

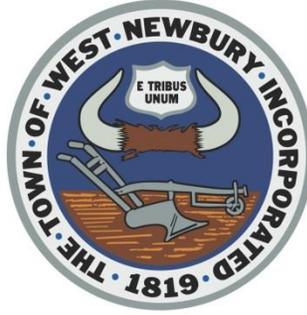


Town of West Newbury, Massachusetts

Annual Town Meeting

May 14, 2022, 9:00 a.m.

Town Annex, 379 Main Street, Outside



May 14, 2022

Dear Fellow Residents of West Newbury:

Please take the time to review this booklet, which we diligently prepared to help guide you toward making informed decisions on this year’s Warrant Articles.

The Articles presented on the Annual Town Meeting Warrant are requests for expenditures in addition to the Town’s annual budget for Fiscal Year ending June 30, 2023. The Articles on the Special Town Meeting Warrant are requests to be included in the Town’s budget for the Fiscal Year ending June 30, 2022. The Finance Committee has reviewed each of these Articles. This booklet is the report of our recommendation to approve or disapprove each Article, together with our reasons. At the end of this booklet you will find a Glossary of Terms, overview of Finance Committee responsibilities, and spreadsheets of Town fund balances and Town revenues, which you may find helpful.

We began this budget year, as we did last year, with the goal of keeping expenses within our levy limit. Further, we hoped to follow the Select Board Fiscal Year Policy Directive by limiting the overall increase in the expense budget to not more than 2.5%, taking into account projected New Growth, and not including any school budget increases, including those related to the Pentucket Middle/High School override. We approach each consideration with thoughtful attention to budget line items and prudent use of our Free Cash. The Finance Committee met with many Department Heads, and we thank them for helping us understand their responsibilities and financial needs. We are further grateful to the Town Manager for his efforts, and how his office has helped streamline our budget review process.

Over the past several years, the Town has used excess Free Cash to balance the budget; the Select Board may propose a vote to do so again for FY23 during the Fall Special Town Meeting. The amount of Free Cash transferred over the past several years is illustrated by the table on page v. In addition, this is the third year that the Town will be recommending a draw from the School Stabilization Fund in order to offset the FY23 taxpayer impact resulting from the Middle/High School project.

Whether or not you believe this method of balancing the budget is appropriate, we feel a responsibility to inform you that we do not believe that Free Cash transfers in the amounts being requested year over year are sustainable, and can be expected to deplete the Town’s Free Cash reserves over time. If this happens, the community will need to choose between increased taxes or a reduction in services.

Proposed FY23 Budget Breakdown by Category

<u>Budget Category</u>	<u>Proposed FY23 Budget</u>	<u>% of Total</u>
General Government:	1,360,910	7.5%
Public Safety:	2,073,700	11.4%
Education:	9,799,177	54.1%
Dept. of Public Works:	1,374,192	7.6%
Human Services:	1,170,871	6.5%
Debt Service:	300,900	1.7%
Benefits:	2,040,127	11.3%
TOTAL:	18,119,877	

Our estimated net revenues available for operating expenses are \$18,781,466, and are comprised primarily of Real Estate Taxes, supplemented with previously approved general overrides, licenses, motor vehicle excise taxes, fees, and receipts from the Commonwealth.

Our operating budget will be \$18,119,877, which is an 8.4% increase over last year. The proposed increase in the non-Schools budget is \$367,705, or 4.5%. When estimates of FY23 New Growth are factored in, the proposed percentage increase in the non-Schools budget is 3.0%. This exceeds the 2.5% target the Select Board set at the beginning of the budget process due to proposed staffing changes in Finance, DPW and Library that have Select Board and Finance Committee support. This amount is within our allowed levy limit. Should this budget pass, it is projected to result in an increase in the tax rate for FY2023, from \$ 13.01 /thousand (FY2022) to approximately \$ 13.70 /thousand (FY2023).¹

Based on this estimate, and taking into account estimated changes in valuations and non-tax revenues in FY23, the overall effect on your taxes would be an increase of about 5.3%. For a home valued at \$500,000, this would translate to an annual increase of about \$345.00. The 2022 budget resulted in a comparable projected average increase of about \$185.00. Because we do not know the FY2023 valuation of property, nor the valuation of certified New Growth, until the fall, and because the Select Board uses those valuations to set the tax rate, our estimate of next year's tax increase is only that: an estimate. (Please note: The failure of the Pentucket budget to secure voter approval in Merrimac and Groveland – see footnote below – will reduce the FY23 tax levy and tax rate below the estimates provided here).

If all of the proposed articles to be funded from Free Cash are passed, approximately \$1,245,000 will remain in that account. If all of the articles proposed to be funded for the Capital Stabilization, and Pension Stabilization accounts are passed, those balances will be approximately \$ 1,953,000, and \$ 362,000, respectively.

This Town Meeting contains many other points for consideration including, but not limited to, the following items:

- 1) a request to fund a feasibility study for the generation of solar electricity at several Town-owned parcels;
 - 2) a request to transfer funds to complete the last phase of the Historic Property Survey;
 - 3) numerous articles related to updating and replacing obsolete public safety equipment;
 - 4) a proposal from the DPW to replace a dump truck;
 - 5) two articles related to structural studies at the Page School;
 - 6) three articles related to the Soldiers & Sailors Memorial Building (a/k/a Carr Post).
- The above items do not reflect the full detail of articles within the warrants, but do show a vast array of items that will be presented to the Town for vote.

The Finance Committee meets at the 1910 Building, as posted. We welcome your participation, and encourage you to review our website for more information, including budget information, prior Town Meeting booklets, and meeting minutes.

“Pray to God, but row away from the rocks.”
-Hunter S. Thompson

Gary L. Roberts, Jr., Chairman

The West Newbury Finance Committee

Gary L. Roberts, Jr., chair
Nathan Kelly, vice chair
Jim Sperelakis, secretary

Walter Burmeister
Christopher Wile
Angus G. Jennings, ex officio

¹ Shortly prior to publication of this Finance Committee booklet, in elections held on May 1, 2022, voters in the Towns of Merrimac and Groveland voted against the proposed FY23 Pentucket Regional School District budget, which would have required a Prop. 2 ½ override in each of those communities. The failure of the Pentucket budget will result in a lower FY23 assessment to all three towns, including West Newbury, though it is not known by how much the assessment will decrease. It is anticipated that a reduced FY23 budget would be brought to the Fall Special Town Meeting in order to reduce the Pentucket assessment based on a revised budget, once a revised FY23 Pentucket budget is approved by the School Committee.

Reading Votes for Town Meeting Warrant Articles.

Votes for town meeting warrant articles follow the format of **(Yay-Nay-Abstention)** for the given article. For example:

Select Board Recommendation: **Approve: 2-1-0**

This states that two Select Board members approved the article, one disapproved, no abstentions.

FinCom Recommendation: **Disapprove: 2-3-1**

This states that two FinCom members approved the article, three disapproved, one abstention.

WHAT TO EXPECT AT TOWN MEETING DUE TO COVID-19

This section is intended to share some information about the preliminary plans for the Saturday, May 14, 2022 Annual Town Meeting.

Please know that the primary concern of all Town officials is to conduct the meeting in a way that protects the health and safety of everyone, while at the same time upholding our town meeting traditions and standards of participatory democracy. Following is a summary of some of the measures to help conduct town meeting safely and efficiently.

Meeting Venue: The risk of contagion is much lower if we meet outside. So, the goal is to hold town meeting outdoors, in the area of the Bandstand located behind the 1910 Building and Annex.

Main Motion: A designated speaker will read the main motions under the articles. Then we will move to debate.

Meeting Efficiency: A number of steps will be taken to help facilitate a quick, efficient, and orderly meeting.

Rain Date: In the event of inclement weather, the meeting will go forward in the posted location, but may be moved indoors to the Annex. The decision on whether to relocate the proceedings will need to be made the day prior to the meeting. If the location will be inside the Annex due to weather, we will post notice on the Town of West Newbury website (www.wnewbury.org) and via reverse 911, email, social media, and the press.

**If the Recommended FY23 Budget is approved,
Proposed FY23 Expense Budget Breakdown**

<u>Town Department</u>	<u>Budget (FY23)</u>	<u>% of Total</u>	<u>Each \$1,000 of your property tax dollars will buy:</u>
EDUCATION	9,799,177	54.1%	\$ 540.80
DPW	1,374,192	7.6%	\$ 75.84
POLICE DEPARTMENT	1,234,090	6.8%	\$ 68.11
ESSEX COUNTY RETIREMENT FUND	805,420	4.4%	\$ 44.45
BOARD OF HEALTH	592,291	3.3%	\$ 32.69
NET TRANSFERS - STABILIZATION	500,000	2.8%	\$ 27.59
EMPLOYEES' HEALTH INSURANCE	481,857	2.7%	\$ 26.59
LIBRARY	393,899	2.2%	\$ 21.74
PUBLIC SAFETY DISPATCH	338,389	1.9%	\$ 18.68
FINANCE DEPARTMENT	337,604	1.9%	\$ 18.63
TOWN MANAGER	325,707	1.8%	\$ 17.98
FIRE DEPARTMENT	313,383	1.7%	\$ 17.29
DEBT SERVICE	300,900	1.7%	\$ 16.61
INSURANCE AND BONDS	199,865	1.1%	\$ 11.03
BOARD OF ASSESSORS	183,780	1.0%	\$ 10.14
TOWN CLERK	149,014	0.8%	\$ 8.22
INSPECTION DEPARTMENT	144,842	0.8%	\$ 7.99
COUNCIL ON AGING	119,808	0.7%	\$ 6.61
FINANCE COMMITTEE	82,000	0.5%	\$ 4.53
PLANNING BOARD	77,123	0.4%	\$ 4.26
CONSERVATION COMMISSION	66,632	0.4%	\$ 3.68
TOWN COUNSEL	65,124	0.4%	\$ 3.59
SELECT BOARD	54,116	0.3%	\$ 2.99
MEDICARE INSURANCE (FICA)	51,485	0.3%	\$ 2.84
RECREATION	32,885	0.2%	\$ 1.81
VETERANS	31,288	0.2%	\$ 1.73
ANIMAL CONTROL OFFICER	26,858	0.1%	\$ 1.48
BOARD OF REGISTRARS/ELECTIONS	18,100	0.1%	\$ 1.00
EMERGENCY MANAGEMENT	12,138	0.1%	\$ 0.67
HARBORMASTER	4,000	0.0%	\$ 0.22
UNEMPLOYMENT COMPENSATION	1,500	0.0%	\$ 0.08
OPEN SPACE COMMITTEE	750	0.0%	\$ 0.04
BOARD OF APPEALS	700	0.0%	\$ 0.04
HISTORICAL COMMISSION	600	0.0%	\$ 0.03
MODERATOR	260	0.0%	\$ 0.01
CULTURAL COUNCIL	100	0.0%	\$ 0.01
TOTAL	\$ 18,119,877	100.0%	\$ 1,000.00

Source: Angus Jennings, Town Manager, 5/3/22

Town-wide Average Single Family Assessed Value and Tax Bill
Town of West Newbury, FY11-FY22

Fiscal Year	Total Single Family Value	Single Family Parcels	Average Single Family Value	Average Single Family Tax Bill	Dollar Change from Prior Year	% Change from Prior Year
2022	\$936,075,900	1,391	\$672,952	\$8,755	\$38	0.4%
2021	\$814,289,900	1,390	\$585,820	\$8,717	\$366	4.4%
2020	\$804,428,300	1,389	\$579,142	\$8,351	\$50	0.6%
2019	\$785,068,500	1,378	\$569,716	\$8,301	\$451	5.7%
2018	\$738,617,100	1,370	\$539,137	\$7,850	\$140	1.8%
2017	\$721,692,600	1,362	\$529,877	\$7,710	\$67	0.9%
2016	\$708,878,300	1,357	\$522,386	\$7,643	\$171	2.3%
2015	\$644,831,600	1,354	\$476,242	\$7,472	\$220	3.0%
2014	\$616,881,300	1,344	\$458,989	\$7,252	\$96	1.3%
2013	\$607,427,900	1,337	\$454,322	\$7,156	\$414	6.1%
2012	\$602,788,900	1,326	\$454,592	\$6,742	\$233	3.6%
2011	\$627,563,400	1,319	\$475,787	\$6,509	\$162	2.6%

Source: West Newbury Assessing Department

Free Cash Trends, FY15-FY22

<u>Fiscal Year</u>	<u>Year-End Certified Free Cash¹</u>	<u>Free Cash transfer to reduce Tax Rate²</u>
FY22	TBD	\$ 200,000
FY21	\$ 1,749,980	\$ -
FY20	\$ 1,954,878	\$ 400,000
FY19	\$ 2,102,586	\$ 220,000
FY18	\$ 1,718,985	\$ 114,000
FY17	\$ 1,824,005	\$ 144,300
FY16	\$ 1,892,315	\$ -
FY15	\$ 1,960,718	\$ -

Avg (FY17-21)	\$ 179,717
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¹ Source: MA DOR Form B-1, FY15-FY21

² Source: MA DOR Tax Rate Recaps, Item III d, FY15-FY21

* Note: In FY21 the Town did allocate \$220,000 of Overlay Surplus in order to reduce the FY21 Tax Rate. If that amount were to be included in the table above, the FY17-22 average would be \$213,050.

Source: Angus Jennings, Town Manager

**TOWN OF WEST NEWBURY
COMMONWEALTH OF MASSACHUSETTS
WARRANT -- ANNUAL TOWN MEETING
SATURDAY, MAY 14, 2022 @ 9am**

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), located at 379 Main Street, at 9:00 a.m. on Saturday, May 14, 2022, to act upon or take any other action relative to all but the first of the following articles:

GENERAL GOVERNMENT MATTERS

ARTICLE 1: To hear and act upon the reports of Town officers and committees, or take any other action relative thereto. *By request of the Select Board.*

ARTICLE 2: To see if the Town will vote to transfer and appropriate the sum of \$397,325 from the School Stabilization Fund to pay a portion of the Town share of debt services associated with the building of the new Middle/High School, or take any other action relative thereto. *By request of the Select Board.*

FinCom Recommendation:

Approve: 4-1-0

Select Board Recommendation:

Approve: 3-0-0

This vote requires a two-thirds (2/3) majority approval to pass.

Rationale for Approval: *This is the third of an anticipated multi-year drawdown of the School Stabilization Fund. The Fund was created to defray the impact of a major school building project. The Finance Committee supports the Select Board's position that the time has come for taxpayers to receive a reduced tax impact from the new Middle/High School Project. As proposed, the entirety of FY23 debt service is included in the Omnibus Budget. If this article is approved, there will be a motion (under Article 3) to reduce the Omnibus Budget by the same dollar amount as this article since Article 2 (not the operating budget) would pay that portion of debt service for the project.*

Funding source: *School Stabilization Fund*

Sunset Date: *N/A*

ARTICLE 3: To determine what sums of money the Town will raise and appropriate for defraying the expenses of the Town for ensuing fiscal year and for the payment of Town debt, or take any other action relative thereto. *By request of the Select Board.*

FY23 Omnibus Budget											
	FY 2020	FY 2021			FY 2022	FY 2022	FY 2022	FY 2023		Change from FY22	
	Expended	Approved	Amended	Expended	Approved Budget	Amendments	Amended	Select Board	FinCom Proposed	\$	%
GENERAL GOVERNMENT											
1 MODERATOR											
Salary	200	200	200	200	200		200	200	200	-	0.0%
Expenses	55	60	60	-	60		60	60	60	-	0.0%
SUBTOTAL	255	260	260	200	260		260	260	260	-	0.0%
2 SELECT BOARD											
Professional and Technical Services		32,860	32,860	31,069	34,162		34,162	30,116	30,116	(4,046)	-11.8%
Salary & Wages	7,590	10,000	10,000	8,500	10,000		10,000	10,000	10,000	-	0.0%
Operating Expenses	6,399	7,000	7,000	8,286	14,000		14,000	14,000	14,000	-	0.0%
SUBTOTAL	13,989	49,860	49,860	47,854	58,162		58,162	54,116	54,116	(4,046)	-7.0%
3 TOWN MANAGER											
Town Manager Salary	147,900	150,858	150,858	150,858	153,875		153,875	156,952	156,952	3,077	2.0%
Salary & Wages	62,523	70,679	70,679	70,679	72,092		72,092	73,541	73,541	1,449	2.0%
Technology Expenses	40,056	51,865	51,865	48,342	51,865		51,865	67,061	67,061	15,196	29.3%
Expenses, Comms (bldg), Dues/Subscr/Cont. Ed	12,688	18,055	33,055	17,695	33,055		33,055	24,553	24,553	(8,502)	-25.7%
Vehicle Allowance	3,600	3,600	3,600	3,600	3,600		3,600	3,600	3,600	-	0.0%
SUBTOTAL	266,767	295,057	310,057	291,174	314,487		314,487	325,707	325,707	11,220	3.6%
4 FINANCE DEPARTMENT											
Salary & Wages	200,794	179,619	224,619	195,647	237,918		237,918	270,594	270,594	32,676	13.7%
Annual Audit	20,500	20,500	20,500	20,500	20,500		20,500	20,500	20,500	-	0.0%
Tax Title and Foreclosure	75	800	800	478	1,000		1,000	800	800	(200)	-20.0%
Postage Expense	12,942	15,050	15,050	14,847	15,400		15,400	16,430	16,430	1,030	6.7%
Finance Dept Expenses	18,209	28,120	28,120	23,157	27,955		27,955	27,280	27,280	(675)	-2.4%
Training and Travel	1,018	1,200	1,200	518	2,000		2,000	2,000	2,000	-	0.0%
SUBTOTAL	253,538	245,289	290,289	255,148	304,773		304,773	337,604	337,604	32,831	10.8%
5 FINANCE COMMITTEE											
Salaries		-	-				-				
Expenses	1,067	2,000	2,000	751	2,000		2,000	2,000	2,000	-	0.0%
Reserve Fund	-	60,000	54,685	-	96,000		76,000	80,000	80,000	4,000	5.3%
SUBTOTAL	1,067	62,000	56,685	751	98,000		78,000	82,000	82,000	4,000	5.1%
6 ASSESSING DEPARTMENT											
Salary & Wages	124,297	127,409	127,409	95,260	129,410		129,410	132,081	132,081	2,671	2.1%
Board of Assessors Salaries	42,495	56,258	56,258	47,272	54,483		54,483	51,699	51,699	(2,784)	-5.1%
Expenses & Contracted Services	2,400	2,047	2,047	181	500		500	-	-	(500)	-100.0%
Board and Clerk mileage reimb.	80	250	250	-	-		-	-	-	-	
Travel/Mileage/Cellphone											
SUBTOTAL	169,271	185,964	185,964	142,714	184,393		184,393	183,780	183,780	(613)	-0.3%
7 SPECIAL COUNSEL											
Legal Fees and Expenses	13,770	12,500	22,500	20,558	18,000	20,000	58,000	65,124	65,124	7,124	12.3%
SUBTOTAL	13,770	12,500	22,500	20,558	18,000	20,000	58,000	65,124	65,124	7,124	12.3%

(Note: FY22 Reserve Fund Amended Budget accounts for FinCom approval of \$20k transfer to Special Counsel expense line.)

