



**Town of West Newbury**  
**Select Board**  
**Monday, October 18, 2021 @ 5:30pm**  
381 Main Street, Town Office Building  
[www.wnewbury.org](http://www.wnewbury.org)  
**AGENDA**

RECEIVED  
TOWN CLERK  
WEST NEWBURY, MA  
2021 OCT 14 PM 4:39

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

- ❖ MGL Ch. 30A §21(a) 1: To discuss complaints against a public officer, employee, staff member or individual;
- ❖ 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 (*staffing updates*);
- ❖ MGL Ch. 30A §21(a) 3: To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares (*Police Union contract*);
- ❖ MGL Ch. 30A §21(a) 6: To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body (*31 Dole Place*);
- ❖ MGL Ch. 30A §21(a) 7: To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements (*Middle Street Bridge MOU with Newburyport*)

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.
- Open Space Committee: Fall Trail Hike! Sunday, October 17 at 1pm. Meet at Mill Pond Lower Field parking area.
- Flu Shot Clinic. Tuesday, October 19 from 10am-noon. Town Offices Annex. Sponsored by Council on Aging and Conley's Pharmacy. Bring insurance card. High dose available. Call 978-363-1104 to register
- Special Town Meeting: Saturday, October 23, 2021 at 2pm. Outdoors at the Bandstand.
- Public Meeting regarding Soldiers & Sailors Building, Monday, Oct. 25 at 7pm
- Trick or Treating: Sunday, October 31 from 5:30-7:30pm
- Call for volunteers: current opportunities at <https://www.wnewbury.org/volunteer>
- Reminder to subscribe for emailed Town news/announcements at <https://www.wnewbury.org/subscribe>

**Regular Business**

- A. Joint meeting with the Town Moderator, Finance Committee, Town Counsel and Town Manager to review the 2021 Fall Town Warrant, Motions and Meeting set for October 23, 2021 at 2pm
- B. Overview of active and anticipated projects / initiatives – *Town Manager*
- C. Update on Community Compact grant application re wage study; follow-up from October 14<sup>th</sup> meeting with Boards/Commission Chairs regarding personnel policy/administration
- D. Draft policy to require advance Town Manager approval of overtime and hours worked above budgeted
- E. Discussion of affordable housing policy/strategy
- F. Request for authorization to declare old Fire Rescue vehicle surplus and authorize disposition in accordance with Town policy regarding Disposal of Surplus Property
- G. Follow up meeting assignments
- H. 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: 844 6036 1204

Passcode: 561232

Join at <https://us06web.zoom.us/j/84460361204?pwd=cVpBQ2lGYWJVK04xZUUrO0IydUZhUT09>

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.

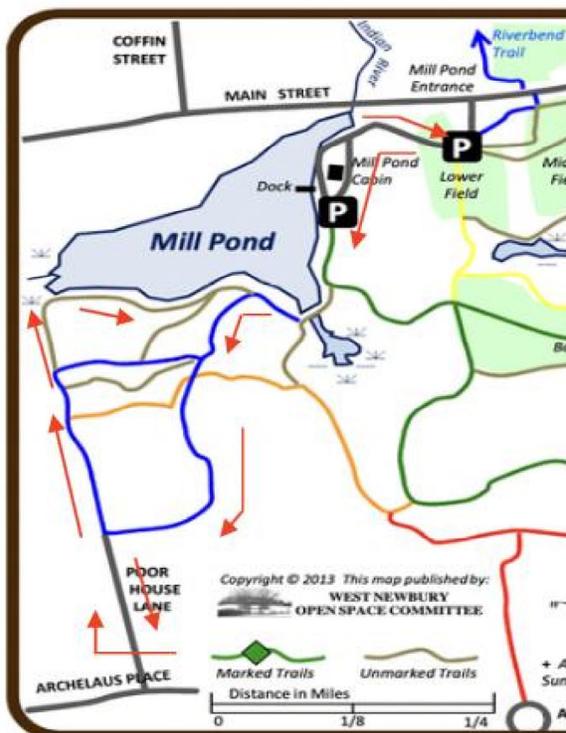
# West Newbury Open Space Committee

# FALL TRAIL HIKE

**Date:** Sunday, October 17, 2021

**Time:** 1:00 PM **Place:** MILL POND WATERSHED  
ALMSHOUSE CEMETERY

**Parking:** Mill Pond: Meet Lower Field Parking Area



- *Enjoy nature and history in a scenic hike!*
- *Learn about:*
  - *Just Restored Almshouse Cemetery*
  - *Invasive Species*
  - *All-Access Trail*
  - *Mill Pond Watershed*

Full size map at:  
[www.wnewbury.org/open-space-committee](http://www.wnewbury.org/open-space-committee)

For questions or cancellation due to weather visit:  
<https://www.wnewbury.org/open-space-committee>



Town of  
**West Newbury**  
Massachusetts

Published on *Town of West Newbury MA* (<https://www.wnewbury.org>)

[Home](#) > Flu Shot Clinic

## Flu Shot Clinic

Tuesday, October 19, 2021 from 10 am - noon



The West Newbury Flu Shot Clinic is scheduled for Tuesday, October 19, 2021 from 10 am until noon. It will be held at the Town Offices Annex Building located at 381 Main Street.

- Bring insurance card
- High dose available
- Call 978-363-1104 to register

Sponsored by the Council on Aging and Conley's Pharmacy

**Source URL:** <https://www.wnewbury.org/home/news/flu-shot-clinic>



# Town of West Newbury Massachusetts

Published on *Town of West Newbury MA* (<https://www.wnewbury.org>)

[Home](#) > "How West Newbury Operates"

## "How West Newbury Operates"

A video production of the West Newbury Cable Advisory Committee, with Special Thanks to recent Pentucket graduate Timothy Friend

The West Newbury Cable Advisory Committee has released its production regarding "How West Newbury Operates." This 4.5 minute video is packed with civics and wit!

Very special thanks to recent Pentucket graduate Timothy Friend, who assisted the CAC, and Director Kevin Bowe, in producing this video.

Enjoy! And what better way to show your civic engagement than to show up and vote! Special Town Meeting: **Saturday, October 23, 2021 at 2pm**, outdoors at the Bandstand.

A copy of the Town Meeting Warrant is posted [online](#).

How West Newbury Operates



"How West Newbury Operates"

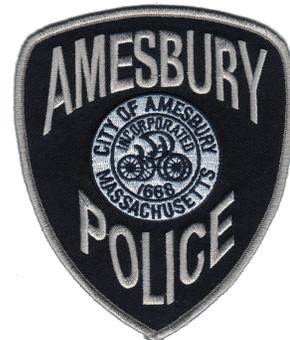
**Source URL:** <https://www.wnewbury.org/home/news/how-west-newbury-operates>

## Town Manager

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**From:** [REDACTED] on behalf of Robert Mills [REDACTED]  
**Sent:** Thursday, September 30, 2021 1:31 PM  
**To:** Town Manager  
**Subject:** \*Joint Press Release\* Groveland, Merrimac, West Newbury, Newburyport and Amesbury Police Departments Offer Halloween Safety Tips

Display problems? [Open this email in your web browser.](#)



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**FOR IMMEDIATE RELEASE**

Thursday, Sept. 29, 2021

Contact: Robert Mills  
Phone: 617-993-0003  
Email: [robert@jgpr.net](mailto:robert@jgpr.net)

**\*Joint Press Release\***  
**Groveland, Merrimac, West Newbury,**

# Newburyport and Amesbury Police Departments Offer Halloween Safety Tips

The Groveland, Merrimac, West Newbury, Newburyport, and Amesbury Police Departments would like to share basic safety tips as Halloween approaches to help keep kids safe as they head out trick-or-treating and celebrate the holiday.

**All five communities will hold trick-or-treating on Sunday, Oct. 31, from 5:30 p.m. to 7:30 p.m.**

Police urge all families to protect themselves by taking precautions against COVID-19 this year, even as they head out to once again enjoy all the sweet and spooky fun that Halloween has to offer.

## Costume Safety

Picking a great costume is often the first step in Halloween preparation. Police encourage parents to consider these tips while shopping with kids:

- All costumes, wigs and accessories should be fire-resistant
- If children are allowed out after dark, fasten reflective tape to their costumes and bags, or give them a flashlight or glow sticks
- When buying Halloween makeup, make sure it is nontoxic and always test it in a small area first
- Remove all makeup before children go to bed to prevent skin and eye irritation

## Trick-or-treating safety

Trick-or-treating is a favorite activity of many children, but the National Safety Council says children are more than twice as likely to be struck by a car and killed on Halloween than on any other day of the year. To help prevent such a tragedy and to protect your kids against COVID-19, police encourage parents and kids to consider these tips before heading out:

- A responsible adult should accompany young children on the neighborhood rounds
- If your older children are going alone, plan and review a route acceptable to you
- Agree on a specific time children should return home
- Teach your children never to enter a stranger's home or car
- Instruct children to travel only in familiar, well-lit areas and stick with their friends
- Tell your children not to eat any treats until they return home
- Children and adults are reminded to [put electronic devices down](#), keep heads up and walk, don't run, across the street
- Wear a face mask or face covering
- Observe good hand hygiene, including hand washing and use of alcohol-based sanitizers with at least 60% alcohol. Carry hand sanitizer and use it often, especially after coming into contact with frequently touched surfaces and before eating candy
- Refrain from touching your face
- Maintain social distancing of at least 6 feet of physical distance from all other participants who are not members of the same household

## Driving Safety

Halloween can be a dangerous night for both pedestrians and drivers, so police would like to offer these basic safety tips for drivers:

- Watch for children walking on roadways, medians, and curbs
- Enter and exit driveways and alleys carefully
- At twilight and later in the evening, watch for children in dark clothing
- Discourage new, inexperienced drivers from driving on Halloween

Anyone who feels unwell, has been exposed to someone with COVID-19, or who has tested positive for COVID-19 should stay at home and refrain from Halloween activities.

