



Town of West Newbury, Massachusetts

Special Town Meeting

October 23, 2023, 7:00 p.m.

Town Annex 379 Main Street



October 23, 2023

Dear Fellow Residents of West Newbury:

The legislative authority of our Town rests with Town Meeting where registered voters gather to conduct Town business. The Select Board has presented a warrant to the Town in a proper and timely manner. That warrant is included in this booklet. Motions on the floor will be made based upon the articles put forth. The Town Moderator will facilitate the proper conduct of the meeting. Before the meeting, she will remind us of certain ground rules. Please pay attention as these rules explain what is going on and help move the meeting along.

The Finance Committee operates under both our Commonwealth's enabling act and our Town by-laws which further define its role and obligations. One such obligation is that the Finance Committee shall consider any or all municipal questions for the purpose of making reports or recommendations to the Town. Since the voters in attendance are "the Town," our obligations are to you. We are not part of the executive branch of Town government represented by the Select Board, Town Manager, and elected Board members. But, to effectively function, we must have a good working relationship with them as well as department heads and the Town's employees.

This warrant is divided into four sections. The first is General Government Matters where town officers or committees may make a report to the Town Meeting participants. The report may be informative to an article on the warrant, or it may be an update to matters of interest to voters. This article typically remains open since some reports are best done just before a related warrant article is taken up. The second section is the Water Enterprise Fund where an article affecting the Water Department's FY 2024 budgeted expense resides. This proposed reduction in a certain expense would not affect the town's tax rate. The Water Department's operating expenses are covered by its rate payers.

The third section is Appropriations where money is authorized to be spent that either affects the tax rate or is drawn from free cash, stabilization, or other funds. Whether the motion raises the amount from taxation or uses our retained surplus funds, the consequences are the same: spending is authorized or funds are encumbered. The motions made on the floor will specify the way the appropriation is made. The Town Moderator will have already explained that the language of the warrant article is not the language of the motion, but this bears repeating. Please notice where the money is coming from, where it is going to, whether there is a sunset date assigned and what vote is required to pass. Please remember that the Town's fiscal year runs from July 1 to the following June

30. We are currently in FY 2024. As you can imagine, transactions can be spread over different fiscal years. The timing of expenditures and where we are in a Town Meeting cycle (spring versus fall) may inform some elements of a motion. Typically, the straddling of fiscal years is mostly an administrative concern. Voters might want to pay more attention to the proposed expenditure and amount, less to the timing.

The last section is By-laws & Others. By-laws are the laws under which we operate. Some by-law or other such non-appropriation warrant articles can have a profound impact upon our Town. Some, perhaps not so much. But each will be important in its own way. Zoning by-laws, for instance, describe the permitted activities that we allow in our various districts and neighborhoods. Some non-appropriation warrant articles may have significant economic impacts, even if not obvious or readily apparent. This is one reason that the Finance Committee is required by town by-law to make recommendations on each warrant article.

The following recaps the last two sections of the warrant:

Articles 3 & 4 both increase the amount of money to be raised, but for slightly different reasons.

Article 5 uses free cash to fund the Pension Liability Stabilization fund, as presented previously at spring Town Meeting.

Articles 6 thru 12 use free cash to engage services or make purchases.

Article 13 uses free cash to pay bills from a prior fiscal year already closed out.

Article 14 uses Community Preservation Act (CPA) funds to acquire a conservation restriction on approximately 14 acres at 114 Ash Street.

Articles 15 thru 17 amend by-laws.

Article 18 repeals a by-law.

Articles 19 thru 21 codify current practice regarding stipends for Assessors, Town Clerks, Treasurer/Collector.

Article 22 establishes a Council on Aging Revolving Fund and Article 23 fixes the maximum amount that may be spent from that fund in a fiscal year.

Article 24 establishes an Opioid Settlement Stabilization fund which will receive receipts and allow the Select Board to properly expend those funds without town meeting appropriation.

The Finance Committee booklet for the annual town meeting next spring will recap the Town's financial situation ahead of setting the budget for FY 2025. Prior booklets have very nicely done just that. There is no change to what has previously been noted regarding our financial standing. Our bond rating, clean audit reports, lack of debt and strong retained surplus balances attest to the accomplishments of the legislative body (you), the executive branch and all those who work on our behalf, one and all.

“West Newbury is fortunate to be in good financial shape and I feel that this is due to the great work of our Town Manager, Select Board, and dedicated department heads working cooperatively in the best interest of our town. We would also like to thank all the dedicated town employees and citizen volunteers who make West Newbury a great place to call home.”

- former Finance Committee Chair

Thank you very much.

Rob Phillips, Chair

The West Newbury Finance Committee

Ross Capolupo, secretary

Rob Phillips, chair

Daniel Innes, vice chair

Jim Sperelakis

Ann O'Sullivan

Angus Jennings, ex officio

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 would read that two Select Board approved the article, one disapproved, no abstentions.

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

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

WHAT TO EXPECT AT TOWN MEETING

This section is intended to share some information about the preliminary plans for the Monday, October 23, 2023 Special 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.

Face Coverings: Attendees may choose to wear face coverings over both their nose and mouth. The Town will provide face coverings on request, for those who do not have them. Anyone who requests separate seating for medical reasons will be assigned to sit in a designated location in which only those with face coverings will be permitted. Attendees in this designated location will be afforded full access to the proceedings.

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.

TOWN OF WEST NEWBURY
COMMONWEALTH OF MASSACHUSETTS
WARRANT – SPECIAL TOWN MEETING
MONDAY, OCTOBER 23, 2023 @ 7:00pm

Essex, ss.

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

In the name of the Commonwealth, you are hereby required to notify and warn all the inhabitants of the Town of West Newbury, who are qualified to vote in the elections and Town affairs to meet IN the Town Annex 379 Main Street, at 7:00 p.m. on Monday, October 23, 2023, to act upon or take any other action relative to all of the following articles.

