



**Town of West Newbury
Select Board
Monday, August 9, 2021 @ 5:30pm**
381 Main Street, Town Office Building
www.wnewbury.org

RECEIVED
TOWN CLERK
WEST NEWBURY, MA
2021 AUG -5 PM 5:10

AGENDA

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

- ❖ MGL Ch. 30A §21(a) 2: To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel (*potential joint Conservation Agent with Merrimac; Personnel Policy*);
- ❖ 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 (*Dole Place; Graf property; 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 in-person attendance or remote participation (instructions below)

Announcements:

- This meeting is being broadcast on local cable TV and recorded for rebroadcast on the local cable channels and on the internet. Meeting also accessible by remote participation; instructions below.
- New Assistant Town Clerk Christine Marshall beginning on August 16th. New Town Clerk James Blatchford beginning on August 30th. Temporary Town Clerk hours Mon-Thurs 9am-1pm until August 16th. Thanks to Dot Cavanaugh and Interim Assistant Town Clerk Wilma McDonald for assistance through transition!
- Summer Concert Series: Thursdays 6:30-8pm at the Bandstand (rain or shine). More details on Town website
- Reminder to subscribe for emailed Town news/announcements at <https://www.wnewbury.org/subscribe>

Regular Business

- A. Request for appointment of Jessica Eng as Full-Time Police Officer – *Police Chief Durand*
- B. Request for appointment of Matthew Ritvo-Cabezas as Reserve Police Officer – *Police Chief Durand*
- C. Request for appointment of Associate Planning Board member: Deb Hamilton or Nancy Keller
- D. Request for finding of public benefit from proposed Conservation Restriction at 117 Indian Hill Road – *Essex County Greenbelt*
- E. Request for authorization to install pull-off parking area at Ordway Reservation on Turkey Hill Road – *Essex County Greenbelt*
- F. Correspondence from Pentucket regarding potential FY22 budget impacts due to restrictions on use of ESSER II funds
- G. Review of proposed Intermunicipal Agreement with Merrimac for Shared Conservation Agent
- H. Cont'd discussion of Animal Bylaw/leash law and ACO enforcement activities
- I. Discussion of site walk in September (date/time TBD) for consideration of erosion risk indicators on River Road
- J. Outreach to Boards/Commissions regarding September meeting to discuss Personnel Policy
- K. Letter from MVPC re potential designation of rep to Metropolitan Planning Organization (MPO)
- L. Discussion of known/anticipated warrant articles for fall Special Town Meeting
- M. Review of potential revisions to Personnel Policy for referral to future Select Board meeting

Town Manager Updates

- N. Bid opening for Soldiers & Sailors Memorial Building Rehabilitation: this Friday, Aug. 13 at 1pm
- O. Upcoming Mass Housing Partnership meeting with Planning Board re Affordable Housing Trusts, Aug. 17 at 8:30pm
- P. Town Manager vacation Aug 16-20
- Q. Updates regarding active and pending Town Manager and DPW projects
- R. Follow up meeting assignments; and placing items for future agendas

Addendum to Meeting Notice regarding Remote Participation

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

Zoom Meeting

Phone: (646) 558 8656
Meeting ID: 861 7166 2284
Passcode: 311105

Join at <https://us06web.zoom.us/j/86171662284?pwd=c3Nua3RsbTRuQUVVLanR1MDQ3UzBQdz09>

Every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the West Newbury website an audio or video recording of proceedings as soon as practicable after the meeting.



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 Select Board

FROM: Jeff Durand, Chief of Police

DATE: August 3, 2021

RE: Jessica Eng

I am requesting the appointment of Jessica Eng as a fulltime police officer for the town of West Newbury. Jessica currently resides in Beverly MA. She received her Bachelor degree from Marian Court College and is currently a reserve police officer for the town of Hamilton MA.

Jessica did well on all aspects of the hiring process and shows a great deal of interest in working for the Town. I believe Jessica would be a great asset to the department.

Chief Jeff Durand



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 Select Board

FROM: Jeff Durand, Chief of Police

DATE: August 4, 2021

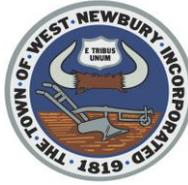
RE: Appointment Request of Matthew Ritvo-Cabezas

I am requesting that Matthew Ritvo-Cabezas be appointed as a reserve police officer for the town of West Newbury. Matthew lives in Derry New Hampshire and currently work as a sheriff's deputy for the Essex County Sheriff's department. Matthew also has served with the United States Marines for 7 years.

Matthew has passed all the required hiring requirements and brings a positive attitude with him.

Thank You

Chief Jeff Durand



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**TOWN OF WEST NEWBURY
OFFICE OF THE PLANNING BOARD
381 MAIN STREET
WEST NEWBURY MA 01985
978-363-1100 X125 Fax: 978-363-1119**

July 26, 2021

Select Board
West Newbury Town Hall
381 Main Street
West Newbury, MA 01985

Re: FY22 Associate Planning Board Member Nominations

Dear Honorable Board:

At its meeting of July 20, 2021, members of the Planning Board met with Nancy Keller and Deborah Hamilton, applicants for the FY22 Associate Planning Board Member position. Their applications are attached. The Board found that they both would fill the role quite well. Accordingly, the Board voted unanimously to nominate Nancy Keller and Deborah Hamilton for consideration pursuant to Section 8.A.2.b.3. of the Zoning Bylaw. Please note that the Planning Board received no other applications for the position to date.

Sincerely,

Leah J. Zambarnardi, Town Planner
On behalf of the West Newbury Planning Board



Town of West Newbury Application for Appointment

For additional information please call 978-363-1100, ext. 115.

The Town appreciates your interest in serving. Please complete this form and return it to : Board of Selectmen, 381 Main Street, West Newbury, MA 01985 or email to: selectmen@wnewbury.org

Name: Deborah Rogers Hamilton

Address: [REDACTED]

e-mail: [REDACTED]

Mobile phone: [REDACTED] Home phone: _____

Board(s) or committee(s) you are interested in volunteering on:

Planning Board Associate Member

Current or past committees served on: Mill Pond Comm. (1989-present)
Conservation Commission (1992-2012±)

Relevant skills, expertise and education: WN resident since 1975; taught
at Pentucket HS & MS 1975-81; Realtor/broker 1981-
2017; ECTA Director 1911-present; BFA cum laude
U of Michigan 1969; many advanced Realtor designations.

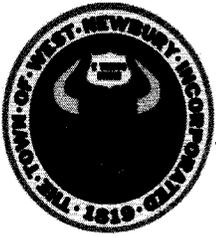
All board or committee vacancies will be filled by citizens deemed most qualified to serve in a particular capacity. I also understand that in the event that I am appointed to a position, my activities will be governed by the Massachusetts Conflict of Interest Law, Open Meeting Law, Public Records Law, the Bylaws of The Town of West Newbury and all other applicable federal, state and local laws or regulations.

Signature: Deborah R. Hamilton Date: 6/15/21

Board/Committee _____

Appointing Authority _____

Date of Appointment _____ Sworn in _____



Town of West Newbury Application for Appointment

For additional information please call 978-363-1100, ext. 115.

The Town appreciates your interest in serving. Please complete this form and return it to : Board of Selectmen, 381 Main Street, West Newbury, MA 01985 or email to: selectmen@wnewbury.org

Name: Nancy Keller

(formerly Nancy Von Kittlitz)

Address: [REDACTED]

e-mail: [REDACTED]

Mobile phone: [REDACTED]

Home phone: none

Board(s) or committee(s) you are interested in volunteering on:

Planning Board

Current or past committees served on: member/chair ZBA approx 98-08, cable TV adv. com.

2000s; Amesbury ZBA chair/member 85-94, Amesbury conservation land acquisition com.

Relevant skills, expertise and education:

retired attorney with partial real estate practice, incl. as advocate at out of town ZBA and

planning board hearings and appeals to superior courts.

All board or committee vacancies will be filled by citizens deemed most qualified to serve in a particular capacity. I also understand that in the event that I am appointed to a position, my activities will be governed by the Massachusetts Conflict of Interest Law, Open Meeting Law, Public Records Law, the Bylaws of The Town of West Newbury and all other applicable federal, state and local laws or regulations.

Signature: [Signature]

Date: 9-22-2020

Board/Committee

Appointing Authority

Date of Appointment

Sworn in

Town Manager

From: [REDACTED]
Sent: Thursday, August 5, 2021 11:23 AM
To: Town Manager
Cc: [REDACTED]
Subject: Re: CR for Select Board to sign

Hi Angus,

I'm confirming that the Conservation Commission did vote to recommend that the Select Board approve and sign the Indian Hill St CR as being in the public interest. Memo will be sent.

Judy

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

From: Vanessa Johnson-Hall [REDACTED]
To: Town Manager <townmanager@wnewbury.org>
Cc: Judy Mizner [REDACTED], Conservation <conservation@wnewbury.org>
Subject: Re: CR for Select Board to sign
Date: Thu, 5 Aug 2021 10:43:09 -0400

Hi Angus,

Yes, the Cons Comm voted Monday to recommend that the Select Board approve and sign the 117 Indian Hill St Conservation Restriction from the City of Newburyport to Greenbelt as being in the public interest. The vote can use that language. I can notarize the signatures if they can sign Monday eve.

Vanessa

On Aug 4, 2021, at 3:38 PM, Town Manager <townmanager@wnewbury.org> wrote:

Hi Vanessa,

What is the form of vote that the Select Board is being asked to take on Monday night? Also, do you know whether ConCom reviewed this on 8/2? I have not heard from them and thought I'd check w you before following up.

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: Vanessa Johnson-Hall [REDACTED]
Sent: Tuesday, July 13, 2021 11:27 AM
To: Town Manager <townmanager@wnewbury.org>
Subject: CR for Select Board to sign

Dear Angus,

The City of Newburyport, under Care & Custody of the water department, is acquiring 6.1 acres next to Greenbelt's Indian Hill Reservation for water supply protection (Greenbelt purchased it for this purpose earlier this year with the intent of selling it to the City). The City is then granting a CR to Greenbelt on the land. Because the CR is in West Newbury, it must be signed by the Select Board. The Town is not a party to the CR, but by Select Board signatures affirming that the CR has public benefit.

Historically CRs have gone to the Conservation Commission for review and recommendation for signatures first, but this is not a requirement when the Town is not a party to the CR. Does the Select Board have a preference?

I have attached the CR for signature, and a map depicting the property locus.

Best,

Vanessa

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Vanessa Johnson-Hall
Assistant Director of Land Conservation
[Essex County Greenbelt Association](#)

P.O. Box 1026

Town Manager

From: Town Manager
Sent: Tuesday, July 27, 2021 5:32 PM
To: Vanessa Johnson-Hall; [REDACTED]; Conservation
Subject: RE: CR on 117 Indian Hill Street

Hi Vanessa,

As you and I discussed initially we have this penciled in for the Select Board agenda on Aug 9th. Ideally ConCom will have reviewed by then. I am aware that the primary parties to the CR have already reviewed/agreed and that our review is primarily informational, and that it's not a fluid document at this point.

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: Vanessa Johnson-Hall [REDACTED]
Sent: Tuesday, July 27, 2021 5:07 PM
To: [REDACTED]; Conservation <conservation@wnewbury.org>
Cc: Town Manager <townmanager@wnewbury.org>
Subject: Re: CR on 117 Indian Hill Street

Hi Judy and Jay,

I now have a conflict on August 2 unless you're able to take me first thing at the Conservation Commission meeting. I am not in Town but can participate remotely if that is an option, or send my colleague if not. Can you please confirm that the Conservation Commission is going to discuss this at the August 2 meeting or if you will allow it to proceed directly to the Select Board?

Thank you,
Vanessa

On Thu, Jul 22, 2021 at 12:43 PM Vanessa Johnson-Hall [REDACTED] wrote:

Hi Judy,

Just following up on this to confirm whether or not this is going before the Cons Comm on August 2.