Those who do not wish to participate in trick-or-treating are asked to shut off their outdoors lights as an indicator.

## Handing out candy

If you will be handing out candy this year, police recommend these tips to help stop the spread of COVID-19:

- Avoid providing candy via a shared bowl, and instead use small, individual bags for each trick-or-treater
- Wear a face covering while distributing candy to trick-or-treaters
- Practice good hygiene and ensure your hands have been washed before handing out candy

## For those staying in:

Those who do not want to participate in trick-or-treating this year due to ongoing threats from COVID-19 may want to consider the following the activities that are considered lower risk:

- Carving or decorating pumpkins with members of your household and displaying them
- Decorating your house, apartment, or living space
- Doing a Halloween scavenger hunt where children are given lists of Halloween-themed things to look for while they walk outdoors from house to house admiring Halloween decorations at a distance
- Having a Halloween movie night with people you live with
- Having a scavenger hunt-style trick-or-treat search with your household members in or around your home rather than going house to house

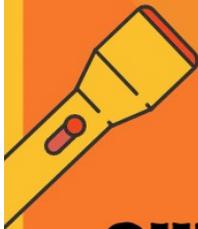
The Amesbury, Newburyport, West Newbury, Merrimac, and Groveland Police Departments wish everyone a safe and happy Halloween!

###

# STAY SAFE ON HALLOWEEN

## BE VISIBLE

If children are allowed out after dark, fasten reflective tape to their costumes and bags, or give them a flashlight or glow sticks.



## STAY TOGETHER



A responsible adult should accompany young children while trick-or-treating around neighborhoods

## CHECK CANDY

Tell your children not to eat any treats until they return home and the candy can be inspected.



## WALK SAFELY

Put electronic devices down, keep heads up and walk, don't run, across the street



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Georgetown, MA 01833

617-993-0003

**Town Manager**

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**From:** Timothy D. Zessin [REDACTED]  
**Sent:** Friday, October 15, 2021 3:26 PM  
**To:** Town Manager  
**Cc:** Town Clerk; Town Accountant; Devan C. Braun  
**Subject:** RE: Draft STM Motions - for counsel review  
**Attachments:** KP-#783865-v1-WNEWB\_-\_STM\_motions\_(KP\_comments)\_\_(002).DOCX

Angus,

See attached revised version of the STM motions, with relatively minor edits/comments in redline. Please review and let me know if you have any questions.

Looking forward to Monday night's meeting

Tim

Timothy D. Zessin, Esq.

KP | LAW

101 Arch Street

12th Floor

Boston, MA 02110

Phone: 617 654-1730

Fax: 617 654-1735  
[REDACTED]

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**From:** Town Manager <townmanager@wnewbury.org>

**Sent:** Wednesday, October 13, 2021 5:27 PM

**To:** Timothy D. Zessin [REDACTED]

**Cc:** Town Clerk <townclerk@wnewbury.org>; Town Accountant <townaccountant@wnewbury.org>

**Subject:** Draft STM Motions - for counsel review

Tim,

Please find attached. Our new Town Clerk Jim Blatchford (copied here) prepared the initial draft, drawing from Motions used for comparable articles for previous Town Mtgs. The redlined edits to one of the draft Motions reflect my edits to reflect the Select Board's stipulation attached to their vote to recommend that article (re COVID-19 regional clinics).

Please review and respond with any questions, comments or edits. Review of the draft Motions will be a focal point of the joint mtg of the Select Board/FinCom/Moderator etc. scheduled for this coming Monday at 7pm. I'll include in the Board's mtg packet (and also distribute to FinCom etc. at that time) whatever is the latest draft as of Friday afternoon. Changes can be made up through Monday evening (and, in fact, up until the 10/23 STM), though we'll try to get these into agreed final form coming out of Monday's mtg.

Thanks,  
Angus

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

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

**NO MOTION**

**Commented [A1]:** Alternatively, you may move and second that the Town hear and act on the report of any committee or to choose any committee the Town may think proper and transact any other business that may legally come before the Town.

**ARTICLE 2.** To see if the Town will vote to amend the following Line Items:

- 7 – Special Counsel Legal Fees & Expenses;
- 8 – Town Clerk/Town Counsel Salary & Wages;
- 10 – Conservation Commission Salary & Wages, Expenses, Vehicle Allowance;
- 23 – Pentucket Regional School Assessment;
- 37 – Essex County Retirement Fund, Regional Retirement Assessment;

as set forth in the Fiscal Year 2022 Town Omnibus Budget adopted under the Motion for Article 3 of the Annual Town Meeting on May 22, 2021 and vote to raise and appropriate a sum or sums of money as may be necessary to defray the expenses of the Town for Fiscal Year 2022, or take any other action relative thereto.

MOTION: I move that the Town vote to appropriate the amounts of money set forth in the printed report of the finance committee for the October 23, 2021 Special Town Meeting, incorporated herein by reference, be appropriated, as amended hereby, for the several purposes therein itemized, each numbered item being considered as a separate appropriation, and that the same be expended only for such purposes; as set forth in the Fiscal Year 2022 Town Omnibus Budget adopted under the Motion for Article 3 of the Annual Town Meeting on May 22, 2021 and that the Town vote to raise and appropriate a sum or sums of money as may be necessary to defray the expenses of the Town for Fiscal Year 2022.

**Commented [A2]:** The motion needs to specify the exact sum that would be raised or appropriated here.

**Commented [A3R2]:** Note: The net effect of the proposed budget amendments would be a reduction of the approved FY22 operating budget by \$114,040. Perhaps better language may be to revise the draft Motion to refer to “modifying” the amount raised and appropriated...

However, it should be noted that the draft language shown here was drawn from the actual Motion language used for a comparable article at the Fall 2020 STM (which also had the net effect of reducing the approved operating budget).

**ARTICLE 3.** To see if the Town will vote to transfer from available funds the sum of \$200,000.00 to reduce the current year tax rate, or take any other action relative thereto.

MOTION: I move that the Town vote to transfer from Free Cash the sum of \$200,000 to reduce the current year tax rate.

**ARTICLE 4.** To see if the Town will vote to amend the vote taken under the Motion for Article 9 of the May 22, 2021 Special Town Meeting, which appropriated \$100,000.00 to fund unbudgeted costs associated with the operation and administration of public health clinics to administer the COVID-19 vaccine, to provide that such appropriation of the remaining funds from the \$100,000.00 may also be used to fund unbudgeted costs associated with the operation and administration of public health clinics to administer the seasonal flu vaccine and to conduct contact tracing for positive COVID-19 individuals, or take any other action relative thereto.

MOTION: I move that the Town vote to amend the vote taken under the Motion for Article 9 of the May 22, 2021 Special Town Meeting, which appropriated \$100,000.00 to fund unbudgeted costs associated with the operation and administration of public health clinics to administer the COVID-19 vaccine, to provide that such appropriation of the remaining funds from the \$100,000.00 shall not be expended for additional regional

COVID clinics, nor costs incurred for equipment or labor therefor, until a written agreement is in place with the host community specifying responsibility for costs and procedures for cost reimbursement; and to provide that such funds may also be used to fund unbudgeted costs associated with the operation and administration of local public health clinics to administer the seasonal flu vaccine and to conduct contact tracing for positive COVID-19 individuals.

**Commented [A4]:** Note: this language was not included in the initial article as proposed by the BOH, but was added by the Town Manager per the direction given by the Select Board in its Sept. 20 vote to recommend this article.

**Commented [A5]:** Note: this language was not included in the initial article as proposed by the BOH, but was added by the Town Manager per the direction given by the Select Board in its Sept. 20 vote to recommend this article.

**ARTICLE 5.** To see if the Town will vote to appropriate the sum of \$100,000.00 from the Water Enterprise Fund Retained Earnings for the purposes of funding the engineering and design of approximately 7,700 linear feet of new 8-inch diameter ductile iron water main on Church Street and Prospect Street, as well as any incidental and related expenses, or take any other action relative thereto.

MOTION: I move that the Town vote to transfer the sum of \$100,000.00 from the Water Enterprise Fund Retained Earnings for the purposes of funding the engineering and design of approximately 7,700 linear feet of new 8-inch diameter ductile iron water main on Church Street and Prospect Street, as well as any incidental and related expenses.

**ARTICLE 6.** To see if the town will vote to transfer the sum of \$47,000.00 from the Water Enterprise Fund Stabilization Account for the purpose of purchasing and equipping a ¾ ton 4WD pickup truck with plow, and to dispose of the existing pickup truck in accordance with the Town policy for disposition of surplus property, or take any other action relative thereto.

MOTION: I move that the Town vote to transfer the sum of \$47,000.00 from the Water Enterprise Fund Stabilization Account for the purpose of purchasing and equipping a ¾ ton 4WD pickup truck with plow, and to dispose of the existing pickup truck in accordance with the Town policy for disposition of surplus property.

**ARTICLE 7.** To see if the Town will vote to transfer the sum of \$150,000.00 from available funds for the purpose of purchasing and equipping a new DPW backhoe to replace a 2010 John Deere backhoe with same or comparable equipment, and to dispose of the existing backhoe in accordance with the Town policy for disposition of surplus property, or take any other action relative thereto.

MOTION: I move that the Town vote to transfer the sum of \$150,000.00 from the Capital Stabilization Fund for the purpose of purchasing and equipping a new DPW backhoe to replace a 2010 John Deere backhoe with same or comparable equipment, and to dispose of the existing backhoe in accordance with the Town policy for disposition of surplus property.

**ARTICLE 8.** To see if the Town will vote to transfer from available funds the sum of \$8,000.00 for all costs and expenses pertaining to identifying, mapping and remediating invasive species on public lands in the Town of West Newbury, or take any other action relative thereto.

Fall STM Motions – REVIEW DRAFT

MOTION: I move that the Town vote to transfer from Free Cash the sum of \$8,000.00 for all costs and expenses pertaining to identifying, mapping and remediating invasive species on public lands in the Town of West Newbury.

