



Town of West Newbury
Select Board
Monday, March 11, 2024 @ 5:30pm
381 Main Street, Town Office Building
www.wnewbury.org

REC'D W. NEWBURY CLERK
'24 MAR 7 PM 4:55

AGENDA

Executive Session: 5:30pm in 1910 Building, 381 Main Street: Town Manager's office

- ❖ MGL Ch. 30A §21(a) 6: To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body (*review of draft Evergreen Farm Conservation Restriction; Sawmill Brook Conservation Restriction*);
- ❖ MGL Ch. 30A §21(a) 3: To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares (*PFAS litigation update; Police Union contract; Dispatch Union contract*);
- ❖ MGL Ch. 30A §21(a) 7: To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements (*legal costs year-to-date*).

The Board is likely to reconvene in Executive Session, after the conclusion of the Open Session, if needed.

Open Session: 6:00 p.m. by in-person attendance or remote participation (instructions below)

Announcements

- Nomination papers available for local office- contact the Town Clerk's Office! townclerk@wnewbury.org or call or visit. Final day to obtain nomination papers: March 14, 2024
- Community Science Event: High Tide tour of River Road area, Monday, March 11th at 1:30pm
- Matinee performance of Les Misérables, Wedn., March 13th at 3pm, Pentucket Middle/High School. FREE for residents aged 60+, sponsored by Pentucket Arts Foundation. Show open to General Audiences on March 14-16.
- SAGE Center events: see Town website for dates and details!
- RSV Clinic- March 12, 2024 10am-12pm in the Annex

Regular Business

- A. Public Comment. Limited to 2 minutes per resident on any topic. Please note that the Board will not discuss or take action at this meeting.
- B. Consent agenda
- C. Town Manager Updates
 - b. Newburyport Council Public Works & Safety Committee, mtg re Middle Street Bridge, Mon., March 18th
 - c. Recent intermunicipal meeting in Newburyport regarding Whittier Tech Regional Agreement
 - d. Update on proposed extension of/updates to Harbormaster Intermunicipal Agreement with Salisbury
 - e. FY25 budget updates and review of upcoming meeting schedule
 - f. Land Management & Planning Group meeting on Feb. 28th
 - g. Updates on other ongoing/active projects/initiatives
- D. Department Updates/Discussion
 - a. Police Chief & Town Manager attendance at Essex County Police Chiefs' legislative breakfast, March 6th
 - b. Update on work toward Sawmill Brook Land Management Plan (required by June 30, 2024)
- E. Board/Commission/Committee Updates/Discussion (and Select Board liaison updates):
 - a. Board of Water Commissioners' water rate public hearing, March 21st at 6pm, Annex
 - b. River Road Resiliency Plan: receipt of draft consultant reports; project timeline and next steps
 - c. Proposed Right to Farm bylaw/Agricultural Steering Committee – update from March 8, 2024 meeting
- F. Action Items
 - a. Review of new proposed/potential warrant articles for Spring Annual and Special Town Meeting
 - b. Vote to re-open Annual and Special Town Meeting Warrants; add new warrant article(s)
 - c. Vote to withdraw/remove proposed warrant article(s)
 - d. Vote to close Annual and Special Town Meeting Warrants
 - e. Review/update of capital articles for review by Capital Improvements Committee
 - f. Cont'd review of draft framework for potential budgeted step increases for FY25
 - g. Request from MA Division of Fisheries & Wildlife for support letter re land acquisition on Ash Street
 - h. Review of updated draft Ash Street Traffic Management Plan, reflecting NHESP response letter
 - i. Authorize submittal of FY25 Congressionally Directed Spending funding request (Middle Street Bridge)
 - j. Request for approval Special Event Permit: Solar Eclipse Viewing Celebration at Pipestave, April 8th
 - k. Select Board meeting minutes: Feb. 12, 2024; Feb. 15, 2024; Feb. 20, 2024; Feb. 26, 2024
- G. General Discussion Items
 - a. Proposed draft amendments to Hunting Bylaw, to discontinue hunting on Town property 7:15 p.m.
 - b. Proposed draft amendments to Animal Bylaw, to require dog leashing on Town property 7:30 p.m.
 - c. Letter from Comcast re Commencement of Franchise Renewal Process
- H. Correspondence, including:
 - a. Council on Aging Director letter to Parks & Rec Commission re Pickleball
 - b. Letter from ERRS regarding public hearing on retiree COLA, April 29th at 8:30am
 - c. Support letter sent to General Court re *S.2571 An Act empowering municipalities and local governments*
 - d. ChargePoint monthly report (re utilization of Electric Vehicle charging stations), January 2024
- I. Future Agenda Items / Meeting follow-up assignments

This meeting is being broadcast on local cable TV and recorded for rebroadcast on the local cable channels and on the internet. Meeting also accessible by remote participation as follows:

Zoom Meeting

Phone: (646) 558-8656

Meeting ID: 826 2622 4617

Passcode: 834140

Join at: <https://us06web.zoom.us/j/82626224617?pwd=TbaCiUDBwVBJeQcJm6QMoRomEH0Yi3.1>

Posted Agenda on 3/7/2024 at the Town Offices and the Town's Official Website www.wnewbury.org



West Newbury

Town Clerk's Office – 381 Main St.
 Phone: 978-363-1100 ext. 110
 townclerk@wnewbury.org

BOARD OF REGISTRARS PUBLIC NOTICE

Town of West Newbury 2024 Town Election Schedule

Event	Day	Date	Clerk's Office Extended Hours
First Day to obtain Nomination Papers	Thursday	January 11, 2024	Normal Business Hours 8am - 4:30pm
Last Day to obtain Nomination Papers	Thursday	March 14, 2024	open until 5pm
Last Day to file Nomination Paper in Office	Monday	March 18, 2024	open until 5pm
Last day to Withdraw Nomination Papers	Wednesday	April 3, 2024	open until 5pm
Last day to Register to Vote for Town Meeting & Town Election	Friday	April 19, 2024	open until 5pm
Annual Town Meeting Monday, April 29, 2024	Monday	April 29, 2024	starts at 7pm
Last Day to request a Vote-By-Mail Ballot	Tuesday	April 30, 2024	open until 5pm
Town Election Monday, May 6, 2024	Monday	May 6, 2024	7am - 8pm

Community Science Opportunity: March High Tides!

Help West Newbury plan for a more resilient future by gathering important flood impact data. Predicted high tides provide an opportunity to observe impacts that flooding might have in your community.

Join the Gulf of Maine Research Institute and members of West Newbury's Climate Change Resiliency Committee for a Riverside Meet-Up to discuss flood concerns and learn how to contribute flood data to the MyCoast Community Science Project.

Where: Meet at Ferry Park, we will end at Indian River

When: March 11th, 1:30 - 2:30

You can also contribute data directly to MyCoast. Between **March 9-15th** there are predicted high tides that may result in flooding.

Visit <https://mycoast.org/ma> or scan the QR code to contribute.



When is the high tide?

Check out this table for a list of March high tides in West Newbury!

March High Tides, West Newbury

Date	3/9	3/10	3/11	3/12	3/13	3/14	3/15
Time	11:21 am	1:17pm	2:07pm	2:57pm	3:20am	4:09am	4:59am
Height (ft)	8.6	8.7	8.6	8.4	8.6	8.6	8.5



The data that you collect and share can help West Newbury plan for a future that is more resilient to the impacts of flooding! **As always, stay safe; don't put yourself in harm's way to get a compelling photo!**

To learn more about this project and get the location of flood monitoring sites in West Newbury, visit www.wnewbury.org/2023MVPGrant



Angus Jennings

From: Selectboard
Sent: Wednesday, March 6, 2024 6:41 PM
To: Angus Jennings
Subject: FW: Free Matinee!

From: JENNIFER SOLIS
Sent: Wednesday, March 6, 2024 6:38 PM
Subject: Free Matinee!

We would appreciate any help you might give us in getting the word out to your constituents about this fun and free event next week! No registration is needed --just come on down and enjoy. It is our way of saying thanks to our district's older residents for all they have done and continue to do for our community. Sorry for the short notice! Jen

"The Pentucket Arts Foundation invites older adults (60+) to attend a free theatrical matinee of the acclaimed musical, Les Misérables, on Wednesday, March 13. Performed by the Pentucket High School Theatre Department under the leadership of Director, Brooke Snow, the show is scheduled to take place at the Pentucket Middle High School, 22 Main St. West Newbury. The curtain goes up at 3 p.m. Light refreshments will be served.

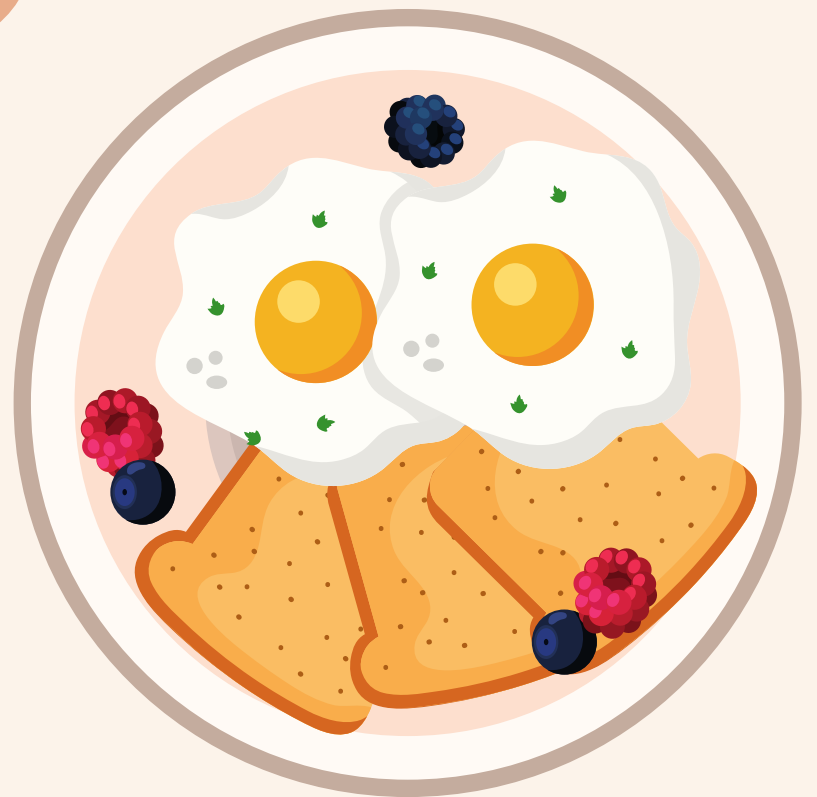
Set in post-revolutionary France, Les Misérables – or Les Miz as it is colloquially known– is a tale about struggle and resilience fueled by passion. The original Broadway production earned 12 Tony Award nominations, winning eight, including Best Musical and Best Original Score for such beloved classics as “One Day More,” “I Dreamed a Dream,” “Master of the House,” and “Do You Hear the People Sing?”

Jennifer Leonard-Solis
Co-Chair
Pentucket Arts Foundation
PO Box 254
West Newbury, MA 01985
www.pentucketarts.org

BREAKFAST BUFFET

THURSDAY, MARCH 21

AT 10:00 AM



Our Sunray Cafe events are in-person homemade meals - cooked here at the SAGE Center by Jen. To register, please call 978-363-1104 or email Jen at mow@wnewbury.org.

Location: SAGE Center, 381 Main Street, West Newbury

Suggested donation \$5

SAGE Center | West Newbury Council on Aging | 381 Main Street, West Newbury
phone: 978-363-1104 | coa@wnewbury.org



SAGE CENTER

social | activities | growth | education



SAGE CENTER
social | activities | growth | education

GREETING CARD WORKSHOP

Make handmade greeting cards with us!

THURSDAY, MARCH 14 FROM 1-2 PM

Join us to make some handmade Spring cards. All supplies will be provided. Please call the SAGE Center at 978-363-1104 or email coa@wnewbury.org to register. Location: 381 Main Street, West Newbury | FREE





SAGE CENTER

social | activities | growth | education

ACTIVITIES WITH PENTUCKET STUDENT VOLUNTEERS

TUESDAYS, MARCH 12 & 26 FROM 12:30-1:30 PM

Please join our intergenerational program with a group of Pentucket student volunteers. This is a fun hour of games, puzzles, coloring or crafts.

Drop-In Group | Free

JOIN NOW

TECH HELP TUESDAYS

**TUESDAY,
MARCH 19
FROM 1-3 PM**



with Corinn Flaherty, Director
of the G.A.R. Memorial Library



Why pay for audiobooks, magazines and eBooks when you can get them for free! Need help with common computer, mobile device, or e-reader functions? Bring your devices and your questions! Assistance will be on a first come, first served basis. Please bring any relevant user names, passwords and/or devices.



**Location: SAGE Center,
381 Main Street, West Newbury
Drop-In | FREE**

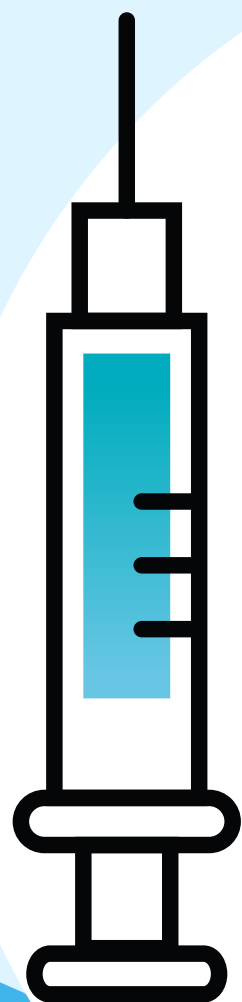


SAGE CENTER
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SAGE CENTER

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Vaccine Clinic

COVID (Moderna & Pfizer)
& RSV Vaccines

Tuesday, March 12
10 am - 12 pm
in Annex



The West Newbury Health Department has partnered with Letourneau's Compounding Pharmacy to offer a Vaccine Clinic in the Annex, 379 Main Street, West Newbury

Advanced Registration is required by calling the pharmacy at 978-475-7779 or register online at www.lcpcares.com/register - please have your insurance details ready

Questions, please contact the Health Department at 978-363-1100 ext. 118 or ext. 119 or call the SAGE Center / Senior Center at 978-363-1104

Angus Jennings

From: Angus Jennings
Sent: Friday, March 1, 2024 8:33 AM
To: Andrew Levine
Cc: Ed Cameron; Ed Cameron [Council]; Richard Jones; Selectboard
Subject: Re: Middle Street/Plummer Spring Bridge, proposed next steps

Sounds good. No worries at all.

The delay could end up being beneficial, as there have been a couple of progress updates including the City's grant application to MDOT submitted earlier this week and our application through the Congressional Community Project Funding process. Our Finance Committee and Capital Improvements Committee have also discussed the project in recent meetings.

We continue working with Town Counsel on an updated draft IMA and expect to have something to circulate by or on March 12th. This should help frame the issues in a clear way.

Thanks,
Angus

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

On Mar 1, 2024, at 8:28 AM, Andrew Levine <ALevine@cityofnewburyport.com> wrote:

Hello Angus,

My apologies for not communicating directly with you on the meeting cancellation. Unfortunately the Committee could not confirm a quorum at the time. Right now, the Committee has a meeting scheduled for March 18th at 6:30pm. Please hold that time and we will let you know if the Committee Chair scheduled another meeting earlier.

Thank you,

Andrew

Andrew Levine
Chief of Staff
City of Newburyport

60 Pleasant St.
PO Box 550
Newburyport, MA 01950
Office: 978-465-4411
Cell: 978-572-6590
Sign up for e-alerts and general City information on CityofNewburyport.com
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From: Angus Jennings <townmanager@wnewbury.org>
Sent: Friday, March 1, 2024 7:54 AM
To: Andrew Levine <ALevine@CityofNewburyport.com>; Ed Cameron ; Ed
Cameron [Council] <ECameron@CityofNewburyport.com>; Richard Jones
<RJones@CityofNewburyport.com>
Cc: Selectboard <selectboard@wnewbury.org>
Subject: Re: Middle Street/Plummer Spring Bridge, proposed next steps

Hi,

I noticed on the City's online calendar that the March 4th meeting is canceled. Has an alternate date been set?

Thanks,
Angus

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

Sent from my mobile device

On Feb 22, 2024, at 12:54 PM, Andrew Levine <ALevine@cityofnewburyport.com> wrote:

Thanks, Angus. The matter was referred to the Public Works and Safety Committee and should be discussed at their next meeting, which is currently scheduled for March 4th at 6:30pm.

Thanks,

Andrew

Andrew Levine
Chief of Staff
City of Newburyport
60 Pleasant St.
PO Box 550
Newburyport, MA 01950
Office: 978-465-4411
Cell: 978-572-6590
Sign up for e-alerts and general City information on CityofNewburyport.com
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From: Angus Jennings <townmanager@wnewbury.org>
Sent: Thursday, February 22, 2024 10:46 AM
To: Ed Cameron
Cc: Ed Cameron [Council] <ECameron@CityofNewburyport.com>; Richard Jones <RJones@CityofNewburyport.com>; Andrew Levine <ALevine@CityofNewburyport.com>
Subject: Re: Middle Street/Plummer Spring Bridge, proposed next steps

Hi,

Please keep me posted once a date is set for a Council sub-committee to take up our recent correspondence re the bridge. We continue to actively pursue any/all opportunities for add'l non-local funding (grants).

Thanks,
Angus

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

On Feb 7, 2024, at 9:22 AM, Ed Cameron <
wrote:

Hi Angus, yes, this will be referred to committee at our next meeting Monday. Your last communication was just a little too late for our last full meeting.

We'll be in touch.

Thanks for the reminder.

Ed

On Tue, Feb 6, 2024 at 2:23 PM Angus Jennings
<townmanager@wnewbury.org> wrote:

Hi,

Could you advise as to whether our correspondence will be referred to a Council Committee as a communication? This would seem to be a great avenue to advance communications on this matter.

I did run into the Mayor briefly earlier today and am aware he's got a staff meeting scheduled in the near term to discuss this, but we (West Newbury) would also like to involve the Council in the communications in the interest of sharing information.

We do have (informed) optimism that a significant amount of add'l non-local (grant) funds could be secured with the City's engagement, and will continue those conversations with the Mayor's office and DPS.

Thanks very much,

Angus

Angus Jennings, Town Manager

Town of West Newbury

Town Office Building

381 Main Street

West Newbury, MA 01985

(978) 363-1100 x111

townmanager@wnewbury.org



Town of West Newbury

381 Main Street

West Newbury, Massachusetts 01985

Angus Jennings, Town Manager

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

townmanager@wnewbury.org

January 28, 2024

City Council

ATTN: Edward C. Cameron Jr., City Council President

City of Newburyport

RE: Proposed Intermunicipal Agreement, Middle Street/Plummer Spring Bridge

To the Honorable City Council:

As you know, over these past six years, our communities have worked together toward solving our shared problem of the closure (in summer 2018) of the Middle Street / Plummer Spring Bridge, following its structural failure. Highlights of our collaboration to date include:

- 2018: Newburyport secured MDOT Small Bridge grant, providing \$500,000 of State funding. The City expended \$251,300 from the grant, which allowed engagement of the design engineer (BSC Group) and significant progress on survey/engineering/permitting. Roughly half of the grant funds (\$248,700) **remain available for project construction**.¹
- 2019: West Newbury secured MassWorks grant for \$1,000,000. The Town expended \$292,285 from the grant prior to the expiration of unspent funds on 6/30/23. During this time, the project successfully completed its design and permitting processes.
- 2020: Intermunicipal Agreement executed (2020), upon endorsement by Newburyport Mayor and Council,² and upon authorization of the West Newbury Select Board.³ IMA provided, generally, for 50/50 cost share for net (not grant-funded) project costs (based on the then-current cost estimates, which were appended to the IMA).
- 2021: West Newbury Town Meeting (in May) appropriated \$600,000 toward the project.

The IMA expired in September, 2021. Due in part to an updated (spring 2021) construction cost estimate that significantly exceeded the initial cost estimate, both communities understood that the increased costs would require new commitments of local, State and/or Federal funding.

Since that time, there have been a number of important milestones:

- The project has secured all required permits. Bid docs are prepared. **The project is “shovel ready,”** once the funding gap for construction costs can be filled.
- The Town (in fall 2023) secured an additional \$1.5M in State grant funds.⁴

¹ Of the \$500,000 MDOT grant, \$248,700 was made available only for construction. That funding remains available, and the original grant expiration date has been extended by MDOT upon Newburyport's prior extension requests. These construction funds will expire on 6/30/24 unless further extended by MDOT.

² By 11-0 vote of Newburyport City Council, August 31, 2020.

³ By 3-0 vote of West Newbury Select Board, June 8, 2020.

⁴ \$1,000,000 MassWorks grant awarded 9/21/23. \$500,000 MDOT Small Bridge grant awarded 11/7/23.

- The estimated project costs have also increased, with a detailed cost estimate prepared by the design engineer in May, 2023, and updated earlier this month to increase recommended contingency to reflect other recent publicly-bid bridge project costs.

The reflect these milestones, and to ensure that we lock in the existing \$1.8M in available, unspent State funding toward this project (in addition to the nearly \$550k in State grant funding already expended to get the project this far), **the time is right to resume work toward a new IMA**. In fact, for reasons outlined, an IMA will be necessary to bring this project to completion.

My office has worked with our Select Board and Town Counsel to prepare proposed amendments to the prior IMA that was previously in effect between the communities, intended to reflect the current circumstances, and to secure those intermunicipal agreements that will be legally required for the project (once fully funded) to move forward. Our draft is in a late stage of review, and will be sent for your and Mayor Reardon’s consideration in the near term.

The major ingredients of the Town’s proposal will include:

- That the Select Board and the City Council each formally authorize the work to take place within these public rights-of-way, in a form accepted by Bond Counsel;
- Clarification of each municipality’s role with regard to project procurement, contracting, contract management, inspections, grants management, and record-keeping;
- Commit each municipality to continued efforts to secure non-local grant funding, including agreement that the City seeks extension of its remaining 2018 MDOT Small Bridge funds, and that it applies for a new MDOT Small Bridge grant in 2024;⁵
- Apportion net (non-grant-funded) project costs 50/50 between the communities,⁶ with default provisions in the event of non-payment; and
- If necessary or advisable for either community’s financing of the project, a 2/3 majority vote of the legislative body of the borrowing community to authorize debt for its share of project costs (or, alternatively, for the Council to grant the Town rights to issue debt for the portion of the project located in Newburyport, in a form accepted by Bond Counsel).⁷

Our discussions with Bond Counsel (Locke Lord) and our Financial Advisor (Hilltop Securities) suggest options to borrow, if doing so proves necessary or beneficial: the Town and City could each issue debt for its share of the project costs; or, subject the City providing it rights to do so, and Select Board approval and Town Meeting authorization, the Town could issue debt for full project costs, with an IMA providing for City reimbursement of its share of debt service over the

⁵ In a January 2024 meeting with MDOT, regarding the Town’s Small Bridge grant, MDOT officials expressed willingness to consider a new Small Bridge grant application from the City. The max grant award is \$500,000, and MDOT has previously confirmed that the project is eligible for a separate Small Bridge grant **each fiscal year**.

⁶ Subject to appropriation by City Council (in Newburyport) and Town Meeting (in West Newbury). Basis for 50/50 split based generally on: 1) land survey documenting municipal boundary at bridge midpoint; 2) consistent with prior IMA; 3) to align each communities’ interest with regard to securing add’l non-local funding; 4) language in Mayor Reardon’s project narrative for the Plummer Spring Bridge Replacement that “Both communities will share the balance of the bridge cost” (Newburyport FY2024-2028 Capital Improvement Program, proposed by Mayor Sean R. Reardon, May 8, 2023, pg. 45); and 5) basic fairness.

⁷ Locke Lord has advised that such an approach would be permissible, if agreed by both communities.

term of the IMA (which may be up to 25 years), provided that the term of the IMA exceeds the term of the debt.

While purely hypothetical, we (with Hilltop Securities) have drawn up borrowing scenarios to illustrate estimated annual debt service if the current estimated funding gap (\$2.1M) were to be financed, as well as if the City successfully obtained a new \$500k MDOT Small Bridge grant to reduce the estimated funding gap to \$1.6M.

If financed over a 20-year term, annual debt service for \$2.1M is estimated to be about \$153,000 per year. Annual debt service for \$1.6M is estimated to be about \$118,000 per year. Keeping in mind that the current estimated funding gap reflects West Newbury's direct appropriation of \$600,000, with no direct appropriation (yet) by the City – which will need to be taken into account in determining an appropriate inter-municipal cost share – it appears that project financing could be apportioned in a manner that each of our communities could bear.

Next Steps

In the next week or two, we expect to send to the Council and Mayor a proposed IMA for your consideration. Although we have not discussed terms in detail, Mayor Reardon and I have met on multiple occasions specifically to discuss the bridge, and on those occasions (which, admittedly, were some time ago), the Mayor expressed clear willingness to work toward a new IMA (while understanding clearly that its execution would require Council approval).

In order to take advantage of the \$1.5M in State grant funding awarded to West Newbury, to retain (upon MDOT approval of grant extension) the roughly \$250k in State grant funding awarded to Newburyport, to optimize Town efforts to secure Town Meeting approval (on April 29th) to extend the sunset date of the \$600k in local funds approved in May 2021, and to best position the project to secure additional State, Federal and/or local funding as needed to allow for project procurement and contract award, it will be necessary to execute an IMA this spring.

When it meets on February 6th to close the spring Town Meeting warrants, our Select Board will be asked to include articles regarding the Middle Street Bridge. In order to ensure that our proposals to our legislative body (Town Meeting) are in coordination and alignment with the City Council's considerations of its policy, budgeting and capital budgeting processes, it will be necessary to work together closely in the coming weeks and months.

I respectfully request that the Council either designate or authorize a member or members of your body to participate in an effort, with my office (on behalf of, and in consultation with, the Select Board), Mayor Reardon's office, our respective staff, and our respective legal and bond counsels, to refine the IMA as needed to get it in a form suitable for consideration by the full Council and Select Board. Achieving this **by the end of April** will optimize our chances of securing the Town Meeting vote(s) we'll need to fund our commitments to the project.

We in West Newbury recognize that the bridge project may not rank as highly on the City's list of capital improvement priorities as it does for West Newbury, but we also see a shared public interest in bringing this project to completion at this time. This will maximize available (and

prospective new) non-local funds, honor each municipality's prior commitments to MDOT and MassWorks in accepting and expending grant funds; and meet each municipality's obligation to maintain the functionality and the safety of its public infrastructure.

We do appreciate and thank you for your anticipated attention to this matter. On behalf of West Newbury's Select Board and residents, I look forward to continuing to work together.

Sincerely,



Angus Jennings
Town Manager

Attachments:

- Middle Street Bridge, Funding Summary, WORKING DRAFT, 1/28/24
- Estimated debt service tables, \$2.1M and \$1.6M, January 2024
- Expired IMA dated Sept., 2021: "Agreement By and Between The City of Newburyport and the Town of West Newbury Regarding Allocation of Costs for Evaluation, Design and Repair of The Plummer Spring Road/Middle Street Bridge"

cc: *West Newbury Select Board, Finance Committee*
The Honorable Mayor Sean Reardon; Chief of Staff Andrew Levine
Wayne Amaral, DPS Director; Jon-Eric White, City Engineer
MassDOT: Paul Stedman, District 4 Highway Director; Jonathan Lee, District 4 Bridge Engineer; Cassandra Gascon, Community Grants Program Administrator
Eddie Bates & Kristen Pennucci, MassDOT Small Bridge grant program

Middle Street Bridge, Funding Summary, WORKING DRAFT, 1/28/24

Project Costs		Notes
Construction costs	\$ 3,315,000	Source: BSC Group, 5/5/23; UPDATED 12/18/23
Design/Permitting	\$ 550,000	
Construction contingency (25%)	\$ 828,750	
Resident Engineer	\$ 200,000	
Construction Engineering Services	\$ 100,000	
TOTAL project costs (est.)	\$ 4,993,750	
Available Funds (grants)		
MassDOT Small Bridge grant, 2018, design funds (expended)	\$ 251,300	Awarded to Newburyport; construction funds due to expire 6/30/2024, if not further extended by MDOT
MassDOT Small Bridge grant, 2018, construction funds (remaining)	\$ 248,700	
MassWorks grant (2019, \$1M grant, partially expended)	\$ 292,285	Grant has now expired
MassWorks (2023)	\$ 1,000,000	Awarded to West Newbury
MassDOT Small Bridge grant (2023)	\$ 500,000	Awarded to West Newbury
Sub-Total: grant funding sources	\$ 2,292,285	
Available Funds (local appropriations)		
Town Meeting appropriation	\$ 600,000	Approved May 2021; sunset date 6/30/2024, if not further extended by Town Meeting
Newburyport (requiring City Council approval)	\$ -	\$700,000 included in Mayor Reardon's FY24 Capital Program (CIP #HW04); however, funding source identified as "State/Federal grant" (not local appropriation).
Sub-Total: local funding sources	\$ 600,000	
Est. Shortfall	\$ (2,101,465)	Based on <u>existing</u> appropriations and grants
Potential Funds		
MassDOT Small Bridge grant, 2024	\$ 500,000	MDOT has stated willingness to consider a new grant application from Newburyport, off cycle
Federal Bridge Formula Program funds	?	Work ongoing to determine project eligibility (or not)
	\$ 500,000	
Summary		
Modified Est. Shortfall	\$ 1,601,465	Assumes 2024 MDOT Small Bridge grant award to Newburyport
Source: Angus Jennings, Town Manager		

Town of West Newbury, Massachusetts
 \$2,100,000 General Middle St. Bridge Bonds; Dated July 15, 2024
 20yrs - Level Debt Service
 Interest Estimated, Subject to Change

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total	Est. 50/50 Share
07/15/2024	-	-	-	-	-	-
01/15/2025	-	-	42,000.00	42,000.00	-	-
06/30/2025	-	-	-	-	42,000.00	21,000.00
07/15/2025	70,000.00	4.000%	42,000.00	112,000.00	-	-
01/15/2026	-	-	40,600.00	40,600.00	-	-
06/30/2026	-	-	-	-	152,600.00	76,300.00
07/15/2026	75,000.00	4.000%	40,600.00	115,600.00	-	-
01/15/2027	-	-	39,100.00	39,100.00	-	-
06/30/2027	-	-	-	-	154,700.00	77,350.00
07/15/2027	75,000.00	4.000%	39,100.00	114,100.00	-	-
01/15/2028	-	-	37,600.00	37,600.00	-	-
06/30/2028	-	-	-	-	151,700.00	75,850.00
07/15/2028	80,000.00	4.000%	37,600.00	117,600.00	-	-
01/15/2029	-	-	36,000.00	36,000.00	-	-
06/30/2029	-	-	-	-	153,600.00	76,800.00
07/15/2029	80,000.00	4.000%	36,000.00	116,000.00	-	-
01/15/2030	-	-	34,400.00	34,400.00	-	-
06/30/2030	-	-	-	-	150,400.00	75,200.00
07/15/2030	85,000.00	4.000%	34,400.00	119,400.00	-	-
01/15/2031	-	-	32,700.00	32,700.00	-	-
06/30/2031	-	-	-	-	152,100.00	76,050.00
07/15/2031	90,000.00	4.000%	32,700.00	122,700.00	-	-
01/15/2032	-	-	30,900.00	30,900.00	-	-
06/30/2032	-	-	-	-	153,600.00	76,800.00
07/15/2032	90,000.00	4.000%	30,900.00	120,900.00	-	-
01/15/2033	-	-	29,100.00	29,100.00	-	-
06/30/2033	-	-	-	-	150,000.00	75,000.00
07/15/2033	95,000.00	4.000%	29,100.00	124,100.00	-	-
01/15/2034	-	-	27,200.00	27,200.00	-	-
06/30/2034	-	-	-	-	151,300.00	75,650.00
07/15/2034	100,000.00	4.000%	27,200.00	127,200.00	-	-
01/15/2035	-	-	25,200.00	25,200.00	-	-
06/30/2035	-	-	-	-	152,400.00	76,200.00
07/15/2035	105,000.00	4.000%	25,200.00	130,200.00	-	-
01/15/2036	-	-	23,100.00	23,100.00	-	-
06/30/2036	-	-	-	-	153,300.00	76,650.00
07/15/2036	110,000.00	4.000%	23,100.00	133,100.00	-	-
01/15/2037	-	-	20,900.00	20,900.00	-	-
06/30/2037	-	-	-	-	154,000.00	77,000.00
07/15/2037	115,000.00	4.000%	20,900.00	135,900.00	-	-
01/15/2038	-	-	18,600.00	18,600.00	-	-
06/30/2038	-	-	-	-	154,500.00	77,250.00
07/15/2038	120,000.00	4.000%	18,600.00	138,600.00	-	-
01/15/2039	-	-	16,200.00	16,200.00	-	-
06/30/2039	-	-	-	-	154,800.00	77,400.00
07/15/2039	120,000.00	4.000%	16,200.00	136,200.00	-	-
01/15/2040	-	-	13,800.00	13,800.00	-	-
06/30/2040	-	-	-	-	150,000.00	75,000.00
07/15/2040	125,000.00	4.000%	13,800.00	138,800.00	-	-
01/15/2041	-	-	11,300.00	11,300.00	-	-
06/30/2041	-	-	-	-	150,100.00	75,050.00
07/15/2041	130,000.00	4.000%	11,300.00	141,300.00	-	-
01/15/2042	-	-	8,700.00	8,700.00	-	-
06/30/2042	-	-	-	-	150,000.00	75,000.00
07/15/2042	140,000.00	4.000%	8,700.00	148,700.00	-	-
01/15/2043	-	-	5,900.00	5,900.00	-	-
06/30/2043	-	-	-	-	154,600.00	77,300.00
07/15/2043	145,000.00	4.000%	5,900.00	150,900.00	-	-
01/15/2044	-	-	3,000.00	3,000.00	-	-
06/30/2044	-	-	-	-	153,900.00	76,950.00
07/15/2044	150,000.00	4.000%	3,000.00	153,000.00	-	-
06/30/2045	-	-	-	-	153,000.00	76,500.00
Total	\$2,100,000.00	-	\$992,600.00	\$3,092,600.00	-	\$1,546,300.00

Town of West Newbury, Massachusetts
\$1,600,000 General Middle St. Bridge Bonds; Dated July 15, 2024
20yrs - Level Debt Service
Interest Estimated, Subject to Change

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total	Est. 50/50 Share
07/15/2024	-	-	-	-	-	-
01/15/2025	-	-	32,000.00	32,000.00	-	-
06/30/2025	-	-	-	-	32,000.00	16,000.00
07/15/2025	55,000.00	4.000%	32,000.00	87,000.00	-	-
01/15/2026	-	-	30,900.00	30,900.00	-	-
06/30/2026	-	-	-	-	117,900.00	58,950.00
07/15/2026	55,000.00	4.000%	30,900.00	85,900.00	-	-
01/15/2027	-	-	29,800.00	29,800.00	-	-
06/30/2027	-	-	-	-	115,700.00	57,850.00
07/15/2027	55,000.00	4.000%	29,800.00	84,800.00	-	-
01/15/2028	-	-	28,700.00	28,700.00	-	-
06/30/2028	-	-	-	-	113,500.00	56,750.00
07/15/2028	60,000.00	4.000%	28,700.00	88,700.00	-	-
01/15/2029	-	-	27,500.00	27,500.00	-	-
06/30/2029	-	-	-	-	116,200.00	58,100.00
07/15/2029	60,000.00	4.000%	27,500.00	87,500.00	-	-
01/15/2030	-	-	26,300.00	26,300.00	-	-
06/30/2030	-	-	-	-	113,800.00	56,900.00
07/15/2030	65,000.00	4.000%	26,300.00	91,300.00	-	-
01/15/2031	-	-	25,000.00	25,000.00	-	-
06/30/2031	-	-	-	-	116,300.00	58,150.00
07/15/2031	70,000.00	4.000%	25,000.00	95,000.00	-	-
01/15/2032	-	-	23,600.00	23,600.00	-	-
06/30/2032	-	-	-	-	118,600.00	59,300.00
07/15/2032	70,000.00	4.000%	23,600.00	93,600.00	-	-
01/15/2033	-	-	22,200.00	22,200.00	-	-
06/30/2033	-	-	-	-	115,800.00	57,900.00
07/15/2033	75,000.00	4.000%	22,200.00	97,200.00	-	-
01/15/2034	-	-	20,700.00	20,700.00	-	-
06/30/2034	-	-	-	-	117,900.00	58,950.00
07/15/2034	75,000.00	4.000%	20,700.00	95,700.00	-	-
01/15/2035	-	-	19,200.00	19,200.00	-	-
06/30/2035	-	-	-	-	114,900.00	57,450.00
07/15/2035	80,000.00	4.000%	19,200.00	99,200.00	-	-
01/15/2036	-	-	17,600.00	17,600.00	-	-
06/30/2036	-	-	-	-	116,800.00	58,400.00
07/15/2036	85,000.00	4.000%	17,600.00	102,600.00	-	-
01/15/2037	-	-	15,900.00	15,900.00	-	-
06/30/2037	-	-	-	-	118,500.00	59,250.00
07/15/2037	85,000.00	4.000%	15,900.00	100,900.00	-	-
01/15/2038	-	-	14,200.00	14,200.00	-	-
06/30/2038	-	-	-	-	115,100.00	57,550.00
07/15/2038	90,000.00	4.000%	14,200.00	104,200.00	-	-
01/15/2039	-	-	12,400.00	12,400.00	-	-
06/30/2039	-	-	-	-	116,600.00	58,300.00
07/15/2039	95,000.00	4.000%	12,400.00	107,400.00	-	-
01/15/2040	-	-	10,500.00	10,500.00	-	-
06/30/2040	-	-	-	-	117,900.00	58,950.00
07/15/2040	95,000.00	4.000%	10,500.00	105,500.00	-	-
01/15/2041	-	-	8,600.00	8,600.00	-	-
06/30/2041	-	-	-	-	114,100.00	57,050.00
07/15/2041	100,000.00	4.000%	8,600.00	108,600.00	-	-
01/15/2042	-	-	6,600.00	6,600.00	-	-
06/30/2042	-	-	-	-	115,200.00	57,600.00
07/15/2042	105,000.00	4.000%	6,600.00	111,600.00	-	-
01/15/2043	-	-	4,500.00	4,500.00	-	-
06/30/2043	-	-	-	-	116,100.00	58,050.00
07/15/2043	110,000.00	4.000%	4,500.00	114,500.00	-	-
01/15/2044	-	-	2,300.00	2,300.00	-	-
06/30/2044	-	-	-	-	116,800.00	58,400.00
07/15/2044	115,000.00	4.000%	2,300.00	117,300.00	-	-
06/30/2045	-	-	-	-	117,300.00	58,650.00
Total	\$1,600,000.00	-	\$757,000.00	\$2,357,000.00	-	\$1,178,500.00

Angus Jennings

From: Stedman, Paul D. (DOT) <Paul.Stedman@dot.state.ma.us>
Sent: Monday, March 4, 2024 12:14 PM
To: Angus Jennings
Cc: Selectboard; Bechard, John (DOT); Moran, John M. (DOT); Suszynski, Frank G. (DOT); Fallon, Brian M. (DOT); Lee, Jonathan K. (DOT); Romano, Ralph R. (DOT)
Subject: RE: Question re Federal funding eligibility for Middle Street Bridge (West Newbury / Newburyport)

Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon Angus – the District met with staff from the Deputy Administrator/Chief Engineer’s office regarding the funding question you raised. The Bridge Formula Program (BFP) was initiated as part of the Bi-Partisan Infrastructure Law (BIL) and provides funding for federal fiscal years 2022-2026; please note the BFP modified the bridge funding that has been utilized by MassDOT through the use of HBRRP funds – Highway Bridge Replacement Rehabilitation Program funds, whose eligibility was only for bridges on the National Bridge Inventory. The BFP does allow the use of funds for the replacement of bridges less than 20’ in length, provided the replacement bridge exceeds 20’ in length. However, the BFP funds have been fully programmed through federal fiscal year 2026 through development of MassDOT’s Capital Investment Plan (CIP) and the statewide Transportation Improvement Program (TIP). These funds are being used directly and indirectly to allow MassDOT to deliver regionally significant bridge projects across the Commonwealth, including the replacement of the I-495 bridges over the Merrimack River in Haverhill/Methuen; the replacement of the Rourke Bridge over the Merrimack River in Lowell; and the replacement of the Route 125 bridge over the Merrimack River (Basiliere Bridge) in Haverhill. Unfortunately, there is no current information available as to whether the BFP program/funds will be re-authorized beyond federal fiscal year 2026.

If the BFP program/funds are ultimately extended, and an opportunity presented that would allow funding to be programmed for the Middle Street bridge, the project would have to be administered by MassDOT through its statewide capital road and bridge program. If this were to occur, the project design would need to be restarted in order to adhere to MassDOT’s Project Development process for federal aid projects and would require the project design to follow the associated processes for design development, environmental permitting and right of way acquisition. This would significantly extend the duration of the design development and likely lead to increases in the design and construction costs.

It is our belief that the current path, involving the use of state and local funding mechanisms, provides the best opportunity to move this project from design into construction in the most efficient and quickest way possible. As you are aware, the City of Newburyport submitted a Municipal Small Bridge Program grant application on 2/28/24 seeking construction phase funding for the project. MassDOT is presently reviewing the application but based on previous discussions, we believe that it will be viewed favorably and provide additional state funds for the project.

MassDOT appreciates the efforts that both communities are putting forth to explore innovative funding strategies to best position the project for success. We will continue to work with the Town and the City as we strive to reach consensus on an overall funding plan to move forward.

In the interim, please let us know if you have further questions regarding this particular matter.

Regards,

Paul

Paul D. Stedman
District 4 Highway Director
MassDOT - Highway Division

Please note: my new direct telephone number is (857) 368-4010

From: Angus Jennings <townmanager@wnewbury.org>

Sent: Sunday, February 25, 2024 3:38 PM

To: Stedman, Paul D. (DOT) <Paul.Stedman@dot.state.ma.us>; Suszynski, Frank G. (DOT) <Frank.Suszynski@dot.state.ma.us>; Fallon, Brian M. (DOT) <Brian.Fallon@dot.state.ma.us>; Lee, Jonathan K. (DOT) <Jonathan.K.Lee@dot.state.ma.us>; Romano, Ralph R. (DOT) <Ralph.Romano@dot.state.ma.us>

Cc: Selectboard <selectboard@wnewbury.org>

Subject: RE: Question re Federal funding eligibility for Middle Street Bridge (West Newbury / Newburyport)

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Hi,

Quick note to let you know that the Newburyport City Council referred our (West Newbury's) Jan. 28th memo to its Public Safety & Infrastructure sub-committee. We recently learned that the Committee will take up our correspondence at its meeting next Monday, March 4th at 6:30pm. Obviously, the availability (or not) of potential Federal funding is a key factor in how we all proceed. If there is a way to get an answer ahead of then (re the Bridge Formula Program), that would ideal. If there's anything further we can do to help, please let us know.

Thanks,
Angus

Angus Jennings, Town Manager
Town of West Newbury
Town Office Building
381 Main Street

West Newbury, MA 01985
(978) 363-1100 x111
townmanager@wnewbury.org

From: Angus Jennings

Sent: Tuesday, February 20, 2024 10:10 AM

To: Stedman, Paul D. (DOT) <Paul.Stedman@dot.state.ma.us>; Suszynski, Frank G. (DOT) <Frank.Suszynski@dot.state.ma.us>; Fallon, Brian M. (DOT) <Brian.Fallon@dot.state.ma.us>; Lee, Jonathan K. (DOT) <Jonathan.K.Lee@dot.state.ma.us>; Romano, Ralph R. (DOT) <Ralph.Romano@dot.state.ma.us>

Subject: RE: Question re Federal funding eligibility for Middle Street Bridge (West Newbury / Newburyport)

No worries... it will be good to get a conclusive answer, one way or another. Thanks!

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

From: Stedman, Paul D. (DOT) <Paul.Stedman@dot.state.ma.us>

Sent: Tuesday, February 20, 2024 10:08 AM

To: Angus Jennings <townmanager@wnewbury.org>; Suszynski, Frank G. (DOT) <Frank.Suszynski@dot.state.ma.us>; Fallon, Brian M. (DOT) <Brian.Fallon@dot.state.ma.us>; Lee, Jonathan K. (DOT) <Jonathan.K.Lee@dot.state.ma.us>; Romano, Ralph R. (DOT) <Ralph.Romano@dot.state.ma.us>

Subject: RE: Question re Federal funding eligibility for Middle Street Bridge (West Newbury / Newburyport)

Hi Angus – we have been working with our colleagues at MassDOT Headquarters to get definitive information/determinations on this matter and will update you as soon as that concludes.

I apologize for the delay but want to make sure we have clear direction on this matter.

Paul

*Paul D. Stedman
District 4 Highway Director
MassDOT – Highway Division*

Please note: my new direct telephone number is (857) 368-4010

From: Angus Jennings <townmanager@wnewbury.org>

Sent: Tuesday, February 20, 2024 10:05 AM

To: Suszynski, Frank G. (DOT) <Frank.Suszynski@dot.state.ma.us>; Stedman, Paul D. (DOT) <Paul.Stedman@dot.state.ma.us>; Fallon, Brian M. (DOT) <Brian.Fallon@dot.state.ma.us>; Lee, Jonathan K. (DOT) <Jonathan.K.Lee@dot.state.ma.us>; Romano, Ralph R. (DOT) <Ralph.Romano@dot.state.ma.us>

Subject: RE: Question re Federal funding eligibility for Middle Street Bridge (West Newbury / Newburyport)

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Hi, please let me know once you've determined whether the Middle Street Bridge project may be eligible for the Bridge Formula Program, or whether another office/department will need to review this to determine if it may be eligible. If it is eligible, we'd like to get going on whatever steps would be needed to submit the project for consideration.

Thanks,
Angus

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

From: Suszynski, Frank G. (DOT) <Frank.Suszynski@dot.state.ma.us>

Sent: Friday, February 9, 2024 5:14 PM

To: Angus Jennings <townmanager@wnewbury.org>

Cc: Stedman, Paul D. (DOT) <Paul.Stedman@dot.state.ma.us>; Fallon, Brian M. (DOT) <Brian.Fallon@dot.state.ma.us>; Morrison, Micah <mmorrison@bscgroup.com>; Jerrard Whitten <jjwhitten@mvpc.org>; Patrick Reed <preed@mvpc.org>; Selectboard <selectboard@wnewbury.org>; Lee, Jonathan K. (DOT) <Jonathan.K.Lee@dot.state.ma.us>; Romano, Ralph R. (DOT) <Ralph.Romano@dot.state.ma.us>

Subject: Re: Question re Federal funding eligibility for Middle Street Bridge (West Newbury / Newburyport)

Good evening Angus,

Paul is traveling this weekend but we will be able to review the eligibility information and will get back to you.
Thanks
Frank

On Feb 9, 2024, at 4:47 PM, Angus Jennings <townmanager@wnewbury.org> wrote:

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Paul, et. al.

Please see below the response we received from the MA Federal Funds and Infrastructure office. We asked a very specific question and hoped for a clearer answer, but this just seems to put the ball back in MDOT's court as to whether the Middle Street Bridge (because, post-reconstruction, it would meet the Federal standard to be considered a "bridge") may be eligible for the Bridge Formula Program referenced below.

Is your office able to answer our question definitively (even if it's not the answer we're looking for)? (From our email exchanges on 12/8/23 I'm not totally optimistic, but the Program Q&A linked in the thread below does suggest potential eligibility in this case). If you're not able to answer it, can we together re-approach the MA Federal Funds and Infrastructure office to get a clear answer?

Thanks!
Angus

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

From: Groustra, Ben (A&F) <Ben.Groustra@mass.gov>

Sent: Thursday, February 8, 2024 3:45 PM

To: Angus Jennings <townmanager@wnewbury.org>; Federal Funds Infrastructure (A&F) <fedfundsinfra@mass.gov>

Cc: Selectboard <selectboard@wnewbury.org>

Subject: RE: Attn: Quentin Palfrey: Question re Federal funding eligibility for Middle Street Bridge (West Newbury / Newburyport)

Hi Angus,

Thanks for reaching out about this, apologies on the delay in getting back to you. The first step to have your project considered is to go through the MassDOT project initiation in the [Massachusetts Project Intake Tool \(MaPIT\)](#). The project will then be considered by MassDOT District 4- you can follow up with them using [their contact information here](#). Please let us know if there is anything else we can be helpful with through that process!