Thank you!
Vanessa

On Thu, Jul 15, 2021 at 8:36 AM Vanessa Johnson-Hall [REDACTED] wrote:

Hi Judy,

I'm trying to record the CR before I leave on vacation August 21. If the Cons Comm doesn't meet until Aug. 2, that means the Select Board won't sign until August 9 at the earliest, and then I still have to send the CR to the Secretary of EEA. Is there any way the Cons Comm would consider having a special meeting so that this could go to the Select Board at their July 26th meeting? If that doesn't work, we'll make do.

Vanessa

On Wed, Jul 14, 2021 at 9:38 PM [REDACTED] wrote:

Good evening Vanessa,

Thanks to Greenbelt for facilitating this protection. I think the Con Comm would like to review the CR and I will ask Jay to put it on the agenda for our next meeting, which is August 2nd.

Judy

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

From: Vanessa Johnson-Hall [REDACTED]

To: Judy Mizner [REDACTED], Conservation <conservation@wnewbury.org>

Cc: John Dodge [REDACTED], Angus Jennings <townmanager@wnewbury.org>

Subject: CR on 117 Indian Hill Street

Date: Wed, 14 Jul 2021 14:30:06 -0400

Dear Judy and Jay,

The City of Newburyport, under Care & Custody of the water department, is acquiring 6.1 acres next to Greenbelt's Indian Hill Reservation for water supply protection (Greenbelt purchased it earlier this year with the intent of selling it to the City). The City is then granting a CR to Greenbelt on the land. Because the CR is in West Newbury, it must be signed by the Select Board.

Historically, CRs have gone to the Conservation Commission for review and recommendation for signatures first, but this is not required by EEA when the Town is not a Grantor or Grantee of the CR. Does the Conservation Commission prefer to review this CR before it goes to the Select Board? If not, then I will proceed to work with Angus to submit this directly to the Select Board.

I have attached the CR as approved for local signatures by EEA, and a map depicting the property locus. Please let me know if you have any questions.

Thank you,
Vanessa

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Address of Premises: 117 Indian Hill Street, West Newbury

GRANTOR: City of Newburyport
GRANTEE: Essex County Greenbelt Association, Inc.
FOR GRANTOR'S TITLE SEE: Southern Essex District
Registry of Deeds at Book _____, Page _____

CONSERVATION RESTRICTION

The CITY OF NEWBURYPORT, a Massachusetts municipal corporation having an address of 60 Pleasant Street, Newburyport, Massachusetts 01950, acting by and through its Board of Water and Sewer Commissioners under Section 41 of Chapter 40 of the Massachusetts General Laws, being the sole owner, for its successors and assigns (“Grantor”), acting pursuant to Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws, grants with QUITCLAIM COVENANTS to ESSEX COUNTY GREENBELT ASSOCIATION, INC., a Massachusetts non-profit corporation having an address of 82 Eastern Avenue, Essex, Massachusetts 01929, its permitted successors and assigns (“Grantee”), for nominal consideration, IN PERPETUITY AND EXCLUSIVELY FOR CONSERVATION PURPOSES, the following Conservation Restriction on land located in West Newbury, Massachusetts containing 6.1 acres and shown as “Lot 2” on the plan recorded at Plan Book 444 Plan 20 at the Southern Essex District Registry of Deeds (“Premises”), which Premises is shown in the attached sketch plan in Exhibit A, incorporated herein and attached hereto.

I. PURPOSES

This Conservation Restriction is defined in and authorized by Sections 31-33 of Chapter 184 of the General Laws and otherwise by law. The purpose of this Conservation Restriction is to assure that the Premises will be maintained in perpetuity for conservation purposes, in a natural, scenic and undeveloped condition, and to prevent any use or change that would impair or interfere with its conservation and preservation values (“conservation values”).

The conservation values include the following:

- A. **Open Space Protection.** The Premises contributes to the protection of the scenic and natural character of West Newbury and the protection of the Premises will enhance the open-space value of these and nearby lands. The Premises abuts already-conserved land, including watershed land owned by the Grantor, and the Indian Hill Reservation owned by the Grantee.

- B. Water Supply Protection.** The Premises is mapped by the Massachusetts Department of Environmental Protection as Zone A and C surface water protection areas of the Indian Hill Reservoir, which supplies drinking water for the City of Newburyport and the Town of West Newbury; the protection of the Premises is critical to maintaining this public drinking water supply.
- C. Wetlands and Waterways.** A stream and wetlands on the Premises provide valuable habitat for a diverse array of species as well as provide the many other public benefits of wetlands recognized by the Commonwealth of Massachusetts (Section 40 of Chapter 131 of the Massachusetts General Laws). Wetlands on the Premises are mapped as being within the top 50% of areas with the highest ecological integrity in the Commonwealth by the UMass Conservation Assessment and Prioritization System (CAPS).
- D. Climate Change Resilience.** The Premises scored Above Average and Far Above Average Resilience by The Nature Conservancy’s Resilient Land Mapping Tool, which scores reflect areas of land where high microclimate diversity and low levels of human modification provide species with the conditions they will need to persist and adapt to a changing climate.
- E. Consistency with Clearly Delineated Federal, State, or Local Governmental Conservation Policy.** The protected Premises furthers government policy and goals to protect and preserve open space, habitat, natural resources, passive recreational opportunities and scenic values, as enumerated by (1) the Grantor’s 2017 Master Plan adopted by the Newburyport City Council and Planning Board, including specifically the four goals listed in Chapter 8 of such Master Plan, (2) the 2020 Newburyport Open Space and Recreation Plan, including specifically Goal 1 to protect lands of public conservation and recreational interest to provide essential wildlife habitat and drinking water protection.
- F. Baseline Documentation Report.** These and other conservation values of the Premises, as well as its current uses and state of improvement, are described in a Baseline Documentation Report (“Baseline Report”) prepared by Grantee with the cooperation of the Grantor, consisting of maps, photographs, and other documents and on file with the Grantee and referenced herein. The Baseline Report (i) is acknowledged by Grantor and Grantee to be a complete and accurate representation of the condition and values of the Premises as of the date of this Conservation Restriction, (ii) is intended to fully comply with applicable Treasury Regulations, and (iii) is intended to serve as an objective information baseline for subsequent monitoring of compliance with the terms of this Conservation Restriction as described herein. Notwithstanding the foregoing, the parties may utilize any evidence of the condition of the Premises at the time of this grant other than the Baseline Report, should the Baseline Report be unavailable or if it does not adequately address the issues presented.

II. PROHIBITED ACTS AND USES, EXCEPTIONS THERETO, AND PERMITTED USES

- A. Prohibited Acts and Uses.** Subject to the exceptions set forth herein, the Grantor will not perform or allow others to perform the following acts and uses which are prohibited on, above, and below the Premises:
 1. Constructing, placing or allowing to remain any temporary or permanent building, structure, facility, or improvement, including but not limited to tennis courts, landing strips, mobile homes, swimming pools, asphalt or concrete pavement, signs, fences, billboards or other advertising displays, antennae, utility poles, towers, solar panels, solar arrays, conduits, lines

or other temporary or permanent structures, facilities, or improvements on, above or under the Premises;

2. Mining, excavating, dredging or removing from the Premises of soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposit or otherwise making topographical changes to the area;
3. Placing, filling, storing or dumping of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, tree and other vegetation cuttings generated off-site, waste or other substance or material whatsoever or the installation of underground storage tanks;
4. Cutting, removing or otherwise destroying native trees, grasses or other vegetation;
5. Planting, broadcasting, placement, disposal, transfer, destruction, composting, dumping, or otherwise preventable introduction of “invasive” plant species or any other nuisance or disease carrying species, as defined in *A Guide to Invasive Plants in Massachusetts* (Somers P. et al. 2006) or as amended or contained in a similar professionally acceptable publication available in the future;
6. Activities detrimental to drainage, flood control, water conservation, water quality, erosion control, soil conservation, wildlife habitat, or archaeological conservation;
7. Activities and uses prohibited under the Massachusetts Surface Water Supply Protection Regulations, 310 CMR 22.20B.
8. Use, parking or storage of vehicles including cars, trucks, motorcycles, mopeds, all-terrain vehicles, trail bikes, or any other motorized vehicles on the Premises except for vehicles necessary for public safety (i.e., fire, police, ambulance, other government officials) in carrying out their official duties or as necessary for the mobility impaired;
9. Subdivision or conveyance of a part or portion of the Premises alone, or division or subdivision of the Premises (as compared to conveyance of the Premises in its entirety which shall be permitted), and no portion of the Premises may be used towards building or development requirements on this or any other parcel;
10. The use of the Premises for business, residential or industrial use, or for more than “*de minimis* commercial recreation” as that term is used in 26 U.S.C. Section 2031(c), as amended, and regulations promulgated thereunder or any successor statute or regulation;
11. The disruption, removal, or destruction of the stone walls or granite fence posts on the Premises;
12. Any other use of the Premises or activity which is inconsistent with the purpose of this Conservation Restriction or which would impair its conservation values.

B. Reserved Rights and Exceptions to Prohibited Acts and Uses. The Grantor reserves the right to conduct or permit the following activities and uses on the Premises, but only if such uses and activities do not impair the conservation values or purposes of this Conservation Restriction.

1. Vegetation Management. The selective minimal removal, pruning and cutting of vegetation to prevent, control or remove hazards, disease, insect or fire damage, or to preserve the present condition of the Premises.
2. Invasive Species Management. The removal of non-native or invasive species, and the control of species in a manner that minimizes damage to surrounding, non-target species and preserves water quality.
3. Composting. The stockpiling and / or composting of stumps, trees, brush, limbs, and similar biodegradable materials originating on the Premises, provided that such stockpiling and composting is in locations where the presence of such activities will not impair the conservation values of this Conservation Restriction. No such activities will take place closer than one hundred (100) feet from any wetland, waterbody or stream.
4. Habitat Improvement. With the prior written approval of the Grantee, measures designed to restore native biotic communities, or to maintain, enhance or restore wildlife, wildlife habitat, or rare or endangered species of flora or fauna, including selective planting of native trees, shrubs and plant species.
5. Passive Recreational Activities. Any and all recreational activities that do not materially alter the surface of the Premises or require any other development of the land (other than as permitted under Section II(B) herein), do not degrade environmental quality and do not involve the use of motors or motorized vehicles (other than power-driven mobility devices whose accommodation may be required in accordance with the Americans with Disabilities Act and similar legislation), such as, but not limited to, walking, jogging, hiking, snowshoeing, cross-country skiing, and hunting (collectively, "Passive Recreational Activities").
6. Trails. Maintaining and constructing trails for Passive Recreational Activities as follows:
 - a. *Trail Construction*. With prior written approval of the Grantee, constructing new trails up to six (6) feet in width, provided that any construction minimizes impact to water resources.
 - b. *Trail Features*. With prior written approval of the Grantee, constructing bog bridging, boardwalks, footbridges, railings, steps, culverts, benching, cribbing, contouring, or other such features, together with the use of motorized equipment to construct such features;
 - c. *Trail Maintenance*. Conducting routine maintenance of trails and trail features that may be constructed pursuant to Paragraphs II.B.6.a. and II.B.6.b.
 - d. Notwithstanding the limitation on trail width described in Paragraph II.B.6.a., any trail that is located within the Maintenance Corridor, as that term is defined in Paragraph II.B.9. may be the same width as the Maintenance Corridor.
7. Signage: Installing, maintaining, and replacing a minimal number of signs with respect to hunting, trespass, trail access, identity and address of occupants, sale of the Premises, the location of boundary lines, the Grantee's interest in the Premises, the conservation values, permitted and prohibited uses, and other regulations with respect to public use, and interpretive, informational or other similar signs designed to enhance public use of the Premises.
8. Forestry and Cutting. Conducting sound silvicultural uses of the Premises solely for the purposes of habitat or drinking water supply management, including the right to sell forest

by-products that result from said management activities (hereinafter, "Forestry Activities"), provided that any such Forestry Activities are carried out pursuant to a Forest Stewardship Plan. All Forestry Activities shall avoid any stone structures or historical and cultural resources and shall be reasonably required to prevent any damage thereto. All cutting operations shall be supervised by a licensed forester. Before any Forestry Activities occur on the Premises, Grantor shall submit a Forest Stewardship Plan to the Grantee, the Massachusetts Department of Conservation and Recreation (hereinafter, "DCR") or appropriate successor agency, and to any other required state agencies for their approval. The Forestry Plan shall:

- a. be prepared by a forester licensed through DCR and shall follow the "Directions for the Preparation of the Chapter 61 Forest Management Plans and Forest Stewardship Plans" (as such guidelines may be amended by DCR or its successor agency) and such statutes, regulations and directions in effect at the time of the approval of said Forest Stewardship Plan; and
- b. include provisions designed to comply with the recommended activities and guidelines and required best management practices established in the Massachusetts Forestry Best Management Practices Manual (Catanzaro, Fish & Kittredge, University of Massachusetts, Amherst & DCR; 2013) and subsequent versions as may be approved by the Forestry Bureau (hereinafter the "Forestry BMPs"); and
- c. include a certification that the Forest Stewardship Plan complies with the terms of this Conservation Restriction; and
- d. be effective for a ten (10) year period and shall be resubmitted once every ten (10) years as necessary if additional Forestry Activities are desired.