**ARTICLE 9.** To see if the Town will vote to transfer from available funds the sum of \$10,000.00 to provide matching funds upon award of a Green Communities grant in the FY22 grant round, or take any other action relative thereto.

MOTION: I move that the Town vote to transfer from Free Cash the sum of \$10,000.00 to provide matching funds upon award of a Green Communities grant in the FY22 grant round.

**ARTICLE 10.** To see if the Town will vote to accept Massachusetts General Laws Chapter 59, Section 57A to allow for a single notice of preliminary or actual real estate or personal property taxes due for amounts not in excess of \$100.00, and if unpaid after the day of the first installment of the notice of preliminary tax or actual tax bill for the year is due, shall be subject to interest at the same rate and from the same date as any delinquent preliminary or actual tax first installment, or take any other action relative thereto.

MOTION: I move that the Town vote to accept Massachusetts General Laws Chapter 59, Section 57A.

**ARTICLE 11.** To see if the Town will vote to accept Massachusetts General Laws Chapter 33, Section 59 to allow Town employees who serve in the military to perform required military service without loss of seniority, accrued vacation leave, sick leave, personal leave, compensation time, or earned overtime, or take any other action relative thereto.

MOTION: I move that the Town vote to accept Massachusetts General Laws Chapter 33, Section 59.

**ARTICLE 12.** To see if the Town will vote to accept Massachusetts General Laws Chapter 44, Section 55C and to authorize the Board of Selectmen to establish a Trust, to be known as the West Newbury Affordable Housing Trust Fund, for the purpose of creating and preserving affordable housing in West Newbury for the benefit of low- and moderate-income households, and for the funding of community housing, or take any other action relative thereto, or take any other action relative thereto.

MOTION: I move that the Town vote to accept Massachusetts General Laws Chapter 44, Section 55C and to authorize the Board of Selectmen to establish a Trust, to be known as the West Newbury Affordable Housing Trust Fund for the purpose of creating and preserving affordable housing in West Newbury for the benefit of low- and moderate-income households, and for the funding of community housing.

**ARTICLE 13.** To see if the Town will vote to amend the West Newbury Zoning Bylaw to amend Section 5.D. Floodplain Overlay District, as on file and available for viewing in the Town Clerk's Office, in compliance with the National Flood Insurance Program, and further, to

Fall STM Motions – REVIEW DRAFT

authorize the Town Clerk to make any non-substantive, ministerial changes to numbering and formatting, so as to ensure consistency with the rest of the Zoning Bylaws, as necessary, or take any other action relative thereto.

MOTION: I move that the Town vote to amend the West Newbury Zoning Bylaw to amend Section 5.D. Floodplain Overlay District, as on file and available for viewing in the Town Clerk’s Office, in compliance with the National Flood Insurance Program, and further, to authorize the Town Clerk to make any non-substantive, ministerial changes to numbering and formatting, so as to ensure consistency with the rest of the Zoning Bylaws, as necessary.

**ARTICLE 14.** To see if the Town will vote to amend the West Newbury Town Bylaws to adopt a new Section XLI Stormwater Management Bylaw, in compliance with the MS4 (Municipal Separate Storm Sewer System) Post Construction Stormwater Management requirements and the Town of West Newbury’s MS4 General Permit [National Pollutant Discharge Elimination System (NPDES) Permit ID #: MAR041231, Town of West Newbury], as on file and available for viewing in the Town Clerk’s Office, and further, to authorize the Town Clerk to make any non-substantive, ministerial changes to numbering and formatting, so as to ensure consistency with the rest of the Town Bylaws, as necessary, or take any other action relative thereto.

MOTION: I move that the Town vote to amend the West Newbury Town Bylaws to adopt a new Section XLI Stormwater Management Bylaw, in compliance with the MS4 (Municipal Separate Storm Sewer System) Post Construction Stormwater Management requirements and the Town of West Newbury’s MS4 General Permit [National Pollutant Discharge Elimination System (NPDES) Permit ID #: MAR041231, Town of West Newbury], as on file and available for viewing in the Town Clerk’s Office, and further, to authorize the Town Clerk to make any non-substantive, ministerial changes to numbering and formatting, so as to ensure consistency with the rest of the Town Bylaws, as necessary.

APPENDIX C  
Article #3  
PROPOSED AMENDMENTS TO FY22 OMNIBUS BUDGET

Budget Section	Budget Line	Approved Budget	Proposed Increase (Decrease)	Revised Budget (if Amended)
7 Special Counsel	Legal Fees and Expenses	\$18,000	\$20,000	\$38,000
8 Town Clerk	Salary & Wages	\$156,793	(\$20,000)	\$136,793
10 Conservation	Salary & Wages	\$24,240	\$14,624	\$38,864
10 Conservation	Land Agent	\$7,129	(\$7,129)	\$0
10 Conservation	Expenses	\$2,710	\$3,600	\$6,310
10 Conservation	Vehicle Allowance	\$600	(\$600)	\$0
23 Education – Pentucket	Pentucket Reg. Sch. Assessment	\$7,336,342	(\$93,357)	\$7,242,985
37 Essex County Retirement Fund	Essex Regional Retirement Assessment	\$762,611	(\$31,178)	\$731,433
<b>Combined Net Effect of Proposed FY21 Budget Amendments:</b>			<b>(\$114,040)</b>	

The rationale for the proposed budget amendments is as follows:

Special Counsel

At the time that the FY22 budget was prepared and approved, the Town’s legal counsel services were provided both in-house (Michael McCarron, who as Town Clerk/Counsel served as General Counsel), payable from the Town Clerk/Counsel line, with KP Law contracted for Special Counsel, payable from Special Counsel line. The Town received Mr. McCarron’s notice of retirement on May 24, 2021, shortly following Town Meeting. Since that time, the Town has contracted with KP Law to also provide General Counsel services. The proposed increase in this line of the operating budget is to account for anticipated increases in contracted (as opposed to in-house) legal costs.

Town Clerk

At the time that the FY22 budget was prepared and approved, the Town Clerk/Counsel budget was set based on the anticipated annual compensation of a full-time Town Clerk/Counsel (plus support staff in that office). With Mr. McCarron’s retirement, the Town Clerk/Counsel position was changed to a Town Clerk position. The budgeted salary for the Town Clerk is lower than what had been budgeted for the Town Clerk/Counsel. The proposed reduction in the approved FY22 budget reflects the updated amount. The revised amount continues to account for other personnel in that office.

Conservation

At the time that the FY22 budget was prepared and approved, the Conservation budget lines were based on the anticipated wage rate for the incumbent Conservation Agent. In early April, the former

Agent provided notice that he had accepted another position elsewhere. Since that time, the Town has entered an Intermunicipal Agreement (IMA) with the Town of Merrimac to jointly hire a shared Conservation Agent (in order to combine what had been two separate part-time positions into a single full-time position). A new Agent was hired, and began work in late September.

Under the terms of the IMA, West Newbury will pay the employee their gross wages and benefits, then be reimbursed a proportional amount by the Town of Merrimac. In order to do so, the gross amount of wages (incl. Merrimac’s share) needs to be included in the operating budget. (This will not increase the “bottom line” of the West Newbury tax rate, since revenues will be received from Merrimac to offset their portion of costs).

As part of the proposed changes, it is also proposed to incorporate the so-called “Land Agent” wages – which are included on a separate budget line in the approved budget – into the Conservation Agent salary & wages line. The Land Agent responsibilities are now formalized as part of the Agent’s responsibilities. The proposed changes would also remove the “auto allowance” line, with the \$600 currently budgeted for “auto allowance” added to the Expenses line to cover mileage reimbursement.

Finally, the proposed FY22 expenses line of the Conservation budget is proposed to increase by \$3,000. This is because, during the period that the position was vacant, the office was covered by the former Conservation Agent, who was paid as a 1099 vendor (not as an employee). Because this amount – \$3,000 – was not paid as wages, it cannot be paid from the salary & wages line. This expense was not anticipated at the time the FY22 budget was proposed.

#### Education – Pentucket

The approved FY22 budget included the assessment received from Pentucket in May, 2021. Subsequent to that, the School Committee voted a revised assessment, reflected in the updated assessment dated August 18, 2021. The FY22 budget is proposed for revision to reflect the updated amount.

#### Essex Regional Retirement

The approved FY22 budget included the assessment received from ERRS in December, 2020. Subsequent to that, an error in the assessment was identified. The ERRS Board voted a revised assessment, reflected in the updated assessment dated June 10, 2021. The FY22 budget is proposed for revision to reflect the updated amount.



**TOWN OF WEST NEWBURY  
COMMONWEALTH OF MASSACHUSETTS  
WARRANT – SPECIAL TOWN MEETING  
SATURDAY, OCTOBER 23, 2021 @ 2:00pm**

Essex, ss.

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

In the name of the Commonwealth, you are hereby required to notify and warn all the inhabitants of the Town of West Newbury, who are qualified to vote in the elections and Town affairs to meet outdoors behind the Town Annex (near the Bandstand), 379 Main Street, at 2:00 p.m. on Saturday, October 23, 2021 to act upon or take any other action relative to all of the following articles.