GENERAL GOVERNMENT MATTERS

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

WATER ENTERPRISE FUND

ARTICLE 2. To see if the Town will vote to decrease the amounts appropriated in the Expenses line of the FY24 Water Department budget, as adopted under the Motion for Article 6 of the Annual Town Meeting on April 24, 2023, by reducing the approved amount (\$445,027.00) to \$375,027.00, 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 amount set aside in the Water Department Budget for water to be purchased is more than what is projected to be needed for FY 2024. The budgeted amount passed at the Annual Town Meeting anticipated larger volumes of water to be purchased from the City of Newburyport due to a water tank repair as well as to a concern that drought conditions from the prior year might persist. Both our water tank repair and the extraordinarily high amount of rain this spring and fall allows us to reduce the budgeted amount. As with the Town Omnibus Budget in the subsequent warrant articles, the Water Department Budget should be amended to the more accurate amount.*

Funding source: N/A

Sunset Date: N/A

APPROPRIATIONS

ARTICLE 3. To see if the Town will vote to increase the amounts appropriated in the following Line Items as set forth in the Fiscal Year 2024 Town Omnibus Budget adopted under the Motion for Article 4 of the Annual Town Meeting on April 24, 2023:

- Adjust Item Line 3 – Town Manager Technology Expenses; increase from \$70,032 to \$76,455
- Adjust Item Line 9 – Board of Registrars Salary & Wages; increase from \$6,800 to \$8,400
- Adjust Item Line 9 – Board of Registrars Expenses; increase from \$8,250 to \$10,170
- Adjust Item Line 25 – Board of Health (Steele Landfill monitoring costs); increase from \$36,315 to \$36,915

and vote to raise and appropriate a sum or sums of money as may be necessary to defray the expenses of the Town for Fiscal Year 2024, or take any other 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: *The Omnibus Budget passed each year at the Annual Town Meeting needs certain adjustments now due to some items changing between April and September. Two of the changes included in this article result from a 2 ½ Override Election being called by Whittier Regional Vocational High School. This election was announced only recently, was not known at the time the FY 2024 budget was approved, and the related costs were not accounted for in the approved budget. (The increased election costs will be fully reimbursed by Whittier Tech, but the costs still need to be appropriated in the budget). The other two proposed amendments are to account for typical and recurring operating expenses which will be expended in this current FY 2024.*

Funding source: Raise and Appropriate

Sunset Date: N/A

ARTICLE 4. To see if the Town will vote to adjust the amounts appropriated in the following Line Items as set forth in the Fiscal Year 2024 Town Omnibus Budget adopted under the Motion for Article 4 of the Annual Town Meeting on April 24, 2023:

- Adjust Item Line 21 – Pentucket School Assessment; decrease from \$7,871,758 to \$7,862,142
- Adjust Item Line 21 – Pentucket Capital Assessment; increase from \$1,123,070 to \$1,154,371
- Adjust Item Line 22 – Essex North Shore Ag & Tech School; increase from \$46,327 to \$94,110

and vote to raise and appropriate a sum or sums of money as may be necessary to defray the expenses of the Town for Fiscal Year 2024, or take any other 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: *The Omnibus Budget passed each year at the Annual Town Meeting needs certain adjustments now due to some items changing between April and September. The proposed changes included in this article are due to changes in the assessments from both the Pentucket Regional School District and Essex North Shore Agricultural and Technical School.*

Funding source: Raise and Appropriate

Sunset Date: N/A

ARTICLE 5. To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$67,514.00 to the Pension Liability Stabilization Fund, or take any other action relative thereto. *By request of the Select Board.*

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

Rationale for Approval: *This is the same warrant article that appeared on the Annual Town Meeting in April. At that time, the Finance Committee recommended that it not pass because we wanted to have a comprehensive overview of both the funds that would go into this stabilization fund and, just as importantly, when they would come out of the fund. When the funds go in, they reduce Free Cash and when they come out, they reduce the amount that needs to be raised by taxation. We have since prepared that financial plan which anticipates a smoothing of our pension expense each year through 2035 when Essex Regional Retirement System should attain its required 100% fully funded status. In 2036, our pension contribution is projected to reduce by a very significant 80%.*

Funding source: Free Cash

Sunset Date: N/A

ARTICLE 6. To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$50,000.00 to fund the costs associated with identification and evaluation of sites with potential to support development of public well fields, including all incidentals and related expenses, or take any other 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: *The Select Board is proposing to undertake a comprehensive review of sites within the Town which might yield water at an acceptable volume and with certain favorable characteristics. This review would allow a comparison between the various sites such that our efforts would focus on the most likely best candidates. The sites to be reviewed include sites already known to us, and also those that might be found through certain typical and ordinary hydrological scientific methods. This study is long overdue and an important step towards a more robust water supply for our town.*

Funding source: Free Cash

Sunset Date: 6/30/2025

ARTICLE 7. To see if the Town will vote to transfer from available funds the sum of \$20,000.00 for the purpose of engaging professional consultant relative to the FY25 assessing revaluation, including all incidental and related expenses, or take any other action relative thereto. *By request of the Board of Assessors.*

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

Rationale for Approval: *The Finance Committee unanimously supports this article to transfer \$20,000 from Free Cash to fund engaging consultant support for the FY 2025 assessing revaluation mandated by the*

Massachusetts Dept. of Revenue to take place every five years. This funding will be used to assess personal property used by businesses in town and utility properties located in town.

Funding source: Free Cash

Sunset Date: 6/30/2025

ARTICLE 8. To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$10,000.00 to fund the purchase and installation of police/fire audio recording, playback and archiving equipment for use by Police, Fire and Dispatch personnel, including associated training, setup costs, and all incidental and related expenses, or take any other action relative thereto. *By request of the Police Chief.*

FinCom Recommendation: Approve: 4-0-0

Select Board Recommendation: Approve: 3-0-0

Rationale for Approval: *The Finance Committee recommends approval of this article. Components of the emergency recording equipment currently in use by the departments are almost 20 years old and in need of replacement.*

The total cost of the recording equipment is \$28,000. Historically, portions of this equipment were provided to the Town by the Commonwealth; however, we received notice over the summer that this is no longer the case. The Town was preparing to bear the full cost of this improvement, yet thanks to the special efforts of Police Chief Michael Dwyer and Sergeant Rich Parenteau, the Town received a last-minute, one-time grant from the state, thereby reducing our share of the cost to \$10,000.