9. Raw Water Transmission Line. With prior written notice to the Grantee, constructing a below-ground raw water transmission line for the purpose of transmitting un-treated drinking water between reservoirs, and maintaining an open, vegetated corridor above said transmission line (the "Maintenance Corridor") to allow for vehicular access for purposes of maintaining said raw water transmission line, provided:

- a. The Maintenance Corridor shall be no greater than fifteen (15) feet wide,
- b. The construction of the raw water transmission line shall result in no more than minimal impact to the conservation values,
- c. The Grantor shall restore any areas of the Premises outside of the Maintenance Corridor that are adversely affected as a result of initial construction and subsequent maintenance of the raw water transmission line in accordance with Paragraph II.C below,
- d. The Maintenance Corridor shall be revegetated with native grasses or other native groundcovers that require minimal mowing, and no pesticides, herbicides, fungicides, or fertilizer shall be used on the Maintenance Corridor, and
- e. The Maintenance Corridor shall be open to the public for Passive Recreational Activities consistent with rules and regulations posted by the Grantor.

10. Archaeological Investigations. The conduct of archaeological activities, including without limitation survey, excavation and artifact retrieval, following submission of an archaeological field investigation plan and its approval in writing by Grantee and the State Archaeologist of the Massachusetts Historical Commission (or appropriate successor official).

11. Other Activities. Such other activities or uses of the Premises may be permitted with the prior written approval of the Grantee provided that the Grantee has made a finding, such finding to be documented in writing and kept on file at the office of the Grantee, that such activities are consistent with the Reserved Rights or, as applicable, are included in an

approved Forest Stewardship Plan, do not impair the conservation values and purposes of this Conservation Restriction, and, where feasible, result in a net gain in conservation value of the Premises.

- C. Site Restoration.** Any work undertaken in conjunction with the Reserved Rights described in Paragraph II.B shall seek to minimize disturbance to the conservation values and other natural features within the Premises that may be impacted as a result of exercising of any of the Reserved Rights described herein. Upon completion of any site work performed in conjunction with the Reserved Rights described in Paragraph II.B, any disturbed areas shall be restored substantially to the conditions with respect to soil material, grade, and native vegetated ground cover as documented in the Baseline Report, as applicable, or in conformance with the conditions with respect to soil material, grade, and native vegetated ground cover that existed prior to said work, if said work is done in any area not documented in the Baseline Report.
- D. Best Management Practices.** Prior to exercising any right reserved by Grantor under Paragraph II.B that may result in more than *de minimis* surface alterations, the Grantor shall consult, if available, established, up to date, and regionally-applicable Best Management Practices or similar standards developed by a governmental agency such as the Dept. of Conservation and Recreation (DCR) or other entity with known expertise in the area of practice and designed to protect the natural features potentially affected by the action(s).
- E. Permits, Regulations, Laws.** The exercise of any right reserved by Grantor under Paragraph II.B shall be in compliance with then-current building, zoning, planning, and conservation regulations, bylaws, or ordinances applicable to the Premises, the Wetlands Protection Act (Section 40 of Chapter 131 of the Massachusetts General Laws), and all other applicable federal, state and local laws, rules, regulations, and permits. The inclusion of any reserved right requiring a permit from a public agency does not imply that the Grantee or the Commonwealth of Massachusetts takes any position whether such permit should be issued.
- F. Notice and Approval**
1. Whenever notice to or approval by Grantee is required, Grantor shall notify Grantee, by a method requiring proof of receipt, in writing not less than 60 days prior to the date Grantor intends to undertake the activity in question. The notice shall describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity in sufficient detail to permit the Grantee to make an informed judgment as to its consistency with the purposes of this Conservation Restriction. Where Grantee's approval is required, Grantee shall grant or withhold approval in writing within 60 days of receipt of Grantor's request. Grantee's approval shall not be unreasonably withheld, but shall only be granted upon a showing that the proposed activity shall not impair the purposes of this Conservation Restriction.
 2. Grantee agrees to use reasonable diligence to respond to Grantor's request within 60 days of delivery. Grantee's failure to respond within the sixty (60) calendar day period shall be deemed a denial of the request (hereinafter, a "Deemed Denial"). A Deemed Denial is not final or binding on Grantee, and Grantor may submit the same or a similar request for approval.

III. LEGAL RIGHTS AND REMEDIES OF THE GRANTEE

- A. Legal and Injunctive Relief.** The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including, without limitation, relief requiring restoration of the Premises to their condition prior to the time of the injury complained of (it being agreed that the Grantee will have no adequate remedy at law). The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantee for the enforcement of this Conservation Restriction. Grantee agrees to cooperate for a reasonable period of time prior to resorting to legal means in resolving issues concerning violations provided Grantor ceases objectionable actions and Grantee determines there is no ongoing diminution of the conservation values of the Conservation Restriction.
- B. Reimbursement of Costs of Enforcement.** Grantor covenants and agrees to reimburse to Grantee all reasonable costs and expenses (including reasonable counsel fees) incurred in enforcing this Conservation Restriction or in taking reasonable measures to remedy, abate or correct any violation thereof, provided that a violation of this Conservation Restriction is acknowledged by Grantor or determined by a court of competent jurisdiction to have occurred.
- C. Boundary Disputes.** In the event of a dispute over the boundaries of the Conservation Restriction, Grantee shall have the right to require Grantor, at its sole expense, to commission a survey and / or have the boundaries of the Premises permanently marked.
- D. Non-Waiver.** Enforcement of the terms of this Conservation Restriction shall be at the discretion of Grantee. Any election by the Grantee as to the manner and timing of its right to enforce this Conservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.
- E. Disclaimer of Liability.** By acceptance of this Conservation Restriction, the Grantee does not undertake any liability or obligation relating to the condition of the Premises pertaining to compliance with and including, but not limited to, hazardous materials, zoning, environmental laws and regulations, or acts not caused by the Grantee or its agents.
- F. Acts Beyond the Grantor's Control.** Nothing contained in this Conservation Restriction shall be construed to entitle the Grantee to bring any actions against the Grantor for any injury to or change in the Premises resulting from causes beyond the Grantor's control, including but not limited to fire, flood, storm and earth movement, or from any prudent action taken by the Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Premises resulting from such causes.
- G. Actions to Prevent or Remedy Violations.** The Grantee shall have the right to take appropriate actions to prevent, abate, or remedy violations of this Conservation Restriction, including violations by non-parties.

IV. ACCESS BY THE GRANTEE

The Grantor hereby grants to the Grantee, or its duly authorized agents or representatives, the right to enter the Premises upon reasonable notice and at reasonable times, for the purpose of inspecting the Premises to determine compliance with or to enforce this Conservation Restriction. The Grantor also grants to the Grantee, after notice of a violation and failure of the Grantor to cure said violation, the right to enter the Premises for the purpose of taking any and all actions with respect to the Premises as may be necessary or appropriate to remedy or abate any violation hereof, including but not limited to the right to perform a survey of boundary lines. The Grantee shall have the right

to erect and from time to time replace, at appropriate locations near the boundaries of the Premises, suitable signs identifying the Grantee as the holder of this Conservation Restriction.

V. PUBLIC ACCESS

If and when there exists a public trail on the Premises, the general public shall be permitted to access and use said trail and the Grantor agrees to take no action to prohibit or discourage access to and use of said trail by the general public, but only for daytime use and only as described in Paragraph II.B.5., provided that such agreement by Grantor is subject to the Grantor's reserved right to establish reasonable rules, regulations, and restrictions on such permitted recreational use by the general public for the protection of the purposes of this Conservation Restriction and Conservation Values. Grantor has the right to control, limit, or prohibit by posting and other reasonable means activities or uses of the Premises not authorized in Paragraph II.B.5. The Grantor's right to grant public access across the Premises is subject to the restrictions described in this Conservation Restriction. The Grantee may require the Grantor to post the Premises against any use by the public that results in material impairment of the Conservation Values. Any public use which is permitted by the terms of this Conservation Restriction constitutes permission to use the Premises for the purposes described in Section 17C of Chapter 21 of the Massachusetts General Laws and the Grantor and Grantee hereto benefit from exculpation from liability to the extent provided in such section.

VI. EXTINGUISHMENT

- A. Termination only by Judicial Proceeding and Grantee's Right to Recover Proportional Value.** If circumstances arise in the future such as render the purpose of this Conservation Restriction impossible to accomplish, this Conservation Restriction can only be terminated or extinguished, whether in whole or in part, by a court of competent jurisdiction under applicable law after review and approval by the Commonwealth of Massachusetts Secretary of Energy and Environmental Affairs. If any change in conditions ever gives rise to termination or extinguishment of the Conservation Restriction, then Grantee, on a subsequent sale, exchange, or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds in accordance with Paragraph V.B below, subject, however, to any applicable law which expressly provides for a different disposition of the proceeds and after complying with the terms of any gift, grant, or funding requirements. Grantee shall use its share of the proceeds in a manner consistent with the conservation purposes set forth herein.
- B. Proceeds.** Grantor and Grantee agree that the grant of this Conservation Restriction gives rise to a real property right, immediately vested in the Grantee, with a fair market value that is at least equal to the proportionate value that this Conservation Restriction bears to the value of the unrestricted Premises at that time and represents all land development rights associated with the Premises, except as such rights may have been specifically retained pursuant to this Conservation Restriction. Such proportionate value of the Grantee's property right shall remain constant. Any proceeds will be distributed only after complying with the terms of any gift, grant, or other funding requirements.
- C. Grantor/Grantee Cooperation Regarding Public Action.** Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantor and the Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related

expenses incurred by the Grantor and the Grantee shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between the Grantor and Grantee in accordance with Paragraph V.B above, after complying with the terms of any law, gift, grant, or funding requirements. If a less than a fee interest is taken, the proceeds shall be equitably allocated according to the nature of the interest taken. The Grantee shall use its share of the proceeds like a continuing trust in a manner consistent with the conservation purposes of this grant.