**ARTICLE 1.** To hear and act upon the reports of Town officers and committees. *By request of the Board of Selectmen.*

**ARTICLE 2.** To see if the Town will vote to amend the following Line Items:

- 7 – Special Counsel Legal Fees & Expenses;
- 8 – Town Clerk/Town Counsel Salary & Wages;
- 10 – Conservation Commission Salary & Wages, Expenses, Vehicle Allowance;
- 23 – Pentucket Regional School Assessment;
- 37 – Essex County Retirement Fund, Regional Retirement Assessment;

as set forth in the Fiscal Year 2022 Town Omnibus Budget adopted under the Motion for Article 3 of the Annual Town Meeting on May 22, 2021 and vote to raise and appropriate a sum or sums of money as may be necessary to defray the expenses of the Town for Fiscal Year 2022, or take any other action relative thereto. *By request of the Board of Selectmen.*

**ARTICLE 3.** To see if the Town will vote to transfer from available funds the sum of \$200,000.00 to reduce the current year tax rate, or take any other action relative thereto. *By request of the Board of Selectmen.*

**ARTICLE 4.** To see if the Town will vote to amend the vote taken under the Motion for Article 9 of the May 22, 2021 Special Town Meeting, which appropriated \$100,000.00 to fund unbudgeted costs associated with the operation and administration of public health clinics to administer the COVID-19 vaccine, to provide that such appropriation of the remaining funds from the \$100,000.00 may also be used to fund unbudgeted costs associated with the operation and administration of public health clinics to administer the seasonal flu vaccine and to conduct contact tracing for positive COVID-19 individuals, or take any other action relative thereto. *By request of the Board of Health.*

**ARTICLE 5.** To see if the Town will vote to appropriate the sum of \$100,000.00 from the Water Enterprise Fund Retained Earnings for the purposes of funding the engineering and design

of approximately 7,700 linear feet of new 8-inch diameter ductile iron water main on Church Street and Prospect Street, as well as any incidental and related expenses, or take any other action relative thereto. *By request of the Board of Water Commissioners.*

**ARTICLE 6.** To see if the town will vote to transfer the sum of \$47,000.00 from the Water Enterprise Fund Stabilization Account for the purpose of purchasing and equipping a ¾ ton 4WD pickup truck with plow, and to dispose of the existing pickup truck in accordance with the Town policy for disposition of surplus property, or take any other action relative thereto. *By request of the Board of Water Commissioners.*

**ARTICLE 7.** To see if the Town will vote to transfer the sum of \$150,000.00 from available funds for the purpose of purchasing and equipping a new DPW backhoe to replace a 2010 John Deere backhoe with same or comparable equipment, and to dispose of the existing backhoe in accordance with the Town policy for disposition of surplus property, or take any other action relative thereto. *By request of the Board of Selectmen.*

**ARTICLE 8.** To see if the Town will vote to transfer from available funds the sum of \$8,000.00 for all costs and expenses pertaining to identifying, mapping and remediating invasive species on public lands in the Town of West Newbury, or take any other action relative thereto. *By request of the Climate Change Resiliency Committee.*

**ARTICLE 9.** To see if the Town will vote to transfer from available funds the sum of \$10,000.00 to provide matching funds upon award of a Green Communities grant in the FY22 grant round, or take any other action relative thereto. *By request of the Board of Selectmen.*

**ARTICLE 10.** To see if the Town will vote to accept Massachusetts General Laws Chapter 59, Section 57A to allow for a single notice of preliminary or actual real estate or personal property taxes due for amounts not in excess of \$100.00, and if unpaid after the day of the first installment of the notice of preliminary tax or actual tax bill for the year is due, shall be subject to interest at the same rate and from the same date as any delinquent preliminary or actual tax first installment, or take any other action relative thereto. *By request of the Board of Selectmen.*

**ARTICLE 11.** To see if the Town will vote to accept Massachusetts General Laws Chapter 33, Section 59 to allow Town employees who serve in the military to perform required military service without loss of seniority, accrued vacation leave, sick leave, personal leave, compensation time, or earned overtime, or take any other action relative thereto. *By request of the Board of Selectmen.*

**ARTICLE 12.** To see if the Town will vote to accept Massachusetts General Laws Chapter 44, Section 55C and to authorize the Board of Selectmen to establish a Trust, to be known as the West Newbury Affordable Housing Trust Fund, for the purpose of creating and preserving affordable housing in West Newbury for the benefit of low- and moderate-income households, and for the funding of community housing, or take any other action relative thereto, or take any other action relative thereto. *By request of the Board of Selectmen.*

**ARTICLE 13.** To see if the Town will vote to amend the West Newbury Zoning Bylaw to amend Section 5.D. Floodplain Overlay District, as on file and available for viewing in the Town Clerk's Office, in compliance with the National Flood Insurance Program, and further, to authorize the Town Clerk to make any non-substantive, ministerial changes to numbering and formatting, so as to ensure consistency with the rest of the Zoning Bylaws, as necessary, or take any other action relative thereto. *By request of the Planning Board.*

**ARTICLE 14.** To see if the Town will vote to amend the West Newbury Town Bylaws to adopt a new Section XLI Stormwater Management Bylaw, in compliance with the MS4 (Municipal Separate Storm Sewer System) Post Construction Stormwater Management requirements and the Town of West Newbury's MS4 General Permit [National Pollutant Discharge Elimination System (NPDES) Permit ID #: MAR041231, Town of West Newbury], as on file and available for viewing in the Town Clerk's Office, and further, to authorize the Town Clerk to make any non-substantive, ministerial changes to numbering and formatting, so as to ensure consistency with the rest of the Town Bylaws, as necessary, or take any other action relative thereto. *By request of the Board of Selectmen.*

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

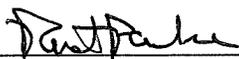
LOCATIONS TO POST WARRANT:

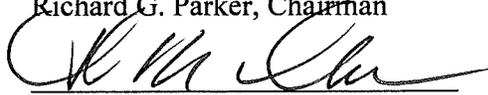
Town Hall  
1910 Town Office Building  
G.A.R. Memorial Library  
Post Office  
Laurel Grange

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

Given under our hands this \_\_\_\_ day of October, 2021.

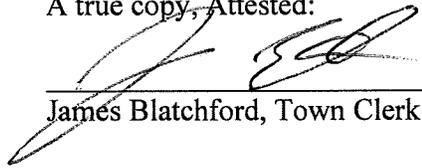
BOARD OF SELECTMEN:

  
Richard G. Parker, Chairman

  
David W. Archibald

  
Wendy J. Reed

A true copy, Attested:

  
James Blatchford, Town Clerk

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

  
Constable, Brian Richard

10-8-21  
Date of Posting

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

  
\_\_\_\_\_  
Constable, Brian Richard

10-8-21  
\_\_\_\_\_  
Date of Posting

## Town Manager

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**From:** Town Manager  
**Sent:** Tuesday, October 12, 2021 5:44 PM  
**To:** [REDACTED] Fred Chanania; Judy Mizner [REDACTED]  
**Cc:** Selectboard  
**Subject:** Meeting this Thursday, 7pm: Personnel Policy discussion with Select Board

Hi all,

This is to confirm that an agenda has been posted for the meeting this Thursday, Oct. 14 at 7pm for discussion of Town Personnel Policies. The agenda is online [here](#), and the meeting will be in-person but will also accommodate remote participation. (If you prefer to participate by Zoom, note that the link on the posted agenda is “clickable” if you scroll over it with your cursor).

The purpose and intent of the meeting is as summarized in the August 12th email you initially received from the Board, forwarded below. While the Board has approved a handful of specific amendments to the Personnel Policy in recent months, we will be undertaking a more comprehensive review in the coming months, with the expectation this will lead to further amendments in the future. (The current version of the Personnel Policy, with all amendments through Oct. 4, 2021, is online [here](#)).

In addition to a focus on the Personnel Policy, we recently applied for, and received, a Municipal Best Practices grant through the Commonwealth’s Community Compact program. That grant will support the completion of a wage and classification plan, including a comprehensive review of non-union wages and job classifications, including job descriptions/responsibilities, position grades/ranges, and actual wages. That work, which will include outside consulting support, will proceed in parallel with the review of the Personnel Policy.

All of this work will build on our experience with various aspects of personnel policy and administration over the years. Due to your respective Boards’/Commission’s role with one or more aspects of personnel policy, it will be important to have your engagement with these efforts.

With and on behalf of the Board, we invite your participation this Thursday and in processes ahead.

Thanks,  
 Angus

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

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**From:** Selectboard <selectboard@wnewbury.org>  
**Sent:** Wednesday, September 8, 2021 12:01 AM  
**To:** [REDACTED]; Fred Chanania [REDACTED]; Judy Mizner [REDACTED]  
**Cc:** Town Manager <townmanager@wnewbury.org>  
**Subject:** Re: Personnel Policy discussion with Select Board

Due to a number of conflicts for Thursday night's meeting, the Select Board would like to reschedule this meeting to October 14. We're sorry about the late notice and hope you'll be able to attend then.

Thanks,  
Wendy

Get [Outlook for iOS](#)

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**From:** Selectboard  
**Sent:** Thursday, September 2, 2021 10:15:07 PM  
**To:** [REDACTED]  
Fred Chanania ; Judy Mizner  
**Cc:** Town Manager <[townmanager@wnewbury.org](mailto:townmanager@wnewbury.org)>  
**Subject:** Personnel Policy discussion with Select Board

Hi Everyone,

Here's a reminder about the meeting the Select Board has scheduled with chairs of Boards and Commissions with assigned staff. It will take place next Thursday, September 9, at 7:00 p.m. in the first floor hearing room. Please confirm that you or someone from your Board/Commission will be able to attend. This will be a posted Select Board meeting, this being the only item for discussion. Original email included below.

Thanks on behalf of the Select Board,  
Wendy

**Sent:** Thursday, August 12, 2021 8:56 PM  
**To:** [REDACTED]  
**Cc:** Town Manager <[townmanager@wnewbury.org](mailto:townmanager@wnewbury.org)>  
**Subject:** Personnel Policy discussion with Board and Commission Chairs

Hello Board and Commission Chairs,

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 and Commission with staff assigned to it to attend a Select Board meeting on September 9, 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 that is familiar with staffing issues.

Please let Angus or a Select Board member know if you have any questions or wish to include additional items. We look forward to a productive discussion.