Best,

Ben Groustra

Project Manager for the Director of Federal Funds and Infrastructure

857-262-6576

From: Town Manager <townmanager@wnewbury.org>

Sent: Tuesday, January 23, 2024 4:51 PM

To: Federal Funds Infrastructure (A&F) <fedfundsinfra@mass.gov>

Cc: Selectboard <selectboard@wnewbury.org>

Subject: Attn: Quentin Palfrey: Question re Federal funding eligibility for Middle Street Bridge (West Newbury / Newburyport)

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Mr. Palfrey,

I attended the session you co-led at the MMA Conference on Saturday re “Unlocking Federal Funds.” The session was helpful, and I have a specific follow-up question that I’m hoping your office can assist with:

Question: Is the replacement of a small bridge (with a span less than 20’ in length, so below the Federal definition of “bridge” and, for that reason, not presently included on the National Bridge Inventory (NBI)) with a new bridge (with a span greater than 20’ in length, and which would, post-construction, be eligible for placement on the NBI), eligible for funding under the [Bridge Formula Program](#) (“BFP”)? The BFP [program Q&A](#) includes (at QE6) as a “scenario for eligibility for BFP funds” to “Replace a small structure (that is less than or equal to 20 feet in length) with a NBI bridge: Eligible as a new construction.” This suggests that our project would be eligible, but we are seeking confirmation.

This question relates to a specific project – the [Middle Street Bridge](#), which until it was closed in 2018 connected West Newbury to Newburyport – which (after \$550k in engineering and permitting expenses) is now **fully-permitted and shovel-ready**. Despite having access to more \$2.3M in available funds (State grants and local appropriations), the project still faces a substantial (roughly \$2.1M) shortfall in funding needed for construction. We are working hard to fill this funding gap so we can put the project out to bid for construction.

We have had correspondence regarding this question with MassDOT and FHWA (via a liaison from Congressman Moulton’s office) and as yet have not received a clear answer. We continue to work with these offices toward getting this clarified.

We are hoping for a clear and prompt response from your office as to whether the BFP is an eligible funding source; and if so how we (or we, with MDOT, if appropriate) could pursue this Federal funding support. Of course, we will be happy to provide whatever additional information may be needed to provide a reliable answer.

Thanks in advance!

Angus

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

Angus Jennings

From: Douglas Troyer <
Sent: Friday, March 8, 2024 10:58 AM
To: sreardon@cityofnewburyport.com; jnaves@grovelandma.com; ray-parrott@comcast.net; jryan@salisburyma.gov; stephenc@ipswichma.gov; ewatson@grovelandma.com; roldham@grovelandma.com; Angus Jennings; Wendy Reed; clindberg@cityofhaverhill.com; mayor@cityofhaverhill.com; govek@amesburyma.gov; bharman@cityofnewburyport.com; cliffmpierce@gmail.com; wdimaro@townofnewbury.org; opacheco@georgetownma.gov; opacheco@georgetown.ma.gov
Cc: Douglas Troyer
Subject: Whittier Task Force Meeting 3.5.24
Attachments: Final Memo - Newburyport Next Steps on Whittier Agreement (3.5.24)(16940565.1).pdf; 3.6.24 Task Force Meeting Sign In Sheet(16943751.1).pdf

Follow Up Flag: Follow up
Flag Status: Flagged

All,

Thank you again for taking the time to meet on Tuesday. As discussed, attached please find a copy of the materials that I passed around along with a copy of the attendance sheet.

Should you have any questions, please do not hesitate to contact me, and I hope that everyone has a great weekend.

Regards,

Doug T.

Next Steps on Whittier Regional Vocational High School Agreement
City of Newburyport

Dated: March 6, 2024

The City of Newburyport has worked with the City Solicitor and Special Counsel to review options available and the City’s priorities regarding the Whittier Regional Vocational High School Agreement. Given that any next steps will require regional collaboration, the City would like to share its priorities and approach so that we can determine how best to work with other member communities to reach a solution and create a more unified district that will benefit every municipality, as well as Whittier and its students. The City supports a process that leads to amendments of the Regional Agreement, and we look forward to working with the other municipalities to achieve this.

A. Background

The Whittier Regional Vocational Technical School District (“Whittier VOC District”) was created pursuant to Special Act Chapter 156 of the Acts of 1967 (the “Acts”), which set forth the authority of the Whittier VOC District and its School Committee (the “Committee”). In turn, the operating processes and principles for the Whittier VOC District are set forth in an agreement entered into on July 26, 1967 (the “Agreement”) pursuant to the Acts. Following approval by the municipalities comprising the Whittier VOC District, the Agreement was enacted by virtue of Chapter 381 of the Acts of 1969. (Copies of the 1967 and 1969 Acts, and the Agreement are appended hereto as Attachments “1-3” respectively for ease of reference).¹

Based on review of documents provided by Whittier VOC District in response to a public record request last month, with the exception of language purportedly added as Section XIV to the Agreement which pertains to Merrimac’s admission in 1972 and a 1974 amendment which amended the deadline dates for annual budgets at Section 5 of the Agreement, the terms of the Agreement remain controlling.²

¹ It is Newburyport’s position that because the Whittier VOC District was created by special law and its governing Agreement was entered into pursuant to the Acts, the terms of the Acts are generally controlling for purposes of establishing the powers and duties of the district, rather than M.G.L. c. 71, although we note that many of the requirements and duties outlined in M.G.L. c. 71 are reflected in the Acts and/or the Agreement.

² The public record response included a copy of Chapter 510 of the Acts of 1970, which authorizes district school committees to amend agreements by majority vote changing the dates of payment of capital and operating costs (in contrast to procedures for any other types of amendments), and a 1999 Act amending Chapter 156 of the 1967 Acts, which redefined and/or confirmed the makeup of the School Committee as two (2) representatives from each city and one (1) representative from each town. The response also included a list of four purported “amendments to original agreement”: one was admitting Merrimac as a member of the VOC District (1972), two amended the payment schedule for the operational budget (1973, 1974); and one amended the dates by which budgets must be adopted (and by which amounts so apportioned

There are currently 11 municipalities in the Whittier VOC District: three cities (Haverhill, Newburyport, and Amesbury) and eight towns (Georgetown, Groveland, Ipswich, Merrimac, Newbury, Rowley, Salisbury, and West Newbury).³

B. Procedure to Amend the Agreement

Section VII of the Agreement identifies the procedures for its amendment. An amendment can be initiated in two ways: either by a majority vote of all members of the Committee or by a petition signed by 5% of the registered voters of any member municipality. In either case, the secretary of the Committee then gives notice to the city councils and select boards for the member cities and towns, respectively, enclosing a copy of the proposal, and in the case of a proposal by petition, a copy of the proposal along with a certified registered voters list. The city council then votes on whether to accept the proposed amendment at a regular or special meeting of the council within 60 days of receiving notice of the proposed amendment. The select board for each member town will include the proposal (or substance thereof) in the warrant for the next annual or special town meeting. An amendment only takes upon acceptance by all member municipalities, accomplished by a majority vote of either the city council (for cities) or by majority vote at a town meeting (for towns).

Although not specified in the Agreement, approval by the Commissioner of the Department of Elementary and Secondary Education is also required for any amendment to a regional agreement.

Finally, a favorable vote of any amendments to the Agreement must be unanimous because of the requirement at Section VII(C) of the Agreement that acceptance by each city council and each town at a town meeting is required by majority vote in support of any proposed amendments to the Agreement.

C. Newburyport's Priorities

On February 14, 2024, three weeks following the failed vote to fund construction of a new school, the School Committee voted to withdraw the statement of interest from the MSBA pipeline. Although the possibility remains to resubmit plans to the MSBA in the future, that is likely years away and there are no short-term plans for significant asks in the capital improvement plan.

to each member municipality must be certified (1974). (Copies are respectively appended hereto as Attachment "4"). It is unclear at this time if proper procedures were followed in ratifying the above-referenced purported amendments.

³ The towns of Boxford and Topsfield were invited to participate under the Acts of 1967 and were signatories to the Agreement but declined to actually join the VOC District. It does not appear that any municipalities have ever withdrawn from the VOC District.

Based on discussions with representative from member municipalities following the vote, this appears to be the perfect time to consider amendments to the Regional Agreement and momentum towards that end appears favorable; we understand some members have likewise begun to develop their own proposed changes. The City believes that there are a number of revisions that would benefit each municipality, and the Whittier VOC District as a whole, such that unanimous approval of the amendments is realistic. In order to commence the discussion of amending the Agreement, the City provides below the following list of proposed suggestions for amendments for consideration:

1. Reapportionment of Operating and Capital Costs – Section IV

- a. The City would like to see both operating and capital costs be based on enrollment at Whittier. Its preferred option is using a rolling average over four years (with a minimum enrollment charge of 1 student); currently operational costs are based on a community’s proportion of students attending Whittier in one year, and capital costs are based on enrollment of all students residing in a municipality and attending schools there from grade one through twelve.

2. Amendment Process - Section VII

- a. The City’s preference is to require approval by a two thirds majority of other member municipalities to amend the Agreement; the Agreement currently requires approval of all member municipalities; and
- b. The City would also consider a change to the mechanism for calculating the percentage of signatures by registered voters required for petition-initiated amendments, which is currently set at 5% for all member municipalities.

3. New Weighted Voting Section

- a. The City would like to give member municipalities with greater numbers of students a more proportional say in Committee decisions (with an exclusion for weighted voting as it relates to incurring debt) by having some portion of each member’s vote be based on a rolling average of student enrollment at Whittier for that member municipality.

4. New Removal of Committee Members Section

- a. Add provisions to allow for removal or recall of an appointed member of the Committee via the entity that appoints them by 2/3 majority vote, as long as due process considerations apply.

5. Formalize Procedures for Incurring Debt

- a. The City would like to confirm that the provisions set forth at Section 5(d) in the Acts of 1967 control and/or discuss the options of using the procedures set forth in

M.G.L. c. 71, § 16(d) or M.G.L. c. 71, § 16(n) going forward. It is the City's position that discussion regarding this matter is necessary to resolve any further dispute concerning permitting a district-wide election, which is not explicitly allowed under the terms of the Agreement or the Acts of 1967.

6. Simplified Withdrawal Procedures – Section IX

- a. To require approval by a two-thirds majority of other member municipalities; currently requires approval of all members; and
- b. Remove withdrawing member's liability for any debt incurred by the district following receipt of member's notice of intent to withdraw.

7. Budget and Operations Reporting and Review – Section V

- a. Confirm that current budgets are following the terms of M.G.L. c. 71 § 16B and not Section V of the Agreement. This would require a two thirds majority to approve the budget.
- b. The City would like the budget to include more detailed break-out of certain budget items and/or requirement to provide such information upon request by a member municipality; and
- c. Revise timing to better conform to the fiscal year and current and/or common practices.

8. School Choice

- a. The City is open to amending the Agreement to allow for annual consideration of School Choice by the School Committee, rather than granting approval in the Agreement.

D. Options if Amendment is Not Possible.

In the event the community members of the Whitter VOC District are unable to agree upon terms amending the Agreement, the following options should be further explored:

1. Seek a legislative amendment of the Acts; and/or
2. File litigation in either MA Superior Court or U.S. District Court for the District of Massachusetts for declaratory judgment claims, contract claims, equal rights and due process claims, and or any other applicable claims.

These options have not been fully analyzed at this time and will require further research based upon the fact pattern that is presented after seeking to amend the Agreement.

Please be advised that the above list of options is not an exhaustive list, but rather the City's effort to commence a dialogue with other member municipalities in hopes to establish a tone of cooperation that will pave the way for a brighter future at Whittier VOC District.

Thank you for your attention to this matter.

ATTACHMENT “1”

tion; but duplications, replacements, reproductions or repetitions may be done at retail without prescription, in which event any such act shall be construed as that of a dispensing optician as if performed on the basis of the original written prescription. *Approved April 18, 1967.*

Chap. 153. AN ACT RELATIVE TO THE OBSERVANCE OF JAMAICAN INDEPENDENCE DAY.

Be it enacted, etc., as follows:

Chapter 6 of the General Laws is hereby amended by inserting after section 12Y the following section:—

Section 12Z. The governor shall annually issue a proclamation calling for the observance of the first Monday in August as Jamaican Independence Day and recommending that said day be observed in appropriate manner by the public. *Approved April 18, 1967.*

Chap. 154. AN ACT REGULATING THE SALE OF CERTAIN GLUE AND CEMENT TO MINORS.

Be it enacted, etc., as follows:

Chapter 270 of the General Laws is hereby amended by adding after section 18 the following section:—

Section 19. Any person who sells glue or cement to a minor shall require such minor to properly identify himself and write his name and address legibly in a permanently bound register. The seller shall keep such register available for police inspection for a period of six months after the last sale is recorded therein.

As used in this section, “glue” or “cement” shall mean any glue or cement that contains a solvent or chemical having the property of releasing toxic vapors.

Whoever violates the provisions of this section shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than six months, or both. *Approved April 18, 1967.*

Chap. 155. AN ACT CHANGING THE ANNUAL REPORTING DATE FOR PRIVATE ASSOCIATIONS PROVIDING PENSIONS.

Be it enacted, etc., as follows:

Section 40 of chapter 32 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in lines 9 and 10, the word “February” and inserting in place thereof the word:—
March. *Approved April 18, 1967.*

Chap. 156. AN ACT AUTHORIZING THE FORMATION OF A VOCATIONAL REGIONAL SCHOOL DISTRICT BY THE CITIES OF HAVERHILL AND NEWBURYPORT AND THE TOWNS OF AMESBURY, BOXFORD, GEORGETOWN, GROVELAND, IPSWICH, MERRIMAC, NEWBURY, ROWLEY, SALISBURY, TOPSFIELD AND WEST NEWBURY.

Be it enacted, etc., as follows:

SECTION 1. Each of the cities of Haverhill and Newburyport, by vote of its city council, and each of the towns of Amesbury, Boxford,

Georgetown, Groveland, Ipswich, Merrimac, Newbury, Rowley, Salisbury, Topsfield and West Newbury, by vote in a town meeting, may create a special unpaid committee to be known as a vocational regional school district planning committee, to consist of three members from each such municipality, one of whom shall be a member of the school committee, to be appointed by the mayor or the moderator as the case may be. Each of said municipalities may appropriate at any time for the expenses of said committee such sum or sums, not exceeding one tenth of one per cent of the assessed valuation of such municipality in the preceding year, as it may deem necessary. Any vacancy in the membership of a vocational regional school district planning committee acting under this act may be filled by the mayor or moderator as the case may be. The vocational regional school district planning committee from each of said cities and from any three or more of said towns may join together to form a vocational regional school district planning board. Such vocational regional school district planning board shall organize forthwith upon its formation by the election of a chairman and a secretary treasurer. The proceedings taken by the cities of Haverhill and Newburyport and the towns of Amesbury, Boxford, Georgetown, Groveland, Ipswich, Merrimac, Newbury, Rowley, Salisbury, Topsfield and West Newbury, whereby said municipalities purported to create committees for the purpose of planning a vocational regional school district, and the proceedings heretofore taken by such committees either separately or together as a planning board are ratified and confirmed in all respects, and for all the purposes of this act said committees and said board shall be deemed to be the committees and the board whose creation and organization are authorized by this section.

SECTION 2. It shall be the duty of the vocational regional school district planning board to study the advisability of establishing a vocational regional school district, hereinafter called the regional school district or the district, its organization, operation and control, and of constructing, maintaining and operating a vocational-technical school or schools to serve the needs of such district; to estimate the construction and operating costs thereof; to investigate the method of financing such vocational-technical school or schools, and any other matters pertaining to the organization and operation of a regional school district; and to submit a report of its finding and recommendations to the city council of each of said cities and, at the same time or at a later time or times, to the selectmen of each of said towns.

SECTION 3. The said vocational regional school district planning board may recommend that there shall be established a vocational regional school district which may include all the municipalities represented by its membership, or any specified combination of such municipalities, including at least the cities of Haverhill and Newburyport and three of said towns. If the said vocational regional school district planning board so recommends, it shall submit a proposed agreement setting forth the following: —

(a) The number, composition, method of selection and terms of office of the members of the regional district school committee.

(b) The municipality or municipalities in which, or the general area within the regional school district where, the regional district school or schools are to be located.

(c) The method of apportioning the expenses of the regional school district, and the method of apportioning the costs of school construction, including any interest and retirement of principal of any bonds or other obligations issued by the district among the several municipalities comprising the district, and the time and manner of payment of the shares of said municipalities of any such expense.

(d) The method by which school transportation shall be provided.

(e) The terms by which any municipality may be admitted to or separated from the regional school district.

(f) The method by which the agreement may be amended.

(g) The detailed procedure for the preparation and adoption of an annual budget.

(h) Any other matters, not incompatible with law, which the said board may deem advisable.

Copies of such agreement shall be submitted to the emergency finance board established under section one of chapter forty-nine of the acts of nineteen hundred and thirty-three, and the department of education, and, subject to their approval, to the several municipalities which are recommended to be included in the district, for their acceptance.

The type of regional district school or schools shall be a vocational high school or schools consisting of grades nine through twelve, inclusive, which may include all phases of vocational education as prescribed in chapter seventy-four of the General Laws. The regional district school committee may also establish and maintain extended courses of instruction beyond the secondary level in accordance with the provisions of section thirty-seven A of said chapter seventy-four of the General Laws. When the district has been organized and its school or schools are available for use, no city or town belonging to the district and no other regional school district of which such city or town is a member shall offer vocational education except with the approval of the commissioner of education.

SECTION 4. The agreement made under section three, or any amendment to such an agreement, may contain provisions authorizing any member municipality to sell, lease or grant a license to use any school building and any land appurtenant thereto or used in connection therewith to the regional school district, and any such municipality may authorize such sale, lease or license accordingly, notwithstanding the provisions of section three of chapter forty of the General Laws or any other provisions of law to the contrary. In case of a sale, the price and time or times of payment and the method by which the municipalities other than the selling municipality shall be assessed for such payment shall be set forth in the agreement or amendment; but in no case shall payments be made which shall extend over a period in excess of twenty years. In the case of a lease or license to use, the rental or license fee and terms of payment and assessment shall be set forth in the agreement or amendment. The lease or license to use may be for a term or period not in excess of twenty years, and may contain provisions for the extension of the lease or license to use for an additional term or period not in excess of twenty years, at the option of the regional district school committee.

SECTION 5. Upon receipt by the city council of either city of a recommendation that a regional school district be established, and of a

proposed agreement therefor submitted in accordance with the provisions of sections one to three, inclusive, of this act, said city council shall direct the city clerk to cause the question of accepting the provisions of this act to be placed on the ballot to be used at the next regular city election or at the next state election after such receipt, whichever occurs first, in substantially the form hereinafter set forth; and not more than sixty days after receipt by the selectmen of any town of a recommendation that a regional school district be established and of a proposed agreement therefor submitted in accordance with the provisions of sections one to three, inclusive, said selectmen shall cause to be presented for determination by vote, with printed ballots at an annual town meeting or a special town meeting called for the purpose, the question of accepting the provisions of this act, which question shall be in substantially the following form: —

“Shall the city (town) accept the provisions of an act passed by the General Court in the year nineteen hundred and sixty-seven, providing for the establishment of a regional school district by the cities of Haverhill and Newburyport and the towns of (such towns as may be recommended under section three of this act) and the construction, maintenance and operation of a regional vocational school by the said district in accordance with the provisions of a proposed agreement filed with the city councils of said cities and the selectmen of said towns?” If a majority of the voters present and voting in each of the cities of Haverhill and Newburyport and a majority of the voters present and voting in at least three of said towns shall vote in the affirmative, this act shall become fully effective, and the proposed regional vocational school district comprising the cities and towns which accepted this act, as herein provided, shall be deemed to be established forthwith in accordance with the terms of the agreement so adopted, notwithstanding any defect or omission in the creation or organization of any vocational regional school district planning committee or the vocational regional school district planning board.

SECTION 6. The regional school district established under the provisions of section five shall be a body politic and corporate with all the powers and duties conferred by law upon school committees, and with the following additional powers and duties: —

(a) To adopt a name and a corporate seal, and the engraved or printed facsimile of such seal on a bond or note of the district shall have the same validity and effect as though such seal were impressed thereon.

(b) To sue and be sued, but only to the same extent and upon the same conditions that a city or town may sue or be sued.

(c) To acquire property within the municipalities comprising the district under the provisions of chapter seventy-nine and section fourteen of chapter forty of the General Laws, for the purposes of the district, and to construct, reconstruct, add to, remodel, make extraordinary repairs to, equip, organize and operate a school or schools for the benefit of the municipalities comprising the district, and to make any necessary contracts in relation thereto.

(d) To incur debt for the purpose of acquiring land and constructing, reconstructing, adding to, and equipping a school building or buildings for a term not exceeding twenty years or for the purpose of remodeling and making extraordinary repairs to a school building or buildings for a term not exceeding ten years; provided, however, that any indebtedness

so incurred shall not exceed an amount approved by the emergency finance board; and provided, further, that written notice of the amount of the debt and of the general purposes for which it was authorized shall be given to the city council of each member city and to the board of selectmen in each of the member towns comprising the district not later than seven days after the date on which said debt was authorized by the district committee; and no debt may be incurred until the expiration of thirty days from the date said debt was authorized by the district committee. If, prior to the expiration of said period, the city council of any member city expresses disapproval of the amount authorized by the district committee, or any member town expresses such disapproval by vote of a majority of the voters present and voting on the matter at a town meeting called for the purpose of expressing such disapproval, the said debt shall not be incurred and the district school committee shall prepare another proposal which may be the same as any prior proposal and an authorization to incur debt therefor.

(e) To issue bonds and notes in the name and upon the full faith and credit of said district; said bonds or notes shall be signed by the chairman and treasurer of the district committee, except that said chairman by a writing bearing his written signature and filed in the office of said treasurer, which writing shall be open to public inspection, may authorize said treasurer to cause to be engraved or printed on said bonds or notes a facsimile of said chairman's signature, and such facsimile so engraved or printed shall have the same validity and effect as said chairman's written signature, and each issue of bonds or notes shall be a separate loan.

(f) To receive and disburse funds for any district purpose.

(g) To incur temporary debt in anticipation of revenue to be received from member municipalities.

(h) To assess member municipalities for any expenses of the district.

(i) To receive any grants or gifts for the purposes of the regional district school or schools.

(j) To engage legal counsel.

(k) To submit an annual report to each of the member municipalities, containing a detailed financial statement, and a statement showing the method by which the annual charges assessed against each municipality were computed, together with such additional information relating to the operation and maintenance of such school or schools as may be deemed necessary by the district school committee or by the city council of any member city or by the selectmen of any member town.

(l) To employ an administrator who meets the qualifications for a director of a state aided vocational school as established by the department of education, and said administrator shall have all the powers and duties imposed upon school superintendents by law.

(m) To adopt an annual operating and maintenance budget, not later than December first.

SECTION 7. The powers, duties and liabilities of the regional school district shall be vested in and exercised by a regional district school committee organized in accordance with the agreement. The committee shall choose a chairman and a vice chairman by ballot from its membership. The vice chairman shall, in the absence of the chairman, exercise the powers and perform the duties of said chairman. It shall appoint a secretary and a treasurer who may be the same person, but who need

not be members of said committee. The treasurer shall receive and take charge of all money belonging to the district, and shall pay any bill of the district which shall have been approved by the committee. The committee may appoint an assistant treasurer who need not be a member of the committee, and who shall, in the absence of the treasurer, perform his duties and shall have the powers and be subject to the requirements and penalties applicable to him. The treasurer and assistant treasurer may, by vote of said committee, be compensated for their services. The treasurer and assistant treasurer of said district shall be subject to the provisions of sections thirty-five, fifty-two and one hundred and nine A of chapter forty-one of the General Laws, to the extent applicable.

SECTION 8. The regional district school committee shall annually determine the amounts necessary to be raised to maintain and operate the district school or schools during the ensuing calendar year, and the amounts required for payment of debt and interest incurred by the district which will be due in the said year, and shall apportion the amount so determined among the several municipalities in accordance with the terms of the agreement. The amounts so apportioned for each municipality shall, prior to December thirty-first in each year, be certified by the regional district treasurer to the treasurers of the several municipalities. Each municipality shall appropriate the amounts so certified, and in case any such municipality fails to pay over to the treasurer of said district the amount of its apportionment within the time specified in said agreement for such payment, the district school committee shall invoke the provisions of section thirty-four of chapter seventy-one of the General Laws. The city or town treasurer, as the case may be, shall pay the amount so appropriated or any amount ordered to be raised by court decree to said district at the time or times specified in the agreement.

SECTION 9. The regional school district shall be subject to all laws pertaining to school transportation; and when the agreement provides for the furnishing of transportation by the regional school district, the commonwealth shall reimburse such district to the full extent of the amounts expended for such transportation, except that no such reimbursement shall be made for transportation of any pupil who resides less than one and one half miles, measured by a commonly traveled route, from the district school which he attends. The state treasurer shall annually, on or before November twentieth, pay to the regional school district from the Local Aid Fund, subject to appropriation, the sums required for such reimbursement and approved by the commissioner of education. There shall be allocated from the Local Aid Fund such sums as said commissioner shall certify as necessary for the payment of such reimbursement.

SECTION 10. Each municipality comprising the regional school district shall continue to receive state aid for educational purposes in the amount to which it would be entitled if such district had not been formed; and such regional school district shall be entitled to receive state aid for construction of regional schools.

SECTION 11. The director of accounts in the department of corporations and taxation shall annually cause an audit to be made of the accounts of the regional district school committee, and for this purpose he,

and his duly accredited agents, shall have access to all necessary papers, books and records. Upon the completion of each audit, a report thereon shall be made to the chairman of the district committee, and a copy thereof shall be sent to the mayor of each city and to the chairman of the board of selectmen of each town and the chairman of the school committee of each municipality which is a member of the district. The director shall apportion the cost among the several municipalities which are members of the district on the basis provided by section three, and submit the amounts of each apportionment to the state treasurer who shall issue his warrant requiring the assessors of the municipalities which are members of the district to assess a tax to the amount of the expense, and such amounts shall be collected and paid to the state treasurer as provided by section twenty of chapter fifty-nine of the General Laws.

SECTION 12. No municipality in the regional school district shall be liable for any obligation imposed on any other municipality in said district by authority of this act, or of any agreement thereunder, any other provision of law to the contrary notwithstanding.

SECTION 13. The members of the aforesaid emergency finance board when acting under this act shall receive from the commonwealth compensation to the same extent as provided under section eighty-seven of chapter eight hundred and one of the acts of nineteen hundred and sixty-three.

SECTION 14. The provisions of sections sixteen to twenty-eight, inclusive, of chapter forty-four of the General Laws shall, so far as pertinent, apply to the regional school district, but the provisions of said section sixteen relating to the countersigning of bonds and notes and the provisions of section twenty-four of said chapter forty-four relating to the countersigning and approval of notes and the certificates of the clerk relating thereto shall not apply to said district.

SECTION 15. This act shall take effect upon its passage.

Approved April 20, 1967.

Chap. 157. AN ACT AUTHORIZING THE COMMISSIONER OF BANKS TO APPROVE THE ESTABLISHMENT OF ADDITIONAL BRANCH OFFICES OF CO-OPERATIVE BANKS IN CERTAIN TOWNS.

Be it enacted, etc., as follows:

SECTION 1. Section 12 of chapter 170 of the General Laws is hereby amended by striking out the second sentence, as most recently amended by chapter 326 of the acts of 1965, and inserting in place thereof the following sentence: — The corporation, after such notice and hearing as the commissioner may require and with his written permission and under such regulations as he may approve, may establish and maintain one or more depots where moneys due the bank may be collected by the treasurer or other persons duly empowered by the directors, upon such days as may be designated by vote of the board of directors; or may establish and maintain one or more branch offices (a) in the town wherein its main office is located, or (b) in other towns within the same county having no main office or branch office of a co-operative bank or in which in the opinion of the commissioner, the public convenience and advantage would be served by the establishment of additional co-operative bank facilities.

ATTACHMENT “2”

AGREEMENT WITH RESPECT TO THE ESTABLISHMENT OF
A VOCATIONAL REGIONAL SCHOOL DISTRICT

This agreement is entered into pursuant to Chapter 156 of the Acts of 1967 by and among the cities of Haverhill and Newburyport and the towns of Amesbury, Boxford, Georgetown, Groveland, Ipswich, Merrimac, Newbury, Rowley, Salisbury, and West Newbury (or by and among said cities and such three or more of said towns as shall accept said Chapter 156).

In consideration of the mutual promises herein contained, it is hereby agreed as follows:

SECTION I. THE REGIONAL DISTRICT SCHOOL COMMITTEE

(A) Composition. The regional district school committee, hereinafter sometimes referred to as the Committee, shall consist of two members from each of the cities of Haverhill and Newburyport and one member from each of the following towns which accept Chapter 156 of the Acts of 1967: Amesbury, Boxford, Georgetown, Groveland, Ipswich, Merrimac, Newbury, Rowley, Salisbury, and West Newbury. The member or members of the Committee from each city and town shall be appointed by the local school committee of each respective city or town, and such members may be but need not be members of such local school committee. The initial members of the Committee shall be appointed within ten days after the establishment of the District for the following terms, respectively: the cities of Haverhill and Newburyport shall each appoint one member to serve until March 31, 1969 and one member to serve until March 31, 1970; the towns of Amesbury, Boxford and Georgetown shall each appoint one member to serve until March 31, 1969; the towns of Groveland, Ipswich and Merrimac shall each appoint one member to serve until March 31, 1970; and the towns of Newbury, Rowley, Salisbury, and West Newbury shall each appoint one member to serve until March 31, 1971. In every year after the year in which these initial appointments are made, whenever the term of office of a member expires, the member municipality concerned shall appoint one member to serve for a term of three years from March 31 of the year in which such appointment is required to be made. All members shall serve until their successors are appointed and qualified.

(B) Vacancies. If a vacancy occurs among the members of the Committee at any time, the local school committee of the member municipality concerned shall appoint a member to serve for the balance of the unexpired term.

(C) Organization. Promptly upon the appointment and qualification of the initial members of the Committee and on the first Monday of April of every year thereafter, the Committee shall organize and choose by ballot a chairman and a vice chairman from among its own membership.

(D) Powers and Duties. The Committee shall have all the powers and duties conferred and imposed upon it by this agreement and such other additional powers and duties as are specified in Chapter 156 of the Acts of 1967 and any amendments thereof or additions thereto, now or hereafter enacted, or as may be specified in any other applicable general or special law.

(E) Quorum. The quorum for the transaction of business shall be a majority of the Committee, but a number less than the majority may adjourn.

SECTION II. TYPE OF REGIONAL DISTRICT SCHOOL

The regional district school shall be a vocational technical high school consisting of grades nine through twelve, inclusive. The Committee is hereby authorized to establish and maintain such kinds of education, acting as trustees therefore, as may be provided by municipalities under the provisions of Chapter 74 of the General Laws and acts amendatory thereof, in addition thereto or dependent thereon.

SECTION III. LOCATION OF THE REGIONAL DISTRICT SCHOOL

The regional district school shall be located within the District and within a radius of five miles of Rocks Village Bridge.

SECTION IV. APPORTIONMENT AND PAYMENT OF COSTS INCURRED BY THE DISTRICT

(A) Classification of Costs. For the purpose of apportioning assessments levied by the District against the member municipalities, costs shall be divided into two categories: capital costs and operating costs.

(B) Capital Costs. Capital costs shall include all expenses in the nature of capital outlay such as the cost of acquiring land, the cost of constructing, reconstructing and adding to a school building or buildings, and the cost of remodeling or making extraordinary repairs to a school building or buildings, including without limitation the cost of the original equipment and furnishings for such school buildings or additions, plans, architects' and consultants' fees, grading and other costs incidental to placing school buildings and additions and related premises in operating condition. Capital costs shall also include payment of principal of and interest on bonds, notes, or other obligations issued by the District to finance capital costs.

(C) Operating Costs. Operating costs shall include all costs not included in capital costs as defined in subsection IV(B), but including interest on temporary notes issued by the District in anticipation of revenue.

(D) Apportionment of Capital Costs. Capital costs shall be apportioned annually in December for the ensuing calendar year on the basis of pupil enrollment as hereinafter defined. For the purpose of this subsection, pupil enrollment shall be defined as the number of pupils residing in a member municipality and enrolled in grades one through twelve, inclusive, of any public, private, or parochial school, wherever located. Each member municipality's share of capital costs for each calendar year shall be determined by computing the ratio which its pupil enrollment on October 1 of the year next preceding the year for which the apportionment is determined bears to the total pupil enrollments of all the member municipalities on the same date. Capital costs represented by debt service shall be apportioned as a capital cost of the year in which the debt service falls due.

(E) Apportionment of Operating Costs. All operating costs, except those described in subsection IV(F), for the first calendar year next following the establishment of the regional school district and for every calendar year

(E) Apportionment of Operating Costs. (Continued)

thereafter shall be apportioned to the member municipalities on the basis of their respective pupil enrollments in the regional district school. Each member municipality's share for each calendar year shall be determined by computing the ratio which that municipality's pupil enrollment in the regional district school on October 1 of the year next preceding the year for which the apportionment is determined bears to the total pupil enrollment in the regional district school from all the member municipalities on the same date. In computing the apportionment the "persons" referred to in subsection IV (F) shall be excluded. In the event that enrollment of pupils in the regional district school has not been accomplished by October 1 of any year, operating costs shall be apportioned on the basis of the number of pupils residing in each member municipality and enrolled in grades one through twelve, inclusive, of any public, private, or parochial school, wherever located, on October 1 of that year.

(F) Special Operating Costs. The Committee shall determine the operating costs for each calendar year of any evening trade extension courses or any other types of courses which are offered by the District to persons other than pupils attending the regular day regional vocational technical school. Each member municipality's share of such operating costs shall be determined by computing the ratio which that municipality's enrollment of persons in such courses on November 1 of the year next preceding the year for which the apportionment is determined bears to the total enrollment of persons in such courses from all the member municipalities on the same date. In the event that enrollment of persons in such courses has not been accomplished by November 1 of any year, such operating costs shall be apportioned on the basis of the number of pupils residing in each member municipality and enrolled in grades one through twelve, inclusive, of any public, private, or parochial school, wherever located, on October 1 of that year.

(G) Times of Payment of Apportioned Costs. Each member municipality shall pay to the District in each year its proportionate share, certified as provided in subsection V(C), of the capital and operating costs. Except as otherwise provided in subsection V(A), the annual share of each member municipality shall be paid in such amounts and at such times that at least the following percentages of such annual share shall be paid on or before the dates indicated, respectively:

April 1	25%
June 1	60%
September 15	75%
November 15	100%

SECTION V. BUDGET

(A) Initial Budget. Within sixty days after the regional district school committee is first organized, it shall prepare a reasonably detailed operating and maintenance budget covering expenses, if any, for the balance of the then calendar year.

Copies of such proposed budget shall be submitted to the mayors of the member cities and to the chairman of the board of selectmen and to the chairman of the finance or advisory committee of each member town for their consideration. A budget shall be adopted not earlier than fourteen days but within twenty-one days after the proposed budget has been so submitted. The amount of the said budget shall be apportioned among the member municipalities according to the

SECTION V (A) Initial Budget. (Continued)

provisions of Section IV herein. The regional district treasurer shall certify to the treasurer of each member municipality its respective share of said budget. The sums thus certified shall be payable by each member municipality to the regional district school committee but only from funds which may be or may have been appropriated by each member municipality for such purpose.

(B) Tentative Annual Operating and Maintenance Budget. Thereafter, the Committee shall prepare annually a tentative operating and maintenance budget for the ensuing calendar year, attaching thereto provision for any installment of principal or interest to become due in such year on any bonds, or other evidence of indebtedness of the District, and any other capital costs to be apportioned to the member municipalities. On or before November 15 the said Committee shall submit to the mayors of the member cities and to the chairman of the board of selectmen and to the chairman of the finance or advisory committee of each member town a copy of such tentative operating and maintenance budget which shall be itemized as follows or be in such further detail as the regional district school committee may deem advisable:

1. Administration
2. Instruction
3. Other school services
4. Operation and Maintenance of Plant
5. Fixed charges
6. Community services
7. Acquisition of fixed assets
8. Debt retirement and debt service
9. Programs with other districts and private schools
10. Cost of transportation

(C) Final Annual Operating and Maintenance Budget. The Committee shall adopt an annual operating and maintenance budget, including debt and interest charges and any other current capital costs as separate items, on or before December 1 for the ensuing calendar year, and the said Committee shall apportion the amounts necessary to be raised in order to meet the said budget in accordance with the provisions of subsections IV (D), IV (E) and IV (F). The amounts so apportioned to each member municipality shall, prior to December 31 of each year preceding the calendar year to which said budget relates, be certified by the district treasurer to the treasurer of each member municipality, and each member municipality shall appropriate the amounts so certified.

SECTION VI. TRANSPORTATION

School transportation shall be provided by the regional school district and the cost thereof shall be apportioned to the member municipalities as an operating cost.

SECTION VII. AMENDMENTS

(A) Limitations. This agreement may be amended from time to time in the manner hereinafter provided, but no such amendment shall be made which shall substantially impair the rights of the holders of any bonds, notes, or other obligations of the District then outstanding, or the rights of the District to procure the means for payment thereof, provided that nothing in this section shall prevent the admission of a new town or towns to the District and the reapportionment accordingly of capital costs of the District represented by bonds or notes of the District then outstanding and of interest thereon.

SECTION VII. AMENDMENTS (Continued)

(B) Procedure for Initiating Amendments. Any proposal for amendment, except a proposal for amendment providing for the withdrawal of a member municipality (which shall be initiated as provided in Section IX), may be initiated by a majority vote of all the members of the Committee or by a petition signed by 5% of the registered voters of any one of the member municipalities. In the latter case, said petition shall contain at the end thereof a certification by the town or city clerk of such municipality as to the number of registered voters in said municipality according to the most recent voting list and the number of signatures on the petition which appear to be the names of registered voters of said municipality and said petition shall be presented to the secretary of the Committee. In either case, the secretary of the Committee shall promptly give notice in writing to the city councils of the member cities and to the board of selectmen of each of the member towns that a proposal to amend this agreement has been made and shall enclose a copy of such proposal (without the signatures in the case of a proposal by petition).

(C) Procedure for Action by the Cities and Towns. The city council of each member city shall vote on the question of accepting a proposed amendment at a regular or a special meeting of the city council within 60 days of receiving notice of the proposed amendment. The selectmen of each member town shall include in the warrant for the next annual or special town meeting (for which the warrant has not yet been closed) an article stating the proposal or the substance thereof. Such amendment shall take effect upon its acceptance by all the member municipalities, acceptance by each city to be by a majority vote of its city council and acceptance by each town to be by a majority vote at a town meeting as aforesaid.

SECTION VIII. ADMISSION OF ADDITIONAL TOWNS TO THE DISTRICT

By an amendment of this agreement adopted under and in accordance with Section VII above, any other town or towns may be admitted to the regional school district upon adoption as therein provided of such amendment and upon acceptance by the town or towns seeking admission of the agreement as so amended and also upon compliance with such provisions of law as may be applicable and such terms as may be set forth in such an amendment.

SECTION IX. WITHDRAWAL

(A) Limitations. The withdrawal of a member municipality from the District may be effected by an amendment to this agreement in the manner hereinafter provided in this section. Any member municipality seeking to withdraw shall, by a vote of a majority of all the members of the city council in the case of a city or by a majority vote at an annual or a special town meeting in the case of a town, request the Committee to draw up an amendment to this agreement setting forth the terms by which such municipality may withdraw from the District, provided that the said municipality shall remain liable to the District for its share of the indebtedness of the District outstanding at the time of such withdrawal, and for interest thereon, to the same extent and in the same manner as though the municipality had not withdrawn from the District.

(B) Procedure. The clerk of the municipality seeking to withdraw shall notify the Committee in writing that such municipality has voted to request the Committee

SECTION IX. WITHDRAWAL, (B) Procedure. (Continued)

to draw up an amendment to the agreement (enclosing a certified copy of such vote). Thereupon, the Committee shall draw up an amendment to the agreement setting forth such terms of withdrawal as appear reasonable and advisable, subject to the limitation contained in subsection VII (A). The secretary of the Committee shall promptly mail or deliver a notice in writing to the city council of each member city and to the board of selectmen of each member town that the Committee has drawn up an amendment to the agreement providing for the withdrawal of a member municipality, enclosing a copy of such amendment. Such amendment shall be acted upon by each of the member municipalities and shall take effect in accordance with the provisions of subsection VII (C) above.

(C) Cessation of Terms of Office of Members from Withdrawing Cities and Towns. Upon the effective date of withdrawal the terms of office of all members serving on the regional district school committee from a withdrawing municipality shall terminate and the total membership of the Committee shall be decreased accordingly.

(D) Apportionment of Capital Costs after Withdrawal. A withdrawing municipality's annual share of any future installment of principal and interest on obligations outstanding on the effective date of its withdrawal shall be fixed at the percentage prevailing for such municipality at the last annual apportionment made prior to the effective date of the withdrawal. The remainder of any such installment after subtracting the share of any municipality (or municipalities) which have withdrawn shall be apportioned to the remaining member municipalities in the manner provided in subsection IV(D).

SECTION X. TUITION STUDENTS

The Committee may accept for enrollment in the regional district school pupils and persons from municipalities other than the member municipalities on a tuition basis. Income received by the District from tuition pupils and not previously deducted from operating costs shall be deducted from the total operating costs in the next annual budget to be prepared after the receipt thereof, prior to apportionment under subsections IV (E) and IV (F) to the member municipalities.

SECTION XI. ADVISORY COMMITTEES

The regional district school committee may, to assist it in the construction or operation of the regional district school, appoint a committee or committees to advise it with respect to plans, specifications, appointment of architects, engineers, the awarding of contracts, the supervision of construction, or any other matter as the regional district school committee may desire. The members of any such committee shall serve in an advisory capacity only and without compensation.

SECTION XII. ANNUAL REPORT

The Committee shall submit on or before January 31 of each year an annual report to each of the member municipalities.

SECTION XIII. EMPLOYMENT OF TEACHERS AND OTHER PERSONNEL

Every teacher serving at the discretion of the local school committee of a member municipality of the District (tenure teacher) whose position is superseded by reason of the establishment and operation of the regional school district, shall be employed by the regional district school committee. Such teacher shall not acquire tenure in accordance with the provisions of Section 42 B of Chapter 71 of the General Laws, but shall acquire tenure in the manner otherwise provided for by law. Any teacher not serving at the discretion of the local school committee of a member municipality of the District (nontenure teacher), whose position is superseded by reason of the establishment and operation of the regional school district, shall be given preferred consideration for similar positions in the district school to the extent that such positions exist therein. Any non-teaching employee whose position is superseded by reason of the establishment and operation of the regional school district, shall be given preferred consideration for similar positions in the district school to the extent that such positions exist therein.

IN WITNESS WHEREOF, this agreement has been executed as

of the 26th day of July, 1967.

HAVERHILL, NEWBURYPORT, AMESBURY, BOXFORD, GEORGETOWN, GROVELAND, IPSWICH, MERRIMAC, NEWBURY, ROWLEY, SALISBURY, AND WEST NEWBURY REGIONAL VOCATIONAL SCHOOL DISTRICT PLANNING BOARD.

Paul J. Chase
Joseph S. Bunk
~~Joseph S. Bunk~~
~~Joseph S. Bunk~~
Bradley Fuller
Brennan
Norman L. Cole
Charles E. Goodwin
Alexander L. G...
Edward C. Bryant
O. Gordon Price
Ward Wiggitt
The...
Ray C. ...
James P. ...
Sherman E. ...
Fern J. ...
...

Robert W. ...
William A. ...
William ...
Raymond ...
John E. ...
Arthur ...
Charles ...
Catherine ...
Doris ...
Walter ...
Edward ...
Robert ...
Gene ...
Walter ...
Ken ...

APPROVED

The Commonwealth of Massachusetts
Department of Education

By David J. ...

SEP 13 1967

The Commonwealth of Massachusetts
Emergency Finance Board

By ...

...

...

Arthur H. MacFarlane

ATTACHMENT “3”

ACT

Approved by the People, November 5, 1968
Chapter 772, Acts of 1968

AND

ACTS AND RESOLVES

PASSED BY THE

General Court of Massachusetts

IN THE YEAR

1969

TOGETHER WITH

RETURNS OF VOTES UPON QUESTIONS SUBMITTED TO
VOTERS
TABLES SHOWING CHANGES IN THE STATUTES, ETC.

PUBLISHED BY

JOHN F. X. DAVOREN
Secretary of the Commonwealth



BOSTON
WRIGHT & POTTER PRINTING COMPANY
1969

Chap. 381. AN ACT ERECTING AND CONSTITUTING THE WHITTIER REGIONAL VOCATIONAL TECHNICAL SCHOOL DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. The cities of Haverhill and Newburyport and the towns of Amesbury, Georgetown, Groveland, Ipswich, Newbury, Rowley, Salisbury and West Newbury are hereby erected and constituted a vocational regional school district pursuant to the provisions of chapter one hundred and fifty-six of the acts of nineteen hundred and sixty-seven and the agreement signed by the members of the regional school district planning board and dated the twenty-sixth day of July, nineteen hundred and sixty-seven.

SECTION 2. This act shall take effect as of March nineteenth, nineteen hundred and sixty-eight. *Approved June 5, 1969.*

Chap. 382. AN ACT ABOLISHING THE POSITION OF HIGHWAY SUPERINTENDENT IN THE TOWN OF SOUTH HADLEY AND ESTABLISHING THE POSITION OF TOWN ENGINEER THEREIN.

Be it enacted, etc., as follows:

The town of South Hadley is hereby authorized to establish the position of town engineer whose duties shall be to supervise the public works of said town and who shall be subject to the supervision of the board of selectmen and serve at the pleasure of said board. The position of town engineer shall not be subject to the provisions of the civil service law and rules. Upon the appointment and qualification of the town engineer, the position of highway superintendent of the town of South Hadley shall be abolished. *Approved June 5, 1969.*

Chap. 383. AN ACT AUTHORIZING CITIES AND TOWNS OF THE COMMONWEALTH TO ADOPT ORDINANCES AND BY-LAWS TO REGULATE NOISE.

Be it enacted, etc., as follows:

Section 21 of chapter 40 of the General Laws is hereby amended by adding the following clause:—

(22) For controlling and abating noise from whatever source, including, without limiting the generality of the foregoing, the right to restrict or limit the use of automobile horns and the operation of motor vehicles in such a manner as to cause excessive noise.

Approved June 5, 1969.

Chap. 384. AN ACT INCREASING THE PENALTY FOR DISCHARGING CRUDE PETROLEUM AND CERTAIN OTHER SUBSTANCES INTO INLAND WATERS OR TIDAL WATERS.

Be it enacted, etc., as follows:

Section 59 of chapter 91 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in line 8, the words "five hundred" and inserting in place thereof the words:— one thousand. *Approved June 5, 1969.*

ATTACHMENT “4”

CHAP. 510. AN ACT AUTHORIZING REGIONAL DISTRICT SCHOOL COMMITTEES TO AMEND AGREEMENTS TO CONFORM TO THE LAW RELATING TO THE CHANGE IN THE DATES OF THE FISCAL YEAR OF SUCH DISTRICTS.

Be it enacted, etc., as follows:

The regional district school committee, hereinafter referred to in this act as the committee, of any regional school district established under the provisions of chapter seventy-one of the General Laws or of any special law may by a majority vote of its entire membership make an amendment to its agreement for the purposes hereinafter set forth. Such amendment shall have the same force and effect as if it had been adopted in accordance with the amendment procedure contained in said agreement. Such amendment may change the various dates set forth in the agreement for the payment of capital and operating costs and any special charges which the member towns and cities are required to pay as their share of such costs and charges, in order that payments therefor may be made at such dates as the committee deems more expedient in view of the provisions of chapter eight hundred and forty-nine of the acts of nineteen hundred and sixty-nine relating to the change in dates of the fiscal year of cities, towns and districts; and such amendment may include technical changes in the agreement providing that references to a calendar year may be changed to conform to the provisions of said chapter eight hundred and forty-nine. All regional school districts shall be subject to the provisions of said chapter eight hundred and forty-nine with respect to the fiscal years of districts, and provisions in any special law for determining expenditures of a regional school district for a calendar year shall be deemed to refer to the fiscal year.