Funding source: Free Cash

Sunset Date: 6/30/2025

ARTICLE 9. To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$7,400.00 to fund the purchase and installation of gas meters for use by Fire personnel and other first responders, including associated training and setup costs, and all incidental and related expenses, or take any other action relative thereto. *By request of the Fire Chief Engineer.*

FinCom Recommendation: Approve: 4-0-0

Select Board Recommendation: Approve: 3-0-0

Rationale for Approval: *The Finance Committee recommends approval of this article. First responders utilize these portable meters to evaluate homes and other occupied spaces for hazardous gases during fires. The current inventory of meters no longer meet testing and certification requirements, and require replacement. The new gas meters are expected to have a useful life of about 10 years.*

Funding source: Free Cash

Sunset Date: 6/30/2024

ARTICLE 10. To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$12,000.00 to fund the purchase and installation of a portable speed monitoring trailer and pedestrian safety signs, including associated training and setup costs, and all incidental and related expenses, or take any other action relative thereto. *By request of the Police Chief.*

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

Rationale for Approval: *The Finance Committee recommends approval of this article. The West Newbury Police Department is requesting funds to purchase a portable speed monitoring trailer to improve its enforcement capabilities, and to address regular traffic-related complaints from residents. The proposed trailer will display the actual speed of passersby, along with the posted speed limit. This type of passive enforcement device is shown to be effective in reducing driver speeds without requiring an officer to be present. Funding is also included for fixed pedestrian signage for crosswalks on Main Street and Bachelor Street.*

Funding source: Free Cash

Sunset Date: 6/30/2024

ARTICLE 11. To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$50,000.00 to fund the costs of conducting professional invasive species management on town-owned land, including all incidental and related expenses, or take any other action relative thereto. *By request of the Select Board.*

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

Rationale for Approval: *The open space acquired by West Newbury is currently being degraded by invasive plants which have been increasing in population, size, and density due in part to a changing climate. The requested funds for professional services, including permitting and treatment, are a continuation of our initial efforts to manage and preserve the Town's open spaces. These efforts will benefit current and future residents of West Newbury, who enjoy and use this open space, as well as native wildlife and pollinator habitat. Managing invasive plants is a lengthy process sometimes taking up to 5 years of effort to manage a single area of infested land. The Finance Committee believes this is an important investment in land management.*

Funding source: Free Cash

Sunset Date: 6/30/2025

ARTICLE 12. To see if the Town will vote to transfer from available funds the sum of \$3,500.00 to fund the costs and expenses of operating an invasive species intern/steward program, which will identify, map, and remediate invasive species on public lands in the Town of West Newbury, including all incidental and related expenses, or take any other action relative thereto. *By request of the Select Board.*

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

Rationale for Approval: *The Town approved \$8,000 for funding an invasive plant internship at the Fall 2021 Special Town Meeting and 2 interns were hired and supervised by the Conservation Agent for Summer 2022 with support from citizens representing the Open Space Committee, Climate Change Resiliency Committee, and West Newbury Wild & Native ("WN2"). The internship was successful and invasive plant populations were mapped on the several key Town-owned land parcels. Another \$8,000 was funded for the invasive plant internship at the Fall 2022 Special Town Meeting and the 2023 internship wrapped up in August after another successful summer which focused on continued mapping and significant plant management*

at the Cherry Hill parcels. Invasive plant management is not a one-time event, and successfully managing an area requires continuous monitoring and removal of sprouting invasives. The funds being requested in this article will allow interns to resume their work in June 2024. It is anticipated that funding for next July & August will be requested in the FY 2025 Omnibus Budget to be proposed at its next Annual Town Meeting. The Finance Committee supports the continuation of this important work.

Funding source: Free Cash

Sunset Date: 6/30/2024

ARTICLE 13. To see if the Town will vote to transfer from available funds the sum of \$2,430.00 to fund the payment of unpaid bills incurred from the previous fiscal year, or take any other action relative thereto. *By request of the Select Board.*

FinCom Recommendation: Approve: 4-0-0

Select Board Recommendation: Approve: 3-0-0

Rationale for Approval: *The proposed article would authorize the payment of six invoices for costs incurred in a prior fiscal year. In accordance with G.L. Ch. 44, Sec. 64, unpaid bills from a prior fiscal year can only be paid from current year appropriations with the specific approval of Town Meeting.*

Funding source: Free Cash

Sunset Date: 6/30/2024

ARTICLE 14. To see if the Town will vote to transfer and/or appropriate from Community Preservation Act funds, in accordance with the provisions of G.L. c. 44B, the sum of \$175,000.00 for the purpose of acquiring a conservation restriction on a portion of the property located at 114 Ash Street, consisting of approximately 14 acres and being a portion of West Newbury Assessors Map 70 Lot 40, and costs incidental or related thereto, and; to authorize the Select Board and/or the Conservation Commission to acquire said conservation restriction by purchase, gift, and/or eminent domain on such terms and conditions as the Select Board and/or the Conservation Commission deems appropriate; to authorize the Select Board, the Conservation Commission, and/or their designee to apply for, accept and expend funds from other public or private sources to defray all or a portion of the costs of acquisition, including, but not limited to, grants and/or reimbursements from any federal, state or other grants or reimbursement programs in any way connected with the scope of this article, including but not limited to funds contributed by Essex County Greenbelt Association, which, together, with the Town, to hold said conservation restriction; and, further, to authorize the Select Board, the Conservation Commission and/or their designee to enter into any and all agreements and execute any and all documents necessary or convenient to effectuate the foregoing; or take any other action relative thereto. *By request of the Open Space Committee and the Community Preservation Committee.*

FinCom Recommendation: Approve: 5-0-0

Select Board Recommendation: Approve: 3-0-0

Rationale for Approval: *The Finance Committee voted unanimously in support of this article, as the Town CPA Funds expended (\$175,000) for the protection of this valuable open space is a good value for*

money for the Town taxpayers. The objective of this article is to assist in the permanent preservation of a portion of the 36 acre Evergreen Farm parcel. The land is contiguous to the 2,576 acre Crane Pond Wildlife Management Area (CPWMA), and is valuable as farmland, open space, wildlife habitat and surface water protection. This article, sponsored by the West Newbury Open Space Committee and Essex County Greenbelt Assoc. (Greenbelt) seeks to protect, via a Conservation Restriction (CR), 14 acres of active farmland. The total cost of purchasing the CR is expected to be approx. \$400K, with the remainder to be funded by Greenbelt. The entire project cost (estimated at \$1.9M) will be funded by the sale of 18 acres to a private buyer - 14 of which will be encumbered by this CR - with the remaining 4 acres (with existing house/ barn structures) being developable. In addition, the remaining 18 acres (of the 36 acre parcel) will be subsequently sold to the MA Dept. of Fish & Game, the owner/ manager of the CPWMA. The conservation project will be facilitated by Greenbelt, who will also fund the due diligence associated with the CR. The expenditure of \$175,000 in CPA funds will help to permanently protect a priority parcel, as identified in the West Newbury Open Space & Recreation Plan.

Funding source: CPA Funds

Sunset Date: 6/30/2025

BY-LAWS – OTHERS

ARTICLE 15. To see if the Town will vote to amend the West Newbury Zoning By-law by deleting Section 7 (Conditions of Use) in its entirety and replacing it with a new Section 7 (including 7.1-7.9), (Nonconforming Uses and Structures), as on file and available for inspection with the Town Clerk; 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 Zoning By-law, or take any action relative thereto. *By request of the Planning Board.*

FinCom Recommendation: Approve: 5-0-0

Select Board Recommendation: Approve: 3-0-0

Rationale for Approval: *Currently any homeowner with a non-conforming structure or a structure on a non-conforming lot must get permission from the Zoning Board of Appeals to enlarge or change the structure whether or not it is a substantive change or more detrimental to the neighborhood.*

The proposed changes to the Non-Conforming Uses Bylaw would allow the Building Inspector to determine if a proposed change to a non-conforming structure or a structure on a non-conforming lot is not substantially more detrimental to the neighborhood. This would allow the Building Inspector to grant a building permit to a homeowner to enlarge or change a non-conforming structure or to enlarge or change a structure on a non-conforming lot provided that the enlargement or change does not create a new non-conformity or increase an existing non-conformity. The change would serve the community by creating a more efficient and predictable permitting process. It does not change what constitutes a non-conforming use or a structure on a non-conforming lot. It only changes which entity would administer the process.

Funding source: N/A

Sunset Date: N/A

ARTICLE 16. To see if the Town will vote to amend the West Newbury Town Bylaws by deleting Section XXXIX (Short Term Rentals) in its entirety, and further, to authorize the Town Clerk to make any non-substantive, ministerial changes to numbering and formatting, so as to ensure consistency with the rest of the Town Bylaws, as necessary, or take any other action relative thereto. *By request of the Select Board.*

FinCom Recommendation: Approve: 4-0-0

Select Board Recommendation: Approve: 3-0-0

Rationale for Approval: *The Short-Term Rental (STR) Bylaw was adopted at the October 24, 2016 Special Town Meeting. Since that time no STR licenses have been granted. Town professional staff as well as the Select Board, which is the STR licensing authority, find the existing bylaw to be flawed in several ways. It does not specify a clear process or timeline for the Select Board review of licensing applications and, more importantly, it does not specify clear criteria or performance standards on which the Select Board would base an approval or denial of a license application. It must also be noted that, in 2021, the Massachusetts Supreme Judicial Court (SJC) affirmed a prior Land Court decision finding that, if not specifically permitted, STRs are not a permitted use in residential zoning districts. Any subsequent Short-term Rental Bylaw should be coincident with Zoning Bylaw changes describing where and how such rentals may occur. The repeal of the STR Bylaw will establish that STRs are not currently allowed in residential zoning districts, which will reflect the impact of the 2021 SJC decision. The current bylaw is online at: www.wnewbury.org/bylaws-policy-procedures.*

Funding source: N/A

Sunset Date: N/A

ARTICLE 17. To see if the Town will vote to amend the West Newbury Zoning By-law by revising Section 2 (Definitions), and by adding a new Section 4.2.4 (Accessory Dwelling Units (ADU)), as on file and available for inspection with the Town Clerk; and further to authorize the Town Clerk's office to make any non-substantive, ministerial changes to numbering and formatting to ensure consistency with the remainder of the By-law, or take any other action relative thereto. *By request of the Planning Board.*

FinCom Recommendation: Approve: 5-0-0

Select Board Recommendation: Approve: 3-0-0

Rationale for Approval: *The Finance Committee unanimously supports this article to revise Section 2 of West Newbury Zoning By-law and add a new Section 4.2.4 Accessory Dwelling Unit (ADU) by-law. ADUs are small residences that share a single-family lot with a larger primary dwelling. Under the proposed bylaw, ADUs could be located either within or attached to a single-family home, or in a detached structure, such as in a garage, carriage house, or separate dwelling. Establishing an ADU by-law will serve residents by allowing for the creation of a broader array of local housing options, including less expensive housing. This is an identified need of homeowners wishing to downsize but to remain living locally, and homeowners wishing to provide housing, including (but not limited to) housing for family members. The change would also provide homeowners with a means of obtaining rental income, another strategy for helping seniors and others remain in their homes. The change would encourage a more economic and efficient use of the town's housing supply while respecting the residential character of West Newbury's neighborhoods.*

Funding source: N/A

Sunset Date: N/A

ARTICLE 18. To see if the Town will vote to repeal the Personnel Bylaw, adopted at the third session of the 1999 Annual Town Meeting, in its entirety, or take any other 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: *The Personnel Bylaw was adopted at the 1999 Annual Town Meeting and has not been amended since. The Bylaw assigns responsibility to the Select Board "for the development of a human resources system which meets the needs of the Town", and further states that the Board "shall appoint a Personnel Advisory Committee to assist in carrying out its responsibility". The adoption of the Town Manager Act in 2017 (Chapter 97 of the Acts of 2017) resulted in significant changes to the legal context for personnel administration. The Select Board continues to be the policy-setting entity for personnel policies, but the Town Manager Act vests significant responsibilities in the Town Manager. Since the Town Manager was hired and began work in 2018, the Select Board and the Town Manager have worked closely together, including with other personnel with responsibilities for personnel administration, to review and update the Personnel Policy. In practice, the Personnel Committee has met only rarely, and had not met at all for several years preceding the beginning of the Town Manager's tenure. The proposed Article to repeal the Bylaw is to help bring the Town Bylaws more into coordination with our Town Manager Act and eliminate internal inconsistencies between the two. The current bylaw is online at: www.wnewbury.org/bylaws-policy-procedures.*

Funding source: N/A

Sunset Date: N/A

ARTICLE 19. To see if the Town will vote to accept the provisions of Mass. Gen. Laws Ch. 59 Sec. 21A, authorizing the Town to pay additional compensation to the Assessor in an amount equal to ten percent of their regular compensation, but in no event greater than \$1,000.00 annually, upon attainment of a certificate by the International Association of Assessing Officers as a certified assessment evaluator or a certificate by the Association of Massachusetts Assessors as a certified Massachusetts assessor, or take any other action relative thereto. By request of the Select Board.