Thanks,  
Rick, Archie and Wendy

# West Newbury Personnel Policies and Administration

Meeting of West Newbury Select Board  
Presentation by Angus Jennings, Town Manager  
Thursday, October 14, 2021



# Overview

- One of Select Board's and Town Manager's top policy priorities for FY22 is to update the Town's Personnel Policies
- With adoption of Town Manager Act in 2017, underlying legal framework changed, but changes are not yet fully reflected in other policy documents (i.e. Bylaws, policies)
- Primary goals for active personnel administration include fairness, consistency, and ensuring compliance with applicable laws
- Existing personnel administration strives toward these goals, as well, but all will benefit from the clarity that will result from updating Town Bylaws and policies as necessary to ensure internal consistency



# Goals of Tonight's Meeting

- Overview of West Newbury legal framework for personnel administration
- Overview of current personnel administration framework
- Summary of recent amendments to Personnel Policy
- Overview of anticipated personnel-related work program and process for FY22, incl. (in particular):
  - Comprehensive review of/updates to Personnel Policy
  - Wage and Job Classification Study (grant-funded)



# Legal Framework

- Town Manager Act (Ch. 97 of the Acts of 2017)
- Personnel Policy
- Town Bylaws
- Select Board Policies
- Town Manager/Finance Department procedures



# Staff with Roles in Personnel Administration

- Staffing:
  - Town Manager
    - Broad duties and responsibilities; plus, a “catch-all”
  - Town Accountant/Business Manager
    - Human resources, wellness programming, payroll
  - Treasurer/Collector
    - Primarily benefits administration, payroll, maintaining personnel files, incl. re workers comp/injured-on-duty claims
  - Asst. to Town Manager and Finance Dept.
    - Payroll, record-keeping



# On several Personnel issues, close interplay between Town Manager / Select Board

- Examples include:
  - Town Manager charged with *implementation* of personnel policies; Personnel Policies are *enacted* by the Select Board
  - Town Manager or a negotiating committee charged with *negotiating* collective bargaining contracts; contracts subject to *approval, ratification* and *execution* by the Select Board
  - Town Manager charged with *proposing* a departmental and organizational structure; departmental and organization structure subject to *approval* of Select Board
  - Town Manager charged with *recommending* the salaries and pay rates for non-union employees; salaries and pay rates subject to *modification* and *approval* by the Select Board
  - Town Manager charged with *appointing* and *removal* of department heads and any other employees for which a method of selection is not provided in the Town Manager Act or by law; appointments or removals made by the town manager shall be effective 15 calendar days from the date of the *filing of a written notice* of the appointment or removal with the Select Board (unless 15-day period waived)



# Town Manager Act (*excerpts*)

- Sec. 8(a): The town manager of the town of West Newbury shall be the chief operating and administrative officer of the town and shall be responsible to the board of selectmen for the effective management of all town affairs placed in the town manager's charge by this act, by the board of selectmen, by town by-laws or by vote of the town meeting and for the implementation of town policies placed in the town manager's charge by the board of selectmen.
- Sec. 8(b) The town manager shall supervise all town departments and direct the day-to-day affairs of the town.



## Town Manager Act (*excerpts, cont'd*)

- Sec. 8(e): The town manager shall oversee the town's personnel system and staff in accordance with town by-laws and shall oversee personnel evaluation policies and practices, employee benefit programs, enforcement of labor contracts, labor relations, collective bargaining, state and federal equal opportunities law compliance in the town and such other human resource obligations as designated by the board of selectmen.
- Sec. 11(a): The town manager of the town of West Newbury or a negotiating committee authorized by the board of selectmen shall negotiate collective bargaining contracts on behalf of the board of selectmen; provided, however, that such contracts shall be subject to the approval, ratification and execution by the board of selectmen.



## Town Manager Act (*excerpts, cont'd*)

- Sec. 10(a) The town manager of the town of West Newbury shall appoint and may remove all department heads as the term may be defined in the town departmental and organizational structure and any other employees for which a method of selection is not provided in this act or by law.
- Sec. 10(b) Appointments or removals made by the town manager pursuant to subsection (a) shall be effective 15 calendar days from the date of the filing of a written notice of the appointment or removal with the board of selectmen, unless the board of selectmen vote to reject such appointment or removal. The board of selectmen may waive the 15-day period and allow the action of the town manager to take immediate effect.



## Town Manager Act (*excerpts, cont'd*)

- Sec. 4(g): The board of selectmen shall be the licensing authority for the town, make necessary rules and regulations regarding the issuance of licenses, attach conditions and restrictions to licenses as it deems to be in the public interest, enforce the laws and regulations relating to such licenses and manage all other non-personnel matters as provided by the town by-laws or as provided in the General Laws.
- Sec. 9(d): The town manager shall annually submit a town departmental and organizational structure and that town departmental and organization structure shall be subject to the approval of the board of selectmen. The town manager shall recommend the salaries and pay rates for town employees, except for those employees covered by a collective bargaining agreement; provided, however, that the salaries and pay rates recommended by the town manager shall be subject to modification and approval by the board of selectmen.



# Unfinished business / loose ends

- With adoption of Town Manager Act in 2017, underlying legal framework changed, but changes are not yet fully reflected in other policy documents (i.e. Bylaws, policies)
- Former Town Counsel Michael McCarron advised Board: “the purpose of the Act was to provide the authority to make the rules, policies and directives for the management of the entire town. The process now is to implement changes to the Personnel Bylaw, the Town Bylaws and the town policies to reflect this new authority.”
- In the absence of clearly written (or in some cases, any written) policy, Board/Manager have established some regular procedures for certain aspects of personnel administration, to ensure consistent administration (such as for revisions to job descriptions)



## Unfinished business / loose ends (*cont'd*)

- Town Auditor (management letter) has noted “confusion over what authority exists over the Town departments and the appointed boards and committees.”
- Auditor (management letter): “The lack of clarity regarding where various authorities rest created inefficiencies that affected the Town’s operations in fiscal year 2020.”
- Auditor (management letter) recommended that “the Town evaluate a Town Charter in favor of the current legal framework for Town operations, which includes the Town Manager Act read in conjunction with various other applicable statutes, Bylaws and policies.”



# Town Charter

- Somewhat beyond the scope of tonight's discussion
- Has been subject of periodic Board discussion since 2018, but timing and resource constraints among other competing priorities have prevented this from becoming a "front burner" issue
- In the meantime, inefficiencies continue to affect regular operations
- Understanding that any broader reconsideration of West Newbury's form of government is a longer-term matter, and is not formally underway, an effort to update Personnel Policy is an important near-term step



# Recent amendments to Personnel Policy

- Until recently, Board/Manager objective had been to tackle Personnel Policy comprehensively, recognizing that many aspects of the existing Policy are either outdated, confusing, or incomplete (i.e. silent on key questions re personnel administration)
- More recently, Board/Manager have chosen to address known issues/problems on more of a piecemeal basis, understanding that a more comprehensive approach will take time and resources



# Recent Amendments to Personnel Policy

- Amendments approved in 2021:
  - Broadening the number of relatives/loved ones for whom bereavement leave may be requested (Sec. 5.4)
  - Addition of Juneteenth as a Town holiday (Sec. 7.1)
  - Revision to holiday pay for Qualified Part-Time employees (Sec. 7.3)
  - Revisions to Recruitment and Hiring (Sec. 2.0 – adding Internal Hiring Policy), Employee Development and Training (Sec. 4.3) and Affirmative Action Plan (Appendix A)
- Amendments to Personnel Policy include a public hearing, with notice to employees at least ten days prior to Select Board vote
- Recent amendments have taken into account employee feedback, and have been generally well-received



# Personnel-related work program for FY22

- Comprehensive review of/updates to Personnel Policy
  - Initial review by General/Labor counsel KP Law
  - Process to include series of staff and department head meetings
  - Periodic reviews at Select Board meetings
  - Adoption of any amendments would be preceded by required hearing notices
- Wage and Job Classification Study (grant-funded)
  - Town received Community Compact Best Practices grant (October 2021) to fund development of a formal Wage and Classification Plan that details, at a minimum, job descriptions, employee grades, and salary ranges, thereby providing the town with a tool to make pay decisions that are reasonable in comparison to similar work being carried out in all areas of town government.



# Some Areas of Initial Focus 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 schedules
- Performance evaluations



# Overarching Goals

- Primary goals for active personnel administration include fairness, consistency, and ensuring compliance with applicable laws
- Making sure that all employees are treated fairly and consistently is the ultimate objective for policy updates, and is an important factor in employee morale and effective staff management
- Clarifying authorities, policies and procedures will benefit employees, improve the organization's overall efficiency, and ultimately benefit the Town of West Newbury's taxpayers and governance



# Questions / Discussion



TOWN COUNSEL MEMO

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TO: Town Manager  
FROM: Michael P. McCarron  
SUBJECT: Town Manager Authority  
DATE: November 21, 2018  
CC: Board of Selectmen

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Note: The Board of Selectmen voted on June 24, 2019 to release Executive Session privilege and authorize public disclosure of this memo.

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

*Question Presented:* Under the new Town Manager Act, what is the authority of the Board of Selectmen and Town Manager to supervise and direct Town employees?

*Answer:* An Act Establishing a Town Manager in the Town of West Newbury, Chapter 97 of the Acts of 2017 is the primary source of governance for the Town. It is in fact the constitution of the Town. As such, its intention was to provide the general authority for the Town and enable the Town to customize its governing structures. Section 2 of the Act states: “Notwithstanding any general or special law to the contrary, there shall be a town manager in the town of West Newbury who shall have the powers, duties and limitations described in the Act.”

The Board of Selectmen constitutes the “chief goal-setting and policy making board of the town.” (Section 4(c)) The Board has the power to:

- Enact rules and regulations;
- Implement policies;
- Issue directives; and
- Issue interpretations of the town’s rules and regulations.

Each of these powers has a specific meaning. Rules and regulations are the general requirements applicable to all. Policies are the processes that must be followed to comply with the Act, the Town Bylaws and the rules and regulations of the Town. Directives are individual determinations as to a particular situation. For example, the

Town may have a policy to limit the use of Town facilities to six times a year, but may issue a directive permitting the Boy Scouts to use Town facilities with greater frequency. Lastly, when there is a question as to how a rule or regulation is to be used or applied, the Board can make a determination without additional verbiage to the rule itself.