VII. DURATION & ASSIGNABILITY

- A. **Running of the Burden.** The burdens of this Conservation Restriction shall run with the Premises in perpetuity, and shall be enforceable in perpetuity against the Grantor and the successors and assigns of the Grantor holding any interest in the Premises, by the Grantee, its successors and assigns acting by and through its duly designated officers, directors, employees or agents as holders of this Restriction.
- B. **Execution of Instruments.** The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction; the Grantor, on behalf of itself and its successors and assigns, appoints the Grantee their attorney-in-fact to execute, acknowledge and deliver any such instruments on its behalf. Without limiting the foregoing, the Grantor and its successors and assigns agree themselves to execute any such instruments upon request.
- C. **Assignability; Running of the Benefit.** The benefits of this Conservation Restriction shall run to the Grantee, shall be deemed to be in gross and shall not be assignable by the Grantee, except the Grantee and its successors and assigns shall have the right to assign all or a portion of its right, title and interest hereunder to a “Qualified Organization” as defined in 26 U.S.C. Section 170(h)(3) provided that such assignee shall also be an eligible grantee of a conservation restriction as set forth in Section 32 of Chapter 184 of the Massachusetts General Laws, that such assignee is not an owner of the fee in the Premises, and provided further that, as a condition of such assignment, the assignee is required to hold this Conservation Restriction and enforce its terms for conservation purposes and ensure that the purposes of this Conservation Restriction continue to be carried out. Any assignment will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

VIII. SUBSEQUENT TRANSFERS

- A. **Reference to Conservation Restriction in Future Deeds and Required Notification of Transfers.** The Grantor agrees to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument which divests any interest in all or a portion of the Premises, including any leasehold interest or option, and to notify the Grantee in writing not less than thirty (30) days prior to the execution of such transfer. Failure to do any of the above shall not impair the validity or enforceability of this Conservation Restriction. Any transfer will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.
- B. **Termination of Rights and Obligations.** The Grantor shall not be liable for violations occurring after their ownership. Liability for any acts or omissions occurring prior to any transfer and liability for any transfer if in violation of this Conservation Restriction shall survive the transfer. Any new owner shall cooperate in the restoration of the Premises or removal of violations caused by prior owner(s) and may be held responsible for any continuing violations.

IX. ESTOPPEL CERTIFICATES

Upon request by the Grantor, the Grantee shall, within thirty (30) days execute and deliver to the Grantor any document, including an estoppel certificate, which certifies the Grantor's compliance or non-compliance with any obligation of the Grantor contained in this Conservation Restriction.

X. NON MERGER

The parties intend that any future acquisition of the Premises shall not result in a merger of the Conservation Restriction into the fee. The Grantor agrees that it will not grant, and the Grantee agrees that it will not take title to, any part of the Premises without having first assigned this Conservation Restriction to a non-fee owner that is qualified under 26 U.S.C. Section 170(h)(3), as amended, and applicable regulations thereunder and is eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the Massachusetts General Laws in order to ensure that merger does not occur and that this Conservation Restriction continues to be enforceable by a non-fee owner.

XI. AMENDMENT

If circumstances arise under which an amendment to or modification of this Conservation Restriction would be appropriate, Grantor and Grantee may jointly amend this Conservation Restriction; provided that no amendment shall be allowed that will affect the qualification of this Conservation Restriction or the status of Grantee under any applicable laws, including 26 U.S.C. Section 170(h)(3), as amended, or Sections 31-33 of Chapter 184 of the Massachusetts General Laws. Any amendments to this Conservation Restriction shall occur only in exceptional circumstances. The Grantee will consider amendments only to correct an error or oversight, to clarify an ambiguity, or where there is a net gain in conservation value. All expenses of all parties in considering and/or implementing an amendment shall be borne by the persons or entity seeking the amendment. Any amendment shall be consistent with the purposes of this Conservation Restriction, shall not affect its perpetual duration, shall be approved by the Secretary of Energy and Environmental Affairs and if applicable, shall comply with the provisions of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, and any gifts, grants or funding requirements. Any amendment shall be recorded in the Southern Essex District Registry of Deeds.

XII. EFFECTIVE DATE

This Conservation Restriction shall be effective when the Grantor and the Grantee have executed it, the administrative approvals required by Section 32 of Chapter 184 of the Massachusetts General Laws have been obtained, and it has been recorded in a timely manner in the Southern Essex District Registry of Deeds.

XIII. NOTICES

Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage pre-paid, addressed as follows:

To Grantor: City of Newburyport
 City Hall
 60 Pleasant Street
 Newburyport, MA 01950
 Attn: Board of Water and Sewer Commissioners

With a courtesy copy for informational purposes only via first class mail or email to:

City of Newburyport
City Hall
60 Pleasant Street
Newburyport, MA 01950
Attn: Office of Planning and Development

City of Newburyport
City Hall
60 Pleasant Street
Newburyport, MA 01950
Attn: Mayor

To Grantee: Essex County Greenbelt Association, Inc.
ATTN: Director of Stewardship
82 Eastern Ave.
Essex, MA 01929
Phone: 978-768-7241

or to such other address as any of the above parties shall designate from time to time by written notice to the other or, if notice is returned to sender, to an address that is reasonably ascertainable by the parties.

XIV. GENERAL PROVISIONS

- A. Controlling Law.** The interpretation and performance of this Conservation Restriction shall be governed by the laws of the Commonwealth of Massachusetts.
- B. Liberal Construction.** Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in favor of the grant to effect the purpose of this Conservation Restriction and the policy and purposes of Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws. If any provision in this instrument is found to be ambiguous, any interpretation consistent with the purpose of this Conservation Restriction that would render the provision valid shall be favored over any interpretation that would render it invalid.
- C. Severability.** If any provision of this Conservation Restriction or the application thereof to any person or circumstance is found to be invalid, the remainder of the provision of this Conservation Restriction shall not be affected thereby.
- D. Entire Agreement.** This instrument sets forth the entire agreement of the parties with respect to this Conservation Restriction and supersedes all prior discussions, negotiations, understandings or agreements relating to the Conservation Restriction, all of which are merged herein.

XV. AFFIRMATIVE COVENANTS OF THE GRANTOR

- A. Payment of Taxes.** The Grantor shall pay before delinquency all taxes, assessments, betterments, liens, fees and charges levied on or assessed against the Premises by any federal, state, or local government authority or other competent authority or entity (collectively "taxes"), and shall furnish the Grantee with satisfactory evidence of payment upon request.

- B. No Surety Interest.** The Grantor attests that there is no mortgage, promissory note, loan, lien, equity credit line, refinance assignment of mortgage, lease, financing statement or any other agreement which gives rise to a surety interest affecting the Premises
- C. Adverse Possession.** The Grantor represents and warrants that to the best of his knowledge no person has occupied or used the Premises without the Grantor’s permission or has openly claimed ownership of the Premises as against the Grantor or the Grantor’s predecessors in title or has conducted continuous activities or uses on the Premises (such as, but not limited to, logging, camping or similar uses). The Grantor agrees that if any such activity is observed now or in the future, the Grantor shall immediately notify the Grantee and shall cooperate with the Grantee to notify such persons of their wrongful entry onto the Premises.

XVI. MISCELLANEOUS

- A. Pre-existing Public Rights.** Approval of this Conservation Restriction pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws by any municipal officials and by the Secretary of Energy and Environmental Affairs is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.
- B. Representations of the Grantee.** The Grantee represents that it is a not for profit corporation, that it has a perpetual existence, that it is organized and operated for the purpose of preserving and conserving natural resources, natural habitats, environmentally sensitive areas and for other charitable, scientific and educational purposes, that it has both the necessary funds and commitment to hold this Conservation Restriction exclusively for conservation purposes in perpetuity and to enforce its terms, that it is a “Qualified Organization” as that term is defined in 26 U.S.C. Section 170(h)(3), as amended, and that it is an eligible donee of a conservation restriction as set forth in Chapter 184, Section 32 of the General Laws of Massachusetts, as amended.
- C. Prior Encumbrances.** This Conservation Restriction shall be in addition to and not in substitution of any other restrictions or easements of record affecting the Premises.
- D. Signature Pages and Exhibits.** Attached hereto and incorporated herein by reference are the following:

Grantor – City of Newburyport Board of Water and Sewer Commissioners
Grantee Acceptance – Essex County Greenbelt Association, Inc.
Approval of West Newbury Select Board
Approval of the Secretary of Energy and Environmental Affairs.

Exhibit A: Sketch Plan of Premises

WITNESS our hand and seal this ____ day of _____, 2021,

We, the undersigned, being a majority of the Board of Water and Sewer Commissioners of the City of Newburyport, Massachusetts (“Board”), hereby certify that at a public meeting duly held on _____, 2021, the Board voted to grant the foregoing Conservation Restriction to Essex County Greenbelt Association, Inc. pursuant to Section 41 of Chapter 40 and Section 32 of Chapter 184 of the Massachusetts General Laws, and do hereby grant the foregoing Conservation Restriction.

CITY OF NEWBURYPORT,
By its Board of Water and Sewer Commissioners

John Tomasz, Chair

Roger Jones, Commissioner

Sandy Friede, Commissioner

Owen Smith, Commissioner

William Creelman, Commissioner

COMMONWEALTH OF MASSACHUSETTS
Essex County, SS.

On this _____ day of _____, 2021, before me, the undersigned Notary Public, personally appeared John Tomasz, Roger Jones and Sandy Friede, as the members of the City of Newburyport Board of Water and Sewer Commissioners, proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by federal or state governmental agency, oath or affirmation of credible witness, personal knowledge of the undersigned, to be the person whose name is signed on the preceding document, and acknowledged to me that they signed it voluntarily for its stated purposes, as the City of Newburyport Board of Water and Sewer Commissioners.

Notary Public
My Commission expires:

ACCEPTANCE OF GRANT

This Conservation Restriction from the City of Newburyport, acting by and through its Board of Water and Sewer Commissioners, was accepted by Essex County Greenbelt Association, Inc. this ____ day of _____, 2021.

ESSEX COUNTY GREENBELT ASSOCIATION, INC.

By: _____
Name: Katherine Bowditch
Title: President
Hereunto duly authorized

By: _____
Name: Kent Wosepka
Title: Treasurer
Hereunto duly authorized

COMMONWEALTH OF MASSACHUSETTS

Essex County, SS.

On this ____ day of _____, 2021, before me, the undersigned Notary Public, personally appeared Katherine Bowditch, as President of Essex County Greenbelt Association, Inc., proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by federal or state governmental agency, oath or affirmation of credible witness, personal knowledge of the undersigned, to be the person whose name is signed on the preceding document, and acknowledged to me that she signed it voluntarily for its stated purposes, as President of Essex County Greenbelt Association, Inc.

Notary Public
My commission expires:

COMMONWEALTH OF MASSACHUSETTS

Essex County, SS.

On this ____ day of _____, 2021, before me, the undersigned Notary Public, personally appeared Kent Wosepka, as Treasurer of Essex County Greenbelt Association, Inc., proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by federal or state governmental agency, oath or affirmation of credible witness, personal knowledge of the undersigned, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purposes, as President of Essex County Greenbelt Association, Inc.

