



**Town of West Newbury**  
**Select Board**  
**Thursday, April 11, 2024 @ 5:30pm**  
 381 Main Street, Town Office Building  
[www.wnewbury.org](http://www.wnewbury.org)

RECEIVED  
 TOWN CLERK  
 WEST NEWBURY, MA  
 2024 APR -9 AM 9:49

**AGENDA**

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

- ❖ MGL Ch. 30A §21(a) 3: To discuss strategy with respect to collective bargaining if an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares (*Police & Dispatch CBAs*);
- ❖ 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; Elliot Fund*).

**Open Session:** 6:00pm by in-person attendance or remote participation: First Floor Hearing Room

**Announcements**

- SAGE Center events: Taco Bar; Tech Tuesday; Wreath Making Workshop; Estate Planning. Details on website!
- Earth Day 2024: Town-Wide Roadside Cleanup! Sat., Apr. 20<sup>th</sup>. Supplies at Town Offices, Library, or Food Mart!
- Pre-Town Meeting Q&A Forum: April 23<sup>rd</sup> at 1pm in the Annex
- Annual & Special Spring Town Meeting April 29<sup>th</sup> at 7pm- Last day to register to vote April 19<sup>th</sup>
- Annual Town Election, May 6<sup>th</sup>. Polls open 7am-8pm. Last day to request vote-by-mail ballot April 30<sup>th</sup>

**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. Town Manager Updates
  - a. Communication sent to Sen. Tarr's and Rep. Ramos' offices re FY25 State Budget Priorities
  - b. River Road resiliency planning / MVP grant updates
  - c. Updates regarding proposed warrant articles and FY25 operating budget
  - d. Correspondence with MassDOT re various ongoing projects
  - e. Memorial Day Parade planning underway
  - f. Town Manager vacation days April 16-29, 2024; designation of Board member to sign A/P warrant
  - g. Whittier Regional Working Group update
  - h. Updates on other ongoing/active projects/initiatives
- C. Department Updates/Discussion
  - a. Update on Church/Prospect water main replacement project
  - b. EMA Graded Exercise completed April 3<sup>rd</sup>
  - c. Town Clerk registered to attend Dangerous Dog Hearing Officer Training April 12<sup>th</sup>
  - d. Request from Conservation Agent to comment on proposed DEP Wetland Regulation revisions
- D. Board/Commission/Committee Updates/Discussion (and Select Board liaison updates):
  - a. Capital Improvements Committee finalized report and recommendations
  - b. Board of Water Commissioners' insert included with recent water bills
  - c. Board of Fire Engineers Board/Commission/Committee Questionnaire
- E. Action Items
  - a. Requests for reappointment to Board of Fire Engineers: Michael Dwyer; Ben Jennell; David Evans; Cooper Carifio; Mark Marlowe
  - b. Request for appointment to the Historic District Commission: Janice Parrott
  - c. Request for Special Event Permit: ALS Tri-State Trek, June 22, 2024
  - d. Request for Special Event Permit: YuKan Sports Road Race June 9, July 21, & Sept 29<sup>th</sup>
  - e. **NOT BEFORE 7:00 PM:** Joint session with Finance Committee for continued review of proposed FY25 operating budgets and Town Meeting articles:
    - i. Proposed FY25 Water operating budget
    - ii. Funding article for replacement of water pump at wellfield
    - iii. Funding for testing of site(s) with potential as new public water sources
    - iv. Proposed adoption of new Wetlands Bylaw
    - v. Revote on Article 48 – Supplemental Funding for MBTA Communities consulting
  - f. Review of proposed amendments to Animal (Dog) Bylaw, comments received; determine what amendments, if any, to propose to Town Meeting
  - g. Review of proposed amendments to Hunting Bylaw, comments received; determine what amendments, if any, to propose to Town Meeting
  - h. Confirm location for Annual/Special Town Meetings to be held on Mon., April 29<sup>th</sup> beginning at 7:00pm
  - i. Finalize and sign Town Meeting warrants
  - j. Meeting minutes: Feb. 26, 2024; March 11, 2024; March 13, 2024; March 20, 2024; March 25, 2024
- F. General Discussion Items
  - a. Discussion of draft Middle Street Bridge Intermunicipal Agreement with Newburyport
- G. Correspondence

**Addendum to Meeting Notice regarding Remote Participation**

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

**Zoom Meeting**

Phone: (646) 558-8656

Meeting ID: 815 1411 8650

Passcode: 187833

Join at: <https://us06web.zoom.us/j/81514118650?pwd=pqAYOZNNty7bTaFmXbWd4sbWPnUBQD.1>



SAGE CENTER  
*social | activities | growth | education*

# VETERANS' BREAKFAST

**WEDNESDAY, APRIL 10 AT 10 AM**  
**AT THE SAGE CENTER / SENIOR CENTER**

**WITH VETERANS' AGENT, STEVE BOHN**



Please join us for our NEW quarterly breakfast with Veterans' Agent, Steve Bohn. This event is open to all Veterans and their spouses or family members.

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



**NORTH SHORE REGIONAL LISTENING SESSION**

PLEASE JOIN HOUSING AND LIVABLE COMMUNITIES SECRETARY ED AUGUSTUS AND MEMBERS OF THE HOUSING ADVISORY COUNCIL FOR A

# REGIONAL LISTENING SESSION

TO PROVIDE INPUT FOR THE HEALEY-DRISCOLL ADMINISTRATION'S FIRST FIVE-YEAR STRATEGIC STATEWIDE HOUSING PLAN.

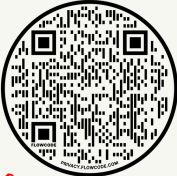
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**THURSDAY, APRIL 11, 2024**

**1:00 P.M. - 3:00 P.M.**

**NORTH SHORE COMMUNITY COLLEGE  
300 BROAD ST, LYNN, MASSACHUSETTS**

**REGISTER AT:  
[HTTPS://FORMS.OFFICE.COM/G/BCZYAHTJAW](https://forms.office.com/G/BCZYAHTJAW)**



Select Board open session meeting packet for April 11, 2024

# TECH HELP TUESDAYS

TUESDAY,  
APRIL 16  
AT 1:00 PM



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

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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**



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SAGE CENTER

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# SUNRAY CAFE TACO BAR

**WEDNESDAY, APRIL 17**

**AT 11:30 AM**



**RSVP at 978-363-1104**

**Suggested donation \$5**

381 Main Street, West Newbury | 978-363-1104 | [coa@wnewbury.org](mailto:coa@wnewbury.org)



# Town of West Newbury

## Earth Day 2024

### Town-Wide Roadside Cleanup

**SATURDAY, APRIL 20**

Please consider helping by cleaning the publicly-owned roadside area in front of your neighborhood.

Pick up locations for trash bags and gloves:  
Town Office Building  
Food Mart  
G.A.R. Memorial Library

Please leave the full bags on the side of the road to be picked up by DPW on Monday. Please email the location to [Highway@wnewbury.org](mailto:Highway@wnewbury.org) and thank you for participating.

**THANK YOU**





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# Town Meeting Q&A Forum

TO BE HELD IN THE ANNEX



2 HOUR  
DISCUSSION

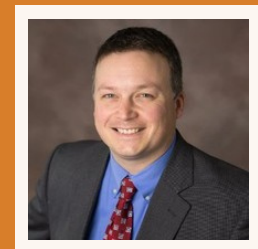
**Free &  
Open to  
the Public**

**Tuesday**  
**April 23 1:00-3:00 pm**

Angus Jennings, Town Manager, and James Blatchford, Town Clerk, will discuss the warrant articles and proposed FY25 operating budget in preparation for Town Meeting on Monday, April 29, 2024 at 7 pm.

Light refreshments will be served.

**Guest Speaker:**



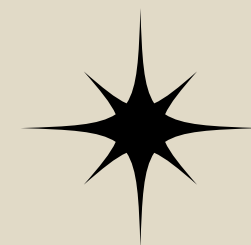
**Angus Jennings**  
Town Manager

# wreath making workshop



SAGE CENTER

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Wednesday, April 24  
at 1:00 pm

Where: SAGE Center

Cost: \$65

Partially funded by the Formula Grant

Please register and pay by April 12

RSVP: 978-363-1104 or  
[coa@wnewbury.org](mailto:coa@wnewbury.org)

Offered by Ashley of The Humbled Door



(not exact wreath - similar to what we will create)





SAGE CENTER

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# LUNCH & LEARN SPEAKER SERIES

**THURSDAY, APRIL 25**

**11:30 AM - 1:00 PM**

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Please join us for lunch and learn more about estate planning, avoiding probate, wills, power of attorney, the homestead act, etc.

Attorney Gerald Shyavitz has 56 years of experience, and he will be available to answer your questions.



**Topic: ESTATE  
PLANNING**

**with Attorney Gerald  
Shyavitz**

**REGISTER**

**at 978-363-1104 or  
coa@wnewbury.org**

**Lunch: Cobb Salad Plate**

**Suggested Donation \$5**



# JOIN US FOR: APRIL MILL POND GROUP HIKE

GROUP HIKE PLANNED FOR MILL POND IN  
COLLABORATION WITH THE WEST NEWBURY  
TREE COMMITTEE!

HIKE WILL BE FOR EVERYONE.

MEET SOME NEIGHBORS & GET OUTSIDE.

WHERE: MILL POND BUILDING

WHEN: APRIL 27TH, 2024 @ NOON



BROUGHT TO YOU BY: WEST NEWBURY MILL POND COMMITTEE &  
WEST NEWBURY TREE COMMITTEE



# 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
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

**Angus Jennings**

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**From:** Angus Jennings  
**Sent:** Wednesday, April 3, 2024 1:21 PM  
**To:** Mori, Hannah (SEN)  
**Cc:** Shah, Hiram (SEN)  
**Subject:** RE: FY'25 State Budget Priorities  
**Attachments:** Municipal FY 25 Budget Requests to Commonwealth - West Newbury.docx

Hello,

Please find attached West Newbury's response to your request. While the original form included two categories – general and local priorities – we have consolidated our responses since, for the most part, they overlap.

Hope this is helpful, and happy to provide more detail or background/reference documents as needed.

Thanks,  
Angus

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

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**From:**  
**Sent:** Wednesday, March 20, 2024 3:54 PM  
**To:**  
**Cc:**  
**Subject:** FY'25 State Budget Priorities

Good afternoon,

The Senate is in the process of developing its version of the Fiscal Year 25 State Budget. Please find attached to this email Senator Tarr's memo regarding municipal priorities. Submissions should be emailed to the Senator's legal counsel, Hiram Shah, by Wednesday, April 3<sup>rd</sup> at 5 pm. Thank you and please do not hesitate to contact our office in the meantime with any questions.

Best regards,

Hannah

**Hannah Mori**  
*Legislative Aide*  
Office of Senator Bruce E. Tarr  
Senate Minority Leader  
State House, Room 308



*The Commonwealth of Massachusetts*  
*Office of The Senate Minority Leader*  
*Senator Bruce Tarr*  
*State House, Boston, MA 02133-1054*

To: Municipal Officials  
From: Senator Bruce Tarr  
Re: FY'25 State Budget Priorities

The Senate is in the process of developing its version of the Fiscal Year 2025 General Appropriations Bill (budget), which provides funding for the operations of state government, including such things as Chapter 70 school aid and local aid. In order to inform this process, I am seeking input as to state spending priorities as they relate to your municipality.

Attached are two forms, through which I am hoping you will provide me with some valuable information. The first is intended to facilitate reporting of general priorities for state spending, while the second is focused on specific local funding priorities, such as specific projects that should be considered for state support.

Thank you for your consideration of this request, and please do not hesitate to contact me with any questions, concerns or comments. Please return by email to my legal counsel Hiram Shah at:  
by Wednesday, April 3rd at 5 pm.

**Municipal Priority Reporting Form  
FY 2025 State Budget  
General and Local Priorities**

**Municipality** West Newbury

**Official completing form:** Angus Jennings

**Title:** Town Manager   **Phone:** 978-363-1100 x111   **Email:** Townmanager@wnewbury.org

For each item please include costs (if any), a descriptive summary, and any other helpful details.

Education Funding

The State is urged to reform the Ch. 70 formula and address the disproportionate impact on regional school districts like Pentucket (affecting West Newbury, Merrimac and Groveland); and other regional school districts like Triton. The disproportionately low levels of State funding support are clearly evident in various studies and reports, including by the MA Association of Regional Schools (M.A.R.S.). Without a reform, school operating budgets for small and regional communities will not have the ability to offer level-based services, reducing the level of student educational services. The reductions in Ch. 70 funding are also resulting in an even greater share of local budgets going toward education, at the expense of other public services. This is among the most important and urgent State policy matters, and demands immediate and intensive focus.

Water Capital Projects Funding

The Town of West Newbury is preparing for major and necessary infrastructure projects, including the replacement of water mains. Lack of State funding, low-interest financing or grant opportunities for water main replacements has made it difficult for small communities to complete replacement of aging water infrastructure. In 2022, we pursued financing for our Church/Prospect water main replacements through the Drinking Water State Revolving Loan Fund. While the project was found to be eligible, it fell very low on the State's Intended Use Plan (which prioritized new infrastructure including water treatment plants), so did not provide any financing for our project. The Town of West Newbury advocates for the increase of State funding to support water main replacement in small communities and improve the ability to undertake necessary, yet costly, capital improvement projects.

Pedestrian / Cycling Infrastructure Safety Improvements

West Newbury continues to work toward making its streets both safer and more inclusive for all forms of transportation. Additional State funding to support engineering and permitting "soft costs" that precede capital improvements would create more opportunity for small communities to complete safety improvements for all community members to share the roads safely.

In addition, while this is more of a policy issue than a budgeting issue, we have at times seen the required MassDOT permitting for improvements to State roads make “the perfect the enemy of the good,” which has driven project costs (both soft costs and construction costs) far, far higher than would be needed to make meaningful incremental safety improvements to State highway infrastructure.

### Climate Change

Extreme weather events and rising sea levels pose significant challenges within West Newbury and throughout the Merrimack Valley and Essex County. It has become imperative to invest in resiliency projects aimed at mitigating the ever-increasing impacts of climate change. Funding will be a critical component in the implementation of these resiliency projects, intended to mitigate these effects. We strongly urge the State to increase funding for both planning/ engineering/ permitting costs, and for construction, through the Municipal Vulnerability Preparedness (MVP) program and other State funding and grant programs. Ideally, the State bureaucratic requirements attached to these funds can be minimized in order to maximize the share of funds that can be put toward actual solutions in favor of paperwork and reporting.

Email to: [hirak.shah@masenate.gov](mailto:hirak.shah@masenate.gov)

**Angus Jennings**

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**From:** Angus Jennings  
**Sent:** Friday, March 29, 2024 9:57 AM  
**To:**  
**Cc:** Pike, Leila; Gayle Bowness  
**Subject:** MVP work / MVPC engagement

Hi all,

Please see email thread below. I was able to catch up with Jerrard Whitten, MVPC Exec Director, late yesterday afternoon. We'd been trading calls for a couple of weeks, as I had been looking to connect with him to get him/MVPC up to date on the MVP/River Road project.

We have confirmation that at least two MVPC staff – Cece and Hanna – will be in attendance for next Wednesday's event, which is great news! I have shared the draft work products to date.

A primary focus of my conversation with Jerrard was re our concerns about the costs and time that are expected to be necessary in order to proceed with any of the mitigation/adaptation strategies the consultants' end products will outline. Of particular concern to me and others on staff is the NHESP process which – unlike the Wetlands Protection Act – does not have any provision for emergency repairs. Given the urgency that our situation warrants, it seems there may come a time that some remedial action may be important, or necessary, to forestall infrastructure failure (i.e. buy us some time). If such action could (I'm hearing) take 2 years or more of permitting, and tens of thousands of dollars (if not six figures) of expense, this will try voters' patience (and wallets) esp. as the urgency of the situation becomes more broadly understood (esp. by proximate landowners). (As those of us locals know, the process to get the Middle Street Bridge fully permitted required more than 4 years and just shy of \$500k in engineering and permitting costs, with construction costs inflating all the while).

At a meeting a few weeks ago, our staff working group agreed that MVPC could offer the best platform to advance a regional conversation about the (apparent) disconnect between:

- The urgency of the situation;
- The fact that the "latest models" of est. sea level rise/climate change impacts seem to lag behind current reality (not just here... globally);
- The State's oft-stated directive that local municipalities offer "clear and predictable" permitting (esp. as relates to the State's priorities of housing and economic development);
- The many-tentacled reach of the State's own permitting frameworks (DEP Ch. 91, NHESP, WPA, USACE (Federal), likely MHP (as relates to historical artifacts/archeological resources), and I'm sure I'm missing a few...);
- Voters' and taxpayers' understandable frustration with the time and cost associated with governmental responses to threats that are quite present and evident today; and
- The fiscal limitations of Prop 2 ½.

We know our nearby communities face similar challenges/obstacles, whether they're already in the thick of it (i.e. Salisbury), or whether they're still in a reactive mode due to strained local resources and/or absence of local political awareness of the threats, and haven't yet had the support/time/resources to undertake the type of work we've been able to get going here in West Newbury.

I talked with Jerrard about different approaches MVPC could take to help us frame our local challenges in a shared regional context, and to elevate the visibility of these concerns among the Agencies (and, perhaps more importantly) our Legislators.

As all know, we have been actively working to get our Hazard Mitigation Plan updated to restore our eligibility for Federal grants (FEMA hazard mitigation, BRIC, etc.). That's all great, and will help. But I have trouble with the idea that – knowing what we know today (and will likely learn "tomorrow" leading toward the June 30<sup>th</sup> MVP grant completion) – we could be facing hundreds of thousands of dollars of "soft costs" and years of bureaucratic permitting, all while our



local DPW/Highway resources are forced to sit idly by as our critical local infrastructure faces threat of catastrophic failure.

There must be a way to minimize the red tape, and I think a starting point would be advocating for emergency provisions to be added to the NHESP regulatory framework. I'm quite certain this would be a shared objective for many/most/perhaps all Massachusetts municipalities, and our initial near-term path to elevate our concerns/advocacy will be through regional collaboration.

Looking forward to next Wednesday's event as another step forward –

Thanks,  
Angus

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

**From:**  
**Sent:** Friday, March 29, 2024 9:49 AM  
**To:** Angus Jennings <[townmanager@wnewbury.org](mailto:townmanager@wnewbury.org)>;  
**Cc:** Hanna Mogensen <  
**Subject:** Re: Drone Footage and Viewing Instructions

Thanks for sharing these our Angus – Hanna and I will give them a review and look forward to joining you folks next week.

Best,  
Cece

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**From:** Angus Jennings  
**Sent:** Friday, March 29, 2024 9:13 AM  
**To:** Jerrard Whitten  
**Cc:** Cece Gerstenbacher  
Hanna Mogensen  
**Subject:** RE: Drone Footage and Viewing Instructions

Hi,  
I just uploaded all of the draft reports to a Dropbox; hopefully you each should have received an email from Dropbox letting you know you have access.  
I suggest starting with the Shoreline Evaluation report from Jan 31<sup>st</sup>. As you'll see, it justifies a sense of urgency in our approach to these challenges, and we're proceeding accordingly.

Looking forward to seeing Cece and Hanna next week!

Thanks,  
Angus

Angus Jennings, Town Manager

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

---

**From:** Jerrard Whitten  
**Sent:** Friday, March 29, 2024 8:13 AM  
**To:** Angus Jennings <[townmanager@wnewbury.org](mailto:townmanager@wnewbury.org)>  
**Cc:**  
**Subject:** Re: Drone Footage and Viewing Instructions

Good morning Angus,  
Good speaking with you yesterday and appreciate you sharing your perspective on the issues West Newbury is encountering with our evolving climate. Cece and Hanna will be attending next week and we will discuss internally how MVPC might play a role convening other communities in the region who will likely face similar challenges.

The sharepoint link is not accessible for me so perhaps GEI can add one or more of us from MVPC to the list of allowable users?

Have a good weekend and we will see you next week.

Thank you,  
Jerrard

On Mar 28, 2024, at 7:11 PM, Angus Jennings <[townmanager@wnewbury.org](mailto:townmanager@wnewbury.org)> wrote:

Jerrard,

Below is a link to the drone footage/3D model we discussed.

In addition, there are four other (major) draft work products (so far) associated with the ongoing [MVP Grant River Road resiliency planning process](#). As we discussed, all are (so far) working drafts, and subject to ongoing review. Once materials are finalized they'll be made broadly available, but in the meantime please treat these as **review drafts**.

The link below includes two other draft reports that are too large for email:

[WestNewbury - OneDrive \(sharepoint.com\)](#)

I'm not sure if the link above will work for you; if not, we'll find another way to share these.

I'm not able to share the final materials readily – will need to set up a ftp or other cloud-based way to share – but wanted to send along what I had readily at hand.

So glad MVPC will be represented at next Wednesday's event!

Thanks,  
Angus

Angus Jennings, Town Manager  
Town of West Newbury

TOWN MEETING: IMPACTS ON TOWN ACCOUNTS

Balances Report		Estimated							Unreserved: Available for Appropriation				
		Town Stabilization	Pension Stabilization	OPEB Stabilization	School Stabilization	Town Free Cash	Water Stabilization	Water Retained Earnings	CPC Comm Housing	CPC Historical	CPC Open Space & Rec	CPC Undesig	CPC Reserve
1/1/2024		2,319,258	414,985	2,520,755	611,565	2,163,473	411,753	520,386	60,904	363,114	0	2,776,597	
<b>April 2024 Special Town Meeting</b>	<b>Art #</b>												
Replace Water Pump	3						(44,000)						
Testing Potential Water Site(s)	4					(60,000)							
Pickleball Feasibility Study	5											(30,000)	
Sawmill Brook Admin Costs	6											(10,000)	
Quaker Cemetery Tree/Brush Removal	7								(4,000)				
Unbudgeted Personnel Costs	8					(82,000)							
Post-Closure Landfill Testing	9					(8,265)							
High Hazard Tree Removal	10					(80,000)							
Page/Pipestave/Main St. crosswalk	11					(18,000)							
Coffin Street culverts (permitting)	12					(50,000)							
Page School elevators	13					(50,000)							
Annex flooring replacement	14	(62,000)											
Page School flooring repairs	15	(50,000)											
Public Safety Complex repairs	16	(23,835)											
Telecom replacement: Town Offices, Public Safety Complex, Library	17	TBD											
Town Offices electronic keying	18	(28,000)											
Replace Fire Pumper Truck	19	(560,000)											
Replace DPW Plow Truck	20	(350,000)											
Replace DPW Zero-Turn Mower	21	(33,500)											
Transfer Opioid Settlement Funds	22					(3,846.12)							
Prior Year Unpaid Bills	23					(7,841.02)							
Snow & Ice Deficit	24	TBD											
Citizen Petition: 40R/MBTA Zoning	30					(100,000)							
<b>Estimated Balances after STM</b>		1,211,923	414,985	2,520,755	611,565	1,703,521	367,753	520,386	60,904	359,114	0	2,736,597	0
<b>April 2024 Annual Town Meeting</b>	<b>Art #</b>												
Transfer from School Stabilization	3				(200,000)								
Omnibus Budget	4	800,000											
Pension Liability Stab. Fund	8		113,673			(113,673)							
OPEB Stabilization Fund	9			25,500		(25,500)							
CPA FY24 Estimated Receipts	12								73,000	73,000	73,000	(36,500)	511,000
CPA: Transfer funds to Affordable Housing Trust	13								(60,904)				
Transfer funds to reduce FY25 tax rate	14					(200,000)							
Replace Police Cruiser	15	(57,000)											
Town Annex Generator	16	(90,000)											
River Road planning/engineering	17					(40,000)							
Boom Mower for DPW Trackless Vehicle	18	(41,540)											
<b>Estimated Balances after ATM</b>		1,823,383	528,658	2,546,255	411,565	1,324,348	367,753	520,386	73,000	432,114	73,000	2,700,097	511,000

**NOTE:** Estimated Balances after ATM do not account for other changes in account balances, such as Turnbacks (underspent budget line items; and underspent prior appropriations); Bank Interest; and Earnings-on-Investments. These amounts, in general, tend to increase the balances in Free Cash, and the Stabilization account, above what are shown here as estimated amounts.

Source: Angus Jennings, Town Manager, 4/XX/24

**TOWN OF WEST NEWBURY  
COMMONWEALTH OF MASSACHUSETTS  
WARRANT -- ANNUAL TOWN MEETING  
MONDAY, APRIL 29, 2024 @ 7:00pm**

Essex, ss.

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

In the name of the Commonwealth, you are hereby required to notify and warn all the inhabitants of the Town of West Newbury, who are qualified to vote in the elections and Town affairs, to meet in the Town Annex, located at 379 Main Street, at **7:00 p.m. on Monday, April 29, 2024**, to act upon or take any other action relative to all but the first of the following articles.

Also, to meet in the Annex at 379 Main Street on Monday, May 6, 2024 to act on Article 1, which calls for the election of Town Officials. Polls will be open at 7:00 a.m. and will close at 8:00 p.m.

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**GENERAL GOVERNMENT MATTERS**  
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**ARTICLE 1:** To give their votes to the election of the following offices:

- Term Position Seat(s):
- Three Years Selectman (1)
  - Three Years School Committee (1)
  - Three Years Assessor (1)
  - Five Years Planning Board (1)
  - Three Years Water Commissioner (1)
  - Three Years Board of Health (1)
  - Three Years Park & Recreation Commissioner (1)
  - One Year Park & Recreation Commissioner (1)
  - Five Years Housing Authority (1)
  - Three Years Moderator (1)
  - Three Years Library Trustees (3)
  - Three Years Constable (1)

*By request of the Select Board.*

**ARTICLE 2:** To hear and act upon the reports of Town officers and committees, or take any other action relative thereto. *By request of the Select Board.*

**ARTICLE 3:** To see if the Town will vote to transfer and/or appropriate the sum of \$200,000.00 from the School Stabilization Fund to pay a portion of the Town share of debt services associated with the building of the Pentucket Middle/High School, or take any other action relative thereto. *By request of the Select Board.*

**ARTICLE 4:** To determine what sums of money the Town will raise and appropriate for defraying the expenses of the Town for ensuing fiscal year and for the payment of Town debt, or take any other action relative thereto. *By request of the Select Board.*

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WATER ENTERPRISE FUND

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**ARTICLE 5:** In accordance with the provisions of Chapter 38 of the Acts of 1936, to see what instructions, rules, and regulations the Town may wish to impose on the Board of Water Commissioners, or take any other action relative thereto. *By request of the Board of Water Commissioners.*

**ARTICLE 6:** To see if the Town will vote to appropriate, in anticipation of Water Department revenues, the sum of \$1,255,998.00 of which \$327,672.00 for salaries and wages, which include \$1,700.00 for Water Commissioners’ Stipends; \$54,200.00 for insurances; \$442,653.00 for expenses; \$353,033.00 for debt service; \$20,000.00 for extraordinary and unforeseen expenses; and \$74,904.00 for budgeted surplus; and that \$58,440.00 be raised and appropriated in the General Fund and be allocated to the Water Enterprise Fund for indirect costs, or take any other action relative thereto. *By request of the Board of Water Commissioners.*

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ANNUAL APPROPRIATIONS

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**ARTICLE 7:** To see if the Town will vote to transfer and/or appropriate the sum of \$10,364.00 from the Septic Loan Revolving Account for the repayment of debt service, or take any other action relative thereto. *By request of the Board of Health.*

**ARTICLE 8:** To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$113,673.00 for the Pension Liability Stabilization Fund, or take any other action relative thereto. *By request of the Select Board.*

**ARTICLE 9:** To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$25,500.00 for contribution to the Other Post-Employment Benefits (OPEB) Stabilization Fund, or take any other action relative thereto. *By request of the Select Board.*

**ARTICLE 10:** To see if the Town will vote to appropriate \$40,000 from the PEG Access and Cable Related Fund for the purposes of funding its FY 2025 cable-related expenses pursuant to the provisions of M.G.L. Chapter 44, Section 53F¾; or take any other action relative thereto. *By request of the Cable Advisory Committee.*

**ARTICLE 11:** To see if the Town, in accordance with Massachusetts General Laws Chapter 44, Section 53E½, and Section XL of the By-laws of the Town of West Newbury, will fix the maximum amounts that may be spent during the fiscal year beginning on July 1, 2024 for the revolving funds established in town bylaws, as set forth below for certain departments, boards,

committees, agencies or officers, with such expenditure limits to be applicable for each fiscal year until such time as Town Meeting votes, prior to July 1 for the ensuing fiscal year, to revise the same; or take any other action relative thereto:

- Section 5.1 Summer Recreation Revolving Fund \$ 75,000.00
- Section 5.2 GAR Library Fines and Penalties Revolving Fund \$ 10,000.00
- Section 5.3 Police Vehicle Revolving Fund \$ 20,000.00
- Section 5.4 Pipestave/Mill Pond Care and Maintenance Revolving Fund \$ 5,000.00
- Section 5.5 Electric Vehicle Charging Stations Revolving Fund \$ 10,000.00
- Section 5.6 Curbside Collection of Trash, Recycling and Food Waste Revolving Fund \$ 50,000.00

*By request of the Select Board.*

**ARTICLE 12:** To see if the Town will vote to allocate and/or reserve from the Community Preservation Fund annual revenues, the amounts recommended by the Community Preservation Committee for committee administrative expenses, community preservation projects and other expenses in the Fiscal Year beginning July 1, 2024, with each item to be considered a separate appropriation:

- Appropriate \$36,500.00 from FY 2025 estimated revenues for Committee Administrative Expenses.
- Reserve \$73,000.00 from FY 2025 estimated revenues for Community Housing Reserve.
- Reserve \$73,000.00 from FY 2025 estimated revenues for Historic Resources Reserve.
- Reserve \$73,000.00 from FY 2025 estimated revenues for Open Space & Recreation Reserve.
- Reserve \$474,500.00 from FY 2025 estimated revenues for Budgeted Reserve.

or take any other action relative thereto.

*By request of the Community Preservation Committee.*

**ARTICLE 13:** To see if the Town will vote to transfer and/or appropriate from Community Preservation Act funds, Community Housing Reserve, the sum of \$60,904.00 into the West Newbury Affordable Housing Trust, or take any other action relative thereto. *By request of the Community Preservation Committee~~Select Board~~.*

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ADDITIONAL APPROPRIATIONS  
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**ARTICLE 14.** To see if the Town will vote to transfer from Free Cash the sum of \$200,000.00 to reduce the fiscal year 2025 tax rate, or take any other action relative thereto. *By request of the Select Board.*

**ARTICLE 15:** To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$57,000.00 to fund the purchase of a police cruiser, including all equipment, for use by the Police Department, or take any other action relative thereto. *By request of the Select Board Police Chief.*

**ARTICLE 16:** To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$90,000.00 to fund installation and purchase of a generator for the Town Annex located at 379 Main Street, or take any other action relative thereto. *By request of the Select Board Facilities Director.*

**ARTICLE 17:** To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$40,000.00 to fund costs associated with the study of River Road, or take any other action relative thereto. *By request of the Select Board.*

**ARTICLE 18:** To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$41,540.00 to fund the purchase of additional boom mower accessories for the DPW MT7 Trackless Vehicle, or take any other action relative thereto. *By request of the Select Board Highway Superintendent.*

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**BY-LAWS - OTHERS**  
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**ARTICLE 21:** To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 40 Section 5B to create a special purpose Municipal Stabilization Fund to be known as the Capital Stabilization Fund, for the purpose of funding future capital expenditures, or take any other action relative thereto. *By request of the Select Board.*

**ARTICLE 22:** To see if the town will vote to accept the provisions of Massachusetts General Laws, Chapter 40 Section 5B to create a special purpose Municipal Stabilization Fund to be known as the Water Pension Liability Stabilization Fund, for the purpose of funding future pension liabilities for Water Department employees and retirees, or take any other action relative thereto. *By request of the Select Board.*

**ARTICLE 23:** To see if the Town will vote to amend the West Newbury Town Bylaws, by repealing in its entirety Title XXV West Newbury Wetlands Protection By-Law, and inserting in its place a new Title XXV Wetlands Protection Bylaw, with the proposed bylaw on file and available for viewing in the Town Clerk's Office; and further to authorize the Town Clerk's office to make any non-substantive, ministerial changes to numbering and formatting to ensure consistency with the remainder of the Bylaws; or to take any other action relative thereto. *By request of the Conservation Commission.*

**ARTICLE 24:** To see if the Town will vote to amend the West Newbury Town Bylaws Title XII Hunting By-Law to ~~prohibit~~ remove the allowance for obtaining Select Board approval for hunting on Town-owned land, with the proposed bylaw amendments on file and available for viewing in the Town Clerk's Office; and further to authorize the Town Clerk's office to make

any non-substantive, ministerial changes to the numbering and formatting to ensure consistency with the remainder of the Bylaws; or take any other action relative thereto. *By request of the Select Board.*

**ARTICLE 25:** To see if the Town will vote to amend the West Newbury Town Bylaws Title VI Animal Bylaw to require leashing of dogs on Town-owned land, with the proposed bylaw amendments on file and available for viewing in the Town Clerk's Office; and further to authorize the Town Clerk's office to make any non-substantive, ministerial changes to the numbering and formatting to ensure consistency with the remainder of the Bylaws; or take any other action relative thereto. *By request of the Select Board.*

**ARTICLE 26:** To see if the Town will vote to amend the West Newbury Town Bylaws Title I., Section 8; and to further amend the West Newbury Town Bylaws Title VIII. Finance Committee By-Law; with the proposed bylaw amendments on file and available for viewing in the Town Clerk's Office, and further to authorize the Town Clerk's office to make any non-substantive, ministerial changes to numbering and formatting, to ensure consistency with the rest of the Town Bylaws, or take any other action relative thereto. *By request of the Finance Committee.*

**ARTICLE 27:** To see if the Town will vote to amend the West Newbury Town Bylaws Title XX. Town Meeting/Elections, to add a sub-section at the end of the section as follows:

“VOTES TO BE DECLARED BY MODERATOR BY-LAW

The Moderator may take all votes requiring a two-thirds majority in the same manner in which they conduct the taking of a vote when a majority vote is required.”

a copy of which amendments are on file and available for viewing in the Town Clerk's Office, and further to authorize the Town Clerk's office to make any non-substantive, ministerial changes to numbering and formatting, so as to ensure consistency with the rest of the Town Bylaws, or take any other action relative thereto. *By request of the Select Board.*

**ARTICLE 28:** To see if the Town will vote to amend the West Newbury Zoning By-Law Section 2 Definitions, including all internal citations therein, a copy of which is on file with the Town of West Newbury Town Clerk and is updated through October 23, 2023 (the “Existing Zoning By-law”), with the proposed bylaw amendments on file and available for viewing in the Town Clerk's Office, and further to authorize the Town Clerk's office to make any non-substantive, ministerial changes to numbering and formatting, to ensure consistency with the rest of the Zoning By-Law, or take any other action relative thereto. *By request of the ~~Building Inspector~~ Planning Board.*

**ARTICLE 29:** To see if the Town will vote to accept the provisions of Mass. Gen. Laws Ch. 59 Sec. 5N, authorizing the Town to establish a program to allow veterans to volunteer to provide services to the town, and in exchange for such volunteer services, the Town shall reduce the real property tax obligations of that veteran on the veteran's tax bills, or take any other action relative thereto. *By request of the Select Board.*



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CITIZEN PETITIONS  
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**ARTICLE 30:** To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$100,000 to fund the costs associated with the creation of a district under MGL c. 40R for Town of West Newbury-owned lots identified on the assessors maps R13-131 (the Mullen property), R13-130 (the driveway for the Mullen property), and/or R10-34 (the Soldiers and Sailors property) (the “Properties”); to prepare an Request for Proposals (the “RFP”) for the disposal of all or any portion of the Properties, said work to satisfy the requirements of the MBTA Housing Requirements as described in Section 3A of MGL c. 40A and with the goal of maximizing the number of possible affordable housing units; and to authorize the Selectmen to dispose, by sale or lease, all or any portion of the Properties, subject to the RFP and other procurement requirements; or take any other action relative thereto. *By request of Richard Baker.*

**ARTICLE 31:** To see if the Town will recommend to the Select Board that they file a home rule petition with the General Court substantially as follows, viz:

“Notwithstanding Section 1 of Chapter 51 of the General Laws or any other general or special law to the contrary, any citizen who:

1. is 16 years of age or older, and
2. meets the qualifications to be registered as a voter pursuant to Section 1 of Chapter 51 of the General Laws, except that of age, and
3. is a resident of the Town of West Newbury at the time he, she, or they registers or pre-registers to vote pursuant to said Chapter 51,

may vote therein in all town elections, participate and vote in all town meetings, participate and vote in town caucuses, and sign all nominating, warrants, and other petitions authorized by town bylaws.

A person shall be a pre-registered or registered voter of at least sixteen (16) years of age to be eligible to serve in appointed town boards, committees, commissions, or other official positions.”

*By request of David Seaton.*

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

LOCATIONS TO POST WARRANT:  
1910 Town Office Building  
G.A.R. Memorial Library  
Public Safety Building

WORKING DRAFT

Laurel Grange  
Post Office  
Town Hall

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

Given under our hands this 12th day of April, 2024.

BOARD OF SELECTMEN

\_\_\_\_\_  
Wendy J. Reed, Chair

\_\_\_\_\_  
Richard G. Parker

A true copy, attested:

\_\_\_\_\_  
Chris E. Wile

\_\_\_\_\_  
James RW Blatchford, Town Clerk

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

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

\_\_\_\_\_  
Date of Posting

**TOWN OF WEST NEWBURY  
COMMONWEALTH OF MASSACHUSETTS  
WARRANT – SPECIAL TOWN MEETING  
MONDAY, APRIL 29, 2024 @ 7:00pm**

Essex, ss.

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

In the name of the Commonwealth, you are hereby required to notify and warn all the inhabitants of the Town of West Newbury, who are qualified to vote in the elections and Town affairs, to meet at the Town Annex, located at 379 Main Street, at **7:00 p.m. on Monday April 29, 2024**, to act upon or take any other action relative to all of the following articles:

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**GENERAL GOVERNMENT MATTERS**  
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**ARTICLE 1:** To see if the Town will vote to:

1. extend the sunset clause as adopted under the Motion for Article 16 of the Annual Town Meeting on May 22, 2021, which authorized \$600,000 from the Stabilization Fund for costs and expenses pertaining to the Town’s share for the reconstruction of the Middle Street Bridge, for three years until June 30, 2027;
2. and further to eliminate the sunset clause as adopted under the Motion for Article 3 of the Special Town Meeting on May 14, 2022, which authorized \$28,000 from Free Cash for costs associated with the preparation of a Historic Preservation Restriction, and costs associated with disposition, for the Soldiers and Sailors Memorial Building, located on Assessors’ parcel R10-34, located at 363 Main Street;
3. and further to extend the sunset clause as adopted under the Motion for Article 18 of the Annual Town Meeting on May 14, 2022, which authorized \$65,000 from the Stabilization Fund for all costs and expenses pertaining to the replacement of the Town Offices telecommunications system, for one year until June 30, 2025;
4. and further to extend the sunset clause as adopted under the Motion for Article 6 of the Special Town Meeting on May 14, 2022, which authorized \$47,845 from Free Cash to fund several facility improvements throughout the town, for one year until June 30, 2025;
5. and further to extend the sunset clause as adopted under the Motion for Article 17 of the Annual Town Meeting on May 14, 2022, which authorized \$35,900 from the Stabilization Fund for all costs and expenses pertaining to the Department of Public Works (DPW) work station relocation from the Highway Divisions Garage, for one year until June 30, 2025;

or take any other action relative thereto. *By request of the Select Board.*

**ARTICLE 192:** To see if the Town will vote to ~~dissolve-revoke its acceptance of the fourth paragraph of Mass. Gen. Laws Ch. 40 Sec. 5B, which allows the dedication, without further appropriation, of all, or a percentage not less than 25 percent, of particular fees, charges or receipts to an~~ Opioid Settlement Stabilization Fund ~~initially~~-established ~~under Mass. Gen. Laws Ch. 40 Sec. 5B, to be effective for the fiscal year beginning on July 1, 2024~~~~by a vote taken at Special Town Meeting on October 23, 2023,~~ or take any other action relative thereto. *By request of the Select Board.*

-----  
WATER ENTERPRISE FUND  
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**ARTICLE 53:** To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$44,000.00 to fund the replacement of well pump #1, distribution lines, valves, and equipment to produce water at the well field, or any other related costs, or take any other action relative thereto. *By request of the Board of Water Commissioners.*

-----  
APPROPRIATIONS  
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**ARTICLE 64:** To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$60,000.00 to fund costs associated with identification and evaluation of sites with potential to support development of public well fields, including all incidentals and related expenses, or take any other action relative thereto. *By request of the Select Board.*

**ARTICLE 215:** To see if the Town will vote to transfer from Community Preservation Act funds, ~~Undesignated Open Space and Recreation~~ Reserve, the sum of \$30,000.00 for the purpose of funding a Pickleball ~~Court Site feasibility~~Feasibility and Design study, or take any other action relative thereto. *By request of the Community Preservation Committee.*

**ARTICLE 206:** To see if the Town will vote to transfer from Community Preservation Act funds, Undesignated Reserve, the sum of \$10,000.00 for administrative and legal costs associated with the acquisition and protection, by conservation restriction, of certain parcels of land containing a total of 32 acres, more or less, which parcels are located on Poor House Lane, shown on Assessors' Map R14 as Parcels 30 and 30F (also known as "Sawmill Brook Conservation Area"), or take any other action relative thereto. *By request of the Community Preservation Committee.*

**ARTICLE 227:** To see if the Town will vote to transfer from Community Preservation Act funds, Historical Preservation Reserve, the sum of \$4,000.00 for costs associated the removal of trees and brush from the Quaker Cemetery, including all incidental and related expenses, or take any other action relative thereto. *By request of the Community Preservation Committee.*

**ARTICLE 48:** To see if the Town will vote to transfer from available funds the sum of \$82,000.00 to fund unbudgeted personnel costs, or take any other action relative thereto. *By request of the Select Board.*

**ARTICLE 199:** To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$8,265.00 to fund environmental testing at the former Steele Landfill, and on adjacent sites, as required by the Massachusetts Department of Environmental Protection under the former landfill's post-closure monitoring plan, or take any other action relative thereto. *By request of the Board of Health.*

**ARTICLE 1810:** To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$80,000.00 to fund the removal of high hazard trees within public roadway rights-of-way, or take any other action relative thereto. *By request of the Select Board.*

**ARTICLE 1411:** To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$18,000.00 to fund engineering and survey services for the permitting of the Page School/Pipestave/Route 113 intersection and crosswalk, or take any other action relative thereto. *By request of the Select Board.*

**ARTICLE 1712:** To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$50,000.00 to fund engineering and permitting expenses for the replacement of culverts on Coffin Street, or take any other action relative thereto. *By request of the Select Board.*

**ARTICLE 13:** To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$50,000.00 to fund repairs and assessments of the Page School elevators, including all incidentals and related expenses, or take any other action relative thereto. *By request of the Select Board.*

**ARTICLE 1114:** To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$62,000.00 to fund the replacement and repair of the Annex flooring, including all incidentals and related expenses, or take any other action relative thereto. *By request of the Select Board.*

**ARTICLE 1215:** To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$50,000.00 to fund the replacement and repair of a portion of the Page School flooring, including all incidentals and related expenses, or take any other action relative thereto. *By request of the Select Board.*

**ARTICLE 816:** To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$23,835.00 to fund maintenance and repairs to the Public Safety Complex, including all incidentals and related expenses, or take any other action relative thereto. *By request of the Select Board.*

**ARTICLE 1017:** To see if the Town will vote to transfer and/or appropriate from available funds a sum to fund costs and expenses pertaining to the replacement of the telecommunications systems

in the Town Offices, the Public Safety Complex, and the G.A.R. Memorial Library, including all incidentals and related expenses, or take any other action relative thereto. *By request of the Select Board.*

**ARTICLE 918:** To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$28,000.00 to fund an electronic keyless entry system for the Town Offices, including all incidentals and related expenses, or take any other action relative thereto. *By request of the Select Board.*

**ARTICLE 719:** To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$560,000.00 to fund the replacement of a Fire Pumper truck, including all equipment and related expenses, or take any other action relative thereto. *By request of the Board of Fire Engineers.*

**ARTICLE 1520:** To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$350,000.00 to fund the purchase of a Plow Truck, including all equipment, for use by the Department of Public Works, or take any other action relative thereto. *By request of the Select Board.*

**ARTICLE 1621:** To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$33,500.00 to fund the purchase of a Zero-Turn Mower, including all equipment, for use by the Department of Public Works, or take any other action relative thereto. *By request of the Select Board.*

**ARTICLE 2022:** 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 other action relative thereto. *By request of the Select Board.*

**ARTICLE 323:** To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$7,841.02 to fund the payment of unpaid bills incurred from prior fiscal years, or take any other action relative thereto. *By request of the Select Board.*

**ARTICLE 24:** To see if the Town will vote to transfer and/or appropriate from available funds a sum to fund the existing year snow and ice deficit during the fiscal year 2024, or take any other action relative thereto. *By request of the Highway Superintendent.*

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

LOCATIONS TO POST WARRANT:

1910 Town Office Building  
G.A.R. Memorial Library  
Public Safety Building  
Laurel Grange

Post Office  
Town Hall

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

Given under our hands this 12th day of April, 2024.

BOARD OF SELECTMEN

\_\_\_\_\_  
Wendy J. Reed, Chair

\_\_\_\_\_  
Richard G. Parker

A true copy, attested:

\_\_\_\_\_  
Chris E. Wile

\_\_\_\_\_  
James RW Blatchford, Town Clerk

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

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

\_\_\_\_\_  
Date of Posting

## Angus Jennings

---

**From:** Angus Jennings  
**Sent:** Friday, April 5, 2024 5:48 PM  
**To:** Rob Phillips; Dan Innes; James Sperelakis; Ross Capolupo;  
**Cc:** Selectboard; Walsh, Jennifer  
**Subject:** FinCom bylaw amendments - for FinCom booklet appendix  
**Attachments:** App E - Bylaw Amendment 4 - FinCom.docx

Rob/FinCom,

Please carefully review the attached draft Appendix for inclusion in the FinCom booklet. (Note: the article numbering is not final, which is why it's highlighted).

Please get back to me to either confirm the attached as correct, or to provide any revisions.

What would you think about adding language at the very end of the final sentence of Sec. VIII along the lines of "in accordance with the annual budget process set forward in Chapter 97 of the Acts of 2017." As written, some could read the bylaw amendment as conferring more authority on my office than currently exists, when in fact the governing law is the [Town Manager Act](#). Under Sec. 4(j) (*emphasis added*):

(j) The board of selectmen shall review the annual proposed budget prepared by the town manager and make changes as the board of selectmen deems advisable. The town manager shall present the budget which incorporates the changes of the board of selectmen to the finance committee and the town meeting.

This is the governing law, regardless what the bylaw says, but I think the addition I'm suggesting above does a better job of cross-referencing to applicable law, to ensure the bylaw isn't read independently to suggest that the Town Manager is the one with authority to present the annual budget.

Thanks,  
Angus

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



## Angus Jennings

---

**From:** Angus Jennings  
**Sent:** Thursday, April 4, 2024 10:49 AM  
**To:** Stedman, Paul D. (DOT); Suszynski, Frank G. (DOT)  
**Cc:** Highway; DPW Admin; DPW Projects; Michael Dwyer; Selectboard  
**Subject:** West Newbury / MDOT items

Hi Paul,

I am reaching out to see if we could find time to connect on a number of items of mutual interest here in West Newbury:

- **River Road.** We're actively engaged in a resiliency planning process partially funded by a state MVP Action Grant (more detail [here](#)). One item we'd like to pursue in the near term is a weight limit or truck ban. Our engineering consultants' reports will be finalized by the end of FY24, but already illustrate need for urgent actions to preserve this public infrastructure. We'd like your advice on what process we would need to follow to pursue a weight limit and/or truck ban on this stretch of road (extending from Bridge Street, next to Rocks Village Bridge, and Coffin Street).
- **Route 113/Main Street corridor planning.** We'd like to brief you on this active effort (more detail [here](#)), funded in part by local funds as well as multiple State budget earmarks. While we have viewed this all along as a long-term planning effort, intended to (over time) define projects that may be competitive for TIP funding, there may be some "low hanging fruit" (i.e. add'l signage at certain crosswalks) that we'd like to advance this spring/summer to show residents some progress toward our shared objectives of improved pedestrian and multi-modal (cyclists, equestrians) transportation safety.
- **Page School / Pipestave crosswalk.** As you know, we're at the 25% permitting stage. We have a funding proposal going to Town Meeting on April 29<sup>th</sup> to get more funds for engineering/survey in response to one of the comments received at the 25% review. The comment is pushing us toward either expanding the SHLO to include a portion of proposed new sidewalk (on the secondary drive from Route 113 up to Page School) or to relocate the proposed sidewalk (and an adjacent, existing retaining wall) into the existing SHLO. Either of these options would **greatly expand** the scope and cost of this project. As you know, we've been in active correspondence with MDOT and our legislators since at least 2019 with our interest to improve safety at this important Page/Pipestave crossing, and we thought we were getting somewhat close to having a permitted project for which we would intend to seek local funding to construct. Unfortunately the 25% review process – if it does expand the scope/cost as it now seems is likely – could be a real setback as we work to advance this important crossing. This seems to be an example of making "the perfect the enemy of the good," and we'd appreciate the opportunity to meet (zoom) with your office to review this in detail, to see if there may be an opportunity to keep the focus on the crosswalk, rather than the ancillary sidewalk/retaining wall. Regardless the outcome, it's worth a conversation.
- **RVB Advance Detection/Signals.** On your office's Feb. 29<sup>th</sup> advice we rescinded the Town Meeting funding proposal we had introduced to pursue an advance overheight vehicle detection/warning system, as we understand this would be more appropriate as a MDOT initiative than a local one. Prior to Town Meeting on April 29<sup>th</sup>, we'd like to have an update on how/when MDOT will be advancing this effort, so that we may offer an update to voters who have been tracking these efforts.

Separate from all of that, we have been making some real progress toward the Middle Street Bridge. Between your department's recent funding awards to WN and Newburyport (thank you!!!), and the MassWorks grant, and an add'l \$425,000 of ARPA funds our Select Board approved toward the project earlier this week, the sole remaining funding gap is the City of Newburyport's share. We are in active communication with the city, and earlier this week sent them a proposed Intermunicipal Agreement which seeks to (among other things) formalize a commitment to a 50/50 split of net (local) costs for the project. We will continue to push to bring this to resolution, with the objective of getting the project

out to bid and a construction contract awarded this calendar year (for work to begin next spring). Nothing is certain yet, but we're making progress!

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](mailto:townmanager@wnewbury.org)

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SEARCH

(1) > Governor Maura Healey and Lt. Governor Kim Driscoll (/orgs/governor-maura-healey-and-lt-governor-kim-driscoll)

PRESS RELEASE

# Healey-Driscoll Administration to Explore Shared Campus Model for Whittier Regional Vocational Technical High School and Northern Essex Community College

## Seeks Community Input to Help Modernize, Expand Access, and Deliver Effective Educational Opportunities at Both Institutions

FOR IMMEDIATE RELEASE:

4/04/2024

Governor Maura Healey and Lt. Governor Kim Driscoll

Executive Office of Education

MEDIA CONTACT

**Karissa Hand, Press Secretary**

**Phone**

617-725-4025 (tel:6177254025)

**BOSTON** — Today, the Healey-Driscoll administration announced initial steps to explore a shared campus model for Whittier Regional Vocational Technical High School (WT) and Northern Essex Community College (NECC) on NECC's Haverhill campus, a collaborative effort with state and local partners that aims to meet the evolving educational needs of the region's students and communities, efficiently and affordably.

This partnership with NECC and WT will explore ways to create a new, modern facility for Whittier Tech, allow for expanded access to postsecondary education across northeastern Massachusetts, and increase enrollment capacity at both institutions and make them more affordable. It will also open up new avenues for potential additional funding sources beyond cities and towns in the Merrimack Valley.

“Our administration knows that a new, modern facility is needed for Whittier Tech, but we also understand the communities’ concerns about cost,” said **Governor Maura Healey**. “This potential collaboration between Whittier Regional Vocational Technical High School and Northern Essex Community College aims to meet the needs of our students and communities in an efficient, affordable and innovative way. In the coming weeks, our administration will be engaging with local officials to provide information about this vision and receive their feedback. We’re grateful for the leadership of NECC President Lane Glenn and Whittier Tech Superintendent Maureen Lynch and look forward to our continued partnership as we work toward a solution that will benefit our students, educators, communities and economy.”

“This is a pivotal moment for education and workforce development,” said **Lieutenant Governor Kim Driscoll**. “This effort is intended to generate a shared commitment across the district to develop a plan that will meet the demands of our students in an ever-changing economy, while also accounting for the financial demands of municipal budgets.”

“NECC and Whittier Tech have similar missions and have been successfully collaborating on Early College and adult vocational programs for years,” said **Lane Glenn, President of Northern Essex Community College**. “With better paying jobs requiring some kind of postsecondary education and training, exploring an innovative shared campus model has tremendous potential for students, families, communities, and the regional workforce needs of the Merrimack Valley.”

“Whittier Tech is excited about the possibility of working with NECC and exploring opportunities to combine our resources to support our students and our workforce,” said **Whittier Tech Superintendent Maureen Lynch**. “We’re grateful to the Healey-Driscoll administration for their leadership on this innovative proposal that has the potential to be truly transformative for our school and our economy.”

“We know that the spaces that our students and educators spend time in can facilitate or inhibit learning,” said **Secretary of Education Dr. Patrick Tutwiler**. “I look forward to working with NECC President Lane Glenn, Whittier Tech Superintendent Maureen Lynch and our state and local partners on this innovative collaboration and shared commitment that centers student and educator experiences and sets them up for success, while also supporting the local community and economy.”

The Healey-Driscoll administration will work collaboratively with Northern Essex Community College and Whittier Regional Vocational Technical High School to convene legislators, municipal officials, and other regional stakeholders to discuss this initiative, obtain feedback, and foster collaboration to explore the possibility of a new high school building and site proposal for Whittier Tech.

In collaboration with NECC and Whittier Tech, the administration intends to engage the communities of Amesbury, Georgetown, Groveland, Haverhill, Ipswich, Merrimac, Newbury, Newburyport, Rowley, Salisbury,

and West Newbury to address previous challenges, drive innovation for our students, and garner excitement across the district.

***Statements of Support:***

**Katherine Craven, Chair of the Massachusetts Board of Secondary and Elementary Education and former Executive Director of the Massachusetts School Building Authority:**

“Governor Healey and Lt. Governor Driscoll are blazing a new and inventive trail for students of Whittier Regional Vocational Technical High School, culminating not only in access to higher quality learning facilities through Northern Essex Community College, but also exposure to the benefits of post-secondary education. This proposal has national implications because of its creative sharing of joint facilities, the elimination of unnecessary educational silos, making the best use of limited taxpayer construction dollars and maximizing learning opportunities for our vocational students, who are the future problem solvers and creative thinkers of Massachusetts.”

**Senate Minority Leader Bruce Tarr (R-Gloucester):**

“Clearly the challenges presented by the deteriorating building conditions at Whittier demand a response informed by an inclusive, collaborative, and financially responsible conversation between all of its stakeholders, including the member communities that have many serious and legitimate concerns. Exploring a partnership with Northern Essex Community College offers an innovative path that will bring the many strengths of NECC to the table in pursuit of a collaboration that could capitalize on the synergy of co-location to modernize and expand facilities, programs, and capacity through the power of both schools working together. I am encouraged by the prospects for a respectful, productive, and energetic process to capture the potential represented by this possible partnership.”

**State Senator Barry Finegold (D-Andover):**

“It is clear that Whittier Tech needs a new school building, and I appreciate the Healey-Driscoll Administration’s creative proposal for maximizing educational services for young people in our region. This problem solving between school leaders, local and state partners demonstrate dedication to delivering for our students.”

**State Senator Pavel Payano (D-Lawrence):**

“The proposal to explore a collaborative campus for Whittier Tech and Northern Essex Community College is both astute and imperative. This initiative underscores our unwavering commitment to enhancing our vocational education institution which is critical to fortifying our local economy and community. I commend Governor Healey for her proactive leadership in spearheading efforts to devise a resolution that stands to enrich the educational experience for students in my district. The joint effort between Whittier and Northern Essex marks a pivotal step towards equipping our students with the skills and opportunities that will lead to fulfilling well-paying careers.”

**State Representative Andy X. Vargas (D-Haverhill):**

“Whittier Tech plays a critical role for our students, adult learners, manufacturers and our regional economy. The school is a catalyst for economic opportunity and social mobility. That’s why our delegation is so committed to realizing a suitable and world class facility. I’m grateful that the Healey-Driscoll Administration,

NECC, and the Treasurer's office are open to exploring this model and appreciate their continued partnership."

**State Representative Kristin E. Kassner (D-Hamilton):**

"I am encouraged by the out-of-the-box thinking on this important issue and thank the Healey-Driscoll Administration for convening this discussion. This partnership has the potential to offer an unmatched opportunity to create an integrated educational campus – giving all students access to state-of-the-art skilled trade labs as well as top-level access to early college. This relationship can only strengthen Whittier and Northern Essex Community College by providing seamless educational pathways that will better prepare our young people to enter the modern workforce."

**State Representative Dawne Shand (D-Newburyport):**

"A workforce education that is pragmatic, accessible to all who want to pursue it, affordable for every family, and above all, excellent—that's the galvanizing vision behind the NECC and Whittier project. The First Essex is grateful to Governor Healey and Lieutenant Governor Driscoll for spearheading this initiative."

**State Representative Ryan Hamilton (D-Methuen):**

"Partnerships between our vocational schools and community colleges are crucial for connecting our young people with the training and education they need to thrive in the workforce. I am thrilled to see two Merrimack Valley institutions come together to address a tough situation with creativity and collaboration. Thank you to the Healey-Driscoll Administration for your leadership in fostering a regional solution that centers our students, educators, and diverse community needs."

**State Representative Adrienne Ramos (D-North Andover):**

"I'm thrilled to learn about this project. The greater Whittier Tech community has grappled with the balance of replacing or repairing this important school and the budget limitations of small member towns. I commend the administration for this creative and fresh look at the vocational model to amplify and support Essex County. I look forward to working with the administration in pursuit of the project."

**Amesbury Mayor Kassandra Gove:**

"It's reassuring that our efforts and the voice of local voters were heard beyond our borders. I'm incredibly grateful for the Governor's team and thought leaders in our region for their willingness to think outside the box and forge a new path for our students to achieve success and access to career training."

**Haverhill Mayor Melinda Barrett:**

"I am grateful to the Governor, Lieutenant Governor and NECC for their partnership and commitment to ensuring that Whittier Voc Tech will continue to provide a valuable education to Haverhill students while simultaneously preparing them to successfully meet the vocational workforce demands of the region."

**Mayor of Newburyport Sean Reardon:**

"I'm cautiously optimistic about the possibility of a partnership between Whittier Voc-Tech and NECC. I know this is a successful model used around the country. Newburyport is committed to continue the work towards an amended regional agreement that hopefully will help pave the way towards a solution that is a win for Whittier, NECC, the Commonwealth and all eleven cities and towns. I'm thankful to the Healey-Driscoll Administration and Lane Glenn for continuing to think out of the box and work collaboratively towards solutions."

**Groveland Town Administrator Rebecca Oldham:**

“This partnership will provide an opportunity for the Whittier Regional School District and Northern Essex Community College to utilize resources and funding options more efficiently so that we are able to continue to provide quality education and workforce training in the Merrimack Valley. We are grateful to Governor Healey and Lieutenant Governor Driscoll for initiating this effort and working closely with local municipalities.”

**Ipswich Town Manager Stephen Crane:**

“One of the things that became apparent during the debate about the proposed new Whittier School building is that the decades-old regional vocational school agreements, which in some cases pre-date the passage of Proposition 2.5, need to be reconsidered. The proposed partnership with Northern Essex Community College is a perfect opportunity to do just that—and more. The widespread support for vocational education, combined with a new paradigm involving community colleges, could give students more learning opportunities while providing additional resources to cities and towns. It could redefine ‘win-win’.”

**West Newbury Town Manager Angus Jennings:**

“We recently became aware of the involvement of Governor Healey’s and Lt. Gov. Driscoll’s office in facilitating an expanded partnership between Whittier Tech and NECC. This is welcome and exciting news and suggests potential to substantially advance this regionally significant initiative in a creative way. Whittier Tech is fundamentally important to our region, yet its governing document – a 1960s-era Regional Agreement – has created obstacles to solving the well-known deficiencies in the school’s physical plant. A partnership with NECC could result in win/win/win outcomes for both educational institutions, and for the eleven cities and towns in the Whittier Tech district, whether through innovative land use planning, expanded programmatic collaboration among the two institutions’ students and faculty, or both. It could also expand eligibility for funding sources that haven’t been available solely for the proposed Whittier Tech school building project. The Governor’s and Lt. Governor’s active engagement in this effort offers real promise to move forward in parallel on both the school building project, and the underlying framework for collaboration among the communities in our region. We welcome this development and look forward to being an active partner.”

**Alexandria Eberhardt, President & CEO, Greater Haverhill Chamber of Commerce:**

“This strategic partnership between NECC and Whittier Tech is as exciting as it is necessary for our region’s economic future. Workforce development as a catalyst for regional economic growth is a core priority in the work of the Greater Haverhill Chamber. As our regional industries and businesses evolve, strategic partnerships will be paramount in meeting our current and future workforce needs. The Greater Haverhill Chamber currently has strong workforce partnerships with MakeIT Haverhill, Northern Essex Community College and UMass Lowell, and we are looking forward to further enhancing the regional ecosystem of workforce development.”

**Joseph Bevilacqua, President/CEO, Merrimack Valley Chamber of Commerce:**

“As an advocate for transformative programming, this initiative promises to enhance both vocational education and academic achievement, alongside workforce skill training, through a synergistic partnership with Northern Essex Community College (NECC). Such collaborations are essential for preparing a future workforce that is both versatile and highly skilled, meeting the evolving demands of our economy.”

**Sheila Beach, Executive Director, Amesbury Chamber of Commerce:**

“As strong advocates for workforce development, we are excited to learn about the possibility of an alliance between Whittier Technical High School and Northern Essex Community College. This partnership has the potential to create even more opportunities for individuals of all ages to pursue highly skilled trades and advanced education in our community. By joining forces, these institutions can continue their legacy of empowering individuals and strengthening our workforce, ensuring a bright future for our community.”

**Nate Allard, President, Greater Newburyport Chamber of Commerce & Industry:**

“As an alumnus of Northern Essex Community College (NECC) with a longstanding commitment to skills-based trades and vocational training, I am genuinely excited to embrace innovative proposals from our esteemed government and academic leaders. The dynamic workforce in Newburyport, and throughout the Merrimack Valley, necessitates a comprehensive approach to training and educating students in essential job sectors that are currently in demand and will continue to be vital in the future. We are enthusiastic about the opportunities this partnership presents and are committed to actively engaging in dialogue to ensure our business needs are addressed throughout this collaborative process.”

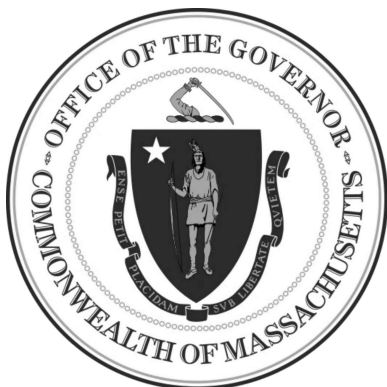
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## Media Contact

**Karissa Hand, Press Secretary**

**Phone**

617-725-4025 (tel:6177254025)



### **Governor Maura Healey and Lt. Governor Kim Driscoll**

Since taking office, Governor Healey and Lieutenant Governor Driscoll’s top priority has been building a Massachusetts that’s competitive, equitable, and affordable for every family, worker, and business.



# Massachusetts School Building Authority

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## Next Steps to Finalize Submission of your 2024 Statement of Interest (“SOI”)

Thank you for submitting a 2024 SOI to the Massachusetts School Building Authority (the “MSBA”) electronically. **Please note, the District’s submission is not yet complete if the District selected Statutory Priority 1 or Statutory Priority 3.** If either of these priorities were selected, the District must post-mark and submit to the MSBA by the Core Program SOI filing period closure date the required supporting documentation to the MSBA, which is described below.

### ADDITIONAL DOCUMENTATION REQUIRED FOR SOI STATUTORY PRIORITIES 1 AND 3 IN ORDER TO BE CONSIDERED COMPLETE:

- If the District selects Statutory Priority 1: Replacement or renovation of a building, which is structurally unsound or otherwise in a condition seriously jeopardizing the health and safety of the school children, where no alternative exists, the MSBA requires a hard copy of the engineering (or other) report detailing the nature and severity of the problem and a written professional opinion of how imminent the system failure is likely to manifest itself. The district also must submit photographs of the problematic building area or system to the MSBA. The SOI will not be considered complete unless this information is provided.
- If the District selects Statutory Priority 3: Prevention of a loss of accreditation, the SOI will not be considered complete unless a summary of the accreditation report focused on the deficiencies as stated in this SOI are provided.

**ADDITIONAL INFORMATION:** In addition to the information required above, the District may also provide reports, pictures, or other information they feel will give the MSBA a better understanding of the issues identified at a facility. The additional documentation must also be post-marked and submitted to the MSBA by the Core Program SOI filing period closure date.

If you have any questions about the SOI process please contact the MSBA at 617-720-4466 or [SOI@massschoolbuildings.org](mailto:SOI@massschoolbuildings.org).

# Massachusetts School Building Authority

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School District Whittier Voc

District Contact Maureen Lynch Title: Superintendent TEL: (978) 373-4101

Name of School Whittier Regional Vocational

School Address 115 Amesbury Line Road, Haverhill, MA - 01830

Submission Date 4/5/2024

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## Statement of Interest (“SOI”) CERTIFICATION

To be eligible to submit an SOI, a district must certify the following:

- The district hereby acknowledges and agrees that this SOI is NOT an application for funding and that submission of this SOI in no way commits the MSBA to accept an application, approve an application, provide a grant or any other type of funding, or places any other obligation on the MSBA.
- The district hereby acknowledges that no district shall have any entitlement to funds from the MSBA, pursuant to M.G.L. c. 70B or the provisions of 963 CMR 2.00.
- The district hereby acknowledges that the provisions of 963 CMR 2.00 shall apply to the district and all projects for which the district is seeking and/or receiving funds for any portion of a municipally-owned or regionally-owned school facility from the MSBA pursuant to M.G.L. c. 70B.
- The district hereby acknowledges that this SOI is for one existing public school in the district that is currently used or will be used to educate public school students in grades Pre-K through 12 as reported to the Department of Elementary and Secondary Education (the “DESE”) and that the school for which the SOI is being submitted does not solely serve the district’s Pre-K student population.
- Prior to the submission of the SOI, the district will schedule and hold a meeting at which the School Committee will vote, using the specific language contained in the "Vote" tab, to authorize the submission of this SOI. This is required for cities, towns, and regional school districts.
- Prior to the submission of the SOI, the district will schedule and hold a meeting at which the City Council/Board of Aldermen or Board of Selectmen/equivalent governing body will vote, using the specific language contained in the "Vote" tab, to authorize the submission of this SOI. This is not required for regional school districts.
- The district hereby acknowledges that current vote documentation is required for all SOI submissions. The district will use the MSBA's vote template and the required votes will specifically reference the school name and the Statutory Priorities for which the SOI is being submitted.
- The district hereby acknowledges that it must upload all required vote documentation on the “Vote” tab, in the format required by the MSBA. All votes must be certified or signed and on city, town or district letterhead.
- The district hereby acknowledges that this SOI submission will not be complete until the MSBA has received all required supporting documentation for Statutory Priority 1 and/or Statutory Priority 3, if either is selected. If Statutory Priority 1 is selected, the district’s SOI will not be considered complete unless and until the district provides the required engineering (or other) report, a professional opinion regarding the problem, and photographs of the problematic area or system. If Statutory Priority 3 is selected, the district’s SOI will not be considered complete unless and until the district provides a summary of the accreditation report focused on the deficiencies as stated in this SOI. The documentation noted above must be post-marked and submitted to the MSBA by the Core Program SOI filing period closure date.



## Massachusetts School Building Authority

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School District Whittier VocDistrict Contact Maureen Lynch Title: Superintendent TEL: (978) 373-4101Name of School Whittier Regional VocationalSchool Address 115 Amesbury Line Road, Haverhill, MA - 01830Submission Date 4/5/2024

### Note

SOI Program: CorePotential Project Scope: Potential New SchoolIs this a Potential Consolidation? No

**The following summary of the Statutory Priorities as set forth in M.G.L. c. 70B, § 8 have been included in the Statement of Interest (for the Core Program, select as many as are applicable):**

1.  Replacement or renovation of a building which is structurally unsound or otherwise in a condition seriously jeopardizing the health and safety of school children, where no alternative exists.
2.  Elimination of existing severe overcrowding.
3.  Prevention of the loss of accreditation.
4.  Prevention of severe overcrowding expected to result from increased enrollment.
5.  Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility.
6.  Short term enrollment growth.
7.  Replacement of or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements.
8.  Transition from court-ordered and approved racial balance school districts to walk-to, so-called, or other school districts.

### SOI Vote Requirement

I acknowledge that I have reviewed the MSBA's vote requirements for submitting an SOI, which are set forth in the Vote Tab of this SOI. I understand that the MSBA requires votes from specific governing bodies, in a format **using the language provided by the MSBA**. Further, I understand that the MSBA requires certified and signed vote documentation to be submitted with the SOI. I acknowledge that my SOI will not be considered complete and, therefore, will not be reviewed by the MSBA unless the required accompanying vote documentation is submitted in a form that is acceptable to the MSBA. All SOI vote documentation must be uploaded on the Vote Tab.

**Each district must prioritize one Core Program Statement of Interest from all of the Statements of Interest that the district has submitted or prepopulated, including any SOIs that may be in the MSBA's capital pipeline. **At no time shall a district have more than one prioritized SOI on file with the MSBA.****

**Is this SOI the District Priority SOI?** Yes

**School name of the District Priority SOI:** Whittier Regional Vocational

**Is this part of a larger Master Facilities Plan and/or Educational Plan within the past five years that includes facility goals for this building and all school buildings in the District?** No

**If "YES", please provide the following:**

**Facilities Plan Date:**

**Planning Firm:**

**Please provide a brief summary of the plan(s) including its goals and how the school facility that is the subject of this SOI fits into that plan:**

**Provide, if applicable, the most recent budget approval process that resulted in an operating budget reduction and the impact of the reduction to the school district (staff reductions, discontinued programs, consolidation of facilities). Please provide a description of the program modifications as a consequence of these teacher and/or staff reductions, including the impact on district class sizes and curriculum. If no recent teacher layoffs and/or staff reductions have occurred, please enter "Does Not Apply".**

Does not apply

**Please provide a description of the local actions and approvals needed to secure both funding for a feasibility study and project funding for a potential building project with the MSBA. Please include schedule information for both funding actions(i.e. Town Meeting, City Council/Town Council meetings, Regional School Committee Meetings).**

Whittier was invited into the program in December 2019 and self funded an appropriation of \$1,800,000 to fund the feasibility study. On January 23, 2024, a districtwide election was held for approval of a new school building and the vote failed. As of March 31, 2024, the District has \$2,666,534 available in its Stabilization fund and \$2,410, 678 remaining in it's Capital Project Special Revenue Fund. Barring any unforeseen large capital needs, either or both of these funds could be utilized to cover the cost of a new feasibility study.

## General Description

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**BRIEF BUILDING HISTORY:** Please provide a detailed description of when the original building was built, and the date(s) and project scopes(s) of any additions and renovations including modular units (maximum of 5000 characters).

Please refer to 2019 SOI.

Updates since that document:

In January 2024, after completion of a 4 year feasibility study with MSBA, a districtwide vote was held to approve the construction of a new school building on the existing site, as this had been determined to be the most cost effective solution. The vote did not pass, but the needs of the District remain steadfastly unchanged. In light of this, the district is exploring avenues to fortify its collaboration with Northern Essex Community College (NECC). Whittier's latest project intentions include the possible relocation of Whittier Tech to the NECC location.

**TOTAL BUILDING SQUARE FOOTAGE:** Please provide the original building square footage PLUS the square footage of any additions (field one below) and/or modular units (field two below).

<b>Original Building Plus Additions Square Footage</b>	370000
<b>Modular Units Square Footage</b>	0

**SITE DESCRIPTION:** Please provide a detailed description of the current site, including confirming the address of the school, who has ownership, control, and use of the site, and any known existing conditions that would impact a potential project at the site. Please note whether there are any other buildings, public or private, that share this current site with the school and/or if there are multiple schools housed within the same building. What is the use(s) of this building(s)? (maximum of 5000 characters).

The site comprises approximately 166 acres and includes a main driveway connecting the school building to the student parking lot at the southern bounds of the site. The building is surrounded by parking areas for visitors, students, administration and faculty, including adjacent lots to the north and east of the building. Athletic fields are located to the west of the building and the turf field is significantly lower in elevation than the school.

The school is located on 29 acres of this parcel.

The site is owned and controlled by the Whittier School District in accordance with State and Local regulations.

Areas surrounding the entry road, building site, athletics fields and parking lots are primarily wetlands.

There is only one access road in and out of the facility.

As was discovered as a result of the recent Feasibility Study, there are limits within the existing site as to where a new facility can be constructed. This limitation and the resulting site work that would be required to utilize these land spaces significantly impacts the cost of new construction on Whittier's existing site. NECC presently has flat land acreage available where a new Whittier facility could be built, which will allow for lower site construction costs. Partnership with NECC will allow Whittier to utilize some of NECC's existing facilities which, in turn, will allow Whittier to expand its enrollment.

Northern Essex Community College's Haverhill Campus is located at 100 Elliott Street in Haverhill, MA, sits on 106 acres near Kenoza Lake, and is bordered by residential neighborhoods and greenspace. The campus, composed largely of buildings built in 1971, features a Technology Center, an award-winning Student One-Stop Center, a General Services Building, a Science Building, a Library, and the Spurk Building (classroom building).

The property is owned by the Commonwealth and controlled by the College and its Board of Trustees. As a public higher education campus, NECC is interested in improvements that benefit the larger Haverhill and Merrimack Valley communities.

**BUILDING ENVELOPE:** Please provide a detailed description of the building envelope, types of construction materials used, and any known problems or existing conditions (maximum of 5000 characters).

Please refer to the district's 2019 SOI and the October 2022 PDP Evaluation of Existing Conditions Section 3.1.4 for detailed analysis.

Key points from this study include:

#### Exterior Walls

The exterior walls are brick veneer with exposed concrete structure at the Auditorium (located above the Administration areas). This brick veneer was part of the refacing of the existing concrete masonry veneer done approximately 20 years ago.

Openings are primarily aluminum framed 'ribbon-window'-style window systems with fixed and operable casement window units. There is a large expanse of aluminum framed storefront/curtain wall system adjacent to the main entry which gives a view of the entry areas from the Guidance and Superintendents Offices. There are many louvre locations on the exterior of the building that were associated with now abandoned electric Unit Ventilators that create openings in the building's thermal envelope.

The typical exterior wall assemblies are an uninsulated 4-inch brick veneer over 2-inch cavity and 8-inch concrete masonry units and an uninsulated 4-inch brick veneer over 2-inch cavity and 10" poured-in-place concrete wall. Exterior walls are capped with a continuous 2-piece, 14-inch metal fascia.

Vertical cracking was observed in the brick at the southern-most end of the building, in particular around the lintels at the Poet's Inn and Loading Dock Areas. All brick needs cleaning, repointing and repair.

Exterior envelope does not meet current Massachusetts (base) Energy Code or Massachusetts (stretch) energy code.

#### Exterior Windows

As previously noted, the exterior windows are a mixture of aluminum frame windows with fixed and operable vision glazing and louvers. Windows were replaced as part of the envelope work in 1996, but they lack energy efficient details such as thermal breaks, tinting and gas filled vacuum. Glass, hinges, handles and screens require ongoing replacement, some parts and screens are missing.

A number of steel lintels at the windows heads were observed to be corroded and lacking paint. Based on the observed conditions, the windows appear to be at the end of their useful life.

#### Exterior Doors

Although they were replaced as part of the envelope work in 1996, but all exterior doors are Fiberglass Reinforced Plastic and have outlived their useful life. Many exterior doors have a 6" pad poured below the door sill creating a condition which is not ADA/MAAB compliant. All exterior doors, frames, hinges and hardware should be replaced and additional sitework will need to be performed to make the entrances ADA/MAAB compliant.

#### Roofing

The buildings have a mix of metal roofs with gutters and PVC membrane roofs with internal drains. The metal roofs are original to the 1970s building and are past their useful life. There were some repairs to the metal roof on the west side of the building in 2015, but the balance on the east side is original to the building and deteriorating. The PVC roof was replaced in 2010 and will need replacement soon. There are skylights in the Library and clerestory windows in the Carpentry shop.

The School Facilities department has noted leaking in some stairwells where original metal roof systems are installed and around skylights in the Library.

#### Greenhouse

The school has a greenhouse at the end of the south wing attached to the entrance vestibule to the restaurant spaces. The greenhouse is framed with CMU and poured in place concrete with sloped glazing and a patio-block floor. Exterior glazing is past its serviceable life and shows evidence of leaking and the floor contains no drains as would be recommended in a greenhouse.

The greenhouse is no longer able to be used for its intended purpose, however some areas are being used for general building storage. Despite several attempts, the district was unable to locate a company able to perform the necessary repairs needed to make the greenhouse fully functioning.

#### Outbuildings

The school contains various outbuildings to accommodate the equipment required to maintain the large site, and storage for the overflow of vocational shops, as well as the existing on-site sewer facilities. A large pre-fabricated structure houses maintenance equipment and storage facilities for tables and chairs, records and dedicated storage for vocational shops. A pair of smaller buildings house site maintenance equipment, snow removal chemicals and various storage areas associated with the masonry program. A small concrete building is used for storage of flammable gases associated with the welding programs. The last building on site is an existing on-site sewer / water treatment facility which is in excess of 50 years old and will soon require major repair or replacement.

#### Transportation

The district owns and operates its own school buses which are currently housed on site with access to charging stations in cold weather. There is currently no overhand or enclosure area to shield from harsh weather.

**Has there been a Major Repair or Replacement of the EXTERIOR WALLS?** YES

**Year of Last Major Repair or Replacement:(YYYY)** 1996

**Description of Last Major Repair or Replacement:**

In 1996 the school underwent a major renovation to address the deteriorating concrete block on the exterior of the building. This refacing of the concrete masonry veneer included removal and replacement with a brick veneer. As part of this renovation, all exterior windows and doors were replaced.

**Total Roof Square Footage** 150651

**Roof Section** A

**Is the District seeking replacement of the Roof Section?** YES

**Area of Section (square feet)** 10000

**Type of ROOF (e.g., PVC, EPDM, Shingle, Slate, Tar & Gravel, Other (please describe))**

Metal

**Age of Section (number of years since the Roof was installed or replaced)** 50

**Description of repairs, if applicable, in the last three years. Include year of repair:**

Metal roofing on the west side of the building

2000 sq. ft. was replaced in 2015 due to damage from severe winter storm.

Remaining 8000 sq. ft. is original to the building and deteriorating.

**Roof Section** B

**Is the District seeking replacement of the Roof Section?** YES

**Area of Section (square feet)** 10000

**Type of ROOF (e.g., PVC, EPDM, Shingle, Slate, Tar & Gravel, Other (please describe))**

Metal

**Age of Section (number of years since the Roof was installed or replaced)** 50

**Description of repairs, if applicable, in the last three years. Include year of repair:**

Metal roof on east side of building.

Original to the building and is deteriorating

**Roof Section** C

**Is the District seeking replacement of the Roof Section?** YES

**Area of Section (square feet)** 4000

**Type of ROOF (e.g., PVC, EPDM, Shingle, Slate, Tar & Gravel, Other (please describe))**

Metal

**Age of Section (number of years since the Roof was installed or replaced)** 50

**Description of repairs, if applicable, in the last three years. Include year of repair:**

Metal roof on south side of building.

2000 sq. ft. was replaced in 2015 due to damage sustained from severe storm.

Remaining 2000 sq. ft is original to the building and deteriorating.

**Roof Section** D

**Is the District seeking replacement of the Roof Section?** NO

**Area of Section (square feet)**

**Type of ROOF (e.g., PVC, EPDM, Shingle, Slate, Tar & Gravel, Other (please describe))**

**Age of Section (number of years since the Roof was installed or replaced)**

**Description of repairs, if applicable, in the last three years. Include year of repair:**

**Total Window Count** 820

**Window Section** A



**Is the District seeking replacement of the Windows Section?** YES

**Windows in Section (count)** 820

**Type of WINDOWS (e.g., