel costs, or take any other action relative thereto. *By request of the Board of Selectmen.*

ARTICLE 11. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$18,000 for all costs and expenses pertaining to the replacement of the public safety network server. *By request of the Police Chief.*

ARTICLE 12. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$15,000 to fund consulting support toward compliance with the stormwater management permit issued to the Town of West Newbury by the U.S. Environmental Protection Agency, or take any other action relative thereto. *By request of the DPW Director.*

ARTICLE 13. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$9,050 to fund costs related to the Assessing Department network server, or take any other action relative thereto. *By request of the Board of Assessors.*

ARTICLE 14. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$8,500 to fund the costs to conduct a utility property revaluation analysis and report in accordance with updated MassDOR methodology for the valuation of utilities, or take any other action relative thereto. *By request of the Board of Assessors.*

ARTICLE 15. To see if the Town will vote to transfer from available funds the sum of \$7,000 for all costs and expenses pertaining to identifying, mapping and remediating invasive species on public lands in the Town of West Newbury, or take any other action relative thereto. *By request of the Municipal Vulnerability Preparedness Working Group.*

You are hereby directed to serve this warrant by posting attested copies thereof at least 14 days before the date of the Special Town Meeting, as provided within the Town Bylaws.

LOCATIONS TO POST WARRANT:

Town Hall
1910 Town Office Building
G.A.R. Memorial Library
Post Office

Laurel Grange

Hereof fail not to make due return of this warrant with your doings thereon at the time and place of holding said meeting.

Given under our hands this ___ day of ____, 2021.

BOARD OF SELECTMEN:

David W. Archibald, Chairman

Glenn A. Kemper

Richard G. Parker

A true copy, Attested:

Michael P. McCarron, Town Clerk

Pursuant to the above warrant to me directed, I hereby notify and warn all the inhabitants of the Town of West Newbury who are qualified to vote to meet at said time and place.

Constable, Brian Richard

Date of Posting

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Richard G. Parker

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Michael P. McCarron, Town Clerk

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Constable, Brian Richard

Date of Posting

**TOWN OF WEST NEWBURY
COMMONWEALTH OF MASSACHUSETTS
WARRANT -- ANNUAL TOWN MEETING
SATURDAY, MAY 22, 2021 @ __ am**

Essex, ss.

To any of the Constables of the Town of West Newbury:

In the name of the Commonwealth, you are hereby required to notify and warn all the inhabitants of the Town of West Newbury, who are qualified to vote in the elections and Town affairs, to meet outdoors at the Bandstand located behind the Town Annex, 379 Main Street, at __:00 a.m. on Saturday, May 22, 2021 to act upon or take any other action relative to all of the following articles.

GENERAL GOVERNMENT MATTERS

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

ARTICLE 2. To determine what sums of money the Town will raise and appropriate for defraying the expenses of the Town for the ensuing fiscal year and for the payment of Town debt. *By request of the Board of Selectmen.*

WATER ENTERPRISE FUND

ARTICLE 3. In accordance with the provisions of Chapter 38 of the Acts of 1936, to see what instructions, rules and regulations the Town may wish to impose on the Board of Water Commissioners. *By request of the Board of Water Commissioners.*

ARTICLE 4. To see if the Town will vote to appropriate, in anticipation of Water Department revenue, the sum of \$_____ of which \$_____ for salaries and wages which include \$_____ for Water Commissioners' stipends; \$_____ for insurances; \$_____ for expenses; \$_____ for debt service; \$_____ for extraordinary and unforeseen expenses; and \$_____ for indirect costs. *By request of the Board of Water Commissioners.*

ARTICLE 5. To see if the Town will vote to transfer from available funds the sum of \$500,000 to be placed in the water stabilization fund in order to fund capital expenditures for water related

projects, or take any other action related thereto. *By request of the Board of Water Commissioners.*

ARTICLE 6. To see if the Town will vote to transfer from available funds the sum of \$270,000.00 for all costs and expenses pertaining to improvements to the Pipestave Water Tank. *By request of the Board of Water Commissioners.*

APPROPRIATIONS

ARTICLE 7. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$76,261 for the Pension Liability Stabilization Fund, or take any other action related thereto. *By request of the Board of Selectmen.*

ARTICLE 8. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$ ____ for the Other Post-Employment Benefits (OPEB) Stabilization Fund, or take any other action related thereto. *By request of the Board of Selectmen.*

ARTICLE 9. To see if the Town will vote to transfer the sum of \$397,325 from the School Stabilization Fund to pay a portion of the Town share of debt service associated with the building of the new Middle/High School. *By request of the Board of Selectmen.*

ARTICLE 10. To see if the Town will vote to transfer the sum of \$10,363.00 from the Septic Loan Revolving Account for the repayment of debt service. *By request of the Board of Health.*

ARTICLE 11. To see if the Town will vote to allocate and/or reserve from the Community Preservation Fund annual revenues, the amounts recommended by the Community Preservation Committee for committee administrative expenses, community preservation projects and other expenses in Fiscal Year 2022, with each item to be considered a separate appropriation, or take any other action thereto. *By request of the Community Preservation Committee.*

- Appropriate \$28,704 from FY 2022 estimated revenues for Committee Administrative Expenses.
- Reserve \$57,408 from FY 2022 estimated revenues for Community Housing Reserve.
- Reserve \$57,408 from FY 2022 estimated revenues for Historic Resources Reserve.
- Reserve \$57,408 from FY 2022 estimated revenues for Open Space & Recreation Reserve.
- Reserve \$373,160 from FY 2022 estimated revenues for Budgeted Reserve.

ARTICLE 12. To see if the Town will vote to transfer from Community Preservation Act funds, Historic Resources Reserve, the sum of \$25,000.00 to conduct an historic sites survey, or take any other action relative thereto. *By request of the Community Preservation Committee and the Historical Commission.*

ARTICLE 13. To see if the Town will vote to transfer from Community Preservation Act funds, Open Space and Recreation Reserve, the sum of \$30,000.00 for costs and expenses pertaining to the design of an all access trail and associated features at the Mill Pond, or take any other action relative thereto. *By request of the Community Preservation Committee and the Open Space Committee. CPC will continue its review at their next meeting on March 18th. **Article would only remain on warrant if recommended by CPC.***

ARTICLE 14. *CPC article. \$175,000.00 for fee simple acquisition of 30± acres and acquisition of Conservation Restrictions on 21± acres of land off Coffin Street. CPC will continue its review at their next meeting on March 18th. CPC will review proposal at their next meeting on March 18th. **Article would only remain on warrant if recommended by CPC.***

ARTICLE 15. To see if the Town will vote to transfer from Community Preservation Act funds, Historic Resources Reserve, the sum of \$85,000 for the payment of debt service and related borrowing costs authorized at the November 4, 2019 Special Town Meeting associated with the Preservation and Restoration of the Soldiers & Sailors Memorial Building. *By request of the Board of Selectmen.*

ARTICLE 16. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$700,000 into the Capital Stabilization Fund, or take any other action related thereto. *By request of the Board of Selectmen.*

ARTICLE 17. To see if the Town will vote to transfer from available funds the sum of \$600,000.00 for costs and expenses pertaining to the Town's share for the reconstruction of the Middle Street Bridge, or take any other action relative thereto. *By request of the Board of Selectmen.*

ARTICLE 18. To see if the Town will vote to transfer from available funds the sum of \$95,000.00 for all costs and expenses pertaining to roof repairs to Town buildings, or take any other action relative thereto. *By request of the DPW Director.*

ARTICLE 19. To see if the Town will vote to transfer from available funds the sum of \$500,000.00 for the purchase of a tanker fire truck or similar vehicle, or take any other action relative thereto. *By request of the Board of Fire Engineers.*

ARTICLE 20. To see if the Town will vote to transfer from available funds, the sum of \$35,000.00 for the purchase of a Jaws of Life or similar equipment, or take any other action relative thereto. *By request of the Board of Fire Engineers.*

ARTICLE 21. To see if the town will vote to transfer from available funds the sum of \$_____ to reduce the fiscal year 2022 tax rate. *By request of the Board of Selectmen.*

BY-LAWS – OTHERS

ARTICLE 22. To see if the Town will vote to accept as a public way the layout of Cortland Lane, as heretofore laid out by the Board of Selectmen and shown more particularly on a plan entitled “Street Acceptance Plan for Cortland Lane,” dated October 4, 2004, prepared by Apple Associates, Inc., a copy of which is on file with the Town Clerk’s Office, and to authorize the Board of Selectmen to acquire, by purchase, gift, and/or eminent domain, the fee simple title to or a permanent easement in said roadway for all purposes for which public ways are used in the Town of West Newbury, including utility purposes, and any drainage, access, utility and other easements related thereto. *By request of the Board of Selectmen.*

ARTICLE 23. To see if the Town will vote to amend Section VI of the Town Bylaws, Animal By-Law in order to establish a new Disposal of Waste section, to establish requirements related to the disposal and removal of dog waste, including the establishment and enforcement of fines for violations, and other related amendments. *By request of the Board of Selectmen.*

ARTICLE 24. To see if the Town will vote to amend Section XL of the Town Bylaws by adding sections 5.5.1 thru 5.5.5 in order to establish a revolving fund for revenues and expenses associated with electric vehicle (EV) charging stations located on Town-owned property including existing stations at 381 Main Street and at 694 Main Street, West Newbury, and including any stations as may be installed on Town-owned property in the future:

5.5.1 Electric Vehicle Charging Stations Revolving Fund.

5.5.2 Department. There shall be a separate fund called the Electric Vehicle Charging Stations Revolving Fund.

5.5.3 Revenues. The town accountant shall establish the Electric Vehicle Charging Stations Revolving Fund as a separate account and credit to the fund all the monies received in connection with use of EV charging stations located on Town-owned property, donations, and any other source.

5.5.4 Purposes and Expenditures. During each fiscal year, the Town may incur liabilities against and spend monies from the Electric Vehicle Charging Stations Revolving Fund for the operations and maintenance of electric vehicle (EV) charging stations located on Town-owned property in West Newbury.

5.5.5 Fiscal Years. The Electric Vehicle Charging Stations Revolving Fund shall operate for fiscal years that begin on or after July 1, 2021 and shall continue until such time as town meeting votes to eliminate the fund.

By request of the Board of Selectmen.

ARTICLE 25. To see if the Town will vote to amend Section XL of the Town Bylaws by adding sections 5.6.1 thru 5.6.5 in order to establish a revolving fund for revenues and expenses associated with curbside collection of trash, recycling and food waste:

- 5.6.1 Curbside Collection of Trash, Recycling and Food Waste Revolving Fund.
- 5.6.2 Department. There shall be a separate fund called the Curbside Collection of Trash, Recycling and Food Waste Revolving Fund.
- 5.6.3 Revenues. The town accountant shall establish the Curbside Collection of Trash, Recycling and Food Waste Revolving Fund as a separate account and credit to the fund all the monies received in connection with fees charged for trash or recycling carts, trash stickers and bulk item stickers, donations, and any other source.
- 5.6.4 Purposes and Expenditures. During each fiscal year, the Town may incur liabilities against and spend monies from the Curbside Collection of Trash, Recycling and Food Waste Revolving Fund for the payment of expenses for trash or recycling carts and stickers and related expenses.
- 5.6.5 Fiscal Years. The Curbside Collection of Trash, Recycling and Food Waste Revolving Fund shall operate for fiscal years that begin on or after July 1, 2021 and shall continue until such time as town meeting votes to eliminate the fund.

By request of the Board of Health.

ARTICLE 26. To see if the Town will vote to limit the total amount that may be expended from each revolving fund established pursuant to Section XL of the Bylaws of the Town of West Newbury, to wit:

▪ Section 5.1 Summer Recreation Revolving Fund	\$ 44,350
▪ Section 5.2 GAR Library Fines and Penalties Revolving Fund	\$ 10,000
▪ Section 5.3 Police Vehicle Revolving Fund	\$ 20,000
▪ Section 5.4 Pipestave/Mill Pond Care and Maintenance Revolving Fund	\$ 5,000
▪ Section 5.5 Electric Vehicle Charging Stations Revolving Fund	\$ 10,000
▪ Section 5.6 Curbside Collection of Trash, Recycling and Food Waste Revolving Fund	\$150,000

By request of the Board of Selectmen.

ARTICLE 27. To see if the Town will vote to adopt a new Section ____ of the Town Bylaws, in order to establish a Wetlands Protection Act Bylaw. *By request of the Conservation Commission.*

ARTICLE 28. To see if the Town will vote to delay any additional expenditure on the Soldiers and Sailors Memorial Building (Carr Post). project until a defined productive use for this building is identified and approved. *By citizen petition.*

You are hereby directed to serve this warrant by posting attested copies thereof at least 14 days before the date of the Annual Town Meeting, as provided within the Town Bylaws.

LOCATIONS TO POST WARRANT:

- Town Hall
- 1910 Town Office Building
- G.A.R. Memorial Library
- Post Office
- Laurel Grange

Hereof fail not to make due return of this warrant with your doings thereon at the time and place of holding said meeting.

Given under our hands this ____ day of ____, 2021.

BOARD OF SELECTMEN

David W. Archibald, Chairman

Glenn A. Kemper

Richard Parker

A true copy, attested:

Michael P. McCarron, Town Clerk

Pursuant to the above warrant to me directed, I hereby notify and warn all the inhabitants of the Town of West Newbury who are qualified to vote to meet at said time and place.

Constable, Brian Richard

Date of Posting

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Constable, Brian Richard

Date of Posting

Town of West Newbury

Board of Selectmen

Monday February 4, 2019 @ 7:00 p.m.

381 Main Street, Town Office Building

www.wnewbury.org

DRAFT Minutes of Meeting – Revised (Item C to be tabled) Agenda

The Meeting was called to order at 7:15 p.m. by Chairman Glenn Kemper.

Announcements listed on Agenda were read. Selectman Joseph Anderson also announced that he would not be seeking re-election due to personal reasons.

Regular Business

A. Applications for Appointment

- a. Phillips Robinson – Energy Advisory Committee. Application for appointment is contained in the Agenda Packet. Phillips introduced himself and gave his background information.

Motion was made by Selectman Joseph Anderson, seconded by Selectman David Archibald to appoint Phillips Robinson to the Energy Advisory Committee with a term ending June 30, 2019.

Yes 3, No 0.

- b. Polly McDowell – Mill Pond Committee. Application for appointment is contained in the Agenda Packet. Polly introduced herself and gave background information.

Motion was made by Selectman Joseph Anderson, seconded by Selectman David Archibald to appoint Polly McDowell as an Associate Member of the Mill Pond Committee with a term ending June 30, 2019.

Yes 3, No 0.

B. Discussion with Finance Committee regarding FY'20 Budget Calendar and Board/Committee roles.

Email from Gary Roberts of the West Newbury Finance Committee seeking clarification of roles under Town Manager form of government contained in the Agenda Packet. Discussion took place with the Board regarding what the Finance Committee's role is in the Budget process and how the roles would change with the change from a Finance Director to Town Manager. Although there has been a good relationship with the Town Manager there appears to be some confusion regarding the roles and responsibilities. The Committee wants the process to work well. Selectman Joseph Anderson stated that it is the responsibility of the Town Manager to create the budget, which then is vetted by the Finance Committee, discussed with the Selectmen and the formally voted budget then goes to Town Meeting. Forbes Durey, member of the Finance Committee stated that there was a difference of opinion the previous year regarding a budget. Angus Jennings, Town Manager inquired as to what is the budget on the floor at Town Meeting. Michael McCarron, Town Clerk/Town Counsel stated that it hasn't changed that much in recent years. The Finance Committee has been more hands on crafting the budget out of necessity. The Town Manager will create the budget with assistance from the Board of Selectmen. The Finance Committee is the Committee of Town Meeting acting on behalf of Town Meeting. The Finance Committee is the branch of Town meeting. The Statute says at the time of Town Meeting the Moderator will read the Finance Committee's recommendation. Nathan Kelly, a member of the Finance Committee inquired if the Finance Committee disagrees, should the committee put the amount they think it should be in their report? Michael McCarron stated that the budget can have multiple columns. The Finance Committee determines the motion on the floor. Selectman Glenn Kemper inquired as to when things need to be posted. Michael McCarron stated April 12, 2019.

C. Item C related to Energy Advisory Committee request to consider Municipal Vulnerability Preparedness (MVP) designation.

This item tabled.

D. Cont. Discussion of PRSD Regional Agreement and School Committee work on draft Contingency Plan – Superintendent Justin Bartholomew.

A review draft with changes to inclusive dates and proposed modification to Sec XIV (C) as proposed by Chairman Kemper to include each Town's CFO and/or Board of Selectmen designee are contained in the Agenda Packet. Also contained in the Agenda Packet is the PRSD Contingency Plan Overview Draft. Michael McCarron, Town Counsel stated that there must be a motion to authorize the Board of Selectmen to execute the following changes to the Regional Agreement and Town Meeting Votes. The language has to be the same in all 3 towns.

E. Correspondence from the Community Center Committee regarding Committee member resignations.

Vanessa Graham spoke of the feeling among the members of this Committee that this project was on the back burner so to speak. Selectman Kemper recognized the hard work of this committee. The communication received was accepted. Contained in the Agenda Packet is a letter from Vanessa Graham and a report of expenditures from appropriations.

F. Review of known and potential Board of Selectmen Warrant Articles for Town Meeting.

Memorandum from Town Manager listing articles for Spring Town Meeting, Policy discrepancy regarding Town Counsel and Bond Counsel suggested form of vote for the New Middle/High School are contained in the Agenda Packet. In addition to the items contained in the Town Manager's memorandum Town Counsel Michael McCarron brought forward the automatic articles that need to be considered as follows:

- 1) Septic Loan
- 2) Water Department Directions
- 3) 2 Community Preservation Committee proposals – Annual Funding and an Article.
- 4) A place holder for the Snow and Ice Budget

G. Review of Community Compact Policies

1) Indirect Cost Allocation – referral from Town Manager and Board of Water Commissioners

Angus stated that the Indirect Cost Allocation Policy needs to be reduced to writing. The MA Department of Revenue provided 4 different widely accepted ways of allocating these costs. Method #3 Estimate of Support Method Draft is contained in the Agenda Packet. The Water Superintendent and the Finance Department all find this method agreeable. This would codify what the Town has been doing.

2) Capital Planning – discussion of questions from Capital Improvement Committee

Questions raised by the Capital Improvement Committee are contained in the Memorandum from the Town Manager which is contained in the Agenda Packet.

The Memorandum also contains a section regarding an updated draft of the Investment Policy Statement which is being considered by the Investment Policy committee.

H. Policy direction regarding potential posting of signage regarding Mill Pond ice.

Input from the Police and Fire Chiefs are contained in the Agenda Packet. Neither Department gives an opinion on the safety of the ice.

I. Update on application for Tenant User Liability Insurance Policy (TULIP)

Angus reported that the quote for this insurance has been received and he thought the price seems high. He felt the next step should be to communicate with local insurers to determine whether they could give the Town a similar type of insurance policy.

J. Review of Selectmen's Policy Booklet

Listings of Selectmen's Policies, revisions of policies amended and policies referred for staff review and comment are contained in the Agenda Packet. The goal is to have all policies contained under one cover.

K. Health Insurance Opt-Out Program for Fiscal Year 2020-2023.

The original document contained a 3-year term of effect which is due to expire at the end of Fiscal '19. Angus is seeking the Board's directive as to whether this will be continued forward for budget planning purposes. Memorandum from the Town Manager as well as forms are contained in the Agenda Packet.

Motion was made by Selectman Joseph Anderson, seconded by Selectman David Archibald, to approve the Health Insurance Opt-Out Program for Fiscal Years 2020-2023 as amended.

Yes 3, No 0.

L. Update on comments received regarding Mill Pond Management Plan.

Memorandum from Town Manager contained in the Agenda Packet.

M. Update on Historical Commission grant proposal for historic property surveys (Phase 2)

This item is informational. Grant Materials and work plan for this project are contained in the Agenda Packet.

N. Page School Generator, confirmation of project completion and generator capacity.

Memorandum from Wayne Amaral, DPW Director regarding which items are covered under the new generator is contained in the Agenda Packet. The Board inquired as to whether this generator would also contain power to the elevator. Angus will seek an update as requested.

O. Follow up meeting assignments

P. Placing items for future agendas

Motion was made by Selectman Joseph Anderson, seconded by Selectman Glenn Kemper to adjourn the meeting at 9:02 p.m.

Yes 3, No 0.

Respectfully submitted, Mary E. DiPinto

Town of West Newbury

Board of Selectmen

Tuesday, February 19, 2019 @ 7PM

381 Main Street, Town Office Building

www.wnewbury.org

Minutes of Meeting – Draft

The Meeting was called to order at 7:20 p.m. by Chairman Glenn Kemper.

Announcements

- This meeting is being broadcast on local cable TV and recorded for rebroadcast on the local cable channels and on the internet.
- Bicentennial Committee:
 - a. Bicentennial Committee is buying a block of tickets for Red Sox Day at Fenway Park (Date TBD). If interested please contact the committee via at wnbirthday@wnewbury.org.
 - b. West Newbury Birthday Party and Birthday cake contest, Feb. 24th 2-6 pm at Pentucket Middle School.
- Volunteer Opportunities are still available. Committee openings online at www.wnewbury.org.
- Pentucket School Building Project – Panel discussion to be held March 11, 2019 at 9:00am at the West Newbury Council on Aging. Flyer contained in the Agenda Packet.
- Selectman Joseph Anderson wished the Town a Happy Birthday – February 18, 1819 the Town was incorporated and is now 200 years old.

Regular Business

- A. Street Opening Permits: 12,14 and 16 Dole Place

Copies of the Street Opening Permits and DPW Director requirements are contained in the Agenda Packet.

Motion was made by Selectman Joseph Anderson, seconded by Selectman David Archibald to approve the Street Opening Permits for 12,14 & 16 Dole Place with the stipulations as outlined in the Permit.

Yes 3, No 0.

- B. Cont'd review of the Open Space and Recreation Plan – Open Space Committee

The Board thanked the Open Space Committee for their work on the 2018 Open Space and Recreation Plan. Copy of letter of thanks is contained in the Agenda Packet.

Motion was made by Selectman Joseph Anderson, seconded by Selectman Kemper to approve the letter of the Open Space and Recreation Plan.

Yes 3, No 0.

- C. Correspondence from Open Space Committee re proposed trail in River's Edge Development

Memorandum from the Open Space Committee is contained in the Agenda Packet. Selectman Glenn Kemper would like to make sure the trail is marked and maintainable.

- D. Update on the Middle/High School Project

Angus Jennings, Town Manager reported that the cost of this project went down from \$155,400,000.00 to \$146,300,000.00. The reduction came about as the Building Committee comprised of members of the communities of Merrimac, Groveland and West Newbury prepared to send the Schematic Design to the Massachusetts School Building Authority. Copies of the proposed Debt Authorization from Bond Counsel, corrective flyer from We Are Pentucket, revised estimates of cost to taxpayers and a slide presentation are contained in the Agenda Packet. Selectman David Archibald noted that the interest rate on the bonds is down from 5% to 3% on the uncallable loan. Discussion took place regarding the athletic fields. Artificial turf and multipurpose fields are being proposed.

- E. Review of proposed revisions to Mill Pond Management Plan as received from Mill Pond Committee, Parks and Recreation Commission, Conservation Commission and Open Space Committee

Angus reported that the Parks and Recreation Commission, Conservation Commission and Open Space Committee have all provided their review of the plan. Angus suggested that the revisions be distributed to all interested parties to verify that all are in agreement with the proposed changes.

Copies of Memorandum from Angus Jennings, Town Manager and redlined revisions are contained in the Agenda Packet.

- F. Discussion of Parks & Recreation Commission request to consider initiating amendment to Pipestave/Mill Pond Conservation Restriction to allow potential dog park

Angus reported that a dog park is considered an active recreation. This would require an amendment to the Conservation Restriction. Angus inquired if there is an interest in pursuing this initiative. He suggested that the Board bring in all interest parties. Greenbelt needs to see a proposal to see exactly what is being asked. Michael McCarron, Town Counsel stated that the Conservation Restriction would need to be amended to include this use. The Board of Selectmen would vote the change and Greenbelt would vote and sign off on it. Memorandum from Town Manager and related emails are contained in the Agenda Packet.

G. Proposed Town Meeting Warrant Articles

Memorandum from Mary Winglass, Executive Administrator containing 30 proposed articles as well as requests from Departments are contained in the Agenda Packet. Angus requested a revision to Article 2 – Revolving Funds. Michael McCarron, Town Counsel stated a Bylaw amendment would be needed to include Mill Pond Revolving Account. Angus also stated that there would need to be a borrowing authorization of item #5, Brake’s Hill Water Tank and Wellfield Improvements and Chemical Building. A draft copy of Bond Counsel language was sent to the Town Moderator for her review. She has expressed concern with the form of the article. Angus has arranged a meeting with Bond Counsel, Michael McCarron, the Town Moderator and himself to clarify the issue. There may be two Articles rather than one for this Article. Angus was asked if there are any Articles that he wished to bring forward to the Board. He stated that there needs to be a place holder Article for the Community Preservation Committee for the Phase II Historical Property Survey. He also stated that in the Mill Pond Management Plan a change to paragraph 16 to language that was believed to be in effect in 2007.

The Articles as presented to the Board do not contain the recurring Articles such as the Traditional instructions to the Water Department.

Motion was made by Selectman David Archibald, seconded by Selectman Joseph Anderson to close the warrant with the understanding that the full warrant is not in front of the Board and that there are recurring Articles not included and the Water Department Articles could be 2 Articles.

Yes 3, No 0.

H. Referral of proposed Zoning Bylaw amendments to Planning Board to revise erosion control performance standards (Sec. 7A. 11 Performance Standards), in compliance with DES (Nonpoint Pollutant Discharge Elimination System) MS4 Phase II stormwater permit

Angus requests that the Board refer this item to the Planning Board for a Hearing for a proposed Amendment to the Site Plan Review Bylaw which will bring it into compliance with the Stormwater General Permit. Article Request Form and correspondence from Horsley Witten Group are contained in the Agenda Packet.

- I. Acceptance of minutes dated November 13, 2018, November 26, 2018, and December 3, 2018

Motion was made by Selectman Joseph Anderson, seconded by Selectman David Archibald to approve the Minutes of Meeting for November 13, 2018 and November 26, 2018.

Yes 3, No 0.

Minutes of December 3, 2018 were tabled.

Town Manager Updates

- J. Town Manager proposed FY'20 Budget, Budget Message and Departmental and Organizational Structure; and Schedule of Finance Committee budget review meetings

The Finance Committee Budget Meeting Schedule and slide presentation of the Town Manager's Budget for FY'20 are contained in the Agenda Packet. Angus reviewed the budget presentation and reviewed the budget direction of the Board. The Board gave direction to seek out the amount of the Whittier Regional Vocational Technical High School Assessment or an estimated date of when the assessment would be known. Angus also reported that the Health Insurance increase was received and the increase was 3.6% which is lower than the anticipated rate of 4.0%. He encouraged the Board to email him should any questions arise about any of the budget material presented.

- K. Correspondence from Dept of Housing & Community Development: Drake's Landing Approval of four (4) affordable ownership homes

Informational Item. Letter from the Department of Housing and Community Development is contained in the Agenda Packet. These units are accepted. The letter states that the Town is responsible for monitoring the units on a yearly basis to certify compliance. Angus suggested that the monitoring be outsourced due to limited staff and complexity of the process.

- L. Correspondence from Personnel Advisory Committee to Dept. Heads and Board/Commission Chairs

Informational Item. Memorandum from Town Manager and letter sent from Personnel Committee are contained in the Agenda Packet.

- M. Follow up meeting assignments

N. Placing items for future agendas

Mary Winglass, Executive Administrator stated that the Bicentennial Committee is waiting until after the Town Meeting to come to the Board regarding ideas and events planned. She also stated that work is progressing on the Memorial Day Parade with emphasis on respect towards veterans.

Motion was made by Selectman Glenn Kemper, seconded by Selectman Joseph Anderson to adjourn the meeting at 9:34 p.m.

Yes 3, No 0.

Respectfully submitted, Mary E. DiPinto

Town of West Newbury

Board of Selectmen

Monday, March 18, 2019 @7pm

381 Main Street, Town Office Building

www.wnewbury.org

Minutes of Meeting – Draft

Motion by Selectman Joseph Anderson, seconded by Selectman Archibald to appoint Selectman David Archibald, Pro-temp. Chairman (Selectman Kemper absent due to illness).

Yes 2, No 0, Absent 1 (Kemper)

The Meeting was called to order at 7:02 pm by Selectman David Archibald.

Announcements

- This meeting is being broadcast on local cable TV and recorded for rebroadcast on the local cable channels and on the internet.
- Public Forums on the Pentucket School Building Project on Saturday, March 30 @1pm and April 9@ 6pm in the West Newbury Town Offices, First Floor Hearing Room.
- NEW Budget Information on the town’s official website <https://www.wnewbury.org/budget-information>.
- West Newbury Fire Company Pancake Breakfast, Sunday March 31st at the Central Fire Station. Cost is free, donations welcome!
- West Newbury Garden Club is sponsoring “Growing West Newbury” symposium on Sunday, March 31st at the Town Hall from 1pm to 5pm as part of the West Newbury Bicentennial celebration.
- Library Trustees invite a resident to be on the search committee for a new Director. If interested, send a letter to the Trustees c/o the library or email garlibrarydirector@gmail.com. Deadline is March 23, 2019.
- Council on Aging Community Shred Day, Saturday April 6th, 9:30am-1:30 pm. Bandstand Parking Lot. (Copy of flyer contained in Agenda Packet).
- Spring Annual Town Meeting, Monday, April 19th at 7pm at the Pentucket High School Auditorium.
- Town Elections – applications for absentee ballots are due by Friday, May 3, 2019 with ballots returned by Monday, May 6, 2019.

Regular Business

A. Special Event Permit Requests

- a. Alzheimer's Association Cycling Fundraiser, Saturday, June 22, 2019
Special Event Application, Certificate of Liability Insurance, Timeline and Overview of event, route maps, start and finish line route are contained in the Agenda Packet.

Sara Trimble, applicant, stated that there are about 500 riders expected for this event.

Selectman Joseph Anderson made a motion, seconded by Selectman David Archibald to approve the Special Event Permit for the Alzheimer's Association on Saturday, June 22, 2019.

Yes 2, No 0, Absent 1 (Kemper)

- b. Walk for Williams, May 19, 2019
Special Event Application, Certificate of Liability Insurance, and course maps are contained in the Agenda Packet.

Victoria Feudo, Applicant stated that this is the 4th year for the awareness walk.

Motion was made by Selectman Joseph Anderson, seconded by Selectman David Archibald to approve the Special Event Permit for Walk for Williams on Sunday, May 19, 2019.

Yes 2, No 0, Absent 1 (Kemper)

- B. Notice to Place Question on Ballot: Referendum question on the ballot for May 6, 2019 Town Election

Town Clerk Michael McCarron stated that this is an override question. This is for a Capitol exclusion and requires a 2/3 vote of the Board to place the question on the ballot.

Copy of Notice to Place Question on Ballot and Sample Article are contained in the Agenda Packet.

Motion was made by Selectman Joseph Anderson, seconded by Selectman David Archibald to approve the placement on the May 6, 2019 ballot.

Yes 2, No 0, Absent 1 (Kemper)

C. Capital Improvements Committee Report and Recommendations

Brad Beaudoin representing the Committee as the Chair could not attend this meeting. Minutes of Meeting containing litmus test on items being considered by the committee, recommendation for appropriation of \$500,00.00 for FY'20 Stabilization fund, stabilization tables for items under consideration as well as FY '20 priorities report are contained in the Agenda Packet. During discussion it was reported that the updated version of the budget for FY'20 contains an appropriation amount of \$500,000.00 as recommended by this Committee.

D. Update on Middle/High School Building Project, recent and upcoming meetings, MSBA process

The Schematic Design was voted and approved by the School Building Committee. The Schematic Design Report was submitted to the Massachusetts School Building Authority on February 20, 2019. It is anticipated that the MSBA will meet on April 10, 2019 and is expected to vote on the project reimbursement. A list of meetings and dates of action to include Public Forums in all 3 member communities as well as Minutes of Meeting for the March 12, 2019 Meeting are contained in the Agenda Packet.

E. Continued review of draft Town Meeting Warrant

Draft Copies of the Special Town Meeting and Annual Town Meeting Warrant Items are contained in the Agenda Packet.

Special Town Meeting – Contains 4 Articles for transfer from the Community Preservation Act, an Article to transfer funds to Police Salaries and Wages, an Article to purchase a new optical scan ballot tabulator and supplies for town and state elections and a transfer to fund the snow and ice deficit.

Annual Town Meeting

Article 7 – Town Counsel Michael McCarron advised that a vote can be amended but not an Article. This Article is for the Water Department Water Tank and Chemical Building.

Article 8 – Authorizes an appropriation or borrowing for the Water Tank and Chemical Building. Discussion took place regarding new debt versus adding.

Article 9 – Pentucket Regional High/Middle School Construction. The draft was changed to reflect revised language. Some portions were redlined.

Article 13 – Stabilization for School related building projects. This item is to be moved after Article 9.

Article 10 – Pension Liability Stabilization – amount revised downward to \$67,000.00 as per Department of Local Services recommendation.

Article 12 – Dunn Property acquisition debt – last payment.

Article 18 – Emergency Action Plan Study for Mill Pond – This must be done by year end.
The Board would like this Article on the Special Warrant.

Article 20 – Increase the senior tax exemption from \$500.00 to \$1,000.00 effective July 1, 2019.

Article 21 – Mill Pond Revolving Fund – reactivating as this has sat idle. Water testing.

Discussion took place regarding the Revolving Funds. Expenditures from these funds must be approved annually. The amounts authorized can be changed during the Fiscal Year.

Article 30 – Erosion Control – EPA – Permit Process rules and regulations.

The final Article is a Citizen Petition. Proponents will make the motion. This would be on the ballot of the next Town Election and would be voted in May, 2020.

F. Continued review of proposed FY'20 Budget

A copy of the Town Manager's FY'20 Budget with Finance Committee recommendations is contained in the Agenda Packet.

At present the figure is \$42,805.00 below the 2% increase as directed by the Board. The budget packet is to be posted on the website. The Planning Board is actively looking at the fee structure. The Board would like to see an Intermunicipal Agreement with Salisbury for weekend Enforcement regarding the Harbormaster. Selectman Archibald stated his displeasure with the increased cost for tree removal. The previous vendor is no longer operating.

G. Options regarding Tenant User Liability Insurance (TULIP) Policy

Proposals on this insurance are contained in the Agenda Packet. Comparative data of the two policies is also provided.

H. Update of Finance Committee budget review process and upcoming meetings

Copies of the Finance Committee Supplemental Backup Materials for Finance Committee Meeting on March 19, 2019 as well as Finance Committee Minutes of March 5, 2019 are contained in the Agenda Packet.

- I. EPA and MassDEP authorized Notice of Intent (NOI) for coverage under the MS4 General Permit expires June 30, 2022.

Informational. Copy of letter received from the DEP contained in the Agenda Packet.

- J. Follow up meeting assignments

- K. Placing Items for future agendas

Meeting with the Town's outside Auditor for the exit meeting for the Fiscal '18 Audit.

Motion was made by Selectman Joseph Anderson, seconded by Selectman David Archibald to adjourn the meeting and reconvene Executive Session at 9:28 p.m.

Respectfully submitted, Mary E. DiPinto



Town of West Newbury
Board of Selectmen
Tuesday, January 19, 2021 @ 7:00pm
381 Main Street, Town Office Building
www.wnewbury.org
MINUTES OF MEETING - DRAFT

Addendum to Meeting Notice regarding Remote Participation

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

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

Zoom Meeting

Phone: (646) 558 8656

Meeting ID: 964 1795 5446

Passcode: 852749

Join at <https://zoom.us/j/96417955446?pwd=cCtBa0tMM3NPNIN1VDRZWUdoVTludz09>

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

The Meeting was called to order at 7:13 p.m. by Chairman David Archibald.

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 above.
- Notice of upcoming programming at the G.A.R. Memorial Library – more details on Town website
- Reminder to subscribe for emailed Town news/announcements at <https://www.wnewbury.org/subscribe>

Regular Business

A. Updates regarding coronavirus pandemic / COVID-19, including approval as vaccination provider and related planning

Angus Jennings, Town Manager reported that the town has received notice of extension regarding the CARES Act to December 31, 2021. On January 6, 2021 the Town was approved by the Commonwealth of Massachusetts as an official provider for COVID vaccination. Paul Sevigny, Health Agent reported that Phase I has begun this past weekend with First Responders being vaccinated at the Newburyport Council on Aging with the regional team. This work is currently ongoing. The Board of Health is taking emails from qualified Phase I residents. A list is being compiled so the Health Agent can make sure that there is enough vaccine on hand. Phase II is a much bigger group of residents. The Council on Aging is conducting a survey with Seniors to identify the need. This phase will be a clinic to be run at either the Annex Building or the Schools. Angus stated that the \$45.00 for administrative fee is up to the Board of

Selectmen as to whether to charge. Where this is being done on a regional basis questions arose as to who benefits from the fee - the host community or the town. Questions also arose regarding the administrative burden this may cause. Paul stated that individual's information is collected in Prep Mod when residents are registered. Paul estimates that Phase II has a timeline of late February to early March. He noted that this timeline is fluid due to availability of vaccine from the Federal Government. Paul was asked if an individual can get their second dose of the vaccine at a different location. He explained that all information regarding a resident is recorded at time of the first vaccine and explained to the person. The one important issue is that the same vaccine be administered. He also explained that Pro Med is a separate team. (Copies of CARES Act extension and information on Vaccine from the Massachusetts Association of Health Boards contained in the Agenda Packet).

B. Request for authorization to apply for Mass Trails grant for proposed Mill Pond All Access Trail – *Open Space Committee*

Patricia Reeser of the Mill Pond Committee informed the Board that this committee wishes to pursue a Mass Trails grant. Copies of the project description are contained in the Agenda Packet. These funds if awarded would be used for planning for the creation of the trail. A Landscape Architect would be hired. The town must provide a matching portion and this committee intends to file an application with the Community Preservation Committee in the amount of \$30,000.00. Discussion took place regarding applying to the CPC for the full \$60,000.00 with a stipulation that application is being made for grant funds. Invoices must be paid and reimbursement is then received from the Commonwealth. Patricia stated that she has requested assistance from Brad Buscher from the Parks and Recreation Committee as he has prior experience with applying for grants. Brad also suggested grant possibilities with the state Executive Office of Energy and Environmental Affairs Parkland Acquisitions and Renovations for Communities (PARC) and Land and Water Conservation Funds. Also assisting is Ryan Goodwin from the Mill Pond Committee. Ryan stated that this would improve accessibility and create a more park style area. Patricia stated that Mill Pond is the most popular recreational area in town. Two proposals would be brought forward for input and ideas. The grant application deadline is February 1.

Motion was made by Selectman David Archibald, seconded by Selectman Richard Parker to support this grant application.

Yes 3, No 0.

C. Meeting with Historical Commission regarding Almshouse Cemetery – *Elisa Grammer, Bob Janes*

Elisa and Bob presented a slideshow containing photos of the condition of the area as well as providing the Board with any information regarding the cemetery. This Commission is seeking the assistance from the Board in a number of areas. Bob stated that they would like to clean the area up. The assistance needed would be having the DPW haul away brush and there are several dead trees in this area. There also needs to be a maintenance plan. Where it is difficult to know exactly where there are graves there needs to be a marker. There should also be a Preservation Restriction as it is not known exactly how many people were buried in this area.

Motion was made by Selectman Glenn Kemper, seconded by Selectman Richard Parker to grant permission to all requests outlined tonight.

Yes 3, No 0.

- D. Approve date/time for 2021 Annual and Town Meeting and spring Special Town Meeting, and establish date for closing of Town Meeting warrants

Angus suggested that the Annual and Special Town Meetings be held on Saturday, May 22, 2021.
Deadline for closing of Warrant for Articles February 12, 2021.
Departments to submit budgets February 10, 2021.
Town Manager to present his budget March 1, 2021.
Finance Committee March and first part of April to review.
Warrant Closing May 7, 2021.

Selectman Kemper suggested deadlines on Articles of February 12 and submission to the Board at the February 22, 2021 meeting to give Angus time to process and submit to the Board for review.

The Board meeting of February 16, 2021 will be rescheduled to February 22, 2021

Motion was made by Selectman David Archibald seconded by Selectman Richard Parker to set May 22, 2021 as the Annual and Special Town Meeting with the time to be determined at a later date.

Yes 3, No 0.

- E. Update regarding FY22 budget schedule

Please see Item D above.

- F. Preliminary update on known/anticipated/potential Town Meeting warrant articles

Angus gave a summary of the known and anticipates warrant articles as follows:

- a.) Pipestave Water Tank interior rehabilitation – to be funded from Water Free Cash
- b.) Utility Revaluation – Assessors
- c.) OPEB Stabilization transfer in
- d.) Pension Stabilization transfer in
- e.) School Stabilization transfer out
- f.) Stormwater Bylaw if completed
- g.) Flood Plain bylaw amendment
- h.) Dog Waste Bylaw
- i.) Essex Agricultural & Technical School shortfall – (\$3,300.00) – Transportation costs were Not contained in the assessment. Selectman Archibald suggested, with all agreed, that this amount should be transferred from the Reserve Fund.
- j.) Intern for Invasive Species
- k.) Free Cash Transfer to offset the Tax Rate
- l.) Funding a study of the Page School for Capital Improvement needs
- m.) Capital Improvement bylaw
- n.) CPC anticipated proposal - Proposed acquisition of Coffin Street parcel – Greenbelt is sponsoring
- o.) CPC anticipated proposal - Phase III Historic Commission Property Survey
- p.) CPC anticipated proposal - Painting of Old Town Hall
- q.) CPC anticipated proposal – Proposed improvement to trail – Sullivan’s Ct Ext – Whetstone Greenway
- r.) CPC anticipated proposal – Mill Pond All Access Trail

Posted Agenda on 1/14/2021 at the Town Offices and the Town’s Official Website www.wnewbury.org

G. Cont'd discussion of resident concern regarding parking on Moulton Street near the reservoir

Discussion took place with Mike Walters regarding parking in this area. Selectman Richard Parker, walked the area and found that suggestions made by Mr. Walters are not viable. He stated that the trail appears to cross through private yards and he had concern with boulders in the road and the potential liability. Police Chief Jeffrey Durand gave his opinion that parking on both sides of this road would not be a good idea. Mr. Walters stated that there are issues of public safety, water quality/water pollution and litter/dog feces. Residents Debbi Deeley Culbertson stated that she has experienced courteous behavior from those using the area. Cathy Madden stated that she appreciates the work being done in an effort to resolve this issue. She stated that she would like to see people using the area clean up after their pets. The issue is taken under advisement as the feeling is that this has occurred due to COVID and that the situation will correct when life goes back to normal and other recreational outlets open.

H. Meeting minutes: December 14, 2020

Motion was made by Selectman David Archibald, seconded by Selectman Glenn Kemper to accept the minutes of meeting of December, 2020 with the following amendment as suggested by Selectman Richard Parker:

Page 72 of Agenda Packet, Item F – After “Invasive Species Management” the last sentence beginning with “Elisa Grammer stated” be inserted; and the sentence beginning with “Another benefit of this item” be placed at the end.

Yes 3, No 0.

Town Manager Updates

I. Middle Street Bridge updates

Angus reported that locally the project goes before the Conservation Commission on January 25, 2021. In Newburyport the project will go before the Conservation Commission on February 2, 2021. Applications for Federal Permits have also been submitted. Copies of documentation are contained in the Agenda Packet.

J. Notification of grant award: ADA self-evaluation and transition plan

Copies of grant award are contained in the Agenda Packet. The Building Inspector is the lead person on this work.

K. Work w Planning Dept/PB re adoption of regulations re inclusionary housing funds

Angus gave a brief update. Copies of information are contained in the Agenda Packet.

L. Updated financial policies: timesheets/payroll (final); others (draft)

This item is informational. Copies of the updated policy are contained in the Agenda Packet.

M. Revisions to job descriptions and FY21 wages: Assessor's Clerk

Angus provided an updated copy of the shared job description for the Assessor's Clerk which is contained in the Agenda Packet. He recommends an increase in pay rate for additional duties.

Motion was made by Selectman Richard Parker, seconded by Selectman Glenn Kemper to increase the hourly rate for the Assessor's Clerk by \$.75 per hour.

Yes 3, No 0.

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

- 1.) Millpond dredging and management
- 2.) MVP working group – Should this be designated as a Committee or continue with Ad Hoc status
- 3.) Pipestave Parking – 2nd meeting in February

Motion was made by Selectman Glenn Kemper, seconded by Selectman Richard Parker to adjourn the meeting at 9:55 p.m.

Yes 3, No 0.

Respectfully submitted, Mary E. DiPinto



**Town of West Newbury
Board of Selectmen
Monday, February 22, 2021
381 Main Street, Town Office Building
www.wnewbury.org**

Minutes of Meeting

Open Session: 7:02 p.m. by remote participation (see below)

Addendum to Meeting Notice regarding Remote Participation

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

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

GoToMeeting

Phone: (646) 558-8656

Access Code: 986-7946-3848

Passcode 927319

Or from computer, tablet, or smartphone:

<https://zoom.us/j/998679463848?pwd=Z1RPO0pFcjI2SFVQRUpUZDdWam4vQT09>

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

The meeting was called to order at 7:02 p.m. by Chairman David Archibald.

Participation at the Meeting:

- ❖ Board of Selectmen: David Archibald, Richard Parker, and Glenn Kemper
- ❖ Town Manager, Angus Jennings
- ❖ Town Clerk/Counsel & Procurement Officer, Michael McCarron
- ❖ Assistant to Town Manager and Finance Department, Jennifer Walsh
- ❖ Stephanie Frontiera
- ❖ Adam Stone
- ❖ Police Chief Jeff Durand
- ❖ Wendy Reed
- ❖ Jen Solis

Announcements:

- Cable Advisory Committee seeks ideas for use of PEG (Public, Education, Government) funds; meeting scheduled for Tuesday, February 23, 2021 at 6:00 p.m.
- Town Election, Monday, May 3rd. Nomination papers available through Town Clerk. Papers with signatures are due back by March 15th.
- Annual & Special Town Meetings: Saturday, May 22, 2021.
- Reminder to subscribe for e-mailed Town news/announcements at <https://wnewbury.org/subscribe>

REGULAR AGENDA

A. Updates Regarding Coronavirus Pandemic/COVID-19, Including Planning Related to Vaccine Clinics:

Chairman Archibald thanked everyone for the helping with the vaccination clinics that have taken place. He also stated that the Commonwealth has decided to deliver vaccines at larger sites that can handle more people, so don't want to start new programs at smaller venues. Suggested calling State Reps and the Governor's office to voice your support for local venues.

Town Manager Jennings updated on this topic. (See Exhibit A, pages 3 through 10 for information) He stated that there's a meeting scheduled tomorrow with the Mayors of Newburyport and Amesbury to see if the 750 doses/day, 5 days/week can be met. He also wanted to remind people to return their surveys from the Council on Aging since if doses are received on short notice, people can be contacted from the database. Selectman Parker also reminded that there's a second dose clinic on March 6th which is still going forward.

B. Request for Appointment of Glenda Cancel as Reserve Police Officer (Chief Durand):

Police Jeff Durand stated that he would like to have Glenda Cancel appointed as a Reserve Police Officer for the Department. (See Exhibit B, page 11 for information) Stated that she currently lives in Dracut with her children and fiancé, works for the Essex County Sheriff's Department as a Corrections Officer currently, been there for 10 years.

She has one well in all steps of the hiring process for West Newbury, passed the background check. She's also bilingual and has a lot of experience dealing with people in difficult situations at the Jail, so she will fit well in Town. Town Manager Jennings stated that the appointment would be through the end of the fiscal year and would reappoint at the end of each fiscal year for the subsequent fiscal year, so even if it's three months, just a procedural issue.

Motion made by Selectman Parker to appoint Glenda Cancel as Reserve Officer for the Police Department from today until June 30, 2021. Seconded by Selectman Kemper.

Yes 3, No 0

C. Review of Proposed Use of Wetlands Fund to Supplement Conservation Commission Operating Budget:

Town Manager Jennings updated on this topic. (See Exhibit C, pages 12 through 18 for information) Gave a background for the request to offset the cost of a Land Agent and withdraw funds from the Wetlands Fund, but that would not be an eligible use of the Wetlands Fund because can only be used for direct responsibilities associated with enforcing the Wetlands Protection Act. Stated that what would be allowable, which is now proposed, is to offset some of the budgeted hours for the agent for his core responsibilities as the Conservation Agent, which would then allow more time to be spent toward the Land Agent responsibilities, payable from the Operating budget.

Chairman Archibald inquired as to what kind of documentation is needed to say they couldn't do certain things because not related to wetlands protection, so how are the hours delineated that are attributable to this fund and how are they cut out. Wendy Reed stated that what is being proposed is that the Trail Agent hours are going to be tracked separately on his time sheet.

Since he has an afternoon job, he's doing all trail work on the weekends, so easy split between time. Also inquired as to how much money is in the fund, and Wendy Reed stated the last time she checked, it was about \$89,000 and gets around \$8,000 per year in revenue. The intent is that at some point, would like to have an administrative position added to the Department since only Department that doesn't have administrative help, so can kind of set the stage for that.

Selectman Kemper stated that he doesn't see any reason why we need to increase hours and doesn't think he should be paid from the fund. Dislikes that we said no and halfway through, try to change it. Would rather have Departments stand alone. Wanted to know what has changed. Thinks it should be voted on at the Town Meeting in the budget for transparency and if hours need to be increased let the Town Meeting make that decision since if it's funded this way, the money dries up and will fall to the taxpayers.

Selectman Parker showed support for the request and explained his reasoning for his support. Chairman Archibald stated that in 2010 during the financial crisis, did fund the Agent's time from this fund. Town Manager Jennings stated that the proposal is to use some of the funds to pay what is currently the Operating budget for the Conservation Agent's responsibilities for wetland, have the effect of freeing up some of that operating budget.

John Dodge stated that a lot of the trail work has to do with wetlands, such as bridges, curbing erosion, and there is a significant wetland component to maintaining the trails, so doesn't think it's that far off what that fund is intended for. Wendy Reed stated that it's intended to be a supplemental measure, a trial run to see if it works out, not etched in stone, but would like to try it for the next six months and then reevaluate. Could request it in the budget but seemed to make more sense with the pressure about the budget this year, to try and not add money to the operating budget.

Motion made by Selectman Parker to allocate sufficient funds from the Wetlands Protection Revolving Fund to support three hours per week of Conservation Commission administrative work. Seconded by Selectman Kemper for discussion.

Selectman Kemper stated that he would go along with the motion as long as it ends on June 30th, and that the Selectmen get a report of how it worked, etc.

Selectman Parker stated that he would sunset the motion at June 30th, 2022, so that get more than a full year operating this way to find out how the trails are stabilized. Further discussion ensued on this before the vote. Town Manager Jennings stated that the timing of this vote is because the Commission is going to be discussing its proposed FY22 budget, so determining whether there's support to use the fund is a key input to the budget, because if no support, the Commission would be proposing the hours in the Operating budget.

Yes 3, No 0

D. Request to Allow the Pentucket Regional School District to Use a Portion of Its ESSER II Grant Allocation to Lower the FY22 Assessments, as Allowed in Governor Baker's House 1 Budget Language:

Town Manager Jennings gave an explanation on this. (See Exhibit D, pages 19 through 21 for information) Stated that it's the CARES Act for schools, the Elementary and Secondary School Emergency Relief Funds. Congress appropriated millions of dollars allocated to school districts across the country, and an allowable use of that fund is for the School Committee to use it to offset the impact on operating budgets. He also explained the impact of the budget.

Motion by Selectman Parker to allow the Pentucket Regional School District to use a portion of its ESSER II Grant Allocation to Lower the FY22 Assessments, as Allowed in Governor Baker's House 1 Budget Language. Seconded by Selectman Kemper.

Yes 3, No 0

E. Discussion of Memorial Day Parage; Review of Parade Guidelines:

Chairman Archibald updated on this topic. (See Exhibit E, pages 22 through 23 for information) Stated want to reinforce the guidelines. Town Manager Jennings stated hasn't been in touch with the Parade Chairperson and has not asked Paul Sevigny about his recommendations for the parade. Explained there may be an unintended consequence of the policy as drafted, i.e., top of page 2 of the policy, "Vehicles must be insured and road safe." Heard there's some concern that the requirement for insurance may require that the vehicle is registered, so what's the concern?

Selectman Kemper stated yes, should get away from the registered and insured and make sure that the Selectman pick a particular route, that can have go-carts, tractors, dragsters and funny cars, and off the roads after the parade, cutting the parade in half by doing so.

Town Counsel McCarron stated not required to be registered, only requirement is that they be insured and road safe and could eliminate by saying that vehicles must be road safe. Explained that road safe means that the parade czar can make a determination that the vehicle is not safe. Further discussion ensued on this topic.

Motion by Selectman Kemper to amend the parade guidelines to delete the words, "insured and," so that it will read, "Vehicles must be road safe." Seconded by Selectman Parker.

Yes 3, No 0

F. Discussion of Facilities Rental Policy and Requests for Red Cross Blood Drives in Calendar Year 2021:

Chairman Archibald updated on this topic. (See Exhibit F, page 24 for information) Stated that the facilities policy that was created allows nonprofits to do up to six events per year, and after that, if they request additional time and space in our facilities, have to come to the BOS. Stated that the Red Cross has already been approved for seven events through June, now requesting six more events through the summer and the fall. Explained that some of the Red Cross affairs are about 12-hour affairs, so eliminates any other group on those days. Does have some costs related to maintaining bathrooms, air conditioning, etc. Stated that the CEO of the Red Cross makes \$694,000/year, so doesn't want to monopolize the annex, asking for twice as much time as anyone else would get. There might be a tremendous backlog from people looking to use the annex when COVID restrictions ease, which are his concerns.

Selectman Kemper inquired as to why they're asking for more, which doesn't seem like the norm every year. Suggested that it be tabled to get a better explanation of why, and might be open to more dates, but can't give blanket approval without a better explanation. Further discussion ensued on this. Town Manager Jennings agreed that this should be tabled. Annie Sterling stated that she knows they've been having difficulty finding large spaces due to COVID, doesn't think would have a problem paying the fees incurred.

Town Manager Jennings asked what questions everyone might want to have answered since Annie Sterling is on the line. Selectman Parker stated that wants to know if this is something that would be a recurring issue in future years or really just a phenomenon for current times due to COVID, and when COVID is over, will they still be coming back here to do blood drives. Selectman Kemper's question would be, wouldn't want to approve a big block at one time because things might change, so maybe say yes to one more rather than a whole block. Chairman Archibald stated that's this opinion, as well.

Town Manager Jennings stated that in connection with a fee waiver, doesn't believe they requested a waiver for the seventh, so tell them that the seventh one on June 29th would be with a fee, and that another one in the summer would also be with a fee since have to clean more than normal due to COVID. Annie Sterling stated that the fee is \$120.

G. Review of Proposed/Potential Town Meeting Warrant Articles:

Town Manager Jennings updated on this topic. (See Exhibit G, pages 25 through 47 for information) Stated doesn't have the list working to put together.

Motion made by Selectman Kemper that the closing of the spring Articles by one meeting so at the next meeting. Seconded by Selectman Parker.

Chairman Archibald stated that the problem with leaving the door open, you get more stuff. Town Manager Jennings stated that unless it's a citizen petition article, the Board doesn't need to put it on the warrant. Stated that Fin Com is not going to schedule their meeting until he proposes his budget.

Yes 3, No 0

Chairman Archibald inquired as to the Wetlands Bylaw, whether it requires a public hearing beforehand? Town Manager Jennings stated that as written, doesn't see that it proposes to add it to the General Bylaws or the Zoning Bylaws. His understanding is that the Commission's intent is that this be part of the Town Bylaws, not the Zoning Bylaws. Town Counsel McCarron stated that no hearing is required to amend a Town Bylaw. Chairman Archibald stated that he has many questions about this. Selectman Kemper suggested that could invite the Commission to attend a hearing hosted by the BOS to come forward and explain to us so that an intelligent decision can be made to put it on the warrant or not. Town Manager Jennings stated that he will invite the Commission to present at the 3/15 meeting.

H. Vote to Close Warrants for Annual and Special Town Meetings to be Held on Saturday, May 22, 2021:

(See Above)

I. Review of Draft Conservation Restriction for Artichoke River Woods Property:

(See Exhibit I, pages 48 through 83 for information) Chairman Archibald stated that he has no comments, have gone over it, very complicated. Selectman Parker stated has discussed it on numerous occasions, has read it through and it's good. Town Counsel and Town Manager Jennings agreed and would recommend approval in its form.

Motion by Selectman Parker to approve the Artichoke River Woods Conservation Restriction as presented. Seconded by Selectman Kemper.

Yes 3, No 0

J. Discussion of Potential FY22 Municipal Vulnerability Program Grants (Rick Parker):

Selectman Parker updated on this topic. (See Exhibit J, pages 84 through 86 for information) Stated this is for the MVP Program, and our first opportunity to be involved in the program through Green Communities. This is a letter of interest, as opposed to a grant application, and by submitting a letter of interest, enables the MVP core team to have a conversation with the state's MVP group to discuss and review the idea that are being considered, which are related to invasives control and potentially applying for grants relative to invasives assessment and control, as well as roadway hazards due to flooding, and specifically, the primary focus would be River Road and the bottom ends of Coffin Street and Cherry Street.

Chairman Archibald stated that the plan was that there was a Warrant Article about having an intern work on the invasives already, so would this be in addition to that? Selectman Parker stated that this would be in addition to this. Stated that certain invasives are already out of control and are various others in Town that have a footprint now, and what needs to be done is arrest them before they're also out of control, i.e., multiflora rose and bittersweet around Town, along with a handful of others, but two are three that are prevalent and creating problems. So, the thought of the Article would be to fund an intern or two for the summer to do some initial assessment on Town-owned properties, but really a broad problem that needs a broad strategy to deal with to try to minimize long-term impact.

Chairman Archibald inquired as to other than the assessment, what would the grant do? Nancy Pau explained that this is exploratory at this point, just putting in a letter of interest, and depending on what the State says will compete well for the grant, they'll put a package together, but right now, the portion that's focused on invasive control and combatting invasives actually has a lot of community education and native gardening and landscaping involved in it.

So, one part of the aspect mentioned is mapping invasives on Town land and getting interns and volunteers out to control it. A large part of it is also educating Town residents mainly through demonstration gardens, and have a very active volunteer group that's 15 and growing, and have identified six gardens in Town that want to create demonstration gardens at, like at Mill Pond and Town Hall, and many other areas, potentially the new high school, so this would provide the plant material, would be a whole suite of presentations and guided walks to educate people about why it's important to have natives and to try to combat invasives.

And the grant is mostly to pay for plant material, printing flyers, speaker fees for people being brought in, already lined up the first speaker, a professor from Delaware that's leading this effort, and a couple groups in Town have already stepped up to pay for his fee. Also want to draw in well-known speakers as well as the people in Town that are also going to be volunteering their time and expertise to join in more people and create more excitement.

**Motion made by Selectman Kemper to submit two letters of interest for both topics.
Seconded by Selectman Parker.**

Yes 3, No 0

K. Soldiers & Sailors Building: Permitting Updates and Design Questions:

Lynne Spencer and Doug Manley join the meeting updating this topic. (See Exhibit K, pages 87 through 89 for information) Town Manager Jennings commented that met last week with the Planning Board and issues came up, so wanted them to meet with the BOS and update as to what has been going on.

Lynne Spencer explained that there are several elements to the plan and wanted to take everyone through what is now being proposed, a slight variation from before. Entrance off the Cottage Advisors Roadway to a parking lot, which has been partially graded up by Cottage Advisors as part of their agreement with the Town. In the parking lot, 8 parking spaces, and are proposing to relocate the handicapped parking space closer to the entrance to the building, from the parking lot with almost a level pitched walkway to the rear door of the building that will become the main entrance to the Soldiers & Sailors Memorial Building.

Also a provision for a walkway that will go around to the front of the building and out to the street with a crosswalk that is also part of the agreement with Cottage Advisors. They envision that roadway being a pedestrian walkway, in contrast to what the BOS might have seen earlier, which was actually a road wide enough for a vehicle to pass on. There was a prior thought by the Director of Public Works that this would be advisable, but in working with Town Manager Jennings and Wayne, decided to make this into a walkway, therefore, less paving, which is desirable here. Also showing a bluestone type of walkway going to the front of the building, which will be a ceremonial entrance, not an accessible entrance, and will be securing a variance for that purpose from the Architectural Access Board, but also an emergency exit from the first floor, so it is certainly functional.

As to the lower portion of the building, working with Paul from the Board of Health advisory, during the planning process, had advised the use of a tight tank in lieu of the conventional septic system, so a tight tank is planned for this location, a 3,500-gallon tank, which has an alarm that goes off when 3/5 of the tank is filled, at 2,300-gallon level, which makes it a good deal in the pumping. Also looking to add to the plan, not currently on the plan, adding additional screen plantings since some plantings done several years ago have not fared well.

Also wanted to point out that the Planning Board, in their advisory role, were cautious about advising safety and the concern for the public on the site, so actually need to add site lighting to this plan. Looking at dark sky type fixtures, one or two in the parking lot, and lighting at the rear entrance as well as the front entrance of the building. What is now a parking area in front of the building will be removed and a lawn will be replanted there, so less paving on the site, more permeability, and more consistency with the proximity to the wetlands area.

With regards to what are now shown as two propane tanks just to the right of the tower, as well as a gas line, because there was the anticipation of having the gas line through the building for the HVAC system, there's a moratorium on installing a gas line for several years, so Denis Hamill has shown through propane tanks that would be temporary tanks for heating purposes. At this point, have not determined a fuel source for this building. Did have an advisory meeting with MassSave on energy and knows there's a strong desire for prudent energy conservation systems for this building, but that's why they are showing a gas line and a gas tank.

Chairman Archibald inquired as to the parking lot, the walkway next to the handicapped space to the building and the grading down from the parking area, how would that work. Lynne explained that it will be more like a bridge, virtually at the same level as the doorway and the parking level and the door threshold align, so looking at filling that.

Doug Manley added that one of the comments received last week from the Planning Board was that the flagstone walkway at the front of the building seemed too rigid to their taste, so might put a curve into that to soften the edges of that. Lynne explained that the concerns were the picturesque front walkway, the size of the tight tank, and the safety and lighting. She stated that the safety area comes out of the Planning Board, but for functionality, it's a very prudent thing to have done.

Chairman Archibald inquired as to whether she had witnessed, when the Public Safety Building was put up, the biggest issue with the building was lighting and was an ongoing problem in the Town for two years with abutters relating to the lighting, so he would say that A, the lighting in the parking lot should be minimized and motion censored on and off since it was an ongoing problem with the light from the Public Safety Building, so don't want to get into the same problem again. Lynne said wants to get into the dark sky fixtures, so with lights down, but will explore the idea of motion sensors.

Town Manager Jennings inquired as to how much of a budget issue are all of these things going to become. Lynne stated that fortunately, the software is something that comes with the lighting fixtures, so can be pretty mean and mean about that, and yes, it is an additional cost that makes sense given the desire to use the building. Selectman Kemper asked with regards to the tight tank, is there any reason for the BOS to pursue the right of way that had acquired to someday have a leaching field out to the right, is this going to preclude that necessity? Lynne stated that

it does preclude that necessity, and from the very beginning, Paul has suggested a tight tank as a practical solution for this site because of the complications on leaching fields and so on.

But also, it's not clear how this building is going to be used. Everyone is aware that there is a desire and hope that it will be used for meetings on the first floor and offices on the second, but due to the size of the building, about 1,000 square feet per floor, so not huge. Further discussion ensued on this topic of the size of the building.

Selectman Parker commented with regards to the State legislation regarding carbon neutrality of buildings by 2050, and in his opinion, should not be putting gas in the building, should be all electric with air source or ground source heat pumps. Lynne stated that she will look at the cost/benefit of the two different fuel sources available. Further discussion ensued regarding a timeline of when this would have to be done and submitted to the Board. Selectman Parker stated that there would probably be grant money available through the Green Communities for this type of project.

Motion made by Selectman Kemper to approve submissions to the Planning Board and Board of Health and Conservation Commission and authorize Town Manager to sign. Seconded by Selectman Parker.

Yes 3, No 0

TOWN MANAGER UPDATES

L. Page School Playground: Draft RFQ and Upcoming Public Forums, 2/24 at 4:00-5:00 p.m. and 3/1 at 10:00-11:00 a.m.:

Town Manager Jennings updated on this topic. (See Exhibit L, pages 90 through 101 for information) Stated Mike and Wayne have been working on the scope. There is going to be an RFQ issued a week from today with a due date of March 22nd, which will allow selection based on qualifications and work with the selected vendor to finalize the design for contracting. Further discussion ensued on this topic.

M. Middle Street Bridge: Permitting and Budgeting:

Town Manager Jennings updated on this. Stated had initial meeting with West Newbury and Newburyport Con Coms, had a joint site visit recently. Something that arose from the Newburyport Con Com is their expectation that there be additional stormwater pretreatment built into the design of the bridge rather than the country drainage which currently is in place.

So, BSC reached out recently saying that would have cost implications including for the design and permitting, so they have asked that both Con Coms continue hearings so they can take additional time. BSC sent Angus and Wayne and John Eric White, City Engineer, a fee proposal of what they feel it's going to cost to build this into the design. Spoke to John Eric last week and neither of them had the time to dig into it in detail, so will talk this week. Have not yet authorized BSC to do the additional work because it's going to cost around \$40,000 in additional engineering work. So, can put this on for a more detailed briefing next meeting.

N. Work with Merrimac on Comparative Wage Study:

Town Manager Jennings stated supplied data to Merrimac for their wage study, just under the wire, which means that when they're done with their study, their consultant is going to provide it to us and provide their backup, all the data from different towns. So, won't cost us anything other than the time it took to put together the data, which will give some good data on how our wages in various departments stack up within the region.

O. CARES Act Reconciliation Report Due February 26th:

Town Manager Jennings updated on this topic. (See Exhibit O, page 102 for information) Continue to be chasing our own tail with the CARES Act, if not reporting on estimated and projected expenses, reporting on quarterly reports and how have actually spent the money, so it's a non-stop cycle of reporting before you even get into FEMA. So, at the time the agenda was posted on Thursday, believed that the reconciliation report, which is going to be a huge amount of work for his office, was going to be due this coming Friday, but fortunately, they postponed that until later in the spring. He, Stephanie, and Jenny had a great meeting and have a good handle on our next quarterly report, which is due a week from Friday.

P. Updates on Other Active Projects:

Town Manager Jennings updated on this topic. (See Exhibit P, pages 103 through 117 for information) Signed the contract for the ADA transition plan. Sam Joslin is heading that up, already had the kickoff meeting with the vendor last week and has sent out correspondence to different facility owners and moving ahead with that. Further discussion was held on this topic.

Moving towards contracts for the HVAC system control upgrade, included some draft contracts, but not there yet, but Mike has a call with the vendor tomorrow.

Q. Follow-Up Meeting Assignments and Placing Items for Future Agendas:

Selectman Parker stated that on an e-mail from Mass DOER a couple weeks ago, there's a program supported by Mass DEP, Department of Environmental Protection, for fast DC chargers. What's already in at the Page School and soon be completed in the 1910 Building is a level 2 charger that charges at 220 volts, same s comes into your house. Fast DC chargers are able to charge full electric vehicles much more rapidly.

So, Mass DEP has a program offering municipalities for public available government-owned properties up to \$50,000 to install a charger. Not saying something we should do, but something that should apply for. Probably will not qualify at this point in time because looking primarily at transportation corridors. Not sure that our site would be capable of supporting it, even though a new transformer is being put in, but at the next meeting hopes to have more information and can be discussed.

Selectman Kemper proposed adding that local people get a hard look for Town contracts before sending them out, i.e., plowing, construction, etc. Can't do for more money but should consider Town people before non-town people.

Motion was made by Selectman Kemper to adjourn the meeting at 9:32 p.m. Seconded by Selectman Parker.

Yes 3, No 0

Respectfully submitted,

Susan M. Lobie, Certified Electronic Transcriptionist
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**Town of West Newbury
Board of Selectmen
Monday, March 1, 2021
381 Main Street, Town Office Building
www.wnewbury.org**

Minutes of Meeting

Open Session: 7:05 p.m. by remote participation (see below)

Addendum to Meeting Notice regarding Remote Participation

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

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

GoToMeeting

Phone: (646) 558-8656

Access Code: 960-1795-2702

Passcode 798275

Or from computer, tablet, or smartphone:

<https://zoom.us/j/96017952702?pwd=SFc1YUNXVDI3eEFZN1V6SElCcjhEUT09>

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

The meeting was called to order at 7:05 p.m. by Chairman David Archibald.

Participation at the Meeting:

- ❖ Board of Selectmen: David Archibald, Richard Parker (Glenn Kemper not in attendance)
- ❖ Town Manager, Angus Jennings
- ❖ Town Clerk/Counsel & Procurement Officer, Michael McCarron
- ❖ Assistant to Town Manager and Finance Department, Jennifer Walsh
- ❖ Stephanie Frontieri
- ❖ Adam Stone
- ❖ Lori Boudrow/Kathy Mandeville, Garden Club
- ❖ Wayne Amaral, DPW Director

Announcements:

- Reminder to Boards/Commissions/Committees and Town employees to complete required MA State Ethics Commission conflict of interest law online training program which is done every two years.
- Town Election, Monday, May 3rd. Nomination papers available through Town Clerk. Papers with signatures are due back by March 15th.
- Annual & Special Town Meetings: Saturday, May 22, 2021.
- Reminder to subscribe for e-mailed Town news/announcements at <https://wnewbury.org/subscribe>

REGULAR AGENDA

A. Updates Regarding Coronavirus Pandemic/COVID-19, Including Planning Related to Vaccine Clinics and Work Toward Establishing Regional Memorandum of Agreement Among Participating Communities:

Chairman Archibald updated on this topic. (See Exhibit A, pages 2 through 3 for information) Stated that Towns got together and put together clinics that happened, but the Governor has put the brakes on the smaller regional vaccine centers, feeling that the larger ones are more efficient, and more people are getting done using that rather than the smaller ones. Pushback from the communities, so hoping things will change soon.

Town Manager Jennings stated that the regional coalition is continuing to actively collaborate. Had a remote meeting last Tuesday attended by the Mayors of Newburyport and Amesbury and representatives of the Health & Finance Administration and Emergency Management from the non-participating towns. Hopeful that they can go back to the state and get approval to receive vaccine as a region. Discussed that the Governor had set a goal of being able to vaccinate 750 people/day for five days. Asked if they could hit that overall aggregate target per week, but do it in two days instead of five with more vaccines per day, if the state could accommodate that, feel comfortable they could do that with availability of facilities and volunteers. Another meeting this Thursday.

Second major item is the need to have some kind of a written agreement among the participating communities to address reimbursement of eligible costs, because even if it's administered on a regional basis, if it's given to a specific community and is under their umbrella, that community might be the only ones eligible to seek reimbursement of costs from FEMA, so need to make sure costs can be submitted to the community hosting the clinic and be reimbursed for those costs.

B. Consider Proclamation to Designate the First Monday in March as COVID-19 Memorial Day in Remembrance of Those Who Have Lost Their Lives and in Honor of Those Who Suffer Impacts From This Virus:

Chairman Archibald updated on this topic. (See Exhibit B, pages 4 through 6 for information)

C. Request For Permission to Install Plant Sale Banner on Training Field from May 1-15, 2021 (West Newbury Garden Club):

Chairman Archibald updated on this topic. (See Exhibit C, page 7 for information) Stated that there's a historical precedent that the Garden Club has been allowed to use the area around the training field for the plant sale, and in order to publicize that in the area of where the plant sale will be, grandfather in the permission to allow that sign. Stated that Selectman Kemper doesn't like that is done, feels that we're making an exception and knows he wouldn't support this.

Motion made by Selectman Parker that approval is granted to hang the West Newbury Garden Club Plant Sale banner for the period of Saturday, May 1 through Saturday, May 15. Seconded by Chairman Archibald.

Yes 2, No 0, 1 (not in attendance)

D. Notification of Vacancy on ZBA Due to Recent Resignation of Judith Gregg, With Thanks for Her Service:

Chairman Archibald updated on this topic. (See Exhibit D, page 8 for information) Stated Judith Gregg is moving out of town. Board has a lot of duties but happen sporadically, sometimes a lot and sometimes very little, but the Board has significant decisions to make, so if someone would like to make a contribution to the Town, recommends applying for the position. Contact the Town Manager's Office to do so.

Selectman Parker stated that the composition of the Board beyond on the full members has two associate members and perhaps one of them would like to step up. Town Manager Jennings stated that one person that was an associate was not available to become a full Board member but would check to see if there is a second associate and if they are interested. Now leaves us down one full member and one associate member.

E. Request for Authorization to Apply for Shared Streets Grant to Support Installation of Pedestrian-Activated Signals for Crosswalk on Main Street (Route 113) Near Middle/High School (Wayne Amaral):

This topic updated by Wayne Amaral, DPW Director. (See Exhibit E, pages 9 through 13 for information) Stated that this is a fast-track grant that the state sponsored due to COVID-19 to get people safer to walk around and be outside. This grant ends on Friday, this is the final fourth round. It's a grant to encourage walking, make walking safer, decrease transportation. Did have a conversation with MassDOT and a letter was sent, spoke about the two potential locations that have concerns about crossings. Since it's a fast track grant, has to be built by the end of May, so gives 90 days to build right now, so thought that the high school/middle school is pretty straightforward, looking at a couple of flashers there that you press to activate to cross the roadway, where at the Page School, the state was very hesitant about doing anything there without looking at sidewalk installations, roadway realignments, narrowing the roadway, improved striping, improved lighting, so that location would have to be engineered, would take up the 90 days to engineer the location just to build it, where the high school/middle school could engineer in a week and have it built within the 90 days. Should know soon about if the grant is received. Further discussion and questions continued on this topic.

Motion made by Chairman Archibald to approve the application for the Shared Streets grant. Seconded by Selectman Parker.

Yes 2, No 0, 1 (not in attendance)

F. Discussion of Potential Change Order for Middle Street Bridge Design and Permitting Updates:

Town Manager Jennings updated on this topic. (See Exhibit F, pages 14 through 18 for information) Stated that the bridge is currently before the Con Coms in both Newburyport and West Newbury, hearings opened and were continued to a second session. BSC, our engineer, had requested a continuance beyond the scheduled dates to allow them more time to deal with some of the issues that came up. The main question before us now is to do with how stormwater is being handled, and right now, its country drainage, which is a sheet row off the side of the road into the gully and eventually gets back down to the water source. Question was raised at the hearings about whether there should be pre-treatment of the stormwater runoff, so BSC sent proposed change order which would have involved expanding the geographic scope of the project to install curbing along lengths of road leading up to the bridge and to channel that stormwater runoff into the catch basins which would then go through storm receptor stormwater quality structures.

Had a remote meeting on Friday with representatives of the City, he and Wayne, with BSC, and in the course of talking things through, felt that a way to address the question without expanding the geographic scope of the project and without taking on the potential very costly change order would be instead to put some stormwater quality treatment receptor units where the catch basins would go, so there would be some treatment of the runoff that gets into those, but not recommending that we propose expanding the scope of the project to include curbing to channel more of the stormwater into the storm receptors.

So, since the BOS are the applicants, any change order as has been proposed would be brought to the Board to make sure that whatever design direction is made when BSC appears before the Con Com in their behalf, that they're confident that any change that's made is based on the BOS direction as the client. Further discussion and questions continued on this topic.

G. Consider Proposed Amendment to Memorial Day Parade Guidelines:

Town Manager Jennings updated on this topic. (See Exhibit G, pages 19 through 20 for information) Stated that this topic was put on in error since this was voted at the last meeting. Passed over without comment.

H. Review of Proposed/Potential Town Meeting Warrant Articles:

Chairman Archibald commented that should discuss anything that everyone feels shouldn't make the cut so that don't waste Fin Com's time on an article that don't want to move forward, but also didn't have any that he felt didn't deserve be evaluated. Selectman Parker agreed that there wasn't anything that he would feel doesn't belong and shouldn't be considered. Stated that last year, had to cut a lot of articles because of the concern of having Town Meeting outside, and even though the last two outside meetings were successful, still have to keep that in mind as a concern that the weather could prove to not work in our favor.

Chairman Archibald inquired as to the proposed wetlands bylaws, as to whether Town Manager Jennings broached the idea with the Conservation Commission of having some type of public meeting where this could be discussed. Town Manager Jennings stated that he did, that when the Board took this up last week, had suggested March 15th as the date, so reached out to Don, Judy, and Bert. Knows the 15th is normally their regular meeting date, so didn't know if that date would work if this was put first on the agenda. Also floated the idea of whether could potentially start the BOS meeting 15 minutes earlier so whoever was part of the presentation from the Commission could still have time before their meeting started. Sent a note, not confirmed yet.

Town Manager Jennings also stated that he had put on the idea of potentially creating a new revolving fund to address revenue and expenses for electric vehicles. There is a second similar article that he would recommend, not on that topic, but on the topic of solid waste, which is something that came up last year right around this time because if we switch to this new contract with hauling with the barrels, would be some monies that would be coming and going both for if people want extra barrels, would pay extra money to the Town, but the Town would then pay the vendor, so it would be like a revolving fund, and also, pickup of bulk waste items would now require a sticker, so would need to be some accounting mechanism to handle that extra money from customers and payment to the vendor.

Spoke to Stephanie about this and does think that if the Board of Health is going to go with this change to the automated pickup for next year, would want to have a revolving fund, which would be basically along the lines of what he had written up for #27 on the list of Annual Town Meeting Articles, would be a similar article to create a solid waste hauling and recycling revolving account along those lines. Further discussion and questions continued on this topic.

Further discussion continued on Annual Town Meeting Articles. Town Counsel McCarron stated that with regards to Article 1, Town Election, if want to put the Annual Town Election on the Annual Town Meeting, means a warrant will have to be posted by April 16th for both but could have two warrants, which means that you could post one for just the election and have one just for the Annual and Special Town Meetings, and that way they wouldn't have to be posted until May 8th or so. Further discussion continued on this topic.

With regards to Article 6, Town Manager Jennings stated that the Water Commissioners have discussed this proposal. He also stated that with #17, Pipestave water tank, as a matter of custom, should this one go under the Water Enterprise Fund's heading, and also wants to clarify that while he wrote "water stabilization," in fact, the proposal is that water is clear, looking to use water free cash for that. Have a million dollars of free cash and looking to put half, \$500,000, into water stabilization to draw down \$270,000 for Pipestave and still leave a healthy balance in water free cash.

With regards to Article 7, Chairman Archibald inquired as to whether get an annual report from the Essex pension system on how they're doing. Town Manager Jennings stated doesn't ring a bell, but he's sure they must issue one, so can track it down. Also stated that the number that he came up with is roughly 10% of what our FY22 pension cost is going to be, which is what the DOR recommends be put into the Pension Liability Stabilization annually. Chairman Archibald stated that's a number he would agree to, but this is a voluntary thing, going above and beyond to contribute more to the pension liability than is required by the state, which is good for our bond rating and the long-term fiscal health of the Town, but if in a situation where the budget is extremely tight, may have to cut that, and same with OPEB (Other Post-Employment Benefits).

With regards to Article 9, Chairman Archibald stated that he is comfortable with that figure. Further discussion and questions continued on this topic. Town Manager Jennings stated that with regards to the \$328,600 that was voted to be transferred out of Stabilization, \$89,000 was transferred, but leaves another \$240,000 that has not been transferred. Spoke with Katelyn, and agree it makes sense to leave it there until June and to transfer out towards the end of the fiscal year, because will still show up in the fiscal year-end as having been transferred out properly but will sit in the account for several months and gain more investment income.

With regards to Article 11, Town Manager Jennings stated that the Community Preservation Committee was aware that our intent was to propose \$600,000 for the Middle Street Bridge since that hasn't been accounted for over the years in the capital program, kind of understood that isn't built into the assumptions of why they put certain amounts in over the years. Since \$600,000 was the baseline, the Capital Committee recommended adding \$100,00 to that. Also stated that he has included in the draft operating budget \$500,000, so if that went forward, would be a total of \$1.2 million going into stabilization; \$500,000 would be from raise and appropriate because in the operating budget, and \$700,000 would be a free cash transfer. Further discussion and questions continued on this topic.

With regards to Article 13, Town Manager Jennings stated that the \$25,000 was recommended by the CPC with the expectation that would get a grant for half of that amount as we have in the first few rounds, so the net expense would be \$12,500, but have to appropriate the full amount in case don't get the grant.

With regards to Article 14, Chairman Archibald stated that the trail has not been evaluated and approved yet. Town Manager Jennings stated that it's been started, but one of the big questions that came up was, if they don't get the other grant that they went after and only got the CPC funding for \$30,000 and not having the full \$60,000, what could get done with the \$30,000, and that's basically what the proponents are going to present at the next CPC meeting and then CPC can decide if they want to fund it based on what they would get if it's not matched by a grant.

With regards to Article 15, Chairman Archibald stated that he did some research on this and feels the numbers are important and explained his research on this and stated if the Town purchased 30 acres, that's 37% of the total acreage of the property. Looked up what are land-locked pieces of property, how are they appraised versus other pieces of property of a similar nature, and the consensus was that land-locked acreage would go anywhere between 20% and 30% of a similar property that had frontage and good accessibility.

So, if the Coffin Street property was purchased as an example for \$875,000, multiply by the percentage of those acres that the Town would acquire, 30 acres, 37% of the total acreage, multiply \$875,000 by 30% and then again by the reduction in value because it's land-locked, if it's 20%, it's \$65,000; if it's 30%, it's \$97,000, which is considerably less than what's being requested. On top of that, the land that the Town would be getting, besides it being land-locked, is also the least desirable of the acreage and the Town can't pay more than the appraised value of the property. So, if Greenbelt gets an appraisal of the property, but they want to buy the property and get the permanent conservation restriction on the other acreage, so are we getting an appraisal from somebody that wants to purchase it versus that we're going to be putting in more money than Greenbelt into the purchase and the amount of money being requested here is dramatically more than what it might be worth. Selectman Parker stated he also agreed with that. Further discussion and questions continued on this topic.

With regards to Article 16, Town Manager Jennings explained that when the Soldiers & Sailors Building was approved in 2019, it included authorization to borrow up to \$1.25 million for the restoration of the building. At this point, in the funding the design phase out of the \$250,000 that was part of the article not borrowed, but in the event that we go out to bid and get responses that are within budget, the Town has the authorization to borrow to fund that project, so this Article would be a standing article for basically each of the next 20 years to authorize the payment of approximately one year of the debt service associated with that borrowing. Not sure today if we're going to be in a position to go out for financing next year, but that's the goal, and if we do go out to bid, this would allow us to borrow the needed money to sign a construction contract, but as of today, have not incurred any debt service for that.

Discussion with regards to Article 18 was commenced. Town Counsel McCarron stated that if there was a motion to take it out of the stabilization fund, would need 2/3 vote at the Annual Town Meeting. Further discussion and questions continued on this topic.

With regards to Article 20, with regards to the \$500,000 for the tanker truck, will also see in the next year or two another \$500,000 as a pumper truck, so has been discussion with Chief Dwyer that there is a single vehicle that's around \$700,000 to \$800,000 that could serve as both trucks. Would be a bigger hit in the near term, but in the long term, would mean one larger vehicle instead of two. Board of Fire Engineers posted a meeting for tonight and will review that to see if they're agreeable to that, and if there are, there's a scenario where we'd go back to CIC and say to either propose to increase the amount for next year or to table it till next year and propose the larger more expensive vehicle next year. Selectman Parker suggested that the Board of Fire Engineers needs to come to a consensus on whether or not one pumper tanker is adequate for the needs of the Town because so much of the Town is not covered by hydrants and in the case of much of the town, water has to be trucked into the site.