Approved July 2, 1970

WHITTIER REGIONAL VOCATIONAL TECHNICAL HIGH SCHOOL DISTRICT

AMENDMENTS TO ORIGINAL AGREEMENT:

9-13-72
Section XIV

Moved to initiate an amendment to the District Agreement which provides for the admission of the Town of Merrimac as a member, said amendment to consist of the following new section XIV:

Section XIV Admission of the Town of Merrimac to membership in the District:

- A. Upon the effective date of this section the Town of Merrimac shall become a member of the District.
- B. Promptly after this section takes effect the school committee of the town of Merrimac shall appoint a member of the Committee to serve until March 31, 1985. Successors to such member shall be appointed in accordance with Section I.
- C. The Town of Merrimac, shall pay \$39,578.38 to the District as its share of debt service and operating costs for the period of 1968 through 1972.

3-14-73
Section IV
Sub section C

Moved to accept the following schedule of payments for the operational budget for the 18-month period:

April 15	25%
June 1	35%
Sept. 1	15%
Nov. 15	25%
Jan. 15	50%
March 15	50%

6-26-74
Section IV
Sub section C

Moved to accept the following schedule of payments for assessments:

August 1	25%
November 1	25%
February 1	35%
April 1	15%

8-14-74
Section 5
Sub section C

Moved that in accordance with the provisions of Chapter 1025 of the Acts of 1973 and with the authorization of Section IV, the Whittier Regional School District Committee amend the District Agreement entered into under Chapter 156 of the Acts of 1967 by striking out in Section 5-Budget, Sub section "C" the words "December 1" and in place thereof insert "February 1" in the first sentence thereof and strike out the words "December 31" and insert in place thereof "April 30" in the second sentence thereof as proposed on June 16, 1974.

Chap. 1024. AN ACT CHANGING A PORTION OF THE HARBOR LINE IN GLOUCESTER HARBOR.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately change the existing harbor lines in Gloucester Harbor, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The following described line is hereby established as a harbor line beyond which no wharf, pier, other structure or fill shall be extended or placed in or over the tidewaters of Gloucester harbor in that part of the city of Gloucester known as "The Head of the Harbor" in the area lying between the easterly end of the State Fish Pier and properties southerly of Main street which abut the harbor.

Said line is shown on a plan filed in the office of the division of waterways of the department of public works which is entitled Second Waterfront Urban Renewal Project Mass. R-128 Gloucester, Massachusetts PLAN SHOWING PROPOSED ALTERATION TO EXISTING HARBOR LINE by Fay, Spofford & Thorndike Inc., Engineers, Boston, Massachusetts dated November 1972. This new line runs as follows:

Beginning at a point, said point being on the existing harbor line as established by chapter 133 of the acts of 1869, thence leaving said harbor line south $40^{\circ}-09'-15''$ east 373.72 feet distant to a point; thence north $79^{\circ}-25'-29''$ east 27.80 feet distant to a point, said point being located on the existing harbor line as established by chapter 103 of the acts of 1882.

SECTION 2. The harbor line heretofore established by chapter one hundred and thirty-three of the acts of eighteen hundred and sixty-nine and chapter one hundred and three of the acts of eighteen hundred and eighty-two, respectively, upon that part of the harbor frontage covered by this act is superseded by the harbor line hereby established.

SECTION 3. This act shall not be construed to affect or acknowledge the legal rights of any person or corporation to set up any structure in said part of the harbor nor to continue any grant heretofore made.

Approved November 13, 1973.

Chap. 1025. AN ACT RELATIVE TO THE TIME FOR ADOPTING AND CERTIFYING REGIONAL SCHOOL DISTRICT BUDGETS AND AUTHORIZING REGIONAL DISTRICT SCHOOL COMMITTEES TO AMEND AGREEMENTS IN CONNECTION THEREWITH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to extend the dates for the adoption of budgets of regional school districts and the certification of the amounts to be apportioned to member municipalities therein, therefore it is hereby

declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section 16 of chapter 71 of the General Laws is hereby amended by striking out clause (m), as amended by section 71 of chapter 849 of the acts of 1969, and inserting in place thereof the following clause: —

(m) To adopt an annual operating and maintenance budget for the next fiscal year not later than forty-five days prior to the earliest date on which the business session of the annual town meeting of any member town is to be held, but not later than March thirty-first, provided that said budget need not be adopted prior to February first.

SECTION 2. The first paragraph of section 16B of said chapter 71, as amended by section 72 of said chapter 849, is hereby further amended by striking out the second sentence and inserting in place thereof the following sentence: — The amounts so apportioned for each town shall be certified by the regional school district treasurer to the treasurers of the several towns within thirty days from the date on which the annual budget is adopted by the regional district school committee, but not later than April thirtieth.

SECTION 3. Notwithstanding any provision of law to the contrary, the regional district school committee of any regional school district established under the provisions of any special law shall adopt its annual operating and maintenance budget not later than forty-five days prior to the earliest date on which the business session of the annual town meeting of any member town is to be held or not later than fifteen days prior to the date on which the mayor or city manager, as the case may be, of any member city is required by law to submit to the city council the annual budget, whichever date occurs first, but not later than March thirty-first, provided that the said regional school district budget need not be adopted prior to February first; and the amounts of the annual regional school district budget apportioned for each member city and town of any such district shall be certified to the treasurers of the several cities and towns within thirty days from the date on which the annual regional school district budget is adopted.

SECTION 4. The regional district school committee of any regional school district established under the provisions of chapter seventy-one of the General Laws or of any special law may by a majority vote of its entire membership make an amendment to its agreement for the purposes hereinafter set forth. Such amendment shall have the same force and effect as if it had been adopted in accordance with the amendment procedure contained in said agreement. Such amendment may change the various dates, if any, set forth in the agreement for the adoption of an annual budget, including a tentative annual budget, and for the certification by the regional school district treasurer to the treasurer of each member municipality of the amounts of such budget apportioned to that

municipality; and such amendment may also include technical changes in the agreement to carry out the provisions of sections sixteen and sixteen B of said chapter seventy-one, as amended by sections one and two of this act, and the provisions of section three of this act.

Approved November 13, 1973.

Chap. 1026. AN ACT RELATING TO INVESTMENTS OF DOMESTIC LIFE INSURANCE COMPANIES.

Be it enacted, etc., as follows:

Section 66C of chapter 175 of the General Laws is hereby amended by striking out the fourth paragraph, as appearing in section 2 of chapter 419 of the acts of 1967, and inserting in place thereof the following paragraph: —

At no time shall a domestic life insurance company make an investment in any such insurance companies pursuant to this section which will bring the aggregate cost of its total of such investments to an amount in excess of the lesser of (1) the greater of thirty-five per cent of such company's surplus to policyholders or fifty per cent of its surplus over and above its liabilities and capital, or (2) the sum of (a) four per cent of its first two hundred and fifty million dollars of admitted assets, (b) two per cent of its next two hundred and fifty million dollars of admitted assets and (c) one per cent of its admitted assets in excess of five hundred million dollars; except that a domestic life insurance company may, upon a finding by the commissioner that such an investment will be of benefit to policyholders and not lead to a lessening of competition within the insurance business, make an investment in any such insurance companies pursuant to this section in excess of the foregoing limits provided that at the time made any such investment shall not bring the aggregate cost of such domestic life insurance company's total of such investments to an amount in excess of five per cent of the admitted assets of such domestic life insurance company. For the purposes of this section, surplus, liabilities, capital and admitted assets shall be ascertained as of the December thirty-first next preceding such investment.

Approved November 13, 1973.

Chap. 1027. AN ACT PROVIDING FOR THE APPOINTMENT OF ADDITIONAL COURT OFFICERS IN CERTAIN DISTRICT COURTS AND IN THE BRISTOL COUNTY JUVENILE COURT.

Be it enacted, etc., as follows:

SECTION 1. Clause (3) of section 62 of chapter 218 of the General Laws, as appearing in chapter 211 of the acts of 1972, is hereby amended by inserting after the line reading "Seven court officers: —" the following two lines: —

third district court of eastern Middlesex,
district court of Springfield, and.

[SIMILAR MATTER FILED DURING PAST SESSION -
SEE SENATE HOUSE NO. OF]



The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND NINETY
NINE

AN ACT

**RELATIVE TO THE WHITTIER REGIONAL SCHOOL
DISTRICT COMMITTEE**

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

SECTION 1.

Section 7 of Chapter 156 of the Acts of 1967 is hereby amended by adding the following paragraph:—The committee shall be comprised of two members from each city and one member from each town located in the regional school district.

March 6, 2024 MEETING

SIGN IN SHEET

<u>Name</u>	<u>Town/Address</u>	<u>Email</u>	<u>Phone Number</u>
Mayor Sean Bearden	NBPT		
Jason Naves	Groveland		
Ronnie Ray Parrott		f	
James Ryan	Salisbury	r	
Stephen Crane	St	r	
Ed Water	GROVELAND	r	
Rebecca Oldham	Grael	r	
Angus Jennings	West	r	
Wendy Reed	WCS		
Christine Lindberg	He	r	
Mayor Melinda Barrett		a	
Kassandra Gore	Am	v	
Ben Harman	Nbpi	n	
Cliff Pierce	Ra	H	
Bill DiMuro	Ne	u	
Orlando Pacheco		l	
DOUG TROYER		e	

<u>Name</u>	<u>Address</u>	<u>Email</u>	<u>Phone Number</u>
-------------	----------------	--------------	---------------------



Town of West Newbury

381 Main Street

West Newbury, Massachusetts 01985

Angus Jennings, Town Manager

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

townmanager@wnewbury.org

TO: Select Board
 FROM: Angus Jennings, Town Manager
 DATE: March 8, 2024
 RE: Harbormaster IMA

As you know, we have had an Intermunicipal Agreement with Salisbury dating back several years to provide harbormaster services. In 2019, the scope of the agreement was broadened beyond its initial scope – which was to provide pump-out services, for which we (West Newbury) hold a Clean Vessel Act grant that provides for (roughly) 75% cost reimbursement – to also include a presence on the river, during boating season, for both enforcement and visibility (as a deterrent to violations such as high-speed boaters, tubing without spotters, etc.). When I began my tenure in 2018, my office received many complaints from residents regarding the then-lack of a visibility/enforcement presence (since, by law, the pumpout boat cannot be used for enforcement). Since the agreement was expanded (beginning in summer 2019), my office has received only positive feedback.

Since early this calendar year, I have been in correspondence with the Salisbury Town Manager Neil Harrington regarding our mutual interest in renewing the IMA for a term beginning July 1, 2024, and in late February Rebecca and I met with him to talk over potential updates. The enclosed draft (showing redlines from the existing IMA) is provided for initial Board review, with the understanding that this is a working draft. None of the proposed revisions have been reviewed nor agreed by either Town's Select Board. Neil's and my goal has been to update a working draft to reflect each of our requests/recommendations (taking into account input received from key Dept. Heads and from members of the Harbor Committee).

This item is included on the Board's agenda simply as an update, but will be agenda'd as a discussion item at a future Board meeting. Once it appears that we have a draft that is agreeable to both Towns' Boards, this will be agenda'd as an action item for Board vote.

**TOWN OF SALISBURY AND
TOWN OF WEST NEWBURY
INTERMUNICIPAL AGREEMENT FOR THE
ADMINISTRATION OF SHARED SERVICES**

Article 1. Purpose

This Agreement is entered into, pursuant to Massachusetts General Laws Chapter 40, Section 4A, by and between the Town of Salisbury, as authorized by its Town Manager and approved by its Board of Selectmen, and the Town of West Newbury, as authorized by its Town Manager and approved by its Select Board.

WHEREAS, the Town of Salisbury and the Town of West Newbury are each desirous of providing pump out boat services for their respective resident boaters on the Merrimack River; and

WHEREAS, the Town of West Newbury is desirous of providing enforcement of harbor regulations for their resident boaters on the Merrimack River; and

WHEREAS, the Town of Salisbury and the Town of West Newbury have determined that their residents can more efficiently and effectively be served with such services through a joint undertaking between the communities; and,

WHEREAS, the Town of Salisbury and the Town of West Newbury have determined to join together to establish and administer a program of shared pump out and enforcement services.

NOW THEREFORE, in consideration of the mutual covenants and agreements hereinafter contained, the parties agree as follows:

Article 2. Definitions

Harbormaster: The duly appointed Harbormaster of the Town of Salisbury.

Participating Governmental Units: The Town of Salisbury and the Town of West Newbury.

Pump out Services: The operation and maintenance of a vessel designed to extract vessel sewage in accordance with the Clean Vessel Act.

West Newbury Harbor Regulations: Section XXVI of the West Newbury Town Bylaws, "General Harbor Regulations," adopted May 12, 1993 with amendments through June 13, 2005, as may be amended.

Article 3. Term

This Agreement shall take effect upon its approval and execution by the ~~Boards of Selectmen~~ Select Boards of the respective Participating Governmental Units, and shall expire on June 30, ~~2024~~2027. Either Participating Governmental Unit shall give notice in writing to the other at least ninety (90) days prior to the expiration date whether or not it wishes to extend this Agreement. Termination of the agreement can be initiated by either Participating Governmental Unit at any time within the agreed upon term with written notice of at least ninety (90) days.

Article 4. Lead Town

The Town of Salisbury shall act as the "lead town" for the Participating Governmental Units, by employing the necessary officers and providing the necessary equipment in connection with the services as set forth hereafter. Said officers shall be considered employees of the Town of Salisbury and be accorded all applicable benefits enjoyed by other Salisbury municipal employees as they are or shall be established. The office where such employees shall be primarily located will be in Salisbury.

Article 5. Funding Contribution

During ~~Fiscal Year 2025~~the term of the Agreement, the Town of West Newbury shall pay the Town of Salisbury two separate amounts for services provided by the Town of Salisbury.

a. Pump-Out Services

- During Fiscal Year 2025, ~~The the~~ Town of West Newbury shall pay the Town of Salisbury for pump out services a total sum of not greater than ~~\$6,000.00~~ \$7,000 to be paid upon receipt of invoices for services rendered.
- During Fiscal Year 2026, the Town of West Newbury shall pay the Town of Salisbury for pump out services a total sum of not greater than \$8,000 to be paid upon receipt of invoices for services rendered.
- During Fiscal Year 2027, the Town of West Newbury shall pay the Town of Salisbury for pump out services a total sum of not greater than \$9,000 to be paid upon receipt of invoices for services rendered.

b. Harbormaster Visibility/Enforcement Services

In addition, upon presentation of invoices by the Town of Salisbury, the Town of West Newbury shall pay the Town of Salisbury for enforcement of Harbor Regulations a total sum of \$2,500 in two equal payments of \$1,250.00 on or before July 31 and November 30 of each fiscal year of the Agreement, to be paid as a fixed fee for services provided pursuant to Article 7 below. These payments shall include all applicable expenses incurred by the Town of Salisbury in providing services on behalf of the Participating Governmental Units, including, but not limited to, wages and any other applicable benefits. Nothing herein shall prevent the parties from mutually agreeing in writing to change the funding contribution during the term of this Agreement, subject to available appropriation.

Article 6. Financial Safeguards

Under the provisions of M.G.L. Chapter 40, §4A, the Town of Salisbury Harbormaster shall provide to the Town of West Newbury periodic financial statements that shall include: accurate and comprehensive records of the services performed under this agreement; the costs incurred; and the reimbursements and contributions received. Such reports shall be compiled and distributed by the Harbormaster on a quarterly basis. In addition, all bills and payrolls submitted for work done under this regional Agreement shall be plainly marked to indicate that the work was done under the authority of this Agreement.

Article 7. Hours of Services and Service Requirements

The Town of Salisbury shall provide pump out services under this Agreement, for vessels physically located in West Newbury, on an as-needed basis in accordance with Attachment A to the Town of West Newbury's Clean Vessel Act (CVA) grant agreement with the Commonwealth of Massachusetts, Division of Marine Fisheries, which is attached hereto and incorporated herein. In addition, on weekend days (including weekday holidays) during the boating season (May 15 - October 15), the Town of Salisbury shall conduct periodic patrols of the portion of the Merrimack River abutting West Newbury in order to establish a visible presence of the Harbormaster and to conduct enforcement activities pursuant to the West Newbury Harbor Regulations; provided, however, that such patrols may be suspended, upon the reasonable judgment of the Harbormaster, on days with inclement weather.

At the beginning of the boating season, and on a periodic basis thereafter, the West Newbury Town Manager's office will provide the Town of Salisbury (via the Harbormaster) a list of dock and mooring locations that have been permitted by the Town. The Town of Salisbury shall report unpermitted structures and moorings to the West Newbury Town Manager's office if identified within its patrols.

Article 8. Vehicle Usage

The Town of West Newbury shall provide a pump out boat. This vehicle shall be made available for the use of the Salisbury Harbormaster. Collision and liability insurance for this vehicle shall be paid by the Town of West Newbury. Upon presentation of receipts for expenses incurred, the Town of Salisbury shall be reimbursed for reasonable costs, not to exceed \$500.00 within a fiscal year, associated with the garaging, maintenance and upkeep of West Newbury's pump out boat during the term of this Agreement.

Article 9. Fees and Fines

Any fees or fines collected during the provision of pump-out or enforcement services will be collected on behalf of and returned to the Participating Governmental Unit from within the municipal boundaries of which the service is performed. All citations or warnings issued by the Salisbury Harbormaster within the portion of the Merrimack River abutting West Newbury shall be sent to the West Newbury Harbor Committee, care of the Town Manager's office, not later than seven-five (75) calendar days after the date of issuance of the citation or warning.

Article 10. Indemnification

In the event that any claims, demands, suits, causes of action, costs, and expenses arise with respect to the services provided pursuant to this Agreement, and to the extent permitted by Massachusetts General Laws chapter 258 and other applicable law, a Participating Governmental Unit shall indemnify, defend and hold harmless the other Participating Government Unit from and against any such claims, demands, suits, causes of actions, costs and expends, including reasonable attorneys' fees and legal costs, but only to the extent that they arise from or relate to the negligent acts or omissions of the first Participating Governmental Unit, or its agents, servants, or employees. By entering into this Agreement, neither of the parties has waived any governmental immunity or limitation of liability or damages which may be extended to them by operation of law. This Agreement is by and between the municipalities which have executed it and each states that the Agreement is intended for their mutual benefit alone and is not intended to confer any express or implied benefits on any other entity or person. This Agreement is not intended to confer third party beneficiary status on any person.

Article 11. Miscellaneous

- a) This Agreement may only be amended in writing by vote of both of the Participating Governmental Units. Should additional municipalities seek to join this program of shared pump out services, the terms agreed to herein, including apportionment of expenses, for such additional municipalities shall be negotiated and approved by both of the Participating Governmental Units.
- b) This Agreement represents the entire understanding of the parties with respect to its subject matter.
- c) This Agreement shall be governed by the laws of the Commonwealth of Massachusetts.
- d) If any of the provisions of this Agreement is declared to be illegal, unenforceable, or void, then both parties shall be relieved of all obligations under such provision, provided, however, that the remainder of the Agreement shall be enforced.

Witness our hands and seals as of this ____ day of _____, 2024.

TOWN OF WEST NEWBURY
By its Select Board

TOWN OF SALISBURY
By its Board of Selectmen

Dated: _____

DRAFT



Town of West Newbury Finance Committee
FY25 Budget Meeting Schedule
2/22/24

*All meetings **except as noted below** will be in the 1910 Building
 381 Main Street, West Newbury, MA
 Hearing Room 1*

<u>Date/Time</u>	<u>Departments/Topics To Be Reviewed</u>	
Tuesday, Feb. 13 th 6:30pm	Whittier School Committee public hearing re FY25 School Budget Location: Whittier Tech High School	
Thursday, Feb. 15 th Joint FinCom/SB mtg 6pm	Presentation of proposed FY25 budget Review of proposed Town Meeting warrant articles	
Tuesday, Feb. 20 th 6:30pm Joint FinCom/SB mtg	DPW	
Monday, Feb 26 th Joint SB/FinCom mtg 7pm	Moderator Select Board Town Manager Finance Department Town Clerk Debt Service	Board of Registrars/Elections Board of Assessors Legal Counsel Health Insurance Insurance and Bonds Unemployment Compensation
Tuesday, Feb. 27 th 6pm	Pentucket School Committee public hearing re FY25 School Budget Location: Pentucket Middle/High School	
Tuesday, March 5 th or Tues., March 12 th 6pm	Pentucket School Committee expected to vote FY25 School Budget	
Wednesday, March 13 th 5:30pm	Whittier Tech School Committee, Budget Workshop Location: Whittier Tech High School	
Wednesday, March 13 th Joint FinCom/SB mtg 6pm	Police Department Fire Department Dispatch Animal Control	Board of Health Council on Aging Emergency Management Agency Historical Commission
Tuesday, March 19 th 7pm	Planning Board public hearing re proposed MBTA Communities zoning	
Wednesday, March 20 th Joint SB/FinCom mtg 6pm	Library Conservation Commission Planning Board Inspectional Services Board of Appeals	Parks & Rec Commission Open Space Committee Mill Pond Committee Bandstand Cultural Council
Wednesday, March 27 th Joint SB/FinCom mtg 6pm	Education Water Veterans' Services Harbormaster Finance Committee	Community Preservation Comm Transfers to/from Stabilization Essex County Retirement COLA & non-COLA adjustments Medicare (FICA)

Please note: The order that topics are listed are not necessarily the order they will be reviewed. The Finance Committee Chairperson reserves the right to take up items out of order. The Committee will consider proposed Town Meeting warrant articles at the time that the article sponsor(s) appear before the Committee for review of proposed operating budgets, supplemental review at subsequent meetings if/as needed.

Posted Schedule on 2/22/2024 at the Town Offices and the Town's Official Website www.wnewbury.org



Town of West Newbury

381 Main Street
West Newbury, Massachusetts 01985

Angus Jennings, Town Manager
978-363-1100, Ext. 111 Fax 978-363-1826
townmanager@wnewbury.org

C.e.

TO: Select Board
FROM: Angus Jennings, Town Manager
DATE: March 9, 2024
RE: FY25 Budget Updates

The current draft FY25 operating budget is enclosed. Sections shaded in light green have already been reviewed by Finance Committee and Select Board. Budget sections with headings shaded in bright yellow are scheduled for review at the upcoming meeting on March 13th.

In addition to whatever other changes have resulted or will result from Board review of the proposed budget sections that have not yet been reviewed, I would like to initiate two minor changes to the budget as initially proposed:

- Select Board Professional & Technical Services. Recommend increasing from \$10,000 (FY24) to \$20,000 for FY25. Proposed FY25 amount (level-funded from FY24) already reviewed/recommended by FinCom/Select Board. However, we have recently become aware of land survey costs; these may be proposed for CPA funding, but if not would be recommended for increase to this budget line. (Would need to be reconsidered at FinCom/SB mtg on March 20th or 27th).
- Conservation Commission. Recommend increasing new Land Steward/Internship Wages budget line from \$6,500 (initially proposed) to \$7,500 (recommended). This increase of \$1,000 (from initial proposal) would support engagement of part-time staff chainsaw operator(s) this summer. (FY25 ConCom budget scheduled for review at meeting on March 20th).

This is to make the Board aware that I will be presenting updated numbers at the scheduled FinCom/Select Board reviews of these budget sections, unless the Board directs that these changes not be introduced. Thank you for your consideration.



TOWN OF WEST NEWBURY
PROPOSED FY25 OPERATING BUDGET
 Updated draft: March 9, 2024

Name	FY22	FY23	FY24	FY25 TM	Change from FY24		Increase as % of total increase	FY25 FinCom	FinCom
	Actual	Actual	Amended	Proposed	\$	%		Proposed	change from TM
General Government									
MODERATOR	230	200	260	260	0	0.0%	0.0%	260	0
SELECT BOARD	40,609	21,149	13,940	17,060	3,120	22.4%	0.3%	15,960	(1,100)
TOWN MANAGER	321,610	265,886	334,685	423,186	88,501	26.4%	9.1%	418,986	(4,200)
FINANCE DEPARTMENT	254,515	294,709	326,336	364,452	38,116	11.7%	3.9%	364,452	0
FINANCE COMMITTEE	1,312	919	42,000	52,000	10,000	23.8%	1.0%	42,000	(10,000)
BOARD OF ASSESSORS	173,887	165,833	165,372	168,581	3,209	1.9%	0.3%	168,581	0
LEGAL COUNSEL	53,677	65,124	82,349	82,127	(222)	-0.3%	0.0%	82,127	0
TOWN CLERK	125,300	141,166	156,594	156,262	(332)	-0.2%	0.0%	156,262	0
BOARD OF REGISTRARS/ELECTIONS	10,965	20,994	18,770	21,950	3,180	16.9%	0.3%	21,950	0
CONSERVATION COMMISSION	31,894	41,171	76,506	84,295	7,789	10.2%	0.8%		
PLANNING BOARD	67,175	66,981	80,163	78,944	(1,219)	-1.5%	-0.1%		
BOARD OF APPEALS	700	0	700	1,400	700	100.0%	0.1%		
OPEN SPACE COMMITTEE	69	0	750	750	0	0.0%	0.0%		
Public Safety									
POLICE DEPARTMENT	1,195,914	1,219,223	1,195,755	1,296,033	100,278	8.4%	10.3%		
FIRE DEPARTMENT	282,867	251,720	320,919	327,669	6,750	2.1%	0.7%		
PUBLIC SAFETY DISPATCH	266,322	284,827	327,848	340,347	12,499	3.8%	1.3%		
INSPECTION DEPARTMENT	138,480	141,728	151,738	157,449	5,711	3.8%	0.6%		
EMERGENCY MANAGEMENT	10,769	8,643	12,413	12,601	188	1.5%	0.0%		
ANIMAL CONTROL OFFICER	25,898	26,858	27,503	32,268	4,765	17.3%	0.5%		
HARBORMASTER	2,500	3,038	4,000	4,500	500	12.5%	0.1%		
Education									
EDUCATION	9,151,440	9,441,244	9,853,378	10,155,327	301,949	3.1%	31.0%		
Department of Public Works									
DPW	1,368,664	1,357,891	1,550,438	1,665,094	114,656	7.4%	11.8%	1,635,094	(30,000)
Human Services									
BOARD OF HEALTH	548,546	586,092	653,233	689,530	36,297	5.6%	3.7%		
COUNCIL ON AGING	93,331	113,438	123,482	125,563	2,081	1.7%	0.2%		
VETERANS	32,804	30,733	34,872	34,300	(572)	-1.6%	-0.1%		
LIBRARY	369,714	393,022	422,234	429,016	6,782	1.6%	0.7%		
RECREATION	25,349	21,627	48,372	27,332	(21,040)	-43.5%	-2.2%		
HISTORICAL COMMISSION	0	600	600	600	0	0.0%	0.0%		
CULTURAL COUNCIL	0	0	100	100	0	0.0%	0.0%		
Debt Service									
DEBT SERVICE	313,950	297,950	0	0	0	#DIV/0!	0.0%		
Benefits									
ESSEX COUNTY RETIREMENT FUND	731,432	805,419	675,135	911,931	236,796	35.1%	24.3%		



**TOWN OF WEST NEWBURY
PROPOSED FY25 OPERATING BUDGET
Updated draft: March 9, 2024**

UNEMPLOYMENT INSURANCE	439	0	1,200	1,200	0	0.0%	0.0%		
EMPLOYEES' HEALTH INSURANCE	406,997	427,955	527,865	547,440	19,575	3.7%	2.0%	527,440	(20,000)
MEDICARE INSURANCE (FICA)	52,412	51,842	61,421	63,878	2,457	4.0%	0.3%		
INSURANCE AND BONDS	187,002	191,127	219,643	212,538	(7,105)	-3.2%	-0.7%	212,538	0
TRANSFERS - STABILIZATION	500,000	500,000	400,000	400,000	0	0.0%	0.0%		
EXPENSE BUDGET TOTAL	16,786,774	17,239,108	17,910,574	18,885,982	975,408	5.4%			(65,300)

Revised est. year-to-year change (with FinCom changes): **5.1%**

Summary

	FY22 Actual	FY23 Approved	FY24 Amended	FY25 Proposed	Change from FY24	
					\$	%
Total Operating Budget:	16,786,774	17,239,108	17,910,574	18,885,982	975,408	5.4%
Non-Education budget:	7,635,334	7,797,864	8,057,196	8,730,655	673,459	8.4%



TOWN OF WEST NEWBURY

Proposed FY25 Operating Budget

Updated draft: March 9, 2024

	FY 2022	FY 2023	FY 2024	YTD thru 2/15/2024		FY 2025	Proposed Change		FY 2025
	Expended	Expended	Amended	\$	%	TM Proposed	\$	%	FinCom
	6/30/2022	6/30/2023		Percent of yr: 62.6%		2/19/2024			
GENERAL GOVERNMENT									
Moderator's Salary	200	200	<u>2/15/2023</u> 200	100	50.0%	200	-	0%	<u>2/26/2024</u> 200
Moderator's Expenses	30	-	60	-	0.0%	60	-	0%	60
114 Total Moderator	230	200	260	100	38.5%	260	-	0%	260
Select Board Appointed Salary & Wages	29,821	9,669	<u>2/15/2023</u> -	-	-	-	-	-	<u>2/26/2024</u> -
Professional and Technical Services	4,000	8,961	10,000	8,339	83.4%	10,000	-	0%	10,000
Operating Expenses	6,788	2,518	3,940	3,203	81.3%	7,060	3,120	79%	5,960
122 Total Select Board	40,609	21,149	13,940	11,541	82.8%	17,060	3,120	22%	15,960
Town Manager Salary	153,875	156,952	<u>10/23/2023</u> 160,091	97,527	60.9%	163,299	3,208	2%	<u>2/26/2024</u> 163,299
Town Manager Office Salaries & Wages	72,092	19,664	71,504	42,356	59.2%	140,463	68,959	96%	140,463
Technology Expenses	53,427	65,201	76,455	51,712	67.6%	82,645	6,190	8%	82,645
Town Manager Expenses	38,616	20,469	23,035	13,055	56.7%	33,179	10,144	44%	28,979
Vehicle Allowance	3,600	3,600	3,600	2,100	58.3%	3,600	-	0%	3,600
123 Total Town Manager	321,610	265,886	334,685	206,749	61.8%	423,186	88,501	26%	418,986
Finance Dept Salaries & Wages	193,218	233,091	<u>3/29/2023</u> 259,141	156,800	60.5%	266,042	6,901	3%	<u>2/26/2024</u> 266,042
Annual Audit	20,500	20,500	22,000	22,000	100.0%	23,000	1,000	5%	23,000
Tax Title and Foreclosure	-	1,330	2,050	2,486	121.3%	4,746	2,696	132%	4,746
Postage Expense	14,437	15,551	16,200	17,017	105.0%	19,000	2,800	17%	19,000
Finance Dept Expenses	24,748	22,794	24,945	13,813	55.4%	47,164	22,219	89%	47,164
Travel	1,613	1,444	2,000	590	29.5%	4,500	2,500	125%	4,500
135 Total Finance	254,515	294,709	326,336	212,707	65.2%	364,452	38,116	12%	364,452
Finance Committee Expenses	1,312	919	<u>3/22/2023</u> 2,000	398	19.9%	2,000	-	0%	<u>2/26/2024</u> 2,000
Reserve Fund	-	-	40,000	-	0.0%	50,000	10,000	25%	40,000
131 Total Finance Committee	1,312	919	42,000	398	0.9%	52,000	10,000	24%	42,000
Assessors Appt'd Pers Salaries	127,109	129,213	<u>3/29/2023</u> 138,792	84,170	60.6%	142,001	3,209	2%	<u>2/26/2024</u> 142,001
Assessors Expenses	46,779	36,620	26,580	12,063	45.4%	26,580	-	0%	26,580
141 Total Assessors	173,887	165,833	165,372	96,234	58.2%	168,581	3,209	2%	168,581

TOWN OF WEST NEWBURY

Proposed FY25 Operating Budget

Updated draft: March 9, 2024



	FY 2022	FY 2023	FY 2024	YTD thru 2/15/2024		FY 2025	Proposed Change		FY 2025
	Expended	Expended	Amended	\$	%	TM Proposed	\$	%	FinCom
	<u>6/30/2022</u>	<u>6/30/2023</u>		Percent of yr:	62.6%	<u>2/19/2024</u>			
General/Labor/Land Use Counsel Special Counsel	53,677	65,124	<u>2/15/2023</u> 82,349	35,802	43.5%	82,127	(222)	0%	<u>2/26/2024</u> 82,127
151 Total Legal Counsel	53,677	65,124	82,349	35,802	43.5%	82,127	(222)	0%	82,127
			<u>3/29/2023</u>						<u>2/26/2024</u>
Town Clerk Salary & Wages	112,969	127,811	141,749	81,602	57.6%	140,962	(787)	-1%	140,962
Operation of Fax/Photo Machine	5,507	6,370	6,620	3,799	57.4%	6,800	180	3%	6,800
Town Clerk's Expenses	6,824	6,985	8,225	2,906	35.3%	8,500	275	3%	8,500
161 Total Town Clerk	125,300	141,166	156,594	88,307	56.4%	156,262	(332)	0%	156,262
			<u>10/23/2023</u>						<u>2/26/2024</u>
Town Clerk Compensation	200	200	200	-	0.0%	200	-	0%	200
Bd of Registrars Salary & Wages	2,965	9,900	8,400	1,995	23.8%	11,250	2,850	34%	11,250
Bd of Registrars Expenses	7,800	10,894	10,170	3,667	36.1%	10,500	330	3%	10,500
162 Total Registrars	10,965	20,994	18,770	5,662	30.2%	21,950	3,180	17%	21,950
			<u>3/29/2023</u>			<u>3/9/2024</u>			
Conservation Salary & Wages	25,713	34,892	69,280	42,400	61.2%	70,666	1,386	2%	
Land Steward/Internship Wages	-	-	-	-	-	7,500	7,500	#DIV/0!	
Conservation Com Expenses	6,181	6,280	7,226	3,478	48.1%	6,129	(1,097)	-15%	
Con Com Vehicle Allowance	-	-	-	-	-	-	-	-	
171 Total Conservation	31,894	41,171	76,506	45,878	60.0%	84,295	7,789	10%	-
			<u>3/29/2023</u>			<u>3/5/2024</u>			
Planning Bd Salary & Wages	59,319	61,893	73,071	41,866	57.3%	72,084	(987)	-1%	
Planning Bd Expenses	6,151	3,341	5,300	1,045	19.7%	5,100	(200)	-4%	
MVPC Assessment	1,705	1,747	1,792	-	0.0%	1,760	(32)	-2%	
175 Total Planning	67,175	66,981	80,163	42,911	53.5%	78,944	(1,219)	-2%	-
ZBA Expenses	700	-	700	-	0.0%	1,400	700	100%	-
176 Total Board of Appeals	700	-	700	-	0.0%	1,400	700	100%	-
Open Space Expenses	69	-	750	-	0.0%	750	-	0%	-
179 Total Open Space	69	-	750	-	0.0%	750	-	0%	-
TOTAL GENERAL GOVERNMENT:	1,081,944	1,084,132	1,298,425	746,288	57.5%	1,451,267	152,842	11.8%	1,270,578



TOWN OF WEST NEWBURY

Proposed FY25 Operating Budget

Updated draft: March 9, 2024

	FY 2022	FY 2023	FY 2024	YTD thru 2/15/2024		FY 2025	Proposed Change		FY 2025
	Expended	Expended	Amended	\$	%	TM Proposed	\$	%	FinCom
	6/30/2022	6/30/2023		Percent of yr: 62.6%		2/19/2024			
PUBLIC SAFETY									
			<u>3/29/2023</u>			<u>3/9/2024</u>			<u>3/13/2024</u>
School Resource Officer	68,845	29,972							
Police Salaries & Wages	885,785	904,956	1,015,727	568,020	55.9%	1,064,723	48,996	5%	
Police OT Wages	101,301	148,980	71,468	94,773	132.6%	120,000	48,532	68%	
Police Expenses	99,984	95,316	108,560	58,843	54.2%	111,310	2,750	3%	
Police Cruiser	40,000	40,000				-	-	#DIV/0!	
210 Total Police	1,195,914	1,219,223	1,195,755	721,637	60.3%	1,296,033	100,278	8%	-
			<u>3/29/2023</u>						<u>3/13/2024</u>
Fire Alarm Wages	68,213	57,769	95,374	34,974	36.7%	156,909	61,535	65%	
Fire Training/Drills	20,486	14,119	28,168	12,868	45.7%	-	(28,168)	-100%	
Fire Dept Other Wages	18,405	21,857	26,792	10,911	40.7%	-	(26,792)	-100%	
Fire Administration Wages	27,614	27,305	27,575	21,687	78.6%	21,000	(6,575)	-24%	
Fire Dept. Medical Exam	2,400	-	3,000	1,600	53.3%	-	(3,000)	-100%	
Hydrant/Fire Protection (to Water Dept)	77,207	77,207	81,510	81,510	100.0%	81,510	-	0%	
Fire Alarm Communications	11,601	8,663	12,500	2,300	18.4%	-	(12,500)	-100%	
Fire Expenses	56,941	44,800	46,000	34,177	74.3%	68,250	22,250	48%	
220 Total Fire	282,867	251,720	320,919	200,028	62.3%	327,669	6,750	2%	-
			<u>3/29/2023</u>			<u>2/17/2024</u>			<u>3/13/2024</u>
Municipal Dispatch Salaries & Wages	219,917	230,765	270,778	154,981	57.2%	274,757	3,979	1%	
Municipal Dispatch OT Wages	22,853	26,976	26,480	23,945	90.4%	35,000	8,520	32%	
Municipal Dispatch Expenses	23,552	27,085	30,590	20,286	66.3%	30,590	-	0%	
230 Total Municipal Dispatch	266,322	284,827	327,848	199,211	60.8%	340,347	12,499	4%	-
Inspectors Salaries & Wages	125,700	128,061	135,538	81,207	59.9%	141,249	5,711	4%	
Inspectors Expenses	7,019	7,908	9,000	4,766	53.0%	9,000	-	0%	
Inspectors' Vehicle Allowances	5,760	5,760	7,200	4,200	58.3%	7,200	-	0%	
240 Total Inspectors	138,480	141,728	151,738	90,173	59.4%	157,449	5,711	4%	-
			<u>3/29/2023</u>						<u>3/13/2024</u>
Emergency Mgmt Salary & Wages	7,770	6,093	9,413	6,963	74.0%	9,601	188	2%	
Emergency Mgmt Expenses	2,999	2,550	3,000	632	21.1%	3,000	-	0%	
291 Total Emergency Management	10,769	8,643	12,413	7,596	61.2%	12,601	188	2%	-

TOWN OF WEST NEWBURY



Proposed FY25 Operating Budget

Updated draft: March 9, 2024

	FY 2022	FY 2023	FY 2024	YTD thru 2/15/2024		FY 2025	Proposed Change		FY 2025
	Expended	Expended	Amended	\$	%	TM Proposed	\$	%	FinCom
	6/30/2022	6/30/2023		Percent of yr: 62.6%		2/19/2024			
Animal Control Expenses	25,898	26,858	<u>3/22/2023</u> 27,503	-	0.0%	32,268	4,765	17%	<u>3/13/2024</u>
292 Total Animal Control	25,898	26,858	27,503	-	0.0%	32,268	4,765	17%	-
Harbormaster Salary & Wages	-	-	-	-	-	-	-	-	-
Harbormaster Exp (contracted services)	2,500	3,038	4,000	2,500	62.5%	4,500	500	13%	-
295 Total Harbormaster	2,500	3,038	4,000	2,500	62.5%	4,500	500	13%	-

TOTAL PUBLIC SAFETY:	1,922,751	1,936,037	2,040,176	1,221,145	59.9%	2,170,867	130,691	6.4%	-
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EDUCATION									
Pentucket Regional Sch Assessment	7,242,985	7,408,673	7,862,142	5,243,031	66.7%	8,127,214	265,072	3%	-
Pentucket Capital Assessment	1,196,556	1,232,822	1,154,371	764,364	66.2%	1,157,182	2,811	0%	-
Pentucket Assessment Page Phase II	493,338	485,238	479,838	319,892	66.7%	474,438	(5,400)	-1%	-
304 Total Pentucket	8,932,879	9,126,733	9,496,351	6,327,287	66.6%	9,758,834	262,483	3%	-
Whittier Minimum Contribution	136,998	219,455	217,901	185,215	85.0%	227,097	9,196	4%	-
Whittier Other Assessments	18,727	27,419	23,624	20,080	85.0%	24,926	1,302	6%	-
Whittier Debt/Capital Assessment	21,602	23,860	21,392	18,183	85.0%	42,784	21,392	100%	-
305 Total Whittier	177,327	270,734	262,917	223,479	85.0%	294,807	31,890	12%	-
Essex North Shore Agricultural & Tech School	41,234	43,777	94,110	48,589	51.6%	101,686	7,576	8%	-
310 Total Essex North Shore Agricultural	41,234	43,777	94,110	48,589	51.6%	101,686	7,576	8%	-

TOTAL EDUCATION:	9,151,440	9,441,244	9,853,378	6,599,355	67.0%	10,155,327	301,949	3.1%	-
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TOWN OF WEST NEWBURY

Proposed FY25 Operating Budget

Updated draft: March 9, 2024



	FY 2022	FY 2023	FY 2024	YTD thru 2/15/2024		FY 2025	Proposed Change		FY 2025
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	6/30/2022	6/30/2023		Percent of yr: 62.6%		2/19/2024			
DEPARTMENT OF PUBLIC WORKS									
			<u>3/29/2023</u>			<u>2/19/2024</u>			<u>2/20/2024</u>
DPW Salaries & Wages	483,533	555,561	635,593	349,717	55.0%	658,552	22,959	3.6%	658,552
DPW Overtime Wages	17,299	14,781	18,000	10,785	59.9%	24,000	6,000	33.3%	24,000
Snow & Ice Removal	247,245	204,198	200,000	78,912	39.5%	200,000	-	0.0%	200,000
Town Bldgs Operating Expenses	143,869	167,264	158,030	91,610	58.0%	158,030	-	0.0%	158,030
Town Bldgs Improvements	41,438	34,510	51,000	26,117	51.2%	51,000	-	0.0%	51,000
Street/Paving Repairs	59,693	25,341	55,000	508	0.9%	55,000	-	0.0%	55,000
Highway, Sidewalk & Trees	203,126	146,288	219,580	151,653	69.1%	280,000	60,420	27.5%	250,000
Stormwater management	10,226	14,361	15,500	2,750	17.7%	15,000	(500)	-3.2%	15,000
DPW Expenses	12,080	30,673	16,485	10,687	64.8%	18,025	1,540	9.3%	18,025
Parks Expense	14,884	14,080	28,790	-	0.0%	44,087	15,297	53.1%	44,087
Electricity	80,886	70,366	84,000	28,714	34.2%	84,000	-	0.0%	84,000
Road Machinery Operating Expen	41,442	64,235	54,060	40,260	74.5%	60,000	5,940	11.0%	60,000
DPW Vehicle Allowance	6,000	5,000	6,000	1,000	16.7%	6,000	-	0.0%	6,000
Public Street Lights	6,943	11,231	8,400	7,311	87.0%	11,400	3,000	35.7%	11,400
420/424 Total Department of Public Works	1,368,664	1,357,891	1,550,438	800,023	51.6%	1,665,094	114,656	7.4%	1,635,094
TOTAL PUBLIC WORKS:	1,368,664	1,357,891	1,550,438	800,023	51.6%	1,665,094	114,656	7.4%	1,635,094

TOWN OF WEST NEWBURY

Proposed FY25 Operating Budget

Updated draft: March 9, 2024



	FY 2022	FY 2023	FY 2024	YTD thru 2/15/2024		FY 2025	Proposed Change		FY 2025
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	6/30/2022	6/30/2023		Percent of yr: 62.6%		2/19/2024			
HUMAN SERVICES									
			<u>10/23/2023</u>						<u>3/13/2024</u>
Board of Health Salary & Wages	126,498	127,965	134,918	81,675	60.5%	137,616	2,698	2%	
Public Health Nurse	5,700	3,200	6,000	2,800	46.7%	6,000	-	0%	
Waste Collection & Disposal	375,998	393,362	421,400	243,525	57.8%	441,360	19,960	5%	
Recycling	1,670	19,517	45,000	15,847	35.2%	43,000	(2,000)	-4%	
Hazardous Waste Expense	1,798	1,989	2,000	1,502	75.1%	2,000	-	0%	
Steele landfill monitoring	29,708	33,175	36,915	17,050	46.2%	52,554	15,639	42%	
Bd of Health Expenses	7,174	6,884	7,000	2,549	36.4%	7,000	-	0%	
510 Total Board of Health	548,546	586,092	653,233	364,948	55.9%	689,530	36,297	6%	-
			<u>3/29/2023</u>						<u>3/13/2024</u>
Council on Aging Salary & Wages	71,524	93,947	103,982	60,795	58.5%	106,063	2,081	2%	
Council on Aging Expenses	21,808	19,490	19,500	10,849	55.6%	19,500	-	0%	
541 Total Council on Aging	93,331	113,438	123,482	71,644	58.0%	125,563	2,081	2%	-
Soldiers Grave Expense	3,632	3,064	3,592	-	0.0%	4,700	1,108	31%	
Memorial Day Expenses	1,661	-	2,320	-	0.0%	1,600	(720)	-31%	
Veterans benefits & expenses	5,816	6,574	6,000	2,264	37.7%	5,000	(1,000)	-17%	
Eastern Essex Veterans Services	21,695	21,095	22,960	22,959	100.0%	23,000	40	0%	
543 Total Veterans	32,804	30,733	34,872	25,223	72.3%	34,300	(572)	-2%	-
TOTAL HUMAN SERVICES:	674,681	730,262	811,587	461,816	56.9%	849,393	37,806	4.7%	-

TOWN OF WEST NEWBURY

Proposed FY25 Operating Budget

Updated draft: March 9, 2024



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	Expended	Expended	Amended	\$	%	TM Proposed	\$	%	FinCom
	6/30/2022	6/30/2023		Percent of yr: 62.6%		2/19/2024			
CULTURE & RECREATION									
Library Salaries & Wages	260,013	282,899	307,665	187,332	60.9%	314,016	6,351	2%	
Library Expenses	38,461	32,681	33,000	26,373	79.9%	33,000	-	0%	
Library Books and Periodicals	71,241	77,442	81,569	50,225	61.6%	82,000	431	1%	
610 Total Library	369,714	393,022	422,234	263,929	62.5%	429,016	6,782	2%	-
Recreation Wages	1,335	2,700	5,072	2,925	57.7%	6,332	1,260	25%	
Recreation Expenses	16,000	10,348	33,200	17,849	53.8%	10,900	(22,300)	-67%	
Action Cove Expenses	1,826	1,801		-		-			
630/637 Total Recreation	19,161	14,849	38,272	20,774	54.3%	17,232	(21,040)	-55%	-
Mill Pond Operating Expenses	188	868	2,100	412	19.6%	2,100	-	0%	
631 Total Mill Pond	188	868	2,100	412	19.6%	2,100	-	0%	-
Bandstand Expense	6,000	5,910	8,000	5,594	69.9%	8,000	-	0%	
635 Total Bandstand	6,000	5,910	8,000	5,594	69.9%	8,000	-	0%	-
Historical Commission Expenses	-	600	<u>2/22/2023</u> 600	20	3.3%	600	-	0%	<u>3/13/2024</u>
691 Total Historical Commission	-	600	600	20	3.3%	600	-	0%	-
Cultural Council Expense	-	-	100	-	0.0%	100	-	0%	
695 Total Cultural Council	-	-	100	-	0.0%	100	-	0%	-
TOTAL CULTURE & RECREATION:	395,063	415,249	471,306	290,729	61.7%	457,048	(14,258)	-3.0%	-



TOWN OF WEST NEWBURY

Proposed FY25 Operating Budget

Updated draft: March 9, 2024

	FY 2022	FY 2023	FY 2024	YTD thru 2/15/2024		FY 2025	Proposed Change		FY 2025
	Expended	Expended	Amended	\$	%	TM Proposed	\$	%	FinCom
	6/30/2022	6/30/2023		Percent of yr: 62.6%		2/19/2024			
DEBT SERVICE									
Debt Service (Principal)	305,000	295,000	-	-	#DIV/0!	-	-	#DIV/0!	-
Debt Service (Interest)	8,950	2,950	-	-	#DIV/0!	-	-	#DIV/0!	-
710/750 Total Debt Service	313,950	297,950	-	-	#DIV/0!	-	-	#DIV/0!	-
TOTAL DEBT SERVICE:	313,950	297,950	-	-	#DIV/0!	-	-	#DIV/0!	-
BENEFITS									
Essex Regional Retirement Assessment	731,432	805,419	675,135	661,845	98.0%	911,931	236,796	35%	-
911 Total Essex Regional Retirement	731,432	805,419	675,135	661,845	98.0%	911,931	236,796		-
Unemployment Insurance & Benefits	439	-	1,200	-	0.0%	1,200	-	0%	-
913 Total Unemployment Insurance	439	-	1,200	-	0.0%	1,200	-		-
Group Insurance	406,997	427,955	<u>3/1/2023</u> 527,865	258,446	49.0%	547,440	19,575	4%	<u>2/26/2024</u> 527,440
914 Total Group Insurance	406,997	427,955	527,865	258,446	49.0%	547,440	19,575		527,440
FICA Insurance	52,412	51,842	61,421	34,524	56.2%	63,878	2,457	4%	-
916 Total FICA Insurance	52,412	51,842	61,421	34,524	56.2%	63,878	2,457		-
Insurance and Bonds	187,002	191,127	<u>3/22/2023</u> 219,643	201,027	91.5%	212,538	(7,105)	-3%	<u>2/26/2024</u> 212,538
945 Total Insurance and Bonds	187,002	191,127	219,643	201,027	91.5%	212,538	(7,105)		212,538
TOTAL BENEFITS:	1,378,282	1,476,342	1,485,264	1,155,842	77.8%	1,736,987	251,723	16.9%	739,978
TRANSFERS To/From - STABILIZATION									
Transfers Out - to Capital Stabilization	500,000	500,000	600,000	600,000	100.0%	600,000	-	0%	-
Transfers In - from School Stabilization			(200,000)	(200,000)	100.0%	(200,000)	-	0%	-
992 Total Transfers Out	500,000	500,000	400,000	400,000	100.0%	400,000	-	0%	-
TOTAL TRANSFERS OUT:	500,000	500,000	400,000	400,000	100.0%	400,000	-	0.0%	-
1000 Total General Fund	16,786,774	17,239,108	17,910,574	11,675,198	65.2%	18,885,982	975,408	5.4%	3,645,650

MEETING NOTICE

(MGL Chapter 30A, Sections 18-25)

**COMMITTEE OR
CONVENING BODY:**

**Pentucket Regional School District
School Committee**

MEETING PLACE:

Middle High School Building

**DATE & TIME OF
MEETING:**

Tuesday, March 12, 2024, 6:00 p.m.