FY23 Omnibus Budget											
	FY 2020	FY 2021			FY 2022	FY 2022	FY 2022	FY 2023		Change from FY22	
	Expended	Approved	Amended	Expended	Approved Budget	Amendments	Amended	Select Board	FinCom Proposed	\$	%
8 TOWN CLERK											
Salary & Wages	112,719	122,478	122,478	118,757	156,793	(20,000)	136,793	135,144	135,144	(1,649)	-1.2%
Operation of Fax/Copier Machine Expenses	5,349	5,650	5,650	4,604	5,650		5,650	6,370	6,370	720	12.7%
	3,662	6,450	6,450	3,482	7,000		7,000	7,500	7,500	500	7.1%
SUBTOTAL	121,730	134,578	134,578	126,843	169,443		149,443	149,014	149,014	(429)	-0.3%
9 BOARD OF REGISTRARS/ELECTIONS											
Town Clerk Compensation	150	200	200	200	200		200	200	200	-	0.0%
Bd of Registrars Salary & Wages	4,235	6,500	8,500	7,889	4,550		4,550	9,900	9,900	5,350	117.6%
Bd of Registrars Expenses	6,086	7,377	7,377	4,808	7,800		7,800	8,000	8,000	200	2.6%
SUBTOTAL	10,472	14,077	16,077	12,897	12,550		12,550	18,100	18,100	5,550	44.2%
10 CONSERVATION COMMISSION											
Salary & Wages	26,442	27,965	27,965	24,529	24,240	14,624	38,864	60,281	60,281	21,417	55.1%
Salary & Wages (Land Agent)		2,796	2,796	2,009	7,129	(7,129)	0	-	-	(0)	-100.0%
Expenses	533	2,410	2,410	5,911	2,710	3,600	6,310	6,351	6,351	41	0.6%
Con Com Vehicle Allowance	350	720	720	450	600	(600)	-	-	-	-	
SUBTOTAL	27,326	33,891	33,891	32,898	34,679		45,174	66,632	66,632	21,458	47.5%
11 PLANNING BOARD											
Salary & Wages	53,024	56,282	56,282	54,921	57,402		57,402	66,155	66,155	8,753	15.2%
Expenses	4,928	6,600	6,600	5,950	6,600		6,600	9,220	9,220	2,620	39.7%
MVPC Assessment	1,623	1,664	1,664	1,663	1,705		1,705	1,748	1,748	43	2.5%
SUBTOTAL	59,576	64,546	64,546	62,534	65,707		65,707	77,123	77,123	11,416	17.4%
12 BOARD OF APPEALS											
Salary & Wages	1,000	-	-	-	-		-	-	-	-	
ZBA Expenses	398	700	700	292	700		700	700	700	-	0.0%
SUBTOTAL	1,398	700	700	292	700		700	700	700	-	0.0%
13 OPEN SPACE COMMITTEE											
Expenses	-	750	750	-	750		750	750	750	-	0.0%
SUBTOTAL	-	750	750	-	750		750	750	750	-	0.0%
14 CABLE ADVISORY COMMITTEE											
Expenses	-	-	-	-	-		-	-	-	-	
SUBTOTAL	-	-	-	-	-		-	-	-	-	
TOTAL GENERAL GOVERNMENT:	939,157	1,099,472	1,166,157	993,861	1,261,905		1,272,400	1,340,910	1,360,910	88,510	7.0%

FY23 Omnibus Budget											
	FY 2020	FY 2021			FY 2022	FY 2022	FY 2022	FY 2023		Change from FY22	
	Expended	Approved	Amended	Expended	Approved Budget	Amendments	Amended	Select Board	FinCom Proposed	\$	%
PUBLIC SAFETY											
15 POLICE DEPARTMENT											
Salary & Wages	848,106	925,677	925,677	882,496	944,191		944,191	955,220	955,220	11,029	1.2%
Supplemental Salaries/Wages (Police Reform)					25,000		25,000	-	-	(25,000)	-100.0%
Police OT Wages	65,537	67,495	67,495	67,495	68,845		68,845	69,883	69,883	1,038	1.5%
School Resource Officer	42,026	60,791	60,791	67,775	47,007		47,007	63,427	63,427	16,420	34.9%
Police Expenses	81,990	102,204	102,204	67,473	102,204		102,204	105,560	105,560	3,356	3.3%
Police Cruiser	37,000	36,000	40,000	38,903	40,000		40,000	40,000	40,000	-	0.0%
SUBTOTAL	1,074,659	1,192,167	1,196,167	1,124,141	1,227,247		1,227,246	1,234,090	1,234,090	6,844	0.6%
16 FIRE DEPARTMENT											
Fire Alarm Wages	59,542	90,780	90,780	73,090	92,596		92,596	94,448	94,448	1,852	2.0%
Fire Training/Drills	13,561	26,810	26,810	9,710	27,346		27,346	27,893	27,893	547	2.0%
Fire Dept Other Wages	23,930	25,500	25,500	26,166	26,010		26,010	26,530	26,530	520	2.0%
Fire Administration Wages	23,407	26,245	26,245	26,245	26,769		26,769	27,305	27,305	536	2.0%
Fire Dept. Medical Exam	689	5,000	5,000	972	3,000		3,000	3,000	3,000	-	0.0%
Hydrant/Fire Protection (to Water Dept)	77,207	77,207	77,207	77,207	77,207		77,207	77,207	77,207	-	0.0%
Fire Alarm Communications	9,271	11,000	11,000	10,977	11,000		11,000	11,000	11,000	-	0.0%
Fire Expenses	41,502	46,000	46,000	45,039	46,000		46,000	46,000	46,000	-	0.0%
SUBTOTAL	249,108	308,542	308,542	269,406	309,928		309,928	313,382	313,383	3,455	1.1%
17 AMBULANCE SERVICE											
Purchase of Services		-	-	-	-		-			-	
SUBTOTAL	-	-	-	-	-		-			-	
18 PUBLIC SAFETY DISPATCH											
Salary & Wages	223,286	273,054	273,054	222,564	278,515		278,515	285,034	285,034	6,519	2.3%
Municipal Dispatch OT Wages	17,118	25,286	25,286	28,370	25,792		25,792	25,765	25,765	(27)	-0.1%
Expenses	22,657	27,175	27,175	21,800	27,175		27,175	27,590	27,590	415	1.5%
SUBTOTAL	263,061	325,515	325,515	272,734	331,482		331,482	338,389	338,389	6,907	2.1%
19 INSPECTION DEPARTMENT											
Salary & Wages	121,767	124,876	124,876	123,448	126,392		126,392	129,962	129,962	3,570	2.8%
Expenses	9,016	13,670	13,670	13,307	9,000		9,000	9,000	9,000	-	0.0%
Inspectors' Vehicle Allowances	5,220	5,880	5,880	5,880	5,880		5,880	5,880	5,880	-	0.0%
SUBTOTAL	136,003	144,426	144,426	142,635	141,272		141,272	144,842	144,842	3,570	2.5%
20 EMERGENCY MANAGEMENT AGENCY											
Salary & Wages	7,588	8,783	8,783	7,913	8,959		8,959	9,138	9,138	179	2.0%
Expenses	2,208	3,000	3,000	686	3,000		3,000	3,000	3,000	-	0.0%
SUBTOTAL	9,796	11,783	11,783	8,599	11,959		11,959	12,138	12,138	179	1.5%
21 ANIMAL CONTROL OFFICER											
Animal Control Expenses	24,050	25,073	25,073	26,246	25,898		25,898	26,858	26,858	960	3.7%
SUBTOTAL	24,050	25,073	25,073	26,246	25,898		25,898	26,858	26,858	960	3.7%

FY23 Omnibus Budget											
	FY 2020	FY 2021			FY 2022	FY 2022	FY 2022	FY 2023		Change from FY22	
	Expended	Approved	Amended	Expended	Approved Budget	Amendments	Amended	Select Board	FinCom Proposed	\$	%
22 HARBORMASTER											
Salary & Wages	2,000	2,000	2,000	2,000	-	-	-	-	-	-	-
Contracted Services	-	-	-	-	3,500		3,500	4,000	4,000	500	14.3%
SUBTOTAL	2,000	2,000	2,000	2,000	3,500		3,500	4,000	4,000	500	14.3%
TOTAL PUBLIC SAFETY:	1,758,678	2,009,506	2,013,506	1,845,760	2,051,286		2,051,285	2,073,699	2,073,700	22,416	1.1%
EDUCATION											
23 PENTUCKET											
Pentucket Regional Sch Assessment	7,372,813	7,387,515	7,387,515	7,387,515	7,336,342	(93,357)	7,242,985	7,767,169	7,767,169	524,184	7.2%
Pentucket Capital Assessment	58,227	710,567	381,967	710,567	799,231		799,231	1,232,822	1,232,822	433,591	54.3%
Pentucket Assessment Page Phase II	509,538	501,438	501,438	501,438	493,338		493,338	485,238	485,238	(8,100)	-1.6%
SUBTOTAL	7,940,578	8,599,520	8,270,920	8,599,520	8,628,911		8,535,554	9,485,229	9,485,229	949,675	11.1%
24 WHITTIER											
Whittier Minimum Contribution	225,975	151,344	146,262	146,262	136,998		136,998	219,455	219,455	82,457	60.2%
Whittier Other Assessments	40,443	24,248	22,570	22,570	18,727		18,727	27,420	27,420	8,693	46.4%
Whittier Debt/Capital Assess	21,994	21,781	21,781	21,781	21,602		21,602	23,860	23,860	2,258	10.5%
SUBTOTAL	288,411	197,373	190,613	190,613	177,327		177,327	270,735	270,735	93,408	52.7%
25 ESSEX NORTH SHORE AGRICULTURAL											
Essex North Shore Ag. Tech	16,822	34,652	34,652	38,167	44,125		44,125	43,213	43,213	(912)	-2.1%
SUBTOTAL	16,822	34,652	34,652	38,167	44,125		44,125	43,213	43,213	(912)	-2.1%
TOTAL EDUCATION:	8,245,811	8,831,545	8,496,185	8,828,300	8,850,363		8,757,006	9,799,177	9,799,177	1,042,171	11.9%
DEPARTMENT OF PUBLIC WORKS											
26 DEPARTMENT OF PUBLIC WORKS											
Salary & Wages	428,918	475,001	475,001	471,302	483,196		483,196	567,397	567,397	84,201	17.4%
DPW Overtime Wages	8,049	12,300	12,300	16,225	13,000		13,000	16,000	16,000	3,000	23.1%
Snow & Ice Removal	211,087	150,000	150,000	224,021	150,000		150,000	150,000	150,000	-	0.0%
Town Bldgs Operating Expenses	119,651	117,850	127,830	134,462	130,830		130,830	150,830	150,830	20,000	15.3%
Town Bldgs Improvements	63,292	51,000	51,000	45,075	51,000		51,000	51,000	51,000	-	0.0%
Street/Paving Repairs	25,672	70,000	70,000	16,534	70,000		70,000	55,000	55,000	(15,000)	-21.4%
Highway, Sidewalk & Trees	128,468	142,262	195,162	142,398	196,395		196,395	205,215	205,215	8,820	4.5%
Stormwater management	7,109	13,500	13,500	14,265	15,500		15,500	15,500	15,500	-	0.0%
Expenses	9,563	14,250	14,250	12,469	14,250		14,250	14,250	14,250	-	0.0%
Parks Expenses	9,298	15,000	15,000	16,637	15,000		15,000	15,000	15,000	-	0.0%
Electricity	70,510	70,000	70,000	70,000	70,000		70,000	70,000	70,000	-	0.0%
Road Machinery Operating Expen	29,329	51,000	51,000	40,456	51,000		51,000	51,000	51,000	-	0.0%
DPW Vehicle Allowance	6,000	6,000	6,000	6,000	6,000		6,000	6,000	6,000	-	0.0%
Public Street Lights	5,341	7,000	7,000	6,421	7,000		7,000	7,000	7,000	-	0.0%
SUBTOTAL	1,122,286	1,195,163	1,258,043	1,216,265	1,273,171		1,273,171	1,374,192	1,374,192	101,021	7.9%
TOTAL PUBLIC WORKS:	1,122,286	1,195,163	1,258,043	1,216,265	1,273,171		1,273,171	1,374,192	1,374,192	101,021	7.9%

FY23 Omnibus Budget											
	FY 2020	FY 2021			FY 2022	FY 2022	FY 2022	FY 2023		Change from FY22	
	Expended	Approved	Amended	Expended	Approved Budget	Amendments	Amended	Select Board	FinCom Proposed	\$	%
HUMAN SERVICES											
27 BOARD OF HEALTH											
Salary & Wages	119,906	124,592	124,592	124,592	127,084		127,084	129,621	129,621	2,537	2.0%
Public Health Nurse	3,840	8,175	8,175	7,775	8,175		8,175	8,175	8,175	-	0.0%
Waste Collection & Disposal	311,390	384,660	384,660	375,680	401,940		401,940	401,940	401,940	-	0.0%
Recycling	38,401	66,000	66,000	21,159	45,000		45,000	10,000	10,000	(35,000)	-77.8%
Hazardous Waste Expense	1,613	2,000	2,000	1,899	2,000		2,000	2,000	2,000	-	0.0%
Steele landfill monitoring	22,646	35,390	35,390	22,450	35,390		35,390	33,555	33,555	(1,835)	-5.2%
Expenses	5,909	7,000	7,000	5,583	7,000		7,000	7,000	7,000	-	0.0%
SUBTOTAL	503,706	627,817	627,817	559,138	626,589		626,589	592,291	592,291	(34,298)	-5.5%
28 COUNCIL ON AGING											
Salary & Wages	68,754	80,174	80,174	55,905	81,682		81,682	100,308	100,308	18,626	22.8%
Expenses	17,541	19,500	19,500	16,097	19,500		19,500	19,500	19,500	-	0.0%
SUBTOTAL	86,296	99,674	99,674	72,002	101,182		101,182	119,808	119,808	18,626	18.4%
29 VETERANS											
Soldiers Grave Expenses	2,185	2,600	2,600	3,161	2,600		2,600	3,592	3,592	992	38.2%
Memorial Day Expenses	455	650	650	-	1,740		1,740	2,200	2,200	460	26.4%
Other Assessments-Veterans Services	-	24,000	24,000	21,112	7,400		7,400	4,400	4,400	(3,000)	-40.5%
Northern Essex Veterans Services	28,859	21,112	21,112	3,976	21,695		21,695	21,096	21,096	(599)	-2.8%
SUBTOTAL	31,499	48,362	48,362	28,248	33,435		33,435	31,288	31,288	(2,147)	-6.4%
TOTAL HUMAN SERVICES:	621,500	775,853	775,853	659,389	761,206		761,206	743,387	743,387	(17,819)	-2.3%
CULTURE & RECREATION											
30 LIBRARY											
Salary & Wages	257,916	258,326	263,641	260,408	263,492		263,492	282,899	282,899	19,407	7.4%
Expenses	31,863	33,000	33,000	32,894	38,500		38,500	33,000	33,000	(5,500)	-14.3%
Books and Periodicals	66,605	68,000	68,000	67,144	71,500		71,500	78,000	78,000	6,500	9.1%
SUBTOTAL	356,385	359,326	364,641	360,446	373,492		373,492	393,899	393,899	20,407	5.5%
31 RECREATION											
Salary & Wages	1,666	1,800	1,800	239	2,445		2,445	2,700	2,700	255	10.4%
Recreation Expenses	240	5,500	22,720	16,415	16,000		16,000	19,085	19,085	3,085	19.3%
Action Cove Expenses	2,219	3,000	3,000	1,320	3,000		3,000	3,000	3,000	-	0.0%
SUBTOTAL	4,125	10,300	27,520	17,974	21,445		21,445	24,785	24,785	3,340	15.6%
32 MILL POND OPERATING EXPENSES											
Mill Pond Operating Expenses	1,189	2,100	2,100	-	2,100		2,100	2,100	2,100	-	0.0%
SUBTOTAL	1,189	2,100	2,100	-	2,100		2,100	2,100	2,100	-	0.0%
33 BANDSTAND											
Expenses	4,849	6,000	6,000	-	6,000		6,000	6,000	6,000	-	0.0%
SUBTOTAL	4,849	6,000	6,000	-	6,000		6,000	6,000	6,000	-	0.0%