FinCom Recommendation: Approve: 4-0-0

Select Board Recommendation: Approve: 3-0-0

Rationale for Approval: *Articles 19 would formalize what has been past practice during the Town Manager's tenure. Assessing personnel hired in recent years are already paid this stipend, as part of their compensation set out in the initial employment offer letters. Adoption of this General Law, as proposed by this article, would establish these stipends as a part of Town policy, and would formally recognize the benefits of certification to the Town and would encourage the further education of future staff if they have not already attained certification. The law provides for a maximum stipend of \$1,000 per year for full-time Assessors and \$500 per year for part-time Assessors. The Finance Committee believes the formalization of this practice will keep West Newbury competitive in hiring and retaining top candidates.*

Funding source: N/A

Sunset Date: N/A

ARTICLE 20. To see if the Town will vote to accept the provisions of Mass. Gen. Laws Ch. 41 Sec. 19K, authorizing the Town to pay additional compensation to the Town Clerk in an amount

equal to ten percent of their regular compensation, but in no event greater than \$1,000.00 annually, upon completion of the necessary courses of study and training, and attainment of a certificate by the Massachusetts Town Clerks' Association as a certified Massachusetts municipal clerk, or take any other action relative thereto. *By request of the Select Board.*

FinCom Recommendation: Approve: 4-0-0

Select Board Recommendation: Approve: 3-0-0

Rationale for Approval: *Articles 20 would formalize what has been past practice during the Town Manager's tenure. The Treasurer/Collectors is paid this stipend as part of their compensation set out in the initial employment offer letter. Adoption of this General Law, as proposed by this article, would establish these stipends as a part of Town policy, and would formally recognize the benefits of certification to the Town and encourage the further education of future staff if they have not already attained certification. The law provides for a maximum stipend of \$1,000 per year. The Finance Committee believes the formalization of this practice will keep West Newbury competitive in hiring and retaining top candidates.*

Funding source: N/A

Sunset Date: N/A

ARTICLE 21. To see if the Town will vote to accept the provisions of Mass. Gen. Laws Ch. 41 Sec. 108P, authorizing the Town to pay additional compensation to the Town Treasurer/Collector in an amount equal to ten percent of their regular compensation, but in no event greater than \$1,000.00 annually, upon completion of the necessary courses of study and training, and attainment of a certificate by the Massachusetts Collectors and Treasurers Association as a certified Massachusetts municipal collector or a certified Massachusetts municipal treasurer, or take any other action relative thereto. *By request of the Select Board.*

FinCom Recommendation: Approve: 4-0-0

Select Board Recommendation: Approve: 3-0-0

Rationale for Approval: *Articles 21 would formalize what has been past practice during the Town Manager's tenure. Currently the Town Clerk and Assistant Town Clerk are eligible for this stipend as part of their compensation set out in the initial employment offer letters. Adoption of this General Law, as proposed by this article, would establish these stipends as a part of Town policy, and would formally recognize the benefits of certification to the Town and encourage the further education of future staff if they have not already attained certification. The law provides for a maximum stipend of \$1,000 per year. The Finance Committee believes the formalization of this practice will keep West Newbury competitive in hiring and retaining top candidates.*

Funding source: N/A

Sunset Date: N/A

ARTICLE 22. To see if the Town will vote to amend Section XL of the Town Bylaws by adding Section 5.7.1 (Council on Aging Revolving Fund) in order to establish a revolving fund for revenues and expenses associated with Council on Aging programs, and further to authorize the Town Clerk's office to make any non-substantive, ministerial changes to numbering and formatting to ensure consistency with the remainder of the By-law, as follows:

5.7.1 Council on Aging Program Revolving Fund.

5.7.2 Department. There shall be a separate fund called the Council on Aging Program Revolving Fund.

5.7.3 Revenues. The town accountant shall establish the Council on Aging Program Revolving Fund as a separate account and credit to the fund all the monies received in connection with fees charged for programs, events, trips and transportation.

5.7.4 Purposes and Expenditures. During each fiscal year, the Town may incur liabilities against and spend monies from the Council on Aging Program Revolving Fund for the payment of expenses for programs, events, trips, transportation and related expenses.

5.7.5 Fiscal Years. The Council on Aging Program Revolving Fund shall operate for fiscal years that begin on or after July 1, 2023 and shall continue until such time as Town Meeting votes to eliminate the fund.

or take any action relative thereto.

By request of the Council on Aging.

FinCom Recommendation: Approve: 4-0-0

Select Board Recommendation: Approve: 3-0-0

Rationale for Approval: *The Finance Committee unanimously supports this article to establish a revolving fund for Council of Aging (CoA) to benefit the Town and members using CoA programs. This revolving fund will help facilitate more CoA program offerings by establishing a central fund to collect monies from attendees and pay direct expenses for programs requiring participant costs (such as trips to museums or events). A Revolving Fund is the appropriate mechanism to pay such costs directly from funds received by participants. The establishment of a Revolving Fund does not result in any costs to the Town.*

Funding source: N/A

Sunset Date: N/A

ARTICLE 22. To see if the Town, in accordance with Massachusetts General Laws Chapter 44, Section 53E½, and Section XL of the By-laws of the Town of West Newbury, will fix the maximum amount that may be spent during the fiscal year beginning on July 1, 2023 for the following 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 5.7 Council on Aging Revolving Fund \$ 30,000.00

or take any action relative thereto.

By request of the Council on Aging.