AGENDA ITEMS:

- 1. Call to Order**
- 2. Roll Call/Majority Vote**
- 3. Consent Agenda**
- 4. Subcommittee Updates**
- 5. Public Comment**
- 6. Superintendent News/Student Representative's News**
- 7. Student Opportunity Act (SOA) Plan 2024 Revision**
- 8. Move E&D Funds into OPEB and Move Stabilization**
- 9. FY25 Budget**
- 10. Adjournment**

Signed: Dr. Justin Bartholomew

Date: March 8, 2024

Pentucket Regional School Committee

Meeting Time: 6:00 p.m.

Location: Middle-High Building

March 12, 2024

ITEM	DETAIL	RECOMMENDATION AND ACTION TAKEN
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**(Please note: MAJORITY VOTE 4.6)
Groveland (1.13), Merrimac (1.12), W. Newbury (.75)**

6:00 I.	Call to Order	
	A. Roll Call B. Majority Vote C. Consent Agenda <ul style="list-style-type: none">● Agenda● Business Minutes February 27, 2024● Policies D. Subcommittee Updates <ul style="list-style-type: none">● Finance and Business, Teaching, Learning, & Accountability, Policy, Community Liaison/Communication	Discuss/Approve
6:05 II.	Public Comment	
6:20 III.	Superintendent's News/Student Representative's News	
6:30 IV.	New Business A. Student Opportunity Act (SOA) Plan 2024 Revision B. Move E&D Funds into OPEB and Move Stabilization C. FY25 Budget Vote	Discuss/Approve Discuss/Approve Discuss/Approve
	INFORMATION ON NEW BUSINESS - CLICK HERE	
7:00 V .	Adjournment	Discuss/Approve

A. Student Opportunity Act (SOA) Plan 2024 Revision

Background: Every three years the DESE requires the submission of an updated SOA Plan that is intended to focus on the evidence based strategies and measures the district is taking to close those student performance gaps. Linked here is the 2024 Pentucket SOA Plan that has been in development for several months.

Attachment: [2024 SOA Plan](#)

Discuss/Approve:

Motion/Vote: To vote the revised plan as presented.

B. Move E&D Funds \$150,000 into OPEB and Move \$441,800 into Stabilization

Background: With a shortfall of more than \$1,300,000 to balance the FY25 budget, we are attempting to reduce the number of positions that will be cut by utilizing some of the E&D funds from this year. The below motion is in accordance with Section 4 of PRSD Policy DBS.

Attachment:

Discuss/Approve: [PRSD Policy DBS](#).

Motion/Vote: Motion to move \$150,000 into OPEB and \$441,800 into stabilization from E&D with the remaining E&D being utilized to help balance the FY25 budget.

C. FY25 Budget

Background: An update on the FY25 budget which, at its completion will give a budget number for the SC to vote upon. If approved, the next day, assessment letters will be sent out to all three Pentucket Towns based upon the approved budget number.

Attachment:

Discuss/Approve:

Motion/Vote: Motion to approve the FY25 budget # of \$(will be finalized at the SC meeting as PRSD continues to work on this number).

AGENDA 02/28/24
Land Management & Planning Group

Wednesdays Bi-Weekly 9:00 am

- 1) Updates – Warrant Articles
 - a. Status of reviews by SB/FinCom/Capital Imp. Comm./CPC
 - b. Key upcoming mtg/hearing dates (incl. re wetlands bylaw, MBTA Communities zoning bylaw)
- 2) Phone System, key card entry updates
- 3) Page School Masonry RFP contract award
- 4) HW Stormwater Contract, next steps
- 5) Sawmill Brook Conservation Area trails/crossing and baseline report
- 6) Update on PRSD drainage concerns raised to Jonathan Seymour 2/2/24
- 7) NHESP response to Ash Street management plan
- 8) Draft River Road studies (MVP Action Grant progress update)
- 9) Hazard Mitigation Plan – fill in any remaining blanks
- 10) To discuss after meeting with key staff (Michelle, Sue, Sam, Angus):
draft Conservation Restriction, Evergreen Farm (114 Ash Street)

Land Management & Planning Group Members:

Katelyn Bradstreet, MCCPO, DPW Business Manager

Sue Brown, Town Planner

Mike Dwyer, Police Chief

Michelle Greene, Conservation Agent

Butch Hills, Highway Superintendent

Angus Jennings, Town Manager

Sam Joslin, Building Commissioner

Mark Marlowe, Water Superintendent

Brian Richard, Facilities Manager

Paul Sevigny, Health Agent

Christine Wallace, DPW Program & Project Manager

Angus Jennings

From: Conservation
Sent: Friday, March 8, 2024 12:45 PM
To: Michael Dwyer; Angus Jennings; Water Superintendent
Subject: RE: Project Schedule - LAR Spillway Protection [WQ Cert BRP WW 10 Lower Artichoke Reservoir #22-WW10-0014-APP]
Attachments: Lower Artichoke Spillway - 78-748 - TOY waiver approval 3.4.2024.pdf

Hello,

I wanted to give head's up that Newburyport will be starting tree removal work on the earthen dam this March. The work was approved under an Order of Conditions. The Commission approved a waiver to the TOY restriction which does not lift until April 15th to allow tree work to begin in March as the Commission's TOY restriction did not align with the USACE'S TOY restriction to protect federally endangered northern long-eared bats.

No action needed but I wanted to give a head's up as I imagine the type and location of the work will likely generate questions and concerns being directed to both the police and water dept.

Happy to answer any questions.

Michelle Greene
 Conservation Agent
 Town of West Newbury
 381 Main Street
 West Newbury, MA 01985
 Office: (978) 363-1100 x126
 Mobile: (978) 891-0238
conservation@wnewbury.org

Stick Season isn't just a catchy song, it's also the time of year when bald eagles can be seen carrying materials, including sticks, to build their nests. Mating pairs of bald eagles work together to build nests and from December through February the male collects nesting materials for the female and she constructs the nest. Observations of eagles carrying sticks can help Mass Fish and Wildlife identify bald eagle nest locations. If you see a bald eagle carrying a stick, email mass.wildlife@mass.gov with details of when and where your observation took place. To learn more about bald eagles in Massachusetts [click here](#).

From: Conservation
Sent: Thursday, January 25, 2024 11:38 AM
To: Michael Dwyer <dwyer@westnewburysafety.org>; Town Manager <townmanager@wnewbury.org>; Water Superintendent <water.superintendent@wnewbury.org>
Cc: Molly Hawking
Subject: RE: Project Schedule - LAR Spillway Protection [WQ Cert BRP WW 10 Lower Artichoke Reservoir #22-WW10-0014-APP]

Hi All,

An update on the spillway project. I inspected the control with the contractor and the Newburyport agent today. Things look good and the current plan is the contractor will move equipment onto the site tomorrow and will begin work on Monday 1/29. The contractor expects that the work to create the stone foundation, moving the stockpile of rocks into

the reservoir, will take about a week and the work to restore grades on the earthen embankment on both the Newburyport and West Newbury sides will take another week or so.

Once the work is done, the entire area will be loamed and seeded so it will be important that we work together to keep people out of the area not only during construction but also through the spring growing season so the area can stabilize.

I'll defer to you Chief on when to send out the code red message below and if it needs to be amended to try and keep people out of the area through the spring.

Thank you,

Michelle Greene
Conservation Agent
Town of West Newbury
381 Main Street
West Newbury, MA 01985
Office: (978) 363-1100 x126
Mobile: (978) 891-0238
conservation@wnewbury.org

Salt based deicers are a commonly used and cost-effective method to keep driveways, parking areas, and sidewalks clear of snow and ice, but excessive use of salts can negatively impact the environment and drinking water. Salt used for deicing doesn't go away, it washes into waterways or seeps into the ground, building up and contaminating surface and ground water. Learn more about the impacts of excess deicing salt in the environment [here](#); find tips to reduce the amount of deicing salt you use [here](#); and check with the Conservation Agent to see if your property has any conditions restricting the use of deicing salts near wetlands.

From: Conservation

Sent: Thursday, January 11, 2024 2:47 PM

To: Michael Dwyer <dwyer@westnewburysafety.org>; Town Manager <townmanager@wnewbury.org>; Water Superintendent <water.superintendent@wnewbury.org>

Cc: Molly Hawking

0014-APP]

Hi Mike,

I have this for the message:

“The city of Newburyport will be undertaking a construction project at the Lower Artichoke Spillway adjacent to Route 113. In the interest of safety, anglers and the public are asked to refrain from accessing this area during construction. Construction is anticipated to begin the week of January 22, 2024 and will continue through the end of the month. For more information please contact Jon-Eric White, City of Newburyport Engineer/Project Manager at jewwhite@cityofnewburyport.com or 978-465-4464 x1710”

Michelle Greene
Conservation Agent
Town of West Newbury
381 Main Street



TOWN OF WEST NEWBURY

CONSERVATION COMMISSION

381 Main Street, West Newbury, Mass. 01985

TEL: 978-363-1100 x126 EMAIL: conservation@wnewbury.org

March 8, 2024

Jon-Eric White
City of Newburyport, Department of Public Services
16C Perry Way
Newburyport, MA 01950

Re: Insignificant Change Approval – Time of Year Restriction (tree clearing), Lower Artichoke Spillway – 0 Middle Street Parcel R27-31, West Newbury, MA, DEP File #078-0749

Dear Mr. White,

During a regularly scheduled and duly posted meeting of the West Newbury Conservation Commission held on Monday March 4, 2024 the Commission reviewed a request for insignificant change relative to Order of Conditions DEP File #078-0749 for construction of a stone foundation along the upstream side of the Lower Artichoke reservoir spillway and removal of trees along the dam embankment at the Lower Artichoke Spillway – 0 Middle Street Parcel R27-31, West Newbury, MA.

The insignificant change request sought to further modify Standard Condition 19 of the Order of Conditions to waive the time of year restriction requiring work to stop between October 15, 2023 and April 15, 2024 to allow for tree clearing activities on the earthen berm in March 2024 to allow the project to proceed in compliance with the US Army Corp. of Engineers permit which contains a conflicting Time of Year Restriction for protection of the federally endangered northern long-eared bat.

The Conservation Commission voted unanimously to approve this insignificant change request subject to the following conditions:

1. A pre-work site visit shall be conducted with the Conservation Agent, City of Newburyport, and Newburyport's tree removal contractor.
2. The existing turbidity curtains installed for the foundation work up and downstream of the spillway shall remain in place until all tree removal work is completed.
3. All other Special and Standard Conditions of the Order of Conditions shall be adhered to as all other Special and Standard Conditions remain in full force and effect.

Please keep this letter as part of your file.

Sincerely,

Michelle Greene, Conservation Agent

Angus Jennings

From: Michael Dwyer <dwyer@westnewburysafety.org>
Sent: Wednesday, March 6, 2024 10:41 AM
To: Angus Jennings
Subject: Fwd: Legislative Breakfast Agenda

From: Neal Hovey (TPD) <nhovoy@topsfildpolice.com>
Sent: Monday, March 4, 2024 9:41 AM
Subject: Legislative Breakfast Agenda

Good morning. In preparation for the ECCOPA Legislation Breakfast, I put together the following agenda. Please let me know your thoughts. I'm also looking for members to speak up and provide your comments and questions to the legislators regarding each of the bills that will be presented.

Agenda:

8:30am - 9:00am - Coffee, Breakfast

9:00am - Chief Hovey Call's the meeting to Order

9:05am – Chief LeLacheur welcomes everyone and introduces Mayor Cahill

9:10am – Mayor Cahill provides opening remarks.

9:15am – Chief Hovey Introduces our honored guests.

9:20am - Chief Carmichael and David Shapiro present the following bills.

- HB2516/ HB2536/ SB1680 - Disability pensions for violent crimes. – Public Service Committee
- HB2546/Gov's Budget - Allowing a Group IV retiree to continue service as MPTC Executive Director – Reported Favorably by Public Service Committee
- SB2543 - An Act relative to fentanyl test strips – House Ways and Means
- Gun control legislation – Conference Committee

9:40am - Chief Fowler addresses the legislators with concerns regarding the recent gun legislation.

9:50am - Chief Reddy addresses the legislators with concerns regarding the civil service legislation.

10:00am - Chief Reddy addresses the legislators with concerns regarding increasing the age of juvenile crimes and the impacts of the criminal violence.

10:10am - DA Tucker addresses the legislators with concerns regarding the asset forfeiture legislation.

10:20am - Sheriff Coppinger addresses the legislators about the unity of the DA's office, ECCOPA and the Sheriff's Department and the how these legislative bills impact his organization.

10:30am - Questions and answers

10:40am - Adjourn

Please let me know your thoughts regarding the format and timeline.

Hope you have a great day.

Neal

Neal S. Hovey

Town of Topsfield

Topsfield Police Department

Chief of Police

210 Boston Street

Topsfield, MA 01983

V-978-887-6533

F-978-887-8424

nhovey@topsfieldpolice.com



NOTICE: This message and any attachments are solely for the intended recipient and may contain confidential or privileged information. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this message and any attachments is prohibited. If you have received this communication in error, please notify us by reply email and immediately and permanently delete this message and any attachments. Email transmission may not be secure and could contain errors. We accept no liability for any damage caused by any virus transmitted by this email. Please do not send to us by email any information containing personally identifiable information without appropriate encryption. Thank you. Please note the Massachusetts Secretary of State's office has determined that most emails to and from municipal offices and officials are public records. For more information please refer to: <http://www.sec.state.ma.us/pre/preidx.htm>. Please consider the environment before printing this email.

Angus Jennings

From: Michael Dwyer <dwyer@westnewburysafety.org>
Sent: Wednesday, March 6, 2024 2:53 PM
To: Angus Jennings
Cc: Executive Assistant
Subject: West Newbury Police

Angus,

The West Newbury PD will be participating in an on-site assessment for re-accreditation July 2024. Sgt. Jay Johnson and Sgt. Rich Parenteau will be working with assessors from the Mass Police Accreditation Commission. Sgt. Johnson will be finishing his tenure as the accreditation manager and Sgt. Parenteau will be stepping into this role. Once we are underway I would like to invite you over to meet the team.

I will keep you updated on our progress.

Thank you,
Mike

Michael Dwyer
Police Chief
West Newbury Police Department
401 Main Street
West Newbury, Ma 01985
978-363-1213
dwyer@westnewburysafety.org



Angus Jennings

From: Conservation
Sent: Thursday, January 25, 2024 2:51 PM
To: Matthew Shwom; Graham Bacheller; Molly Hawking (
Cc: Wendy Reed; Town Manager
Subject: Draft Land Management Plan for Sawmill Brook
Attachments: LAND Grant Management Plan template_Fee interest_2022.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

Attached please find the template that the state provided to create the required land management plan for the Sawmill Brook property. We need to submit this to the state for their review by the beginning of June 2024, this deadline sounds distant but will creep up rather quickly.

I looked at the template in a bit more detail today and was hoping to assign some tasks on it. Let me know what you think about the below delegation of items to complete. Also, I think the forestry management and agricultural management section (page 5) is not applicable to the Sawmill Brook parcel but if you see that differently, please let me know.

Michelle

- #1, #2, #3, and #4 through structures on page 4. This is all info I have and can cut and paste into the document from the CR and the LAND grant application.
- Section II page 6, Resource Maps : I have these from the LAND grant docs.
- Input info gathered from site visit into sections III and IV

MPC / OSC (I'm not sure if both committees want to take a stab at this together or if you'd like to further divide the work between the 2 committees, I'll defer to you on it),

- #4, page 4 beginning at item "Planned stewardship activities and regular management" through item "Planned actions to address potential management challenges or existing issues". Three items total.

ConCom (after MPC/OSC)

- #4, page 4 beginning at item "Planned stewardship activities and regular management" through item "Planned actions to address potential management challenges or existing issues".
 - These are the same sections delegated to MPC/OSC however, after they complete their draft, ConCom can review and add to it for any wetlands related items.

All (the group on this email)

- Section III Site Visit and Section IV Photographs: Schedule a day this spring where we can all (or as many people are available/interested) do the site visit together. It will be a great opportunity for everyone to really review the site.
- Section V Amendments: I think we should all work together to develop a way that we could amend the management plan that we are all comfortable with.

To keep things moving to meet the deadline, I'd like to keep to a schedule. Please let me know if there are any known issues with this schedule and I'll

- **By March 27, 2024:** MPC/OSC action items due to me for distribution to ConCom to add wetlands related additions (this allows each committee at least 2 meetings to work on these items)
- **By April 5, 2024:** ConCom wetlands additions added and management plan distributed back to this group for review
- **April 10, 2024 @ 4:30 PM:** Meeting of this group to review work done to date, work on the amendment section together, and schedule a site visit (will send calendar invite for this)
- **Between April 11 – April 26:** Site visit to gather info and photos for sections III and IV of plan
- **By May 3, 2024:** I'll distribute the draft management plan with completed sections III and IV for this group's final review and edits
- **By May 10, 2024:** All revisions from this group finalized
- **Between May 10 – May 31:** Management plan reviewed and signed by all required/interested BCCs during their regularly scheduled meetings
- **By June 4, 2024:** Management plan sent to state with time to make revisions if the state requires it before end of FY24 on 6/30/2024

Please reach out with any questions/concerns.

Michelle Greene
Conservation Agent
Town of West Newbury
381 Main Street
West Newbury, MA 01985
Office: (978) 363-1100 x126
Mobile: (978) 891-0238
conservation@wnewbury.org

Salt based deicers are a commonly used and cost-effective method to keep driveways, parking areas, and sidewalks clear of snow and ice, but excessive use of salts can negatively impact the environment and drinking water. Salt used for deicing doesn't go away, it washes into waterways or seeps into the ground, building up and contaminating surface and ground water. Learn more about the impacts of excess deicing salt in the environment [here](#); find tips to reduce the amount of deicing salt you use [here](#); and check with the Conservation Agent to see if your property has any conditions restricting the use of deicing salts near wetlands.

MEETING NOTICE

BOARD OR COMMITTEE: Water Commissioners

DATE: March 13, 2024

TIME: 10:00 A.M.

PLACE: Water Department Office

SIGNED:  , Admin. Asst.

Agenda:

Review correspondence, balances and approve minutes from February 14th and February 21st . Hand-out pre-construction conference minutes held February 29th to board from Tata & Howard. (May 5, 2020 and August 17, 2021 executive sessions are not being released currently).

- Discuss Water Rates
- FY-25 Budget and Article
- Discuss Public Meeting March 21st 6:00pm at Annex.
- Flyer/Notice to handout at the meeting and to put in April billing with Public Meeting "re-cap"??
- T & H draft of Rate Study (update?)

- Items not Reasonably Anticipated by the Chair 48 Hours in Advance of a Meeting

RECEIVED
TOWN CLERK
WEST NEWBURY, MA
2024 MAR -7 PM 1:31

Project Meeting Agenda

Project Name: River Road: Evaluating Vulnerabilities and Options to Promote Resiliency

Date: February 28th, 2024

Time: 11:00 AM

GEI Project Number: 2303934

Invited Participants:

GEI/GMRI Project Team	West Newbury Project Team
Leila Pike (GEI)	Christine Wallace
Alex Gray (GEI)	Angus Jennings
Mike Sabulis (GEI)	Elisa Grammar
Marc Chmura (GEI)	Rick Parker
Ali Brady (GEI)	Michelle Greene
Gayle Bowness (GMRI)	

AGENDA

- **Welcome**
- **Community Events**
 - Community Science Update
 - Planning Forward Workshop
 - StoryMap Update
- **Culverts Update**
 - Draft memo
 - Next steps
- **Existing Conditions of Shoreline & Shoreline Stabilization**
 - Next steps
- **Vulnerability Analysis Update**
 - Draft memo
 - GIS data
 - Next steps
- **Next Project Meeting**
 - *March 27th at 11am - TBD*
- **Project Schedule Check-in**
- **Adjourn**

Note: This meeting may be recorded and/or transcribed

Angus Jennings

From: Angus Jennings
Sent: Wednesday, March 6, 2024 12:43 PM
To: Wendy Reed; Rick Parker; Chris Wile
Cc: DPW Projects; Executive Assistant
Subject: FW: GEI River Road Deliverables 5.1, 5.2, 5.3 - Comments by 3/27
Attachments: e Grant Second Half - Remaining Tasks & Dates.docx

Board,

Please see below an update email and link to a cloud drive to download the recent draft work products received from the consultants re the River Road MVP resiliency planning initiative.

We will handle these draft reports the same way we did for the earlier work products, namely:

- this is an invitation to you to review and send comments to Christine Wallace as individuals; we are not expecting that the SB as a Board will provide comments, due to the short timeline for review and the many other topics before the Board in the next few weeks; and
- an update will be included on the 3/11 SB agenda to acknowledge receipt of draft reports, provide overview of review process/timeline, and note that there will be public presentation of materials later this spring. (The attached file with an overall River Road project timeline with project milestones will also be included in Monday's packet materials).

Thanks,
Angus

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

From: DPW Projects <dpwprojects@wnewbury.org>

Sent: Wednesday, March 6, 2024 9:48 AM

To: Angus Jennings <townmanager@wnewbury.org>; Conservation <conservation@wnewbury.org>; Highway <highway@wnewbury.org>; Rick Parker <rparker@wnewbury.org>; Elisa Grammer <elisa.grammer@perennialmotion.com>; Christian Kuhn <chief.assessor@wnewbury.org>; Michael Dwyer

<dwyer@westnewburysafety.org>

Subject: GEI River Road Deliverables 5.1, 5.2, 5.3 - Comments by 3/27

Hi everyone ,

We received the following DRAFTS from GEI for the Town to review:

- Task 5.1 GIS data and GIS Memo (Christian, this is where we may need some input from you)
- Task 5.2 Tech Memo re Merrimack River Flood Vulnerability (river model and what impacts may be in future years)
- Task 5.3 Tech Memo re River Road Flood Risk Analysis (ie culverts/streams)

Files can be accessed:

- via the link below in Leila's email OR
- for town staff with access to the server, via this link: <S:\DPW\!Projects\PRJ-005 MVP Action Grant - River Road Resiliency\Comments\3-27-24 Town Comments>

If you have comments, please provide them to me by March 27 (day of our next meeting with GEI) in either one of two ways:

- written comments either in a word doc or email
- Town Staff – If you prefer, you can comment directly in the PDFs in the link above using the commenting mode, and then make sure to save the file when you are done.

I will then compile all the comments into one document to send to GEI. Thank you!

Christine Wallace, P.E.

DPW Program and Project Manager

Town of West Newbury

381 Main Street

West Newbury, MA 01985

978-363-1100 x130

978-409-8009 (cell)

dpwprojects@wnewbury.org

From: Pike, Leila <lpike@geiconsultants.com>


Sent: Friday, March 1, 2024 4:00 PM

To: DPW Projects <dpwprojects@wnewbury.org>

Subject: March 1 deliverables

Here we are!

The flood risk memo is quite large because of all the maps included, so I'm sending everything via a sharefolder.

ShareFolder here:  [WestNewbury](#)

Let me know if you have any issues accessing or downloading the files.

I hope you have a great weekend!

Leila

GEI



MVP River Road Action Grant Second Half Remaining Schedule (Feb-June 2024)

With Grant Deadlines and some Internal deadlines

WORKING DOCUMENT - Updated 2/27/24

Planned Date	Task	Task	Point Person	Actual or Planned Date	Due Date per Att. B
PREVIOUS					
December	2.1	Print and Digital Media (webpage devel, WN joining Community Science, signage on River Rd & Coffin St, media announcements)		TBD - CS signs outstanding	12/31
January	3.1	Existing Cond of Shoreline		Draft to Town 1/31	1/31
	3.2	Drone Survey		Draft to Town 1/31	1/31
	4.1	Exist Conditions Culvert Survey		Draft to Town 1/31	1/31
FEBRUARY					
Week 1	1.2	January Progress Report	CW	Completed	1/31
Week 2	1.3	CCRC Meeting	EG	Completed	2/28
Week 3	NA	CW PM/Catch Up	CW	In progress	NA
Week 4	3.1	Town Comments back to GEI	CW	2/28	1/31
	3.2	Town Comments back to GEI	CW	2/28	1/31
	4.1	Town Comments back to GEI	CW	2/28	1/31
	NA	Consultant Check-In	LP	2/28	NA
	NA	Submitting first half (Sep-Jan) for Reimbursement	CW	TBD	NA
MARCH					
Week 1	1.2	February Progress Report	CW	TBD	2/29
	5.1	GIS Data Compilation-Digital GIS files	LP	Draft to Town 3/1	3/31
	5.2	Merrimac River Flood Risk Analysis-Report w/maps	LP	Draft to Town 3/1	3/31
	5.3	River Road Flood Risk Analysis-Tech Memo	LP	Draft to Town 3/1	3/31
Week 2	1.3	CCRC Meeting	EG	TBD	3/31
Week 3					
Week 4	NA	Consultant Check-in	LP	3/27	NA
	5.1	GIS Data Compilation-Digital GIS files Comments by Town	CW	3/27	3/31
	5.2	Merrimac River Flood Risk Analysis-Report w/maps Comments by Town	CW	3/27	3/31
	5.3	River Road Flood Risk Analysis-Tech Memo Comments by Town	CW	3/27	3/31
APRIL					
Week 1	1.2	March Progress Report	CW	TBD	3/31
	2.5	Planning Forward Event for Local Officials	LP/GB	TBD	3/31
Week 2	1.3	CCRC Meeting	EG	TBD	3/31

Week 3	2.6	Walk to the River (NOTE- SCHOOL VAC WEEK 4/15)	CCRC	TBD	6/30
Week 4	NA	Consultant Check-in	LP	4/24	NA
MAY					
Week 1	1.2	April Progress Report	CW	TBD	4/30
Week 2	1.3	CCRC Meeting	EG	TBD	5/31
Week 3	2.6	Kayak Tour	CCRC	TBD	6/30
Week 4	NA	Consultant Check-in	LP	5/22	NA
	2.8	Arc GIS StoryMap Development	GB	5/31	3/31 (was 5/31)
	6.1	Shoreline Stabilization Options -Tech memo	LP	Draft to Town 5/31	5/31
	7.1	Infrastruct. Flood Adaptation Options – Tech Memo	LP	Draft to Town 5/31	5/31
JUNE					
Week 1	1.2	May Progress Report	CW	TBD	5/31
	1.4	Project Case Study	CW	TBD	6/30
	6.1	Shoreline Stabilization Options -Tech memo Comments from Town	CW	6/7	5/31
	7.1	Infrastruct. Flood Adaptation Options – Tech Memo Comments from Town	CW	6/7	5/31
Week 2	1.3	CCRC Meeting	EG	TBD	6/30
	8.1	Draft Report	LP	Draft to Town by 6/15	6/30
Week 3	2.9	GEI Community Site Visit	LP	TBD	5/1-6/30
	2.10	Final Public Meeting (same day as site visit)	LP	TBD	6/30
	8.1	Draft Report Comments by Town	CW	TBD	6/30
Week 4	8.2	Continuing Webpage Development	GB	6/30	6/30
	8.1	Final Report	LP	6/30	6/30
	1.2	June Progress Report	CW	TBD	6/30
July					
Week 1-2		Submit Final Reimbursement	CW	TBD	7/15

E.c.

Farming in West Newbury holds a wide variety of agriculture from tree growers, beekeepers, vegetable producers, and animal husbandry.

They are large and small to commercial growers to backyard gardens. From chickens and agricultural hobbies, the list is endless.

There are no rules and regulations in West Newbury regarding the right to farm. Since and before the covid pandemic more and more people are engaging in some type of agriculture, there needs to be a "Right to Farm" bylaw(bill) that will protect that right for the farmers and the general public.

We at Laurel Grange invite farmers and anyone interested in preserving any form of agriculture large or small to gather to develop a "Right to Farm" rules and regulations for the people of West Newbury.

We invite you to attend the open meeting on March 8th,2024 at 7:30pm at the grange hall located on 21 garden street. Your voice and presence is requested to help make this a success.

We hope to see you at the meeting to make this a success.

Sincerely,

Laurel Grange #161

ARTICLE REQUEST FORM

ARTICLE: Police Cruiser

AMOUNT REQUESTED: \$57,000

CONTACT PERSON: Chief Michael Dwyer

PHONE NUMBER: 978-363-1213

Why should the Town make this purchase? What needs will be met? Who will benefit?

We are requesting funding to replace our 2020 Ford Explorer police cruiser. This vehicle is one of 4 police cruisers used for patrol and emergency response. Our cruisers are used 24/7/365 and are rotated on a regular basis to minimize wear and tear.

Proposed pricing is based on budget quotes received in February, 2024 for 2025 Ford all-wheel-drive utility vehicles. We received quotes for both hybrid and gas models, and the proposed dollar amount would cover the hybrid cost (which is about \$3k more than gas), but have not made a decision as to which vehicle would be purchased. Gas-powered vehicles are currently more available because departments have shifted away from hybrid due to issues large and small. The West Newbury P.D. has experienced some performance issues with its hybrid model such as check engine lights and power drain issues. Ford has in many cases covered these issues under warranty, but it still leaves the department without a vehicle for several days at a time. We have communicated with contacts at other departments including State Police, Rowley, and Boston University and they have experienced similar issues, and BU suffered a major issue that took over a year to fix. We feel that the hybrids have a better design with LE vehicles compared to fully electric vehicles, which tend to be smaller and do not have the storage capacity that we have with the hybrid/gas models.

With regard to the quotes received, these are strictly for budgeting purposes. Prior to proceeding with a purchase, luxury features would be removed from the final quote such as AutoStart, tint and other items that are not necessary.

What factors affect the timing of this purchase?

This vehicle is a second generation Ford Hybrid SUV and the first hybrid purchased for the police department. This vehicle is due for replacement based on the milage and recent costly repairs. We held off replacing this vehicle last year due to the current milage on the vehicle and to further evaluate hybrid technology.

When should this Article be sunsetted - how long will the project take?

1 year - 06/30/2025

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

Routine maintenance costs (insurance, registration, fuel, maintenance etc.) are built into Police Dept. operating budget.

The proposed dollar amount in the article request is not the total cost of the cruiser. The total est. cost is about \$67,000 but, as has been past practice, our intent is to fund the balance of costs from the Police Cruiser Revolving Fund.

Does this Article involve improvement, preservation or creation of tangible Town-owned assets and projects which 1) have useful life of at least five years; 2) cost over \$20,000 and or 3) for which the Town is authorized to borrow funds? If so, please confirm that this item is on the Capital Improvements Committee Schedule for future capital investments.

Yes.

Please attach additional pages or other supporting documentation



Budget Quote

CUSTOMER

Company/Dept: Chief Michael Dwyer
 Contact: West Newbury Police Dept.
 Street Address: 401 Main St.
 City, State, Zip: West Newbury, MA. Ma. 01985
 Phone: 978 363 1213
 E-Mail: dwyer@westnewburysafety.org
 Job Description: **Hybrid + Upfit**

Date: February 13, 2024
 Valid for: 60 Days*
 Customer #:
 Contract: GBPC / MAPC
 Sales Rep: Chad Page

Vehicle: **Contract Number: GBPC / MAPC**

CONTRACT LINE REFERENCE	VEHICLE LINE DESCRIPTION	UNIT PRICE	QTY.	EXTENDED PRICE
K8A	2025 Ford Utility PI - AWD - Hybrid Engine	\$ 47,995.00	1	\$ 47,995.00
Color:	UM: Agate Black	\$ -	1	\$ -
Engine:	3.3L V6 Hybrid Engine	\$ -	1	\$ -
Headlights	Pre-drilled head lamp housings	\$ -	1	\$ -
Rear View	Back up camera monitor in rear view mirror	\$ -	1	\$ -
549	Heated Side Mirrors	\$ 59.00	1	\$ 59.00
76R	Reverse Sensing	\$ 270.00	1	\$ 270.00
51R	Driver Only LED Spot Lamp (Unity)	\$ 387.00	1	\$ 387.00
52P	Rear Lock Rods and Plungers	\$ 157.00	1	\$ 157.00
43D	Dark Car Feature	\$ 25.00	1	\$ 25.00
153	Front License Plate Bracket	\$ -	1	\$ -
Wheels	Small Wheel Covers	\$ -	4	\$ -
Vehicle Total:				\$ 48,893.00

Equipment: **Contract Number: GBPC / MAPC**

CONTRACT LINE REFERENCE	CONTRACT EQUIPMENT LINE DESCRIPTION	UNIT PRICE	QTY.	EXTENDED PRICE
Service	Fleet Key : 1284x	\$ 375.00	1	\$375.00
Service	Graphics Package C "Ghost Lettering"	\$ 695.00	1	\$695.00
Service	Activate Head Light Flashers	\$ 120.00	0.5	\$60.00
Service	Front and Rear Vent Shades	\$ 160.00	1	\$160.00
Service	MHQ Equipment Cover Large	\$ 135.00	1	\$135.00
Non-Contract	911 Circuits Power Management Distribution System 27 Fused Outputs	\$ 750.00	1	\$750.00
MCRNTB	Whelen Micron Series <i>Solo Blue Mounted in Grill Cut-outs</i>	\$ 119.70	2	\$239.40
VTX609B	Whelen Hideaways Vertex <i>in Front Corners, Blue (2)</i>	\$ 107.10	2	\$214.20
I2E	Whelen ION Series Duo Color I2E in <i>Front Grill, B/W</i>	\$ 153.90	2	\$307.80
MBFX20	Whelen Mirror Beam Housing for PIU 20+	\$ 371.70	1	\$371.70
MBIONVB	Whelen Mirror Beam V-series	\$ 96.30	2	\$192.60
PACKAGE	Whelen Liberty II DUO Color WCX lightbar <i>"Packaged" w/ Core Siren + Control head + OBD2 Cable + Siren Speaker</i>	\$ 4,250.00	1	\$4,250.00

CY1892	Whelen Core Expansion Module 16 Outputs	\$ 218.70	1	\$218.70
I2E	Whelen ION Series B/W <i>in Rear Quarter Glass</i>	\$ 153.90	2	\$307.80
I2E	Whelen ION Series B/W <i>in Upper Rear Gate</i>	\$ 153.90	2	\$307.80
VTX609*	Whelen Hideaways Vertexs (4) <i>in Rear Tail-Lights, Red / White</i>	\$ 107.10	4	\$428.40
TLIB	Transfer Dual+A28:D37 Gun Rack	\$ 127.80	2	\$255.60
3SR	Whelen 3SRC DomeLights <i>Red/White 2 in Lower Lift Gate 1 Overhead Front Console</i>	\$ 77.40	3	\$232.20
PRPSP4714UINT20A	Pro-Gard Front Partition PRPSP4714UINT - <i>Vinyl Center Slide Window w/ Screen and Recessed Panel</i>	\$ 928.80	1	\$928.80
S4702UINT20OSB	Pro-Gard Rear Partition with <i>Transport Seat w/ Poly rear Barrier and OBS Belt System</i>	\$ 1,689.30	1	\$1,689.30
BR66	Pro-Gard <i>Windows Bar Verticle Steel Bars</i>	\$ 246.60	1	\$246.60
CVS1012	Havis VS Series High Angle CVS1012INUT Console	\$ 431.80	1	\$431.80
CARM103	Havis Flip up Arm Rest / 103	\$ 122.31	1	\$122.31
CUP2	Havis Self Adjusting Dual Cupholder	\$ 53.98	1	\$53.98
MMSU1	Magnetic Mic Clips	\$ 49.00	2	\$98.00
Non-Contract	Maglight Flashlight ML150LR-7019	\$ 209.00	1	\$209.00
Service	Transfer 2 Way Radio	\$ 120.00	2.5	\$300.00
Service	Transfer 2 Way Radio	\$ 120.00	2.5	\$300.00
Service	Transfer Radar	\$ 120.00	1.5	\$180.00
Service	Transfer Dual Gun Rack	\$ 120.00	1.5	\$180.00
Service	Transfer MDT / Computer system	\$ 120.00	3.5	\$420.00
Non-Contract	AntennaPlus Computer Antenna <i>Cell / GPS NEW # APMMFCCWGQSMARP3BL19</i>	\$ 381.58	1	\$381.58
Budget	Potential Estimated Increase on MY25 Equipment	\$ 2,435.65	1	\$2,435.65
Equipment Total:				\$17,478.22
Trade Vehicles:				
CONTRACT LINE REFERENCE	TRADE VEHICLE LINE DESCRIPTION	UNIT PRICE	QTY.	EXTENDED PRICE
TRADE	Vehicle: Vin Number:			\$0.00
Trade Vehicle/s Total:				\$0.00
Per Vehicle / Equipment				\$66,371.22
Qty:			1	
Quote Grand Total:				\$66,371.22
TERMS AND CONDITIONS				

Deferrals and Cancellations of Sales Orders In all cases where vehicles, products, and labor are purchased against government and public contracts, the terms and conditions of that contract shall prevail and bind McGovern MHQ. In cases where contract terms on deferral and/or cancellation are not defined, and for non- contract sales, the following McGovern MHQ policy shall prevail.

Deferrals

For this discussion, "deferral" refers to a customer-initiated action to delay the delivery of purchased items* beyond the delivery date confirmed to the customer in writing (Purchase Order confirmation). All deferral requests must be communicated to McGovern MHQ in writing.

McGovern MHQ, at their sole discretion, reserves the right to accept or reject deferral requests. Once the subject item has started the production / fabrication process, delivery deferrals are not allowed - the item will be built, shipped, and billed upon completion. For deferral requests on items not yet in production, McGovern MHQ shall negotiate deferral terms with the customer's purchasing or sourcing authority (not the requisitioner).

Consequences of order deferrals may include, but not be limited to, loss of scheduled production timeslot and reallocation of vehicles and/or materials to other active jobs or other customers.

Special Order and Non-Cancellable/Non-Returnable Items (NCNR)

Certain items and material are categorized as "Special Order" or "NCNR." Attempts to cancel shall be handled on an individual basis. Depending on the stage of production of a special-order item, and the suppliers involved, special order items may incur cancellation charges based on supplier purchase liabilities. McGovern MHQ shall always act in the interest of our customers to minimize or eliminate cancellation charges whenever possible. Special Order items will be identified as such at the time of quoting and order acceptance to assure an understanding of risk to the customer. NCNR items are not cancellable with our suppliers. McGovern MHQ will make a reasonable attempt to minimize the financial impact of cancelling NCNR items, but no assurance is offered that the customer's purchase liability for these item types can be reduced in any way. NCNR items will be identified as such at the time of quoting and order acceptance to assure an understanding of risk to the customer.

Cancellations

For this discussion, "cancellation" refers to a customer-initiated action to cancel a customer committed order** or any part thereof. All cancellation requests must be communicated to McGovern MHQ in writing. Cancellations will be accepted, without penalty, until the point in time where material has been ordered to support production of the ordered item(s). Once components or material is ordered against a committed customer order, cancellation charges may apply based on supplier purchase liabilities. McGovern MHQ shall always act in the interest of our customers to minimize or eliminate cancellation charges whenever possible. Depending on the type of material/components and the suppliers involved, the range of customer purchase liability can range from complete release of purchase liability, up to and including full liability of the original material cost.

Supplier Failure to Perform

McGovern MHQ shall be held harmless in cases where their suppliers fail to source, build, or deliver quoted or ordered products required to satisfy customer committed orders. McGovern MHQ shall also be held harmless in cases where a supplier discontinues availability of a product, places a product on allocation, or delivery times extend beyond their normal quoted delivery times such that the subject product becomes unavailable, or experiences extended delivery times. In these cases, McGovern MHQ shall offer alternatives, where commercially available, to the customer for consideration as acceptable substitutes.

***Purchased Items**

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ORDER ACKNOWLEDGEMENT

By signing this document you are agreeing to the above terms and conditions of this order from McGovern MHQ, Inc.

x

PRINT NAME

x

TITLE

x

SIGNATURE

x

DATE



Budget Quote

CUSTOMER

Company/Dept: Chief Michael Dwyer
 Contact: West Newbury Police Dept.
 Street Address: 401 Main St.
 City, State, Zip: West Newbury, MA. Ma. 01985
 Phone: 978 363 1213
 E-Mail: dwyer@westnewburysafety.org
 Job Description: **Gas + Upfit**

Date: February 13, 2024
 Valid for: 60 Days*
 Customer #:
 Contract: GBPC / MAPC
 Sales Rep: Chad Page

Vehicle: **Contract Number: GBPC / MAPC**

CONTRACT LINE REFERENCE	VEHICLE LINE DESCRIPTION	UNIT PRICE	QTY.	EXTENDED PRICE
K8A	2025 Ford Utility PI - AWD - Gas Engine	\$ 45,145.00	1	\$ 45,145.00
Color:	UM: Agate Black	\$ -	1	\$ -
Engine:	3.3L V6 Gas Engine	\$ -	1	\$ -
Headlights	Pre-drilled head lamp housings	\$ -	1	\$ -
Rear View	Back up camera monitor in rear view mirror	\$ -	1	\$ -
549	Heated Side Mirrors	\$ 59.00	1	\$ 59.00
76R	Reverse Sensing	\$ 270.00	1	\$ 270.00
51R	Driver Only LED Spot Lamp (Unity)	\$ 387.00	1	\$ 387.00
52P	Rear Lock Rods and Plungers	\$ 157.00	1	\$ 157.00
43D	Dark Car Feature	\$ 25.00	1	\$ 25.00
153	Front License Plate Bracket	\$ -	1	\$ -
Wheels	Small Wheel Covers	\$ -	4	\$ -
Vehicle Total:				\$ 46,043.00

Equipment: **Contract Number: GBPC / MAPC**

CONTRACT LINE REFERENCE	CONTRACT EQUIPMENT LINE DESCRIPTION	UNIT PRICE	QTY.	EXTENDED PRICE
Service	Fleet Key : 1284x	\$ 375.00	1	\$375.00
Service	Graphics Package C "Ghost Lettering"	\$ 695.00	1	\$695.00
Service	Activate Head Light Flashers	\$ 120.00	0.5	\$60.00
Service	Front and Rear Vent Shades	\$ 160.00	1	\$160.00
Service	MHQ Equipment Cover Large	\$ 135.00	1	\$135.00
Non-Contract	911 Circuits Power Management Distribution System 27 Fused Outputs	\$ 750.00	1	\$750.00
MCRNTB	Whelen Micron Series <i>Solo Blue Mounted in Grill Cut-outs</i>	\$ 119.70	2	\$239.40
VTX609B	Whelen Hideaways Vertex <i>in Front Corners, Blue (2)</i>	\$ 107.10	2	\$214.20
I2E	Whelen ION Series Duo Color I2E in <i>Front Grill, B/W</i>	\$ 153.90	2	\$307.80
MBFX20	Whelen Mirror Beam Housing for PIU 20+	\$ 371.70	1	\$371.70
MBIONVB	Whelen Mirror Beam V-series	\$ 96.30	2	\$192.60
PACKAGE	Whelen Liberty II DUO Color WCX lightbar <i>"Packaged" w/ Core Siren + Control head + OBD2 Cable + Siren Speaker</i>	\$ 4,250.00	1	\$4,250.00

CY1892	Whelen Core Expansion Module 16 Outputs	\$ 218.70	1	\$218.70
I2E	Whelen ION Series B/W <i>in Rear Quarter Glass</i>	\$ 153.90	2	\$307.80
I2E	Whelen ION Series B/W <i>in Upper Rear Gate</i>	\$ 153.90	2	\$307.80
VTX609*	Whelen Hideaways Vertexs (4) <i>in Rear Tail-Lights, Red / White</i>	\$ 107.10	4	\$428.40
TLIB	Transfer Dual+A28:D37 Gun Rack	\$ 127.80	2	\$255.60
3SR	Whelen 3SRC DomeLights <i>Red/White 2 in Lower Lift Gate 1 Overhead Front Console</i>	\$ 77.40	3	\$232.20
PRPSP4714UINT20A	Pro-Gard Front Partition PRPSP4714UINT - <i>Vinyl Center Slide Window w/ Screen and Recessed Panel</i>	\$ 928.80	1	\$928.80
S4702UINT20OSB	Pro-Gard Rear Partition with <i>Transport Seat w/ Poly rear Barrier and OBS Belt System</i>	\$ 1,689.30	1	\$1,689.30
BR66	Pro-Gard <i>Windows Bar Verticle Steel Bars</i>	\$ 246.60	1	\$246.60
CVS1012	Havis VS Series High Angle CVS1012INUT Console	\$ 431.80	1	\$431.80
CARM103	Havis Flip up Arm Rest / 103	\$ 122.31	1	\$122.31
CUP2	Havis Self Adjusting Dual Cupholder	\$ 53.98	1	\$53.98
MMSU1	Magnetic Mic Clips	\$ 49.00	2	\$98.00
Non-Contract	Maglight Flashlight <i>ML150LR-7019</i>	\$ 209.00	1	\$209.00
Service	Transfer 2 Way Radio	\$ 120.00	2.5	\$300.00
Service	Transfer 2 Way Radio	\$ 120.00	2.5	\$300.00
Service	Transfer Radar	\$ 120.00	1.5	\$180.00
Service	Transfer Dual Gun Rack	\$ 120.00	1.5	\$180.00
Service	Transfer MDT / Computer system	\$ 120.00	3.5	\$420.00
Non-Contract	AntennaPlus Computer Antenna <i>Cell / GPS NEW # APMMFCCWGQSMARP3BL19</i>	\$ 381.58	1	\$381.58
Budget	Potential Estimated Increase on MY25 Equipment	\$ 2,435.65	1	\$2,435.65
Equipment Total:				\$17,478.22
Trade Vehicles:				
CONTRACT LINE REFERENCE	TRADE VEHICLE LINE DESCRIPTION	UNIT PRICE	QTY.	EXTENDED PRICE
TRADE	Vehicle: Vin Number:			\$0.00
Trade Vehicle/s Total:				\$0.00
Per Vehicle / Equipment				\$63,521.22
Qty:			1	
Quote Grand Total:				\$63,521.22
TERMS AND CONDITIONS				

Deferrals and Cancellations of Sales Orders In all cases where vehicles, products, and labor are purchased against government and public contracts, the terms and conditions of that contract shall prevail and bind McGovern MHQ. In cases where contract terms on deferral and/or cancellation are not defined, and for non- contract sales, the following McGovern MHQ policy shall prevail.

Deferrals

For this discussion, "deferral" refers to a customer-initiated action to delay the delivery of purchased items* beyond the delivery date confirmed to the customer in writing (Purchase Order confirmation). All deferral requests must be communicated to McGovern MHQ in writing.

McGovern MHQ, at their sole discretion, reserves the right to accept or reject deferral requests. Once the subject item has started the production / fabrication process, delivery deferrals are not allowed - the item will be built, shipped, and billed upon completion. For deferral requests on items not yet in production, McGovern MHQ shall negotiate deferral terms with the customer's purchasing or sourcing authority (not the requisitioner).