With regards to Article 22, Chairman Archibald inquired as to how would find people if this gets approved. Selectman Parker stated that this came up recently in a conversation with one of the people who proposed it, and there is concern that the goal was to do it this summer, but the timing of Town Meeting being when it is, that will not be able to advertise in time, so Nancy thinks might be able to hire people on weekends in the fall, which is a good time also, or stretching it out to next summer. Town Counsel McCarron stated that if it's on the Annual Town Meeting warrant, wouldn't be available until July 1st anyway, so if want it to be available right away, should be on the Special Town Meeting articles. Further discussion and questions continued on this topic.

With regards to Article 23, Town Manager Jennings's recommendation is to leave it on as a placeholder and once we're further along with the budget process, can give an estimate of how that would affect the tax rate and can decide at that point whether want to fill in a number on that or leave it off the warrant altogether, but leaving it on right now as a placeholder is a smart move at this point.

With regards to Article 24, Town Manager Jennings stated that it was voted by Town Meeting to accept Cortland Lane as a public way, there's a street acceptance plan on file, but for reasons not totally clear on, that was never brought to record or recorded at the Registry, and the deed that conveyed the land, a confirmatory deed on file, the original from 2010, was never recorded, so legally, that's still not officially public, can no longer rely on the 2006 Town Meeting vote. It's not valid, and once it's voted, you have to record the acceptance within 120 days. Outside counsel advice after reviewing all materials was that a new vote of Town Meeting needed.

May be able to rely on the old deed, but not sure so may need a new conveyance, as well. Nothing on file that it was ever conveyed from the Homeowner's Association. Further discussion and questions continued on this topic.

With regards to Article 25, Chairman Archibald stated that in addition to him being displeased about this, another complaint came in today. Asked Town Counsel McCarron how much have to flesh this out ahead of time before it gets passed or just need the authorization to do so. Town Counsel McCarron stated that have to vote on the actual wording of the bylaw, that the Town will vote this bylaw. Can be just a general article to say what intend to present, but the motion must be the actual wording. If it included fines, would need the exact amount. Further discussion and questions continued on this topic.

With regards to Article 26, Chairman Archibald inquired as to whether have to state specifically or is this enough. Town Counsel McCarron stated that all have to do is accept the provisions of the Act. Town Manager Jennings stated that talked about this a couple weeks ago, so thinks this will be a good housekeeping one, but need to make clear that nobody is getting any unfair treatment, they're paying full taxes, but the Town is agreeing not to foreclose on them while they make payments. Further discussion and questions continued on this topic.

With regards to Article 27, Town Manager Jennings again suggested should have a revolving fund for the extra waste barrels and bulky waste item stickers. Selectman Parker suggested making sure that in the future, make sure it wouldn't preclude using the same revolving fund for containers for food waste compost containers. Town Counsel McCarron suggested that these new expenditures be included in Article 28.

Town Manager Jennings stated that Article 15, the citizen petition, on the Special Town Meeting Articles should be added to the Annual Town Meeting due to number of signatures needed is enough to get you on the Annual but not on the Special. Further discussion and questions continued on this topic.

With regards to the Special Town Meeting Warrants, Chairman Archibald inquired as to whether this was additional expense not covered by the previous funding. Selectman Parker explained that when the original costing was done, it wasn't understood that the work was going to have to take place outside of normal business hours because of school, so the cost was higher than projected for moving master panel. Further discussion and questions continued on this topic.

With regards to Article 4, Selectman Parker stated that when the extension was done, the developer was going to be building a connecting path to River Meadow but was only funded with \$10,000. There was reference to it being ADA compliant, but it wasn't clear, so additional funding is needed. Chairman Archibald commented that he feels it seems to be an excessively high amount. Further discussion and questions continued on this topic.

With regards to Article 6, Town Manager Jennings stated the amount is the transportation costs associated with two students who attend there, for budgeting process, were given a per pupil number and didn't say it doesn't include transport, so when received the invoice, it was a larger amount than anticipated.

With regards to Article 9, Chairman Archibald inquired how would have a number for that. Town Manager Jennings stated has been working with Paul, don't have a number, but hoping to come up with a number on a per clinic basis, how much was expended. Expects would eventually be reimbursable but could take time with the FEMA process and having to go through another town's FEMA reimbursement, so want to have an account to charge to in the near term because right now, have overspent the public health line item for the year and continuing to incur costs, so recommended to Paul to seek a reserve fund transfer. Hasn't yet done that, but in the meantime, running a deficit in certain lines of the budget. Further discussion and questions continued on this topic.

With regards to Article 10, Town Manager Jennings stated a good part of this will have to do with union contracts that there's a good chance won't be settled by the time of Town Meeting.

With regards to Article 12, Chairman Archibald inquired as to whether this is something have to do ASAP. Town Manager Jennings stated has been working in hopes of having a stormwater bylaw to bring forward this spring, have had a couple meetings of the stormwater working group and Leah put in effort with support of the Board, but felt that the specifics of our situation are complicated, don't want to layer a bylaw on top of existing bylaws and subdivision regulations because if we're not clear in the regulation, then those who are regulated, the developers, won't be clear and could be a mess, and if have overlapping language in different bylaws and policies that aren't consistent, could create a real headache and should be woven in more carefully. One of the biggest continuing concerns that has stalled this is who is going to do the work and depending on whether this applies town-wide or only within the regulated stormwater area, MS-4 area, affects how many potential permits may need to be issued in any given year, but then who is going to issue the permits, i.e., planning, conservation, health, or at a staff level. Will need to have public hearing, issue abutter notices, make decisions, manage third party reviews or consultant reviews, so adds an amount of work that no one has been volunteering.

And under our current MS-4 permit, we're required to have a bylaw in place by the end of this fiscal year and have known for a couple of years that's the case, but would rather get dinged in our Annual Report with not having it than to do something that's not ready, but felt have taken it as far as can go with existing staff capacity since someone has to take the time to see how this works with our existing by laws and regulations and don't have anybody on staff which has the time and expertise to do that, so the idea would be to work toward a bylaw for the Fall Town Meeting. Further discussion and questions continued on this topic.

With regards to Article 14, Chairman Archibald stated want to get an outside consultant to help analyze and conduct an evaluation of properties own by public utilities such as National Grid in order to increase their assessment which would then allow us to recoup the money spent from the consultant to get increased tax money. Inquired as to why this is happening right now. Have there been rulings that new evaluations of utilities are allowable? Town Manager Jennings stated that this is relatively recent, thinks it could have been done as long as to years ago, but relatively recent that this came an allowable methodology to value the utility assets. Selectman Parker stated that he believes that currently the taxable value is based on fully depreciated value of the utility asset and the new value would somehow tie with the income produced by the asset.

With regards to Article 15, already been discussed due to citizen petition and should be moved to the Annual Town Meeting Warrant.

I. Vote to Close Warrants for Annual and Special Town Meetings to be Held on Saturday, May 22, 2021:

(Passed Over)

J. Presentation of Draft FY22 Budget Sections and Update regarding Sections Still Underway (Angus Jennings):

(Passed over) (See Exhibit J, page 21 for information)

TOWN MANAGER UPDATES

K. Review of Changes to Job Descriptions for Assistant Town Clerk and Assistant to Town Manager and Finance Department:

Town Manager Jennings updated on this topic. (See Exhibit K, pages 22 through 30 for information) Stated that the job descriptions aren't before the BOS for approval so much as just disclosure and transparency. Since Diane is retiring, looking to increase the budgeted hours for the Assistant Town Clerk position from 16 to a higher number, closer to full-time hours to give his office more support and transfer some responsibilities from the Town Manager's office. Chairman Archibald and Selectman Parker stated that they are fine with the Assistant Town Clerk being posted at the increased hours.

L. Updates From Recent Meetings of School Building Committee, Capital Improvements Committee, Community Preservation Committee, and Parks & Rec Commission:

Town Manager Jennings updated on this topic. (See Exhibit L, pages 31 through 66 for information) Stated Parks & Rec had a meeting this last Thursday evening and have another meeting this Wednesday but going forward with trying to establish a more clear and transparent process to assign fees for use of Town fields by known Town groups. Feels it was a productive meeting, sent notice to various user groups, had a number of people participate, and the feedback was generally pretty positive, even though in some instances fees would increase from what they had been traditionally but the way the Chair set it out, it was really transparent and everyone understands that a large part of what's driving the need for more revenues is the port-a-potty costs and people on the call tended to agree that was a really necessary of service and there was no one saying shouldn't have those, but all comes down to what's the right balance between taxpayer funded budget and other revenues that come from user groups, so the purpose of this Wednesday's Parks & Rec meeting is for them to formalize their operating budget requests for next year based on what they anticipate generating for non-tax revenues.

With regards to the Community Preservation Committee, already spoke to that earlier in terms of the projects they recommended, so of the five proposed, they've recommended three and are continuing consideration of two others.

M. Update on Review of Mill Pond Dredging History and Previous O&M Recommendations:

DPW Director Amaral updated on this topic. (See Exhibit M, page 67 for information) Stated read both studies. Cited as recommendations, not as MassDEP requirements, but not mandated that anything be done. Selectman Parker suggested that keep tabs on changes. Further discussion and questions continued on this topic.

N. Updates on Other Active Projects:

(Passed Over)

O. Follow-Up Meeting Assignments and Placing Items for Future Agendas:

Chairman Archibald stated that with regards to the rental of the Children's Castle, asked where we stand on request for proposals. Town Manager Jennings stated that an RFQ was issued a few weeks ago and have already had one response come back. Have it penciled in for the March 15th agenda for the BOS to review any proposals received. Deadline is March 12th. Town Counsel McCarron stated that the lease terms are already set, just need to pick the person. Stated that the selection committee will make a recommendation to the BOS and can be voted on.

Motion was made by Chairman Archibald to adjourn the meeting at 10:00 p.m. Seconded by Selectman Parker.

Yes 2, No 0, 1 (not in attendance)

Respectfully submitted,

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



Town of West Newbury

381 Main Street

West Newbury, Massachusetts 01985

Angus Jennings, Town Manager

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

townmanager@wnewbury.org

TO: Board of Selectmen
 FROM: Angus Jennings, Town Manager
 DATE: March 25, 2021
 RE: Updates re budget process

At their meeting on March 24th, the Finance Committee favorably recommended the following sections of the FY22 operating budget as proposed:

- DPW
- Town Clerk/Town Counsel
- Board of Registrars/Elections
- Finance Committee
- Town Manager
- Finance Department
- Selectmen
- Special Counsel
- Medicare (FICA)
- Essex County Retirement
- Health Insurance
- Insurance and Bonds
- Debt Service

Upcoming Finance Committee meetings will take place next Thursday, April 1 and the following Monday, April 5. Both meetings will probably begin at 6pm but this isn't certain, it may be 7pm. Another FinCom meeting is likely to take place on Tuesday, April 13th although this date is not yet final.

The proposed FY22 budget was included in the prior (March 15th) BOS packet, and is posted online at: <https://www.wnewbury.org/budget-information>

Town Manager

From: Lynne Spencer [REDACTED]
Sent: Friday, March 19, 2021 12:49 PM
To: Rick Parker; Town Manager; DPW Director
Cc: Doug Manley; Michael McCarron
Subject: RE: Soldiers and Sailors Memorial - condensers etc.

All very helpful.

Glad to be on this team!

Lynne

Lynne Spencer
Principal

Spencer, Sullivan & Vogt

ARCHITECTURE ▪ PRESERVATION

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From: Rick Parker <rparker@wnewbury.org>
Sent: Friday, March 19, 2021 11:13 AM
To: Town Manager <townmanager@wnewbury.org>; DPW Director <dpwdirector@wnewbury.org>
Cc: Doug Manley [REDACTED]; Michael McCarron <mmccarron@wnewbury.org>; Lynne Spencer [REDACTED]
Subject: RE: Soldiers and Sailors Memorial - condensers etc.

All sounds good to me.

I spoke with Ray Cook, PB Chairperson, and he understands and shares the goal of closing the Site Plan Review Public Hearing at the next session. I explained that a decision had been made to use air source heat pumps for heating/cooling and that the outdoor equipment and appropriate visual/sound screening will be shown on revised drawings along with estimated operating sound levels.

I took a look at the existing plantings on the west side of the building, which include three very healthy looking ~8'+ tall arbor vitae trees. I have no idea how long ago the trees were planted, but there was no sign of deer browse (i.e. the tender leaf tips were all intact) and my guess is that there isn't enough deer activity in that area to create a problem. This is not to deny the artistic ability of deer in turning ordinary arbor vitae into topiary 😊 - it does happen elsewhere in town. Ray understands and plans to take a look for himself.

Notwithstanding the apparent aversion by one PB member to mention of the realities of pumping a (tight) septic tank, based on my personal experience with having my own home tank pumped once every handful of years, a convenient water hose is necessary to allow the pump truck operator to rinse (the really foul) waste off the pumping hose before dragging it back across the lawn and parking lot to restow in the truck.

rick

From: Town Manager <townmanager@wnewbury.org>

Sent: Friday, March 19, 2021 9:35 AM

To: DPW Director <dpwdirector@wnewbury.org>

Cc: Doug Manley [REDACTED]; Michael McCarron <mmccarron@wnewbury.org>; Rick Parker <rparker@wnewbury.org>; Lynne Spencer [REDACTED]

Subject: Re: Soldiers and Sailors Memorial - condensers etc.

I'm in agreement with Wayne's suggestions. Looks great, thanks

Angus Jennings, Town Manager

Town of West Newbury

Town Office Building

[381 Main Street](#)

[West Newbury, MA 01985](#)

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townmanager@wnewbury.org

On Mar 19, 2021, at 8:34 AM, DPW Director <dpwdirector@wnewbury.org> wrote:

Doug,

Looks great to me. May I suggest 30" space instead of 8" and 12" around the equipment. It will make maintenance access easier? (this area and also be used to store hoses and shovels) Also, can you make sure we have an outdoor electrical outlet on all four sides of the structure and one outdoor water connection? The water will be needed to establish the grass and trees / bushes during the first two years.

Thanks,
Wayne

From: Doug Manley [REDACTED]

Sent: Friday, March 19, 2021 7:43 AM

To: Town Manager <townmanager@wnewbury.org>; DPW Director <dpwdirector@wnewbury.org>; Michael McCarron <mmccarron@wnewbury.org>; Rick Parker <rparker@wnewbury.org>

Cc: Lynne Spencer [REDACTED]

Subject: Soldiers and Sailors Memorial - condensers etc.

Thanks for a good meeting on Wednesday. It was helpful to get direction from all of you to keep us moving forward.

We would like to propose positioning the condensers in the location shown on the attached sketch, and concealing it with a tight fence enclosure. For the fence, we propose a 5' high cedar shadowbox fence, stained (as opposed to the unfinished version in the attached photo) The position seems to make the most sense to us as being close to the building but not too visible from the building interior.

Note that the catalog cuts are for the Daikin units. We have received Wayne's preference for Mitsubishi and will develop our spec around Mitsubishi. For expediency in getting this before the Planning Board we are assuming that Mitsubishi condenser sizes will be similar to Daikin.

If this looks OK, we will have GM2 draft this up to show with our re-submission to Planning Board. Please let us know your reactions.

Douglas L. Manley AIA, LEED AP
Senior Associate

Spencer, Sullivan & Vogt

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Town Manager

From: Town Manager
Sent: Thursday, March 25, 2021 12:14 PM
To: Lynne Spencer; Doug Manley
Cc: DPW Director; Michael McCarron
Subject: RE: Follow up | Landscaping Site Plan

Hi,

I spoke w Chip this morning and he reconfirmed what we had understood from our meetings and conversations early in the project, which is that he's committed to do the work shown on the plan that was before the BOS at the time that Drake's Landing was approved. This includes paving the back lot, some number of plantings, and the front lawn. He is able to do comparable work (in cost to him) based on changes that have been made (and may yet be made) to the landscape plan.

He has asked his landscape architect to report on what the Drake's Landing project carried in the budget for this work, and of that what has not been spent. He'll get me that info soon. That will help us assess what we can count on him to do, and what gap(s) may need to be filled otherwise.

His intent would be to pave the rear lot next fall (say, October), when his contractor will be mobilized to do the final paving of Drake's Landing. If we're not ready by then, with the S&S building, we'll need to figure something else out (such as him reallocating that expense toward, say, site landscaping, and the Town building the rear lot paving into a separate Town paving contract... if the timing works out).

I have another commitment next Wednesday so can't attend the neighbor mtg but it would be good if we could do a brief zoom call before then, if we get the landscape architect numbers from Chip; or in any case sometime before the cont'd PB hearing on 4/6.

Thanks,
Angus

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

From: Lynne Spencer [REDACTED]
Sent: Thursday, March 25, 2021 9:30 AM
To: Maura McCarthy <maura@firesidecatering.com>
Cc: DPW Director <dpwdirector@wnewbury.org>; Town Manager <townmanager@wnewbury.org>; Michael McCarron <mmccarron@wnewbury.org>
Subject: Re: Follow up | Landscaping Site Plan

Good morning,

I look forward to our meeting on Wednesday, 3:31. Maura, I see you are involved with the Crane Estate — one of the treasures of the North Shore.