Notary Public
My commission expires:

APPROVAL OF TOWN OF WEST NEWBURY SELECT BOARD

The undersigned, David W. Archibald, Chairman of the Select Board of West Newbury, Massachusetts, hereby certifies that at a public meeting duly held on _____, 2021, the Select Board voted to approve the foregoing Conservation Restriction from the City of Newburyport, acting by and through its Board of Water and Sewer Commissioners, to Essex County Greenbelt Association, Inc. in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

David W. Archibald, Board of Selectmen Chairman, duly authorized

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss:

On this _____ day of _____, 2021, before me, the undersigned notary public, personally appeared David W. Archibald, and proved to me through satisfactory evidence of identification which was _____ to be the person(s) whose names are signed on the proceeding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

**APPROVAL OF SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
COMMONWEALTH OF MASSACHUSETTS**

The undersigned, Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby certifies that the foregoing Conservation Restriction from the City of Newburyport, acting by and through its Board of Water and Sewer Commissioners, to Essex County Greenbelt Association, Inc. has been approved in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

Dated: _____, 2021

Kathleen A. Theoharides
Secretary of Energy and Environmental Affairs

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss:

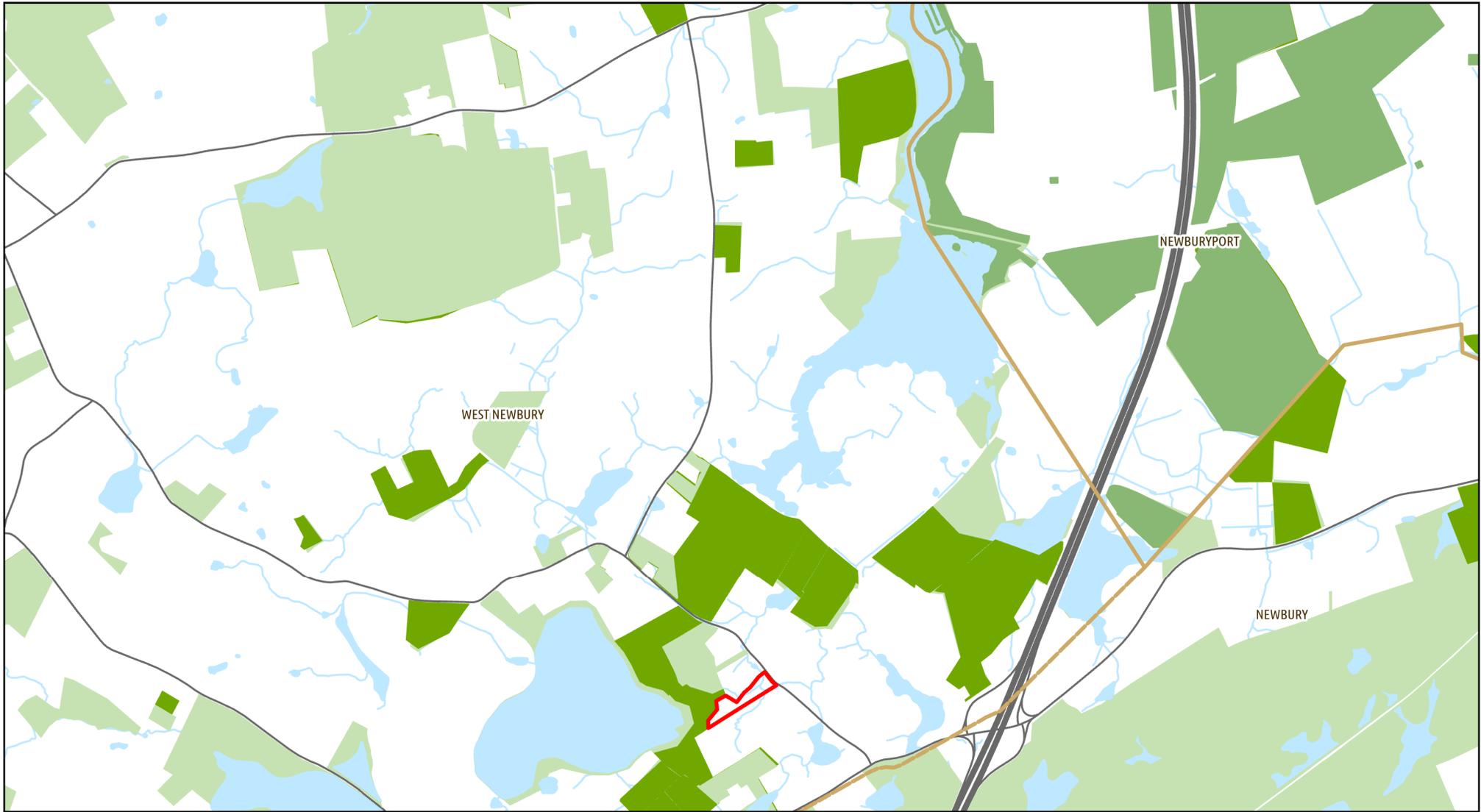
On this _____ day of _____, 2021, before me, the undersigned notary public, personally appeared Kathleen A. Theoharides, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

EXHIBIT A – Sketch Plan of Premises

For official full size plan see Southern Essex District Registry of Deeds Plan Book 444 Plan 20.

117 Indian Hill Street Conservation Context



0 0.5 1 Miles



-  Subject Property
-  Greenbelt Owned
-  City of Newburyport Owned
-  Other Protected
-  DEP Wetlands



Greenbelt
Essex County's Land Trust

Source data obtained from Office of Geographic Information Systems (MassGIS). Orthophotos 2019. Boundaries are approximate and are based primarily on assessor data. Map produced by Essex County Greenbelt Association April 2021



Town Manager

From: DPW Director
Sent: Friday, July 30, 2021 9:30 AM
To: Dave Rimmer; Town Manager
Cc: Michael Carbone
Subject: RE: Turkey Hill Rd parking area

Dave,
Hope all is well.

I fully support this proposal. I suggest that the parking pull off area be at least 10' wide by 50' long. That would allow for two vehicles to be completely off the pavement.

Thanks,
Wayne

From: Dave Rimmer [REDACTED]
Sent: Thursday, July 29, 2021 2:34 PM
To: Town Manager <townmanager@wnewbury.org>; DPW Director <dpwdirector@wnewbury.org>
Cc: Michael Carbone [REDACTED]
Subject: Turkey Hill Rd parking area

Angus and Wayne,

Attached please find a simple sketch of the proposed location for a small pull off parking area at Greenbelt's existing Ordway Reservation on Turkey Hill Rd. Currently vehicles only pull partially off the pavement onto the grass; even less so in winter. We hope to establish something better and safer - about 15 feet deep and 80 feet long. parallel and connected to the road.

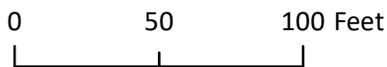
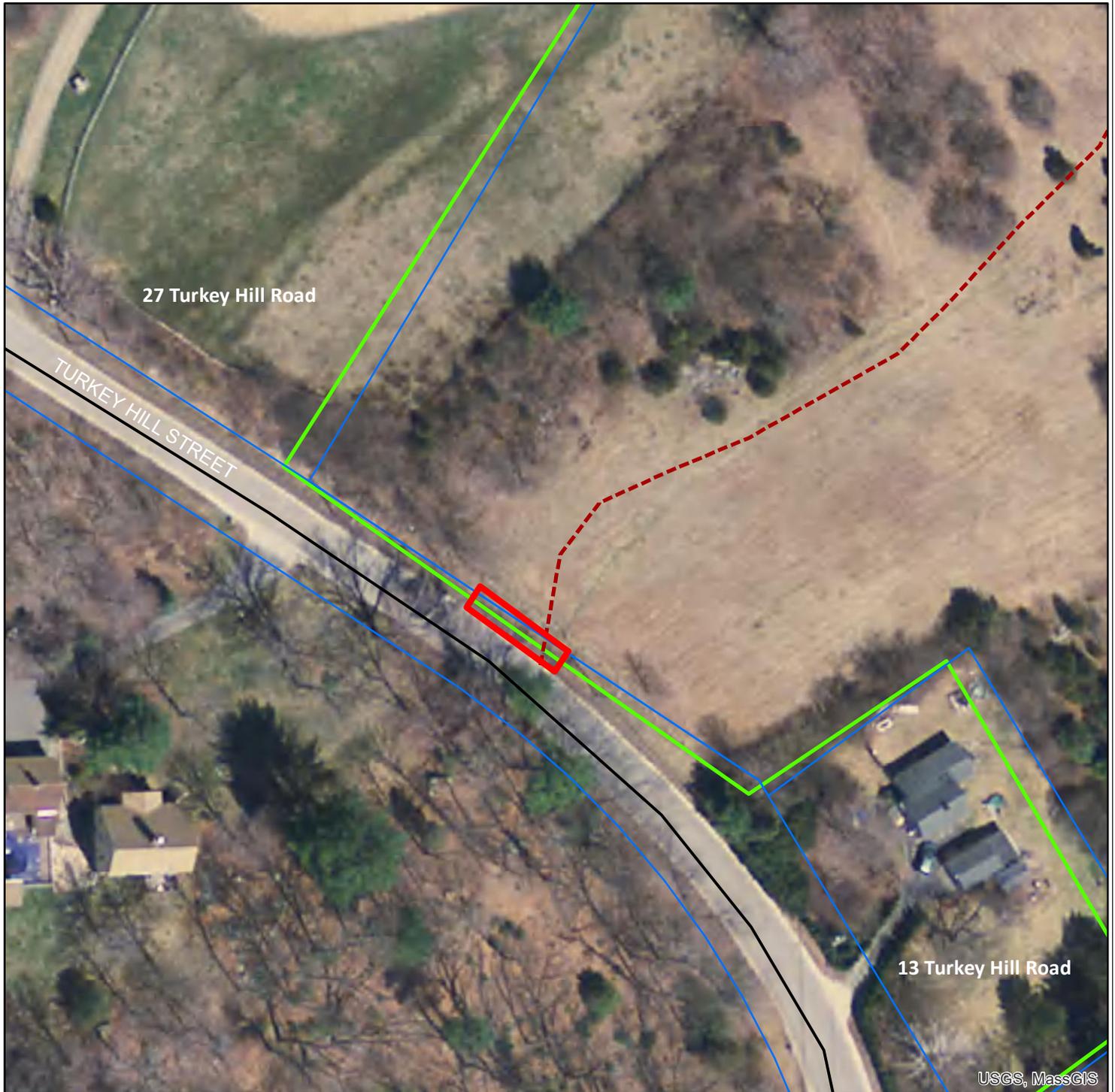
We have owned this property since the 2000s and need to upgrade parking. The layout for TH Rd is "variable width", so we are not quite sure how much of the parking area would be within the layout, but some. No wetland issues so we don't have or need an engineered plan. Just creating a simple 2-3 car pull off area like River Road Reservation.

Is this enough for you to share with the selectmen, which I assume we start with again as we did at River Road? Then have Wayne look at it? No tree removal - it's a grassy shoulder right now.

Thanks, Dave

Dave Rimmer
Director of Land Stewardship
Greenbelt | Essex County's Land Trust
PO Box 1026
82 Eastern Avenue
Essex, MA 01929
dwr@ecga.org
(978) 768-7241 x14

Essex County Greenbelt - Ordway Reservation Proposed Parking Area Turkey Hill Road, West Newbury, MA



Legend

- Ordway Reservation Boundary (approx)
- Proposed Parking Area (12' x 50')
- Existing Trail
- West Newbury Assessor Data (approx)



Source data obtained from survey plans, MassGIS, and Global Positioning Systems (GPS). Orthophoto 2019. Boundary lines, photo points and all other property attributes are approximate.

Map created by Essex County Greenbelt July 2021

Town Manager

From: Chief Jeffrey Durand <durand@westnewburysafety.org>
Sent: Friday, July 30, 2021 11:02 AM
To: Town Manager
Subject: RE: Turkey Hill Rd parking area

I don't have an issue with this location. My only concern would be if the available parking area is full, are other vehicles going to start parking in the street.

From: Town Manager [mailto:townmanager@wnewbury.org]
Sent: Friday, July 30, 2021 10:32 AM
To: Chief Jeffrey Durand <durand@westnewburysafety.org>; Michael Dwyer <dwyer@westnewburysafety.org>
Cc: DPW Director <dpwdirector@wnewbury.org>
Subject: FW: Turkey Hill Rd parking area

Chiefs,

Please review below/attached. This will require Select Board approval since it's proposed partially within the ROW, and I'd like your review for proposed location and safety.

Wayne reviewed and is supportive of the proposal. He suggested that the parking pull off area be at least 10' wide by 50' long to allow for two vehicles to be completely off the pavement.