Consequences of order deferrals may include, but not be limited to, loss of scheduled production timeslot and reallocation of vehicles and/or materials to other active jobs or other customers.

Special Order and Non-Cancellable/Non-Returnable Items (NCNR)

Certain items and material are categorized as "Special Order" or "NCNR." Attempts to cancel shall be handled on an individual basis. Depending on the stage of production of a special-order item, and the suppliers involved, special order items may incur cancellation charges based on supplier purchase liabilities. McGovern MHQ shall always act in the interest of our customers to minimize or eliminate cancellation charges whenever possible. Special Order items will be identified as such at the time of quoting and order acceptance to assure an understanding of risk to the customer. NCNR items are not cancellable with our suppliers. McGovern MHQ will make a reasonable attempt to minimize the financial impact of cancelling NCNR items, but no assurance is offered that the customer's purchase liability for these item types can be reduced in any way. NCNR items will be identified as such at the time of quoting and order acceptance to assure an understanding of risk to the customer.

Cancellations

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x

PRINT NAME

x

TITLE

x

SIGNATURE

x

DATE

ARTICLE REQUEST FORM

ARTICLE: Transfer of Opioid Settlement Funds

AMOUNT REQUESTED: \$3,846.12

CONTACT PERSON: Jennifer Walsh, Town Accountant

PHONE NUMBER: 978-363-1100 x112

Why should the Town make this purchase? What needs will be met? Who will benefit?

To see if the Town will vote to appropriate and transfer the sum of \$3,846.12 from Free Cash into a Special Revenue Fund pursuant to Chapter 77, Section 197 of the Acts of 2023; or take any action relative thereto.

This amount is equivalent to what the Town received in funding from statewide opioid settlements between the Massachusetts Attorney General and opioid industry participants in FY 2023 and for which the Town is obligated to spend for opioid-related purposes in accordance with the Massachusetts State – Subdivision Agreement for Statewide Opioid Settlement Funds.

What factors affect the timing of this purchase?

The establishment of a Special Revenue Fund was authorized by State legislation enacted in December, 2023. This proposed article would transfer funds already in-hand into a new Special Revenue Fund established pursuant to this recent legislation. The transfer of funds would not in any way affect the allowable uses of the funds.

When should this Article be sunsetted - how long will the project take?

N/A (the transfer would take place upon Town Meeting authorization, and prior to the closeout of FY24)

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

None.

Does this Article involve improvement, preservation or creation of tangible Town-owned assets and projects which 1) have useful life of at least five years; 2) cost over \$20,000 and or 3) for which the Town is authorized to borrow funds? If so, please confirm that this item is on the Capital Improvements Committee Schedule for future capital investments.

No.

Please attach additional pages or other supporting documentation.



Town of West Newbury

381 Main Street

West Newbury, Massachusetts 01985

Angus Jennings, Town Manager

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

townmanager@wnewbury.org

TO: Select Board

FROM: Angus Jennings, Town Manager

DATE: March 9, 2024

RE: Warrant article updates

Please find attached an updated “scorecard” showing prior FinCom and Select Board reviews, dates for scheduled/upcoming article reviews, and the latest available cost proposals/notes for articles that have seen changes since the initial draft article packet was posted on Feb. 7th.¹

The following summarizes recent changes (with the article reference numbers from prior packets):

- **12. PEG funding.** CAC confirmed its proposed amount at meeting on 3/7.
- **14. CPA standard funding article.** CPC will be asked to confirm proposed amount at 3/14 mtg.
- **17. Sawmill Brook.** CPA funding proposal expected to be further revised to change scope to support land survey and legal costs (instead of trail/bridge engineering/installation).
- **20. Middle Street Bridge.** Select Board will review/finalize proposal on 3/25 for 3/27 joint mtg.
- **25. Town Offices generator.** The amount of this proposal is expected to change, which would require re-vote of the \$90,000 amount recommended by SB and FinCom at the 2/20 meeting.
- **31. Telecom Upgrades.** Work ongoing to scope cabling work for ongoing procurement process. Updated proposed pricing anticipated, though may rely on recommendation votes (SB, FinCom, CIC) after the final scheduled meeting of March 27th.
- **32. Town Office Electronic Keying.** Work ongoing to reduce scope to only include exterior doors and server room access; updated proposed pricing anticipated.
- **34. Public Safety complex repairs.** The initial amount proposed (\$75,000) was reduced to \$23,835. A revised article request form was prepared.
- **38. Page elevator engineering, repairs.** Brian and I met with Jonathan Seymour on site two weeks ago and I met with Jonathan again last week to discuss this. We do not know what amount will be needed, but will be proposing \$50,000 (which we expect to be more than enough) to cover both near-term (known) repairs/deficiencies, to have another elevator vendor conduct diagnostics/make recommendations, and to make add'l repairs as may be needed in FY25.
- **40. Steele Landfill testing.** There is potential that we would want to accelerate the timing of some of this testing. (To do this would require a Reserve Fund transfer). If that ends up being proposed (which we expect to know on Monday), the article proposal would be reduced by whatever amount may be approved as a Reserve Fund transfer.

¹ See online at Town website – click “Select Board” then “Open Session Meeting Packets”. The initial warrant packet is posted under the Feb. 12th meeting date named “Supplemental packet with Town Meeting Warrant Article Requests and supporting information - February 7, 2024”. Link here:

<https://www.wnewbury.org/select-board/pages/select-board-open-session-meeting-packets>

- **41. Tree Removal.** Amount revised to add \$30,000 to offset the cut to the DPW Trees operating budget in the same amount.
- **43. Unbudgeted Personnel Costs.** Select Board will review/finalize proposal on 3/25 for 3/27 joint mtg.
- **44. Unbudgeted Personnel Costs.** Assuming no snow/ice events shortly ahead of, or after, March 25th, Select Board will review/finalize proposal on 3/25 for 3/27 joint mtg.

In addition, two new article request forms were received (included in 3/11 Select Board packet), and Butch and I would also like the Board to reconsider its removal of the trackless accessories from the warrant. Butch has further documented this proposal, and we will have new information to provide at Monday's (3/11) meeting.

Annual OR Special Warrant Articles - Spring 2024 Town Meeting								Recommendations	
# <u>(DRAFT)</u> Article	Amt (if \$) <u>DRAFT</u>	Sponsor	Date of initial <u>FinCom review</u>	Select Board	FinCom	Rationale	Sunset Date (if <u>applicable</u>)	Notes	
1	n/a	n/a	n/a	n/a	n/a	n/a	n/a		
2	n/a	n/a	n/a	n/a	n/a	n/a	n/a	BOWC update re financial plan	
6	n/a	???	2/15/24	n/a	n/a	n/a	n/a		
8	n/a	Town Manager	2/15/24	RP-CW 3-0	JS-DI 4-0-1	Rob	n/a	2/3 vote to create fund	
9	\$ 10,364	Town Manager	2/15/24	CW-RP 3-0	DI-JS 4-0-1	Jim	n/a		
13	n/a	Town Manager	2/15/24	CW-RP 3-0	DI-JS 4-0-1	Dan	n/a		
19	n/a	Town Manager	2/15/24	CW-RP 3-0	JS-DI 5-0	Jim	n/a		
36	\$ 50,000	Town Manager	2/15/24	CW-WR 3-0	DI-JS 5-0	Ross	6/30/25	amt increased at FC/SB mtg	
40	\$ 22,915	BOH	2/15/24	RP-WR 3-0	JS-DI 5-0	Dan	6/30/25		
23	\$ 62,000	DPW/Facilities	2/20/24	CW-WR 3-0	DI-JS 5-0	Ross		amt updated at FC/SB mtg	
25	\$ 90,000	DPW/Facilities	2/20/24	CW-WR 3-0	DI-JS 5-0	Dan		amt expected to change	
26	\$ 50,000	Pentucket/DPW	2/20/24	CW-RP 3-0	DI-JS 5-0	Dan			
28	\$ 350,000	DPW/Highway	2/20/24	CW-RP 3-0	JS-DI 5-0	Jim			
29	\$ 33,500	DPW/Highway	2/20/24	CW-RP 3-0	JS-DI 5-0	Jim			
41	\$ 80,000	DPW/Highway	2/20/24	CW-WR 3-0	JS-DI 5-0	Ross	6/30/25	amt increased by \$30k to reflect reduction of proposed DPW op. budget	
10	\$ 113,673	Town Manager	2/15/24; and 2/26/24	RP-WR 2-0	JS-DI 5-0	Rob		amt incr. to 11.5% per SB/FC discussion on 2/15/24	
11	\$ 25,500	Town Manager	2/15/24	RP-WR 3-0; RP-WR 2-0	JS-DI 4-0-1; JS-DI 5-0	Dan	n/a	Amt increased to \$25,500 on 2/26/24	
56	n/a	Select Board	2/26/24	RP-WR 2-0	n/a				
59	n/a	Town Acct.	2/26/24	RP-WR 2-0	DI-JS 5-0	Rob			
60	n/a	Town Manager	2/26/24	RP-WR 2-0	JS-DI 5-0	Jim			
61	no appropriation	Treasurer/Collector	2/26/24	RP-WR 2-0	DI-JS 5-0	Dennis			

Annual OR Special Warrant Articles - Spring 2024 Town Meeting					Recommendations			
# <u>(DRAFT)</u> Article	Amt (if \$) <u>DRAFT</u>	Sponsor	Date of initial FinCom review	Select Board	FinCom	Rationale	Sunset Date (if applicable)	Notes
18	\$ 4,000	Historical Comm	3/13/24					
21	\$ 560,000	BOFE	3/13/24					
34	\$ 23,835	DPW/Facilities	2/20/24; and 3/13/24					Updated proposed cost as of 2/26/24
38	TBD	Pentucket/ DPW	3/13/24					
53	n/a	Select Board	3/13/24					
54	n/a	Select Board	3/13/24					
55	n/a	FinCom	2/26/24; and 3/13/24					
64	\$ 3,847	Town Acct.						new article proposed for SB mtg on 3/11/24
65	\$ 57,000	Police Chief						new article proposed for SB mtg on 3/11/24
12	\$ 40,000	CAC	3/20/24					CAC met to confirm proposed amount on 3/7/24
14	\$ 730,000	CPC	3/20/24					amt updated 3/9/24
15	\$ 60,904	AHT / SB	3/20/24					amt updated 2/16/24
16	\$ 30,000	Select Board	3/20/24					amt increased at CPC mtg on 2/22/24
39	TBD	Town Manager	3/20/24					
48	TBD	Town Manager	3/20/24					amt to be proposed before 3/20
49	n/a	Planning Board	3/20/24					Planning Board hearing 3/19
50	n/a	ConCom	3/20/24					
57	n/a	Bldg. Inspector	3/20/24					

Annual OR Special Warrant Articles - Spring 2024 Town Meeting					Recommendations				
#	Article	Amt (if \$) DRAFT	Sponsor	Date of initial FinCom review	Select Board	FinCom	Rationale	Sunset Date (if applicable)	Notes
3	School Stabilization Fund transfer	\$ 200,000	Town Manager	3/27/24					
4	FY25 Town Operating Budget	TBD	FinCom	3/27/24					
5	Transfer Free Cash to reduce FY25 tax rate	TBD	Town Manager	3/27/24					
7	FY25 Water operating budget	TBD	BOWC	3/27/24					
17	CPA Article: Sawmill Brook trails, design and permitting - <i>pending favorable review/recommendation by CPC</i>	TBD	Select Board	3/27/24					scheduled for CPC review on 3/14
20	Appropriation and/or Debt Authorization for Middle Street Bridge	TBD	Town Manager	3/27/24					
31	Supplemental funding for telecom upgrades at Town Offices, Public Safety Complex and Library	TBD	Town Manager	2/20/24; and 3/27/24	table pending more info				procurement process ongoing
32	Town Offices Electronic Keying System	TBD	DPW/Facilities	2/20/24; and 3/27/24	table pending more info				project re-scoping underway to limit focus to exterior doors and server room
35	Replace Water Pump at Wellfield	\$ 44,000	BOWC	3/27/24					
43	Unbudgeted Personnel Costs, FY24-25	TBD	Town Manager	3/27/24					
44	Snow & Ice deficit (amount TBD)	TBD	DPW/Highway	3/27/24					
45	Unpaid FY23 Bills	TBD	Town Manager	3/27/24					
46	Funds for site testing for potential water source(s)	\$ 50,000	Town Manager	3/27/24					
62	Citizen Petition: Mullen and Soldiers & Sailors properties, 40R study/zoning and MBTA Communities zoning	\$ 100,000	Citizen Petition	TBD					working with SB and FinCom chairs to schedule review(s)
63	Citizen Petition: File Home Rule Petition for Commonwealth to reduce voting age to 16	n/a	Citizen Petition	TBD					working with SB and FinCom chairs to schedule review(s)

Annual OR Special Warrant Articles - Spring 2024 Town Meeting					Recommendations			
# (DRAFT) Article	Amt (if \$) DRAFT	Sponsor	Date of initial FinCom review	Select Board	FinCom	Rationale	Sunset Date (if applicable)	Notes
22	TBD	Town Manager	n/a					withdrawn by sponsor
24	\$ 38,000	DPW/Facilities	2/20/24	CW - RP 3-0 to remove from warrant				
27	\$ 75,000	Pentucket/DPW	2/20/24	CW-WR 3-0 to remove from warrant				
30	\$ 41,540	DPW/Highway	2/20/24	CW-RP 3-0 to remove from warrant				
33	\$ 120,000	DPW/Facilities	2/20/24	CW-WR 3-0 to remove from warrant				agreed to postpone for a future Town Meeting
37	\$ 30,000	Pentucket/DPW	2/20/24					withdrawn by sponsor
42	\$ 12,000	DPW/Facilities	2/20/24	CW-RP 3-0 to remove from warrant				funds for work can be found in operating budget
47	\$ 7,995	BOWC	n/a					withdrawn by sponsor
51	n/a	Town Manager	n/a					withdrawn by sponsor
52	n/a	Select Board	3/27/24					withdrawn by sponsor
58	n/a	Select Board	n/a					Not ready for this cycle

Notes:

Numbering does **not** correspond to order or numbering that will appear on Town Meeting warrants.

Cells shaded in blue are recommended/requested for STM, not ATM.



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

F.e.

Angus Jennings, Town Manager
978-363-1100, Ext. 111 Fax 978-363-1826
townmanager@wnewbury.org

TO: Select Board
FROM: Angus Jennings, Town Manager
DATE: March 9, 2024
RE: Updates to proposed Capital articles

The Capital Improvements Committee (CIC) has met twice in recent weeks, with another meeting scheduled for this Thursday March 14th at 7:30pm. Both meetings have been thoughtful and productive, with in-depth conversations both among the Committee and with each of the article sponsors (other than Water, which will attend on March 14th). Minutes (approved and draft) enclosed.

However, through no fault of its own, the CIC is bumping up against the deadline for its report to the Select Board, established in the Town Bylaws as 6 weeks prior to Town Meeting (so, March 18th).

At its upcoming March 14th meeting, I will recommend that the Committee vote recommendations on those articles that are before it and complete, including the new Police Cruiser article expected to be referred to the CIC by the Select Board on March 11th.

For those Capital articles for which there remain open questions, in some cases including changing or unknown dollar amounts, it will be up to the CIC whether to include those items in its report; exclude them from the report but issue a supplemental report closer to the date of Town Meeting; or recommend that these articles be tabled or removed for the upcoming Town Meeting cycle. It is my hope that – for at least one/some of the articles with present unknowns, such as the Middle Street Bridge – that the CIC will choose to issue a supplemental report closer to Town Meeting, to preserve the Board’s ability to maintain these article proposals for consideration by Town Meeting voters.

I am appreciative of the flexibility that the CIC has shown to date as we manage an unprecedented number of proposed/potential warrant articles, while simultaneously managing and engaging with many major Town initiatives, and completing our day-to-day operational responsibilities.

Summary Updates

The following proposed articles have been reviewed by the CIC, and it is expected these will be rated/ranked by the CIC in their upcoming report to the Select Board (with the article reference numbers from prior packets):

- **21. Fire Pumper Truck.** (\$560,000)
- **23. Annex flooring replacement.** (\$62,000)
- **26. Page School Flooring Repairs.** (\$50,000)
- **28. DPW Plow Truck.** (\$350,000)
- **29. DPW Zero-Turn Mower.** (\$33,500)
- **34. Public Safety Complex, interior/exterior improvements.** (\$23,835)
- **35. Replace Water Pump at Wellfield.** (\$44,000)
- **36. Coffin Street Culverts Engineering/Permitting.** (\$50,000)

The following proposed articles have been reviewed by the CIC, but have had new information come in since the most recent CIC meeting on Feb. 29th, and/or continue to have unknowns as of this writing:

- **20. Appropriation and/or Debt Authorization for Middle Street Bridge.** Recent updates:
 - o Newburyport recently applied for new \$500,000 MassDOT Small Bridge grant. MassDOT has confirmed that this application is under active review.
 - o West Newbury submitted request for Congressional earmark for funds for bridge.
 - o Recently received confirmation from MassDOT that bridge is not eligible for Federal Bridge Formula Grant funds, so (given lack of optimism re Federal earmark funding request), focus is now almost solely on State and Local funding options.
 - o Town Manager/Select Board will be represented at upcoming (March 18th) meeting of Newburyport City Council Committee on Public Safety/Infrastructure to discuss project, including proposed terms of a new/updated Intermunicipal Agreement (IMA).
 - o In summary, whether and how much funding the Select Board may propose at the spring Town Meeting is subject to variables that continue to be in play. Board expected to review article and refine proposal at its meeting on 3/25.

- **25. Replace Generator for Town Offices/Annex.**
 - o Proposed funding amount (\$90,000) under active review, based on discussion at 2/29 CIC meeting. We expect to have an updated proposal/refined scope for consideration at upcoming 3/14 CIC meeting.

- **31. Supplemental funding for telecom upgrades at Town Offices, Public Safety Complex and Library.**
 - o Procurement timeline extended, with proposal submission deadline now April 24th.
 - o Supplemental Addendum expected to be issued on/by March 13th with more detailed scoping information regarding proposed cabling work. We are working to finalize a memo to CIC with increased detail regarding rationale for proposal, and expect to discuss this further at the upcoming 3/14 CIC meeting.

- **32. Town Offices Electronic Keying System.**
 - o Proposed funding amount (\$65,000) under active review, taking into account discussion at 2/29 CIC meeting. We expect to have an updated proposal/refined scope (expected at significantly reduced amount) for consideration at upcoming 3/14 CIC meeting.

- **38. Page School elevator engineering/repairs.**
 - o Proposed funding amount/scope under active review. We expect to have an updated proposal/refined scope for consideration at upcoming 3/14 CIC meeting.

- **39. Page School: engineering/design re internal site circulation.**
 - o Proposal from traffic engineering consultant (to include engineering for widening of primary entrance driveway, and high-level planning of site circulation car/ped/bus pickup/dropoff) expected soon. If scope timely received, and recommended by key staff, will be circulated for further consideration at future Board/Committee meetings, if still timely for potential consideration at spring Town Meeting.

- **65. NEW ARTICLE. Police Cruiser.**
 - o Upon Select Board recommendation that the \$57,000 cruiser expense be removed from the Town Manager's initial proposed FY25 Police operating budget, an article request form was prepared (and provided separately). At their meeting on 3/11, the Select Board will be asked to add this to the warrant and refer it to the CIC for their review/ranking.

Removed Articles

The following Capital articles included in the initial (Feb. 7th) articles packet have either been removed from the warrant by the Select Board, or withdrawn by the article sponsor.

- **22. Rocks Village Warning Signals.** Withdrawn upon recent confirmation that MassDOT will take the lead on this initiative.
- **24. Replace A/C Unit in Council on Aging / SAGE Center.** Select Board removed from warrant.
- **27. Page School Interior Improvements/Repairs.** Select Board removed from warrant.
- **30. Add'l Accessories for DPW Trackless Vehicle.** Select Board removed from warrant.
- **33. Roof replacement, Public Safety Complex.** Select Board removed from warrant.
- **37. Page School Standpipe.** Withdrawn upon recent recommendation from Chief Dwyer.

cc: Capital Improvements Committee; Finance Committee
DPW/Highway; DPW/Facilities; Police; Fire; Town Accountant; Town Clerk; Pentucket

West Newbury Capital Improvements Committee Meeting Minutes

Meeting date & place: 7:30 PM, February 8, 2024 First Floor Hearing Room

Members Present: Judy Mizner, Rick Parker, Elisa Grammer, Paul Niman, Ross Capolupo, and Polly McDowell. Ex officio, Town Manager Angus Jennings; also present Select Board Chair Wendy Reed

Call to order

Minutes

Ms. Mizner moved, Mr. Parker seconded, and the Committee voted 5-0-1 to approve the minutes of March 9, 2023 as amended (Mr. Niman, not present, abstaining). Ms. Mizner moved, Mr. Parker seconded, and the Committee voted 4-0-2 to approve the minutes of April 19, 2023 as amended (Ms. Mizner and Mr. Niman, not present, abstaining).

Committee Reorganization

Ms. McDowell moved, Mr. Niman seconded, and the Committee voted unanimously to retain the current officers:

- *Ms. Mizner, Chair*
- *Ms. McDowell, Vice-Chair*
- *Ms. Grammer, Clerk*

Review and approve draft FY23 CIC Annual Report for Town Report

Ms. Mizner moved, Mr. Parker seconded, and the Committee voted 5-0-1 to approve the Committee report for the FY 2023 Annual Town Report (Mr. Niman, not present in FY23, abstaining)

Updates re: ongoing Town studies related to potential future capital projects

Mr. Jennings said that major Town initiatives have been featured at Town Fairs, which were quite successful. He also recommended to Committee members signing up for Town email announcements, which can be done through the Town website

<https://www.wnewbury.org/subscribe>.

Middle Street Bridge

Mr. Jennings said that replacement of the Middle Street Bridge is a significant topic leading up to town meeting and at town meeting. West Newbury has done extensive work on this. The project is fully permitted in both West Newbury and Newburyport, including bid documents and construction specifications. Thus it is a shovel ready project, ready for funding. Even with grants West Newbury and Newburyport have received, shortfalls in construction funding remain. Since a portion of the bridge is in Newburyport, the city's support is essential for the project to proceed. Mr. Jennings has had discussions with Newburyport, but progress is slow. In addition to speaking with the mayor, Mr. Jennings has also been reaching out to Newburyport's city councilors.

Ms. Grammer asked if we have data, after five and half years of bridge closure, about the adverse impacts (such as ambulances delayed or citizen complaints) experienced from loss of the Middle Street Bridge. Mr. Jennings said that such data has not been collected and he has not heard complaints, but a number of people including Ms. Grammer had written in support of funding for the Middle Street Bridge replacement. Ms. Grammer noted that this contrasts with the Rocks

Village Bridge outage, which inconvenienced many including school buses and generated many ongoing complaints. Mr. Parker said that people have accommodated to the loss of the Middle Street Bridge, found alternative routes, and stopped complaining about it.

Page School conditions

Mr. Jennings reported that the Town-funded study about existing conditions and costs of repairs at Page School is now under review. Once review is completed, the study will be forwarded to the CIC. This will help frame the conversation whether to continue with Page School or pivot to construction of a new school. He stressed that under any scenario, the Town will be using Page School for the next decade or so, so further investment is warranted.

River Road climate change resiliency

Mr. Jennings said that the Town received draft reports about existing conditions of the River Road shoreline and related culverts. He noted that the grant application proposed a 2-year timeframe but the state required that it be done in 10 months, which is making this onerous. Ms. Grammer said that it appears that sea level rise and storm surge is in the model, but flooding from the upstream Merrimack is not. We should be getting a report about vulnerabilities in March and it will be interesting to see whether upstream flooding as well as overland and groundwater issues are addressed.

Rte 113 corridor planning

Mr. Jennings said that this is a proactive effort to address and improve safety on Rt. 113. The state maintains a rolling TIP list that requires level of design completion as a first step. The Page School/Pipestave pedestrian safety project is already at the 25% engineering stage. Work is ongoing regarding conceptual improvements on Main Street running from Newburyport to Groveland. Another area of potential improvement is traffic/pedestrian flow at the town center.

Presentation of updated working draft Capital Improvements Program, including capital articles for Spring 2024 town meeting

Mr. Jennings shared on the projector and described the 63 items now proposed for spring town meeting. An overview, with backup data, is also available on the Town website https://www.wnewbury.org/sites/g/files/vyh1if1436/f/uploads/town_meeting_article_requests_packet_feb_7_2024.pdf. Mr. Jennings encouraged the Committee to review this and urged the members to share this with friends and neighbors.

Litmus test

The Committee discussed the litmus test (<https://www.wnewbury.org/capital-improvements-committee/files/blank-litmus-test-spreadsheet>), which is used to rank capital projects. The members generally questioned whether it was a satisfactory method of evaluation, but so far no better mechanism had been found. Mr. Capolupo suggested that the Committee take some time to review the test to develop improvements. It was suggested that perhaps there could be a weighting mechanism. Mr. Parker questioned the use of the test when in his experience all capital improvement projects proposed had been approved. Ms. Grammer said that some form of

ranking could be helpful if the Town did not have the funds to go forward with all proposed items, and needed to choose among them. Ms. Mizner said that she will need to look at the bylaw, and will circulate the litmus test to Committee members. Mr. Jennings noted that given the relatively large number of capital items, it might be useful to list them by priority.

Designate CIC members to meet with sponsors of proposed capital articles

Ms. Mizner said that typically the Committee divides up articles, so that a Committee member discusses proposed items with the sponsoring department or committee to develop background information to share with the larger group. *After discussion, it was agreed that*

- *Mr. Parker will talk with the Fire Department about the new pumper truck*
- *Mr. Niman will work with the Water Department and with the Department of Public Works (DPW) about their proposed new vehicles*
- *Mr. Capolupo will work with DPW about proposed renovation and construction projects*
- *Ms. Mizner will work with DPW about bridges and culverts*
- *Ms. McDowell will work with the schools and DPW about projects concerning the schools*

Schedule for upcoming CIC meetings

The next meeting will be on February 29 at 7:30 when sponsors of the capital projects will address the Committee.

Other business

Ms. Grammer thanked the Select Board and the Town Manager for the decision at the prior fall town meeting for retaining free cash instead of spending it down to reduce taxes. This year's extensive list of capital improvements shows that was a good decision. She also stated her concern that the Town will certainly face additional capital costs because of climate change and that the state's Department of Local Services has yet to provide guidance about how to prepare and plan for such costs.

Adjournment

9:00 pm

Meeting Documents

Meeting packet provided by Town Manager

Respectfully submitted

Elisa Grammer

West Newbury Capital Improvements Committee Meeting Minutes

Meeting date & place: 7:30 PM, February 29, 2024 First Floor Hearing Room

Members Present: Judy Mizner, Rick Parker, Elisa Grammer, Paul Niman, Ross Capolupo, and Polly McDowell. Ex officio, Town Manager Angus Jennings; also present Pentucket School buildings manager Jonathan Seymour, Department of Public Works (DPW) buildings supervisor Brian Richard, DPW highways superintendent Butch Hills, DPW project manager Christine Wallace; DPW business manager/procurement officer Katelyn Barker; Police/Fire Chief Dwyer

Call to order 7:30 pm

Review and approve Minutes from previous CIC meeting

Mr. Niman moved, Mr. Parker seconded, and the Committee voted unanimously to approve the minutes of February 9, 2024, as amended.

Updates regarding proposed FY25 capital projects

Mr. Jennings provided an update about the capital articles proposed for spring town meeting, as described in his February 25th memo to the Committee. He identified the following projects as having been removed from the warrant at the Select Board's February 20th meeting

- 1) Replace A/C Unit in Council on Aging / SAGE Center (#24)
- 2) Page School Interior Improvements/Repairs (#27)
- 3) Add'l Accessories for DPW Trackless Vehicle (#30)
- 4) Roof replacement, Public Safety Complex (#33)

He also noted that the Page School standpipe engineering article (#37) was removed based on new advice from Chief Dwyer.

Mr. Jennings described changes to other articles

- 1) Annex flooring replacement cost (#23) increased from \$49.2 K to \$62K based on quote received. This includes abatement work to address mastic containing asbestos. The floor will be scraped down to the concrete, so abatement is a one-time cost.
- 2) Electronic Town Offices key system (#32) has been scaled back to apply only to external doors and the archives/server room in the basement. With this change the cost would be some \$9K, below the level for CIC review.
- 3) Public Safety Complex interior/exterior improvements (#34) will now be done mostly in-house, reducing the cost. Originally former DPW Director Wayne Amaral developed the cost estimate based on contractor bids, but Mr. Richard is now planning to do the work with a contractor he works with for about a third of the initial estimate. The roofing replacement will be deferred until the work on the fascia and other aspects of the exterior, which needs to be completed before the roof work can begin.
- 4) Middle Street Bridge status is described in Mr. Jennings' memo. The Town is seeking all possible funding sources and has submitted a request for federal budget earmark money. Mr. Jennings has a meeting with the Newburyport City Council tomorrow and anticipates having an updated intermunicipal agreement draft tomorrow.

- 5) Rocks Village Bridge warning signals (#22) will become a Mass Department of Transportation (DOT) item and thus not included on the town meeting warrant. The Town had been corresponding with DOT for months about this and recently heard back that DOT views this as a viable proposal, which DOT will pursue since the bridge is a DOT asset.
- 6) Telecom upgrades (#31)—discussed later in the meeting.
- 7) Page School elevator (#38) has been revised in scope to concentrate on near term operational reliability, at a significantly reduced cost.
- 8) Page engineer design site traffic circulation (#39) ultimately may not appear on the warrant. Since the Town's project for improved pedestrian safety at Rt 113 and Page School is now under review at DOT, the consultant engineers thought that it might be most efficient to modify the existing project to add a widening of the Page School exit (which is at the same overall location as the crossing) to allow dedicated left and right turn lanes. The next step is to get the engineers' cost proposal for the widening design work.

Mr. Jennings recommended that the CIC focus in the near term on review of the following projects, whose background materials are largely unchanged

- 1) Replace Fire Pumper Tanker (#21)
- 2) Annex flooring replacement, based on updated cost (attached) (#23)
- 3) Replace Generator for Town Offices/Annex (#25)
- 4) Page School flooring repairs (#26)
- 5) DPW Plow Truck (#28)
- 6) Zero-Turn Mower for DPW (#29)
- 7) Replace Water Pump at Wellfield (#35)
- 8) Engineering funds for Coffin Street culvert replacement (#36)

Mr. Jennings noted that he is not expecting votes or formal actions on these matters at this point.

Discussion with article sponsors regarding article updates, and Committee member questions or requests for further information

Ms. Mizner said that since the proposals' sponsors are all present, the Committee could turn to discussions with them about their projects.

Replace Fire Pumper Tanker (#21)

Chief Dwyer and Rick Parker (the CIC member assigned to reviewing this acquisition) provided an overview. The vehicle dates from 1984 and has been rebuilt, with the pump rebuilt several times. It now presents safety issues, its transmission is on its last legs, rust is a problem. The Fire Department and the Board of Engineers considered alternative trucks but settled on the proposed E 1 stock (as opposed to custom) vehicle. An advantage with this particular seller is that they can do much of the repair and maintenance work onsite here in West Newbury. Although the Department applied for grants for this acquisition, Chief Dwyer said that the funding would go to municipalities with greater financial need than West Newbury.

In response to Ms. Mizner, Chief Dwyer explained that in considering alternatives, they looked at different manufacturers and determined that the selected truck best met the Town's needs. Another truck offered more firefighter seating, but cost over \$800K and could hold less water than the selected vehicle.

DPW Plow Truck (#28)

Mr. Niman, still new to the CIC, explained that he had not had a chance to discuss these items with DPW. Mr. Hills said that the existing plow truck is 13 years old and has run for 37,000 miles. It is no longer reliable. Mr. Hills stressed that this is the time to acquire a replacement. Supply issues persist after COVID and a major unknown is the plan to switch to other technologies as environmental requirements become more stringent. Cummins is working on a hydrogen fueled or battery vehicle, but the longevity and reliability of the new technologies is a concern until the new systems are proven. If this acquisition is approved, delivery would be in 2025. Mr. Parker commented that he is extremely concerned about emissions and environmental impacts, but fully supports this project as the only reasonable choice in these circumstances. In response to Ms. Mizner's question about the life expectancy of the new truck, Mr. Hills said that it should last 10-15 years. After use, the DPW blasts the truck with water to clean off salt and works hard to maintain the vehicles. Mr. Parker noted that these vehicles do not run for so many miles, but work very hard.

Zero-Turn Mower for DPW (#29)

Mr. Hills said that the new Kubota zero turn mower would replace a 2002 Kubota model. This is one of two diesel mowers and the other one is 10 years old. The one to be replaced is experiencing overheating and other problems. The mowers are used every week through the growing season. The new model will have a climate controlled cab. Mr. Parker mentioned that in discussing potential new carbon free mower technologies at a John Deere show room, he learned that John Deere may introduce a commercial grade electric mower in a few years.

Replace Water Pump at Wellfield (#35)

Ms. Mizner said that there was no new information about the replacement pump beyond what is in the materials.

Replace Generator for Town Offices/Annex (#25)

Mr. Capolupo (the CIC member looking into DPW renovation and construction projects) said that the current emergency generator is 30 years old and is not adequate to provide power to both the 1910 Building and the Annex. The current generator should last another 3-5 years. In considering whether to replace it in kind or upgrade, questions have arisen about what loads need to be maintained via the generator. Mr. Richard said that an electrician has looked at the panels and it appears that the western corner of the 1910 Building is a suitable location—but this would be a very long run, with expensive cabling—to reach the annex.

Mr. Niman suggested that two generators—one for the 1910 Building and another (which perhaps could be subject to a rental agreement that guaranteed availability) could be for the annex. Mr. Richard said that a single generator that would run everything, soup to nuts, would cost over \$250K.

After discussion, the CIC expressed a general preference for two generators and agreed that there is too much uncertainty at this point about what is needed and desired and what it would cost for acquisition of a generator(s) to be on the warrant. Mr. Richards will talk with an electrician and Mr. Jennings will explore the idea of having engineering work to better determine needs and solutions.

Public Safety Complex interior/exterior improvements (#34)

Mr. Capalupo said that by having Mr. Richard do the work with help from a contractor, the cost was reduced from over \$70K to around \$24K. Mr. Richard said that the work will involve replacing trim including about 50% of the soffit and fascia. He said that there can be rot, particularly behind the lighting, and if found, that would need to be repaired. *At Mr. Jennings' suggestion, a contingency was added to make the cost \$25K.*

Telecom upgrades (#31)

Mr. Capalupo said that work was ongoing to determine a price for this. The Town committed \$65K in spring of 2022 and now the work for cabling is at issue. Ms. Wallace said that the telephone system for the town buildings is in desperate need of being replaced. She, Ms. Barker, Mr. Richard, and the Town's IT consultant have been working on this. The IT consultant noted that the wiring was old (dating from the 1990s) and it soon became clear that there should be an upgrade of communications cabling in the building.

Mr. Jennings noted that the Finance Committee has questioned the need for phone lines when wireless systems are available. Staff will be working on a memo about this. The IT consultant explained that for reasons of cyber security it is important to have segregated computer lines that can be secured. Mr. Jennings noted that this is important for insurance purposes. The cabling would involve a pair of new wires (1 for computer 1 for phone) for each office and for other locations such as the annex and the foyer of the 1910 building as well as the library and the public safety building. The big cabling cost (with an upgrade to Cat 6) is for the labor and *Mr. Richard is working on obtaining cost estimates for cabling.*

Electronic Town Offices key system (#32)

Ms. Wallace said that with the project reduced to include only exterior doors and the archives/server room in the basement, this may cost under the \$20K limit for CIC review. The entry device could be a code, a fob, a hotel type card or a smartphone. Mr. Niman said that in his experience it is very important to have a record identifying what persons enter the building, and was told that would be included in the new system.

Mr. Jennings noted that a complication in terms of securing the 1910 Building is that the senior housing has an emergency exit into the Council on Aging, which in turn connects to the foyer of the 1910 Building.

Page School flooring repairs (#26)

Polly McDowell (the CIC member reviewing the school projects) said that the Page School floors are a continual repair project and this year the amount is proposed to be \$50K. Mr. Seymour said that the floors have an unusual gypsum/mesh construction that breaks down if exposed to water or heavy wear. Mr. Jennings shared images and a report about the flooring.

Page School elevator (#38)

Mr. Seymour, Mr. Richard, and Ms. McDowell explained that this project has been changed from a new ADA-compliant elevator to a solution to get the elevator working well for the next 10 or so years, in light of the Town's ongoing re-evaluation about what to do with Page School. They explained that last summer a contractor was hired to do quite a bit of work but not long into the fall the elevator started to fail again. More recently, it failed inspection. Mr. Richard explained that another contractor, City Elevator, who has done satisfactory work for him will work on fixing known problems of the Page School elevator, getting it to pass inspection, and making it work for the next decade or so. The immediate cost is \$4K but the longer term work is unknown at this time.

Page School internal site traffic circulation (#39)

Mr. Jennings said that the matter for this warrant would be an engineering assessment to widen the Page School exit to allow dedicated right and left turn lanes. This is not an urgent matter, but could be pulled into the geographic scope of the existing safe crossing project for purposes of seeking DOT funding. The timeline for obtaining a cost estimate for this study is the next week or so. Longer range, there's also a need to look at interior site circulation, which is complicated because the area has a four-unit apartment building, DPW and Water Department workspace, and the Children's Castle.

Engineering funds for Coffin Street culvert replacement (#36)

Ms. Wallace and Mr. Hills explained that two culverts on Coffin Street were overwhelmed during the flooding in August 2023 and need replacement. Ms. Wallace said that the reports of consulting engineers GEI in connection with the MVP climate change grant for River Road flooding provided information about the culverts, including those on Coffin Street. She and Mr. Hills shared the GEI data about and images of the two culverts. The plan is to refine the scope for engineering and other work and to seek authorization of \$50K for this.

Appropriation and/or debt authorization for Middle Street Bridge (#20)

Mr. Jennings said that Newburyport applied yesterday for a \$500K grant for this project but there is a shortfall of some \$1.6M. He and Ms. Mizner noted that an intermunicipal agreement for this is an

essential aspect. Mr. Jennings said that they are pursuing many potential funding avenues and this is not a lost cause. They are looking at this calendar year to obtain funding. Prior grants required estimated schedules and timelines for bidding, contracting, etc. The item for the town meeting warrant currently is a placeholder for Town funding.

Discussion of assessment process for requested capital projects and confirm schedule for Vote/Ranking for proposed FY25 capital expenses

Deferred

Schedule next meeting March 14, 2024 7:30 pm

Adjournment 10:06 pm

Meeting Documents

Meeting packets provided by Town Manager

Respectfully submitted

Elisa Grammer



Town of West Newbury

381 Main Street
West Newbury, Massachusetts 01985

Angus Jennings, Town Manager
978-363-1100, Ext. 111 Fax 978-363-1826
townmanager@wnewbury.org

TO: Select Board
FROM: Angus Jennings, Town Manager
DATE: February 19, 2024
RE: Budgeting for non-COLA salary/wage adjustments, FY25

Board adoption, in December 2022, of a grade/step schedule as a framework for personnel salary/wages also provided a framework for consideration of step increases, in addition to the COLA that has been part of the Town's annual budgeting for many years.

As part of its FY25 budget policy direction, in December 2023 the Board proposed (*emphasis added*):

6. We propose that any revisions to budgeted FY25 salary and wages, relative to FY24, shall be primarily limited to contractual changes (i.e. Collective Bargaining Agreements, and employment contracts); and to cost-of-living adjustments (COLA), at a percentage proposed by the Town Manager and approved by the Select Board within the budgeting process. *The Select Board will only consider approving a proposed step increase for a non-Union employee if the proposed step increase is based on a recent performance evaluation completed as part of a process that is consistent for all regularly scheduled, non-seasonal, non-Union employees across the organization.*

The performance evaluation process is well underway, but not yet complete. As expected, due in part to there being 12 staff supervisors, and (up to) 5 Boards/Commissions, involved with the performance evaluation process, the process of scoping, scheduling, and either completing – or ensuring completion of – all evaluations has been a major, time-intensive process. (For more detail re evaluation process, see 12/12/23 memo to all dept. heads/supervisors, enclosed).

In keeping with the Board's policy direction, I cannot bring forward any specific proposed step increases until the overall evaluation process is complete. As presented during last week's initial budget presentations, proposed FY25 salary/wage lines have not been adjusted to include potential step increases.

After review with the Select Board Chair, I am proposing the following in order to allow your Board and the Finance Committee to proceed with timely review of proposed operating budgets:

- Request Board support for a total dollar amount (based on an estimated number of step increases) (related analysis, and alternate scenarios, enclosed).
- Proceed with ongoing evaluation processes and, upon completion, and based on number/amount authorized by Board, if any, present proposed step increases to affected employees.
- Prior to completion of the Select Board/FinCom budget review process, adjust any proposed salary/wage budget lines if/as needed to account for step increases.
- Following Town Meeting adoption of budget, approved step increases to be reflected in FY25 salary/wage schedule acted typically upon by Board every June, prior to first FY25 payroll.

Step Budgeting Scenarios

My proposed FY25 budget carried an assumed 2.0% COLA for non-Union employees. This would result in the following Grade/Step rate schedule beginning July 1, 2024:

TOWN OF WEST NEWBURY EMPLOYEE COMPENSATION POLICY SALARY AND WAGE GRADES AND STEPS FISCAL YEAR 2025 - DRAFT														
	Cola (FY24)	1.020	FY25 - TM proposed											
Grade	Min. Hourly Rate	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Max. Hourly Rate	
Grade Level A	57.79	59.86	61.92	63.98	66.06	68.12	70.19	72.25	74.31	76.38	78.44	80.50	82.57	
Grade Level B	50.58	52.40	54.20	56.01	57.81	59.62	61.42	63.24	65.05	66.85	68.66	70.46	72.27	
Grade Level C	44.31	45.88	47.47	49.05	50.63	52.21	53.79	55.38	56.97	58.54	60.13	61.70	63.29	
Grade Level D	35.53	36.80	38.07	39.33	40.61	41.87	43.15	44.41	45.68	46.95	48.22	49.49	50.76	
Grade Level E	32.67	33.84	35.01	36.18	37.34	38.51	39.68	40.84	42.01	43.18	44.34	45.51	46.68	
Grade Level F	27.65	28.64	29.63	30.61	31.60	32.59	33.58	34.57	35.56	36.54	37.53	38.52	39.50	
Grade Level G	24.81	25.69	26.58	27.46	28.35	29.23	30.12	31.01	31.90	32.78	33.66	34.55	35.43	
Grade Level H	20.58	21.31	22.04	22.79	23.52	24.26	24.99	25.72	26.46	27.19	27.93	28.66	29.40	
Grade Level I	16.81	17.41	18.00	18.60	19.21	19.81	20.40	21.00	21.61	22.21	22.81	23.41	24.01	
<i>Massachusetts minimum wage</i>														
\$15.00 effective January 1, 2023														
													Hours in FY25	2088
Annualized (at 40 hrs/wk; 52.2 weeks in FY25)														
Grade	Min. Hourly Rate	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Max. Hourly Rate	
Grade Level A	120,672	124,996	129,298	133,600	137,923	142,225	146,549	150,851	155,153	159,476	163,779	168,081	172,404	
Grade Level B	105,615	109,406	113,175	116,945	120,715	124,484	128,254	132,045	135,815	139,584	143,354	147,124	150,893	
Grade Level C	92,517	95,797	99,119	102,420	105,721	109,022	112,324	115,625	118,947	122,227	125,549	128,829	132,152	
Grade Level D	74,180	76,842	79,483	82,124	84,786	87,427	90,089	92,730	95,371	98,033	100,674	103,336	105,977	
Grade Level E	68,216	70,665	73,093	75,543	77,971	80,398	82,848	85,276	87,725	90,153	92,581	95,030	97,458	
Grade Level F	57,738	59,804	61,870	63,914	65,980	68,046	70,112	72,178	74,243	76,288	78,354	80,420	82,486	
Grade Level G	51,796	53,649	55,502	57,333	59,186	61,039	62,892	64,745	66,598	68,450	70,282	72,135	73,988	
Grade Level H	42,979	44,491	46,024	47,579	49,112	50,646	52,179	53,713	55,246	56,779	58,313	59,846	61,380	
Grade Level I	35,098	36,355	37,590	38,847	40,103	41,360	42,595	43,852	45,130	46,365	47,621	48,878	50,135	

Step increases would represent the following percentage increase (at different Grades/Steps):

Estimated annual percentage increase of step increases at different grade/step levels (based on 40 hrs/wk)													
Grade	Min. Hourly Rate	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Max. Hourly Rate
Grade Level A	n/a	3.6%	3.4%	3.3%	3.2%	3.1%	3.0%	2.9%	2.9%	2.8%	2.7%	2.6%	2.6%
Grade Level B	n/a	3.6%	3.4%	3.3%	3.2%	3.1%	3.0%	3.0%	2.9%	2.8%	2.7%	2.6%	2.6%
Grade Level C	n/a	3.5%	3.5%	3.3%	3.2%	3.1%	3.0%	2.9%	2.9%	2.8%	2.7%	2.6%	2.6%
Grade Level D	n/a	3.6%	3.4%	3.3%	3.2%	3.1%	3.0%	2.9%	2.8%	2.8%	2.7%	2.6%	2.6%
Grade Level E	n/a	3.6%	3.4%	3.4%	3.2%	3.1%	3.0%	2.9%	2.9%	2.8%	2.7%	2.6%	2.6%
Grade Level F	n/a	3.6%	3.5%	3.3%	3.2%	3.1%	3.0%	2.9%	2.9%	2.8%	2.7%	2.6%	2.6%
Grade Level G	n/a	3.6%	3.5%	3.3%	3.2%	3.1%	3.0%	2.9%	2.9%	2.8%	2.7%	2.6%	2.6%
Grade Level H	n/a	3.5%	3.4%	3.4%	3.2%	3.1%	3.0%	2.9%	2.9%	2.8%	2.7%	2.6%	2.6%
Grade Level I	n/a	3.6%	3.4%	3.3%	3.2%	3.1%	3.0%	3.0%	2.9%	2.7%	2.7%	2.6%	2.6%

The following provides a summary of the number of current (FY24) non-Union staff positions at each position Grade:

<u>Grade</u>	<u>#</u>	<u>%</u>
Grade Level A	0	0%
Grade Level B	0	0%
Grade Level C	0	0%
Grade Level D	7	17%
Grade Level E	6	15%
Grade Level F	4	10%
Grade Level G	12	29%
Grade Level H	5	12%
Grade Level I	7	17%
	<u>41</u>	
Contract positions, not on Grade/Step schedule:	4	

At the assumed salary/wage rates including in the table on the previous page, a step increase at the different grade levels would cost, on average (not including Medicare tax, 1.45% of taxable wages):

<u>Grade</u>	<u>Avg. step increase cost</u>	<u>Max. step increase cost</u>
Grade Level A	\$ 4,311	\$ 4,323
Grade Level B	\$ 3,773	\$ 3,791
Grade Level C	\$ 3,303	\$ 3,322
Grade Level D	\$ 2,650	\$ 2,662
Grade Level E	\$ 2,437	\$ 2,449
Grade Level F	\$ 2,062	\$ 2,066
Grade Level G	\$ 1,849	\$ 1,853
Grade Level H	\$ 1,533	\$ 1,555
Grade Level I	\$ 1,253	\$ 1,278

It is not known how many steps would be proposed at different grades. Therefore, it may make sense to look at the average annual cost of a step (for Grades D-I, since there are no non-contract positions at Grades A-3). The average annual cost of a step for these 6 Grades is \$1,964. However, I have run financial estimates of the total cost of a range of numbers of steps, based on both average cost per step, and (alternatively) if step increases were approved in the same proportion as the number of positions in each grade.

The following table summarizes, based on different scenarios as to how many steps (if any) may be supported in FY25, the est. dollar cost, what that amount would represent (as a percentage of total DRAFT FY25 salary/wage budget lines, as of the current draft FY25 budget), and what that percent that amount would add to the DRAFT FY25 overall Town budget, relative to current (FY24) budget:

Number of Steps	Est. FY25 cost (if steps proportional to positions per grade, @ max step costs)*	Est. FY25 cost (@ avg. step cost)*	Percent of proposed FY25 salary/wage budget (DRAFT)	Percent added to total proposed FY25 budget relative to adopted FY24 operating budget (DRAFT)
8	\$13,716	\$15,713	0.34-.39%	0.08-.09%
10	\$19,509	\$19,641	0.48-.49%	0.11%
12	\$23,811	\$23,569	0.58-.59%	0.13%
14	\$25,365	\$27,498	0.63-.68%	0.14-.15%
16	\$33,224	\$21,426	0.78-.82%	0.18-.19%
18	\$35,673	\$35,354	0.87-.88%	0.20%
20	\$37,526	\$39,282	0.93-.97%	0.21-.22%
* Not incl. FICA Medicare tax @ 1.45% of gross taxable wages.				