FY23 Omnibus Budget											
	FY 2020 Expended	FY 2021			FY 2022 Approved Budget	FY 2022 Amendments	FY 2022 Amended	FY 2023		Change from FY22	
		Approved	Amended	Expended				Select Board	FinCom Proposed	\$	%
34 HISTORICAL COMMISSION											
Expenses	175	600	600	312	600	600	600	600	600	-	0.0%
SUBTOTAL	175	600	600	312	600	600	600	600	600	-	0.0%
35 CULTURAL COUNCIL											
Cultural Council Expenses	-	100	100	-	100	100	100	100	100	-	0.0%
SUBTOTAL	-	100	100	-	100	100	100	100	100	-	0.0%
TOTAL CULTURE & RECREATION:	366,722	378,426	400,961	378,733	403,737	403,137	418,871	427,484	23,747	5.9%	
DEBT SERVICE											
36 DEBT SERVICE											
Principal	350,614	344,700	344,700	340,500	305,000	305,000	295,000	295,000	(10,000)	-3.3%	
Interest	20,825	11,300	11,300	15,400	8,950	8,950	5,900	5,900	(3,050)	-34.1%	
SUBTOTAL	371,439	356,000	356,000	355,900	313,950	313,950	300,900	300,900	(13,050)	-4.2%	
TOTAL DEBT SERVICE:	371,439	356,000	356,000	355,900	313,950	313,950	300,900	300,900	(13,050)	-4.2%	
BENEFITS											
37 ESSEX COUNTY RETIREMENT FUND											
Essex Regional Retirement Assess	660,171	687,493	687,493	687,493	762,611	(31,178)	731,433	805,420	805,420	73,987	10.1%
SUBTOTAL	660,171	687,493	687,493	687,493	762,611	731,433	805,420	805,420	73,987	10.1%	
38 UNEMPLOYMENT COMPENSATION											
Unemployment Insurance	10,301	1	7,501	-	1,500	1,500	1,500	1,500	1,500	-	0.0%
SUBTOTAL	10,301	1	7,501	-	1,500	1,500	1,500	1,500	1,500	-	0.0%
39 EMPLOYEES' HEALTH INSURANCE											
Group Insurance	373,473	479,745	416,745	394,029	408,755	408,755	481,857	481,857	73,102	17.9%	
SUBTOTAL	373,473	479,745	416,745	394,029	408,755	408,755	481,857	481,857	73,102	17.9%	
40 MEDICARE INSURANCE (FICA)											
FICA Insurance	47,512	49,486	49,486	46,737	50,476	50,476	51,485	51,485	1,009	2.0%	
SUBTOTAL	47,512	49,486	49,486	46,737	50,476	50,476	51,485	51,485	1,009	2.0%	
41 OPEB											
Other Post Employment Benefits	-	1	1	-	1	1	-	-	(1)	-100.0%	
SUBTOTAL	-	1	1	-	1	1	-	-	(1)	-100.0%	
42 INSURANCE AND BONDS											
Insurance and Bonds	150,797	189,990	189,990	174,508	185,081	185,081	199,865	199,865	14,784	8.0%	
SUBTOTAL	150,797	189,990	189,990	174,508	185,081	185,081	199,865	199,865	14,784	8.0%	
TOTAL BENEFITS:	1,242,254	1,406,716	1,351,216	1,302,767	1,408,424	1,377,246	1,540,127	1,540,127	162,881	11.8%	
TRANSFERS OUT - STABILIZATION											
Transfers Out - to Capital Stabilization	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000	-	0.0%
Transfers In - from School Stabilization											
SUBTOTAL	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000	-	0.0%
GRAND TOTAL OMNIBUS BUDGET	15,167,848	16,552,681	16,317,921	16,080,976	16,824,041	(114,040)	16,709,999	18,119,877	18,119,877	1,409,878	8.4%

WATER ENTERPRISE FUND

ARTICLE 4: In accordance with the provisions of Chapter 38 of the Acts of 1936, to see what instructions, rules, and regulations the Town may wish to impose on the Board of Water Commissions, or take any other action relative thereto. *By request of the Board of Water Commissioners.*

ARTICLE 5: To see if the Town will vote to appropriate, in anticipation of Water Department revenues, the sum of \$1,050,948 of which \$319,297 for salaries and wages, which include \$1,700 for Water Commissioners’ Stipends; \$73,196 for insurances; \$340,313 for expenses; \$144,188 for debt services; \$100,000 for transfer to Water Stabilization; \$20,000 for extraordinary and unforeseen expenses; and \$53,954 for indirect costs, or take any other action relative thereto. *By request of the Board of Water Commissioners.*

FinCom Recommendation:

Approve: 5-0-0

Select Board Recommendation:

Approve: 3-0-0

Rationale for Approval: *This article allows the Town to approve the operating budget of the Water Department. Since the Department is funded entirely from user fees, its budget is not included in the Town’s line item budget. The Department’s total estimated expenses for FY2023 are \$1,050,948, broken down by operating accounts as outlined within the article.*

Funding source: *FY2022 Water Enterprise Fund*

Sunset Date: *N/A*

ARTICLE 6: To see if the Town will vote to transfer the sum of \$7,500 from the Water Enterprise Fund Free Cash Account to the Water Enterprise Stabilization Fund, or take any other action relative thereto. *By request of the Board of Water Commissioners.*

FinCom Recommendation:

Approve: 5-0-0

Select Board Recommendation:

Approve: 3-0-0

Rationale for Approval: *The Water Department collects system development fees from water rate-payers, which are used solely for capital items and not operating expenses. The \$7,500 represents the system development fees collected in 2021. This transfer moves those receipts into an account, Water Enterprise Stabilization, so they can be used for future Water Department capital projects. The Finance Committee supports this article because it transfers these funds into the account where they now most appropriately belong.*

Funding source: *Water Enterprise Fund Free Cash*

Sunset Date: *6/30/23*

APPROPRIATIONS

ARTICLE 7: To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$50,000 for the Pension Liability Stabilization Fund, or take any other action related thereto. *By request of the Select Board.*

FinCom Recommendation: Approve: 5-0-0
Select Board Recommendation: Approve: 3-0-0

Rationale for Approval: *This article authorizes a transfer of \$50,000 from Free Cash into the Pension Liability Stabilization Fund. This fund is intended to set aside money to pay for the Town’s unfunded pension obligations. The Town has successfully addressed related funding for other obligations related to post-employment benefits, such as healthcare and retirement benefits (OPEB). This will allow the Town to plan ahead to meet this obligation as Town finances permit, thereby mitigating the need for abrupt tax increases.*

Funding source: *Free Cash* **Sunset Date:** *6/30/23*

ARTICLE 8: To see if the Town, in accordance with Massachusetts General Laws Chapter 44, Sec. 53E1/2, and Section XL of the Bylaws of the Town of West Newbury, will fix the maximum amounts that may be spent during the fiscal year beginning on July 1, 2022 for the revolving funds established in town bylaws, as set forth below for certain departments, boards, committees, agencies or officers, with such expenditure limits to be applicable for each fiscal year until such time as Town Meeting votes, prior to July 1 for the ensuing fiscal year, to revise the same; or take any other action relative thereto:

- Section 5.1 Summer Recreation Revolving Fund \$ 75,000
- Section 5.2 GAR Library Fines and Penalties Revolving Fund \$ 10,000
- Section 5.3 Police Vehicle Revolving Fund \$ 20,000
- Section 5.4 Pipestave/Mill Pond Care and Maintenance Revolving Fund \$ 5,000
- Section 5.5 Electric Vehicle Charging Stations Revolving Fund \$ 10,000
- Section 5.6 Curbside Collection of Trash, Recycling and Food Waste Revolving Fund \$ 50,000

By request of the Select Board.

FinCom Recommendation: Approve: 4-0-0
Select Board Recommendation: Approve: 3-0-0

Rationale for Approval: *The Finance Committee unanimously supports this article as a measure to comply with the Commonwealth’s statute simplifying the appropriation for revolving funds. This article authorizes those departments with revolving funds to use the fees and monies collected, pursuant to our Revolving Fund Bylaw, and up to the limits specified in this article.*

ARTICLE 9: To see if the Town will vote to transfer the sum of \$10,364 from the Septic Loan Revolving Account for the repayment of debt service, or take any other action related thereto. *By request of the Board of Health.*

FinCom Recommendation:

Approve: 5-0-0

Select Board Recommendation:

Approve: 3-0-0

Rationale for Approval: *In 2001, the Town enrolled in a twenty-year state-financed program to loan residents money to help them rebuild septic systems that did not conform to Title V. This State program offered 0% loans to communities, which in turn provided low-interest betterment loans to eligible homeowners with failed septic systems through the local Board of Health. The Town loaned money at a rate of 3% (to cover the cost of administration). The homeowners repay the loan money to the Town, which in turn reimburses the Commonwealth. Neither the Town nor the Commonwealth profits from this transaction. The Town has been making these payments since 2001, with the amount based on the number of borrowers. This year the amount is \$10,364. This program is no longer open to new participants.*

Funding source: *Septic Loan Revolving Account*

Sunset Date: *N/A*

ARTICLE 10: To see if the Town will vote to allocate and/or reserve from the Community Preservation Fund annual revenues, the amounts recommended by the Community Preservation Committee for committee administrative expenses, community preservation projects and other expenses in the Fiscal Year beginning July 1, 2023, with each item to be considered a separate appropriation:

- Appropriate \$35,765 from FY 2023 estimated revenues for Committee Administrative Expenses.
- Reserve \$71,530 from FY 2023 estimated revenues for Community Housing Reserve.
- Reserve \$71,530 from FY 2023 estimated revenues for Historic Resources Reserve.
- Reserve \$71,530 from FY 2023 estimated revenues for Open Space & Recreation Reserve.
- Reserve \$464,942 from FY 2023 estimated revenues for Budgeted Reserve.

or take any other action related thereto. *By request of the Community Preservation Committee.*

FinCom Recommendation:

Approve: 5-0-0

Select Board Recommendation:

Approve: 3-0-0

Rationale for Approval: *The article presents to the Town an annual allocation of Community Preservation Act (CPA) funds, as required under state law. In 2006, the Town adopted the CPA, which enables the Town to assess an annual 3% surcharge on resident real estate tax bills. CPA Funds are able to be allocated toward the following uses: 1) open space/recreational use, 2) community housing, and 3) historical preservation. The article contains the Community Preservation Committee's (CPC) recommended distribution, which earmarks the required minimum 10% to each of the three categories plus a maximum of 5% to administration. CPC and Town Meeting must approve spending funds in any of the three CPA areas. Two-thirds of these funds were raised from the CPA surcharge and one-third is from matching state aid, based on a Department of Revenue formula for disbursements to participating*

cities and towns each year. Additionally, towns such as West Newbury, which have committed to the maximum 3%, receive bonus rounds of funding, if available.

Funding source: *Community Preservation Fund Annual Revenues*

Sunset Date: *N/A*

ARTICLE 11: To see if the Town will vote to transfer from available funds the sum of \$75,000 to fund unbudgeted personnel costs, or take any other action related thereto. *By request of the Select Board.*

FinCom Recommendation:

Approve: 4-0-0

Select Board Recommendation:

Approve: 3-0-0

Rationale for Approval: *In late fall 2021, the Town secured a Community Compact Municipal Best Practices grant from the Massachusetts Department of Revenue, for the purposes of conducting a town-wide employee compensation and classification study. The work, under contract with the Edward J. Collins Center for Public Management, housed at UMass-Boston, is now underway, and is expected to be complete in June 2022. In adopting its policy direction for the FY23 Omnibus Budget, the Select Board recommended that an appropriate amount of funding be proposed, either within the FY23 operating budget or in a separate warrant article, that would allow for adjustment of wages (prior to and/or during FY23) if and as found to be appropriate based on the recommendations of the study. The purpose of this article is to address that objective, and allow the Town Manager and Select Board to make specific adjustments to employee wages and salaries, if and as warranted, prior to next year's (FY24) budget cycle.*

Funding source: *Free Cash*

Sunset Date: *6/30/2023*

ARTICLE 12: To see if the Town will vote to transfer from available funds the sum of \$15,000 to fund a feasibility study for the generation of solar electricity at several town-owned parcels, or take any other action related thereto. *By request of the Energy and Sustainability Committee.*

FinCom Recommendation:

Approve: 3-2-0

Select Board Recommendation:

Approve: 3-0-0

Rationale for Approval: *The Finance Committee recommends the transfer of funds to study the potential to generate solar electricity at several town owned parcels. The town has received a cumulative total of over \$311,000 of net gain from existing solar panels and this project could provide an opportunity for additional revenue generation.*

Rationale for Disapproval: *The members of the Finance Committee recommending against this article were concerned about the sites selected for study, and whether their potential use for solar electricity generation would be the most valuable uses of the land. Concerns were expressed regarding the potential that addition of solar could create unforeseen hazards, and expand maintenance responsibilities and costs.*

Funding source: *Free Cash*

Sunset Date: *6/30/23*

ARTICLE 13: To see if the Town will vote to transfer from available funds the sum of \$2,500 to provide matching funds for the next phase of a Historic Property Survey/Inventory, or take any other action related thereto. *By request of the Historical Commission.*

FinCom Recommendation:

Approve: 5-0-0

Select Board Recommendation:

Approve: 3-0-0

Rationale for Approval: *This is the third installment in a program brought forward by the Historical Commission to survey and inventory historical properties in our community. The Historical Commission provides residents with a detailed report on the history of their property, and makes the information broadly available to the public via the Town website and records. This program has been very popular with the residents of the community and provides us with a meaningful connection to the residents who preceded us. The Finance Committee unanimously supports this article.*

Funding source: *Free Cash*

Sunset Date: *6/30/23*

ARTICLE 14: To see if the Town will vote to transfer from available funds the sum of \$25,000 to fund an evaluation/audit of the brick exterior/lintels of the Page School, located on Assessors parcel R23-23, at 694 Main Street, or take any other action related thereto. *By request of the DPW Director.*

FinCom Recommendation:

Approve: 5-0-0

Select Board Recommendation:

Approve: 3-0-0

This vote requires a two-thirds (2/3) majority approval to pass.

Rationale for Approval: *An assessment of the integrity of the exterior masonry components and structure of the Page School is required to update the corrective course of action and estimated costs. In 2017, the former DPW Director received a preliminary budgetary estimate to perform repairs to the exterior of Page School, with the cost to remedy the deficiencies estimated at \$260,000. It is fair to assume that the scope of required repairs will have increased over time, and the work proposed through this article would allow the necessary repair work to be scoped with greater specificity. This evaluation will provide the Town with an updated assessment of the condition, repairs required, and an estimated cost. This evaluation will allow the Town to move forward to pursue bids for the repair project. This article does not cover the cost of anticipated repairs, which is expected to be proposed for funding in the future.*

Funding source: *Capital Stabilization*

Sunset Date: *6/30/24*

ARTICLE 15: To see if the Town will vote to transfer from available funds the sum of \$85,000 to fund a Structural Safety and Component Assessment Study for Page School, located on Assessors parcel R23-23, at 694 Main Street, or take any other action related thereto. *By request of the DPW Director.*

FinCom Recommendation:

Approve: 5-0-0

Select Board Recommendation:

Approve: 3-0-0

This vote requires a two-thirds (2/3) majority approval to pass.

Rationale for Approval: *As our DPW director has noted, and our Capital Improvements Committee has discussed, the Page School has a long list of repairs and upgrades that have been previously estimated at \$3.3 million. However, there are actually many other issues have not been officially identified. This study is necessary to address the overall needs of the Page School and get an estimated cost to remedy those needs.*

Both Article #14 and Article #15 are intended to provide the Town with a more comprehensive cost of maintaining Page School. Once the Town has a realistic idea of the magnitude of the cost to repair and maintain the Page School, this information can be used to start a discussion pertaining to the future of Page School. In the recent past, a significant sum has been expended to upgrade some of the deficiencies of Page School. The information from these studies will be of great help for the Town to determine if we should continue with costly repairs to a failing structure or start planning for a new elementary school in West Newbury.

Funding source: *Capital Stabilization*

Sunset Date: *6/30/24*

ARTICLE 16: To see if the Town will vote to transfer from available funds the sum of \$27,500 to fund roof replacement at the former Highway Garage, located on Assessors parcel R23-23, at 694 Main Street, or take any other action related thereto. *By request of the DPW Director.*

FinCom Recommendation:

Approve: 4-1-0

Select Board Recommendation:

Approve: 2-1-0

This vote requires a two-thirds (2/3) majority approval to pass.