I'd like to bring this to the Board's Aug 9 meeting. Please let me know by the end of next week if you have any questions, concerns or recommendations re this 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

From: Dave Rimmer [REDACTED]
Sent: Thursday, July 29, 2021 2:34 PM
To: Town Manager <townmanager@wnewbury.org>; DPW Director <dpwdirector@wnewbury.org>
Cc: Michael Carbone [REDACTED]
Subject: Turkey Hill Rd parking area

Angus and Wayne,

Attached please find a simple sketch of the proposed location for a small pull off parking area at Greenbelt's existing Ordway Reservation on Turkey Hill Rd. Currently vehicles only pull partially off the pavement onto the grass; even less so in winter. We hope to establish something better and safer - about 15 feet deep and 80 feet long. parallel and connected to the road.

Town Manager

From: Michael Dwyer <dwyer@westnewburysafety.org>
Sent: Friday, July 30, 2021 10:44 AM
To: Town Manager
Subject: Re: Turkey Hill Rd parking area

Looks good. No concerns on my end.

Sent from my iPhone

On Jul 30, 2021, at 10:32 AM, Town Manager <townmanager@wnewbury.org> wrote:

Chiefs,

Please review below/attached. This will require Select Board approval since it's proposed partially within the ROW, and I'd like your review for proposed location and safety.

Wayne reviewed and is supportive of the proposal. He suggested that the parking pull off area be at least 10' wide by 50' long to allow for two vehicles to be completely off the pavement.

I'd like to bring this to the Board's Aug 9 meeting. Please let me know by the end of next week if you have any questions, concerns or recommendations re this 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

From: Dave Rimmer [REDACTED]
Sent: Thursday, July 29, 2021 2:34 PM
To: Town Manager <townmanager@wnewbury.org>; DPW Director <dpwdirector@wnewbury.org>
Cc: Michael Carbone [REDACTED]
Subject: Turkey Hill Rd parking area

Angus and Wayne,

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We have owned this property since the 2000s and need to upgrade parking. The layout for TH Rd is "variable width", so we are not quite sure how much of the parking area would be within the layout, but

Town Manager

From: Town Manager
Sent: Wednesday, August 4, 2021 1:41 PM
To: Rick Parker - Selectman (rparker@wnewbury.org); David Archibald; Wendy Reed (wreed@wnewbury.org); Gary Roberts
Cc: Town Accountant; Jennifer Walsh (finance.admin@wnewbury.org)
Subject: FW: School Budget and Assessment meeting
Attachments: Summary pages re ESSER funds.pdf

Hi,

This past February, upon request of Pentucket, the Select Boards here and also in Merrimac and Groveland authorized the School Committee to use ESSER II funds (essentially the school version of CARES Act/coronavirus relief funds) to balance the FY22 budget. (Related backup attached).

More recently, the State Budget included language that disallowed the use of ESSER II funds toward communities' Minimum Local Contributions. We're told that, while this does not affect WN, it could affect Merrimac and Groveland, and specifically could revise those towns' FY22 education assessments from Pentucket.

As you can see in the email at the bottom of the thread below, Greg Labrecque has initiated a meeting at Pentucket next Wednesday 8/11 at 5pm, and asked that I attend as well as a rep from both the Select Board and the FinCom. This invite was sent to each of the three towns, and I believe it will be more consequential for the other 2 towns (since, per Greg's follow-up email below, there is no scenario where WN's FY22 contribution would increase). However, I want to give each of you the opportunity to attend (or to send a member of the Select Board and FinCom, respectively).

Will include this on 8/9 Select Board agenda for discussion, but in the meantime wanted to get next Wednesday's mtg on your radar.

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: Greg Labrecque [REDACTED]
Sent: Wednesday, August 4, 2021 1:19 PM
To: Town Manager <townmanager@wnewbury.org>
Subject: RE: School Budget and Assessment meeting

Hi Angus,

Thanks for the feedback. They are having a meeting tomorrow with the Regional School Districts to go over how to handle the 180 degree shift in assessment methodology pretty much all regional districts used. Anyway, there is no scenario in which West Newbury's assessment would go up, only degrees on how much it would go down.

Thanks,

Greg

From: Town Manager <townmanager@wnewbury.org>

Sent: Wednesday, August 4, 2021 1:16 PM

To: Greg Labrecque <glabrecque@prsd.org>; Trotta, Dena <dtrotta@prsd.org>; Bartholomew, Justin <jbartholomew@prsd.org>; Carol McLeod - Finance (X3040) <cmcleod@townofmerrimac.com>; Katheryn Worden <kworden@grovelandma.com>; Ellen Petrillo <epetrillo@grovelandma.com>

Cc: Town Accountant <townaccountant@wnewbury.org>

Subject: RE: School Budget and Assessment meeting

Greg,

I have this in my calendar and will attend. Will share with my Select Board and I expect they'll agenda this for discussion at their upcoming 8/9 Board mtg. Please send any backup materials that will be helpful to my office and the Board in understanding what to expect from the mtg on 8/11. I will also reach out to the FinCom Chair Gary Roberts and invite his participation, and expect he'll also have questions that go beyond my current knowledge of the situation. If there were to be a change to the FY22 Pentucket budget in WN, and if that necessitated any change to the budget approved by Town Meeting this past spring, we would need to know this no later than Sept 1 in order to get anything onto the fall Special Town Mtg warrant. However, if I understood our earlier conversations on this topic correctly, it doesn't sound like WN's assessment would be expect to increase... is that right?

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: Greg Labrecque <glabrecque@prsd.org>

Sent: Tuesday, August 3, 2021 9:57 AM

To: Trotta, Dena <dtrotta@prsd.org>; Bartholomew, Justin <jbartholomew@prsd.org>; Carol McLeod - Finance (X3040) <cmcleod@townofmerrimac.com>; Town Manager <townmanager@wnewbury.org>; Katheryn Worden <kworden@grovelandma.com>; Ellen Petrillo <epetrillo@grovelandma.com>

Subject: School Budget and Assessment meeting

Hello All,

The Pentucket Regional School District will be hosting a meeting on Wednesday August 11, 2021 at 5:00 p.m. in the District Office to discuss the ramifications of, and solutions to, the change in the State Budget for allowing the District to use ESSER 2 funds to offset the Minimum Local Contribution increases for FY 22. This will not be a posted meeting for the School District as we will not be bringing a quorum of School Committee members. The attendees for the School District will be the Superintendent, a School Committee member, and the Business Manager. I suggest that each Town send a member of the Board of Selectmen, a Finance Committee member, and their Finance Director or Town Manager. You may send more than that but if it creates a quorum number for any of your boards or committees you will have to post the meeting. I am sending this to the contacts I have for you to pass along to the appropriate people who will represent your Town.

This meeting is being held before the School Committee meeting on August 17 so any votes that need to be taken regarding the assessments to the Towns can be taken and any adjustments to the budget that may occur can be planned for before the start of the school year.

Please try to have your Town represented as the decisions and discussions that come out of this meeting will affect all our budgets this year.

Thanks,

Greg Labrecque

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Town Manager

From: Town Manager
Sent: Monday, February 22, 2021 10:20 PM
To: Greg Labrecque
Cc: Carol McLeod - Finance (X3040); Kevin Paicos
Subject: RE: ESSER Request

Greg,

At their mtg this evening the WN BOS voted 3-0 "To allow the Pentucket Regional School District to use a portion of its ESSER II grant allocation to lower the Fiscal Year 2022 assessments as allowed in the Governor's House 1 budget language."

Acknowledging that WN is not expected to see any direct financial benefit from this action, the Board only asked that Merrimac and Groveland remember this in the future when the shoe may be on the other foot.

Please let me know if you need anything further.

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: Greg Labrecque <glabrecque@prsd.org>
Sent: Wednesday, February 10, 2021 2:12 PM
To: Carol McLeod - Finance (X3040) <cmcleod@townofmerrimac.com>; Town Manager <townmanager@wnewbury.org>; Kevin Paicos <kpaicos@grovelandma.com>
Subject: ESSER Request

Hi,

Carol had a good point about all of you using the same language for your ESSER funds use vote. May I suggest this:

Motion – To allow the Pentucket Regional School District to use a portion of its ESSER II grant allocation to lower the Fiscal Year 2022 assessments as allowed in the Governor's House 1 budget language

That should do it. What this entails could be handled during any discussion taken up on the issue which I basically gave you in the first email.

Please respond to all if you are okay with this so we all know we are on the same page.

Thanks,

Greg



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

RECEIVED
TOWN CLERK
WEST NEWBURY, MA
2021 MAR 30 AM 9:23

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=Z1RPQ0pFcjI2SFVQRUpUZDdWam4vQT09>

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

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 Parade; 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

Town Manager

From: Greg Labrecque <glabrecque@prsd.org>
Sent: Wednesday, February 10, 2021 10:30 AM
To: Carol McLeod - Finance (X3040); Town Manager; Kevin Paicos
Subject: Use of ESSER 2 Funds for Assessments

Hello All,

Last night the School Committee voted unanimously to allow the use of ESSER 2 funds to lower the assessments for FY 2022 in Groveland and Merrimac. Because West Newbury's minimum contribution dropped into the negative they are ineligible to receive any benefit from this program for this purpose. The next step is for the Boards of Selectperson in all three Towns to vote to allow this use as well. The grant is silent on how the vote is tabulated so I am going with a majority of the Towns so two or more approvals would constitute a yes. This vote would lower the assessments by \$250,911 in Groveland and \$218,028 in Merrimac. As stated earlier West Newbury cannot participate in this calculation. Even with this funding applied the assessment increases for Groveland and Merrimac are significant so this is basically just a help for FY 2022 only. The risk, as always, is that one time money used for an ongoing calculation can compound a problem. However, the flip side is that the minimum local contribution bounces around so much that it may not matter going forward. We only know from year to year when the Governor releases his budget in January what the effect is for the next year.

If you could please place this item on your Boards next agenda for discussion and a vote I would appreciate it. At least then we know how the process can begin to play out. Let me know if you have any questions.

Thanks and stay well,

Greg

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Town Manager

From: Greg Labrecque <glabrecque@prsd.org>
Sent: Wednesday, February 10, 2021 2:12 PM
To: Carol McLeod - Finance (X3040); Town Manager; Kevin Paicos
Subject: ESSER Request

Hi,

Carol had a good point about all of you using the same language for your ESSER funds use vote. May I suggest this:

Motion – To allow the Pentucket Regional School District to use a portion of its ESSER II grant allocation to lower the Fiscal Year 2022 assessments as allowed in the Governor’s House 1 budget language

That should do it. What this entails could be handled during any discussion taken up on the issue which I basically gave you in the first email.

Please respond to all if you are okay with this so we all know we are on the same page.

Thanks,

Greg

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Town Manager

From: Chief Jeffrey Durand <durand@westnewburysafety.org>
Sent: Wednesday, August 4, 2021 10:28 AM
To: Town Manager; Wendy Reed
Subject: FW: Updated Mill Pond Report
Attachments: Incident Report (Mill Pond) July 2021.docx; Article Mill Pond Incident Aug 3 2021.pdf; Text with Ms. Burke.png; Text with Ms. Burke (2).png; Text with Ms. Burke (3).png; Text with Ms. Burke (4).png; Text with Ms. Burke (5).png

From: Kayla A. Provencher [mailto:KProvencher@CityofNewburyport.com]
Sent: Wednesday, August 04, 2021 9:44 AM
To: Chief Jeffrey Durand <durand@westnewburysafety.org>
Subject: Updated Mill Pond Report

Hi Chief,

Attached is the updated/final Mill pond report. I've also included screenshots from the texts between Ms. Burke and I which also has pictures of the dogs too. I did find an article in the paper yesterday about issues at Mill Pond, that's attached as well. We've been stepping up patrols at Pipestave and Mill Pond too. Let me know if you need anything else 😊.