FinCom Recommendation: Approve: 4-0-0

Select Board Recommendation: Approve: 3-0-0

Rationale for Approval: *The Finance Committee unanimously supports this article to authorize use of a revolving fund for Council of Aging (CoA) with expenditure limit set at \$30,000.*

Funding source: N/A

Sunset Date: N/A

ARTICLE 24. To see if the Town will vote to establish a special purpose stabilization fund pursuant to Mass. Gen. Laws Ch. 40, Sec. 5B, to be known as the Opioid Settlement Stabilization Fund, for the purpose of supplementing and strengthen resources for prevention, harm reduction, treatment, and recovery, in accordance with the purposes and subject to the requirements in the Massachusetts Abatement Terms; and, vote to accept the fourth paragraph of Mass. Gen. Laws Ch. 40, Sec. 5B, which allows the dedication, without further appropriation, of all receipts from settlements on behalf of the Town with persons and entities involved in the sale, distribution and manufacture of opioid products. *By request of the Select Board.*

FinCom Recommendation: Approve: 5-0-0

Select Board Recommendation: Approve: 3-0-0

Rationale for Approval: *The Select Board has agreed to settlement agreements with opioid industry participants, based on statewide settlement agreements brokered by the Massachusetts Attorney General. The settlement agreements provide for the periodic payment of monies to the Town, and such monies will continue to be received by the Town in future years. The terms of the settlement agreements include the allowable uses of such funds, such as (but not limited to) opioid use disorder treatment, support for people in treatment and recovery, connections to opioid care, harm reduction, prevention of misuse, and implementation of opioid prevention education.*

All money received or collected from any source by a city, town or district belongs to its general fund and can only be spent after appropriation unless it takes certain specific actions. Creation of this special stabilization fund and “acceptance of the fourth paragraph” (as specified in the warrant article) will allow future receipts to be deposited directly into the fund to be used for their intended purposes without further appropriation. As the signatories to the settlement agreements, the Select Board will oversee use of the funds.

Funding source: N/A

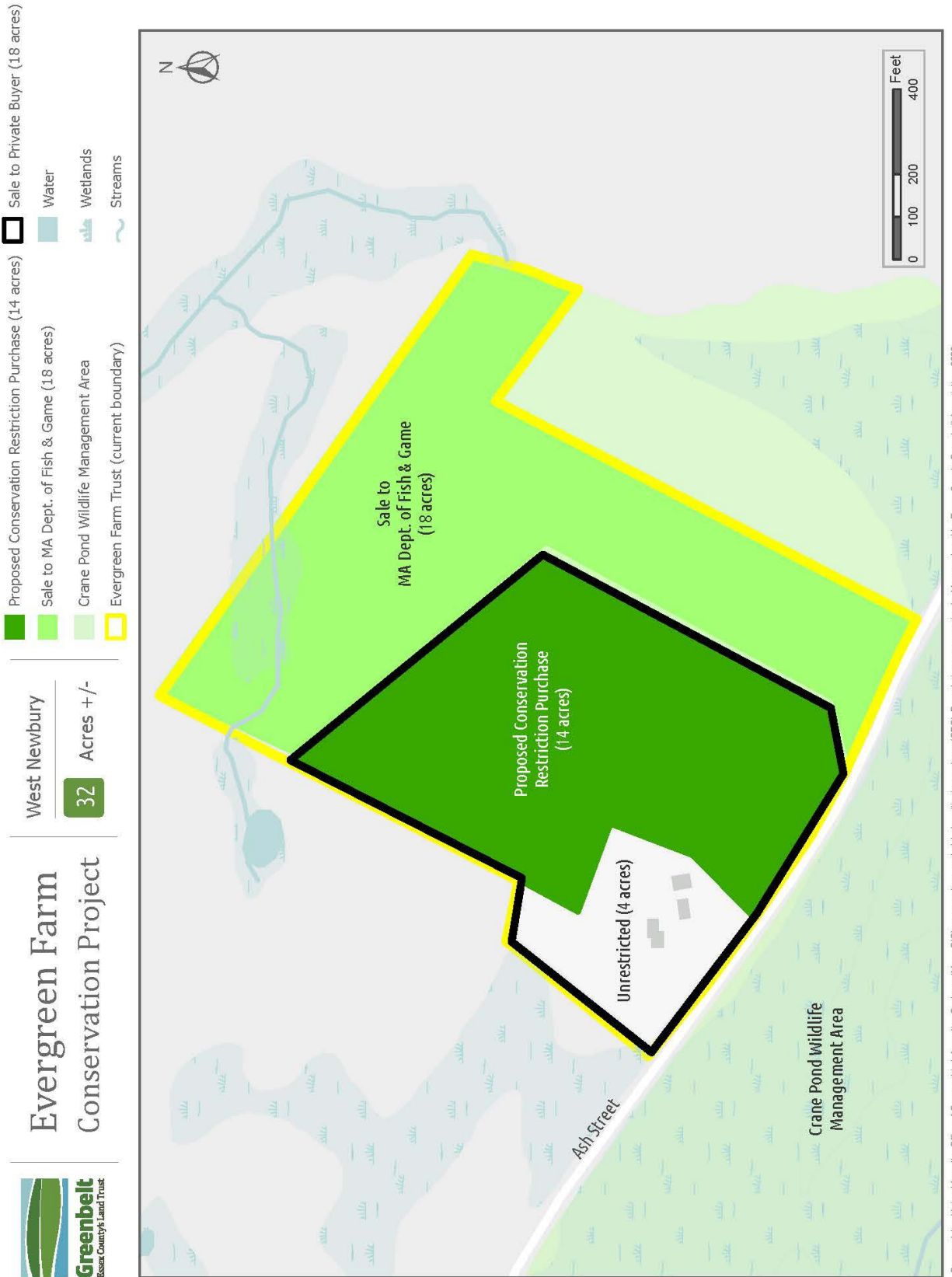
Sunset Date: N/A

APPENDIX A
Article #3 & 4
PROPOSED AMENDMENTS TO FY24 OMNIBUS BUDGET

Article 3					
Budget Section	Budget Line	Approved Budget	Proposed Increase (Decrease)	Proposed Amended Budget	Purpose
3 Town Manager	Technology Expenses	\$70,032	+ \$6,423	\$76,455	Select Board laptop replacements (3)
9 Board of Registrars	Salary & Wages	\$6,800	+ \$1,600	\$8,400	Extra election (Whittier Tech school building project)
	Expenses	\$8,250	+ \$1,920	\$10,170	
25 – Board of Health	Steele Landfill Monitoring	\$36,315	+ \$600	\$36,915	Vendor price increase for monthly monitoring
Combined Net Effect of Proposed FY24 Budget Amendments:			+ \$10,543		