Rationale for Approval: *The existing roof at the garage is over 30 years old and starting to fail. The DPW Director has advised that the roof supports and plywood backing is still in good condition, with minor repairs needed in a few places. As a result, it seems that the roof only needs shingle removal and replacement, minor trim work, and gutter replacement. This work would extend the useful life of this building, which is in active use by both the Water Department and the Buildings & Grounds division of the DPW.*

Funding source: *Capital Stabilization*

Sunset Date: *6/30/24*

ARTICLE 17: To see if the Town will vote to transfer from available funds the sum of \$35,900 to fund the Department of Public Works (DPW) work station relocation from the Highway Divisions Garage, located on Assessors parcel R22-3, located at 693 Main Street to the former Highway Garage, located on Assessors parcel R23-23, at 694 Main Street, or take any other action related thereto. *By request of the DPW Director.*

FinCom Recommendation:

Approve: 4-1-0

Select Board Recommendation:

Approve: 3-0-0

This vote requires a two-thirds (2/3) majority approval to pass.

Rationale for Approval: *Currently, the Highway division and the Buildings & Grounds division of the DPW are housed in the same location. Often, projects and workable space from one division interferes with the other, along with other practical problems (such as dust from carpentry work infiltrating spaces where trucks and equipment are actively serviced). This proposal would repurpose part of the former Highway garage to become a suitable facilities maintenance shop, and greatly improve DPW operations.*

Funding source: *Capital Stabilization*

Sunset Date: *6/30/24*

ARTICLE 18: To see if the Town will vote to transfer from available funds the sum of \$65,000 to fund the replacement of the Town Offices telecommunications system, or take any other action related thereto. *By request of the DPW Director.*

FinCom Recommendation:

Approve: 4-1-0

Select Board Recommendation:

Approve: 3-0-0

This vote requires a two-thirds (2/3) majority approval to pass.

Rationale for Approval: *The Finance Committee recommends this article to allow the replacement of the Town office phone/telecommunications system because is critical that the Town has a professional communication system that works well. The existing system was last upgraded more than ten years ago with a used system that was already outdated at the time. The phone system is starting to fail, and replacement parts are difficult to find. If there were to be a major failure, there is a good chance that the software and/or hardware to repair the system would be unavailable.*

Funding source: *Capital Stabilization*

Sunset Date: *6/30/24*

ARTICLE 19: To see if the Town will vote to transfer from available funds the sum of \$56,000 to fund the replacement of a pickup truck for the Facilities Division of the Department of Public Works (DPW), or take any other action related thereto. *By request of the DPW Director.*

FinCom Recommendation:

Approve: 4-1-0

Select Board Recommendation:

Approve: 3-0-0

This vote requires a two-thirds (2/3) majority approval to pass.

Rationale for Approval: *This article is necessary because the current truck is at the end of its useful life for Town use and needs replacement. The DPW has requested the replacement truck as an all-electric vehicle, in compliance with the Select Board's guidance. While it has a higher initial cost, there should be long-term fuel savings. Further, this truck will serve as a test vehicle for the future of the DPW vehicle fleet.*

Funding source: *Capital Stabilization*

Sunset Date: *6/30/24*

ARTICLE 20: To see if the Town will vote to transfer from available funds the sum of \$80,000 to fund the replacement of an F-350 Dump Truck with a new F-550 Dump Truck for use by the Highway Division of the Department of Public Works (DPW), or take any other action related thereto. *By request of the DPW Director.*

FinCom Recommendation:
Select Board Recommendation:

Approve: 5-0-0
Approve: 3-0-0

This vote requires a two-thirds (2/3) majority approval to pass.

Rationale for Approval: *It is important that this article is passed so the DPW can continue to seamlessly maintain Town facilities and roadways. Upgrading from a F-350 Dump Truck to a F-550 is necessary because the F-350 (1-ton) truck is often being pushed beyond its capacity by the needs of the DPW. The F-550 (2-ton) truck is a heavier duty model, and will meet the current needs of the DPW.*

Funding source: *Capital Stabilization*

Sunset Date: *6/30/24*

ARTICLE 21: To see if the Town will vote to transfer from available funds the sum of \$39,000 to fund the purchase of new Public Safety Emergency Communication equipment and removal of outdated equipment, or take any other action related thereto. *By request of the Board of Fire Engineers.*

FinCom Recommendation:
Select Board Recommendation:

Approve: 5-0-0
Approve: 3-0-0

This vote requires a two-thirds (2/3) majority approval to pass.

Rationale for Approval: *Passage of this article authorizes funds to be allocated for the removal and replacement of outdated emergency communications equipment that is critically important to maintain the safety of the residents of the community. The equipment is located on the former Parks & Rec Building next-door to Page School, and will be relocated. The Town will benefit from passage of the article by ensuring that Public Safety Officials can communicate effectively while serving the residents of West Newbury.*

Funding source: *Capital Stabilization*

Sunset Date: *6/30/24*

ARTICLE 22: To see if the Town will vote to transfer from available funds the sum of \$10,000 to fund the replacement/purchase of a new rescue air bag system for use by the Fire Department, or take any other action related thereto. *By request of the Board of Fire Engineers.*

FinCom Recommendation:
Select Board Recommendation:

Approve: 5-0-0
Approve: 3-0-0

Rationale for Approval: *The Board of Fire Engineers is proposing to replace the current, non-compliant rescue air bag system with a new compliant system. This is an important piece of equipment used for lifting heavy loads in situations where people or animals could be trapped. The Finance Committee fully supports this upgrade as both reasonable and useful for the Fire Department.*

Funding source: *Free Cash*

Sunset Date: *6/30/23*

ARTICLE 23: To see if the Town will vote to transfer from available funds the sum of \$14,500 to fund the replacement/purchase of two (2) new saws and power tools for use by the Fire Department, or take any other action related thereto. *By request of the Board of Fire Engineers.*

FinCom Recommendation: Approve: 5-0-0
Select Board Recommendation: Approve: 3-0-0

Rationale for Approval: *The Finance Committee recommends approval of this article to fund the replacement of two rescue saws and other power tools for use by the Fire Department. The existing equipment has seen extensive use and is no longer serviceable. The Town will benefit from passage of the article by ensuring that the firefighters are adequately equipped while serving the residents of West Newbury.*

Funding source: Free Cash **Sunset Date:** 6/30/23

ARTICLE 24: To see if the Town will vote to transfer from available funds the sum of \$342 to reimburse prior fiscal year expenses incurred by Town Committee members, or take any other action related thereto. *By request of the Town Manager.*

FinCom Recommendation: Approve: 5-0-0
Select Board Recommendation: Approve: 3-0-0

Rationale for Approval: *This is a housekeeping issue to address bills that were not submitted timely for payment or encumbrance, and were therefore not paid during the prior fiscal year. If funds were not encumbered for the purpose, payment of prior fiscal year expenses received after July 15th of the new fiscal year requires a Town Meeting vote.*

Funding source: Free Cash **Sunset Date:** N/A

BY-LAWS – OTHERS

ARTICLE 25: To see if the Town will vote to amend the West Newbury Town Bylaws, by inserting a new Section X, for the purpose of wetlands protections, with the proposed bylaw 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 to ensure consistency with the remainder of the Bylaws; or take any other action related thereto. *By request of the Conservation Commission.*

Select Board Recommendation: Disapprove: 1-2-0

ARTICLE 26: To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 140, Section 139, to waive the dog license fees for residents over the age of 70, or take any other action related thereto. *By request of the Town Clerk.*

Select Board Recommendation: Approve: 3-0-0

ARTICLE 27: To see if the Town will vote to accept Sullivans Court Extension as a public way, as shown on a plan entitled “Sullivans Court Extension’ Street Acceptance Plan,” dated March 9, 2022, prepared by The Morin-Cameron Group, Inc., a copy of which is on file with the Town Clerk’s Office, and to authorize the Select Board to acquire, by purchase, gift, and/or eminent domain, the fee simple title to or a permanent easement in said roadway for all purposes for which public ways are used in the Town of West Newbury, including utility purposes, and any drainage, access, utility and other easements related thereto. *By request of the Select Board.*

Select Board Recommendation:

Approve: 3-0-0

ARTICLE 28: To see if the Town will vote to amend the West Newbury Zoning Bylaw by revising Section 5.F.2(h) thereof, to update the local preference section of the Inclusionary Housing Requirements Bylaw, with the proposed amendments on file and available for viewing in the Town Clerk’s office, or take any other action related thereto. *By request of the Planning Board.*

Select Board Recommendation:

Approve: 3-0-0

ARTICLE 29: To see if the Town will vote to amend the West Newbury Town Bylaws, by inserting a new bylaw as Section X, as follows, for the purpose of establishing a Municipal Affordable Housing Trust Fund Bylaw, with the proposed bylaw 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 to ensure consistency with the remainder of the Bylaws; or take any other action related thereto. *By request of the Select Board.*

Select Board Recommendation:

Approve: 3-0-0

ARTICLE 30: To see if the Town will vote to amend the West Newbury Town Bylaws, by inserting a new bylaw as Section X, as follows, for the purpose of regulating the numbering of buildings and the naming of streets, with the proposed bylaw 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 to ensure consistency with the remainder of the Bylaws; or take any other action related thereto. *By request of the Building Inspector.*

Select Board Recommendation:

Approve: 3-0-0

ARTICLE 31: To see if the Town will amend the West Newbury Town Bylaws, by revising Section 1 of Article XXXVI (Community Preservation Committee Bylaw) thereof, as follows, to designate that a permanent member of the Community Preservation Committee be a member of the West Newbury Open Space Committee, with the proposed amendments on file and available for viewing in the Town Clerk’s office; or take any other action related thereto. *By request of the Open Space Committee.*

Select Board Recommendation:

Approve: 2-1-0

**TOWN OF WEST NEWBURY
COMMONWEALTH OF MASSACHUSETTS
WARRANT – SPECIAL TOWN MEETING
SATURDAY, MAY 14, 2022 @ 9am**

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), located at 379 Main Street, at 9:00 a.m. on Saturday May 14, 2022, to act upon or take any other action relative to all but the first of the following articles:

ARTICLE 1. To see if the Town will vote to transfer the sum of \$73,700 from the Water Enterprise Fund Account to fund engineering services for updating the Water Department’s existing hydraulic model and water distribution system study (originally completed in 2003), updating the capital improvement plan associated with the distribution system study (last updated in 2008), and conducting a water rate study, or take any other action relative thereto. *By request of the Board of Water Commissioners.*

FinCom Recommendation:

Approve: 4-0-0

Select Board Recommendation:

Approve: 3-0-0

Rationale for Approval: *The Finance Committee supports this article as a means to secure important information related to the Water Department. While several aspects of this work are undertaken on a periodic basis, the driving force of this article at this time, including the proposal to directly coordinate a study related to the system, capital planning, and the water rate structure, is the upcoming retirement of longtime Water Department Superintendent Michael Gootée. Mr. Gootée has a substantial amount of institutional knowledge that needs to be documented and formalized. The study will outline the needs for the distribution system upgrades, update the existing hydraulic model, estimate future demands, and assess water needs for the next twenty years, among other benefits.*

Funding source: *Water Retained Earnings*

Sunset Date: *6/30/24*

ARTICLE 2. To see if the Town will vote to rescind a \$1,250,000 portion of the \$1,500,000 appropriation and the related borrowing authority voted by the Town under Article 10 of the November 4, 2019 Town Meeting for repairs to the Soldiers and Sailors Memorial Building; or take any action relative thereto. *By request of the Select Board.*

FinCom Recommendation:

Approve: 5-0-0

Select Board Recommendation:

Approve: 3-0-0

Rationale for Approval: *A lot has changed since November 4, 2019, when Article 10 passed. The Covid-19 pandemic delayed the process of securing architectural/design services related to the Carr Post project. Then, when bids*

were received, they came in substantially higher than the project costs as estimated by the Town’s architectural consultant. The bids received were far enough above the budgeted amount that no amount of “value engineering” would have allowed the project to proceed as it had been voted. As a result, the unspent funds as had been authorized could not be used because the project as voted would not be substantially achievable. The authority to borrow still exists though, and requires a vote at Town Meeting to rescind the borrowing authorization. The Finance Committee is in full support of rescinding the borrowing authorization because it does not make sense to have this authorized (but unissued) debt remain on the Town’s financial books. It is in the best interest of the long-term fiscal health of the Town and its taxpayers to vote “Yea” on this article. Further, by approving this article, the Community Preservation Act funds that had been earmarked for this project would be freed up, and available for use toward other projects including: 1) open space/recreational use, 2) community housing, and 3) historical preservation.

Funding source: Not Applicable

Sunset Date: N/A

ARTICLE 3. To see if the Town will vote to authorize the disposition, by sale or lease, of the Soldiers and Sailors Memorial Building, located on Assessors parcel R10-34, located at 363 Main Street, subject to procurement requirements, subject to a Historic Preservation Restriction, and in anticipation of proposing a zoning amendment at a future Town Meeting to expand the allowable uses in this location, and to transfer from available funds the sum of \$28,000 to fund costs associated with the preparation of such Historic Preservation Restriction and costs associated with disposition, or take any other action related thereto. *By request of the Select Board.*

FinCom Recommendation:

No Recommendation

Select Board Recommendation:

Approve: 2-1-0

Rationale: *The Select Board voted 2-1-0 in favor of this article. The Select Board sees this article, which would authorize disposition of this property, as the only realistic path to see the building restored to productive use, and believes that a historical preservation restriction would secure the Town’s interest in seeing the building preserved and restored. At the time of publication, the Finance Committee had not made a recommendation on this article. The Finance Committee did not have enough information to make an informed decision on the best course of action with the Soldiers and Sailors Memorial Building. The Select Board made its recommendation later in the process than would be typical, and the Finance Committee looks forward to hearing any additional information that can be provided by the Select Board prior to the Special Town Meeting.*

Funding source: Free Cash

Sunset Date: None established

ARTICLE 4. To see if the Town will vote to transfer from available funds the sum of \$115,000 to fund the removal of the Soldiers and Sailors Memorial Building, located on Assessors parcel R10-34, located at 363 Main Street, site stabilization, site survey, and the preparation of a design plan by a landscape architect to establish a veterans’ memorial park on the site, or take any other action related thereto. *By request of the Select Board.*

FinCom Recommendation:

No Recommendation

Select Board Recommendation:

Disapprove: 1-2-0

Rationale: *The Select Board voted 1-2-0 in opposition to this article. At the time of publication, the Finance Committee had not made a recommendation on this article. The Finance Committee did not have enough information to make an informed decision on the best course of action with the Soldiers and Sailors Memorial Building. The Select Board made its recommendation later in the process than would be typical, and the Finance Committee looks forward to hearing any additional information that can be provided by the Select Board prior to the Special Town Meeting.*

Funding source: Free Cash

Sunset Date: None established

ARTICLE 5. To see if the Town will vote to transfer from available funds the sum of \$97,244.81 to fund the existing year snow and ice deficit during the fiscal year 2022, or take any other action related thereto. *By request of the DPW Director.*

FinCom Recommendation:

Approve: 4-1-0

Select Board Recommendation:

Approve: 3-0-0

Rationale for Approval: *The continued practice of under budgeting the line item that covers Snow and Ice Removal creates a deficit in this account. This article addresses that deficit.*

Funding source: Free Cash

Sunset Date: N/A

ARTICLE 6: To see if the Town will vote to transfer from available funds the sum of \$47,845 to fund several facility improvements throughout the town, or take any other action related thereto. *By request of the DPW Director.*

FinCom Recommendation:

See Below

Select Board Recommendation:

Approve: 3-0-0

Rationale: *When originally considering these improvements, they were batched together with a few other improvements that have now been separated into individual articles. Ultimately, we felt it was best to consider each improvement separately, and voted as follows:*

ADA Accessibility Improvements

Approve: 5-0-0

Annex Plumbing/ Sanitary Repair

Approve: 5-0-0

Furniture Renovations, First Floor Hearing Room

Approve: 4-1-0

Furniture Renovations, Planning Board

Approve: 4-1-0

1910 Building Entryway Reception Desk

Disapprove: 1-4-0

The ADA improvements are necessary to help move the Town toward full ADA compliance. The Annex repairs are necessary to repair a faulty sewer pipe that is frequently causing maintenance calls. The furniture renovations are necessary to protect technology assets, replace chairs, and enable the Planning Department to utilize the Second Floor Hearing Room for meetings.

However, the Finance Committee does not currently support the plan to put a reception desk in the entryway of the 1910 Building. With more development of this plan in terms of location, staffing, etc., this plan may be supported in the future. Ultimately, the Finance Committee would be in support of a motion to reduce this article to \$40,095.