Thank you,
 Kayla

~~Newburyport~~

Newburyport/West Newbury
 Animal Control Officer & Animal Inspector
Newburyport Health Department
 60 Pleasant Street
 Newburyport, MA 01950
 978-465-4410 (fax 978-465-9958)

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CITY OF NEWBURYPORT HEALTH DEPARTMENT

FRANK GIACALONE
DIRECTOR OF PUBLIC HEALTH

KAYLA PROVENCHER
ANIMAL CONTROL OFFICER

NEWBURYPORT CITY HALL
TEL: 978-465-4410

60 PLEASANT STREET

NEWBURYPORT, MA 01950
FAX: 978-465-9958

Incident Report

- **Date of Incident:** 7/8/21
- **Location of Incident:** Mill Pond – near the green shack
- **Reporting Party:** Michelle Burke – [REDACTED] / West Newbury / Son involved in dog bite incident at Mill Pond

7/8/21:

Ms. Burke's son (16 y/o) was running with his lacrosse team down at Mill Pond near the green shack by the pond when two off leash dogs approached him and one of them nipped his side near his waist. Her son said it is a woman in her mid-40's, blonde hair, and two dogs that are mixed breeds. He said the owner did say the dogs are both up to date on vaccines. Her son did not get any other information. I told her that without knowing the dogs that did it, we cannot verify rabies vaccines or issue a quarantine. I told her that I cannot give out medical advice but suggest reaching out to her doctor to notify them of the situation, and that if she comes across any information about the potential owners to let me know.

7/13/21:

I received a call from Ms. Burke in regards to the incident that occurred with her son. She explained that she posted on social media about the incident in a West Newbury Facebook group in hopes of locating the owner or locating someone who may know who the owner is. She said she got a lot of responses, one from a woman who wished to remain anonymous but stated that the dogs in question reside at 750 Main Street in West Newbury. She stated the reporting party saw the dog owner in question getting out of her car at 750 Main Street in West Newbury with the dogs. I told Ms. Burke that I will make contact with the owners at 750 Main Street to investigate and will give her a call as soon as I've made contact as her son has started the rabies vaccine series. I arrived at 750 Main Street at 4P.M. but was unable to make contact with the owner so a notice was left on the door for the owners to contact Animal Control at 4P.M.

7/14/21:

Keith Dodge [REDACTED], the dog owner at [REDACTED], made contact to discuss the incident that occurred down at Mill Pond. I asked Mr. Dodge how many dogs he owns, he stated he has a total of 3 (a Boston terrier, two lab mixes; one black and one beige), and that his fiancé is visiting him who is the one who takes the dogs out for walks. I asked if she was at Mill Pond the date of the incident and he stated that his fiancé was in Hillsborough, NH for the day and wasn't at Mill Pond at all. He stated he did hear about what happened via social media, but it wasn't his dogs that were involved in the incident. I then called Ms. Burke to update her on the situation and left her a voicemail. I then received a call back but from a woman stating that it was the wrong number. I then found Ms. Burke's number and called to leave another voicemail stating that I accidentally left a voicemail at the wrong number and for her to give me a call back so I could update her on the situation. I did not hear back from Ms. Burke.

7/27/21:

I was made aware that Ms. Burke never received my voicemail. I then promptly called her to update her on the situation. She stated she did not receive a voicemail; I apologized and proceeded to tell her that a message was left at the wrong number but I did leave a voicemail for her at her phone number about giving her an update. I told her about the conversation I had with Mr. Dodge at [REDACTED]. She stated that she spoke to the woman who wants to remain anonymous that gave her the tip about the dogs residing at 750 Main Street. The reporting party told Ms. Burke that the fiancé has no control over the dogs there, that at some point one of the dogs has killed Mr. Dodge's cat before, that the dogs are aggressive and the reporting party is 100% sure that it is them. Ms. Burke stated that the reporting party is a tenant of Mr. Dodge and would like to remain anonymous and is fearful to come forward. I told Ms. Burke that the tenant can anonymously call me to report anything in regards to the dogs or the situation either via email or by phone. I ended the conversation by telling Ms. Burke to let me know if she hears of any leads, and that I have been stepping up patrols at Pipestave as well as Mill Pond. She was appreciative and thankful.

8/3/21:

I left a voicemail for Keith Dodge at 8:25AM requesting he call me back to possibly set up a time I can stop by his residence to take pictures of his dogs to potentially show Ms. Burke's son to hopefully identify the dogs involved. Mr. Dodge returned my call stating he will be home all day and I can stop by to take all the pictures I need; we made an appointment for 2PM. I called Ms. Burke and left the voicemail stating that later this afternoon I will be sending her pictures to show her son to see if he can identify the dogs. She returned my call and said that she will also send the pictures to another woman who said she saw the owner and her dogs down by the green shack. I told Ms. Burke that the woman who witnessed the owner can reach out to me as well, anonymously if needed. At 2:00PM I met with Mr. Dodge at his residence to take pictures

of his three dogs. Mr. Dodge brought his dogs out to the front of the house on leash. All three dogs were very friendly. Mr. Dodge did state that previously when we spoke he had said his fiancé was in New Hampshire that day, he said he got the dates mixed up and she was actually at work from 8AM to 12PM the day of the incident. After meeting with Mr. Dodge, I sent the pictures of the dogs to Ms. Burke who showed the pictures to her son who was able to confirm that these are not the dogs that were involved in the incident with her son. The texts with Ms. Burke are attached to this report.

At this time the dogs involved in this incident have not been identified. Patrols have been stepped up at both Pipestave and Mill Pond.

Kayla Provencher
Newburyport/West Newbury
Animal Control Officer & Animal Inspector
978-465-4410 (fax 978-465-9958)

https://www.newburyportnews.com/news/local_news/west-newbury-officials-consider-pedestrian-only-trails-at-mill-pond/article_bd32cc46-9fda-54a9-b2ff-855732ae81dd.html

West Newbury officials consider 'pedestrian-only' trails at Mill Pond

By Jennifer Solis Correspondent

Aug 3, 2021



WEST NEWBURY — Town officials are considering designation of “pedestrian-only” trails at Mill Pond after discussion before the Select Board about a recent dog bite incident.

Ryan Goodwin, chair of the Mill Pond Committee, concluded it might be necessary to designate some trails for people without dogs so that dogs are kept out of certain sections of the 213-acre recreation area. A numbered trail system now under development could make it clear where dogs are allowed, Goodwin said.

Last month, a group of students running trails at Mill Pond Recreation Area for cross-country training were reportedly harassed by a dog that was not leashed.

The dog bit a runner who was taken to the emergency room and had to undergo a post-exposure rabies vaccine protocol, consisting of a series of injections over two weeks. A woman who appeared to be the dog’s owner was said to have shouted to the boy that the dog was up to date on its shots.

But without having any documented proof that the animal received a rabies shot, doctors advised taking a cautious approach, subjecting the boy to the series of shots. Goodwin contended that the vast majority of people visiting Mill Pond and Pipestave Hill are considerate of others.

Incidents such as the dog bite are infrequent and rarely happen once animals are off running on the trails, he said.

The problems arise when people gather with their dogs in the parking lot before or after hitting the trails. It doesn’t help that the current animal control bylaw, which calls for dogs off leash to be “under immediate voice control,” is arbitrary, according to Goodwin.

He will speak to his committee about possibly increasing the areas where dogs must be leashed and to consider creating “pedestrian-only” trails.

TRENDING VIDEO

Coconut Cream Cheese Sheet Cake

To: Board/Committee/Commission Chairs

From: Select Board

Date: August 10, 2021

By email

One of the Select Board's priorities for this year is to update the town's personnel policies. This will resolve inconsistencies in staff management practices between Boards and Commissions, as well as bring all personnel policies in line with the Town Manager form of governance. Making sure that all employees are treated fairly and consistently is the ultimate objective of the policy update and is an important factor in employee morale and effective staff management.

Prior to engaging the Personnel Advisory Committee or legal counsel on this update, we'd like to get your input on the primary areas where inconsistency has been noted. These include:

- Modification of job descriptions or duties
- Hiring practices
- Changes in employee wages or grade level
- Tracking/approval of accrued time off
- Department office hours and employee work schedule
- Performance evaluations

We are asking the chair of each Board/Committee/Commission with staff assigned to them to attend a Select Board meeting on September 1, 2021 for this discussion. It will be a posted meeting for the Select Board but this will be the only topic on the agenda. We hope that this is enough advance notice so that all of you will be able to attend. If you're unable to, however, please assign another member of your board that is familiar with staffing issues.

Please let Angus know if you have any questions or wish to include additional items in this discussion.

Town Manager

From: Rick Parker
Sent: Friday, August 6, 2021 10:37 AM
To: administrator@townofnewbury.org
Cc: Town Manager; agreco@townofnewbury.org; asstadmin@townofnewbury.org
Subject: MVMPO Membership and TIP

Hello Tracy ,

I hope you're doing well and enjoying summer – it's been years since we last talked.

Jerrard Whitten, MVPC Executive Director, sent a letter dated 7/13/21 addressed to West Newbury's Town Manager, Angus Jennings, regarding the need for the three Merrimack Valley Metropolitan Planning Organization (MVMPO) Subregion 2 member communities' chief elected officials to jointly select a representative to MVMPO and document in a jointly signed letter by August 15. I assume that a similar letter was sent to you.

Rowley Selectman Robert Snow is currently our Subregion 2 representative. Bob and I spoke yesterday (8/5/21) and he is fine with remaining in the position. The Rowley Board of Selectmen discussed the question at their last meeting and are similarly agreed. Bob is open to someone else from either West Newbury or Newbury taking the reins, but it's worth noting that Bob is currently MVPC Chairman and has been Rowley' MVPC Commissioner for 15 years.

West Newbury's Select Board discussed the subregion rep position briefly at our last meeting on 7/26 and the topic is on the August 9 meeting agenda for our vote.

Has Newbury's Select Board decided how your town would like to proceed?

As I understand, one of the primary purposes of MVMPO is to determine regional prioritization of requests for Federal TIP funds. Our three small towns may not carry a lot of weight in that decision process, being overshadowed by larger municipalities (e.g. Lawrence, Haverhill) and broader regional transportation concerns. West Newbury certainly has transportation related projects where Federal TIP funding would be very useful and is probably not unique in that regard.

I am currently traveling cross-country to participate in my daughter's 8/14 wedding in Bellingham, WA, so my cell and internet service are often limited or non-existent, but I'll try to respond promptly if you see any reason to discuss.

Stay well – rick
Richard Parker
West Newbury Select Board – Chairperson


July 13, 2021

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

RECEIVED

JUL 19 2021

TOWN MANAGER
TOWN OF WEST NEWBURY

Dear Mr. Jennings:

The Merrimack Valley Planning Commission (MVPC) is currently reviewing the membership of the Metropolitan Planning Organization (MVMPO) and is reaching out to our member communities to designate representatives to serve on the MVMPO. We are seeking your input into the representation for Subregion 2.

As you are aware, the MVMPO is responsible for overseeing the federally-mandated transportation planning and project programming process in its region. Key MVMPO responsibilities include the development of the Regional Transportation Plan (RTP), the Transportation Improvement Program (TIP) and the conduct of transportation studies and analyses that support the transportation planning process.

As set forth in its Memorandum of Understanding (MOU), which defines each member's roles and responsibilities, the MVMPO is comprised of 10 voting members including the Merrimack Valley Planning Commission (MVPC); the Merrimack Valley Regional Transit Authority (MVRTA); two representatives from MassDOT, the mayors of our two largest communities (Lawrence and Haverhill) and a representative from each of four subregions. These are:

- Subregion 1: Amesbury, Newburyport, Salisbury
- Subregion 2: Newbury, Rowley, West Newbury
- Subregion 3: Boxford, Georgetown, Groveland, Merrimac
- Subregion 4: Andover, Methuen, North Andover

The MVMPO subregions were created so that their representatives could provide consistent geographic representation in the organization and, in doing so, a more balanced perspective on regional transportation needs. It is expected that any subregion's representative would be aware of the various transportation issues affecting each of the communities and be able to present them to the MPO. Of course, MPO meetings are open to the public and officials that do not serve as voting members often do attend to present information that can be considered in the organizations' deliberations and actions.