Article 4					
Budget Section	Budget Line	Approved Budget	Proposed Increase (Decrease)	Proposed Amended Budget	Purpose
21 Pentucket Regional School District	School Assessment	\$7,871,758	– \$9,616	\$7,862,142	Error in initial PRSD Assessment
	Capital Assessment	\$1,123,070	+ \$31,301	\$1,154,371	
22 – Essex North Shore Ag & Tech School	Tuition	\$46,327	+ \$47,783	\$94,110	Enrollment increase (from 2, budgeted, to 4, actual)
Combined Net Effect of Proposed FY24 Budget Amendments:			+ \$69,4681		

APPENDIX B – 2023 Annual Town Meeting
STM Article #14
ACQUISITION OF CONSERVATION RESTRICTION, OFF ASH STREET



APPENDIX C – 2023 Special Town Meeting
Article 15
ZONING BYLAW, SEC. 7

ARTICLE 15. To see if the Town will vote to amend the West Newbury Zoning By-law by deleting in its entirety existing Section 7 (including 7.1.-7.4 Conditions for Use) in its entirety and replacing it with a new Section 7 (including 7.1-7.9), (Nonconforming Uses and Structures), as on file and available for inspection with the Town Clerk; 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 Zoning By-law, or take any action relative thereto.

Editing Notes:

- Text with no underline, strike through, or italics: Language is not proposed for amendment.
- ~~Text with Strikethrough~~: Language that is proposed for deletion.
- Double-Underlined Text: Proposed new or updated language.

EXISTING:

~~Section 7 NON-CONFORMING USES AND STRUCTURES.~~

~~7.1. Any lawful building or use of a premise existing at the time of the passage of this by-law, or any building or use commenced, within six months of the date of issuance of a building or special permit issued by the Planning Board or Board of Appeals in accordance with the provisions of this by-law before the first publication of notice of the public hearing on conformity with the provisions of this by-law or an amendment thereto, may be continued, rebuilt if damaged or destroyed, and, if authorized by the Board of Appeals, may be enlarged or changed to a specific use, provided, however, that the Board of Appeals shall not grant such approval unless it shall find that such expansion or change shall not be substantially more detrimental to the neighborhood than the existing non-conforming use or structures. Existing structures that do not meet the setbacks may be expanded or extended along the existing non-conforming building set back line without Board of Appeals approval if said expansion or extension does not encroach upon another setback or create another dimensional non-conformity.~~

~~7.2. If a non-conforming use is discontinued or is abandoned for a period of more than two (2) years, it shall not be re-established, and any future use shall be in conformance with this by-law.~~

~~7.3. Increased requirements respecting lot area, frontage, width, yard depth and similar dimensions provided in this by-law or amendments thereto shall be subject to the exemptions provided in Section 6, Chapter 40A, G.L., and shall not apply to a lot for single or two-family use which, at the time of recording or endorsement, whichever occurs sooner, was not held in common ownership with adjoining land, conformed to the then existing requirements, and had less than the increased requirement but at least five thousand (5,000) square feet of area and fifty (50) feet of frontage.~~

~~7.4. Any construction or use for which a building permit was lawfully issued prior to the first publication of notice of the public hearing respecting this by-law or any amendment thereto shall be permitted, notwithstanding non-compliance with the requirements of this by-law or~~

~~amendments thereto provided such use or construction was commenced within six (6) months after the issuance of the permit and in cases involving construction completion as continuously and expeditiously as is reasonable.~~

PROPOSED

Section 7. Nonconforming Uses and Structures

7.1 Nonconforming single- and two-family residential structures

7.1.1. Nonconforming single- and two-family residential structures may be reconstructed, extended, altered, or structurally changed upon a determination by the Building Inspector that such proposed reconstruction, extension, alteration, or change does not increase the nonconforming nature of said structure. Any one or more of the following circumstances shall not be deemed to increase the nonconforming nature of said structure:

- a. Alteration, reconstruction, extension or change to a structure located on a lot with insufficient lot area, which structure as altered, reconstructed, extended or changed will comply with all current setback, lot coverage, and building height requirements.
- b. Alteration, reconstruction, extension or change to a structure located on a lot with insufficient frontage, which structure as altered, reconstructed, extended or changed will comply with all current setback, lot coverage, and building height requirements.
- c. Alteration, reconstruction, extension or change to a structure which encroaches upon one or more required yard or setback areas, where the alteration, reconstruction, extension or change will comply with all current setback, lot coverage and building height requirements.
- d. Alteration, reconstruction, extension or change to an existing structure that does not meet the required setbacks for purposes of extending along the existing nonconforming building setback line if said expansion or extension does not encroach upon another setback or create any new dimensional nonconformity.

7.1.2. In the event that the Building Inspector determines that the nonconforming nature of any single- or two-family structure would be increased by the proposed reconstruction, extension, alteration, or change, the Board of Appeals may grant a Finding to allow such reconstruction, extension, alteration, or change where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

7.2 Nonconforming structures other than single- and two-family residential structures

7.2.1. The Board of Appeals may grant a Finding to reconstruct, extend, alter, or change a nonconforming structure in accordance with this section only if it determines that such reconstruction, extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

7.3 Variance required

7.3.1. Except as provided in 7.1.1 above, the reconstruction, extension or structural change of a nonconforming structure in such a manner as to increase an existing nonconformity, or create a new nonconformity, shall require the issuance of a variance from the Board of Appeals.

7.4 Nonconforming uses

7.4.1. The Board of Appeals may grant a Finding to change or extend a nonconforming use, including to another nonconforming use, in accordance with this article only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood.

7.5 Abandonment or non-use

7.5.1. A nonconforming use or structure which has been abandoned, or not used for a period of two years, shall lose its protected status and be subject to all of the provisions of this bylaw.

7.6 Reconstruction after catastrophe or demolition

7.6.1. A nonconforming structure may be reconstructed after a catastrophe or after demolition in accordance with the following provisions:

- a. Reconstruction of said premises shall commence within two years after such catastrophe or demolition.
- b. Building(s) as reconstructed shall be located on the same footprint as the original nonconforming structure, shall be only as great in floor area as the original nonconforming structure.
- c. In the event that the proposed reconstruction would 1) cause the structure to exceed the floor area of the original nonconforming structure; 2) exceed applicable requirements for yards, setback, and/or height; or 3) cause the structure to be located other than on the original footprint, the provisions of Section 7 shall apply.