Funding source: Free Cash

Sunset Date: 6/30/24

ARTICLE 7: To see if the Town will vote to transfer from available funds the sum of \$34,000 to fund a Town-wide audit of the effects of the Emerald Ash Borer on all our public right-of-way Ash trees, or take any other action related thereto. *By request of the DPW Director.*

FinCom Recommendation:

Approve: 4-1-0

Select Board Recommendation:

Approve: 3-0-0

Rationale for Approval: *This article requests funding to inspect the effects of this destructive, invasive insect on the ash trees on Town-owned land. The Town must act quickly, to identify the threatened ash trees, and then ultimately treat the highest priority trees, at an approximate cost of \$400-\$500 per application, or risk losing them all, likely within the next two (2) years. This work will also assist the Town with knowing where ash trees are located that have already died or will die relatively soon, which will help to plan and budget the work of safe tree removal as needed.*

Rationale for Disapproval: *We may already be too late to meaningfully defend ash trees from this insect. This article does not include any action to protect the ash trees on private land.*

Funding source: Free Cash

Sunset Date: 6/30/23

ARTICLE 8: To see if the Town will vote to transfer from available funds the sum of \$15,000 to fund the purchase of six (6) new automated external defibrillators (AED) for use by public safety responders and at town facilities, or take any other action related thereto. *By request of the Board of Fire Engineers.*

FinCom Recommendation:

Approve: 5-0-0

Select Board Recommendation:

Approve: 3-0-0

Rationale for Approval: *The Finance Committee recommends approval of this article, as our existing AEDs are showing signs of wear and tear, and are approaching the end of their service life. The new life-saving equipment will replace the AEDs in the Town's emergency vehicles, and now place AEDs in the 1910 Building, and the DPW/Water Department garage, which currently have none. It is important that these devices be in good working order because they could be called upon to save a life at any given moment.*

Funding source: Free Cash

Sunset Date: 6/30/24

Role of the Finance Committee: The Finance Committee is an appointed, standing committee consisting of six qualified voters. The Finance Committee is specifically chartered with the following responsibilities:

- Prepare recommendations regarding all Articles in the warrant, especially those involving the appropriation of money.
- Consider all municipal questions affecting the revenue, indebtedness or expenditures of the funds of the Town, and for this purpose the committee shall have access to all books and records of the Town.
- Present the Annual Budget to the Town.
- Confer with and advise the Board of Selectmen whenever so requested.
- One member of the Finance Committee shall be a member of the advisory Capital Improvements Committee. One member shall be a member of the Investment Policy Committee.
- Authorize transfers from the Reserve Fund.
- Authorize year-end budget line item transfers.
- Declare a Snow Emergency to allow deficit spending of the Snow Removal budget.

In addition to these statutory responsibilities, the Finance Committee serves as your investigative agent to make sure that all proposed expenditures are thoroughly vetted before they come before the Town.

GLOSSARY

1. **Article:** The topic to be considered and voted at Town Meeting.
2. **Assessment:** The Board of Assessors judgment of the value of a property.
3. **Bond:** A means to raise money through the issuance of debt. The Town (borrower) promises in writing to repay a specified sum of money, alternately referred to as face value, par value or bond principal, to the buyer of the bond on a specified future date (maturity date), together with periodic interest at a specified rate. The term of a bond is always greater than one year.
4. **Capital Expenditure:** An expense for a tangible asset or project that costs at least \$10,000 and has a useful life of at least 5 years.
5. **Chapter 70:** The Chapter of Massachusetts law that governs the funding of the schools. The formula is designed to distribute state aid to help establish educational equity among municipal and regional school districts. It is also the name for the largest part of state funding to schools.
6. **Chapter 90:** The Chapter of Massachusetts law that governs the funding of roads and highway improvements. It is also the common name for the largest part of state funding to highways.
7. **Cherry Sheet:** State aid to the Town, so called as they used to be printed on red paper.
8. **Credit Rating:** The evaluation given by lenders indicating the Town's ability to repay a Loan or Bond. A good credit rating allows the Town to borrow at a lower interest rate.

9. **Free Cash:** Funds remaining from the operations of a previous fiscal year (June 30) which may be appropriated after they have been certified by the Massachusetts Department of Revenue. These include unspent appropriations and revenue collected in excess of estimates.
10. **Levy:** The revenue the Town can raise through real and personal property tax and motor vehicle excise taxes.
11. **Levy Limit:** The maximum tax amount the Town can levy in a given year. The limit can grow 2 ½% of the prior year's levy limit plus new growth and any overrides.
12. **New growth:** The taxing capacity and thereby revenue added by new construction and other increases in the property tax base.
13. **Operating Expenses:** The budget for routine, recurring expenses during the fiscal year starting on July 1 through June 30. It includes all labor and expenses. Typical examples are Police and Fire Department salaries, the Town's assessment from the Pentucket Regional School District, road repairs, snow removal and the solid waste pickup (trash) contract.
14. **Override:** Proposition 2 ½ allows a Town to increase the Town's taxes greater than 2 ½% by one of 3 methods, if approved by the voters:
 - a. Capital Outlay Expenditure Override– allows override of Prop 2 ½, only for a one-time purchase.
 - b. Debt Exclusion Override–allows over-ride of Prop 2 ½ only for the term of the debt repayment schedule.
 - c. General Override–increases the total tax beyond 2 ½% permanently.
15. **Pension Obligations:** Contributions to the Essex Regional Retirement Board and to the Other Post-Employment Benefits (OPEB) for eligible Town employees to pay for negotiated benefits.
16. **Pentucket Regional School District (PRSD) Assessment:** What the Town must pay to the PRSD each year for the schools. It includes:
 - a. Minimum contribution established by the Massachusetts Department of Education based on Town demographics, real estate values, and income.
 - b. Other Assessment. Remainder of operating budget of the PRSD, which is calculated based on the number of West Newbury pupils in the district.
 - c. Capital assessment is the district wide debt service on borrowing also apportioned based on the number of West Newbury pupils in the district and some Green Repair town specific debt and reimbursements.
17. **Proposition 2 ½:** The state law that limits the amount of increase in total real estate taxes, which the Town may assess, to a maximum of 2 ½% per year on existing properties. It does not include taxes that may be levied on new construction or additions (so called new growth).
18. **Raise and Appropriate:** Town Meeting authorization to expend a certain amount of money for a specific purpose by raising that amount of taxes to pay for that expenditure.
19. **Sources of Revenue:** Local receipts collected by the Town such as boat and auto excise tax taxes, fines and interest, real estate property taxes, state aid and grants.

20. **Stabilization Account:** A general or special purpose savings account deposited into or withdrawn from at Town Meetings with a 2/3 vote. The town uses the account to save for capital expenditures.
21. **Sunset Provision/Clause:** A clause attached to a town appropriation that is part of the motion to provide a specific expiration date for allocated funds, unless additional legislative action is taken. After the specified date, funds not used for the established purpose of the article are returned to the town's general operating fund.

**APPENDIX A – 2022 Annual Town Meeting
Capital Improvements Committee
CIC FY23 CAPITAL PROJECT RANKINGS**

The Town Bylaws prescribe that no Town Meeting vote for capital improvements take place unless considered in the annual report of the Capital Improvements Committee (CIC).

In accordance with its charge, the CIC voted its recommendations at its meeting on March 24, 2022, and these were provided to the Select Board and reviewed at its meeting on March 28, 2022. The CIC recommendations on each of nine proposals it reviewed within the FY23 cycle are summarized as follows:

Summary of CIC Recommendations on Warrant Articles

<u>Article #</u>	<u>Description</u>	<u>Ranking</u>	<u>Proposed Authorization</u>
ATM #14	Page School Exterior Evaluation	1	25,000
STM #1	Water System & Hydraulic Study	2	73,700 *
ATM #15	Page School Structural Study	3	85,000
ATM #19	DPW Electric Truck & Charger	4	56,000
ATM #18	Town Offices' telecom replacement	5	65,000
ATM #21	Remove/Replace EMA/Fire telecom equipment (former Parks/Rec Bldg)	6	39,000
ATM #20	DPW F-550 dump truck w/plow	7	80,000
ATM #16	Garage roof/shingle replacement, former DPW garage	8	27,500
ATM #17	Construct new carpentry work station	9	35,900
Sub-total:			<u>487,100</u>

* Note: Subsequent to CIC recommendation, scope and budget for proposed Water System Study was expanded (with approval from Board of Water Commissioners and Select Board). At time of CIC recommendation, proposed study budget was \$27,000.

(Net out Water Study - funding source Water Retained Earnings): (73,700)

Adjusted sub-total (proposed authorizations from Capital Stabilization): 413,400

Proposed Omnibus Budget Contribution to Capital Stabilization: 500,000

Estimated Net FY23 Capital Stabilization Increase/(Decrease) 86,600

In addition to the articles outlined above, the Board of Water Commissioners is also proposing to transfer \$100,000 from its FY23 operating budget, and is separately proposing a transfer of \$7,500 from Water Retained Earnings, into Water Stabilization (ATM Art. 6), in order to support future Water capital needs.

More information regarding the CIC at <https://www.wnewbury.org/capital-improvements-committee>

APPENDIX B – 2022 Annual Town Meeting
ATM Article #25
TOWN BYLAWS

ARTICLE 25. Proposed adoption of new Town Bylaw: Wetlands Protection Bylaw.

WETLANDS PROTECTION BYLAW

I. Purpose

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

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

II. Jurisdiction

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

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

III. Exemptions and Exceptions

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

The applications and permits required by this bylaw shall not be required for maintaining, repairing, or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone, telegraph, or other telecommunication services, provided that written notice is provided to the Conservation Commission before the commencement of work, and provided that the work conforms to any performance standards and design specifications in regulations adopted by the Commission.

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

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

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

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

IV. Applications and Fees

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

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

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

At the time of an application, the applicant shall pay a filing fee specified in the regulations of the Commission. The fee is in addition to that required by the Wetlands Protection Act and regulations. The Commission may waive fees required by West Newbury regulations for applications filed by a government agency, including a municipal department, board, and/or committee, a not-for-profit organization, or for projects the Commission finds have a net benefit to wetland resources and a primary purpose of restoring wetland ecological functions.

According to G.L. Ch. 44 §53G and regulations promulgated by the Commission, the Commission may impose reasonable fees upon applicants to secure outside consultants including engineers, wetlands scientists, wildlife biologists, or other experts to aid in the review of proposed projects presenting technical issues requiring additional expertise to assist in protecting resource areas. Such funds shall be deposited with the town treasurer, who shall create an account specifically for this purpose. Additional consultant fees may be requested where the requisite review is more expensive than initially calculated or new information requires additional consultant services.

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

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

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

V. Notice and Hearings

Any person filing a permit or other application, or Notice of Intent (NOI), or ANRAD, or other request with the Conservation Commission shall give written notice thereof, at the time of filing, by certified mail (return receipt requested) or hand delivery, or by certificates of mailing, to all abutters at their

mailing addresses shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line of the property where work is being proposed, including any in another municipality or across a body of water. Mailing at least seven days prior to the public hearing shall constitute timely notice.

Any person filing an RDA shall give written notice thereof, at the time of filing, by certified mail (return receipt requested) or hand delivery, or by certificates of mailing, to all abutters at their mailing addresses shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within 100 feet of the property line of the property where work is being proposed, including any in another municipality or across a body of water. Mailing at least seven days prior to the public hearing shall constitute timely notice.

In addition, the notices required shall provide a brief description of the project or other proposal and the date of any Commission hearing or meeting date if known. The notice to abutters also shall state where copies of the application and plans may be examined and obtained by abutters. An affidavit of the person providing such notice attesting that such notice was provided, with a copy of the notice mailed or delivered and a copy of the certified abutters list obtained from the Assessor's Office shall be filed with the Commission. When a person requesting any determination or permit is someone other than the property owner, the person making the request must provide the property owner with a copy of the request, the notice of the hearing, and the determination itself and submit proof of provision of those documents to the Commission.

The Commission shall conduct a public hearing on any permit application, NOI, RDA, or ANRAD with written notice given at the applicant's expense, at least five business days before the hearing, in a newspaper of general circulation in the municipality. The Commission shall commence the public hearing within 21 days from receipt of a completed permit application, NOI, RDA, or ANRAD unless an extension is authorized in writing by the applicant. The Commission shall have authority to request that the applicant agree to continue the hearing to a specific date announced at the hearing, for reasons stated at the hearing, which may include the need for additional information from the applicant or others as deemed necessary by the Commission in its discretion, based on comments and recommendations of the boards and officials listed in §VI. An applicant's refusal to agree to a requested continuance shall be grounds for denial of the application.

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

VI. Coordination with Other Boards

Any person filing a permit application, NOI, RDA, or ANRAD with the Conservation Commission shall provide written notification to the planning board, board of health, and building inspector at the time abutter notification is provided. An affidavit of the person providing notice attesting that such notice was provided, with a copy of the notice provided, shall be filed with the Commission. The Commission shall take into account written comments and recommendations from the above boards and officials but they shall not be binding on the Commission. The applicant shall have the right to receive any

comments and recommendations and respond to them at a hearing of the Commission before final action.

VII. Burden of Proof

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

VIII. Permits and Conditions

If the Conservation Commission, after a public hearing, determines that the activities which are subject to the permit application, or the land and water uses which will result therefrom, are likely to have a significant individual or cumulative effect on the resource area values protected by this bylaw, the Commission, within 21 calendar days of the close of the hearing, shall issue or deny a permit for the activities requested. The Commission shall take into account the extent to which the applicant has avoided, minimized and mitigated any such effect.

If it issues a permit, the Commission shall impose conditions that the Commission deems necessary or desirable to protect said resource area values. All activities shall be conducted in accordance with those conditions. Where no conditions are adequate to protect said resource area values, the Commission is empowered to deny a permit for failure to meet the requirements of this bylaw. It may also deny a permit: for failure to submit necessary information and plans requested by the Commission; for failure to comply with the procedures, design specifications, performance standards, and other requirements in regulations of the Commission; or for failure to avoid, minimize or mitigate unacceptable significant or cumulative effects upon the resource area values protected by this bylaw. Due consideration shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing. Upon written request, the Commission may waive specifically identified and requested procedures, design specifications, performance standards, or other requirements set forth in its regulations, provided that: the Commission finds in writing after said public hearing that there are no reasonable conditions or alternatives that would allow the proposed activity to proceed in compliance with said regulations; that avoidance, minimization and mitigation have been employed to the maximum extent feasible; and that the waiver is necessary to accommodate an overriding public interest or to avoid a decision that so restricts the use of the property as to constitute an unconstitutional taking without compensation.

In reviewing activities within the buffer zone, the Commission shall presume the buffer zone is important to the protection of other resource areas because activities undertaken in close proximity to the resource area have a high likelihood of adverse effect, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities. These adverse effects from construction and use can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, alteration of vegetation, and loss of wildlife habitat. The Commission may establish, in its regulations, design specifications, performance standards, and other

measures and safeguards, including setbacks, no-disturb areas, no-build areas, and other work limits for protection of such lands, including without limitation strips of continuous, undisturbed vegetative cover, unless the applicant convinces the Commission that the area or part of it may be disturbed without harm to the values protected by the bylaw.

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

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

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

The Commission shall presume that all areas meeting the definition of "vernal pools" under §X of this bylaw, including the area surrounding vernal pools not to be disturbed, perform essential habitat functions. This presumption may be overcome only by the presentation of credible evidence, which, in the judgment of the Commission, demonstrates that the basin or depression does not provide essential habitat functions. Any formal evaluation should be performed by an individual who at least meets the qualifications under the wildlife habitat section of the Wetlands Protection Act regulations (310 CMR 10.60).

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

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

For good cause the Commission may revoke any permit, DOA, or ORAD or any other order, determination or other decision issued under this bylaw after notice to the holder, the public, abutters, and town boards, pursuant to §V and §VI, and after a public hearing. Good cause is established where the permit, DOA, ORAD, or any other order, determination, or other decision issued under this bylaw has been improperly granted, or the holder has failed to comply with its terms and conditions.

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

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

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

IX. Regulations

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

X. Definitions

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

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

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

- A. Removal, excavation, or dredging of soil, sand, gravel, or aggregate materials of any kind
- B. Changing of preexisting drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, or flood retention characteristics
- C. Drainage, or other disturbance of water level or water table
- D. Dumping, discharging, or filling with any material which may degrade water quality
- E. Placing of fill, or removal of material, which would alter elevation
- F. Driving of piles, erection, expansion, or repair of buildings, or structures of any kind

- G. Placing of obstructions or objects in water
- H. Destruction of plant life including but not limited to cutting or trimming of trees, shrubs, and other vegetation
- I. Changing temperature, biochemical oxygen demand, or other physical, biological, or chemical characteristics of any waters
- J. Any activities, changes, or work that may cause or tend to contribute to pollution of any body of water or groundwater
- K. Incremental activities which have, or may have, a cumulative adverse effect on the resource areas protected by this bylaw.

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

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

The term "isolated wetlands" means freshwater wetlands not bordering on a water body at least 1000 square feet in surface area.

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

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

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

The term "rare species habitat" means an area subject to protection under this bylaw which, due to its plant community, composition and structure, hydrologic regime or other characteristics, provides important food, shelter, migratory or overwintering areas or breeding areas for rare species.

The term "vernal pool" shall include, in addition to scientific definitions found in the regulations under the Wetlands Protection Act, any confined basin or depression not occurring in existing lawns, gardens, landscaped areas or driveways which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, contains at least 200 cubic feet of water at some time during most years, is free of adult predatory fish populations, and provides essential breeding and rearing habitat functions for amphibian, reptile or other vernal pool community species which have been

found in the basin/depression, regardless of whether the site has been certified by the Massachusetts Division of Fisheries and Wildlife. The boundary of the area surrounding vernal pools not to be disturbed shall be 100 feet outward from the mean annual high-water line defining the depression.

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

XI. Security

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

- A. By a proper bond, a deposit of money or negotiable securities under a written third-party escrow arrangement, or other undertaking of financial responsibility sufficient in the opinion of the Commission, to be released in whole or in part upon issuance of a COC for work performed pursuant to the permit.
- B. By accepting a conservation restriction, easement, or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of West Newbury whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed. This method shall be used only with the consent of the applicant.

XII. Enforcement

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

The Conservation Commission, its agents, officers, and employees shall have authority to request authorization to enter upon privately owned land to perform their duties under this bylaw subject to the constitutions and laws of the United States and the Commonwealth. They may make or cause to be made such examinations, surveys, or sampling as the Commission deems necessary, subject to the constitutions and laws of the United States and the Commonwealth. The refusal to authorize entry in connection with review of an application for a permit, RDA or ANRAD shall be grounds for denial of that application.

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

Upon request of the Commission, the Select Board may authorize town counsel to take legal action for enforcement under civil law. Upon request of the Commission, the chief of police may take legal action for enforcement under criminal law.

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

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

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

XIII. Appeals

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

XIV. Relation to the Wetlands Protection Act

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

XV. Severability

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

XVI. Effective Date

The effective date of this bylaw shall be January 1 of the year following approval of the bylaw by the Attorney General. Projects approved prior to the effective date will not be subject to the Bylaw.

APPENDIX D – 2022 Annual Town Meeting
ATM Article #28
ZONING BYLAW

ARTICLE 28. Proposed amendments to the West Newbury Zoning Bylaw Section 5.F. Inclusionary Housing Requirements.

Editing Notes:

- Text with no underline, strike through, or italics: Language has not been changed from Article XXXVI.
- ~~Text with Strikethrough~~: Language of Section 5.F that is being changed or deleted.
- Double-Underlined Text: Proposed new language.

SECTION 5.F. INCLUSIONARY HOUSING REQUIREMENTS

[Added by Amendments effective April 27, 2006 by vote of Annual Town Meeting and approved by the Attorney General on July 24, 2006 and posted according to law on July 27, 2006]

5.F.1. Purpose

The Town of West Newbury sets forth the following requirements in an effort to provide multiple housing choices for people of all economic backgrounds and address the needs of current and future West Newbury residents by providing permanent affordable housing. The primary purpose of Section 5.F. is designed to increase the supply of rental and ownership housing for low and moderate income households in West Newbury, contribute affordable housing units to the town's Subsidized Housing Inventory, and sustain a viable community making multiple housing options available for future generations in West Newbury.

5.F.2. Definitions

- a) ~~Workforce Housing Trust Fund~~ West Newbury Affordable Housing Trust Fund (the "Fund"): An account established and operated for the purpose of providing for the preservation, creation and support of affordable housing in the Town of West Newbury for the benefit of low- and moderate-income households, and for the funding of community housing as defined by Massachusetts General Laws c. 44B (the "Community Preservation Act"). ~~exclusive purpose of creating and preserving affordable housing in the Town of West Newbury.~~
- b) Affordable Housing Unit: A housing unit secured by a Deed Restriction that is, and will remain, 1) available for sale and sold at a selling price that will result in an Annual Shelter Cost of not more than thirty percent (30%) of the annual income of a Qualified Affordable Housing Unit Purchaser or 2) available for rental and rented at an annual rent, including mandatory or unavoidable fees, that will result in an Annual Shelter Cost of not more than thirty percent (30%) of the annual income of a Qualified Affordable Housing Unit Tenant, or rented to a tenant receiving rental assistance pursuant to a state or federal rental assistance program; and, in either case 3) affordable to and occupied by a low or moderate income household, meeting the definition or low or moderate income housing at 760 CMR ~~3056.02~~ or successor regulation, and eligible for inclusion in the Chapter 40B Subsidized Housing Inventory through the Local Initiative Program ("LIP") under M.G.L. c.40B sec. 20-23.

- c) Annual Shelter Cost: The cost for owners shall be the aggregate of annual charges for debt service on a mortgage (assuming a 5% down payment), real estate taxes, homeowner's insurance, and condominium fees, if applicable. The cost for tenants shall be the aggregate of annual charges for rent, utilities (except telephone and other telecommunications), and renter's insurance.
- d) Deed Restriction: A provision, acceptable in form and substance to the Town Council of the Town of West Newbury, in a deed of real property that runs with the land in perpetuity or for the longest period of time allowed by law, so as to be binding on and enforceable against any person claiming an interest in the property. ~~The Deed Restrictions shall apply be required~~ for both rental and ~~owned~~ ownership units. The Deed Restriction shall limit the resale price of any ownership units, and shall bind all subsequent purchasers in perpetuity, consistent with Massachusetts Department of Housing and Community Development's ("DHCD") regulations and guidelines and under Chapter 40B of the Massachusetts General Laws. Subsequent resale prices shall be determined based on a percentage of the area median income at the time of resale as determined by DHCD. The resale price will be determined in accordance with the Deed Restriction and will be established based on the same percentage of the area median income that was used to set the price for which the unit was originally sold.

Notwithstanding the foregoing, the resale price of an Affordable Housing Unit shall not exceed that amount which will require a household earning 80% of the most recent area median income number, as published by HUD and adjusted for the household size that corresponds with the number of bedrooms in the Affordable Housing Unit, to spend a maximum of 30% of the household's annual income on Annual Shelter Cost. The method of resale price calculation shall be included as part of the Deed Restriction. The Town of West Newbury shall not be held responsible for any future fluctuations in market price or median income that may affect the resale price of any unit subject to a Deed Restriction. Any restriction created under this By-law shall survive any bankruptcy or insolvency or other actions and shall not be subject to nullification for any reason.

- e) Qualified Affordable Housing Unit Purchaser or Tenant: An individual or family with household income that does not exceed 80% of the median income for the Lawrence metropolitan statistical area, with adjustments for household size, as reported by the most recent information from DHCD.
- f) Resale of Affordable Housing Units
Subsequent resale prices shall be determined based on a percentage of the median income at the time of resale as determined by DHCD. The resale price will be established based on the income target percentage of the individual or family for which the unit was originally sold. The resale price calculation shall be included in the deed restriction.
- g) Vacant Affordable Housing Units
In the event that a qualified ~~a~~Affordable ~~h~~Housing ~~u~~Unit becomes vacant for a term beyond that designated in the Deed Restriction, the Town of West Newbury shall have the Right of First Refusal to purchase said unit and the West Newbury Housing Authority shall be notified of vacant affordable housing rental units.
- h) Local Preference: To the extent permitted by law, and pursuant to DHCD Local Initiative Program (LIP) Guidelines, as may be amended from time to time, a local preference may be required for not more than 70% of the Affordable Housing Units in a Project as follows: ~~In accordance with DHCD regulations, local preference shall be granted to West Newbury residents as follows:~~
 - a. an individual or family or a parent or child of an individual maintaining a primary residence in the Town of West Newbury;

- b. an individual who is employed at least 20 hours a week in the Town of West Newbury; or
- c. an individual who is employed at least 20 hours a week by the Town of West Newbury or by the Pentucket Regional School District; ~~or~~
- d. ~~an individual who, for a continuous period of at least five years within the thirty years immediately preceding application for a West Newbury Affordable Housing Unit, maintained a primary residence within the Town of West Newbury~~

5.F.3. Applicability

The requirements of this section apply to:

- a) Any proposed residential development that would create three or more attached or detached housing units on a single parcel of land;
- b) Any proposed subdivision of land for residential development that would permit construction of three or more attached or detached housing units, including land divisions under G.L. c. 40A, sec. 9 (Special Permits), as well as conventional subdivisions allowed by G.L. c. 41, sec. 8K-81GG (Subdivision Control Law).
- c) Any Open Space Preservation Development under Section 6B of this By-law that would permit construction of three or more attached or detached housing units; and
- d) Any application to the Zoning Board of Appeals for a variance or a finding that would permit construction of three or more attached or detached housing units.

Willful evasion of this section of the West Newbury Zoning Bylaw is prohibited. Willful evasion is defined as follows: segmenting land or properties with the intention of avoiding Inclusionary Housing requirements by either subdividing one parcel of land into two parcels of land in such a manner that each parcel will have less than three units of housing or purposefully dividing a large development into phases that would develop less than three units of housing during each phase.

Residential developments subject to this section shall include new housing units created by new construction or new housing units created by remodeling or conversion of an obsolete or unused building or other structure from its original use to an alternate use.

5.F.4. Requirements

At least ten percent (10%) of the new housing units in any residential development shall be designated as and fulfill the requirements of Affordable Housing Units.

5.F.5. General Provisions

- a) Consultation

Developers whose projects are subject to this By-law are encouraged to consult with the Trustees of the West Newbury Affordable Housing Trust ~~Lead Town Entity on Affordable Housing~~ early in the development process concerning the Town's affordable housing needs and the optimum manner in which the Town's needs and the developer's affordable housing requirements can be met by the

proposed development consistent with any affordable housing planned production plan then in effect in the Town. The Lead Town Entity on Affordable Housing may consult with and give advice to the Planning Board and the Zoning Board of Appeals during the development process and, as a part of the process, may submit written reports to the board reviewing any proposed development subject to the By-law.

b) Comparability

Unless otherwise approved by (a) the Planning Board or (b) the Zoning Board of Appeals in the case of residential developments requiring a finding or variance, all Affordable Housing Units shall be dispersed throughout the site and shall be indistinguishable from market-rate units except in interior finish, fixtures, and appliances. The number of bedrooms in Affordable Housing Units shall be comparable to the bedroom mix in market-rate units in the development.

c) Selection Process

The selection of Qualified Affordable Housing Unit Purchasers or Tenants shall be conducted as follows:

1) The selection process shall include an affirmative fair marketing plan prepared by the Developer for marketing the Affordable Housing Units created under this By-law which describes how the Affordable Housing Units will be marketed to potential homebuyers. This plan shall include a description of the lottery or other process to be used for selecting buyers and/or renters. The marketing plan must describe how the applicant will accommodate local preference requirements of this By-law in a manner that complies with the nondiscrimination in tenant or buyer selection guidelines of the DHCD Local Initiative Program. The duration and design of the plan shall reasonably inform all those seeking affordable housing, both within and outside the Town, of the availability of such units.

2) To the extent practicable, local preference shall be included in each development for the maximum number of the Affordable Housing Units created in any development subject to this By-law that is permitted by law and subject to ~~Massachusetts Department of Housing and Community Development~~ DHCD guidelines.

d) Developers may sell affordable for-sale units to the Town, the West Newbury Housing Authority, or to a private nonprofit entity serving West Newbury for the purpose of providing affordable housing opportunities and to permit such entity to market the Affordable Housing Units and manage the choice of buyers.

5.F.6. Fractional Affordable Housing Units and Housing Contribution Payments

a) Requirements for Fractional Affordable Housing Units

When the calculation of Section 5.F.4. results in a Fractional Affordable Housing Unit (“FAHU”) of 0.8 or 0.9, the developer shall provide ~~a whole one~~ one On-Site Unit for that fractional unit. When the calculation of Section 5.F.4. results in a Fractional Affordable Housing Unit of 0.1 to 0.7, the developer shall provide ~~a whole one~~ one On-Site Unit or make a Housing Contribution Payment in lieu of the fractional unit as calculated in Section 5.F.6(c) below.

b) Housing Contribution Payments in Lieu of Fractional Affordable Housing Units.

To make a Housing Contribution Payment in lieu of a qualifying Fractional Affordable Housing Unit the developer shall make a binding, written agreement with the Town of West Newbury (with appropriate payment security arrangements) to provide such payment to the Fund established for this purpose. The contribution payment shall be paid in full prior to the issuance of a final occupancy permit for any portion of the project.

c) Amount of Housing Contribution Payments

For ownership developments of three (3) to seven (7) units, the amount of the Housing Contribution Payment, (“HCP”), shall be equal to:

$$\text{HCP} = \text{AMSP} \times (\# \text{ of new units}) \times 4\%$$

For ownership developments of eleven (11) units or more, the housing contribution shall be equal to:

$$\text{HCP} = \text{AMSP} (\text{FAHU} \times 10) \times 4\%$$

where:

AMSP = the Average Market Sales Price for the market-rate units in the subject development,

For rental units, the per-unit contribution payment shall be equal to the difference between the average market rental price for the market-rate units in the subject development and the rent affordable to a family of four at or below 80% of the median income, calculated for a term of 10 years without adjustments for interest or inflation.

5.F.7. Off-Site Affordable Housing Creation

With the approval of the Planning Board, the inclusionary housing requirement may be met through the provision of all required Affordable Housing Units on an alternative site or multiple sites suitable for housing use. Affordable off-site housing units may be either new construction or located in a rehabilitated existing structure. In determining compliance with this By-law, affordable off-site units that are newly created and are not replacing existing, legal housing units shall be counted in the total number of housing units created by a proposed development. Unless otherwise approved, Affordable Housing Units provided under this subsection shall comply in all respects, other than on-site location, with the requirements of this By-law.

5.F.8. Regulations

Affordable housing production, Housing Contribution Payments, and rental and resale restrictions required by this section shall be governed by regulations promulgated by the Planning Board and approved by the Select Board of Selectmen for purposes of carrying out this By-law and shall be consistent with ~~Massachusetts Department of Housing and Community Development~~ DHCD's regulations and guidelines under Chapter 40B of the Massachusetts General Laws.

5.F.9. Compliance

a) Building Permit Conditions

All contractual agreements with the Town of West Newbury and other documents necessary to ensure compliance with this Section 5F shall be executed and delivered to the Planning Board office and to the Town board reviewing any project or development prior to and as a condition of the

issuance of a building permit. The Building Inspector shall not issue a building permit with respect to any project or development subject to this Section 5F unless and until the Planning Board has certified in writing to the Building Inspector that all conditions of this Section 5F, including any conditions that may be established by the Planning Board or Zoning Board of Appeals in any decision or approval, have been met.

b) Occupancy Conditions

1). Compliance

No certificate of occupancy shall be issued for any market-rate units in a development subject to this Section 5F until all Deed Restrictions, agreements with the Town of West Newbury and/or other documents necessary to ensure compliance by the applicant (and any purchasers of the Affordable Housing Units) with the requirements of this By-law have been executed and recorded.

2) Housing Contribution Payments

Required Housing Contribution Payments shall be made with respect to each market-rate housing unit or rental unit prior to issuance of an occupancy permit for the unit; provided that such payments may be made at the time of conveyance of each unit to an end user or upon occupancy by any tenant if appropriate security arrangements to guarantee such payment have been made and are in effect under an agreement with the Town

3) Timing of Construction

As a condition of issuance of approval under this Section 5F, Affordable Housing Units shall be provided concurrently with the development of market-rate units. The Planning Board may exercise authority in setting a time schedule for construction of both affordable and market rate housing units.

5.F.10. Severability

In the event that one or more of the provisions of this section 5.F.10 of the West Newbury zoning by-law are found or determined to be illegal or unenforceable, such finding shall not effect the validity of any other provisions of this by-law which provisions will remain in full force and effect.

APPENDIX E – 2022 Annual Town Meeting
Article #29
TOWN BYLAWS

ARTICLE 29. Proposed adoption of new Town Bylaw: Municipal Affordable Housing Trust Fund Bylaw.

Note: Article 29 proposes adoption of a new Town Bylaw, pursuant to the enabling legislation and the prior Town Meeting action cited below. The proposed Bylaw is provided below.

In addition, the Affordable Housing Trust Bylaw Committee prepared an annotated version of the Bylaw to illustrate the ways in which the proposed Bylaw differs from language in the enabling legislation (MGL Chapter 44, Section 55C). This annotated version of the proposed Bylaw is informational only, and is included on the pages immediately following the proposed Bylaw beginning below.

WEST NEWBURY AFFORDABLE HOUSING TRUST BYLAW

Section 1. Authority and Name of Trust

Pursuant to the vote on Article 12 of the October 23, 2021 Special Town Meeting, the Town of West Newbury (the “Town”) voted to accept the provisions of Massachusetts General Laws c. 44, §55C (the “Act”) and authorized the creation of a Municipal Affordable Housing Trust Fund to be known as the “West Newbury Affordable Housing Trust” (the “Trust”).

Section 2. Purpose

The purpose of the Trust shall be to provide for the preservation, creation and support of affordable housing in the Town of West Newbury for the benefit of low- and moderate-income households, and for the funding of community housing as defined by Massachusetts General Laws c. 44B (the “Community Preservation Act”).

Section 3. Board of Trustees

A. Composition.

There shall be a Board of Trustees (Trustees) of the West Newbury Affordable Housing Trust composed of one ex officio non-voting member and seven voting members. The Town Manager shall serve as the ex officio member.

The voting members shall include: a member of the Select Board (designated by the Select Board) and six members appointed by a majority vote of the Select Board. The voting members shall have relevant experience in the fields of affordable housing, zoning, real estate, banking, finance, law, architecture, social services, or other areas of expertise applicable to advancing the purpose and goals of the Trust.

Trustees shall be residents of West Newbury. Any Trustee whose resident status changes shall promptly notify the Trust and Town Clerk in writing and resign from the Trust. The Town Manager need not be a resident of West Newbury.

B. Appointment of Trustees.

Trustees shall serve for a term of two years, except that three of the initial Trustee appointments shall be for a term of one year. Select Board appointments will be made on the same schedule as other Town Boards and Committees for the coming fiscal year.

C. Meetings.

Meetings of the Trustees shall be held on a regular basis. Special meetings may be called by the Chairperson. The Trust is a governmental body for purposes of M.G.L. c. 30A, §§18-25, the Open Meeting Law; notice of any meeting of the Trust shall be filed with the Town Clerk and posted in accordance with the Open Meeting Law.