Additionally, Section 4(d) states that the Board, through the town manager, “shall exercise...general supervision over all matters affecting the interests or welfare of the town “

In accordance with Section 8(a) of the Act, the town manager is the “chief operating and administrative officer of the town and shall be responsible for the effective management of all town affairs placed in the town manager’s charge by this act, by the board of selectmen, by town by-law or vote of the town meeting and for the implementation of town policies placed in the town manager’s charge by the board of selectmen.” Section 8(b) states, “The town manager shall supervise all town departments and direct the day-to-day affairs of the town.” Additionally, the town manager is vested with the authority to oversee and direct, “...such other human resource obligations as designated by the board of selectmen.”

Again, the purpose of the Act was to provide the authority to make the rules, policies and directives for the management of the entire town. The process now is to implement changes to the Personnel Bylaw, the Town Bylaws and the town policies to reflect this new authority.

## Note: Excerpt from FY18 Audit Management Letter

### FINDINGS AND RECOMMENDATIONS

#### *Town Manager Act*

As discussed in the prior section, during the fiscal year, the State approved legislation that allowed the Board of Selectmen to appoint a Town Manager.

In broad terms:

*“The Town Manager is appointed by the Selectmen to oversee the daily operations of the Town, advise and administer the policies and procedures of the Board of Selectmen, and enforce Town bylaws and actions passed by Town Meeting.*

*Serving as both Chief Administrative and Chief Financial Officer, the Town Manager is responsible for the effective management of Town departments, preparing an annual budget and capital plan, coordinating activities leading up to the annual Town Meeting, providing support to the committee system, working with other levels of government, and managing special projects for the Board of Selectmen.*

*The Town Manager is also responsible for the continual review of policies and programs in an effort to improve services.”*

This concept is new to the Town; previously, the Board of Selectmen have had to aggressively micromanage the Town due to the lack of such a position or similar position in the past.

The most senior level officer prior to the Town Manager Act was the Finance Director which was created in 1991. With the effective start of the Town Manager on July 2, 2018, the Finance Director’s position was dissolved.

As expected, the transition to this new form of government has been met with many growing pains. The Town is governed in a very desegregated manner. Six elected boards and committees exist in addition to twenty-four boards and committees that are appointed by the Board of Selectmen. The Town Manager has very little direct authority over the six elected boards and their areas of government. There is also confusion over what authority exists over the Town departments and the appointed boards and committees, many of which would lose direct authority to the Town Manager in a normal Town Manager setting.

The current policies, authorities, boards and commissions and their power made a great deal of sense under the old form of government. Some of these powers and authorities should be evaluated to see if they still make sense or if they should be revised.

Our recommendation for the Town is to engage one of a handful of companies in Massachusetts that specialize in municipal organizational hierarchy, flow and authority. Such an engagement could lead to bylaw, structural and statutory changes that are more suitable for a Town Manager form of government. This could also lead the Town to consider

adopting, for the first time, a Town Charter to more clearly define the form of Town government.

### ***Procurement***

Currently, the Town Clerk also holds the position of Town Counsel and Chief Procurement Officer. This is unique in Massachusetts to hold all three positions simultaneously. However, it's worked well for the Town for a number of years.

The Town currently does not have a backup or succession plan in the event this individual retires, resigns or vacates these posts for whatever reason, and these are three challenging shoes to fill.

In most smaller communities like West Newbury, the Chief Administrative branch normally oversees procurement. Now that the Town has transitioned to a Town Manager form of government, in our opinion, this is where procurement needs to transition to as part of a succession plan over the next few years.

That being said we recommend that the Town approve the process of the Town Manager earning the designation of *Massachusetts Certified Public Purchasing Official* over the next 24 months. This is a three-part three-day (nine total days) course given by the Inspector General.

In addition, we recommend that the Town Accountant take the general procurement course, which is one part three days, in order to familiarize herself with procurement. The Town Accountant is the last line of defense against an improper purchase and should be educated to determine what is proper.

## Note: Excerpt from FY19 Audit Management Letter

### **PRIOR YEAR ITEMS**

#### ***Town Manager Act***

In the prior year we discussed how the new Town Manager Act which was approved by the legislature in fiscal year 2018 was a very challenging implementation since the Town had never had a Town Manager nor any other appointed professional administrator and was previously overseen by a 3-member elected Board of Selectmen. We also recommended that the Town evaluate a Town Charter in favor of the current legal framework for Town operations, which includes the Town Manager Act read in conjunction with various other applicable statutes, Bylaws and policies. The lack of clarity regarding where various authorities rest created inefficiencies that affected the town's operations in fiscal year 2019.

While many steps have been accomplished and completed, the challenges of this role continued in fiscal 2019. More specifically, the Town Manager wears the hats of Chief Executive, Chief Administrator, Human Resource Officer and Chief Financial Officer. This is an overwhelming level of responsibility, including, in particular, Chief Financial Officer which requires specialized training and education to completely understand the financial laws of Massachusetts and GASB. The numerous substantive responsibilities this position holds, coupled with distractions created, make it difficult to manage any aspects of the position efficiently, and the current Town Manager is often working 12 to 14 hours daily. It may make sense to appoint an individual with financial background as an Assistant Town Manager to make these challenges less burdensome; even if this is a part-time position only.

The Town continues to evaluate the creation of a Town Charter and we continue to recommend this.

#### ***Procurement***

In the prior year we discussed the Town Clerk holding the positions of Town Counsel, Chief Procurement Officer and Town Clerk. It is unique in Massachusetts to hold all three positions simultaneously. At the time the Town did not have a succession plan in the event this individual retires, resigns or vacates these posts for whatever reason.

We understand that the new Town Accountant has taken procurement courses so she will have a much better handle on purchasing as it relates to the accounting office and the approval of disbursements than the former Town Accountant. While we do not recommend that the Town Accountant be designated as the Procurement Officer, this is a stop gap preliminary plan to mitigate some of the risk identified.

In addition, the Town has involved special outside counsel with other legal issues. Having an outside firm familiarize themselves with the Town will also provide a stop gap for some of these risks.

## Note: Excerpt from FY20 Audit Management Letter

### *Town Manager Act (repeated)*

In the prior year we discussed how the new Town Manager Act which was approved by the legislature in fiscal year 2018 was a very challenging implementation since the Town had never had a Town Manager nor any other appointed professional administrator, and was previously overseen by a 3-member elected Board of Selectmen. We also recommended that the Town evaluate a Town Charter in favor of the current legal framework for Town operations, which includes the Town Manager Act read in conjunction with various other applicable statutes, Bylaws and policies. The lack of clarity regarding where various authorities rest created inefficiencies that affected the Town's operations in fiscal year 2020.

While many objectives have been achieved, the challenges of this role continued in fiscal 2020. More specifically, the Town Manager wears the hats of Chief Executive, Chief Administrator, Human Resource Officer and Chief Financial Officer. This is an overwhelming level of responsibility, including, in particular, Chief Financial Officer which requires specialized training and education to completely understand the financial laws of Massachusetts and GASB. The numerous substantive responsibilities this position holds, coupled with distractions created, make it difficult to manage any aspects of the position efficiently, and the current Town Manager is often working 12 to 14 hours daily. It may

make sense to appoint an individual with financial background as an Assistant Town Manager to make these challenges less burdensome; even if this is a part-time position only.

The Town continues to evaluate the creation of a Town Charter and we continue to recommend this.

***Procurement (repeated)***

In the prior year we discussed the Town Clerk holding the positions of Town Counsel, Chief Procurement Officer and Town Clerk. It is unique in Massachusetts to hold all three positions simultaneously. At the time the Town did not have a succession plan in the event this individual retires, resigns or vacates these posts for whatever reason.

Since our last communication, we have been made aware that the new DPW Director holds a MCPPO certificate. Since a great deal of Town procurement is DPW related, this has reduced the burden of the Chief Procurement Officer to complete all procurements. We also as we discussed in the prior management letter, the new Town Accountant has completed a course on procurement held annually by the Inspector General.

In addition, the Town has involved special outside counsel with other legal issues. Having an outside firm familiarize themselves with the Town will also provide a stop gap for some of these risks.

**Town Manager**

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**From:** Gervasio, Frank H. (DOR) [REDACTED]  
**Sent:** Wednesday, October 6, 2021 5:17 PM  
**To:** Town Manager  
**Subject:** Community Compact Grant  
**Attachments:** Grant Agreement CCC BP FY22 West Newbury.pdf; Grant standard-contract-form CCC BP FY22 West Newbury.pdf; comm-termsconditions.pdf; CONTRACT SIG FORM.pdf

Hello Angus Jennings,

Please see attached the documents that make up the grant contract for the \$15,000 award for the Town of West Newbury for the costs associated with the development of a wage and classification plan:

Standard state contract form,  
Grant Agreement,  
Contract signatory form and  
Commonwealth Terms & Conditions form.

The standard state contract document requires an authorizing signature at the bottom of page one. The contract signatory form is two pages and requires several signatures. The terms and conditions document requires a signature on page two.

Please sign, scan, and email all four of the documents to me at this address. Sean Cronin will then sign as well and I will email you a copy of the executed contract.

The full amount of the grant will be paid within 45 days of the execution of the contract. You have until two years from the signing date to complete the project. The project will be considered complete upon submission to the Division of Local Services of a letter certifying completion of the project and identifying how the results are being used (as opposed to just sitting on a shelf somewhere). You must submit any reports or other documents (financial policies, Complete Streets policy, etc.) created as part of the project, too.

If you have any questions, please feel free to contact me.

Thank you,

Frank

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This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this mail in error please notify the postmaster at dor.state.ma.us.

## **GRANT AGREEMENT**

This Grant Agreement (“Agreement”) is made by and between the Commonwealth of Massachusetts, acting by and through the Department of Revenue Senior Deputy Commissioner for Local Services on behalf of the Secretary of the Executive Office for Administration and Finance (EOAF) and Town of West Newbury [“Grantee”] acting through its Chair of the Select Board.