7.7 Reversion to nonconformity

7.7.1. No nonconforming use or structure shall, if changed to a conforming use or structure, revert to a nonconforming use- or structure.

7.8 Lawfully existing uses and structures

7.8.1. This bylaw shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing on such bylaw, or amendments thereto, as required by MGL c. 40A, § 5. Such prior, lawfully existing nonconforming uses and structures may continue, provided that no modification of the use or structure is accomplished, unless authorized hereunder.

7.9 Commencement of Use or Construction

Construction or operations under a building or special permit shall conform to any subsequent amendment of the ordinance or by-law unless the use or construction is commenced within a period of not more than 12 months after the issuance of the permit and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

APPENDIX D – 2023 Special Town Meeting
Article 17
ZONING BYLAW, SEC. 2 and PROPOSED NEW SEC. 4.2.4

ARTICLE 17. To see if the Town will vote to amend the West Newbury Zoning By-law by revising Section 2 (Definitions), and by adding a new Section 4.2.4 (Accessory Dwelling Units (ADU) Bylaw), as on file and available for inspection with the Town Clerk; and further to authorize the Town Clerk’s office to make any non-substantive, ministerial changes to numbering and formatting to ensure consistency with the remainder of the By-law, or take any other action relative thereto.

Editing Notes:

- Text with no underline, strike through, or italics: Language is not proposed for amendment.
- ~~Text with Strikethrough~~: Language that is proposed for deletion.
- Double-Underlined Text: Proposed new or updated language.

Section 2. Definitions

ACCESSORY DWELLING UNIT – A subordinate Dwelling Unit within, attached to, or detached from, an existing Single-Family Dwelling and as further defined in Section 4.2.4.

SINGLE-FAMILY DWELLING – A building designed or used exclusively as a residence and including only one principal Dwelling Unit.

Section 4.2.4. Accessory Dwelling Unit subject to and incompliance with the following:

- a. Purpose: This section authorizing the provision of Accessory Dwelling Units is intended to:
 - Increase the number of small Dwelling Units available in the Town;
 - Increase the diversity of housing that may serve the needs of the current and future population of the Town including, but not limited to, young adults and senior citizens;
 - Provide homeowners with a means of obtaining rental income; and
 - Encourage a more economic and efficient use of the Town's housing supply while respecting the residential character of West Newbury’s neighborhoods.
- b. Use and Dimensional Regulations
 - i. The Building Inspector may issue a Building Permit authorizing the installation and use of an Accessory Dwelling Unit within an existing or new owner-occupied, Single-Family Dwelling, or in an existing or new structure accessory to an owner-occupied Single-Family Dwelling, whether attached or

detached, provided that it satisfies the requirements of this Section 4.2.4. and Section 5 Dimensional Requirements.

- (1) The Accessory Dwelling Unit will be a complete, separate Dwelling Unit that maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress.
 - (2) The Floor Area of an Accessory Dwelling Unit shall be no greater than ½ the floor area of the principal dwelling or nine hundred (900) square feet, whichever is smaller.
 - (3) There shall be no more than one Accessory Dwelling Unit on a Lot.
 - (4) The owners(s) of the Single-Family Dwelling must continue to occupy at least one of the Dwelling Units as their primary residence, except for temporary absences per 4.2.4.b.iii.
 - (5) Any new separate outside entrance serving an Accessory Dwelling Unit shall be clearly secondary to the entrance of the principal Single-Family Dwelling.
 - (6) No new curb cuts shall be allowed for an Accessory Dwelling Unit.
 - (7) Adequate off-street parking shall be provided for the Accessory Dwelling Unit
 - (8) The Accessory Dwelling Unit is intended to be an accessory use and the Accessory Dwelling Unit, the principal Single-Family Dwelling and the Lot shall be held by the same owner.
- ii. Prior to issuance of a Building Permit, the owner must submit an affidavit to the Building Inspector stating that they will occupy one of the dwelling units on the Lot as their primary residence.
- iii. An absence of six months each year will not constitute a violation of this bylaw.
- iv. When a Lot with an Accessory Dwelling Unit is sold, the new owner, if they wish to continue use of the Accessory Dwelling Unit, must within sixty (60) days of the sale, submit an affidavit to the Building Inspector stating that they will occupy one of the dwelling units on the Lot as their primary residence.
- c. Special Permit
Accessory Dwelling Units exceeding floor area or curb cut limitations may be allowed by Special Permit from the Planning Board per section 11.2. of the West Newbury Zoning Bylaws.

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 Select Board whenever so requested.
- One member of the Finance Committee shall be a member of the advisory Capital Improvements Committee.
- Authorize transfers from the Reserve Fund.
- Authorize year-end budget line item transfers.

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. West Newbury uses this account to save for capital expenditures.

TOWN MEETING: IMPACTS ON TOWN ACCOUNTS

Balances Report	7/1/2023	Estimated					Unreserved: Available for Appropriation					
		Town Stabilization	Pension Stabilization	School Stabilization	Town Free Cash	Water Stabilization	Water Retained Earnings (a/k/a "Free Cash")	CPA Comm Housing	CPA Historical	CPA Open Space	CPA Undesig	CPA Reserve
		2,311,393	347,471	611,565	2,386,317	411,753	520,386	60,904	363,114	73,529	2,878,068	
10/2023 STM	Art #											
Reduce FY24 Water operating budget	2											
Amend FY24 Town operating budget	3											
Amend FY24 Schools budget	4											
Pension Liability Stab. Fund	5		67,514		(67,514)							
Water/well field study	6				(50,000)							
Assessing consultant for Reval year	7				(20,000)							
Public safety audio equipment	8				(10,000)							
Fire, purchase of gas meters	9				(7,400)							
Portable speed monitor trailer; signs	10				(12,000)							
Invasive species management	11				(50,000)							
Invasive species interns/stewards	12				(3,500)							
Unpaid FY23 bills	13				(2,430)							
Purchase Conservation Restriction on property on Ash Street	14									(73,529)	(101,471)	
Balances after STM		2,311,393	414,985	611,565	2,163,473	411,753	520,386	60,904	363,114	0	2,776,597	0

Source: Angus Jennings, Town Manager, 10/6/23