The Trustees shall regularly elect a Chairperson, a Vice Chairperson, a Treasurer and a Clerk. The Chairperson may establish sub-committees and/or ad hoc task related committees to carry out the purposes of the Trust. Chairpersons of the subcommittees may be selected by the members of the sub-committees.

A majority of the number of authorized Trustees shall constitute a quorum.

D. Removal.

A Trustee may be removed by the Select Board for cause following a hearing. Absence from five consecutive, regularly scheduled meetings of the Trust will be considered grounds for removal. Any vacancy on the Trust shall be filled by the Select Board for the remainder of the unexpired term.

E. Declaration of Trust.

The Trustees are authorized to execute a Declaration of Trust and Certificate of Trust for the West Newbury Affordable Housing Trust Fund, to be recorded with the Essex County Registry of Deeds and filed with the Essex County District of the Land Court, following approval by the Select Board. The Declaration of Trust may be amended from time to time, except as to the powers of the Trustees and those other provisions specifically required under M.G.L. c. 44, §55C, in writing signed by the Town Manager and by seven of the Trustees and approved at a meeting called for that purpose, provided that in each case, a certificate of amendment has been recorded with the Registry of Deeds and filed with the Land Registration Office.

F. Authority and Responsibilities.

- 1) The powers of the Trustees shall be carried out in furtherance of the purposes set forth in M.G.L. c.44, §55C, and inclusive of any future amendments, and pursuant to the provisions of a Declaration of Trust to be approved by the Select Board shall include the following:
 - a) To accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the Trust in connection with any by-law or any general or special law or any other source, including money from chapter 44B; provided, however, that any such money received from chapter 44B shall be used exclusively for community housing and shall remain subject to all the rules, regulations and limitations of that chapter when expended by the Trust, and such funds shall be accounted for separately by the Trust; and provided further, that at the end of each fiscal year, the Trust shall ensure that all expenditures of funds received from said chapter 44B are reported to the West Newbury Community Preservation Committee for inclusion in the community preservation initiatives report, form CP-3, to the Department of Revenue;
 - b) With Select Board approval, to purchase and retain real, personal or intangible property, including without restriction investments that yield a high rate of income or no income;

- c) To sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to Trust property as the Trustees deem advisable notwithstanding the length of any such lease or contract;
- d) To execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases, grant agreements to and from the Trust, make gifts or loans and execute other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Trustees engage for the accomplishment of the purposes of the Trust;
- e) To employ advisors and agents, such as accountants, appraisers and lawyers as the Trustees deem necessary;
- f) To pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Trustees deem advisable;
- g) To apportion receipts and charges between incomes and principal as the Trustees deem advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;
- h) To participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;
- i) To deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Trustees may deem proper and to pay, out of Trust property, such portion of expenses and compensation of such committee as the Trustees may deem necessary and appropriate;
- j) To carry property for accounting purposes other than acquisition date values;
- k) With Select Board and Town Meeting approval, to borrow money on such terms and conditions and from such sources as the Trustees deem advisable, to mortgage and pledge Trust assets as collateral;
- l) To make distributions or divisions of principal in kind;
- m) To comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of the Act, to continue to hold the same for such period of time as the Trustees may deem appropriate;
- n) To manage or improve real property and to abandon any property which the Trustees determine not to be worth retaining;
- o) To hold all or part of the Trust property uninvested for such purposes and for such time as the Trustees may deem appropriate; and
- p) To extend the time for payment of any obligation to the Trust.

- 2) The powers and duties enumerated above are intended to encompass all powers and duties of the Trustees. Any action, power or duty not enumerated above shall require prior approval of the Select Board.
- 3) The powers of the Trustees may only be amended by a vote of West Newbury Town Meeting.
- 4) The Trustees shall prepare an annual report describing the activities of the Trust for each fiscal year. The annual report shall be submitted to the Select Board in accordance with the schedule set by the Town Clerk for inclusion in the Town's Annual Report. The annual report shall list all financial transactions conducted by the Trust including all revenues and costs, provide a balance sheet of liabilities and assets of the Trust, list an inventory of all affordable housing units created, sold, and/or managed by the Trust, and any other pertinent information related to the business of the Trust.

Section 4. Acts of Trustees

- A. A majority of Trustees may exercise any or all of the powers of the Trustees hereunder and may execute on behalf of the Trustees any and all instruments with the same effect as though executed by all the Trustees, with the exception that any purchase, sale, lease, exchange, transfer or conveyance of any interest in real property, borrowing, and mortgaging and pledging of assets must be approved by at least two thirds of the appointed Trustees.
- B. No Trustee shall be required to post bond.
- C. No license of court shall be required to confirm the validity of any transaction entered into by the Trustees with respect to the Trust Estate.

Section 5. Funds Paid to the Trust

Notwithstanding any general or special law to the contrary, all monies paid to the Trust in accordance with any zoning bylaw, exaction fee, or private contribution shall be paid directly into the Trust and need not be appropriated or accepted and approved into the Trust. General revenues appropriated into the Trust become Trust property and these funds need not be further appropriated to be expended. All monies remaining in the Trust at the end of any fiscal year, whether or not expended by the Trustees within one year of the date they were appropriated into the Trust, remain Trust property set forth in M.G.L. c.44, §55C.

Section 6. Custodian of Funds

The West Newbury Treasurer/Collector shall be the custodian of Trust's funds and shall maintain separate accounts and records for such funds. Any income or proceeds received from the investment of funds shall be credited to and become part of the Trust Fund. In accordance with M.G.L. c. 44, § 55C, the books and records of the Trust shall be audited annually by an independent auditor in accordance with accepted accounting practices or take any other action relative thereto. Upon receipt of the audit by the Trustees, a copy shall be provided forthwith to the Select Board. The Trustee designated as treasurer shall also liaise with the custodian of the funds on a monthly basis.

Section 7. Legal Status

- A. The Trust is a public employer and the Trustees are public employees for the purposes of M.G.L. c. 258.
- B. The Trust shall be deemed a municipal agency and the Trustees special municipal employees for the purposes of M.G.L. c. 268A.

- C. The Trust is exempt from M.G.L. c. 59 and 62, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the Commonwealth or any subdivision thereto.
- D. The Trust is a governmental body for purposes of Sections 23A, 23B and 23C of M.G.L. c. 39.
- E. The Trust is a board of the Town for purposes of M.G.L. c. 30B and M.G.L. c. 40 § 15A but agreements and conveyances between the Trust and agencies, boards, commissions, authorities, departments and public instrumentalities of the town shall be exempt from said Chapter 30B.

Section 8. Duration of the Trust

This Trust shall be of indefinite duration, until terminated in accordance with applicable law. Upon termination of the Trust, subject to the payment of or making provisions for the payment of all obligations and liabilities of the Trust and the Trustees, the net assets of the Trust shall be transferred to the Town and held by the Select Board for affordable housing purposes. In making any such distribution, the Trustees may, subject to the approval of the Select Board, sell all or any portion of the Trust property and distribute the net proceeds thereof or they may distribute any of the assets in kind. The powers of the Trustees shall continue until the affairs of the Trust are concluded.

INFORMATIONAL SUPPLEMENT FOR ARTICLE 29. Proposed adoption of new Town Bylaw: Municipal Affordable Housing Trust Fund Bylaw.

Note: Article 29 proposes adoption of a new Town Bylaw, pursuant to the enabling legislation and the prior Town Meeting action cited in Section 1 of the proposed Bylaw. Although the entirety of the proposed Bylaw is new, the Affordable Housing Trust Bylaw Committee prepared additional notations, included in the markup below, to illustrate the ways in which the proposed Bylaw differs from language in the enabling legislation (MGL Chapter 44, Section 55C). A “clean” (unmarked) version of the proposed Bylaw, which is put before the voters at Town Meeting, is also provided on the immediately preceding pages.

Editing Notes:

- Text with no underline, strike through, or italics: Language is substantially consistent with MGL Chapter 44, Section 55C “Municipal Affordable Housing Trust Fund.”
- ~~Text with Strikethrough~~: Language of the proposed West Newbury Bylaw that differs from the enabling legislation (MGL Chapter 44, Section 55C).
- Double-Underlined Text: Proposed new language.
- *Italics*: Explanation

WEST NEWBURY AFFORDABLE HOUSING TRUST BYLAW

Section 1. Authority and Name of Trust

Pursuant to the vote on Article 12 of the October 23, 2021 Special Town Meeting, the Town of West Newbury (the “Town”) voted to accept the provisions of Massachusetts General Laws c. 44, §55C (the “Act”) and authorized the creation of a Municipal Affordable Housing Trust Fund to be known as the “West Newbury Affordable Housing Trust” (the “Trust”).

Section 2. Purpose

The purpose of the Trust shall be to provide for the ~~creation and preservation~~, creation and support of affordable housing in the Town of West Newbury for the benefit of low- and moderate-income households, and for the funding of community housing as defined by Massachusetts General Laws c. 44B (the “Community Preservation Act”).

Section 3. Board of Trustees

G. Composition.

There shall be a Board of Trustees (Trustees) of the West Newbury Affordable Housing Trust composed of one ex officio non-voting member and seven voting members. The Town Manager shall serve as the ex officio member.

Explanation: Proposed Bylaw differs from Ch. 44 S. 55C, which prescribes that Trusts “shall include no less than 5 trustees, including the chief executive officer, ..., but where the chief executive officer is a multi-member body, that body shall designate a minimum of 1 of its members to serve on the board.”

The voting members shall include: a member of the Select Board (designated by the Select Board) and six members appointed by a majority vote of the Select Board. The voting members shall have relevant experience in the fields of affordable housing, zoning, real estate, banking, finance, law, architecture, social services, or other areas of expertise applicable to advancing the purpose and goals of the Trust.

Explanation: Ch. 44 S. 55C does not prescribe the positions or expertise of the voting members.

Trustees shall be residents of West Newbury. Any Trustee whose resident status changes shall promptly notify the Trust and Town Clerk in writing and resign from the Trust. The Town Manager need not be a resident of West Newbury.

Explanation: Proposed Bylaw differs from GL Ch. 44 S. 55C, which does not require that Trustees be residents of the Town.

H. Appointment of Trustees.

Trustees shall serve for a term of two years, except that three of the initial Trustee appointments shall be for a term of one year. Select Board appointments will be made on the same schedule as other Town Boards and Committees for the coming fiscal year.

Explanation: Proposed Bylaw differs from GL Ch. 44 S. 55C, which requires that Trustees serve for a term not to exceed 2 years.

I. Meetings.

Meetings of the Trustees shall be held on a regular basis. Special meetings may be called by the Chairperson. The Trust is a governmental body for purposes of M.G.L. c. 30A, §§18-25, the Open Meeting Law; notice of any meeting of the Trust shall be filed with the Town Clerk and posted in accordance with the Open Meeting Law.

The Trustees shall regularly elect a Chairperson, a Vice Chairperson, a Treasurer and a Clerk. The Chairperson may establish sub-committees and/or ad hoc task related committees to carry out the purposes of the Trust. Chairpersons of the subcommittees may be selected by the members of the sub-committees.

A majority of the number of authorized Trustees shall constitute a quorum.

J. Removal.

A Trustee may be removed by the Select Board for cause following a hearing. Absence from five consecutive, regularly scheduled meetings of the Trust will be considered grounds for removal. Any vacancy on the Trust shall be filled by the Select Board for the remainder of the unexpired term.

K. Declaration of Trust.

The Trustees are authorized to execute a Declaration of Trust and Certificate of Trust for the West Newbury Affordable Housing Trust Fund, to be recorded with the Essex County Registry of Deeds and filed with the Essex County District of the Land Court, following approval by the Select Board. The Declaration of Trust may be amended from time to time, except as to the powers of the Trustees and those other provisions specifically required under M.G.L. c. 44, §55C, in writing signed by the Town Manager and by seven of the Trustees and approved at a meeting called for that purpose, provided that in each case, a certificate of amendment has been recorded with the Registry of Deeds and filed with the Land Registration Office.

L. Authority and Responsibilities.

1) The powers of the Trustees shall be carried out in furtherance of the purposes set forth in M.G.L. c.44, §55C, and inclusive of any future amendments, and pursuant to the provisions of a Declaration of Trust to be approved by the Select Board shall include the following:

a) To accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not

- limited to money, grants of funds or other property tendered to the Trust in connection with any by-law or any general or special law or any other source, including money from chapter 44B; provided, however, that any such money received from chapter 44B shall be used exclusively for community housing and shall remain subject to all the rules, regulations and limitations of that chapter when expended by the Trust, and such funds shall be accounted for separately by the Trust; and provided further, that at the end of each fiscal year, the Trust shall ensure that all expenditures of funds received from said chapter 44B are reported to the West Newbury Community Preservation Committee for inclusion in the community preservation initiatives report, form CP-3, to the Department of Revenue;
- b) **With Select Board approval**, to purchase and retain real, ~~or~~ personal or intangible property, including without restriction investments that yield a high rate of income or no income;
Explanation: Bylaw adds the requirement for Select Board approval and the phrase, “intangible property”, both of which are not included in GL Ch. 44 S. 55C
 - c) To sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to Trust property as the Trustees deem advisable notwithstanding the length of any such lease or contract;
 - d) To execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases, grant agreements to and from the Trust, make gifts or loans and execute other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Trustees engage for the accomplishment of the purposes of the Trust;
Explanation: Proposed language expands the capabilities of the Trust.
 - e) To employ advisors and agents, such as accountants, appraisers and lawyers as the Trustees deem necessary;
 - f) To pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Trustees deem advisable;
 - g) To apportion receipts and charges between incomes and principal as the Trustees deem advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;
 - h) To participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;
 - i) To deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Trustees may deem proper and to pay, out of Trust property, such portion of expenses and compensation of such committee as the Trustees may deem necessary and appropriate;
 - j) To carry property for accounting purposes other than acquisition date values;
 - k) **With Select Board and Town Meeting approval**, to borrow money on such terms and conditions and from such sources as the Trustees deem advisable, to mortgage and pledge Trust assets as collateral;

Explanation: Bylaw adds the requirement for Select Board and Town Meeting approval, which is not included in GL Ch. 44 S. 55C.

- l) To make distributions or divisions of principal in kind;
 - m) To comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of the Act, to continue to hold the same for such period of time as the Trustees may deem appropriate;
 - n) To manage or improve real property and to abandon any property which the Trustees determine not to be worth retaining;
 - o) To hold all or part of the Trust property uninvested for such purposes and for such time as the Trustees may deem appropriate; and
 - p) To extend the time for payment of any obligation to the Trust.
- 2) The powers and duties enumerated above are intended to encompass all powers and duties of the Trustees. Any action, power or duty not enumerated above shall require prior approval of the Select Board.
 - 3) The powers of the Trustees may only be amended by a vote of West Newbury Town Meeting.
 - 4) The Trustees shall prepare an annual report describing the activities of the Trust for each fiscal year. The annual report shall be submitted to the Select Board in accordance with the schedule set by the Town Clerk for inclusion in the Town's Annual Report. The annual report shall list all financial transactions conducted by the Trust including all revenues and costs, provide a balance sheet of liabilities and assets of the Trust, list an inventory of all affordable housing units created, sold, and/or managed by the Trust, and any other pertinent information related to the business of the Trust.

Section 4. Acts of Trustees

- D. A majority of Trustees may exercise any or all of the powers of the Trustees hereunder and may execute on behalf of the Trustees any and all instruments with the same effect as though executed by all the Trustees, with the exception that any purchase, sale, lease, exchange, transfer or conveyance of any interest in real property, borrowing, and mortgaging and pledging of assets must be approved by at least two thirds of the appointed Trustees.
- E. No Trustee shall be required to post bond.
- F. No license of court shall be required to confirm the validity of any transaction entered into by the Trustees with respect to the Trust Estate.

Section 5. Funds Paid to the Trust

Notwithstanding any general or special law to the contrary, all monies paid to the Trust in accordance with any zoning bylaw, exaction fee, or private contribution shall be paid directly into the Trust and need not be appropriated or accepted and approved into the Trust. General revenues appropriated into the Trust become Trust property and these funds need not be further appropriated to be expended. All monies remaining in the Trust at the end of any

fiscal year, whether or not expended by the Trustees within one year of the date they were appropriated into the Trust, remain Trust property set forth in M.G.L. c.44, §55C.

Section 6. Custodian of Funds

The West Newbury Treasurer/Collector shall be the custodian of Trust's funds and shall maintain separate accounts and records for such funds. Any income or proceeds received from the investment of funds shall be credited to and become part of the Trust Fund. In accordance with M.G.L. c. 44, § 55C, the books and records of the Trust shall be audited annually by an independent auditor in accordance with accepted accounting practices or take any other action relative thereto. Upon receipt of the audit by the Trustees, a copy shall be provided forthwith to the Select Board. The Trustee designated as treasurer shall also liaise with the custodian of the funds on a monthly basis.

Section 7. Legal Status

- F. The Trust is a public employer and the Trustees are public employees for the purposes of M.G.L. c. 258.
- G. The Trust shall be deemed a municipal agency and the Trustees special municipal employees for the purposes of M.G.L. c. 268A.
- H. The Trust is exempt from M.G.L. c. 59 and 62, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the Commonwealth or any subdivision thereto.
- I. The Trust is a governmental body for purposes of Sections 23A, 23B and 23C of M.G.L. c. 39.
- J. The Trust is a board of the Town for purposes of M.G.L. c. 30B and M.G.L. c. 40 § 15A but agreements and conveyances between the Trust and agencies, boards, commissions, authorities, departments and public instrumentalities of the town shall be exempt from said Chapter 30B.