Policy Questions:

- Will Board authorize set number of FY25 steps, and if so based on proportional or avg. est. cost?
- Is an employee necessarily capped at 1 step per budget year, or (if warranted) could a single employee be granted more than 1 step?

To foster consistent administration over time, it is recommended that a framework for consideration of step increases be developed for inclusion in the Town’s Personnel Policy. However, in the nearer term, the Board’s policy direction is sought as a basis for continued work on the personnel evaluation process, and on salary/wage budgeting for FY25.

cc: *Town Accountant*



MASSWILDLIFE

Fg
DIVISION OF
FISHERIES & WILDLIFE

85 Fitchburg Road, Ayer, MA 01432
p: (978) 772-2145 | f: (978) 772-2147
MASS.GOV/MASSWILDLIFE

February 29, 2024

West Newbury Select Board Chair
381 Main Street
West Newbury, MA 01985

Dear Select Board Chair:

The Massachusetts Department of Fish and Game (DFG) is considering the purchase of land located in the Town of West Newbury. This letter is intended to serve as written notice of the DFG's interest in acquiring this property.

The property under consideration contains 18 (+/-) acres of wildlife habitat. Enclosed is a locus Map Track No. 2024-2-19 that depicts the property in which the DFG is interested. The current use of the property is predominantly field and woods. If acquired, DFG, working through its Divisions of Fisheries and Wildlife, will maintain the property as open space, protect and manage the wildlife resources, and provide public access for passive outdoor recreational opportunities including wildlife observation, hunting, fishing and trapping.

I hope that the Select Board will provide a letter of support for DFG's purchase of the property, a copy of which can be emailed to me at anne.gagnon@mass.gov with the original mailed to: Christy Edwards, Director of Capital Planning and Land Protection, DFG
100 Cambridge St.
Boston, MA 02114

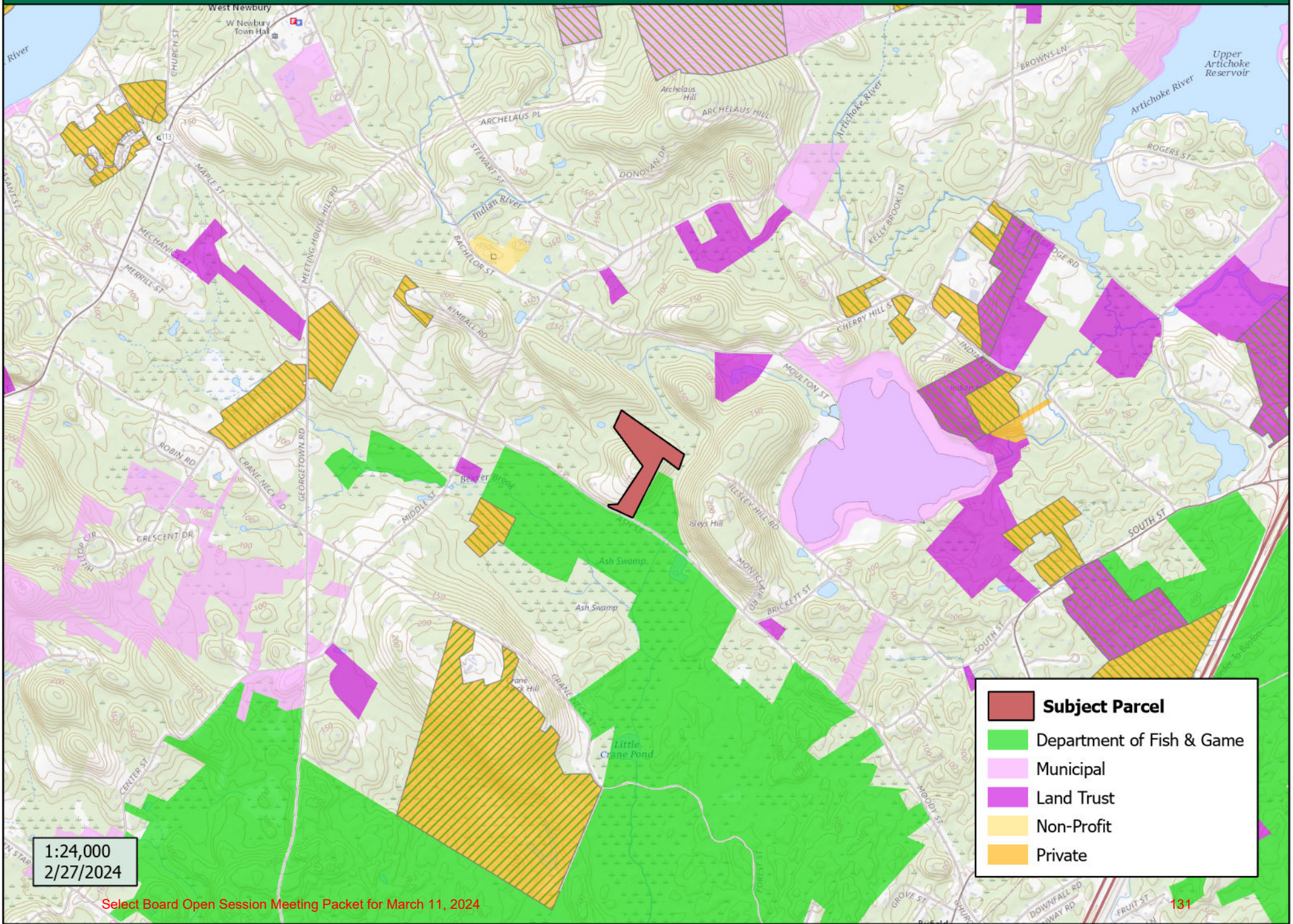
Sincerely,

Anne Gagnon
NE District Land Agent

Enclosures: Map Track No. 2024-2-19

MASSWILDLIFE

Track No. 2024-2-19



1:24,000
2/27/2024



Town of West Newbury

381 Main Street

West Newbury, Massachusetts 01985

Angus Jennings, Town Manager

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

townmanager@wnewbury.org

TO: Select Board
FROM: Angus Jennings, Town Manager
DATE: March 9, 2024
RE: Ash Street Traffic Management Plan

I have met with Butch, Michelle and Chief Dwyer to review the response to the proposed Ash Street Traffic Management Plan, which was voted by the Board on Jan. 29th and submitted to NHESP shortly thereafter. We had some clarification questions so sent the attached to Tim McGuire.

We will keep the Board apprised. Our goal is to bring an updated draft Ash Street Traffic Management Plan to the Board for consideration/vote on March 25th.

Angus Jennings

From: Angus Jennings
Sent: Thursday, March 7, 2024 5:44 PM
To: McGuire, Timothy (FWE); Cheeseman, Melany (FWE)
Cc: Jones, Michael T (FWE); Huckery, Pat (FWE); Selectboard; Conservation; Highway; Michael Dwyer
Subject: RE: Ash Street Swamp RC-65534, 23-8626

Tim,
We are looking for clarification on Item 3 in your email below. We are aware that culvert cleaning is not exempt under MESA, and included it in our NHESP checklist and proposed draft Traffic Management Plan specifically to ensure it is included in your office's review. We are proposing this to be a permitted activity pursuant to our checklist (and this Traffic Management Plan which was a condition of NHESP's finding of "no take"), and have not expected to be seeking an emergency exemption for this work.

It is not clear from your email whether your office would expect to be consulted prior to each instance when this work would take place, or only if it was undertaken on an "emergency" basis. If the former, what would be involved with that consultation? If the latter, in what instance this would be considered an emergency? The inclusion of dates in your email (April 15 to Oct 15) adds to our confusion. Is this saying that work within that time range would be covered with our prior filing with NHESP, but that work undertaken outside of that time window (if needed) would need consultation, and/or a separate NHESP filing?

Please help us understand what is intended with your email on this topic. We would be happy to schedule a call if that will help make this clear.

Thanks,
Angus

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

From: McGuire, Timothy (FWE) <Timothy.McGuire2@mass.gov>
Sent: Wednesday, February 21, 2024 4:28 PM
To: Angus Jennings <townmanager@wnewbury.org>; Cheeseman, Melany (FWE) <Melany.Cheeseman@mass.gov>
Cc: Jones, Michael T (FWE) <michael.t.jones@mass.gov>; Huckery, Pat (FWE) <pat.huckery@mass.gov>; Selectboard <selectboard@wnewbury.org>; Conservation <conservation@wnewbury.org>; Highway <highway@wnewbury.org>; Michael Dwyer <dwyer@westnewburysafety.org>
Subject: RE: Ash Street Swamp RC-65534, 23-8626

Hello Angus,

I have reviewed your submitted Traffic Control Plan and offer the following comments. These are organized by your numbered sections:

2. Roadway resurfacing

Please clarify that the Agent's visual surveys will be immediately prior to work commencing, not several hours or days prior, as turtles may move onto the road in such time.

Please clarify that all observations of Blanding's turtles will be reported to the Division within 48 hours. This should be completed through our online "Heritage Hub" reporting system.

3. Roadway Flooding/Culvert Clearing

This work should be completed during the active season for Blanding's turtles (April 15- October 15), to avoid impacts to overwintering turtles in the adjacent wetlands. Culvert cleaning is similarly not exempt under MESA. NHESP should be consulted prior to starting emergency work. Please also note that we have our own regulations for what qualifies as an emergency under MESA.

5. Speed Enforcement/Management

Seeing firsthand how fast vehicles travel on this road during our site walk this past Summer, I am pleased to see that solutions will be implemented to aid in slowing passing traffic. Physical infrastructure such as temporary rubber or otherwise speed bumps implemented during nesting season (May-July). Speed control measures such as these should prove very effective for the goals for this road. I am happy to discuss this in more detail if that is helpful.

Feel free as always to reach out with any questions or concerns regarding these revisions.

My best,

Tim McGuire

Endangered Species Review Biologist
Massachusetts Division of Fisheries & Wildlife
1 Rabbit Hill Road, Westborough, MA 01581
Phone: (508) 389-6366 | Email: timothy.mcguire2@mass.gov
mass.gov/masswildlife | facebook.com/masswildlife

From: Angus Jennings <townmanager@wnewbury.org>

Sent: Wednesday, January 31, 2024 3:02 PM

To: McGuire, Timothy (FWE) <Timothy.McGuire2@mass.gov>; Cheeseman, Melany (FWE) <Melany.Cheeseman@mass.gov>

Cc: Jones, Michael T (FWE) <michael.t.jones@mass.gov>; Huckery, Pat (FWE) <pat.huckery@mass.gov>; Selectboard <selectboard@wnewbury.org>; Conservation <conservation@wnewbury.org>; Highway <highway@wnewbury.org>; Dwyer, Michael <dwyer@westnewburysafety.org>

Subject: RE: Ash Street Swamp RC-65534, 23-8626

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello,

Please find attached, on behalf of and with the approval of the Select Board, and provided in response to the DFW letter issued on Oct. 17, 2023 (NHESP File No. 23-8626).

Thank you,
Angus

Angus Jennings, Town Manager

Angus Jennings

From: Horsman, Liam (Markey) <Liam_Horsman@markey.senate.gov>
Sent: Thursday, February 22, 2024 3:03 PM
Subject: Congressionally Directed Spending 101 - An Introduction to the Earmark Process
Attachments: CDS One-Pager 1-29-2024.docx; Markey CDS Guide V1.2 1-29-2024.docx

Good afternoon all,

I hope you're doing well. I wanted to share for your awareness a series of upcoming webinars our team is hosting to introduce nonprofits and local, state, and tribal governments to the Congressionally Directed Spending process. Congressionally Directed Spending (aka "earmarks") is an opportunity for nonprofits, tribes, and local governments working on community-based projects to apply through Senator Markey's office for funding in the annual federal budget. In past years, this competitive program has led to funding for efforts like: lead pipe replacement, eliminating food deserts, expanding community health centers, and supporting affordable housing initiatives, among many others.

If you or someone you know might be interested in learning more about Congressionally Directed Spending and how to apply, all are welcome to sign up for the upcoming webinars through the links below. Please share with anyone you think could benefit from this program. If you cannot make any of the times listed, our team is happy to talk individually as well.

Thank you for all of your work, and please let me know if you have any questions. We hope to see you there!

All the best,
Liam

Liam Horsman

Pronouns: he/him/his
Regional Director
Office of U.S. Senator Edward J. Markey
JFK Federal Building
15 New Sudbury Street
Boston, MA 02203
liam_horsman@markey.senate.gov
617-366-9574

Connect with Senator Markey

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From: Appropriations (Markey)
Sent: Tuesday, February 20, 2024 9:58 AM
To: Appropriations (Markey) <Appropriations@markey.senate.gov>
Subject: Congressionally Directed Spending 101 - An Introduction to the Earmark Process

Good morning:

On behalf of Senator Markey, we invite you to participate in a staff-led briefing and introduction to the Congressionally Directed Spending (or “earmark”) process. This webinar series is intended for nonprofits and local, state, and tribal governments interested in learning the basics of the Congressionally Directed Spending process. The webinar will consist of a staff-led presentation followed by Q&A from participants.

There are three opportunities to participate in the webinar and all webinars will consist of the same content. To participate in the series, register [here](#) or select the date and time below. If, for any reason, you cannot participate in the webinar series but would like more information, please reply to this email and we will make alternative arrangements.

[Thursday February 29th 4:00pm-5:00pm](#)

[Monday March 4th 4:00-5:00pm](#)

[Thursday March 14th 10:00am-11:00am](#)

Attached you will find a CDS Guide and One-pager with background information designed to help you navigate the process. Note, these guides are drafts and you are among the first external leaders to receive them.

Thank you,

Office of U.S. Senator Edward J. Markey

Appropriations Requests: A Summary

Updated January 18, 2024

Type of Request

1. **Programmatic:** Programmatic funding requests are general requests for funding for national and regional programs that are usually included in the president's budget request.

Example (funds): Provide \$4,000,000,000 for the Low-Income Home Energy Assistance Program

Example (language): The [Appropriations] Committee directs the Secretary to undergo a review of how USDA can utilize commodity food programs to strengthen the resilience.

2. **Congressionally Directed Spending (CDS):** CDS allows Senators and Representatives to direct federal investment to local communities. CDS requests are strictly reserved for non-profit organizations and state, tribal and municipal governments and must comply with Senate Rules.

Timing*

February 2024 – The President will submit a [budget request to Congress](#). The budget may be submitted by the first Monday in February or may occur several weeks later.

March-May 2024 – Typically in March or April, all constituent funding requests, both CDS and programmatic, are due to their respective Senator or Member of Congress. To make either a CDS or programmatic request, you will need to make an account with the [Senate Office Application Manager](#).

May to July 2024 – Appropriations Committees in the House and Senate draft legislation and decide which programs and projects to fund.

December-March 2025–Typically, Congress will pass all appropriations bills, sometimes in an omnibus, by the end of March of the following year.

CDS Accounts

Each year the Senate Appropriations Committee provides [guidance](#) on eligible accounts under which applicants can apply for CDS funding. To apply for CDS funding, you must apply under one of the eligible accounts. You should review all the information and requirements for the account you are interested in.

Examples: www.markey.senate.gov/map/

CDS Requirements

The office asks that you complete an online form in its entirety and submit it through the CDS portal on our [website](#). You can review a blank application [here](#). All requests should include at least TWO (2) letters of support from third parties within the community or communities that would benefit from the fulfillment of the request.

You are also strongly encouraged to schedule a meeting with the Senator's staff so they can share further guidance on how to advance your funding priorities and apply for funding for the upcoming fiscal year. To request a meeting, please email Appropriations@Markey.senate.gov.

*Timing may vary. For best information you should review the most updated version of this guide and contact staff

Appropriations and Congressionally Directed Spending (CDS) Guide

Prepared by the office of
Senator Edward J. Markey (D-Mass.)

Last updated: January 25, 2024

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Overview of the Annual Appropriations Process

Each year, the United States Congress considers annual appropriations bills that provide federal programs with funding to operate. This funding is used to improve our essential infrastructure, expand public transportation access, support the development of affordable housing, promote climate resiliency, power our clean energy future, and so much more!

An important part of the annual appropriations process is hearing directly from the people of Massachusetts to ensure we invest in the policies, programs, and projects that best serve the Commonwealth's needs. As part of this process, constituents can make two types of requests:

1. Programmatic / Language requests
 - a. Programmatic requests are those that increase funding for particular **programs already included in the president's budget**. Language requests provide bill or report text which will be used to direct or specify the use of programmatic funds.
2. Congressionally Directed Spending (CDS) requests
 - a. CDS requests are for funding "earmarked" to a specific entity and project. CDS requests are strictly for **non-profit organizations and state, tribal and municipal governments**.
 - b. Recent Massachusetts projects funded through the CDS process include:
 - i. [Vocational training for persons with disabilities in Dennis](#)
 - ii. [Family engagement and education programming in Brockton](#)
 - iii. [Affordable housing in Aquinnah](#)
 - iv. [Equitable approaches to public safety in New Bedford](#)
 - v. [Climate resilient infrastructure in Medway](#)
 - vi. [Energy Efficiency Workforce Training in Boston](#)
 - vii. [A business incubator and community economic development services in Berkshire County](#)
 - viii. [Behavioral health services in Lawrence](#)

Senator Markey's office receives hundreds of CDS requests each year. It is the Senator's goal to fund as many projects as possible but **funding decisions are ultimately made by the Senate Appropriations Committee**.

To make either a CDS or programmatic request, you will need to make an account with the [Senate Office Application Manager](#) and, after the application window opens, submit the request through the appropriate portal on the Senator's website. **Be sure you submit an application through the correct portal**. We strongly encourage you to submit an identical request to Senator Warren's office as well as your House representative.

You are also strongly encouraged to schedule a meeting with the Senator's staff so they can share further guidance on how to advance your funding priorities and apply for funding for the upcoming fiscal year. To request a meeting, please email Appropriations@Markey.senate.gov.

Timeline for Next Year's Appropriation Requests (FY 2025)

Caution: The timeline below is a general guideline and actual dates may vary significantly. It is recommended to review the most up-to-date version of this guide (available on request) and be in touch with the Senator's staff to ensure you have the best information.

February 2024 – The President will submit a [budget request to Congress](#). The budget may be submitted by the first Monday in February or may occur several weeks later. The President's budget serves as a statement of Administration policies and priorities for the upcoming fiscal year and is typically seen as the beginning of the congressional budget cycle.

March-April 2024 – Typically in March or April, all constituent funding requests, both CDS and programmatic, are due to their respective Senator or Member of Congress. Each office sets their own deadline for submitting requests and will post information on their website. Each office reviews requests and offers support for the request to the Senate or House Appropriations Committee.

May to July 2024 – Appropriations Committees in the House and Senate draft legislation and decide which programs and projects to fund. Typically, by the end of July, the Appropriation Committees have completed action on annual appropriation bills that include programmatic and CDS funding.

October 2024 – October 1st, 2024 is the beginning of Fiscal Year 2025. However, Congress rarely passes appropriations bills by the start of the fiscal year and will typically pass a stopgap appropriations bill that may last for several weeks or months.

December-March 2025–Typically, Congress will pass all appropriations bills, sometimes in an omnibus, by the end of March of the following year. On three occasions since 1998, Congress did not act on appropriations bills and instead funded the government with a “continuing resolution (CR)” for the entire year. In the event of a full-year CR, some or all appropriations requests made by constituents and sponsored by a Senator or Member of Congress may fail to be enacted.

Programmatic Funding and Bill Language Requests

Programmatic funding requests are general requests for funding for national and regional programs that are usually included in the [president's budget request](#) to Congress. Bill or report language requests direct, encourage, or urge a federal agency (e.g. Department of Labor, Department of Health and Human Services, etc.) to carry out an action. Funding is not designated to any particular organization and requests must be merit-based and comply with Senate rules regarding competitive or formula-driven processes.

Senator Markey accepts Programmatic Funding / Language Requests through an online submission portal located on his website. **To submit a request, you will need to create an account with the Senate Office Application Manager and complete a questionnaire.** For your reference, a blank questionnaire for all non-defense programs is [here](#). Questionnaires are not accepted until the portal is open and, for programmatic requests, after the President has submitted a budget

All applications must be submitted electronically through the portal on the website by the deadline. **You should only submit programmatic requests after the president's budget is released so that you may fully complete the questionnaire.**

Example of Programmatic Request

Programmatic Funding: Provide \$4,000,000,000 for the Low-Income Home Energy Assistance Program

Example of Language Request

Language: The Committee directs the Secretary to undergo a review of how USDA can utilize commodity food programs to strengthen the resilience of our domestic food system and create more equitable opportunities for small and family farmers and fishermen.

Congressionally Directed Spending Requests

Congressionally directed spending (CDS) allows Senators and Representatives to direct federal investment to local communities. CDS requests are strictly reserved for non-profit organizations and state, tribal and municipal governments and must comply with Senate Rules.

Competition for CDS funding is highly competitive. **The Senate Appropriations Committee is responsible for all final funding decisions and many projects that Senator Markey supports will unfortunately not be funded.**

The Massachusetts federal delegation works together to secure as many projects as possible and you are encouraged to submit an identical request to Senator Warren’s office as well as your House member. You can find your House member using [this tool](#). In the House of Representative, the CDS program is called Community Project Funding (CPF). Requests through the Senate CDS or House CPF program are also commonly called “earmarks.”

Since the restoration of earmarks in 2021, Senator Markey has secured millions of dollars of federal investment in hundreds of projects that serve the people of Massachusetts every day.

An interactive map with detail about each project can be found at <https://www.markey.senate.gov/map>.

Senator Markey accepts CDS requests through an online submission portal located on the [Senator’s website](#). To submit a request, you will need to create an account with the Senate Office Application Manager and complete a questionnaire. A blank questionnaire for CDS requests can be found [here](#). In addition the questionnaire, applicants **should include TWO (2) letters of support from third parties** within the community or communities that would benefit from the fulfillment of the request. These letters must clearly communicate the benefits that the request would confer upon the community/communities.

Congressionally Directed Spending Eligible Accounts

Each year the Senate Appropriations Committee provides [guidance](#) on eligible accounts under which applicants can apply for CDS funding. To apply for CDS funding, you must apply under one of the eligible accounts. Senator Markey's staff can assist you with identifying the most appropriate account for your project (Appropriations@markey.senate.gov)

You should feel welcome to ask the Senator's staff for guidance about the most appropriate account(s) to select considering your project goals. Staff contact information is available at the end of this document.

Please be aware, the CDS program is generally intended for high-impact projects that can be expanded or completed with assistance from the federal government. CDS is not intended to support ongoing operations. Instead, CDS funding is viewed as supportive funding to expand or complete a specific project.

Please note that each of these accounts have detailed requirements that you must review. These can be reviewed on the Senator's website. Ranges for past CDS awards are provided as a guide and you consult with the Senator's staff if you have any questions.

I. Construction and Rehabilitation of Community Infrastructure and Public Works

Department of Housing and Urban Development, Economic Development Initiatives (EDI), or Community Development Block Grant (CDBG)

- Allowable activities under this account include the acquisition of real property, construction and rehabilitation of community facilities, beautification of urban land, conservation of open spaces, natural resources or scenic areas for recreational opportunities, demolition or removal of buildings, elimination of blight, housing projects and projects to remove barriers that restrict the mobility and accessibility of elderly and handicapped persons.
- Projects must primarily benefit low and moderate-income residents of a community and cannot be used for the acquisition, construction or rehabilitation of buildings for the general conduct of government, such as a town hall.
- Massachusetts Senate CDS awards in FY24 under this account ranged from \$750,000 to \$5,000,000.

U.S. Department of Agriculture, Rural Development (USDA RD), Community Facilities

- This flexible account can be used to purchase, construct, make improvements to or purchase equipment for community facilities in rural communities
- Allowable uses of funds include support for health care facilities, public facilities such as town halls, courthouses or street improvements, community support services for child care centers, community centers or fairgrounds, improvements to the facilities of emergency personnel, community educational services for museums, libraries or private schools, food systems including community gardens, food pantries and utility services for telemedicine and distance learning equipment
- Only rural communities with populations of 20,000 or less are eligible to compete for this funding source. The maximum federal share is up to 75 percent for communities with 5,000 people or fewer.

- To be eligible for a Congressional earmark, these projects must be vetted by the Massachusetts USDA Director's office to verify that the project is eligible to receive funding. My office can connect you to the appropriate USDA RD staffer for verification.
- Massachusetts Senate CDS awards in FY24 under this authority ranged from \$223,000 to \$4,000,000

U.S. Department of Agriculture, Rural Development (USDA RD). Distance Learning, Telemedicine, and Broadband (DLT) program

- The USDA RD offers the Distance Learning, Telemedicine and Broadband (DLT) program to provide resources for rural county and municipal governments to assist in connecting teachers and medical service providers with students or patients in another location
- Eligible uses of funds include the purchase of capital assets such as broadband facilities, audio, video and interactive video equipment, terminal and data terminal equipment, computer hardware and software, and wiring and infrastructure services necessary for distance learning and telemedicine purposes along with technical assistance and instruction for using eligible equipment
- Only rural communities with populations of 20,000 or less are eligible to compete for this funding source. The maximum federal share is up to 75 percent for communities with 5,000 people or fewer.
- To be eligible for a Congressional earmark, these projects must be vetted by the Massachusetts USDA Director's office to verify that the project is eligible to receive funding. My office can connect you to the appropriate USDA RD staffer for verification
- There were no Massachusetts Senate CDS awards in FY24 under this authority.

Environmental Protection Agency (EPA) State and Tribal Assistance Grants (STAG)

- For Drinking Water and Wastewater Infrastructure
 - The EPA's STAG program provides funding for the construction of and modification to municipal sewage or drinking water treatment plants, replacement of sewer and water pipes, activities to facilitate compliance with primary national drinking water regulations and planning and design work.
 - The Committee will prioritize awarding projects on the [Massachusetts Department of Environmental Protection \(MassDEP\) State Intended Use Plan \(IUP\)](#) that have been reviewed by MassDEP.
 - There is a minimum 20 percent local cost share for earmarked projects
 - Massachusetts Senate CDS awards in FY24 under this authority ranged from \$700,000 to \$4,642,000.
- For Infrastructure Grants
 - Requests will only be considered for projects related to existing funding categories and activities within the STAG account that will result in improvements in environmental quality and/or human health.
 - There were no Massachusetts Senate CDS awards in FY24 under this authority.

Indian Health Service, Sanitation Facilities Construction, Sanitation Facilities Construction

- The Appropriations Committee accept CDS requests for projects included on the Indian Health Services' (IHS) Sanitation Deficiency System (SDS) list.
- There were no Massachusetts Senate CDS awards in FY24 under this authority.

Department of Energy, Energy Projects

- The Appropriations Committee considers limited types of requests for projects under the Department of Energy.
- The Department of Energy funds projects in five topic areas including: Renewable and Clean Energy Electricity and Energy Resiliency Cybersecurity and Energy Security Nuclear Energy Fossil Energy or Carbon Management
- Massachusetts CDS awards in FY24 under this authority ranged from \$0 to \$3,000,000.

II. HISTORIC PRESERVATION, CONSERVATION, LAND MANAGEMENT

National Archives and Records Administration

- Projects that help ensure online public discovery and use of historical records collections, encourage public engagement with historical records, strengthen the nation's archival network, or publish documentary editions of historical records. This includes initiatives like record digitization, programming, and online availability of records.
- Projects that direct spending for presidential libraries or new archival facilities
- Massachusetts CDS awards in FY24 under this authority ranged from \$0 to \$222,000

National Park Service, Historic Preservation Fund Projects

- The Historic Preservation Fund (HPF), established to help fund the programs engendered by the National Historic Preservation Act, was designed to preserve historical and archaeological sites in the United States of America. Most requests will be made within the HPF for the Save America's Treasures (SAT) program. For more information, please visit [here](#).
- The maximum project amount is \$500,000.

U.S. Forest Service, State and Private Forestry, Forest Resource Information and Analysis

- The State and Private Forestry account provides technical and financial assistance grants to non-federal forest landowners, including state, Tribal, and local governments.
- Activities within this account include forest health management, cooperative fire protection, wood innovation, and urban and community forestry. Project requests should be part of the state's Forest Action Plan, or contribute to meeting the goals of the Forest Action Plan.
- There were no Massachusetts Senate CDS awards in FY24 under this authority.

Bureau of Indian Affairs, Operation of Indian Programs, Special Initiatives

- BIA provides direct services and funding for compacts and contracts for Tribes to provide programs for a wide range of activities. While the Subcommittee will not consider CDS projects for individual tribes, the Subcommittee may consider requests from other eligible entities that honor the commitment to invest in Tribal communities, create economic opportunities, foster cultural heritage, promote efficient and effective Tribal governance, and conserve natural resources.
- There were no Massachusetts Senate CDS awards in FY24 under this authority.

Environmental Protection Agency (EPA), Science and Technology, Research: National Priorities

- Project requests may be considered for high priority lines of research related to environmental quality and/or human health.
- There were no Massachusetts Senate CDS awards in FY24 under this authority.

III. CRIMINAL JUSTICE, DISASTER MITIGATION AND EMERGENCY OPERATIONS

The Department of Justice (DOJ) provides funding to local law enforcement agencies and non-profit organizations for the purchase of modern equipment and a wide range of criminal legal programs including law enforcement training, community relations, planning and evaluation, and other critical areas.

Department of Justice Byrne JAG Discretionary Projects

- This program has a wide range of allowable uses of funds, generally defined as providing additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal legal systems, including the development of new Law Enforcement Assisted Diversion (LEAD) programs.
- Massachusetts Senate CDS awards in FY24 under this authority ranged from \$185,000 to \$650,000

DOJ COPS Law Enforcement Technology

- This grant program funds the acquisition and deployment of technologies and automated systems to assist law enforcement agencies in investigating, responding to, and preventing crime.
- Allowable uses of funds include both the acquisition of equipment and relevant support systems for the new equipment.
- There were no Massachusetts CDS awards in FY24 under this authority.

Office of National Drug Control Policy - Prevention Grants

- This program provides funding for drug prevention programs, such as the Drug-Free Communities Supports Programs to help prevent youth substance abuse.
- There were no Massachusetts Senate CDS awards in FY24 under this authority.

Disaster Mitigation and Emergency Operations

These projects, funded by the Department of Homeland Security's Federal Emergency Management Administration (FEMA), must include a written letter of support from the Massachusetts Emergency Management Agency (MEMA) verifying that the project is eligible to receive funding in order to be considered for an earmark. Please contact the Senator's office so staff can assist you with the steps for securing a letter from MEMA to make CDS request under this account eligible for consideration.

Building Resilient Infrastructure and Communities (BRIC)

- This funds projects designed to address potential future disaster areas, including flood mitigation projects. Priorities for funding include projects that address public infrastructure, mitigate risk to community lifelines, incorporate nature-based solutions, or adopt and enforce the latest published editions of building codes.
- These projects maintain the authorized cost-share agreement of 75 percent federal funding, 25 percent local funding.
- Massachusetts Senate CDS awards in FY24 under this authority ranged from \$750,000 to \$1,275,000

Emergency Operations Center (EOC) Grant Program

- This grant program provides resources to ensure continuity of operations for centers in major disasters, including for construction or renovation needs.
- Projects must meet the EOC Grant Program's environmental and historic preservation requirements to be considered for funding.
- These projects maintain the authorized cost-share agreement of 75 percent federal funding, 25 percent local funding
- There were no Massachusetts Senate CDS awards in FY24 under this authority.

Watershed and Flood Prevention Operations (WFPO)

- This authority is for watershed protection in rural communities.
- Any individual project may not exceed a watershed or sub-watershed size of 250,000 acres. At least 20 percent of the project's benefits must be directly related to agriculture.

IV. HEALTH CARE SERVICES AND FACILITIES

Department of Health and Human Services: Health Resources and Services Administration (HRSA)

Health Facilities Construction and Equipment

- This flexible account can provide federal funding to contribute towards the cost of construction, renovation, or capital equipment purchase for facilities for health, mental health, or substance abuse services, training of health professionals, or medical research.

- This may include hospitals; health centers and clinics; skilled nursing facilities; mental health centers; facilities for schools of medicine, nursing, or other health professions; and medical research laboratories.
- Funds are prohibited from paying for work previously completed, as well as the acquisition of land or purchase of existing buildings, or to pay for salaries or operating costs of the health care facilities.
- General feasibility studies for a health care facility are prohibited expenses, but architectural and engineering costs with an eligible construction project are permissible uses of funds.
- Funding may also be utilized to purchase capital equipment involved in patient care, such as lab equipment, x-ray machines, or other equipment with a useful life of more than a year and a unit cost of at least \$5,000 are permissible.
- Massachusetts Senate CDS awards in FY24 under this authority ranged from \$179,000 to \$2,975,000

Rural Health

- This account may fund project to improve health care in rural areas, including medical, dental, or mental health care services; health promotion and education; chronic disease management; telehealth services; and improvements to emergency medical services
- Eligible applicants are only those county, municipal, or partner nonprofit health care providers that service communities to meet HRSA's definition of a rural community.
- There were no Massachusetts Senate CDS awards in FY24 under this authority.

Department of Health and Human Services: Substance Abuse and Mental Health Services Administration (SAMHSA)

The Substance Abuse and Mental Health Services Administration (SAMHSA) provides a wide range of funding to create or expand the capacity of state, county, and municipal governments, as well as partner nonprofit health care providers to provide mental health or substance abuse treatment or prevention programs for local residents, such as through crisis stabilization centers. Funding under this account may NOT be used for construction projects.

- Mental Health Substance
 - Eligible SAMHSA Mental Health projects include those to support programs that promote the prevention or treatment of mental health disorders, including rehabilitation, outreach, and other support services.
- Substance Abuse Treatment
 - This account provide resources to enhance programs that improve access, reduce barriers, and promote high quality, effective treatment and recovery services.
- Substance Abuse Prevention
 - Allowable uses of funds for this program include projects to prevent the onset of illegal drug use, prescription drug misuse and abuse, alcohol misuse and abuse, and underage alcohol and tobacco use.
- Massachusetts Senate CDS awards in FY24 under this authority ranged from \$400,000 to \$600,000

Department of Health and Human Services: Administration for Children and Families' (ACF)

- Child Abuse Prevention
 - This account funds projects to improve the prevention, assessment, identification, and treatment of child abuse and neglect through research, model service improvement, information dissemination, and technical assistance.
 - Projects must serve or target abused and/or neglected children and their families.
- Social Services Research and Demonstration
 - Funds are available to promote the ability of families to thrive through financial self-sufficiency, and to promote the healthy development and greater well-being of children and families
 - Projects can serve a diverse population including: low-income individuals, children, youth, families, individuals with developmental disabilities, and Native Americans
 - While not a comprehensive list of eligible activities, the Senate awarded funding for projects in FY23 that provided legal and technical assistance for low-income individuals to reduce poverty, support for bilingual family engagement centers, and support for low-income pregnant women, mentoring services for youth, expansion of child care services and training for child care professionals, and food insecurity programs.
- Massachusetts Senate CDS awards in FY24 under this authority ranged from \$100,000 to \$270,000

Administration for Community Living's Aging (ACL) and Disability Services Programs

- Aging and Disability Services Program
 - Funds are available to improve the ability of older adults and individuals of all ages with disabilities to live independently and participate fully in their communities. Generally, projects focus on improving access to, or the quality of, education, training, support services, and independent living services for older adults and individuals with disabilities.
- Massachusetts Senate CDS awards in FY24 under this authority ranged from \$100,000 to \$1,635,000

V. SMALL BUSINESS AND WORKFORCE DEVELOPMENT

Small Business Administration

- Projects in support of small businesses, including but not limited to entrepreneur training, counseling, research, and construction or acquisition of facilities.
- SBA CDS funding cannot be used to provide seed capital for small businesses nor can it be used by the CDS recipient to make grants/loans.
- Massachusetts Senate CDS awards in FY24 under this authority ranged from \$100,000 to \$1,635,000

Department of Labor: Workforce Development

Employment and Training Administration (ETA)

- Under the Department of Labor’s Employment and Training Administration authority, CDS funds may be used by county, municipal, partner nonprofit organizations, K-12 school systems, or institutions of higher education to enhance Workforce Innovation and Opportunity Act (WIOA) eligible activities.
- Eligible programs for funding include those designed to provide direct services to individuals to enhance their employment opportunities and training for locally available, in-demand, jobs, enhancing connections between a State and local workforce investment system, or evaluating existing workforce investment systems for potential future enhancements.
- CDS funding may be used for the purchase of equipment, but generally only if it is an incidental part of the larger project to provide direct services (a similar standard applies to curriculum development). If a larger portion of the CDS funding is expected to be used for equipment or curriculum development, please note that and provide a detailed justification for why such investments are necessary to meet the employment and training needs of individuals.
- CDS funding within ETA cannot be used for construction or renovation of facilities or the purchase of land or build
- Massachusetts Senate CDS awards in FY24 under this authority ranged from \$627,000 to \$630,000

VI. EDUCATION AND RESEARCH OPPORTUNITIES

Department of Education

The U.S. Department of Education (ED) provides federal funding to enhance K-12, Higher Education and Rehabilitation Services programs provided by nonprofit organizations, local school systems or institutions of higher education. In general, ED CDS funding may not be used for the construction or renovation of facilities.

Massachusetts Senate CDS awards in FY24 under these authorities ranged from \$125,000 to \$1,658,000 million.

Fund for the Improvement of Education (FIE)

- In general, the focus of elementary and secondary education CDS funding should be providing early childhood or K-12 educational services including instructional services, afterschool centers, curricula development, teacher training, acquisition of books and computers, arts education, social and emotional learning activities, full-service community schools and early childhood education
- In addition, CDS funding to provide and improve special education services at the elementary and secondary levels are also eligible under this account. Eligible projects may include early intervention services for infants and toddlers, transition services and postsecondary education services.

- Eligible grantees are nonprofit organizations, state education agencies, school districts and colleges and universities. Daycare and childcare projects that do not include educational services are not eligible for funding.

Rehabilitation Services Demonstration and Training

- CDS funding authorized by ED’s Rehabilitation Services Administration focus on improving access to, or the quality of, services for individuals with disabilities that are authorized under the Rehabilitation Act. Potential projects include providing education, training, support services and independent living services to individuals with disabilities.
- Eligible grantees include non-profit organizations, state vocational rehabilitation agencies or community rehabilitation programs.

Fund for the Improvement of Postsecondary Education (FIPSE)

- Generally, requests should focus on improving access to, or the quality of, postsecondary education.
- Examples of projects that can be funded under FIPSE include projects to hire and train faculty, establish and improve degree programs, improve teacher preparation programs, develop and improve curricula, upgrade technology and telecommunications, acquire science laboratory equipment, provide student support, implement university partnerships with school districts and establish research and training centers.
- Eligible entities include nonprofit organizations and colleges and universities

Science Agency Research Opportunities

Massachusetts Senate CDS awards in FY24 under these authorities ranged from \$125,000 to \$3,000,000

NOAA Operations, Research, and Facilities (ORF) Special Projects

- Projects should address fisheries, marine, mammals, ocean, climate, weather and atmospheric research programs.
- Construction projects will not be accepted. However, equipment necessary to conduct the research programs are eligible for funding.

NIST Scientific and Technical Research and Services (STRS) External Projects.

- Projects should address standards-related research and technology development.
- Construction projects will not be accepted.

NIST; Construction of Research Facilities;

- Projects are for non-Federal research facilities, including for projects at research institutions and colleges and universities
- However, given the significant investments necessary for construction projects, only a very limited number of projects will be supported on an annual basis.

NASA Safety, Security and Mission Support (SSMS).

- Projects should focus on science education, research and technology development related to NASA's mission
- Medical research projects and projects at NASA-owned Visitor Centers or a state's designated Space Grant Consortium will not be funded. This account does not fund construction, but could be used for equipment, research funding or education programs.

Agricultural Research Service (ARS), Buildings and Facilities

- Requests for ARS Buildings and Facilities may only include funding for repairs and maintenance to existing facilities.
- Eligible entities include USDA Agricultural Research Service centers, 1865 Land Grant Universities and 1890 Land Grant Universities.
- Funding for construction of a new building will not be considered.

Agricultural Animal and Plant Health Inspection Service Salaries and Expenses

- Requests under this account are for pest detection and mitigation and wildlife damage management.

Department of Energy, Energy Projects

- The Appropriations Committee considers very few items for the Department of Energy.
- The Department of Energy funds projects in five topic areas including: Renewable and Clean Energy Electricity and Energy Resiliency Cybersecurity and Energy Security Nuclear Energy Fossil Energy or Carbon Management

VII. TRANSPORTATION INFRASTRUCTURE

The U.S. Department of Transportation (DOT) provides federal support for wide range of transportation projects across all modes of transportation. DOT provides most of this funding to states. It is important to note that nearly all transportation projects require coordination with the State and any applicable Metropolitan Planning Organization (MPO). The Appropriations Committee places priority on funding projects that are included in the Statewide Transportation Improvement Program (STIP), authored by the Massachusetts Department of Transportation (MADOT) or the several Metropolitan Planning Organizations (MPO) that author regional Transportation Improvement Plans (TIP).

Massachusetts Senate CDS awards in FY24 under this authority ranged from \$220,000 to \$2,000,000

Grants-in-Aid for Airports

- This program supports projects that are eligible to receive funding through the FAA's Airport Improvement Program, which awards grants for planning and construction of airport infrastructure including the construction or rehabilitation of runways and taxiways, airfield lighting, signage and drainage and safety improvements.

Facilities and Equipment for terminal air traffic control facilities

- This account allows for the rehabilitation of terminal air traffic control tower projects eligible under Part A of Subtitle VII of Title 49, United States Code.

Highway Infrastructure Program (HIP)

- This authority covers projects that are eligible for funding under the major federal surface transportation programs, including highway and bridge construction and repair, planning, environmental reviews, design and right-of-way acquisition for eligible highway projects.
- Additional activities that can be supported with this account include projects eligible for funding under the Transportation Alternatives Program, which supports local priorities including bicycle and pedestrian infrastructure

Transit Infrastructure Grants (TIG)

- This category of funding includes a range of transit infrastructure projects, including projects that can compete for funding from the Federal Transit Administration's programs for buses and bus facilities, Low or No Emission Vehicle Program, the competitive grant program for ferry services in urbanized areas, technical assistance and transit workforce

Transportation Planning, Research, and Development

- The applicants can request CDS within the TPR&D account for transportation research projects eligible under title 23 or title 49 of United States Code. Planning for specific local highway, transit, or rail projects that are eligible under HIP, TIG, or CRISI should NOT be included in this account. Applicants are encouraged to use this account for national or regional research and development projects.

Contacts

Please email Appropriations@markey.senate.gov to be connected to Senator Markey's staff

Frequently Asked Questions

Q: What is the difference between a programmatic funding request and a Congressionally Directed Spending (CDS) funding request?

A: Programmatic appropriations requests increase funding for particular programs already included in the president's budget. Programmatic funds are not designated for any specific local government or nonprofit entity. CDS requests, or earmarks, are not in the president's budget and recipients are eligible government or nonprofit entities.

Q: What is the difference between the House and Senate earmark process?

A: Each year the House and Senate Appropriations Committee put out their own guidance for accepting CDS requests. In Fiscal Year 2024, in contrast to the [Senate](#), the House [did not allow](#) CDS requests for

any accounts under the Labor, Health and Human Services, and Education Subcommittee or the Financial Services and General Government Subcommittee ¹. The House also prohibited memorials, museums, or commemoratives from being eligible for CDS funding. The House and Senate run separate appropriation processes and guidance from the House does not impact the Senate process and vice versa.

Q: For a CDS request, which accounts should I apply under if I want to acquire property or pay for construction?

A: Senate Appropriations guidance specifies a limited number of accounts for acquisition of property or construction. Accounts that allow for construction costs are [Small Business, Health Facilities Construction and Equipment](#), and [Economic Development Initiatives \(EDI\)](#). Only the EDI account allows for the acquisition of property.

Q: I have submitted my CDS request, what happens now?

A: Staff will follow up with you and provide updates on timing for Congressional approval of appropriations. Should you be successful in having your award enacted into law, the agency you applied under will engage with you to execute a detailed grant agreement.

Q: Can I use a CDS award to be reimbursed for costs already incurred?

A: Generally, costs incurred prior to execution of your grant agreement will be an ineligible use of your CDS award. You should carefully review the grant agreement and follow up with staff with any questions.

Q: What happens if my project is not selected for funding this cycle?

A: Every Senate office receives hundreds of requests each year and many projects go unfunded. If your project is not funded it may be due to the competitive nature of the process rather than any issue with your application. You may follow up with the Senator's staff with questions.

Q: If I submitted a request to my House representative, does that preclude me from applying to Senator Markey's office for the same project? What if my project/application was successfully selected by my House Representative?

A: To move forward, projects need only to be in either the House or the Senate bill. However, we strongly encourage you to apply to both your Senator and Representative. If your project is included in both bills, the final bill will reconcile any differences between the bills.

¹ This includes all accounts under the Department of Health and Human Services, Centers for Disease Control, Small Business Administration, National Archives, and General Services Administration.

Special Event Application

Organization or Group West Newbury Library

Person Making Reservation Kelly Scott

Mailing Address 490 Main Street West Newbur, MA 01985

Phone (978)363-1105 e-mail _____

Event Date: 04/08/2024 Start Time 1:00 pm End _____

Time 5:30 pm

Reason for Event Solar Eclipse Viewing Celebration

Number of attendees 200-300+ (Page School Principal has given her ok for parents to dismiss students at 2pm)

Check Appropriate Block:

Resident Non-resident

Fund Raising Group Non-Profit Commercial Other

Submit your application (with all maps, diagrams and attachments as required).

Provide a Schedule of Events along with a Sketch Plan which addresses:

1. The location of the event on the property Pipestave parking lot and grassy areas.
Please see attached map. We do NOT need the playing fields or equestrian rings.

2. For road or walk race, a detailed map of the route _____

3. Features and attractions Tables with crafts and activities for all ages, sunscope and sunoculars, 500 pairs of solar eclipse glasses to give away, Metzys Taco Truck and Whoo(pie) Wagon

4. Participant circulation _____

5. Proposed parking including how you will handle overflow parking _____
We will need to encourage people to use the Page School parking lot as well as trying to maximize the parking at Pipestave. The upper parking lot at Mill Pond might also be an option.

6. Any proposed road closures No

7. Location of trash receptacles and dumpsters Near the food trucks and craft tables

8. Location of temporary toilet facilities Pipestave Parking Lot? Town Fields?

9. Accessible routes for the disabled or mobility impaired _____
Handicapped Parking designated in the Pipestave Parking lot.

10. Locations, size and number of any tents, trailers or temporary structures
The library has 2 10x10 pop-up tents, 6-10 6-ft tables, 2 food trucks?

11. Location, size, and description of any signage or banners
Signs at the Library, and at the entrance to Pipestave. 2ft x 4ft A-frame signs owned by the library.

12. If food will be served or sold at the event, you must contact the West Newbury Board of Health to discuss Food and Beverage regulations before you submit your application. If required, your food permit must be submitted before final approval of the Special Event.
Two food trucks? I have tentative commitments from Metzys and Whoo(pie) Wagon

13. If Police Details and/or Firefighters/EMTs will be required, contact the West Newbury Police Department and West Newbury Fire Department to secure services. Only Police Officers may direct traffic on town streets. Evidence that Police and/or Fire Personnel have been secured must be presented before the approval of the final Special Event Permit. We will need police presence at the entrance to Pipestave, and their assistance with people crossing back and forth from the Page School Parking lot.

14. Provide a Certificate of Insurance to the Town Manager's Office no later than ten (10) business days before the event. Final Special Event Permits will not be issued without submission of a Certificate of Insurance _____

Name: Kelly Scott -West Newbury Library Event: Solar Eclipse Viewing Celebration

I/we agree and hold harmless and/or indemnify the said Town of West Newbury against any and all claims or liabilities for personal injury or property damage arising out of use of said property. If the application is submitted less than 60 days before the event, the applicant must pay a \$100 administrative fee or has the option of changing the date. The administrative fee applies to all for profit and nonprofit persons or organizations.

Kelly E Scott 2/12/2024
Individual/Authorized Signature for Group Date

Chief of Police's Signature: _____ Date: _____

Requests and comments:

Fire Chief's Signature: _____ Date: _____

Requests and comments:

Approval granted if signed here by Select Board: _____ Date: _____

Requests and comments:



Town Clerk

From: Michael Dwyer <dwyer@westnewburysafety.org>
Sent: Monday, February 12, 2024 6:58 PM
To: Town Clerk
Subject: Re: April 8, 2024 Solar Eclipse Viewing Celebration Event at Pipestave

Looks good. I will staff FD/EMS on site during the event and I would recommend scheduling the detail officer from 1-5 that way it will only be a 4 hour charge.

From: Town Clerk <townclerk@wnewbury.org>
Date: Monday, February 12, 2024 at 5:00 PM
To: Michael Dwyer <dwyer@westnewburysafety.org>
Subject: FW: April 8, 2024 Solar Eclipse Viewing Celebration Event at Pipestave

Hi Chief,

Any comments regarding this application.

Best,

James RW Blatchford

Town Clerk
Town of West Newbury
Phone 978-363-1100 X 110
Mobile 978-891-0039
www.WNewbury.org



From: Kelly Scott <kscott@westnewburylibrary.org>
Sent: Monday, February 12, 2024 4:36 PM
To: DPW Admin <DPWAdmin@wnewbury.org>; Executive Assistant <exec.assistant@wnewbury.org>
Cc: Assistant Clerk <assistantclerk@wnewbury.org>; Corinn Flaherty <cflaherty@westnewburylibrary.org>; mdwyer@westnewburysafety.org; Town Clerk <townclerk@wnewbury.org>
Subject: April 8, 2024 Solar Eclipse Viewing Celebration Event at Pipestave

Hello Rebecca and Katelyn,

Here is the special permit application and map of the event. Please let me know the next steps and what else is needed.

Thanks so much for your help!



**Town of West Newbury
Select Board Meeting
February 12, 2024 @ 6:00pm
381 Main Street, Town Office Building
www.wnewbury.org
Meeting Minutes**

Open Session: Chairwoman Reed opened the session at 7:00pm.

Participation at the Meeting:

- Rick Parker, Wendy Reed, Chris Wile- Select Board
- Angus Jennings- Town Manager
- Jim Blatchford- Town Clerk
- Rob Phillips- Finance Committee representative
- Jenny Walsh- Town Accountant
- KC Swallow- Town Moderator
- Elisa Grammer- Climate Change Resiliency Committee representative

Announcements:

- This meeting is being broadcast on local cable TV and recorded for rebroadcast on the local cable channels and on the internet. Meeting also accessible by remote participation; instructions below.
- Update: Select Board Open Session start times will vary, and may be 6pm or 7pm going forward, as needed.
- Nomination papers available for local office- contact the Town Clerk's Office! townclerk@wnewbury.org or call or visit. Final day to obtain nomination papers: March 14, 2024
- Presidential Primary Tuesday, March 5, 2024- Last day to request vote by mail ballot February 27, 2024
- SAGE Center Lunch and Learn: Senior Tax Circuit Breaker Tax Relief- March 6th 11:30-1pm
- Call for volunteers! FY24 positions on Boards/Commissions/Committees. See www.wnewbury.org/volunteer
- Reminder to subscribe for emailed Town agendas/news/announcements at www.wnewbury.org/subscribe

Regular Business:

A. Public Comment. Limited to 2 minutes per resident on any topic. Please note that the Board will not discuss or take action at this meeting.

There was no public comment.

B. Consent Agenda

There were no Items on the Consent Agenda.

C. Town Manager Updates

- a. Proposed articles for Spring Annual and Special Town Meeting now available on Town website**
See Exhibit Ca, p. 4-8. Once things are finalized through the Article review process, a final sequence of Article numbers will be assigned.
- b. Capital articles submitted for review by Capital Improvements Committee; upcoming meeting date(s)**
See Exhibit Cb, p. 9-17. Jennings recounted the first meeting for this cycle of the CIC, who walked through the Articles with all membership present. The Committee assigned members to do deeper dives on the relevant Articles assigned to them. Reed said that it made the most sense to send the CIC their questionnaire at the end of the CIC review process because of the many new members and the intensity of their work.
- c. Middle Street Bridge, work with Newburyport regarding potential additional grant funding**
Another joint City-Town meeting was in the pipeline, reported Jennings, and an attempt to secure another Small Bridge Grant would also be ongoing (for half a million dollars). Newburyport would potentially be referring Middle Street Bridge matters to a subcommittee. If the matter was placed on the subcommittee's Agenda, the officials from the Town of West Newbury could come in person to advocate during a relevant meeting.
- d. EMA practice exercise/drill completed, with FEMA and local officials, on February 7th**
See Exhibit Cd, p. 18-19. A routine practice drill took place on the 7th and went well reported Jennings, who participated.
- e. Upcoming swatting hoaxes/bomb threat training February 14th**
See Exhibit Ce, p. 20. Jennings stated that several Town employees would attend this training to be better prepared for this increasing threat.
- f. Correspondence sent to Representative Ramos and Senator Tarr re FY25 State budget priorities**
See Exhibit Cf, p. 21-23. The Middle Street Bridge project, IDed as the Town's priority project, was outlined in a letter to the politicians.
- g. Updates on other ongoing/active projects/initiatives**

D. Department Updates/Discussion

- a. MVPC DPW/Stormwater updates – Christine Wallace, PE, Projects/Programs Manager**
See Exhibit Da, p. 24-26. Christine Wallace had sent around a heads-up on stormwater culvert grants being offered through the federal government, but the Board decided that commenting on the process should take place post-Budget season. Jennings mentioned that through the work being done as part of the MVPC Grant, new ideas on expediting the process of culvert replacement and related work might come up- bringing about potentially faster permitting and changed regulations to assist Cities and Towns.
- b. Town Meeting logistics – potential venue change to accommodate attendance; potential multi-night Town Meeting. Preliminary discussion to be followed by review with Town Moderator, FinCom etc. in the coming weeks. – Jim Blatchford, Town Clerk**
The Clerk suggested that Page School would be a potentially appropriate new venue for the Meeting or possibly Pentucket RHS given that they were both available during on April 29 and offered more seating. The Board and

Clerk pondered whether two nights in a row or two nights a week apart would be best to accommodate the length of this particular meeting. Page was eventually settled on as the preference, as well as back-to-back meetings.

- c. **Pre-Construction meeting scheduled for Church and Prospect St water main project February 13 at 10am**
See Exhibit Dc, p. 27. It was speculated that this inter-departmental meeting might be cancelled by snow.

E. Board/Commission/Committee Updates/Discussion (and Select Board liaison updates):

- a. **Review of Climate Change Resiliency Committee questionnaire**
See Exhibit Ea, p. 28-30. Chris Wile thanked Elisa Grammer for her hard work for the Town. Reed queried Grammer about the response on the questionnaire which requested the Town put together the Town Report in a swifter fashion. In order to keep West Newbury's MVP status, Grammer explained, the Committee members had to develop an annual report of their own in Spring, and without the Town Report to provide data for inclusion, it was difficult. Having a holistic view of all Town activities is essential for their work. Grammer pass on the CCRC's thanks to the municipal program managers and other Departments for their support.
- b. **Select Board appointment process for Boards/Commissions/Committees**
Reed reopened talk on the role the Select Board has in appointing applicants. Wile felt that hearing the BCC's opinions (to whom the applicant was applying) was valuable, as did Parker. Reed asked if in a joint meeting setting the Select Board should take lead stating she felt that deference to BCCs was the proper path.
- c. **Upcoming meeting of Board of Water Commissioners (Feb. 14 at 10am) re FY25 expenses and revenues**
See Exhibit Ec, p. 31. Jennings made the Board aware of the meeting. He stated that the Board of Water Commissioners would be working toward a rate hearing some time in March and Phillips said that he expected this to be the last Board of Water Commissioners meeting before that hearing. Reed pointed out that the water rate study wasn't finalized which would potentially pose an issue.

F. Action Items

- a. **Presentation of proposed FY25 Budget – Angus Jennings, Town Manager**
Jennings touched on some key elements/directions of the new Budget. Among these elements and directions were proposed staffing changes, a 2% COLA increase, an effort to limit average single-family tax increases to no more than 2.5%, a continued draw-down of School Stabilization Fund based on a multi-year strategy, and continued transparent, clear budget drafting processes. He requested the Board refer the draft Budget to the Finance Committee. Jennings additionally stated that other specific areas were being considered in the FY25 Budget:
- Personnel step increases
 - Expenditure of ARPA funds
 - A revised DPW budget
 - Legal cost offsets
 - Unsettled union contracts
 - Trail maintenance funding resources
 - Estimated regulatory mandates
 - Ongoing evaluation of fee structures
 - Ongoing evaluation of regionalizing certain services
 - The FY25 Capital Improvement Program
- The municipal budget is due to increase 5.6%, with big drivers including education, retirement funds, the DPW, the Police Department, and the Town Manager's operating budget. The Board discussed the increase in the tree removal budget, which reflected a greater emphasis on taking care of high-hazard trees on public ways. Jennings floated the inclusion of financing for office administrative support in Land and Building Services (and potential backups) which at present is sorely needed. The discussion continued, with Jennings going through each line item of the FY25 Budget. He highlighted some areas of interest, including a revised Pentucket Budget, a forthcoming Whittier Budget, and police cruiser expenses. The Select Board packet for this meeting provides in depth and exact indications of Budget line items discussed in this Agenda Item. The Town Manager provided data and rationale for transferring Free Cash to lessen the tax rate. At the end of his presentation, Jennings outlined next steps:
- Refer the Budget (if satisfactory) to the Finance Committee
 - Review proposed Warrant Articles
 - Town Manager works in tandem with Finance Committee to schedule reviews based on readiness
 - Town Manager, Town Counsel, Town Moderator, and Select Board meet to discuss
 - Deadline to post Warrant April 15, 2024
- b. **Referral of proposed FY25 budget to Finance Committee; review of upcoming schedule/process**
See Exhibit Fb, p. 32-34. Parker motioned to refer the Budget as presented. The motion was properly seconded. The motion was unanimously passed. (3 Yes, 0 No, 0 Abstain).
- c. **Consider whether to direct preparation of ARPA funding requests for one or more proposed spending articles, in lieu of proposing for funding at Town Meeting**
See Exhibit Fc, p. 35-39. Jennings suggested the Board look over funding requests for Town Meeting items and see if any could be paid for with federal ARPA funds which are set to expire December 2024. Wile wondered if there had been any progress on employing ARPA funds on water main replacements at Church and Prospect Streets to help reduce the project's cost- both Parker and Jennings said that no progress had been made. The Board discussed various aspects of the financial picture, including how the initial bid on the project being lower than expected, and how the use of the funds might impact bonding. The Board also wondered if saving the money for "in case of emergencies" throughout the upcoming FY. Reed suggested using the funds to pay for the new fire truck, and Parker wondered if any hoops had to be jumped through if the ARPA allocations shifted from project to project. Wile suggested holding onto the money for the Middle Street Bridge project and that a clearer picture of total funding would be forthcoming. Walsh expressed her concerns about using the funds on the Bridge: if the Town was chipping in more money on their own, it would possibly negatively impact West Newbury's ability to ask for reimbursement through an **AIF(?) with Newburyport. [Chris- is this the correct acronym? Hard to hear in the video recording]**
- d. **Decide whether to seek participation in Commercial Building Pilot Program**
See Exhibit Fd, p. 40-55. The Board looked over materials aggregated by Parker, and the sentiment was that pursuing the non-profit Pilot Program-focused would be a better fit for West Newbury than the commercial building program. Reed felt that she did not feel fully informed enough to want to get the Town involved and Jennings was

queried as to whether there was enough staff bandwidth to execute the Program. Jennings felt that if the initiative came up “at the right time” it would be feasible. Parker interpreted the Program as requiring the most work initially from the Town Planner. Yet to be fleshed out was the commitment on the part of the Town, logistically and financially, the community received a decarbonization roadmap as a result of the Program. Parker promised he would report back after examining things further. He also suggested setting a goal for the Town with regard to decarbonization. Parker told Wile and Reed that the Library was in the process of decarbonizing.

e. Review of draft proposed changes to the Hunting and Animal Bylaws

See Exhibit Fe, p. 56-67.

- The Hunting Bylaw would be edited to ban hunting on public land Town-wide and eliminate the Select Board’s present power to approve these activities on a case-by-case basis. Cases in recent memory had been denied by the Board due to safety concerns. Wile suggested including “bow-hunting” in the list of weapons prohibited in the Bylaw. Parker defended deer hunting as a means of controlling their population, but Wile raised concerns about the hunting of deer in close proximity to recreationists. Parker wondered if there was any location on public land that could be reserved for deer hunting. Swallow suggested that keeping things as-is would enable the Board to authorize hunting of vicious animals and provide flexibility. The current burden placed on the Board (denying the two requests to hunt in the last few years) was not great, she pointed out. Taking this into account, the Board considered adding an “emergency situation” clause but no decision was made. The Board discussed at what point someone would be “hunting”, and how the fine and fee schedule would be applied. The Board felt that if there was a loaded weapon present, that would constitute a \$200 violation. Jennings made the Board aware that in some cases, the potential purchase of conservation land, and indeed some parcels in Town, included hunting as a permissible use of the property- but he was careful to distinguish that while it was permissible it was not by right allowed unless the hunter put a request in to the Select Board.
- The Animal Bylaw would be revised to make it clear that a dog would need to be leashed and not just “under control” as the previous law said. The Board looked over the whole Bylaw and agreed on the language and the fine and fee schedule.

f. Review/approve proposed Select Board policy regarding livery operations – Jim Blatchford, Town Clerk
See Exhibit Ff, p. 68. Blatchford created a procedural document on operating a livery service out of West Newbury in response to a resident request. The resident required Board signoff on a letter (as mandated by MassDOT) enabling him to operate his livery service out of/through Town. The Board looked over the Clerk’s text and finding no issues, **Wile motioned to approve the livery operation letter. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

g. Select Board meeting minutes: November 20, 2023; January 29, 2024

See Exhibit Fg, p. 69-76. **Reed motioned to approve the Minutes as amended. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

G. General Discussion Items

a. Acknowledge receipt of draft consultant reports regarding River Road Resiliency Study; review of process/timeline for further consideration and timely provision of comments on draft reports

See Exhibit Ga, p. 77-82. Jennings advised the Board that any report comments needed to be submitted prior to February 28th.

b. Whittier Regional Technical High School updates

See Exhibit Gb, p. 83-92. It was determined that the latest Whittier-run meeting was on, pending a snowstorm.

H. Correspondence, including:

a. Correspondence received re Emery Lane/Curzon Mill Road Dam inspection

See Exhibit Ha, p. 93-103. A resident living adjacent to the Dam straddling Emery Ln. and Curzon Mill Rd. dispatched correspondence to the Town Manager requesting assistance with demands placed on himself and his wife by the Commonwealth’s Office of Dam Safety, who insisted that the dam and much of the infrastructure around his property was theirs (which the owner contested was only partially true). In their discussion, the Board decided to forward the documents to the Office of Dam Safety and solicit their feedback on the matter to determine next steps.

I. Future Agenda Items / Meeting follow-up assignments

Parker wondered if the Grange could be a good pairing with an informal Ag. Committee to support a farmer’s market/farm stand. Reed said that there had been talk of the Grange being involved in a separate right-to-farm movement and activities.

Jennings said that a good future topic for a public meeting in May would be the property tax rate setting and interfacing with the Board of Assessors to ensure adequate support for them.

Wile motioned to adjourn the Session. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). The Session adjourned at 9:04pm.

To access a video recording of the meeting, use the link below:

<https://www.youtube.com/watch?v=Bez0x30g2Gw>



**Town of West Newbury
Select Board and Finance Committee Joint Meeting
February 15, 2024 @ 6:00pm
381 Main Street, Town Office Building
www.wnewbury.org
Meeting Minutes**

Open Session: Chairwoman Reed opened the session at 6:01pm.

Participation at the Meeting:

- Rick Parker, Wendy Reed, Chris Wile- Select Board
- Ross Capolupo, Dan Innes, Dennis LaMalfa, Rob Phillips, Jim Sperelakis- Finance Committee
- Angus Jennings- Town Manager
- Jim Blatchford- Town Clerk
- Jenny Walsh- Town Accountant

Announcements:

- There were no announcements read at this joint meeting.

Regular Business:

A. Public comment

There was no public comment at this meeting.

B. Select Board consideration of appointment of Dennis LaMalfa to Finance Committee

LaMalfa spoke about his background as business manager for several local churches when prompted by Reed. He also talked about his background in finance and operations jobs on the West Coast prior to working more locally. **Parker motioned to appoint LaMalfa to the Finance Committee to a term ending June 30, 2026. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

The Finance Committee Meeting was called to order at 6:07pm with Rob Phillips, Dan Innes, Jim Sperelakis, Ross Capolupo, and Dennis LaMalfa in attendance.

C. Presentation of Proposed FY25 Budget and proposed Town Meeting Warrant Articles

Jennings touched on some key elements/directions of the new Budget. Among these elements and directions were proposed staffing changes, a 2% COLA increase, an effort to limit average single-family tax increases to no more than 2.5%, a continued draw-down of School Stabilization Fund based on a multi-year strategy, and continued transparent, clear budget drafting processes. Jennings additionally stated that other specific areas were being considered in the FY25 Budget:

1. Personnel step increases
2. Expenditure of ARPA funds
3. A revised DPW budget
4. Legal cost offsets
5. Unsettled union contracts
6. Trail maintenance funding resources
7. Estimated regulatory mandates
8. Ongoing evaluation of fee structures
9. Ongoing evaluation of regionalizing certain services
10. The FY25 Capital Improvement Program

The proposed Budget carried with it a proposed increase of around \$8,000,000 but there are some unknowns still (including the Whittier Tech. High School Budget). Jennings said that the retirement funding increase was the biggest unanticipated expense facing the Town this Fiscal Year (35%). Jennings said that after questioning Essex County Regional Retirement on the lack of an increase in FY24 on multiple occasions, and being told that this was normal, it appears that in fact the numbers were initially calculated by the ECRR incorrectly. Jennings also pointed out increases in the Police for overtime and vehicle costs and the DPW for tree removal and Park and Rec expenses newly rolled into the Department's purview as a result of restructuring. The Town Manager's Budget also reflected an increase because of the Projects Manager position being incorporated into that Office. An additional DPW position is also being added to bring the Department back up to full strength for the first time since 2008. Combining several part time administrative positions into a fulltime administrative position is also being considered.

Jennings explained that Police OT was increasing because the Department was shorthanded, especially with officers being at the Police Academy or attaining certifications- this necessitating overtime coverage. During discussion of Public Safety items, Rob Phillips requested the Select Board withdraw the request for a new police car from the Budget and make it a capital item Warrant Article.

Jennings pointed out that the Town had received an updated Budget from Pentucket RSD with a more modest increase than originally given to the Town officials at the beginning of the Budget drafting process.

Examining the cost of dead or dangerous ash tree removal in the DPW section of the Budget, the question was raised about why tree removal was in the proposed Budget as well as a warrant article. After extensive discussion, it was agreed that the budget line item should be increased to \$100,000 and the warrant article would focus on Ash tree removal.

D. Process to review Budget and Warrant Articles

The Select Board and Finance Committee arranged for joint meeting dates through the remainder of the drafting period, and it was discussed how best the Committee could work in concert with the Capital Improvements Committee as they made their analysis and recommendations. At this evening's Meeting, Jennings encouraged the group to tackle the simpler Articles first.

E. Review and discuss Budget and Articles for Spring Town Meeting to be held on April 29, 2024

Article 6: To see what rules and regulations the Town may wish to impose on the Water Commissioners. Citing great progress being made in the Water Department, the Board felt that no instructions needed to be issued.

Article 8: To create a water pension liability fund. The Town Manager stressed this Article would create said fund (with a 2/3rd Town Meeting vote) but nothing would be put in at this time. **Parker motioned to recommend Article 8. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Sperlakis motioned to recommend Article 8. The motion was properly seconded. The motion passed. (4 Yes, 0 No, LaMalfa Abstaining).**

Article 9: To transfer \$10,364 from the Septic Loan Revolving Account to repay debt service. **Wile motioned to recommend Article 9. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Innes motioned to recommend Article 9. The motion was properly seconded. The motion passed. (4 Yes, 0 No, LaMalfa Abstaining).** Jim Sperlakis stated he would write rationale.

Article 10: Vote to appropriate or transfer the sum of \$99,507 for the Pension Liability Stabilization Fund. During discussion, Phillips said that the Finance Department recommended 10% allocation of the following year's Pension Assessment toward the Stabilization Fund (as had been done in the years prior) with a 2% increase for the Fiscal Year. Phillips suggested pushing the allocation to 11.5% in the future, and Parker felt a further review was necessary.

Article 11: To see if the Town will transfer funds to the Other Post-Employment Benefits Stabilization Fund. After brief discussion on the trends of the finances related thereto, **Parker motioned to recommend Article 11. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Sperlakis motioned to recommend Article 11. The motion was properly seconded. The motion passed. (4 Yes, 0 No, LaMalfa Abstaining).** Dan Innes stated he would write the rationale.

Article 13: To set maximum receipts and expenditures from Revolving Funds in FY25. **Wile motioned to recommend Article 13. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Innes motioned to recommend Article 13. The motion was properly seconded. The motion passed. (4 Yes, 0 No, LaMalfa Abstaining).** Dan Innes stated he would write the rationale.

Article 19: To extend sunset date for prior Town Meeting Articles. These Articles included funding for various projects across Town (including the Middle Street Bridge, a telecommunications overhaul in Town buildings, facilities improvements, and funds for the Soldiers and Sailors building). **Wile motioned to recommend Article 19. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Sperlakis motioned to recommend Article 19. The motion was properly seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain).**

Article 31: To obtain [TBD] supplemental funds for telecom replacement/upgrades at Town Offices, Public Safety complex, and Library. Jennings explained that the initial \$65,000 expected for the telecom work would not be sufficient to cover re-cabling costs that became clearer during the RFP process. The original sum was based on an older estimate that was no longer relevant in 2024.

Article 36: Coffin Street culvert design, engineering, and permitting. Jennings provided brief background on the culvert replacement project, stating that more engineering and design work was needed prior to approaching a future Town Meeting to obtain funding for the actual replacement. **Wile motioned to recommend Article 36 and that it not exceed total cost of \$50,000. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Innes motioned to recommend Article 36 and that it not exceed total cost of \$50,000. The motion was properly seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain).** Capolupo stated he would write the rationale with a sunset date of FY25.

Article 40: To fund PFAS testing. The Board of Health-sponsored Article provided for Mass DEP required testing at the Steele Landfill and residential wells within 500 ft. **Parker motioned to recommend Article 40. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Sperlakis motioned to recommend Article 40. The motion was properly seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain).** Innes stated he would write the rationale.

Article 45: The group discussed unpaid bills that 45 provides funding for including a police detail bill and others. The Finance Committee and Board planned to return to this Article when more details were provided.

Article 47: Will be dropped from the Warrant.

Article 50: Will be dropped from the Warrant.

Phillips motioned to adjourn the Finance Committee session. The motion was properly seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain).

Parker motioned to adjourn the session. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). The Session adjourned at 8:40pm.



**Town of West Newbury
Select Board and Finance Committee Joint Meeting
February 20, 2024 @ 6:30pm
381 Main Street, Town Office Building
www.wnewbury.org
Meeting Minutes**

Open Session: The session opened at 6:01 for both Board and Committee.

Participation at the Meeting:

- Rick Parker, Wendy Reed, Chris Wile- Select Board
- Ross Capolupo, Dan Innes, Dennis LaMalfa, Rob Phillips, Jim Sperelakis- Finance Committee
- Angus Jennings- Town Manager
- Jim Blatchford- Town Clerk
- Richard “Butch” Hills- Highway Superintendent
- Kaitlyn Barker- DPW Business Manager
- Brian Richard- Building and Grounds Supervisor
- Christine Wallace- Projects Manager
- Jenny Walsh- Town Accountant
- Fred Chanania- Tree Committee representative
- Doug Mead- Park and Recreation Commission representative

Announcements:

- There were no announcements read at this joint meeting.

Regular Business:

A. Convene

B. Review and discuss Budgets and Articles for Spring Town Meeting to be held April 29, 2024, including proposed FY25 DPW Operating Budget and Warrant Articles.

Phillips motioned to adjourn the Finance Committee session. The motion was properly seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain).

Future meeting dates were confirmed, and the group discussed how to best to build these around School District Budget meetings. Town Manager Jennings gave another review of the Budget, with specific focus on the DPW sections.

Discussion began on the tree removal portions of the DPW Budget. Butch Hills spoke on how the funding requests for tree removal were broken out: ash trees received their separate Article, while, for example, red and white oaks were included in the Operating Budget. Fred Chanania said that the Article served as a pilot program to see how much work could be done for \$50,000 (relative to the location and conditions of trees faced by removal crews). The program would allow for a better understanding of the problem, and how it could be rolled into a permanent line item. Chanania provided a brief history of the ash tree funds, saying that the Town was far behind on removal despite previously allocated funding. Capolupo urged the Town to consider reformatting how the Town approached the problem, suggesting a contract with a lump sum tied to a number of trees needing to be removed (versus paying per diem). Hills and Chanania both said that the ash tree marking process was not completely comprehensive since they were only IDed as they stood close to roadways, not further off the shoulder or on other public lands. Spurred by the ongoing discussion, Phillips felt that \$100,000 should be the amount in the line item, with the \$50,000 still separate for the ash trees. Jim Sperelakis brought up the question: what was National Grid’s responsibility for tree management, versus West Newbury’s? Could external pressure be applied to get Grid to assist? It was determined that National Grid’s responsibility fell largely on protecting their poles and wires, and that the company had a backlog of work to do state-wide in that regard, making them not of much help in tree removal. A reduction in the total tree removal line item for FY25 brought the total to \$250,000, with the \$50,000 still allotted in a separate Article for ash tree removal.

Wile motioned to recommend Article 41 (\$50,000 for ash tree disposal). The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Sperelakis motioned to recommend Article 41. The motion was properly seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain). Capolupo stated he would write the rationale with a sunset date of FY25.

The next topic of conversation in the DPW FY25 Budget was salaries. Innes of the Finance Committee wondered what benefit the Town gained by having an “experienced operator” position versus simply an “operator”, as they attempted to bring on a fourth DPW staffer. Jennings emphasized that this has been a 15-year vacancy, with a worker laid off during the Great Recession, and the slot never filled in the intervening years. He stated that the “experienced” label was to allow for a bigger salary, but hoped to attract talent of any level, even if it took time for the new hire to acquire additional licenses and certificates. Reed wondered if an additional, new, Facilities staffer was in the cards. Jennings said it was envisioned the new Operator might be under the Buildings and Grounds purview for some of the time to assist Brian Richard. Richard chimed in on the current arrangements and constraints he worked under as the Building and Grounds Supervisor. Assisted at the moment by a part-timer, Richard felt that a more affordable solution (to supplement the work he and the part-timer do) would be to have the Experienced Operator assist him with bigger projects, working out the balance of labor between both sides of the Department. Richard added that the present subcontractor who assisted in some of the larger B&G projects presently was getting older and would not be able to work for the Town indefinitely- and Richard wasn’t sure about finding someone to fulfill that role when the subcontractor chooses to retire.

Turning to the electricity line item, Reed wondered why the cost of electricity YTD had been roughly \$29,000, but in prior years it had been \$84,000 (and again in this Budget \$84K was requested). Katelyn Barker offered the explanation: a malfunctioning meter. While there were still expenses for electricity, it just wasn’t being captured. Parker also explained that

some of the electricity instability was due to changing electric rates and energy generated by the Town solar field at Page School. Phillips suggested a closer analysis of these peculiarities and trends in the future.

On the public street lighting line item, Innes wondered about the dramatic drop off in cost for the present year, and it was established that a line item transfer had eased these cost burdens.

Examining a \$200 request from the Tree Committee (for professional membership in the MA Arborist Association), Reed queried Hills if this was a necessary expense. Hills replied said that it seemed to be worth it to the Town.

Wile motioned to recommend the DPW portion of the FY25 Budget minus \$30,000 from the tree removal line item. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Innes motioned to recommend the DPW Budget as amended. The motion was properly seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain).

Article 23: Replacement of Annex floor. The number listed in the draft Budget of \$49,200 was increased to \$60,000. This would include replacement of piping and floor coverings. The job would bring the new flooring down to the concrete, and include the removal of any remaining asbestos in the flooring.

Article 34: Replacement of Public Safety complex roof and retaining wall. It was determined this expense could be pushed off to a future Town Meeting. Richard testified that the roof had three years left in it before serious issues became prevalent. Richard felt a metal roof would be a cost-effective future choice at the complex.

Article 24: Replacement of Council on Aging A/C unit. Brian Richard spoke to the somewhat pressing need to get a new air conditioning unit in the SAGE Center. Parker felt that the Town could delay the replacement to the future with an eye toward decarbonization.

Article 25: Replacement of emergency generator for Annex and Town Offices. Brian Richard expressed his belief that the installation of a new generator should be a high priority for the Town. Parker felt that they could delay the replacement to the future with an eye toward decarbonization.

Article 26 and 27: Page School flooring repairs (26), Page School improvements (27). Richard spoke about the need to pay attention to historical issues to inform the Town on future problems, involving Pentucket officials to get a better idea especially with regard to failing flooring. Jennings said that the challenges facing the floor replacement were funding at the right amount at the right time, and the school schedule around which the work would have to take place. The group debated about the urgency of the flooring replacement. A preventative maintenance program had been on the books, but Jennings suspected the COVID-19 pandemic had disrupted it, and it had not been returned to. Finding the damaged flooring areas in Page would require removing the top layer tiling, which could be a large expense and a lot of work. Richard also elaborated on the Article, saying it included funding for small repairs to broken doors, plaster, and ceiling tiles, too.

Article 32: Keyless entry for Town Offices: Enhancing security and flexibility for Town Office Building (and Annex) through electronic key system. Richard said the proposed system would allow access to be provided through electronic means to the building, and doing so would enhance security by logging entries and prevent the need to replace or cut keys. Wile wondered if re-keying the entire building be cheaper for West Newbury in the short term. Richard talked about a walkthrough he had conducted with a keyless entry expert. That expert had said the cost would be about \$1,000/door, and require wiring, which could pose difficulties. The rewiring would present an opportunity to finally get handicap access on some of the exterior doors in the building. The group wondered if it would be less expensive to wire the exterior doors only, and leave the standard key system in place for interior doors. Katelyn Barker stated that by having a remote-controlled e-key system, access could be granted easily and from off-site, and allow "users" to gain access to multiple offices at once (rather than having to have separate keys for each place they intended to go). This approach would still prevent unauthorized access, and once no longer needed, access to the buildings and offices could be completely cut off.

Article 31: Telecommunications upgrades at Town Offices: Replacement of phones and related equipment. Jennings and Wallace recapped the history of the bidding process and what had been learned so far, but stressed that the full cost was not yet known. They discussed the pros and cons of wireless versus hard-wired phones. Professionals being consulted in the project strongly advised to have separate cables for phones and data, rather than a single one.

Article 34: Public Safety Complex. Funding for interior and exterior improvements. Richard stated that previous DPW Director Wayne Amaral had identified these problem areas, with some large repairs needing attention. Among the problem areas are rot, peeling paint, and exterior lighting fixtures, among others. Richard stated that he felt the repairs did need to be done, and that he planned to do some of the work in-house and with a subcontractor. Concerns were raised about the high price tag given it was being done in-house *and* by a third party. Richard broke down some of the expenses, including the cost of materials for the square footage, and the rental of equipment and machines. For the cost, Phillips felt it would be better to contract the project out completely.

Article 23: Wile motioned to recommend Article 23 at the cost of \$62,000. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Innes motioned to recommend Article 23. The motion was properly seconded. The motion unanimously passed. Ross Capolupo stated he would do the rationale.

Article 24: Wile motioned to remove Article 24. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).

Article 25: Wile motioned to recommend Article 25. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Innes motioned to recommend Article 25. The motion was properly seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain). Innes stated he would write the rationale.

Article 26: **Wile motioned to recommend Article 26. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** Innes motioned to recommend Article 26. The motion was properly seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain). Innes stated he would write the rationale.

Article 27: **Wile motioned to remove Article 27. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

Article 33: **Wile motioned to remove Article 33. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

Article 42: **Wile motioned to remove Article 42. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

Article 28: Purchase of DPW plow. Hills spoke about the present condition of the vehicle: a 13-year-old truck beginning to show rust and wear, and recapped some of the specs to be included on the new vehicle. He told the group that vendors and sales people suggested purchasing the new plow truck now rather than waiting due to supply chain concerns. Parker reminded the group to stress that there was no alternative powered carbon-free that was available (hence the purchase of the combustion engine-powered truck). **Wile motioned to recommend Article 28. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** Sperlakis motioned to recommend Article 28. **The motion was properly seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain).** Sperlakis said he would write the rationale (with comments from the Select Board policy included).

Article 29: Zero-Turn Mower. Funding of a new Zero-Turn Mower for the DPW. Hills stated that the present mower was 22 years old, and imbued with overheating and electrical problems, necessitating its replacement. Hills also told the Board that the next youngest mower was a decade old. The mower is included in the capital program. Parker mentioned that a John Deere battery-operated mower could be introduced in the near future to replace the next mower to die. **Wile motioned to recommend Article 29. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** Sperlakis motioned to recommend Article 29. (3 Yes, 0 No, 0 Abstain). Jim Sperlakis stated he would write the rationale.

Article 30: Accessories for Trackless Vehicle. Funding of accessories for trackless vehicle. The Article would provide for an "arm" (or "boom mower") for mowing over guard rails or in other less accessible spaces, mounted on a trackless vehicle set to be acquired by the DPW. The compact vehicle would be used year-round, in the DPW's plan, serving as a sidewalk plow in the Winter to get added value out of it. Wile wondered if it would be a better value to let the machine sit for Winter use only, to minimize wear and tear. Based on concerns about wear and tear, and the suitability of the present fleet, it was determined that this Article 30 would be a low priority. **Wile motioned to remove Article 30. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

At this point, Rick Parker, Zooming in from a different location, exited the Meeting.

At this point, with the conclusion of the DPW Budget review, the DPW staff exited. The Select Board and Finance Committee discussed how to streamline the process even further next year. Phillips felt that the Budget should be more closely examined and pared back, suggesting that to save time (and Town money) that the line items for the Budget should reflect only immediate priorities. Wile and Jennings responded by saying that the Budget from the DPW reflected new leadership- with both Richard and Hills as long-time DPW employees with years of experience finally being given the reins. Being in charge allowed them to promote line items that may have not been considered previously. Wile said he would like to speed the process up, but it allowed for the appropriate parsing out all 63 potential Town Meeting Articles.

Innes motioned to adjourn the Finance Committee session. The motion was properly seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain).

With the Finance Committee formally adjourned, Phillips, Wile, and Reed discussed ARPA monies for water-related projects. Phillips hoped to get clarity on the final financials for the Water Department for the sake of the Finance Committee's work in prepping for Town Meeting. Wile explained his feelings on outlays for the water main replacement, stating in his view the allotted \$625,000 in ARPA funds was no longer necessary and could be reduced due to the lower-than-expected sum needed to get the work completed. Phillips insisted that the original money allotted would help the Water Department with their debt service regardless, and put the Department in better shape financially. Wile felt that using the ARPA funds for anything other than what it was originally intended (securing materials) was problematic. Reed asked about the procedure for modifying the Board's decision to get the funds back. Jennings said that the mechanics of that process would be under the Select Board's jurisdiction but it might generate ill will. If the wording was originally crisper, Wile argued, the problem would have been avoided. Reed wanted to wait until Parker was back in West Newbury to decide on the issue and Jennings said that the item would be put on the February 26th Agenda for discussion. The general attitude leaned toward not revising the agreement.

Wile motioned to adjourn the session. The motion was properly seconded. The motion unanimously passed. (2 Yes, 0 No, 0 Abstain [Parker not present]). The Session adjourned at 9:59pm.



**Town of West Newbury
Select Board and Finance Committee Joint Meeting
February 26, 2024 @ 6:00pm
381 Main Street, Town Office Building
www.wnewbury.org
Meeting Minutes**

Open Session: The session opened at 6:10 for both Board and Committee.

Participation at the Meeting:

- Rick Parker, Wendy Reed - Select Board
- Ross Capolupo, Dan Innes, Dennis LaMalfa, Rob Phillips, Jim Sperelakis- Finance Committee
- Angus Jennings- Town Manager
- Jim Blatchford- Town Clerk
- Christian Kuhn- Town Assessor
- Jenny Walsh- Town Accountant
- Bob Janes- Water Commissioners
- Mark Marlowe, Water Superintendent

Announcements:

- This meeting is being broadcast on local cable TV and recorded for rebroadcast on the local cable channels and on the internet. Meeting also accessible by remote participation; instructions below.
- Nomination papers available for local office- contact the Town Clerk's Office! townclerk@wnewbury.org or call or visit. Final day to obtain nomination papers: March 14, 2024
- Presidential Primary Tuesday, March 5, 2024- Last day to request vote by mail ballot February 27, 2024
- SAGE Center Lunch and Learn: Senior Tax Circuit Breaker Tax Relief- March 6th 11:30am-1pm
- RSV Clinic- March 12, 2024 10am-12pm in the Annex
- Call for volunteers! FY24 positions on Boards/Commissions/Committees. See www.wnewbury.org/volunteer
- Reminder to subscribe for emailed Town agendas/news/announcements at www.wnewbury.org/subscribe

Regular Business:

A. Public Comment. Limited to 2 minutes per resident on any topic. Please note that the Board will not discuss or take action at this meeting.

There was no public comment at this meeting.

B. Consent Agenda

There was no Consent Agenda at this meeting.

C. Town Manager Updates

a. Route 113 corridor planning process; recent working meeting with consultant and staff

See Exhibit C.a., p. 6. The planning process continues, reported Jennings, with a recent meeting on the project taking place. The consultant reported they have taken into account resident and official feedback and sent over a fresh set of plans to the Town Offices with data points on crashes and other dimensions. A set of markups with potential safety improvements (flashers, crosswalks, sidewalks, etc.) is forthcoming, he said, and he added he planned to submit it to MVPC for TIP comments, to get on their radar.

b. Newburyport Council Public Works & Safety Committee, mtg re Middle Street Bridge, Mon., March 4th

See Exhibit Cb, p. 7-20. Jennings said that the Newburyport City Council had referred the matter to its appropriate subcommittee, and that a meeting in Newburyport would be taking place in March. Jennings hoped that the meeting would serve as a gauge of the City's willingness to move ahead with the project.

c. New Task Force regarding Whittier Tech Regional Agreement, upcoming meeting in Newburyport
See Exhibit Cc, p. 21-22. Mayor Sean Reardon is forming a task force to evaluate the Regional Agreement, and West Newbury had been in receipt of a letter explaining his plans and outlining an upcoming meeting in Newburyport he hoped would be attended by two senior representatives from each of the member Towns and Cities. Jennings reported the task force was purely in an exploratory stage at this time.

d. Continuing work on Hazard Mitigation Plan updates

See Exhibit Cd, p. 23-24. Jennings assured the Board that work on the Plan was still ongoing. With staff help, it would be before state and federal authorities by Spring to get West Newbury eligible for related grants.

e. 10 staff members' completion of Leadership Management International professional development course

See Exhibit Ce, p. 25-26. Jennings provided a glowing review of the LMI Professional Development course experience from which 10 staffers had recently graduated.

f. Meeting with MIIA re FY25 health insurance renewal and updated employee benefits

See Exhibit Cf, p. 27-28. Jennings said that the Town had received confirmation on the 2.2% increase in rates, as well as a better explanation of insurance plan benefits for Town workers. He hoped to find a better way publicize these benefits to employees. As for the plans available, Jennings said the mandate to provide the top-tier PPO option remained- despite no one opting for this plan for yet another year. The Town had inquired about swapping it out for something more suitable, perhaps deductible-based, but this was apparently not possible.

g. Status of review of draft River Road resiliency planning consultant reports

See Exhibit Cg, p. 29-30. Reed and Parker received draft reports seven days ago. The work combined public comment, Climate Change Resiliency Committee input, and input from the Projects Manager.

h. Updates on other ongoing/active projects/initiatives

D. Department Updates/Discussion

a. AED grant awarded to Police Dept

See Exhibit Da, p. 31-32. Reed announced the defibrillator grant was received.

b. Pre-Construction meeting for Church and Prospect St water main project held on February 22nd

See Exhibit Db, p. 33. Jennings said he included the Item as a brief update to the Select Board. Mark Marlowe spoke to his experience with the selected vendor when they did a ride-around to analyze the worksite. He reported the vendor felt confident about the size of the project and knew the area well. Marlowe said that the work would be underway in early April.

Item Fc was taken out of order at this time.

E. Board/Commission/Committee Updates/Discussion (and Select Board liaison updates):

a. Board of Water Commissioners' continuing work regarding water rates; rate public hearing in March

See Exhibit Ea, p. 34-37. Jennings told the Board that a large amount of headway had been made on the budgeting process and rate setting. A new rate structure would be referred to hearing March 21st. The rate-payers would be alerted via a mass mailer.

b. Community Preservation Committee actions taken, re proposed warrant articles, at Feb. 22nd meeting

See Exhibit Eb, p. 38. Reed told the room that the cemetery cleanup project, pickleball study, and the affordable housing trust transfer were approved by the Committee. An application for trail design on the Sawmill Brook property was paused for further review by the Board, since it would fall under their purview. The project would include the installation of a small bridge over the brook. The application included specs for various material costs (composite versus lumber) as well as costs for labor type (volunteer versus contracted). She solicited Parker's feedback on the best approach to spanning the stream. After considering the location (and environment) and the bridge options, it was felt a shorter span with composite materials may need more permitting, but it would allow for volunteer labor, and would guarantee a longer life for the footbridge.

c. Cultural Council grant awarded

See Exhibit Ec, p. 39-40. Jennings made the Board aware of the Cultural Council grant that West Newbury received.

F. Action Items

a. Cont'd review, with Finance Committee, of proposed Town Meeting warrant articles; and proposed sections of FY25 operating budget

See Exhibit Fa, p. 41-48. Chair Phillips opened the Finance Committee session at 7:01pm.

Town Moderator's Budget: No comments or changes were made to the Moderator's Budget.

Select Board's Budget: No comments or changes were made to the Select Board's Budget.

Rob Phillips asked that all focus on ways to reduce costs across the Operating Budget

Town Manager's Budget: The Manager's Budget carries "Manager's Newsletter" expenses (an idea that has not yet gotten off the ground). Jennings said that one of the variable expenses was posting job ads. Technology expenses are also highly increased and variable (such as Verizon Communications and Verizon Wireless expenses for Town cell phones). The Finance Committee wondered what the leadership seminar expenses were, and Jennings provided an overview of the recently completed LMI course the Town's employees had attended.

Finance Department Budget: The implementation of ClearGov software in the Finance Department caused a big increase. Jennings feels optimistic about the platform and said he would like to utilize it for a full Budget cycle.

Finance Committee Budget: Given that there have not been Reserve Fund Transfers in the last couple years, it was decided to reduce the budget line to \$40K.

Assessing Department's Budget: Jennings said that the Department has seen reductions in its financial needs by taking many things in-house versus contracting out, as previously had been done.

Town Clerk Budget: A increase in expenses for the Registrars is due to the number of elections needing executing and the number of paid workers each requires. Blatchford pointed out that a good deal of money is saved by having tax work-off poll workers. Sperelakis wondered if there was any reimbursement from the state or federal government for early voting or elections generally. Blatchford and Walsh spoke briefly on the small refunds provided to West Newbury to cover some elections-related expenses, but they stressed they did not cover them all.

Insurance and Bonds: The increase in this area was fairly minimal for FY25, and it yielded no questions from the Board or Committee.

Legal Counsel: The Select Board receives categorical breakdowns from Town Counsel on what their money is going toward. Innes wondered if there was a benchmark for Towns of West Newbury's size that West Newbury could compare itself to see if the expenses were in line.

Health Insurance: The plans carry some contingency for changing insurance needs due to family status or new hiring, reported Jennings, but some money could be taken out of the contingency funds. Parker suggested a reduction from \$60,000 to \$40,000.

Reaching the end of the Operating Budget, the Finance Committee confirmed the reductions that had been decided upon, namely, \$1,100 from Select Board training and travel and \$4,500 from the Town Manager's Budget.

Article 27: Pension Liability Stabilization Fund: To transfer funds to PEB. Based on prior joint Board and Committee discussions, the percentage increased from 10% to 11.5%. **Parker motioned to recommend Article 27. The motion was properly seconded. The motion unanimously passed. (2 Yes, 0 No, 0 Abstain). Sperlakis motioned to recommend Article 27. The motion was properly seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain).** Phillips stated he would write the rationale.

Article 11: Transfer of Funds to OPEB. Jennings said that Walsh had pointed him to a past discussion with West Newbury's actuary wherein the Town committed to \$25,000 to put into OPEB. **Parker motioned to revise the recommended number in Article 11 to \$25,000. The motion was properly seconded. The motion unanimously passed. (2 Yes, 0 No, 0 Abstain). Sperlakis motioned to revise the recommended number in Article 11. The motion was properly seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain).**

Article 55: Amendments to Finance Committee Bylaw. The Article would allow for quorums to be set at a majority by those "then serving", allow for a Finance Committee representative on any School District Advisory Committee, provide for a vice chair, [and] to set dates regarding Town Meetings and Annual Budgets to those dates. Looking over the text of the Bylaw, the Finance Committee debated elements of the Bylaw and what they might like to amend. One of the first suggestions, made by Dan Innes, was supporting a reduction to five members and an elimination of the "secretary" position. The second area of debate was whether the Committee should weigh in on all Articles at Town Meeting or just Articles with a financial aspect. Jennings opined that he felt having the Committee responsible for offering a recommendation on Articles unrelated to their immediate duties, especially those with tremendous substance (such as the upcoming Wetlands Bylaw), was a burden to FinComm members. In situations where money is not being spent, it did not make sense for the Committee to make policy critiques, in his view, and could also come across as over-reach. Jennings said that the Finance Committee's involvement in non-financial affairs was a deviation from previous Committees' approaches. Reed asked the Finance Committee members if they felt that restricting recommendations/analysis to Articles where funds were being appropriated would suffice. Parker raised an example of a previous FinComm member who used their platform to advocate for their own benefit/viewpoint, even though the Article in question was unrelated to finance in any way. Phillips felt the same thing could happen with any Board or Committee member. Other Finance Committee members spoke up and said that at prior moments they felt uncomfortable being asked to offer opinions on non-financial matters (such as the non-binding referendum on changing the Commonwealth flag that was brought before a 2020's Town Meeting). The discussion continued. Jennings expressed his worry that the final sentence of the Bylaw made it sound like the FinComm's discretion would set the date that Budget drafts would need to be delivered, which in his prior experience created difficulties. He suggested revision of that sentence.

Article 56: Proposed Amendments to Town Meeting/Elections Bylaw: To provide clear authority to the Moderator to declare a two-thirds majority vote when the record or legislation requires it, without completing a hand-count vote. It was confirmed that the Moderator (KC Swallow) was in favor of the contents of this Article. **Parker motioned to recommend Article 56. The motion was properly seconded. The motion unanimously passed. (2 Yes, 0 No, 0 Abstain). The Finance Committee took no action on this Article.**

Article 59: Dissolve the Opioid Settlement Stabilization Account. Revocation of the dedication of revenues to the Opioid Settlement Stabilization Fund. This would authorize release of the funds for spending by the Town Accountant. **Parker motioned to recommend Article 59. The motion was properly seconded. The motion unanimously passed. (2 Yes, 0 No, 0 Abstain). Innes motioned to recommend Article 59. The motion was properly seconded. The motion unanimously passed. (2 Yes, 0 No, 0 Abstain).** Phillips stated he would write the rationale.

Article 60: Establish Capital Stabilization Fund pursuant to MGLCh. 40 Sec 5B. Sperlakis encouraged the narrative to include what exactly "capital" was. **Parker motioned to recommend Article 60. The motion was properly seconded. The motion unanimously passed. (2 Yes, 0 No, 0 Abstain). Sperlakis motioned to recommend Article 60. The motion was properly seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain).** Sperlakis stated he would write the rationale.

Article 61: Reduction of Property Tax Obligation of Veterans in Exchange for Volunteer Services. Veterans would be entitled to reduced property taxes if they donated their time to the Town (similar to the Senior Citizen work-off program now in effect). **Parker motioned to recommend Article 61. The motion was**

properly seconded. The motion unanimously passed. (2 Yes, 0 No, 0 Abstain). Innes motioned to recommend Article 61. The motion was properly seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain). LaMalfa stated he would write the rationale.