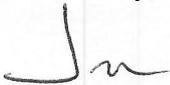
MPO representation for the subregions was last updated in 2018. While the MOU charges MVPC with selecting each subregion's representative, MVPC and the other MVMPO members prefer that the chief elected officials in each subregion make their own selection. MVPC would make the selection only if a subregion's chief elected officials are unable to agree on a particular candidate. Rowley Selectman Robert Snow is currently the representative for MPO Subregion 2.

At this time, I ask you and the other chief elected officials in Subregion 2 to cooperatively select a representative and to document your selection to me in a jointly signed letter by August 15, 2021. The new term for the selected representative from your subregion will begin on September 1. You may collectively choose to continue with Robert Snow as the Subregion 2 representative or select a new representative. In the latter case, Mr. Snow will continue to serve in this position until a new Subregion 2 representative has been approved.

The MVMPO typically meets monthly, 8-10 times each year, on the fourth Wednesday of the month at noon. These meetings occur more frequently in the first half of the year to support the development and endorsement of the region's TIP. Beginning In 2022, the MVMPO will also be responsible for developing and endorsing the Regional Transportation Plan, the foundation document in the federal '3C' transportation planning process.

Please feel free to contact me with questions or comments about the MVMPO membership process or if the MVPC can be of assistance in making this selection.

Sincerely,



Jerrard Whitten
Executive Director

Town Manager

From: Town Manager
Sent: Wednesday, August 4, 2021 2:03 PM
To: Bob Janes [REDACTED]
Subject: Bid opening, S&S Bldg

Bob,
The bid openings will take place next Friday, Aug 13th at 1pm. This will happen online through BidDocsOnline. The bids will be available and viewable online almost immediately at the stated time, as follows:

<https://www.biddocsonline.com/projects.php?id=5153>

You'd just need to click on General Bid Status to see the results. Once the bids are opened, they'll be reviewed for completeness, compliance with the bid specs, and references will be checked. A recommendation will be presented to the Select Board at their mtg on Aug 30th.

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 Massachusetts

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Meeting on Affordable Housing Trusts

Tuesday, August 17, 2021 at 8:30 PM

POSTED ON: AUGUST 6, 2021 - 10:40AM

The Town is exploring the idea of an Affordable Housing Trust Fund. The Town Manager and Town Planner have invited Shelly Goehring of the Massachusetts Housing Partnership to come and speak with the Planning Board and interested residents regarding how Housing Trusts can work, and what steps would be recommended to go forward with this initiative.

The public meeting is scheduled for Tuesday, August 17, 2021 at 8:30 pm via Zoom.

For those wishing to view and/or listen to the Zoom Meeting, log in information can be found [here](#).

The following links are available for those interested in learning more:

- [municipal_affordable_housing_trust_guidebook.pdf \(mhp.net\)](#)
- <https://www.housingtoolbox.org/recorded-workshops-and-trainings/affordable-housing-trust-cpa-conference>
- <https://www.housingtoolbox.org/local-tools/housing-trust-funds>

Regular updates regarding this topic will continue to be provided at regular meetings of the Select Board and Planning Board later this summer and fall.

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

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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

Q

August 6, 2021

Secretary Michael Heffernan
Executive Office of Administration and Finance
24 Beacon Street
State House, Room 373
Boston, MA 02133

Dear Secretary Heffernan,

On behalf of the West Newbury Select Board, and all West Newbury residents, I am writing to express our gratitude for the inclusion of a \$25,000 earmark in the State Budget to support a safety audit for the intersection of Main Street (Route 113), the Page School driveways, and the Pipestave conservation, recreation and equestrian area. Our DPW Director has been working with my office and in coordination with the Select Board and residents, in identifying this location as a high priority for safety audit. The Commonwealth earmark offers the opportunity to make real progress on this effort.

At your convenience, the town would respectfully request the earmarked funds released, pursuant to the FY22 Commonwealth budget line 1599-0026 providing that "not less than \$25,000 shall be expended for a safety audit of an intersection in the town of West Newbury."

We are thankful for the efforts of Senator Tarr and Representative Mirra, as well as for your office's efforts and those of Governor Baker. We look forward to putting these funds to work for the safety of West Newbury residents and area travelers.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Angus Jennings
Town Manager

cc: *Senator Bruce Tarr*
Representative Lenny Mirra
Emily Puteri, Principal, Page School
Justin Bartholomew, Superintendent, Pentucket Regional School District

Town Manager

From: Town Manager
Sent: Friday, August 6, 2021 1:47 PM
To: Leah Zambarnardi (lzambarnardi@wnewbury.org); Jay Smith (conservation@wnewbury.org); Sam Joslin (building.inspector@wnewbury.org); Mike Gootee
Cc: Christian Kuhn (chief.assessor@wnewbury.org)
Subject: GIS data - standard language for conditions of approval
Attachments: 6_OceanFrontSouth.pdf; DigitalSubmissionGuidelines2007v1.doc

Leah, Jay, Sam, it would be good to start building this language into standard conditions of approval. Mike G., the same data should be provided for any new water infrastructure (and is probably already provided to us by Tata & Howard and/or the contractor). The more data we can get from applicants/developers as the work goes forward, the better our GIS mapping can become. While it will be good to build this into rules/regs eventually, I don't see any reason this couldn't be required as a condition of approval in the meantime. I think it's become pretty standard practice anyway so is no big lift, we've just needed someone to spearhead this. Thanks, Christian!

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: Christian Kuhn <chief.assessor@wnewbury.org>
Sent: Friday, August 6, 2021 1:29 PM
To: Town Manager <townmanager@wnewbury.org>
Subject: FW: Condition for Approval

MVPC's response on the inclusion of CAD files for a Condition for Approval.

Christian Kuhn
Chief Assessor
Town of West Newbury
381 Main Street
West Newbury, MA 01985
978-363-1100 x116

From: Mikayla Minor [REDACTED]
Sent: Friday, August 06, 2021 1:26 PM
To: Christian Kuhn <chief.assessor@wnewbury.org>
Cc: Steve Lopez [REDACTED]
Subject: RE: Condition for Approval

Good Afternoon Christian,

Thank you for your note on this. It would certainly be helpful in the annual parcel update process to have electronic CAD submissions in support of the fiscal year's parcel changes.

The first step in this would be to update the subdivision and site plan bylaws to reflect the new requirements. Back around the 2007 time frame Salisbury wanted to implement a similar provision and we worked with them to draft a model ordinance that outlined the digital submission requirements which they used to inform the changes to the bylaws. Attached is the model language we used at the time. It is a bit dated so you may find the need to update it but it is a place to start.

Additionally, a function of the bylaw change was that applicants needed to submit a form along with their CAD files. Attached is an example of the form that applicants are required to fill out as a part of their electronic submittal. It was drafted based on the requirements outlined in the bylaw so we might need to modify the form to fit whatever requirements might be incorporated. Again, a place to start. When these files are submitted MVPC has vetted the submittals to ensure proper placement and alignment before adopting them as working files for the parcel update.

I hope that helps to inform any changes the Town is entertaining on this front and let us know if you need anything else!

Best,
Mikayla

From: Christian Kuhn <chief.assessor@wnewbury.org>

Sent: Wednesday, August 4, 2021 2:31 PM

To: Mikayla Minor [REDACTED]

Subject: Condition for Approval

Hello Again!

I'm also looking over the Town's policies for conditions for approval on subdivision projects. Would it be beneficial to MVPC to have CAD files from West Newbury for any mapping changes or is the current process working? Thank you.

Christian Kuhn
Chief Assessor
Town of West Newbury
381 Main Street
West Newbury, MA 01985
978-363-1100 x116

Town Manager

From: Amanda Lindenthal [REDACTED]
Sent: Friday, August 6, 2021 10:54 AM
To: Town Manager
Cc: Finance Admin
Subject: High-Performance Leadership program for September
Attachments: ICMA High Performance Academy - September 2021.pdf

Hi Angus,

The ICMA Leadership Academy's High-Performance and Cybersecurity Leadership programs August cohort started yesterday with over 100 city leaders participating. There will only be one more cohort this year and the start date is quickly approaching! I have attached the September calendar for the High-Performance Leadership program. If you or anyone else is interested please let me know so I can help you reserve your seat.

More info:

- 14 weeks (12 weeks of content and 2 break weeks)
- 100% online – very flexible for city employees
- 4-5 hour time commitment per week (roughly 45 mins/ day)
- Academy qualifies for 48 CPE credits
- Next start date is September 13th

Do you know of anyone in your organization that would like to participate in the Academy's last cohort of the year?



Amanda Lindenthal | Deputy Director of Enrollment
Professional Development Academy
www.pdaleadership.com | 503.303.8156

Town Manager

From: Amanda Lindenthal [REDACTED]
Sent: Friday, August 6, 2021 11:09 AM
To: Christian Kuhn
Cc: Town Manager
Subject: ICMA Cybersecurity Leadership Academy enrollment form

Hi Christian!

I just spoke with your town manager Angus and he said you were very interested in our Cybersecurity Leadership program and asked me to send you the enrollment form. I just sent you an enrollment form for the September 13th cohort. It will come from the following email address: notifications@zohosign.com. You just need to open that email and electronically sign to reserve your seat.

Also attached is the participant information link; simply click the link, fill out the form and submit then you will be good to go! This information form will allow the operations team to send you your login credentials and welcome information in time for the program's start. Should you have any trouble with the link please let me know.

Thank you!

[Participant Information Portal](#)



Amanda Lindenthal | Deputy Director of Enrollment
Professional Development Academy
www.pdaleadership.com | 503.303.8156

Module 1: The Security Leadership Mindset

Program overview focused on what it means to think and act as a cybersecurity leader.

Module 2: The Art of Security Intelligence

Learn how data security professionals can best obtain, use, and distribute threat intelligence.

Module 3: The Balance Between Security & Innovation

Establish a mindset that embraces innovation and looks for ways to consistently simplify complexity.

Module 4: Security Change Management

Learn to be a change agent and use change practices to address and overcome security challenges.

Module 5: Positive Leadership in Security

Develop positive leadership practices to achieve positively deviant organizational outcomes.

Module 6: Collaboration and Negotiation

Apply Mutual Gains Approach and leverage collaboration necessary to provide satisfying outcomes and enhance relationships.

Module 7: Security Communication

Adapt practical and meaningful useful techniques for how IT security leaders can communicate within and outside of the organization.

Module 8: Relationship Management

Create and execute the steps to build strong professional relationships and form key strategic partnerships.

Module 9: Security & the Network of Things

Use your network to aid in developing and maintaining an effective risk management strategy.

Module 10: Your Changing Role in Security

Apply techniques for learning and adapting as a cybersecurity leader while establishing a clear leadership philosophy.

Module 11: Simulated Cyberattack

Foster development and alignment within cybersecurity individuals and work teams through drills, training, and war games.

Module 12: The Power of One

Communicate how your value as a cybersecurity leader directly impacts the long-term success of the enterprise and beyond.

MODULES 1 – 4: Sep. 13th – Oct. 8th

Module 1: The Security Leadership Mindset

Module 2: The Art of Security Intelligence

Module 3: Balancing Security & Innovation

Module 4: Security Change Management

Break Week: Oct. 11th – Oct. 15th

MODULES 5 – 9: Oct. 18th – Nov. 19th

Module 5: Positive Leadership in Security

Module 6: Collaboration and Negotiation

Module 7: Security Communication

Module 8: Relationship Management

Module 9: Security & the Network of Things

Break Week: Nov. 22nd – Nov. 26th

MODULES 10 – 12: Nov. 29th – Dec. 17th

Module 10: Your Changing Role in Security

Module 11: Simulated Cyberattack

Module 12: The Power of One

Graduation: December 17th



“The Professional Development Academy is having a profound impact on the business communication skills and leadership capabilities of those participating – must for anyone looking to maximize their potential and effectiveness as a leader in their organization.”

Dave Kotch, CIO, FMC