### **PRELIMINARY STATEMENT**

The Grantee desires to obtain funding from EOAF in the amount not to exceed \$15,000 authorized under Chapter 24 of the Acts of 2021, Section 2, Item 1599-0026 [“Act”] to the Town of West Newbury for the costs associated with: development of a wage and classification plan [“Project”].

EOAF agrees to make the funds [“EOAF Grant”] available to the Grantee for the Project, subject to the terms and conditions set forth in this Agreement and in compliance with all applicable state laws and regulations governing the disbursement and expenditure of state funds.

The Grantee shall exercise complete management and oversight responsibility of the Project and agrees that the Commonwealth’s provision of state funding under this Agreement shall not in any way be construed as assuming responsibility or liability for the completed Project by the Commonwealth.

### **SECTION 1. PROJECT SCOPE**

The scope of the Project to be funded under the EOAF Grant to the Town of West Newbury is for the costs associated with: development of a wage and classification plan. The funds will allow the town to work with a consultant to create a plan that details job descriptions and responsibilities, salary grades and ranges, and actual wages.

**\*\*\*All project SCOPES must provide a deliverable document suitable for public consumption on the Mass.gov website, in addition to other relevant project documentation, that may contain sensitive content.**

### **SECTION 2. DISBURSEMENT OF EOAF GRANT**

**2.1** Disbursement of the EOAF Grant under this Agreement shall be made pursuant to Chapter 24 of the Acts of 2021, Section 2, Item 1599-0026; and any other information EOAF may require.

The full amount of the grant award, or **\$15,000** will be disbursed to the Grantee within 45 days of execution of the grant contract.

Grantee report must be received by EOAF no later than two (2) years from the signing date of the contract.

**2.2** It is understood and agreed that the grant provided under this Agreement shall be used solely to pay for expenses associated with the Project. Expenses relating to project administration and management shall be assumed by the Grantee, including without limitation: **(i)** salaries and wages of Grantee staff; **(ii)** legal fees; **(iii)** travel, meal and entertainment expenses; **(iv)** overhead and supplies; **(v)** project costs incurred prior to the execution and subsequent to termination of this Agreement; and **(vi)** costs of any other service or activity not related to the Project.

**2.3** The Grantee shall keep detailed records of all activities associated with the Project, including without limitation all disbursements made pursuant to this Agreement. EOAF shall have the right to examine all records kept by the Grantee related to the Project.

**2.4** The Grantee shall be responsible for any cost overruns that occur during implementation of the Project.

**2.5** The grant funds must be spent by no later than two (2) years from the signing date of the contract. Grantee will forfeit any remaining award unused after no later than two (2) years from the signing date of the contract. The Executive Office for Administration and Finance shall give due consideration to any extenuating circumstances presented in writing by the applicant and may waive this restriction at its discretion.

### **SECTION 3. REPORTING**

**3.1** Once the Project is completed, the Grantee shall furnish to EOAF, in addition to a report certifying project completion, the following documentation: **(i)** copies of all permits and approvals issued in connection with the Project, unless this information was previously supplied; **(ii)** any outstanding vendors' invoices, certified payment vouchers, cancelled checks or other documentation verifying actual expenditures in connection with the Project; **(iii)** documentation evidencing commitment of funds to the Project from sources other than EOAF, including documentation associated with the issuance of bonds or notes to finance the cost of the Project; **(iv)** a certificate of occupancy of the Project or portions of the Project as applicable by law; and **(v)** a statement from the Grantee certifying to the best of his or her knowledge that the Project was undertaken in conformance with all applicable laws, rules and regulations.

### **SECTION 4. COMPLIANCE WITH ALL APPLICABLE LAWS/REGULATIONS**

**4.1** The Grantee and its consultants and contractors shall comply with any and all federal, state and local laws, rules and regulations, orders or requirements that apply to the Project, including but not limited to: **(i)** Executive Order 478 relating to nondiscrimination, diversity, equal opportunity and affirmative action in hiring and employment practices; **(ii)** the State Prevailing Wage Law (MGL. Ch.149, Sections 26 to 27H); Title VI of the Civil Rights Acts of 1964, as amended; **(iii)** Environmental Impact Requirements (MGL. Ch.30, Sections 61 to 62I); and **(iv)** Historic Preservation Requirements (MGL. Ch.9, Sections 26 to 28) and applicable regulations.

**4.2** This Agreement shall in no way relieve the Grantee from the full force and application of any laws, rules, regulations and orders or requirements.

### **SECTION 5. INTEREST OF MEMBERS OR EMPLOYEES OF THE GRANTEE**

**5.1** No officer, servant, agent, or employee of the Grantee has participated or will participate in any decision relating to the development and implementation of the Project that affects directly or indirectly his/her personal interest or the interest of any corporation, partnership or proprietorship with which her/she is directly or indirectly affiliated. Furthermore, no officer, servant, agent or employee of the Grantee shall have any interest directly or indirectly in any contract in connection with the Project or shall in any way violate M.G.L. Chapter 268A.

**SECTION 6. AMENDMENTS**

**6.1** No amendment to this Agreement or any significant modification of the scope of the Project funded under this Agreement shall be made by the Grantee without the prior written approval of EOAF.

**SECTION 7. SEVERABILITY OF PROVISIONS**

**7.1** If any provision of this Agreement is held invalid by any court of competent jurisdiction, the remaining provisions shall not be affected thereby, and all other parts of the Agreement shall remain in full force and effect.

#####

Form Name: FY22 Best Practices Compact Program Application  
Submission Time: September 30, 2021 2:41 pm  
Browser: Chrome 93.0.4577.82 / Windows  
IP Address: 72.74.89.122  
Unique ID: 867895972  
Location: 42.837398529053, -71.012100219727

<b>Municipal Designation</b>	Town
<b>City or Town Name</b>	West Newbury
<b>Contact</b>	Angus Jennings
<b>Contact Phone</b>	(978) 363-1100
<b>Contact Email</b>	townmanager@wnewbury.org
<b>Compact Signatory</b>	Angus Jennings
<b>Signatory Title</b>	Other
<b>Signatory Title</b>	Town Manager
<b>Best Practice Area #1</b>	Human Resources
<b>Are you applying for this best practice with other communities?</b>	No

**Human Resources - Best Practice Focus Area** Develop a formal Wage and Classification Plan that details, at a minimum, job descriptions, employee grades, and salary ranges, thereby providing the municipality with a tool to make pay decisions that are reasonable in comparison to similar work being carried out in all areas of city/town government.

**Why did you choose this best practice and what assistance would you need to accomplish this best practice?**

The Town of West Newbury recently transitioned to a new Town Manager form of government, following on the prior form of government in which the Select Board was the Chief Administrative Official (supported by an Executive Administrator). The Town Manager Act vests authority over personnel matters with the Town Manager, with provisions for Board approval of matters including wages/salaries (i.e. Town Manager proposes wages/salaries, subject to Board modification/approval).

During this period of transition, now 3 years underway, adjustments have been made to the assigned Grade (per Wage Scale) and actual pay rate for some municipal positions, and some job descriptions have also been revised (with commensurate adjustment to compensation, as warranted). Some of these changes have affected Town employees, while others have been made during transitions of different positions (such as due to retirements, i.e. job descriptions of incumbent personnel have been revised prior to posting the job for hire).

However, the Town does not have the bandwidth to undertake a comprehensive review of wages and job classifications, including job descriptions/responsibilities, grades/ranges, actual wages. Building on the incremental changes that have been made in the past couple of years, the Town - through its Town Manager and with the Select Board and other Town employees and officials - seeks to initiate a formal Wage and Classification Plan based on a thorough review of job descriptions/responsibilities, staffing levels, internal comps, regional comps, etc.

Town personnel, including the Town Manager and Finance department will be closely involved, and outside counsel will be engaged as needed on labor/personnel issues, but it will be necessary to engage a specialized consultant/vendor in order to supplement the Town's bandwidth and bring such a study to completion.

If we receive a Community Compact grant to support this effort, our goal would be to get the work done timely to inform our FY23 budget process.

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**Would you like to apply for a second best practice?**

No

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**Are you applying for this best practice with other communities?**

No

---



# Town of West Newbury

381 Main Street  
West Newbury, Massachusetts 01985

Angus Jennings, Town Manager  
978-363-1100, Ext. 111 Fax 978-363-1826  
[townmanager@wnewbury.org](mailto:townmanager@wnewbury.org)

D

TO: Select Board  
FROM: Angus Jennings, Town Manager  
DATE: October 2, 2021  
RE: Proposed policy to require advance Town Manager approval for OT/hours above budget

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As you may be aware, there is presently no written policy requiring advance approval for non-union staff overtime or hours worked above budget. On occasion, my office has only become aware of extra hours worked when timesheets are submitted during the payroll process. At that point, if the hours have been worked, the Town is obligated to pay for the time under Federal labor law. I believe this represents a gap in our internal financial controls. Further, I have been contacted by staff in multiple departments in recent weeks with concerns about their ability to get their job done within budgeted hours; my response and advice is enclosed. In short, this is a present, and expanding, issue.

I have been working with Stephanie to prepare a policy to require advance written Town Manager approval prior to non-union employees working either OT, or hours above budgeted. We both think that this could be reasonably promulgated by my office under statutory authority (and the Board's corresponding Financial Operating Procedures policy, as follows:

#### Financial Operating Procedures

Pursuant to Sec. 8(a) of Chapter 97 of the Acts of 2017 (the Town Manager legislation), the Select Board voted to give the Town Manager the authority to establish and implement financial procedures and guidelines regarding day-to-day Town financial operations, as he or she so determines to be necessary and beneficial.

*Adopted: 1/6/2020*

However, because this also affects personnel administration we'd also recommend an amendment to the Personnel Policy, potentially for referral on 10/4 for a 10/18 hearing.

A draft policy is enclosed, and draws from comparable policies in effect in other communities. Unless the Board expresses opposition, my intent would be to issue this policy (if/as amended prior to being finalized) on an interim basis, pursuant to my office's authority under Section 8 of the Town Manager Act and the above-referenced Select Board policy, and to also request Board referral of this policy (again, if/as may be amended) to public hearing for consideration as an amendment to the Personnel Policy.