With their business concluded, Spereklakis motioned to adjourn the Finance Committee Meeting. The motion was properly seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain). The Finance Committee adjourned at 9:31pm.

- b. Review/ confirm method of funding for Police Cruiser replacements**
See Exhibit Fb, p. 49-76. The Select Board debated if the Warrant should be reopened and the police cruiser acquisition turned into a standalone Article (versus a line in public safety's FY25 Budget). Parker felt that having the squad car included in the Budget was not of any particular advantage, and neither did others who chimed in. After further conversation, Jennings confirmed that a future Agenda Item could be the reopening of the Warrant to add a new Article on the cruiser.
- c. Reconsider ARPA funding award for Church/Prospect water main replacements**
See Exhibit Fc, p. 77-88. Reed opened the discussion by stating that a prior Board's vote should be reconsidered only if the situation changed and in this case it had. She brought the Water Commissioners up to speed on Wile's investigation and subsequent memo into ARPA funding for the water main replacement project. The concern had been raised that the allotment of the ARPA funds was done under the assumption that the \$625,000 would go toward securing materials for the project. The bid the Town went with was significantly lower than anticipated, leading the Select Board to wonder if the \$625,000 awarded should be pared back. Reed opined that any change to the funding should have taken place much earlier out of fairness to the Water Commissioners. She also pointed out that based on cost per foot, piping would come in at about \$600,000 at the end of the day. Parker agreed with Reed, and added the Board should be true to its word on the matter- an agreement had been made with the Board of Water Commissioners/Water Department to allow them to use that money. He wanted to continue to foster a spirit of cooperation between the Select Board and the Water Commissioners that had grown in the recent past.
- d. Authorize submittal of FY25 Community Project Congressional Funding request (Middle Street Bridge)**
See Exhibit Fd, p. 89-114. The Town would need to submit the CPCF grant request to Congressman Seth Moulton's office within two days. Much of the required materials was in hand, reported Jennings, it would just be a matter of assembling and sending the packet to Moulton's office. Permission had been requested from those who submitted support letters in the past to use them in the packet. **Parker motioned to authorize the CPCF request. The motion was properly seconded. The motion unanimously passed. (2 Yes, 0 No, 0 Abstain).**
- e. Decide whether to seek participation in MassCEC Non-Profit Buildings Decarbonization Pilot Program**
See Exhibit Fe, p. 115-118. Parker motioned to apply for the Pilot Program. The motion was properly seconded. The motion unanimously passed. (2 Yes, 0 No, 0 Abstain).
- f. Review draft framework for potential budgeted step increases for FY25**
See Exhibit Ff, p. 119-126. With personnel evaluations out of sync with the FY25 Budget development process, Reed wanted to make sure that any process decided upon could be replicated year-to-year. The Board felt it should pick an amount that would be paid out for performance based increases rather than decide on a certain number of pay step increases across all Departments. The basis for determining this amount was discussed and it was agreed that a percentage of the labor budget for non union, non contract employees and excluding overtime should be used. Jennings would calculate this number for discussion at the next meeting for further discussion.
- g. Request for Special Event Permit: Essex County Trails Assn. "Tails for the Trails" 5K Cani-cross at Pipestave / Mill Pond, March 30th, 2024 at 8am**
See Exhibit Fg, p. 127-133. Parker motioned to approve the permit. The motion was properly seconded. The motion unanimously passed. (2 Yes, 0 No, 0 Abstain).
- h. Select Board meeting minutes: February 6, 2024**
See Exhibit Fh, p. 134-136. Parker motioned to approve the Minutes as amended. The motion was properly seconded. The motion unanimously passed. (2 Yes, 0 No, 0 Abstain).

G. General Discussion Items

There were no General Discussion Items at this meeting.

H. Correspondence, including:

- a. Letter from Groveland Select Board member regarding PRSD Regional Agreement**
See Exhibit Ha, p. 137-138. The Board took no action on this letter.
- b. Response from NHESP regarding proposed Ash Street Traffic Management Plan**
See Exhibit Hb, p. 139-142. Jennings noted that he would discuss the response with relevant staff and report back to the Board..
- c. Letter from Assessing Dept. regarding FY24 valuation changes**
See Exhibit Hc, p. 143-144. Parker suggested the information about valuation changes be publicly viewable. Jennings felt some sort of presentation or discussion would be good. Presently, Board of Assessors meetings are very early in the morning, which perhaps prevents residents from attending- but the fear is that such a meeting might become very politicized.
- d. Letters from Mass. Office of Dam Safety**
See Exhibit Hd, p. 145-156. Jennings alerted the Select Board to the eight letters from the officials at Dam Safety.
- e. FEMA letter regarding updated Flood Insurance Rate Maps**
See Exhibit He, p. 157-161. The Board took no action on this letter.

I. Future Agenda Items / Meeting follow-up assignments

Parker hoped that the April 8th Board meeting could be shifted to a Tuesday night instead. The rest of the group seemed agreeable to the idea.

Reed motioned to adjourn the session. The motion was properly seconded. The motion unanimously passed. (2 Yes, 0 No, 0 Abstain). The Session adjourned at 10:09pm.

To access a video recording of the meeting, use the link below:

<https://www.youtube.com/watch?v=185FIpcGtE0>

DRAFT



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Discussion of Proposed Amendments to Two Town Bylaws

Monday, March 11, 2024 at 7:15pm

POSTED ON: MARCH 6, 2024 - 12:52PM

The Select Board is proposing changes to two Town Bylaws at the 2024 Annual Town Meeting.

In summary, they are:

Hunting Bylaw - Amendments propose that hunting on Town-owned property would no longer be allowed by Select Board approval.

The current Hunting Bylaw with proposed amendments can be found [here](#).

Animal Bylaw - Bylaw amendments propose that dogs must be physically leashed on Town property instead of under voice control.

The current Animal Bylaw with proposed changes can be found [here](#).

Public comment is sought by participation in the **March 11, 2024** Select Board Meeting beginning at **7:15** and/or by email to selectboard@wnewbury.org prior to the meeting. Meeting attendance/participation may be in-person or via Zoom. (The Zoom link will be included on the agenda to be posted to the Town website and in the Town Offices on March 7th).

The Board will provide additional opportunities for public comment regarding these proposed by-law changes as we get closer to Town Meeting.

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

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**Proposed amendments to Town of West Newbury Hunting By-Law
Discussion Draft, March 2024**

Proposed Bylaw revisions included in redline below:

XII. HUNTING BY-LAW

HUNTING BY-LAW [Adopted at the Annual Town Meeting, March 12, 1960, Adjourned Session, approved by the Attorney General March 25, 1960, and posted according to law November 18, 1963. Amended on April 27, 2006 at the Annual Town Meeting and posted according to law May 23, 2006.]

SECTION 1. No person shall hunt or fire or discharge any firearms on any private property ~~or property owned or controlled by~~in the Town of West Newbury except with the written consent of the owner or the legal occupant thereof, and such consent shall be carried at all times by any person hunting and upon request shall be shown to any police officer, or officer of the Department of Conservation, or the property owner or his agent. ~~No person shall hunt, fire or discharge any weapon on property owned or controlled by the Town of West Newbury. For purposes of this paragraph, the Board of Selectmen shall be deemed to be the owner or legal occupant of any property owned or under the control of the Town of West Newbury.~~

SECTION 2. This By-Law shall not be applied to the lawful defense of life or property or to any law enforcement officer in the defense of his duties.

SECTION 3. Any person violating any provisions of this by-law shall be punished by a fine of not more than ~~twenty-five~~ dollars for each ~~offense.*offense.*~~
**[Section 3 as originally adopted. The Enforcement Bylaw (see XXVIII) adopted at the fourth session of the 1995 Annual Town Meeting, approved by the Attorney General on June 28, 1995 and posted according to law July 10, 1995, established a penalty of \$50.00 for violations of the Hunting By-Law Bylaw]*

Public comments may be provided by participation in the March 11, 2024 Select Board Meeting beginning at 7:15 and/or by email to selectboard@wnewbury.org prior to the meeting. The Board will provide additional opportunities for public comment regarding these proposed bylaw changes as we get closer to Town Meeting.

Town Manager

From: Ross Capolupo
Sent: Thursday, February 15, 2024 2:27 PM
To: Selectboard
Cc: Angus Jennings
Subject: Proposed Amendments to Hunting Bylaw

Dear Select Board

I am writing to respectfully share my opposition to the subject proposed bylaw amendment. The basis for this proposal is stated as follows:

Town owned properties that are considered appropriate for hunting are generally less than 100 acres and are also used for hiking, dog walking, equestrian activities, cycling, boating access and wildlife observation. This creates a density of use that could be unsafe for users of these properties.

I disagree that there is a reasonable safety issue described here. The Town already has the ability to restrict hunting in portions of town-owned parcels where there might be a density of use. However, hunting is a legal, state-sanctioned activity and deserves its place in the aforementioned list of outdoor activities. A single 100 acre parcel is a massive area; it is unlikely the entirety of these parcels experience such density, and hunting spots are usually off the beaten path anyway.

Massachusetts already restricts the use of rifles in this state, to mitigate concern with urban densities – one can only use shotguns, muzzle loaders, or bows and arrows. Shotgun season is 2 weeks long (excluding Sundays), black power is another 2 weeks, however the large majority of the hunting season is archery, which goes from 10/7 to 11/30. Archery is obviously noiseless, and 50 yards is a pretty long shot with a bow and arrow. On a single 100 acre property, you could house quite a few hunters without disturbing the animals.

Logistics aside, I do not think that our community should be discouraging hunting as an activity. I understand that this is not everyone's cup of tea, and I have lived in West Newbury long enough to ascertain that it's not in vogue. However, the truth is that hunting is a wholesome activity that is highly beneficial to the community as well as the ecosystem.

Hunting teaches people how to connect with nature; how to sit still in a tree for hours, simply existing, meditating, and observing nature. Observing the birds, the plants, even the deer you aren't permitted to harvest. Hunting is about appreciation, and about conservation of habitats. Hunting teaches people where their food comes, and what the circle of life is about. It teaches a person to waste not, want not, because you can see right in front of you where it came from. And for many people, hunting is an affordable means of acquiring months worth of nutritious, all natural protein... These are people that would otherwise be relegated to the industrial food complex, where animals live meaningless lives outside of their natural habitats and provide little or no nutrition to the end user.

Last but not least, hunting is both beneficial and necessary for counteracting human impacts to the ecosystem. That might seem counterintuitive, but the reality is that continued development and urban sprawl are greatly reducing habitats for wildlife. This causes wildlife populations to exceed carrying capacities for a geographic area. In order to balance things out, populations are brought into check primarily through starvation and predation. When winter arrives, and food sources shrink, the animals die long, slow deaths of starvation, or otherwise succumb to predators which in turn overpopulate. Shooting animals might seem cruel on the surface, but is it more cruel than unmanaged wildlife populations starving until equilibrium is reached? Is it more cruel than the industrial food system, where animals are not permitted to enjoy their natural habitat, diet, and lifestyle?

Should this article make it on the ballot, I do intend to share these thoughts at Town Meeting, as I have been a casual hunter since I was a young boy and it has added to my life, rather than subtracted from it.

Respectfully submitted.

Ross Capolupo

**Proposed amendments to Town of West Newbury Animal By-Law
Discussion Draft, March 2024**

Proposed Bylaw revisions included in redline below:

VI. ANIMAL-DOG BY-LAW

DOG BY-LAW [Adopted at the Annual Town Meeting April 28, 1986, approved by the Attorney General June 12, 1986, and posted according to law June 20, 1986. See also notes on amendments and additions at the end of the Bylaw.]

Section 1. Dog Licensing

The Office of the Town Clerk shall be responsible for the licensing of dogs within West Newbury. All dogs three months or older must be licensed and tagged. Licenses are to be obtained by April 1 each year and will expire on the following March 31.

Section 2. License Fees

2.1- License and kennel fees shall be established and revised from time to time by the Town by vote ~~at Town Meeting of the Select Board~~, based upon the recommendation of the Town ~~Fees Committee~~Clerk and after the Select Board ~~of Selectmen~~ holds a public hearing on the proposed fees. License and kennel fees are intended to be sufficient to fund all related costs of the Animal Control Officer and Town Clerk, and any property damages caused by unidentified dogs within Town boundaries. A notice of the fee hearing shall be published in at least one local newspaper at least two weeks prior to the meeting.

2.2 -Any license or kennel fee due on April 1 but remaining unpaid on May 1 ~~shall~~may be subject to a supplemental fine of \$10.00 per dog; an additional fine of \$10.00 per dog ~~shall~~may be charged if the fee remains unpaid on June 1, and likewise, an additional fine of \$10.00 per dog on July 1 and August 1.

Section 3. Animal Control Officer's Duties

3.1. The Animal Control Officer shall perform assigned duties in accordance with Chapter 140 of the General Laws of the Commonwealth of Massachusetts, and any other appropriate statutes relative hereto. The Animal Control Officer shall attend to all complaints and any other matters pertaining to dogs and shall take whatever action deemed necessary.

3.2 If the Animal Control Officer determines that a female dog in heat, even if confined, is attracting other animals, thus causing a disturbance or damage to neighboring property or public areas, the owner or keeper may be required to keep said animal, while in heat, in a kennel or to remove it from the area so that the nuisance is abated.

3.3 The Animal Control Officer ~~may~~will require dog owners or keepers to restrain their dogs with a fixed, physical leash on their dogs from running at large all Town owned

buildings and property, and in on schools, school playgrounds, parks, trails or and recreational areas.

3.34.1. If the Animal Control Officer determines that a dog's behavior is causing a nuisance or is dangerous, they will require the owner to prevent such behavior.

~~Dangerous or nuisance dog behavior, or other domesticated animals causing a nuisance.~~

For the purpose of this Bylaw, dog behavior which is dangerous or a nuisance includes, but is not limited to, the following: molesting pedestrian passers-by or passing vehicles, including bicycles, attacking persons or domestic animals; or damaging public or private property. If the dog's behavior continues, it will be considered a violation of Section 6 – Restraint of Dogs – and the owner will be subject to the fines and fees set forth therein.

~~3.3.2.: No person owning, harboring, or having custody and/or control of 4 or more dogs shall permit such dogs to run at large in the Town of West Newbury at any time. A dog shall be deemed running at large when it is both off the premises of the owner or such person in custody or control of, and is not on a leash, or electronic leash collar (also known as an electric leash). Any violation of this Section shall be considered a violation of Restraining of Dogs and subject to the fines and fees set forth therein~~

3.5 Penalties:

A person who owns or keeps a dog, ~~or other domesticated animal,~~ shall be responsible for the following fees which require the service of the Animal Control Officer ~~in connection with any such dog or domesticated animal.~~

First Offense	Warning
Second Offense within twelve months	\$ 25 50.00
Third Offense, and any subsequent within twelve months of the first offense	\$ 75 100.00

Service of the Animal Control Officer is the response of the officer to a specific location, and requiring the removal, restraining or impounding of the dog or domesticated animal, whether occasioned by the request of a citizen, town official or otherwise. Fees shall be paid to the Town of West Newbury.

3.6. If the owner or keeper of a dog fails to comply with the order of the Animal Control Officer and does not appeal to the Select Board of Selectmen, as provided in the next section, the Animal Control Officer shall proceed to enforce said order as provided by law.

3.7. The Animal Control Officer having custody of a confined dog shall be allowed the sum of eight dollars per day for the care of such dog, payable by the owner or keeper thereof, if known, otherwise from the dog fund.

Section 4. Appeal of Animal Control Officer Ruling

4.1. The owner or keeper of a dog, about which the Animal Control Officer issued an order under the above sections of this By-Law, may appeal said order in writing to the Select Board ~~of Selectmen~~ within ten days of the issuance of the order.

4.2. The Select Board ~~of Selectmen~~ shall hold a public hearing on the ruling and accept testimony from any and all interested parties, including the Animal Control Officer, after which the Board may overrule the Animal Control Officer, reach an agreement with the appellant, or instruct the Animal Control Officer to proceed with enforcement procedures as prescribed in Chapter 140, Section 173A of the General Laws.

Section 5. Applicability of Other Statutes

Notwithstanding the provisions of this By-Law, all other aspects of Chapter 140, Sections 136A through 175 shall still be in effect.

Section 6. Restraint of Dogs

No person owning, harboring or having custody or control of a dog shall permit such dog to be at large in the Town of West Newbury at any time, elsewhere than on the premises of the owner, except if such dog be on the premises of another person with the knowledge and consent of such person. Any dog which is not held firmly on a fixed, physical leash ~~or under the immediate control of such owner or keeper~~, may be fined and taken into custody of the Animal Control Officer. The owner shall be subject to:

1. A fine for violation of the Restraint Bylaw
2. Boarding fees for the number of days the animal is in the custody of the Animal Control Officer
3. Any necessary veterinary charges while the animal is in the custody of the Animal Control Officer

Fines:

First Offense	\$ 50.00 <u>25.00</u>
Second Offense	\$ 50 <u>100</u> .00
Third Offense and Subsequent Offenses	\$ 100 <u>200</u> .00

All town fees, fines, and charges shall be paid before the animal is returned to the owner or keeper.

This § shall be included within the scope of the provisions of Massachusetts General Laws, Chapter 40, § 21D, adopted at the fourth session of the 1995 Annual Town Meeting held on May 15, 1995, as § XXVIII, Enforcement of Town Bylaws. In addition to police officers, the Animal Control Officer shall also be an enforcing person for this section.

Dog License Fees

Neutered Male Dogs	_____ <u>\$15.00</u>
Spayed Female Dogs	_____ <u>\$15.00</u>
Male & Female Dogs	_____ <u>\$25.00</u>

Kennel: _____	
Not more than 4 dogs _____	\$35.00
Not more than 10 dogs _____	\$50.00
Over 10 dogs _____	\$100.00

Section 7. Disposal of Waste

7.1. Duty to dispose. It shall be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by ~~his~~their dog on any sidewalk, street, park, public way, public area or any private property of another. A copy of this section shall be given to every dog owner when licensing ~~his~~their dog.

7.2. Duty to possess means of removal. No person who owns, possesses or controls a dog shall appear with such dog on any sidewalk, street, park, public area, or private property of another without the means of removing any feces left by such dog.

7.3. Method of removal. For the purpose of this section, the means of removal shall be any tool, implement or other device carried for the purpose of picking up and containing such feces which provides protection to the person and/or the public.

7.4. Method of disposal. Disposal shall be accomplished by transporting such feces to a suitable place for placement in a designated waste receptacle, or other suitable container which is regularly emptied by a refuse collector.

7.5. Exemption. This section shall not apply to service dogs accompanying any person physically incapable of collecting said waste.

7.6. Enforcement and fines. Violations of this section will result in a fine of \$50.00 for the first offense, and \$50.00 for the second and subsequent offenses within twelve months of a previous offense. This section may be enforced pursuant to the noncriminal disposition procedure of MGL Chapter 40, § 21 D and the Town Bylaws Section XXVIII, Enforcement of Town Bylaws. In addition to police officers, the Animal Control Officer shall also be an enforcing person for this section.

[Amendment Adding Section 3.5 to the Dog By-Law voted at the October 22, 1991, Special Town Meeting, Approved by the Attorney General on January 7, 1992, and posted according to law on January 9, 1992.]

[Amendment changing Section VI. "Dog Bylaw" to read "Animal By-Law" and the amendment to add Section 3.3.1. to the Animal Bylaw voted at the third session of the 1994 Annual Town Meeting held on June 16, 1994. Approved by the Attorney General on August 26, 1994, and posted according to law on August 31, 1994.]

[Amendment to Sections 2.2 and 3.3.1. adopted as Enforcement of Town By-Laws (See XXVIII) at the Annual Town Meeting, fourth session, held May 15, 1995, approved by the Attorney General June 28, 1995, and posted according to law July 10, 1995, allows the Animal Control Officer to act as an enforcing person in addition to Police Officers.]

[Amendment to add the section entitled “Restraint of Dogs” voted on May 3, 2001, at the second session of the 2001 Annual Town Meeting, and posted according to law on September 6, 2001. Fines were increased by an amendment voted on May 6, 2009 at the second session of the 2009 Annual Town Meeting, approved by the Attorney General on August 11, 2009 and posted according to law on August 20, 2009]

[Dog License Fees adopted under Article 20 of the 1986 Annual Town Meeting and approved by the Attorney General. Amendment voted at the 1990 Annual Town Meeting under Article 25, approved by the Attorney General on September 5, 1990, and posted according to law on October 22, 1990. Amendment voted at the 2003 Annual Town Meeting under Article 16, approved by the Attorney General on July 30, 2003 and posted according to law on August 11, 2003]

[Amendment to add Section 3.3.2 was adopted at the Annual Town Meeting of April 27, 2015, approved by the Attorney General on May 26, 2015 and posted according to law on May 27, 2015]

[Amendment to add Section 7 was adopted at the Annual Town Meeting of May 23 2021, as Article 20, which was approved by the Attorney General on October 28, 2021 and posted according to law on November 3, 2021.]

Public comments may be provided by participation in the March 11, 2024 Select Board Meeting beginning at 7:15 and/or by email to selectboard@wnewbury.org prior to the meeting. The Board will provide additional opportunities for public comment regarding these proposed bylaw changes as we get closer to Town Meeting.

Executive Assistant

From: Angus Jennings
Sent: Wednesday, March 6, 2024 9:01 AM
To: Wendy Reed
Cc: Executive Assistant
Subject: Fwd: Question re West Newbury Animal (Dog) Bylaw

FYI

Will include this in packet for Monday

Begin forwarded message:

From: "Kayla A. Provencher" <KProvencher@cityofnewburyport.com>
Date: March 6, 2024 at 8:46:55 AM EST
To: Angus Jennings <Townmanager@wnewbury.org>
Cc: Michael Dwyer <dwyer@westnewburysafety.org>
Subject: RE: Question re West Newbury Animal (Dog) Bylaw

Hello Angus,

When a dog is taken to the NBPT shelter, there is a pick-up fee and a shelter fee. The pick-up fee is \$40 during business hours and \$50 after hours. The shelter fee is \$35 a day per animal. There are occasions when we pick up a dog and are able to locate the owner before bringing them down to the shelter which then there is no fee.

Please let me know if you have any questions.

Thank you,
Kayla

From: Angus Jennings <townmanager@wnewbury.org>
Sent: Tuesday, March 5, 2024 5:43 PM
To: Kayla A. Provencher <KProvencher@CityofNewburyport.com>
Cc: Michael Dwyer <dwyer@westnewburysafety.org>
Subject: Question re West Newbury Animal (Dog) Bylaw

Kayla,

The Select Board continues to consider potential amendments to the current Animal Bylaw which, if proposed and adopted as currently written, would have the effect of requiring leashing of dogs on town-owned property.

While we're looking at the bylaw, we had a question about the following section:

3.7. The Animal Control Officer having custody of a confined dog shall be allowed the sum of eight dollars per day for the care of such dog, payable by the owner or keeper thereof, if known, otherwise from the dog fund.

Specifically, the sum of \$8.00 per day seems quite low in the event that the ACO had to care for a dog for a day (or more). Do you have an opinion as to what this amount should be, or is there someone else in your office who may be able to advise us?

Thanks!
Angus

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

Disclaimer

This communication from the City of Newburyport is intended only for the individual or entity to which it is addressed. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you received this e-mail in error, please notify the sender immediately and destroy this e-mail and all copies of it. Thank you.

The Commonwealth of Massachusetts considers most electronic communications to and from public employees to be public records and disclosable under the Massachusetts Public Records Law and its implementing regulations.



RECEIVED
TOWN CLERK
WEST NEWBURY, MA

2024 FEB 29 AM 10: 18

Comcast Cable
676 Island Pond Road
Manchester, NH 03109
603-695-1400
www.comcastcorporation.com

2/28/2024

VIA UPS

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

Subject: COMMENCEMENT OF FRANCHISE RENEWAL PROCESS

Dear Chair and Members of the Select Board:

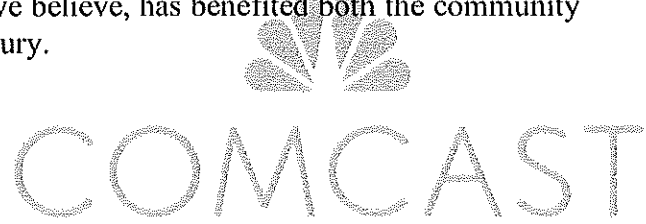
Comcast appreciates the opportunity to provide our products and services to the citizens of the Town of West Newbury. We provide the high quality cable television and other services the Town of West Newbury and its residents demand, and we hope to continue providing those services to our Town of West Newbury subscribers for many years to come. Therefore, we are taking this step to ensure the renewal of our franchise with you.

The Cable Communications Policy Act of 1984 (“the 1984 Cable Act”) encourages franchisors and cable operators to reach renewal agreements at any time through an informal process of discussion. However, Section 626 of the 1984 Cable Act also provides for commencement of a formal renewal procedure. To preserve our statutory rights to this formal procedure, this letter is our official notice to you invoking that provision so the parties can use the formal renewal procedure should informal discussions result in an impasse.

This letter is not intended to introduce a new formality into our discussions, nor is that the intention of the 1984 Cable Act. In fact, we prefer to reach a mutually satisfactory agreement through informal negotiations, thus making many of the 1984 Cable Act’s formal procedures unnecessary.

Kerry Morris will be in contact with you soon to arrange a meeting to discuss informally negotiating a renewal agreement. Please also feel free to contact Kerry at +1 (339) 206-5698 at any time if you have any questions. Comcast looks forward to meeting with the Town and continuing the relationship that, we believe, has benefited both the community and the residents of the Town of West Newbury.

Sincerely,

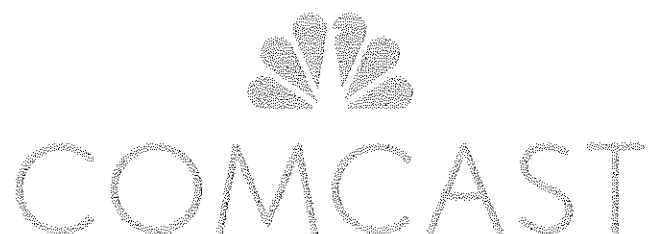




Timothy Murnane
Vice President, Government and Regulatory Affairs

TM/cam
Attachment

cc: Kerry Morris– Comcast Government & Regulatory Affairs
Cable Advisory Board
Town Manager





To: Parks and Recreation Commission
 From: Christine Marshall, COA Director
 CC: Angus Jennings, Town Manager; Select Board; and COA Board
 Date: March 1, 2024
 Re: COA Pickleball program

With spring quickly approaching, I am starting to think about offering another Pickleball program for the seniors of West Newbury and our clients in surrounding communities. I am looking forward to collaborating with Parks and Rec again this year.

I would hope to offer a similar schedule as last fall, and I am open to any suggestions from the Commission to help alleviate noise concerns. In August and September of 2023, we offered Tuesdays from 9-11 am (with Thursdays as a rain date). Then in late October through early December 2023, we offered Tuesdays and Fridays from 9-11 am.

I am also in discussions with the Newburyport Brewing Company about offering indoor court time, and I am corresponding with the Athletic Director at Pentucket about use of their tennis/Pickleball courts over the summer. I am hopeful that between these three locations, we will have another successful program this year!

Please consider allowing the COA to use Action Cove basketball courts for Pickleball on Tuesdays from 10 am-noon from April through October (with Thursdays as a rain date). If an alternate site is available, the program may be held off site. Statistics from 2022 and 2023 programs are below:

PICKLEBALL AT NEWBURYPORT TENNIS CLUB - 2022		
<u>DATE</u>	<u>DAY</u>	<u>PARTICIPATION</u>
6/7/22	TUESDAY	15
6/9/22	THURSDAY	12
6/14/22	TUESDAY	15
6/16/22	THURSDAY	13
6/21/22	TUESDAY	15
6/23/22	THURSDAY	13
6/28/22	TUESDAY	15
6/30/22	THURSDAY	13
9/12/22	MONDAY	15
9/19/22	MONDAY	15
9/26/22	MONDAY	15
Played 11 days		



PICKLEBALL AT ACTION COVE BASKETBALL COURTS - 2023

TUESDAYS FROM 9-11 AM (THURSDAYS AS A RAIN DATE)

<u>DATE</u>	<u>DAY</u>	<u>PARTICIPATION</u>
8/17/23	THURSDAY	4
8/22/24	TUESDAY	6
8/29/23	TUESDAY	8
9/5/23	TUESDAY	9
9/14/23	THURSDAY	8
9/21/23	THURSDAY	7
9/26/23	TUESDAY	8

TUESDAYS AND FRIDAYS FROM 9-11 AM

<u>DATE</u>	<u>DAY</u>	<u>PARTICIPATION</u>
10/31/23	TUESDAY	5
11/3/23	FRIDAY	5
11/7/23	TUESDAY	6
11/14/23	TUESDAY	9
11/17/23	FRIDAY	4
11/28/23	TUESDAY	4
12/1/23	FRIDAY	4

Played 14 days



ESSEX REGIONAL RETIREMENT SYSTEM

491 Maple Street, Suite 202, Danvers MA 01923

Telephone: 978-739-9151

Email: info@essexrrs.org

www.essexregional.com

Charles E. Kostro
Executive Director

Board Members:

Susan J. Yaskell, Chair
Vincent R. Malgeri, Vice Chair
Tracy A. Blais
Kevin A. Merz
Katherine E. Carleton

February 21, 2024

Dear ERRS Advisory Council Member:

This letter is to notify you that the Essex Regional Retirement Board (“Board”) will hold a meeting on Monday, April 29, 2024, at 8:30 a.m., at which time a hearing will be held for the purpose of voting on a Cost-of-Living Adjustment (COLA) for eligible members of the retirement system.

Pursuant to Massachusetts General Law (MGL), Chapter 32, Section 103(i), the Board may vote to increase the COLA percentage up to 3.0%. Any COLA increase is applied to the first \$16,000 of an eligible member’s benefit. If approved, this increase will be applicable to eligible members who retired on or before June 30, 2023, and will be effective as of July 1, 2024.

Written notice of a COLA vote must be provided to the retirement system’s legislative body at least 30 days before such hearing, if such a vote will provide a COLA exceeding that announced by the Social Security Administration (SSA). The SSA announced that the latest COLA is 3.2%. Since the maximum COLA the Board can provide is 3.0%, such notice is not required this year. Nevertheless, the Board has voted to provide notice of this COLA hearing to the Advisory Council, as provided for in MGL, Chapter 32, Section 103(i).

Anyone wishing to submit comments to the Board in advance of the meeting may do so via email to info@essexrrs.org. Your comments will be provided to the Board at the COLA hearing.

The meeting referenced above is scheduled to be held in-person and is open to the public.

Sincerely,



Charles E. Kostro
Executive Director

March 4, 2024

Senator Bruce E. Tarr
Minority Leader

Senator Jacob Oliveira
Chair, Joint Committee on Municipalities &
Regional Government

Senator Susan L. Moran
Chair, Joint Committee on Revenue

Representative Mark J. Cusack
Chair, Joint Committee on Revenue

Representative Carole Fiola
Chair, Joint Committee on Municipalities
& Regional Government

Representative Bradley H. Jones, Jr.
Minority Leader

Representative Ann-Margaret Ferrante
5th Essex District

Representative Dawne Shand
1st Essex District

Representative Tram T. Nguyen
18th Essex District

Representative Kristin E. Kassner
2nd Essex District

Representative Adrienne P. Ramos
14th Essex District

To the Honorable Members of the General Court:

We write to you as municipal Mayors, Administrators and Managers on the North Shore to express our enthusiastic support for S.2571 *An Act empowering municipalities and local governments*. We appreciate your partnership as we work together to serve residents of the North Shore Communities and wanted to reach out to you as this bill begins to move through the Legislature to share our support for key provisions. We have included the chairs of the legislative committees considering this legislation as well as the legislators that represent our districts.

We are grateful to Governor Healey for filing a robust bill that addresses challenges we face daily. The additional tools in this bill will help municipalities raise critical funds, create greater efficiencies, and better support our residents. We ask that the legislature move this bill quickly and maintain the key provisions included below.

While all aspects of the proposed legislation may not be relevant to all of our communities nor is it likely that we will all adopt the items in their entirety, we see the value that this variety of options provides to our cities and towns - should we choose to opt into any of them.

Local Option Taxes:

Our municipalities are appreciative of the Governor's inclusion that would give cities and towns the option to increase local meals taxes or lodging taxes and the ability to implement a local option motor vehicle excise surcharge. Though not every municipality will take advantage of these options, the flexibility gives cities and towns the opportunity to examine what fiscal mechanisms may be most appropriate for their residents. As we anticipate leaner budgets, the ability to raise local funds that we could invest locally will be invaluable.

Municipal Empowerment Act North Shore Regional Support Letter

Procurement Updates:

We support the procurement updates in the Governor's proposal that will make it easier for our municipalities to ensure we are providing the best services. These include:

- equalizing Ch. 30B thresholds for advertised procurements to \$100K for all municipal purchasing;
- clarifying cooperative purchasing language to make it easier for municipalities to select multiple vendors to fulfill an RFP as proposed in S.2070;
- removing the requirement to post certain contracts on COMMBUYS;
- and updating the language to make it easier for municipalities to procure and utilize electric school buses.

Municipal Governance:

There are numerous provisions in the Governor's proposal that will make it easier for municipalities to carry out our necessary functions and ensure we are providing the best services and resources for our residents.

- During the pandemic, the switch to remote and hybrid meetings made our government more accessible and we are strongly supportive of making permanent the option for remote or hybrid meetings for public bodies in perpetuity. Each municipality and our respective boards and commissions have found ways to continue to engage our residents and ensuring flexibility going forward will allow us to continue to staff and maintain increased public access.
- The ability to increase the maximum bond term for school projects from 30 years to 40 years better reflects rising construction costs and will make it easier for us to undertake these projects.
- Provisions that allow cities and towns to fine companies for keeping double poles up after 90 days is something we have long asked for the ability to enforce and that we are grateful to see included.
- With the emergencies that municipalities have experienced, we support the ability for municipalities to amortize a deficit related to a declared emergency over 3 years.

Municipal Staff:

Municipalities across the Commonwealth are struggling to find and retain staff, particularly candidates that reflect a younger and more diverse workforce. We are grateful for the language that would allow municipalities to enter joint cooperative services for local financial officials, and for the Governor's proposed municipal workforce programs included in H.2, which are a good first step.

We, the undersigned, look forward to working with you to ensure that municipalities have the tools and opportunities to provide the best resources to our residents. Please reach out to Gloucester Mayor Greg Verga or Rockport Town Administrator Mitch Vieira with any questions.

Respectfully submitted,

Greg Verga
Mayor, Gloucester

Melissa Rodrigues
Town Manager, North Andover

Joseph Domelowicz
Town Manager, Hamilton

Orlando Pacheco
Town Administrator, Georgetown

Sean Reardon
Mayor, Newburyport

Gregory Federspiel
Town Administrator, Manchester-by-the-Sea

Mitchell R. Vieira
Town Administrator, Rockport

Angus Jennings
Town Manager, West Newbury

Ruth Pereen
Board of Selectmen Chair, Essex

Justin Sultzbach
Town Administrator, Middleton

Matthew Coogan
Town Administrator, Boxford

Rebecca Oldham
Town Administrator, Groveland



Assure Station Metrics Monthly Reporting

Town of West Newbury - Monthly Report - January 2024

Company Id
112991

Port Level
All

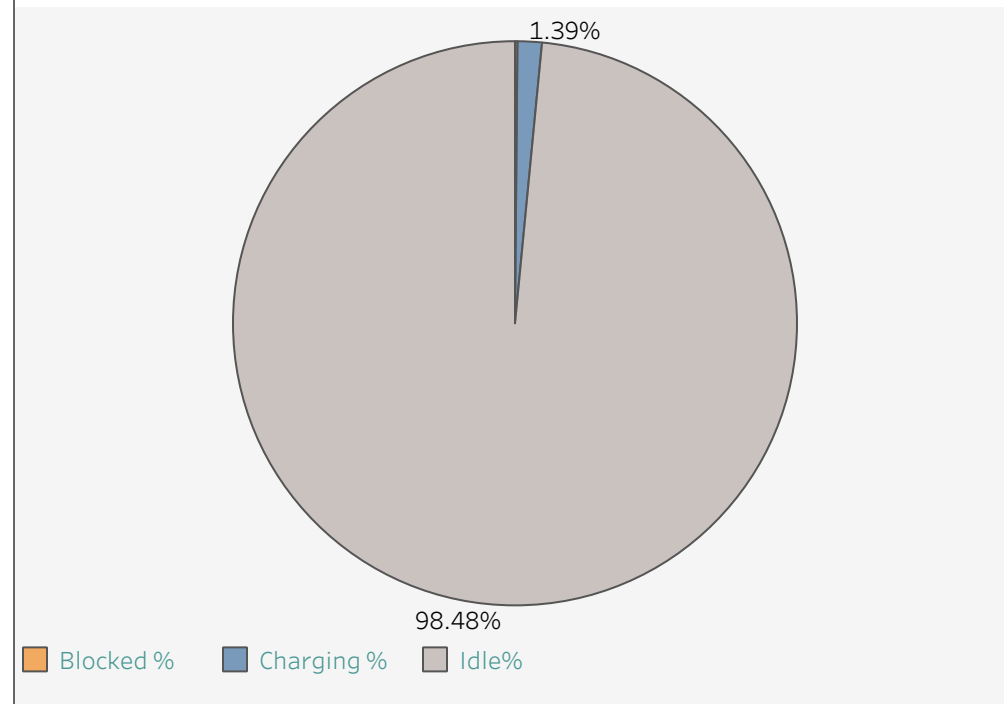
Organization Name
All

Month End Date
1/31/2024

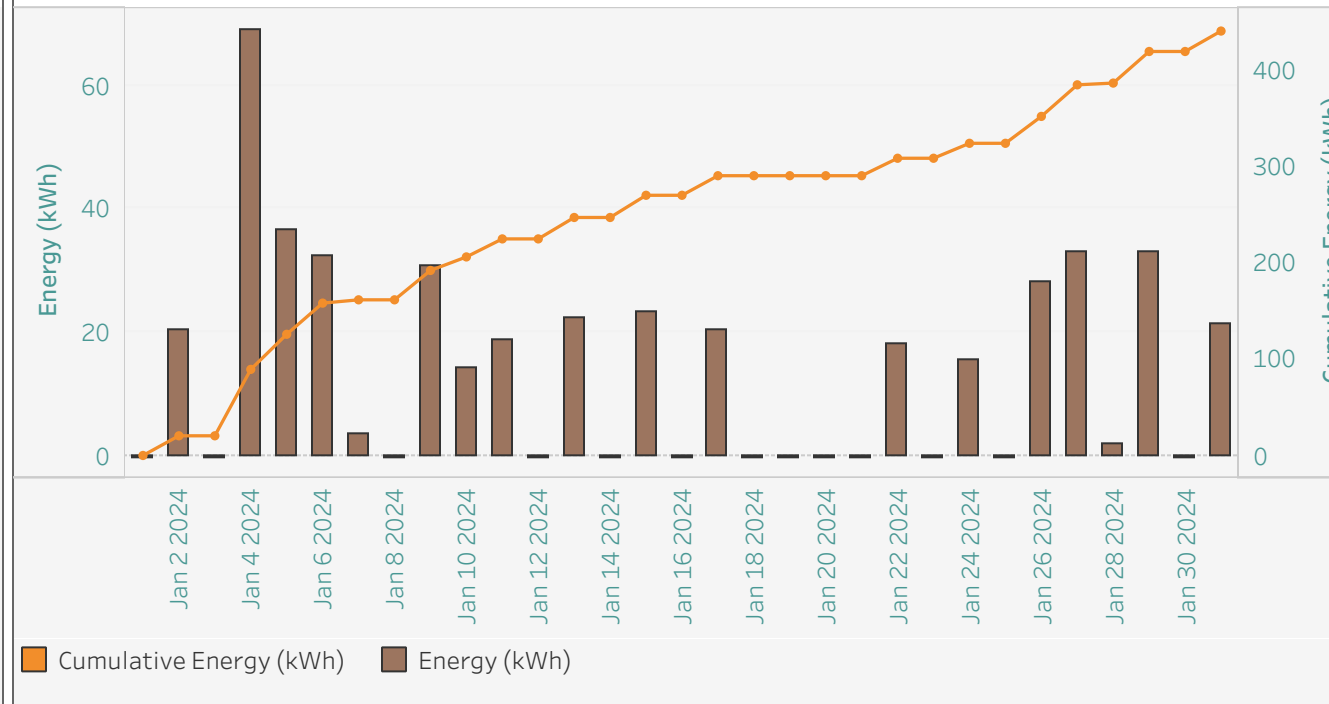
Hd

Port Count	Station Count	Total Revenue (\$)	Energy (kWh)	GHG Savings (kg)	Gasoline Saved (Gal)	Unique Driver	Session Count
8	4	139	441	185	55	9	31

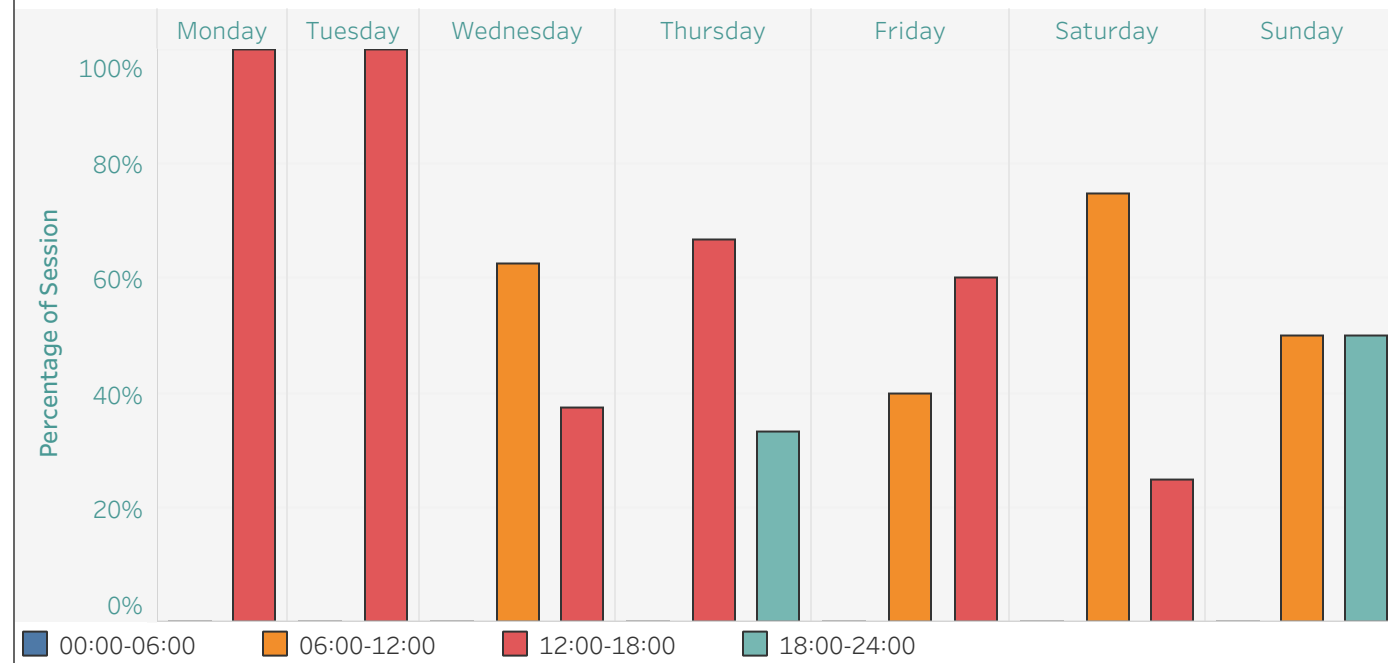
Port Utilization: 24 Hours



Energy Dispensed (kWh) by Day



Session Starts by Time of Day Month



Average Session Duration (Hours)	2.91
Average Session Charge Time (Hours)	2.67
Average Session Energy (kWh)	14.23
Average Session Revenue (\$)	4.48
Occupied Hours	90.25
Charging Hours	82.67



Assure Station Metrics Reporting Appendix

Port Utilization Chart: This is a view of station utilization during common business hours.

You can use this information to determine if updates need to be made to pricing / access policies or if stations should be added.

Session Start Distribution Chart: This is a view (by day) of what times drivers start sessions.

You can use this information to fine tune time of day pricing policy rules.

Station / Port Count: In order to be counted, a station must have the "Assure" entitlement applied.

This is the number of stations / ports that currently have the "Assure" entitlement.

Total Revenue: This is the sum of session fees generated by your "Assure" stations minus the ChargePoint service fee (10%).

This is based on session dates (not transaction date which may differ). Your Flex Billing reports should be used for financial reporting.

Energy (kWh): All energy dispensed through your "Assure" stations.

This data point can be useful in reconciling station energy against energy bills.

GHG Savings (kg): All the green house gasses (95% CO2) that would have been released had the miles provided by your stations come from gasoline.

This data point can be useful in sustainability reporting.

Unique Drivers: The number of unique drivers that used your stations this month (a driver would be counted only once even if they used different RFID cards).

An understanding of the number of unique drivers visiting may be useful in creating station messaging / video ads.

Gasoline (Gal) Saved: All the gasoline that would have been burned had the miles provided by your stations come from gasoline.

This data point can be useful in sustainability reporting.

Uptime: Percentage of time that your ports were capable of dispensing power.

ChargePoint is committed to keeping your ports dispensing power 98% of the time or better.

Sessions: Total session count.

An understanding of the number of times your stations authorize a session can be useful creating station messaging / video ads.

Average Session Duration: Average amount of time drivers occupy your stations.

This data point can be useful in fine tuning length of stay pricing policy rules.

Average Charging Time: Average amount of time per session energy is flowing.

This data point can be useful in fine tuning length of stay pricing policy rules.

Average Session Energy: Average amount of energy dispensed.

This data point can be useful in fine tuning price per kW pricing policy rules.

Average Session Revenue: Average session fee - 10%.

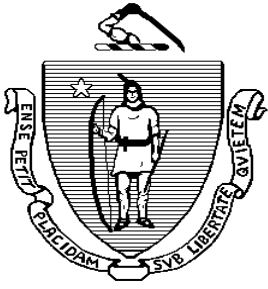
This data point can be useful in fine tuning minimum & maximum values for pricing policy rules.

Total Hours Occupied: Sum of all session durations.

This is used in part to determine utilization.

Total Hours Charging: Sum of all session charging durations.

This is used in part to determine utilization.



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

NOTICE OF ROAD SHOW EVENTS

March 6, 2024

The Department of Public Utilities (“Department”) will be hosting four Road Show events throughout 2024, starting in Boston on March 27, 2024. These Road Show events are an opportunity for the Department to engage directly with the public. Our three Commissioners, who oversee the Department, will give a presentation outlining the work that the Department does and our recent successes. Following the presentation, the Commission will take comments from the public. These events are free and open to all Massachusetts residents.

The Department is an adjudicatory agency that oversees investor-owned electric power, natural gas, and water companies in Massachusetts. In addition, the Department is charged with developing alternatives to traditional regulation, monitoring service quality, regulating safety in the transportation and gas pipeline areas, and overseeing the energy facilities siting process. The Department’s mission is to ensure that consumers’ rights are protected and that utility companies are providing the most reliable service at the lowest possible cost. The Department seeks to promote safety, security, reliability of service, affordability, equity, and greenhouse gas emission reductions. The actions of our agency affect nearly everyone in the Commonwealth, and our decisions will be better when we hear from you.

The first meeting in Boston will be hybrid (in-person and virtual), and the remaining sessions will be in-person only. Please register at the following link if you plan to attend any of these sessions: <https://projects.erg.com/conferences/MassDPU/RoadShowEvents/>. You may also request language interpretation and reasonable accommodations at this link.

The Department looks forward to seeing and hearing from you at one of the following sessions:

March 27, 2024, 6:00 pm – 7:30 pm

Department of Public Utilities
One South Station (700 Atlantic Avenue), Third Floor
Boston, MA 02110

May 29, 2024, 6:00 pm – 7:30 pm

Salem City Hall Annex
98 Washington Street
Salem, MA 01970

July 24, 2024, 6:00 pm – 7:30 pm

Berkshire Innovation Center
45 Woodlawn Avenue
Pittsfield, MA 01201

September 25, 2024, 6:00 pm – 7:30 pm

Quincy City Hall
1305 Hancock Street
Quincy, MA 02169

For any questions, please contact Andrew Strumfels at andrew.w.strumfels@mass.gov.

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