Section 8. Duration of the Trust

This Trust shall be of indefinite duration, until terminated in accordance with applicable law. Upon termination of the Trust, subject to the payment of or making provisions for the payment of all obligations and liabilities of the Trust and the Trustees, the net assets of the Trust shall be transferred to the Town and held by the Select Board for affordable housing purposes. In making any such distribution, the Trustees may, subject to the approval of the Select Board, sell all or any portion of the Trust property and distribute the net proceeds thereof or they may distribute any of the assets in kind. The powers of the Trustees shall continue until the affairs of the Trust are concluded.

APPENDIX F – 2022 Annual Town Meeting
ATM Article #30
TOWN BYLAWS

ARTICLE 30. Proposed adoption of new Town Bylaw: Building Numbering/Street Naming Bylaw.

BUILDING NUMBERING / STREET NAMING BYLAW

Section 1 Statutory Authorization

1.1 Pursuant to the statutory authorization granted under MGL C. 40, Section 21 and Chapter 148, Section 59, the Town of West Newbury hereby enacts this bylaw requiring and regulating the numbering of buildings within the municipal boundaries of the Town of West Newbury.

Section 2 Purpose

2.1 The standards and regulations set forth within the provisions of this bylaw shall have the purpose and effect of promoting the general health, safety, welfare and convenience of the inhabitants of the Town of West Newbury by reducing the difficulty in responding to individual residences and other occupied structures in cases of police, fire, medical or other emergency situations requiring immediate location and response; by facilitating the delivery efforts of the United States Postal Service through the creation of a numbering system for all delivery locations; by decreasing the potential for traffic accidents caused by motorists searching for address locations; by improving local census data-gathering capabilities; by improving the accuracy of important legal documents requiring address location; and by assisting the planning efforts of the community.

Section 3 Definitions

3.1 The definition of words shall be in accordance with the definitions as stated in the Town of West Newbury’s Zoning Bylaw. All words not defined shall have the common use definition.

Section 4 Administration

4.1 This bylaw shall be administered by the Building Commissioner acting as the designated Addressing Officer who is authorized to and shall approve street names and numbers to all properties, both on existing and proposed streets, in accordance with the criteria of Sections 5 and 6 of this bylaw and in accordance with Section 5.9 of the West Newbury Rules and Regulations Governing the Subdivision of Land. The Addressing Officer shall be responsible for reporting the street name(s), number(s) and location(s) to the Town Assessor.

4.2 The West Newbury Police Department shall ensure compliance with the State 911 Department’s requirements for the enhanced 9-1-1 system. The state 911 department shall cause such number and the address of such building to be entered into the electronic data base for use in enhanced 911 service as defined in section eighteen A of chapter six A.

Section 5 Street Naming

5.1 All streets that serve three or more buildings shall be named regardless of whether the ownership is public or private. A street name assigned by the municipality shall not constitute or imply acceptance of the street as a public way. The following criteria shall govern the naming system:

- a) No two streets shall be given the same name (ex. Pine Street and Pine Lane).
- b) No two streets shall have similar-sounding names (ex. Beech Lane and Peach Lane).
- c) Each street shall have the same name throughout its entire length located within the boundaries of West Newbury. Streets that continue through into an adjacent town may change names at the town border.

5.2 The Planning Board shall assign and approve new street name(s) during the subdivision process in accordance with Section 5.1 in consultation with the Historic Commission and the Addressing Officer.

Section 6 Building Numbering

6.1 Numbers shall be assigned to buildings only. This includes but is not limited to: dwellings, apartment buildings, condominiums and business establishments. This process is initiated when a building permit application is issued, so that numbers are assigned to buildings being constructed, and not at the end of the construction period.

- a) Buildings less than 100' from the street with a view unobstructed by vegetation or other materials shall number the building with numeric figures at least 3" in height, in contrasting color to the background and conspicuously placed facing the street.
- b) Buildings more than 100' from the street shall comply with 6.1.a and shall also display all building numbers on a free-standing post or mailbox at the end of the driveway not more than 10' from the street layout. Numbers shall be placed on the post or mailbox between four and six feet above ground level.

6.2 Numbers shall be assigned along both sides of the street regardless of zone or location in town, with even numbers appearing on the right side of the street and odd numbers appearing on the left side of the street.

6.3 All number origins shall begin from Main Street starting at the Groveland/West Newbury line or that end of a street closest to the designated origin. For dead end streets, numbering shall originate at the intersection of the adjacent street and terminate at the dead end.

6.4 The number assigned to each building shall be that of the numbered interval falling closest to the driveway of said building.

6.5 Every building with more than one principle use or occupancy shall have a separate number for each use or occupancy, i.e., duplexes will have two separate numbers; apartments will have one street number with an apartment letter, such as 381 Main Street, Apt A.

6.6 Parcels with more than one building shall be assigned unique addresses that make the most logical sense to each situation. Each building shall be identified by a unique number. For example, a two-unit dwelling would be addressed 381 Main Street, Unit A and 381 Main Street, Unit B.

6.7 Common driveways shall comply with section 6.1 and shall have numbers also placed where the common driveway divides except where the point of division is less than 100’ from the building and the number is unobstructed from view from the point of division.

6.8 In the event a missing or incorrect number is identified, it shall be the owner’s responsibility to request the Addressing Officer assign a new or corrected number. The Addressing Officer will report the change(s) as if they were new number(s).

Section 7 Compliance

All buildings shall be identified by their properly assigned street number in accordance with Section 6 of this bylaw. It is the responsibility of each property owner to obtain the correct street number from the Addressing Officer. It shall be the responsibility of the owner to maintain and attend to the assigned street number(s). Under no circumstances should a street number, other than that which is properly assigned, be displayed. Numbers shall be displayed within 60 days of the enactment of this bylaw or within 60 days of a new street number being assigned. Buildings under construction shall have the assigned street number displayed at the entrance to the property until such time that compliance with Section 6 can be met. New buildings must have their numbers properly displayed prior to occupancy.

Section 8 Enforcement

Any person who violates any provision of this section of the bylaw shall be subject to the following penalties:

First offense	Written warning
2 nd and subsequent offenses	\$25 per month for each month said violation continues to exist.

This section shall be included within the scope of the provisions of Massachusetts General Laws, Chapter 40, Section 21D, adopted at the fourth session of the 1995 Annual Town Meeting held on May 15, 1995, as Section XXVIII, *Enforcement of Town By-Laws*. In addition to police officers, the Building Commissioner and officers of the Fire Department shall also be enforcing persons for this section.

APPENDIX G – 2022 Annual Town Meeting
ATM Article #31
TOWN BYLAWS

ARTICLE 31. Proposed amendments to Article XXXVI of the Town Bylaws, the Community Preservation Committee Bylaw.

Editing Notes:

- Text with no underline, strike through, or italics: Language has not been changed from Article XXXVI.
- ~~Text with Strikethrough~~: Language of Article XXXVI that is being changed or deleted.
- Double-Underlined Text: Proposed new language.

Sec. 1 Establishment

- a) There is hereby established a Community Preservation Committee, consisting of seven (7) voting members pursuant to MGL Chapter 44B. The composition of the committee, the appointing authority, specific roles, and the term of office for the committee members shall be as follows:
- b) One member of the Board of Selectmen or their designee, as designated by a majority vote of the entire current membership of the Board of Selectmen for a term of one year and thereafter for a term of one year.
- c) ~~One member of the community at large as designated by a majority vote of the entire current membership of the Board of Selectmen for a term of three years.~~ One member of the Open Space Committee as designated by a majority vote of the entire current membership of the Open Space Committee for a term of three years.
- d) One member of the Conservation Commission as designated by a majority vote of the entire current membership of the Conservation Commission for a term of three years.
- e) One member of the Planning Board as designated by a majority vote by a majority vote of the entire current membership of the Planning Board for an initial term of two years and thereafter for a term of three years.
- f) One member of the Historical Commission as designated by a majority vote of the entire current membership of the Historical Commission for an initial term of one year and thereafter for a term of three years.
- g) One member of the Parks and Recreation Commission as designated by a majority vote of the entire current membership of the Parks and Recreation Commission for an initial term of one year and thereafter for a term of three years.
- h) One member of the West Newbury Housing Authority as designated by a majority vote of the entire current membership of the Housing Authority for an initial term of two years and thereafter for a term of three years.

- i) The Town Manager or designee shall serve Ex Officio.
- j) Each member of the Committee shall serve for the term as set forth above, or until the person no longer serves in the Community Preservation Committee position or on the board or committee as set forth above, whichever is earlier. Any committee shall designate a replacement at its next meeting should a vacancy occur.
- k) Should any of the Commissions, Boards, Councils or Committees who have appointment authority under this Section be no longer in existence for whatever reason, the absent appointment authority for that Commission, Board, Council, or Committee shall be assumed by the Board of Selectmen, who may appoint a replacement member from the community at-large.
- l) Any member of the Committee may be removed for cause by their respective authority after hearing.
- m) The Committee shall elect a Chairman, Vice Chairman, and a Secretary annually from its membership.
- n) No person shall hold the seat of Chairman for more than one year in three consecutive years.

Sec. 2. Duties

- a) The Community Preservation Committee shall hold one or more public hearings annually to provide information and solicit written proposals consistent with the Community Preservation Act, as adopted, from Town committees and boards, as well as unaffiliated citizens or groups (ad hoc committees). Notice of the hearing, or hearings, shall be posted publicly in accordance with the Open Meeting Law, M.G.L Chapter 30A. §20 and published for each of the two weeks preceding a hearing in a newspaper of general circulation in the town as required by M.G.L. chapter 44B. §3(b) (1).
- b) Additionally the Committee shall meet any number of times in meetings posted in accordance with Open Meeting Law to consult with existing municipal boards, standing committees, or ad hoc committees including, but not limited to, the Conservation Commission, the Historical Commission, the Planning Board, the Board of Parks and Recreation Commissioners, the Housing Authority, the Open Space Committee, the Board of Water Commissioners, and the Workforce Housing Trust or persons acting in those capacities or performing like duties, to determine the needs, possibilities, and resources of the Town regarding community preservation possibilities and resources or to act on submitted proposals. All completed proposals, as determined by the committee, submitted to the Committee shall be voted upon and ranked for possible recommendation to the Town at Town Meeting. A written report of all votes and summary of findings shall be presented at said Town Meeting.

- c) The Community Preservation Committee shall make recommendations to the legislative body (Town Meeting) for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation, and preservation of land for recreational use; for the acquisition, creation, and preservation of land for natural resources including agriculture, forestry, and conservation purposes; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space, land for recreational use, and community housing that is acquired or created as provided in this section. With respect to community housing, the Community Preservation Committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.
- d) The Community Preservation Committee may include in its recommendation to the legislative body (Town Meeting) a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending funds for general purposes that are consistent with community preservation.
- e) In every fiscal year, the Community Preservation Committee must recommend either that the Town legislative body (Town Meeting) spend, or set aside for later spending, not less than thirty (30) percent of the annual revenues in the Community Preservation Fund consistent with the provisions in M.G.L. Chapter 44B.
- f) The Community Preservation Committee shall consult with the Finance Committee at a meeting prior to voting recommendations.

Sec. 3 Requirement for a quorum and cost estimates

The Community Preservation Committee shall comply with the provisions of the Open Meeting Law, M.G.L. Ch. 39, §23B. The committee shall not meet or conduct business without the presence of a majority of the members of the Community Preservation Committee, which shall constitute a quorum. The Community Preservation Committee shall approve its actions by majority vote of members present. Recommendations to the Town Meeting shall include a fully developed time and cost plan.

Sec. 4. Amendments

This bylaw may be amended from time to time by a majority vote of the Town Meeting consistent with the provisions of M.G.L. c. 44B.

Sec. 5. Severability

In case any section, paragraph, or part of this bylaw is, for any reason, declared invalid or unconstitutional by any court, every other section, paragraph, or part shall continue in full force and effect.

Sec. 6. Effective Date

Following Town Meeting approval, this bylaw shall take effect immediately upon approval by the Attorney General of the Commonwealth, and after all requirements of the M.G.L. c. 40, §32 have been met. Each appointing authority shall have sixty (60) days after approval by the Attorney General to make their initial appointments.

If any appointing authority shall fail to make appointments as provided in this bylaw, the Board of Selectmen shall send notice of such failure to the appointing authority.

TOWN MEETINGS: IMPACTS ON TOWN ACCOUNTS

Balances Report		Estimated						Unreserved: Available for Appropriation				
		Town Capital Stabilization	Pension Stabilization	School Stabilization	Town Free Cash	Water Stabilization	Water Retained Earnings	CPC Comm Housing	CPC Historical	CPC Open Space	CPC Undesig	CPC Reserve
1/1/2022		1,867,125	312,368	1,257,919	1,749,980	518,695	731,245	100,648	162,100	70,648	1,609,392	
5/2022 STM	Art #											
Water Hydraulic/Master Plan	1						(73,700)					
Soldiers & Sailors: Disposition	3				(28,000)							
Soldiers & Sailors: Bldg removal, park conceptual design costs	4				(115,000)							
Snow & Ice deficit	5				(97,245)							
Town Facility Improvements	6				(47,845)							
Emerald Ash Borer study/audit	7				(34,000)							
Replacement of AED Defibrillators	8				(15,000)							
Balances after STM		1,867,125	312,368	1,257,919	1,412,890	518,695	657,545	100,648	162,100	70,648	1,609,392	0
5/2022 ATM	Art #											
Transfer from School Stabilization	2			(397,325)								
Omnibus Budget	3	500,000										
Water Operating Budget	5					100,000						
Water Stabilization	6					7,500	(7,500)					
Pension Liability Stab. Fund	7		50,000		(50,000)							
CPA FY22 Estimated Receipts	10							71,530	71,530	71,530	(35,765)	464,942
Unbudgeted Personnel Costs	11				(75,000)							
Solar feasibility study on town land	12				(15,000)							
Historical Property Survey, grant matching funds	13				(2,500)							
Page School masonry/lintels study	14	(25,000)										
Page School feasibility study	15	(85,000)										
Roof for former Highway Garage	16	(27,500)										
DPW Workshop/Station Relocation	17	(35,900)										
Replace Town Office phone system	18	(65,000)										
DPW Pickup Truck replacement	19	(56,000)										
DPW Dump Truck replacement	20	(80,000)										
Public Safety communications equipment	21	(39,000)										
Replacement of Rescue Air Bag System	22				(10,000)							
Replace Fire Dept Saws and Power Tools	23				(14,500)							
Fund prior fiscal year expenses	24				(342)							
Balances after ATM		1,953,725	362,368	860,594	1,245,548	626,195	650,045	172,178	233,630	142,178	1,573,627	464,942

Source: Angus Jennings, Town Manager, 4/29/22

REVENUES

4/21/2022							
Revenues:	Actual	Actual	Actual	Actual	In Process	Projected	Comments
	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY23	
Prior fiscal year levy limit	12,784,193	13,212,301	13,653,481	14,138,156	14,732,479	15,339,296	MassDOR levy limit, FY18 to FY22
Amended Prior Year Growth							
Tax Limit 2.5	319,605	330,308	341,337	353,454	368,312	383,482	Increase from prior year levy limit allowed by prop 2 1/2
New Growth	108,503	110,872	143,338	240,869	238,505	168,417	All but FY22 is actual. FY23 est based on 5 year average
General Overrides							
Debt Exclusions	696,417	624,548	627,864	1,268,041	1,194,433	1,313,403	FY23 net excluded debt service per debt schedules
Cherry Sheet Revenues	377,379	382,276	391,576	372,865	410,121	414,827	FY22 est. based on MA DOR Prelim Cherry Sheet estimates 4/21/22
Local Receipts	1,305,148	1,603,886	1,367,652	1,452,520	1,305,418	1,331,527	All but FY22 and FY23 is actual. FY22 was estimated in FY22 tax rate recap. FY23 forecast by Finance Department.
Total Revenues	15,591,245	16,264,191	16,525,248	17,825,905	18,249,268	18,950,952	
Reserve for Abatements/Receivables	-135,165	-138,279	-165,005	-101,824	-118,754	-75,000	
Tax Title Purposes	-2,500	-1,000	-75	-478	-1,000	-800	Set aside of tax title purposes
Cherry Sheet Charges	-74,255	-77,954	-102,244	-82,578	-84,268	-84,882	Charges for services thru state and other agencies & Charter schools; FY23 estimated.
Total Offsets	-211,920	-217,233	-267,324	-184,880	-204,022	-160,682	
Revenue-Less Offsets	15,379,325	16,046,958	16,257,924	17,641,025	18,045,246	18,790,270	
Less Direct to Library	-7,659	-7,378	-7,491	-8,650	-9,403	-8,804	Goes directly to library; FY23 estimate
Net to Revenues to General Fund	15,371,666	16,039,580	16,250,433	17,632,375	18,035,843	18,781,466	
Less Prior Year Snow & Ice Deficit	0	0	0	0	0	0	
Less Prior Year Other Deficits	0	0	0	0	0	0	
Net Available for Operating Expenses	15,371,666	16,039,580	16,250,433	17,632,375	18,035,843	18,781,466	