## **COMPENSATORY/OVERTIME/TIME WORKED ABOVE BUDGETED HOURS POLICY**

### Exempt Employees

Employees holding exempt positions are never entitled to overtime pay. Generally, employees holding exempt positions are not entitled or allowed to use or accrue compensatory time. Rather, it is expected and understood that professional positions often require more than 9 hours in one day or 40 hours in one week.

The sole exception to this prohibition is that in unusual circumstances, when pre-approved by the Town Manager in writing an exempt employee may request the accrual of a limited amount of earned time. In this situation, earned time shall be accrued on an hour for hour basis.

Use of earned time by exempt employees is strictly subject to the written approval of the Town Manager. Exempt employees are never, no matter the circumstances, entitled to payment for any accrued and unused earned time. Any earned time earned must be used within 60 days of accrual.

The reason it is rare that earned time accrual will be approved is that it is expected and understood that professionals will dedicate the number of hours necessary to succeed at their position. As professionals, it is expected that there will be no earned time requests for things like attending night meetings or working late during busy times. As professionals however, and in the interest of preventing employee burnout, where the hours of work required exceed the “normal” work week due to night/weekend meetings, special projects, DPW winter operations, etc., and said hours are documented, you would be eligible to receive earned time off at the discretion of the Town Manager.

### Overtime, Overtime Pay and Compensatory Time Non-Exempt Employees Only

This portion of the policy solely applies to non-exempt (hourly) employees.

Overtime is the term given to hours worked beyond 40 hrs in one work week. Overtime hours are compensated either monetarily (pay) or in compensatory time off, both at the one-and-one-half time rate for each hour over 40.

#### 1. Overtime

The granting of overtime is contingent upon an existing need, usually temporary, such as additional workload, special projects or events, or to cover the absence of another employee. Working additional hours for the purpose of receiving additional pay or accruing extra compensatory time off for future use is prohibited and creates an unnecessary fiscal obligation for departments.

Overtime is reached once an employee has actually worked beyond the 40-hour maximum allowable hours in a given workweek. Compensation for overtime hours must be paid at the one-and-one-half time rate to non-exempt employees for any hours worked in excess of 40 hours in any given week. The Town Manager is responsible for oversight of overtime for non-union employees, consistent with appropriated funds. Overtime must be authorized in advance by the Town Manager.

## 2. Overtime Hours.

In determining whether an employee has worked any overtime, only those hours actually worked will be considered. This is not the same as "in-pay status" which includes all paid leave hours, no matter the type.

An instance of "in-pay status" as opposed to overtime status is the scenario where the number of hours worked is less than or equal to 40, but when added to leave time taken becomes greater than 40. In this case, the extra hours are termed "additional" and are to be paid at the regular annualized rate of pay. To avoid placing an employee into an overtime situation, an employer can plan in advance to change the employee's work schedule.

## 3. Overtime Pay.

Payment for overtime worked will be at one and one-half times the employee's regular rate of pay.

## 4. Compensatory Time.

Compensatory time is an alternative method of overtime compensation for hours worked over 40 for non-exempt employees. As such, it must be approved in advance as overtime. The same overtime principles apply: Working extra hours in order to accrue compensatory time off for future use is prohibited.

In lieu of paying a non-exempt employee for overtime worked, employees may be granted compensatory time off at the rate of one and one-half hours off for each hour of overtime worked, at some time after the workweek in which the overtime was worked if the following conditions are met:

- a. The employer reaches an agreement with the employee to accept compensatory time off in lieu of overtime pay prior to the performance of the overtime worked. The same agreement does not have to be reached with each employee.
- b. The employee knowingly and voluntarily agrees to accept compensatory time.

Employees who have requested the use of compensatory time will be permitted to use such time within a reasonable period after making the request if use of the time does not unduly disrupt the operations of the department. Mere inconvenience to a department is insufficient reason to deny an employee's request to use compensatory time. Likewise, each employee who has accrued compensatory time off may be required to use the compensatory time within a reasonable period after receiving notice to do so. The notice will include the length of time in which a specified number of hours of compensatory time are to be used.

### Time Worked Above Budgeted Hours

#### Non-Exempt Employees Only

If the work demands of a non-exempt position exceed budgeted hours within a given pay period, the affected employee may request advance Town Manager approval to work more hours than are budgeted.

The approval to work hours above budgeted is contingent upon an existing need, usually temporary, such as additional workload, special projects or events, or to cover the absence of another employee. Working additional hours for the purpose of receiving additional pay is prohibited and creates an unnecessary fiscal obligation for departments.

Within the Town Manager's consideration of the request, discussion will take place with the affected employee, including (if/as appropriate) the primary Board or Commission to which the employee provides direct support. Discussion will consider what factors are driving the workload above budgeted hours, and whether the best answer is to increase hours (with the employee's specific agreement), or to somehow reduce workload.

Avoiding a situation where the employee's actual pay exceeds what is budgeted could include reducing hours worked in future weeks, to offset any overage; or increasing the budgeted expense line (whether by budget amendment or by approved Reserve Fund or Line Item transfer) to cover the actual hours/cost, if necessary. In either case, advance approval by the Town Manager is required for hours worked above the budgeted hours.

## Town Manager

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**From:** Town Manager  
**Sent:** Saturday, September 18, 2021 5:59 PM  
**To:** Wendy Reed; Rick Parker; David Archibald  
**Subject:** RE: MSA Affordable Housing Webinar Follow Up

This would be a great topic for a mtg in October, thanks

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

**NOTE: Please refer to Board's Open Session packet from 10/4/21 for backup docs.**

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**From:** Wendy Reed <[wreed@wnewbury.org](mailto:wreed@wnewbury.org)>  
**Sent:** Friday, September 10, 2021 4:10 PM  
**To:** Rick Parker <[rparker@wnewbury.org](mailto:rparker@wnewbury.org)>; David Archibald <[darchibald@wnewbury.org](mailto:darchibald@wnewbury.org)>  
**Cc:** Town Manager <[townmanager@wnewbury.org](mailto:townmanager@wnewbury.org)>  
**Subject:** Fwd: MSA Affordable Housing Webinar Follow Up

I attended this today and thought it might be of interest to all.

Get [Outlook for iOS](#)

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**From:** Isabelle Nichols [REDACTED]  
**Sent:** Friday, September 10, 2021 4:01 PM  
**To:** Isabelle Nichols  
**Subject:** MSA Affordable Housing Webinar Follow Up

Good Afternoon,

Thank you for registering for today's MSA webinar: How to Bring Affordable Housing to Your Town. We hope that you enjoyed the session and found it useful! [Please take a few moments to complete this brief survey](#) so that we can continue to develop programs and trainings that are of interest to you.

Today's webinar was recorded and is available to [view on the MMA's website by following this link](#). Additionally, attached please find the slides used by Dottie, Jennifer, and Judi.

Have a wonderful weekend!

## Town Manager

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**From:** Michael Dwyer <dwyer@westnewburysafety.org>  
**Sent:** Tuesday, October 12, 2021 12:55 PM  
**To:** Town Manager  
**Subject:** Re: Old rescue

Probably under 10K

Sent from my iPhone

> On Oct 12, 2021, at 9:55 AM, Town Manager <townmanager@wnewbury.org> wrote:

>

> Under the Town policy I need to get a vote of the Board to surplus this item. Any idea if the current value is above or below \$10k? Thanks

>

> Angus Jennings, Town Manager

> Town of West Newbury

> Town Office Building

> 381 Main Street

> West Newbury, MA 01985

> (978) 363-1100 x111

> townmanager@wnewbury.org

>

> -----Original Message-----

> From: Michael Dwyer <dwyer@westnewburysafety.org>

> Sent: Saturday, October 9, 2021 10:55 AM

> To: Town Manager <townmanager@wnewbury.org>

> Subject: Old rescue

>

> Hi Angus,

>

> We are ready to surplus the old rescue. Who should I talk to regarding the municipal bid service? Website process.

>

> Thanks,

> Mike

>

> Sent from my iPhone



## Policies of the West Newbury Select Board

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### 5. Disposal of Surplus Property Policy

This policy complies with Massachusetts general Laws Chapter 30B which requires municipalities to adopt a written policy regarding the disposal of surplus property.

From time to time the Town of West Newbury finds it necessary to dispose of materials, equipment, residue inventory or other items that are no longer required. The following procedures describe the process to be followed when disposing of surplus items. The intent is to establish reasonable control over usage, surplus and obsolete material handling, sale and disposition. This policy applies to all surplus items regardless of value. It does not apply to disposal of real estate. This policy applies to all Town departments, boards and committees.

Items taken into custody by the West Newbury Police Department through statutory procedures i.e. drug, criminal and civil forfeitures pursuant to MGL Chapter 94c and 18 USC §§ 981-87, will be disposed according to state and federal law. Unclaimed property taken into possession by the West Newbury Police Department will be auctioned according to MGL Chapter 135, § 8.

#### **Procedures**

The Department Head will submit a written recommendation to the Chief Procurement Officer (CPO) that the item(s) are surplus to department needs and may be disposed of.

The Board of Selectmen shall vote to designate the items surplus.

For surplus property valued at less than \$10,000 the CPO will advertise the items for sale on the Town website, or in the local newspaper, or by online auction as she or he deems in the best interest of the Town.

For surplus property valued at \$10,000 or more, the CPO shall dispose of the property in accordance with MGL Chapter 30B by sealed bids, or by public auction, including online auction.

Items that have only scrap value may be disposed of as the CPO deems appropriate.

At its discretion, the Town may either sell at less than fair market value or donate surplus property to a government entity or an organization which has Internal Revenue Service tax exempt status by reason of its charitable nature. For property valued at less than \$1,000 the CPO may exercise his own judgment. For property valued at \$1,000 or more the Selectmen must first approve the disposition.

*Adopted: 9/3/2019*