Regards,

Lynne

Lynne Spencer
Principal

Spencer, Sullivan & Vogt
architecture ▪ preservation

[1 Thompson Square | Suite 504 | Charlestown, MA 02129-3308](#)
[ssvarchitects.com](#) | [617.861.4291](#) x22

On Mar 25, 2021, at 9:25 AM, Maura McCarthy [REDACTED] wrote:

Thank you Wayne, Excited to discuss your thoughts and hopefully come to some solutions that are workable for all involved.

Best,
Maura

Maura K. McCarthy
Director of Sales and Events
Fireside Catering | The Crane Estate
Office [781-221-3003 x203](#)
[REDACTED]
[www.firesidecatering.com](#)
[www.craneestateevents.com](#)

From: DPW Director <dpwdirector@wnewbury.org>
Sent: Thursday, March 25, 2021 9:24 AM
To: Maura McCarthy [REDACTED]
Cc: Lynne Spencer [REDACTED]; Town Manager <townmanager@wnewbury.org>;
Michael McCarron <mmccarron@wnewbury.org>
Subject: RE: Follow up | Landscaping Site Plan

Maura,

The consultant and I had a more detailed discussion about your concerns the day after the planning board meeting and I think we have some solutions to your concerns. See you next week.

Wayne

Wayne S. Amaral
Director of Public Works
Tree Warden, MCPPO

Town of West Newbury
381 Main Street
West Newbury, MA 01985

From: Maura McCarthy [REDACTED]
Sent: Thursday, March 25, 2021 7:41 AM
To: DPW Director <dpwdirector@wnewbury.org>
Subject: RE: Follow up | Landscaping Site Plan

Good morning Wayne,
I had reached to Leah after the meeting/Site Application review for the Carr Post to further discuss proper screening and a few other items (parking lot lighting, a/c | heating unit plans).
She said you were the right contact to start this conversation.
During the meeting it was suggested by the Chair that the consultants should connect with Shane and I to discuss these items before the April 6 meeting.
I would like to set this up.
I would be happy to meet at the Carr Post and do a walk around or set up a call if that is preferred.
I look forward to hearing from you.

Best,
Maura

Maura K. McCarthy
Director of Sales and Events
Fireside Catering | The Crane Estate
Office [781-221-3003](tel:781-221-3003) x203
[REDACTED]
www.firesidecatering.com
www.craneestateevents.com

From: Leah Zambarnardi <lzambarnardi@wnewbury.org>
Sent: Wednesday, March 24, 2021 1:34 PM
To: Maura McCarthy [REDACTED]
Subject: RE: Follow up | Landscaping Site Plan

Hi Maura,

I think you should start with our DPW Director Wayne Amaral. He is working directly with the consultants on the project and can put you in touch with the correct person. His email is dpwdirector@wnewbury.org .

Leah J. Zambarnardi, AICP
Town Planner
Town of West Newbury Planning Office
381 Main Street
West Newbury, MA 01985
1-978-363-1100 ext. 125

Planning Office Hours: Monday, Tuesday and Thursday from 9:30 a.m. to 2:30 p.m.

It has been determined by the Commonwealth of Massachusetts Office of the Secretary of State that emails are a public record. Please keep this in mind when writing or responding to this email.

From: Maura McCarthy [REDACTED]
Sent: Monday, March 22, 2021 10:23 AM

To: Leah Zambarnardi <lzambarnardi@wnewbury.org>

Subject: Follow up | Landscaping Site Plan

Good morning Leah,

Thank you again for sending over that update for last week's meeting.

It was so great to hear that many of our major concerns are shared concerns of the WN Planning Board (ie proper/adequate screening and lighting)

I know in the meeting there was mention that the presenters would/should be reaching out to Shane and I to touch on options.

We have given this a lot of thought and would welcome the opportunity to discuss with them.

Onsite or remote- whatever they can do!

I apologize if this is not the best way to follow up on this- please let me know if there is another way to facilitate this request.

Excited to continue the conversation so we all can enjoy the progress of this project.

Best,

Maura

Maura K. McCarthy

Director of Sales and Events

Fireside Catering | The Crane Estate

Office [781-221-3003](tel:781-221-3003) x203



www.firesidecatering.com

www.craneestateevents.com



Town of West Newbury

Board of Selectmen

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

selectmen@wnewbury.org

Request for Qualifications

Affordable Housing Consulting Services

The Town of West Newbury seeks to engage a qualified affordable housing consultant to assist the Town with meeting its Affordable Housing responsibilities pursuant to 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 ("Regulations").

Scope of Services

Services shall include the following tasks:

- A. Conduct Initial Review of Existing Affordable Housing Units: The selected consultant shall:
 1. Conduct an initial review of Regulatory Agreements, Master Deeds, Affordable Housing Deed Riders and Monitoring Agreements in instances where the Town of West Newbury is the designated "Monitoring Agent" for thirteen (13) Local Action Units approved pursuant to the DHCD Local Initiative Program ("LIP");
 2. Identify issues and make recommendations for initial action and/or ongoing actions (i.e. periodic reporting) to ensure compliance with the aforesaid documents and the Regulations;
 3. Work with the Town of West Newbury to implement recommendations, as directed.

- B. Provide On-going Administrative Monitoring Services, as needed: The selected consultant shall:
 1. Perform Administrative Monitoring During Unit Creation and Initial Sales:¹
 - 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.

¹ Note: At this time there are no new development projects at the permitting stage which include any new LAUs. It is expected that the work of the consultant engaged pursuant to this RFQ would include, for new development including LAUs in the future, completion of the tasks outlined in Item B of the Scope of Services.

- 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 guidelines.
- 2. Perform On-going Supplemental Administrative Monitoring Services Subsequent to Initial Sales:
 - 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.

C. Work with the Town of West Newbury in the Establishment of a Municipal Affordable Housing Trust pursuant to Mass. Gen. Laws Ch. 44, Sec. 55C, as directed.

Request for Proposal

The Town seeks to engage a qualified vendor with the expectation that the selected vendor would, within two weeks of initial contract, complete Task A on a fixed fee basis; then would remain under contract to complete work related to Tasks B and C on an as-needed basis, with compensation for such work paid on an hourly basis.

Prospective bidders may submit written questions regarding this Request for Qualifications on or before Friday, April 3, 2021 at 12 noon. Questions may be submitted via email to selectmen@wnewbury.org. The Town will prepare written responses to all questions received, and on or before Tuesday, April 6, 2021 at 4:30pm will provide responses in an Addenda to all prospective bidders who notify the Town Manager in writing that they wish to be considered a prospective bidder.

On or before Monday, April 12, 2021 at 12 noon, qualified vendors are invited to please submit a narrative proposal including the following:

- Statement of Qualifications
- Fee proposal for Part A (lump sum)
- Fee schedule for Part B (hourly billing rates)
- Fee proposal for Part C (hourly billing rates)
- Client references

Proposals shall include a statement of proposed price to complete the work including sufficient detail for the Town to understand the basis of the costs, as well as any assumptions or limitations.

Upon review of bids and qualifications the Town anticipates conducting (virtual/Zoom) interviews

with two or more firms. The successful vendor will be selected based on the following criteria:

- 1) Demonstrated successful completion of projects of comparable scope.
- 2) Established competence and experience of proposed project team members.
- 3) History of client satisfaction based on reference checks.
- 4) Proposed compensation terms and budget.

Prior to execution of a contract, the vendor must provide proof of liability insurance, and shall provide a certificate naming the Town of West Newbury as additionally insured.

Proposals should be sent to the attention of:

Angus Jennings, Town Manager
Town of West Newbury
381 Main Street
West Newbury, MA 01913

Proposals may be submitted by mail to the address above, or by email to selectmen@wnewbury.org on or before the due date. Proposals submitted by email should bear the subject heading "Proposal: Affordable Housing Consultant Services."

The Town of West Newbury reserves the right to reject any and all proposals, in whole or in part, and to negotiate the terms and conditions with any proposer and to accept any proposal, in whole or in part, which the Town deems, in its sole opinion, to be in the best interest of the Town of West Newbury.

Town Manager

From: Finance Admin
Sent: Monday, March 22, 2021 1:54 PM
To: Town Manager; Residents Admin; Community Preservation Committee; Conservation; Brian Richard; Christian Kuhn; Jane Krafton; Joan Croteau; WNWater; John Savage; Town Treasurer; Leah Zambernardi; DPW Admin; Assistant Assessor; Michael McCarron; Mike Gootee; Paul Sevigny; Building Inspector; Town Accountant; COA; DPW Director
Cc: Susan Curry (s1@westnewburysafety.org); Jeff Durand; Michael Dwyer (dwyer@westnewburysafety.org); Corinn Flaherty (cflaherty@westnewburylibrary.org)
Subject: Planned Power Outage for Friday, March 26th

Hello All,

This is to notify you that on Friday, between the hours of noon and 4:00pm, there will be a planned power outage to replace/upgrade the transformer feeding **379, 381 and 401 Main Street** in order to connect the new EV solar charging stations service. This date/time was chosen to keep disruptions to a minimum as much as possible; however, with no power to the town offices, PCs and servers will be down. They will need to be turned on after power is restored which also means VPN will not be available until such time as your PC can be turned back on. Please plan accordingly.

Jenny Walsh
Assistant to the Town Manager and Finance Department
Town of West Newbury
381 Main Street
West Newbury, MA 01985
(978) 363-1100 x115
finance.admin@wnewbury.org

Town Manager

From: DPW Director
Sent: Wednesday, March 24, 2021 2:36 PM
To: Morrison, Micah
Cc: Jon-Eric White; Matthew Coogan; Town Manager
Subject: RE: Revised scope question

Micah,
Please proceed with the design change order of **\$29,600** which I assume would be paid with our MassWorks Grant funds. I will be submitting the quarterly report next week and at that time will revise the report to shift the additional \$29,600 from the Construction line item to Design, Engineering / Bidding line item.

Wayne

Wayne S. Amaral
Director of Public Works
Tree Warden, MCPPO

Town of West Newbury
381 Main Street
West Newbury, MA 01985
(978) 363-1100 x120
dpwdirector@wnewbury.org

From: Morrison, Micah [REDACTED]
Sent: Wednesday, March 03, 2021 1:03 PM
To: Town Manager <townmanager@wnewbury.org>; Matthew Coogan <MCoogan@CityofNewburyport.com>; DPW Director <dpwdirector@wnewbury.org>; Jon-Eric White <JEWhite@CityofNewburyport.com>
Subject: RE: Revised scope question

Hello Angus,

Attached is the revised scope and fee for the work to be completed. Below is a construction cost estimate that we prepared for the modifications. The difference between what was originally proposed and what is currently proposed is approximately \$50,000

NEW ESTIMATED COST

ITEM #	DESCRIPTION	UNITS	QTY	UNIT PRICE	COST
201.	CATCH BASIN	EA	4	\$4,600	\$18,400
221.	FRAME & COVER	EA	2	\$877	\$1,754

222.1	FRAME & GRATE	EA	4	\$954	\$3,816
224.12	12 INCH HOOD	EA	4	\$500	\$2,000
241.12	12 INCH RCP PIPE	FT	150	\$109	\$16,350
242.12	12 INCH RCP FES STONE FOR PIPE	EA	2	\$1,200	\$2,400
258.	ENDS	SY	15	\$90	\$1,350
291.	WATER QUALITY UNIT	EA	2	\$15,000	\$30,000
TOTAL					\$76,070

PREVIOUS ESTIMATED COST

ITEM #	DESCRIPTION	UNITS	QTY	UNIT PRICE	COST
201.	CATCH BASIN	EA	2	\$4,600	\$9,200
202.	MANHOLE	EA	1	\$5,000	\$5,000
221.	FRAME & COVER	EA	1	\$877	\$877
222.1	FRAME & GRATE	EA	2	\$954	\$1,908
224.12	12 INCH HOOD	EA	2	\$500	\$1,000
241.12	12 INCH RCP PIPE	FT	75	\$109	\$8,175
242.12	12 INCH RCP FES STONE FOR PIPE	EA	1	\$1,200	\$1,200
258.	ENDS	SY	7	\$90	\$630
TOTAL					\$27,990

**ESTIMATED COST
DIFFERENCE \$48,080**

Regarding your question of the overall estimated construction cost. We are in the process of preparing a detailed construction cost that will be finalized once the design is complete.

We are presently estimating the project quantities. Once that is complete we will be using MassDOT weight bid prices where available for each bid item to obtain the estimated project construction cost. The MassDOT weighted bid prices are for standard items for every MassDOT project and are updated weekly. Based on reviewing the increases in weighted bid prices and some recent similar MassDOT bridge projects, the West Newbury/Newburyport project will likely have a total cost of more than 2.6 million. We will have better information once the cost estimate is complete.

Thank you,
Micah

From: Town Manager [<mailto:townmanager@wnewbury.org>]
Sent: Tuesday, March 2, 2021 1:36 PM
To: Morrison, Micah [REDACTED]; Sara Kreisel [REDACTED]; Eagan, Kathryn
Cc: Matthew Coogan <MCoogan@CityofNewburyport.com>; DPW Director <dpwdirector@wnewbury.org>; Jon-Eric White <JEWhite@CityofNewburyport.com>
Subject: RE: Revised scope question

Micah,

Once we receive the revised scope and fee, based on the direction agreed on Friday (and confirmed by WN BOS at their mtg last night) we'll so advise the MassWorks grant administrator of this change, per your advice.

It would also be helpful to know whether the change would be expected to affect the overall construction cost estimate beyond what would be covered in that number's contingency. Right now we have a placeholder article on our Town Meeting warrant for \$600,000 for WN's share of bridge construction costs, as follows:

Total cost	\$2.6M
Grants	\$1.5M (MassWorks + MDOT Small Bridge)
Net cost	\$1.1M
50%	\$550k
Round to	\$600k

Please let us know if these continue to be the right numbers to use for budgeting purposes.

Thanks,
Angus

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

From: DPW Director <dpwdirector@wnewbury.org>

Sent: Monday, March 1, 2021 7:49 PM

To: Morrison, Micah [REDACTED]; Matthew Coogan <MCoogan@CityofNewburyport.com>; Town Manager <townmanager@wnewbury.org>; Jon-Eric White <JEWhite@CityofNewburyport.com>; Sara Kreisel [REDACTED]; Eagan, Kathryn [REDACTED]

Subject: RE: Revised scope question

Micah,

The Town of West Newbury agrees with your summary below.

Wayne

From: Morrison, Micah [REDACTED]

Sent: Monday, March 01, 2021 8:42 AM

To: Matthew Coogan <MCoogan@CityofNewburyport.com>; Town Manager <townmanager@wnewbury.org>; Jon-Eric White <JEWhite@CityofNewburyport.com>; Sara Kreisel [REDACTED] Eagan, Kathryn [REDACTED]

[REDACTED] DPW Director <dpwdirector@wnewbury.org>

Subject: Revised scope question

Good Morning,

Based on our meeting this past Friday BSC will be revising the scope and fee for the additional requested work. We had a question about the intended scope, specifically on the Newburyport side of the project.

West Newbury-low point of the project: Currently the drawings show two deep sump catch basins on the West Newbury side (low point of the project) that flow to a drain manhole and discharge to a stone splash pad. BSC will scope changing the drain manhole to a water quality unit and the project limits will stay the same, no additional berm/curbing will be included.

Newburyport-higher side of project: Currently nothing is shown on the drawings. On Friday, we discussed the addition of two deep sump catch basins and a water quality unit near the bridge. After the meeting BSC had an internal discussion and would like to clarify the intended scope for the Newburyport side. The drainage area on the Newburyport side is smaller than the West Newbury side. Without curb/berm most of the water on the roadway will continue to runoff by country drainage. The water quality units could be installed now as part of this project, but would not receive much water/runoff unless berm/curb were added at a later date.

- Please let us know if the communities would like BSC to scope the addition of two deep sump catch basins and a water quality unit on the Newburyport side of the project.

Based on the communities input we will revise our scope and fee and submit to the two communities for approval before proceeding.

If there are questions please let me know.

Thank you,
Micah

Micah Morrison, P.E., S.E. | Senior Associate / Manager of Structural Engineering

BSC Group

803 Summer Street | Boston | MA 02127



Town Manager

From: Michael McCarron
Sent: Thursday, March 25, 2021 2:25 PM
To: Town Manager; DPW Director
Subject: RE: Playground Designer selection

I agree this is a good plan to move forward.

Michael P. McCarron
Town Clerk
Town of West Newbury
381 Main Street
West Newbury, MA 01985
Tel 978-363-1100 ext 110

From: Town Manager <townmanager@wnewbury.org>
Sent: Thursday, March 25, 2021 1:47 PM
To: DPW Director <dpwdirector@wnewbury.org>; Michael McCarron <mmccarron@wnewbury.org>
Subject: RE: Playground Designer selection

This is a very well thought-out and good process and timeline. I'm in total agreement. Once Mike ok's it we can distill/paraphrase it for circulation to Dustin and others tracking the project. Thanks!

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

From: DPW Director <dpwdirector@wnewbury.org>
Sent: Thursday, March 25, 2021 1:38 PM
To: Town Manager <townmanager@wnewbury.org>; Michael McCarron <mmccarron@wnewbury.org>
Subject: Playground Designer selection

Mike and Angus,

I think we sent out four RFQ's and received three back. Not too bad and the cost in most are below our estimates – which leaves us some additional funds for site work.

So the next step is to select a Designer to present their design to the public and the selection committee (Mike and Wayne). The design they submitted in the RFQ is just used as an example of their work and if they can follow direction.

My thoughts on the process.

Designer Presentation

Step 1.

I think we allow all three designers to present their draft proposal on zoom (no more than 30 minutes) and then allow for a 25 minute question period. So we give each designer 55 minutes total. We can record these and have them available on the town web page for later viewing by residents who may have missed the presentation.

Step 2. (within 2 weeks after the public presentation)

Once the Designers finish their presentation, we could schedule an internal follow-up conversation with town staff and school officials to discuss all three designers. At the same time we can welcome additional public comments in e-mail form. (no more than 2 weeks from original presentation date).

Step 3.

From our internal conversations and public feedback from the presentation meeting and additional e-mails, Mike and I will rank the designers from first to third and have a follow-up conversation with Town Manager and PRSD regarding the recommended playground designer.

Step 4.

Mike and I will choose and award contract to chosen Designer.

Insert from our contract.

PLAYGROUND DESIGNER SELECTION PROCESS

All submitted RFQ's will be reviewed by the Town's selection team. The chosen Playground Designer or Playground Designers will be invited to remotely present their preliminary playground designs to the Town. After receiving input from the Town, the Town's selection team will rank each designer's presentation as it relates to the Town's desired needs outlined in section 3 of this document. This playground design contract shall be awarded to the most advantageous designer who meets or exceeds the Town's expectations.

The Town reserves the right to reject any and all proposals if deemed in the best interest of the Town.

Designer Selection

As per the scope of work in the awarded contract;

1. SCOPE OF WORK

The selected Playground Designer shall;

A. Attend pre-design meeting with the Town remotely within 7 to 10 days of contract acceptance.

B. Attend on-site meeting with the Town within a reasonable time after the initial pre-design meeting.

C. Attend one to two remote community meetings to receive design suggestions, feedback, comments. **(I hoping for only one meeting)**

- D. Prepare design received from the town and submit these revised designs no later than seven days after the community meeting to the Town for review. Comments will be sent to the Playground Designer with any further recommendations. All playground equipment specification sheets shall be submitted at this time.
- E. Attend one community meeting to present final playground design.
- F. The Playground Designer shall submit final design on or about April 20, 2021, electronically to the Town with any documentation and plans required for the build of the approved playground. An estimated cost, break-down of equipment, installation cost, and material cost must also be submitted.

Ok that's my thoughts – welcome your comments.

Wayne

Wayne S. Amaral
Director of Public Works

Tree Warden, MCPPO

Town of West Newbury
381 Main Street
West Newbury, MA 01985
(978) 363-1100 x120
dpwdirector@wnewbury.org



The Commonwealth of Massachusetts
MASSACHUSETTS SENATE
OFFICE OF THE MINORITY LEADER

Q

SENATOR BRUCE E. TARR
MINORITY LEADER
First Essex and Middlesex

STATE HOUSE, ROOM 308
BOSTON, MA 02133-1053
TEL. (617) 722-1600
FAX: (617) 722-1310
BRUCE.TARR@MASENATE.GOV
WWW.MASENATE.GOV

March 17, 2021

Secretary Jamey L. Tesler,
Massachusetts Department of Transportation
10 Park Plaza, Suite 4160
Boston, MA 02116

Dear Secretary Tesler,

I would like to take this opportunity to express my strong support for the Town of West Newbury. In particular, the town's application for funding to conduct an overall safety audit of the intersection and also review options to improve pedestrian access to both the Page School and Pipestave Park.

With that, in order to improve the safety of this intersection and pedestrian access, it is essential to fund a traffic engineering consultant. By doing so, the consultant would need to review the challenges to overcome the safety concerns and prepare options with cost estimates that will improve this important crossing in West Newbury.

The town estimates engineering costs will range from \$55,000 to \$98,000. The estimated engineering cost is based on an intersection only project (low range) and an intersection/pedestrian access improvement project (high range). This estimate includes survey at \$15,000 - \$30,000, traffic counts \$6,000 - \$8,000, and design services \$32,000 - \$60,000.

In conclusion, I respectfully request your strongest consideration in support of the Town of West Newbury's funding request. I greatly appreciate your support and encourage you to contact me directly should you have any questions.

Sincerely,

Bruce E. Tarr
State Senator
Minority Leader

Town Manager

From: Kathy Feehery [REDACTED]
Sent: Friday, March 26, 2021 8:29 AM
To: Paul Sevigny
Cc: Town Manager
Subject: New trash collection concern

Hi Paul,

I just saw the article in the Daily News about the changes coming to trash collection. I will attend the public meeting about this.

Will there be an alternative for those residents, like me who have long driveways? My driveway at 540 Main Street is dirt, 1/4 mile long and uphill to the street. Particularly if weather is bad or snow is on ground I will not be able to wheel one or two of these new containers up to the street. Currently I use my truck to bring the 2 30 gallon barrels up but do not like the thought of trying to heave one huge barrel up into my truck as though I run a farm, I am not up for this challenge and possibly throwing out my back each week.

I do understand about the cost savings for the town but hope there has been some consideration for those of us who do not live adjacent to the road. There are at least 3 nearby neighbors who also have long driveways.

Thanks,

Kathy Feehery
[REDACTED]

Sent from my iPad

MERRIMACK VALLEY PLANNING COMMISSION

REQUEST FOR LOCAL TECHNICAL ASSISTANCE

Executive Director
Merrimack Valley Planning Commission
160 Main Street
Haverhill, MA 01830

Assigned LTA # _____
MVPC Office Use Only:
LTA _____ DLTA _____
TRANS _____ Other _____

Subject: Request for Local Technical Assistance

To whom it may concern,

The Town of West Newbury would like to request up to 25 hours of Local Technical Assistance time.

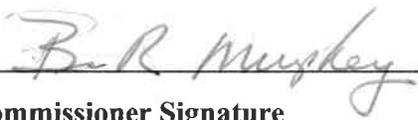
This time will be used for: Storm Water Bylaw in Compliance with MS4 Permit Requirements

The project is described as follows: The Town seeks assistance from MVPC in preparing a final draft of a Storm Water Bylaw and Regulations in compliance with MS4 Permit Requirements. We have prepared a rough draft of the Bylaw and Regulations utilizing the models provided by MVPC. We would like MVPC's assistance in working with the Town's Stormwater Working Group to review and fine tune the rough drafts in preparation for submission to fall Town Meeting.

Contact: Wayne Amaral

Telephone: 978-363-1100 x120

Email: dpwdirector@wnewbury.org



Commissioner Signature

Date: 3/10/2021

Executive Director Signature

Date: _____

Approval: Yes No

Date: _____

Town Manager

From: [REDACTED]

Sent: Thursday, March 25, 2021 5:20 PM

To: [REDACTED]

Subject:

Admin

WN town fields - Spring '21, spring sports guidance, facilities use request form, field fee and certificate of insurance

Attachments:

phase-iv-step-1-youth-and-adult-amateur-sports_0 032221.pdf; West Newbury Town Fields.pdf

Hello,

1. Please see the 3/22/21 revised guidance for youth sports. Per highlights in the below email thread, WN BOH indicates submitting a COVID plan to WN BOH would be helpful and that at this time the WN BOH youth sport facial coverings order is still in effect.
2. If you have not done so, please complete and submit your facilities use request with your payment for Spring 2021 and COI to Annie Sterling residents.admin@wnewbury.org. The facilities use request form, including requirements for your COI is [here](#).
 - a. Under the existing fee structure, the flat fee is \$500.00 applicable as follows (if fee is not applicable, facilities use request form and COI are still required):
 - i. WNYL Soccer and Baseball, not applicable
 - ii. Babe Ruth, \$500.00
 - iii. PRSD, not applicable
 - iv. PYSA, \$500.00
 - v. Jesse Ciccone, West Newbury resident - one Pentucket U15 team of (9) kids, Seacoast Flag Football League, not applicable
 - vi. PYL, \$500.00
3. Although the snow is gone, town fields are still closed. In addition to waiting for dry ground, we also need to wait until the grass begins to germinate prior use, or the fields will not hold up.
4. Portable toilets will be delivered once the fields are ready to be opened.
5. Current WN town field schedule is attached.

Best,

Jack Foley
West Newbury Parks & Recreation Commissoin

Similar to Pentucket Babe Ruth, WNYL has been repairing the (3) Bachelor St. fields each Spring, in lieu of paying field fees. We are unwinding a complicated issue.

More to follow. Again, I am not speaking for the Commission, but my personal perspective on Spring '21 is to see it through in a manner consistent with previous seasons, to close out FY21. For example, WNYL will engage a contractor to repair the Bachelor St. fields this Spring in lieu of paying field fees, at a cost of approximately \$7,500.00 to WNYL, based on the actual year-to-year costs over the last 3-5 years. To follow suit for Spring '21, Pentucket Babe Ruth would not pay a field fee (consistent with the past), but instead would make their typical investment in the fields.

Things should look different and be more equitable for FY22 as the Commission continues discussion with input from any and all stakeholders to finalize the fee schedule in advance of the Fall season so use groups will be able to project their field fees early and in conjunction with developing their registration fees.

Until then, please be patient and understanding; I am realizing we've opened a Pandora's box. The Commission looks forward to your continued input as we push forward.

I hope I am not overstepping my bounds as Chair by providing my perspective.

Best,

Jack

From: Gary Roberts [REDACTED]

Sent: Friday, March 26, 2021 9:19 AM

To: [REDACTED]

Subject: RE: WN town fields - Spring '21, spring sports guidance, facilities use request form, field fee and certificate of insurance

Hi Jack, Thank you for your prompt reply. Pentucket Babe Ruth would probably use the Pipestave field 6-12 hours a week, approximately 2-4 games. I have been the treasurer for 3 years and during that time we have not paid a usage fee to use the field. What we have done is pay 4-6 times that much in field prep for cutting the infield and bringing in clay, this includes the Pines in Groveland. This work must be done every year to insure a safe playing surface. The Pentucket School District has not historically contributed to cost to maintain these fields. The High School teams are the primary user of both fields from April to June. Pentucket Babe Ruth is the smallest, about 60 kids, and poorest organization listed above. We can not afford to both maintain the fields and pay user fees. The decision to charge us is of course entirely up to the board but you should make it with the knowledge that either the Town or Pentucket will need to take over the costs in taking care of the Baseball field at Pipestave Hill. In reading the names above I see many that I know are residents of West Newbury as well as a few who while not residents of the town have devoted years to coaching the children of West Newbury.

Again I appreciate your prompt and respectful reply. Thank you for your devotion to the Town of West Newbury.

Sincerely,
Gary Roberts

From: [REDACTED]

Sent: 3/25/21 11:04 PM

To: [REDACTED]

Subject: RE: WN town fields - Spring '21, spring sports guidance, facilities use request form, field fee and certificate of insurance

Hi Gary,

At face value, I understand and respect your perspective. The short answer is the field use fees for Spring 2021 are going to be the same as they have been in the past - a flat \$500 per user group; I did not establish this fee, it's just the way it's been and somewhat informal in some cases, regarding actual payments received and collection efforts. The flat fee approach has been problematic from my perspective - it does not take use hours into consideration and makes no distinction between town sports such as West Newbury Youth League (games and practices), district or Pentucket youth leagues (games and practices), out-of-town adult user groups (games and practices), PRSD use (games and practices) and local individual teams which belong to larger regional leagues, but looking for any flat grass to practice on in their own town (practices only, no games).

In Jesse's case, he is coaching one flag football team consisting of 8 or 9 Pentucket kids. Teams are responsible for finding their own practice space. The parent league is Seacoast Youth Flag Football League, based in Salisbury, MA. Jesse does not set, nor benefit from the registration fees Seacoast sets, he's just the volunteer coach of the one team. $\$500/9 \text{ kids} = \55.56 per player . That is a lot of money, considering he would be practicing flag football in the outfield of an otherwise under-utilized softball field for 5 hours/week. No games or scrimmages. The 8 or 9 kids on his team would need to generate the \$500.

By comparison, PRSD has reserved 35 hours per week, or 455 hours total based on a 13 week season (4/1 - 6/30) at no cost, for practices and games. To further exemplify the problem, PYL has requested 50 hours per week, or 650 hours total, and they have historically paid \$500, along with PYSA at 18.5 hours per week or 240.5 hours total, also for the same \$500. The flat fee does not work well for any user group. An individual team cannot afford \$500 and the fact that PYL and PYSA each pay the same \$500, but one gets almost 3X the field hours as the other makes no sense at all. I believe these very circumstances have led to the mysterious and ambiguous situation we currently have.

The good news is that P&R is working on a tiered fee schedule with different user group codes, will be effective FY22. P&R had a public meeting to initially discuss this tiered fee schedule concept, most of those on distribution were on the meet and provided feedback. I'm sure this will be discussed at length during future P&R meetings until we get it right.

I'm just curious - has Pentucket Babe Ruth been paying the full \$500 each season? Would a tiered approach work for Pentucket Babe Ruth?

Best,

Jack Foley

West Newbury Parks and Recreation Commission

From: Gary Roberts [REDACTED]

Sent: Thursday, March 25, 2021 8:40 PM

To: [REDACTED]

Subject: RE: WN town fields - Spring '21, spring sports guidance, facilities use request form, field fee and certificate of insurance

Hi Jack and thank you for your update. I have a question, why does Jesse Ciccone get a break on his fee as a resident when Jeff Meisner President of Pentucket Babe Ruth and West Newbury resident does not. I serve as a member of the Babe Ruth board of directors and am the league treasurer and am also a tax paying resident.

Thank you in advance for your reply.

Gary Roberts

From: [REDACTED]
Sent: 3/25/21 5:20 PM
To: [REDACTED]

Subject: WN town fields - Spring '21, spring sports guidance, facilities use request form, field fee and certificate of insurance

Hello,

1. Please see the 3/22/21 revised guidance for youth sports. Per highlights in the below email thread, WN BOH indicates submitting a COVID plan to WN BOH would be helpful and that at this time the WN BOH youth sport facial coverings order is still in effect.
2. If you have not done so, please complete and submit your facilities use request with your payment for Spring 2021 and COI to Annie Sterling residents.admin@wnewbury.org. The facilities use request form, including requirements for your COI is [here](#).
 - a. Under the existing fee structure, the flat fee is \$500.00 applicable as follows (if fee is not applicable, facilities use request form and COI are still required):
 - i. WNYL Soccer and Baseball, not applicable
 - ii. Babe Ruth, \$500.00
 - iii. PRSD, not applicable
 - iv. PYSA, \$500.00
 - v. Jesse Ciccone, West Newbury resident - one Pentucket U15 team of (9) kids, Seacoast Flag Football League, not applicable
 - vi. PYL, \$500.00
3. Although the snow is gone, town fields are still closed. In addition to waiting for dry ground, we also need to wait until the grass begins to germinate prior use, or the fields will not hold up.
4. Portable toilets will be delivered once the fields are ready to be opened.
5. Current WN town field schedule is attached.

March 22, 2021
West Newbury Open Space Committee
1910 Building
West Newbury, MA 01985

Mr. John Terry
117 Main St.
West Newbury, MA 10985

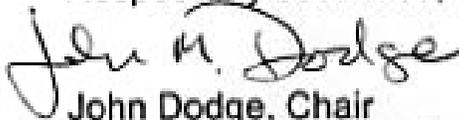
Dear Mr. Terry:

The West Newbury Open Space Committee (OSC) submits this letter of commitment in support of the application of the Gulf of Maine Institute to the NOAA New England Bay Watershed Education and Training (B-WET) Program 2021-2022. The OSC completed its Open Space and Recreation Plan in 2018 (OSRP). One of the Goals identified by the OSRP as part of a 7-Year Action Plan was to Protect and Manage Natural Resources.

Specific action items included the control of invasive species, in aid of helping natives thrive, and to create outreach on the benefits of planting native species for the benefit of our native fauna. The OSC has initiated dialogue with the DPW to develop a management plan for town owned properties that is designed to be habitat friendly for native plant and animal communities.

The OSC is committed to participate in efforts of other West Newbury volunteer groups, GOMI and area student/teacher projects to identify and eradicate invasive species on town owned conservation parcels and to restore and/or establish habitat sanctuaries on town owned conservation land in West Newbury. The OSC supports the creation of one or more habitat sanctuaries in West Newbury and looks forward to collaborating with GOMI and area students on projects associated with establishing, maintaining and interpreting such habitats.

Respectfully submitted,



John Dodge, Chair
West Newbury Open Space Committee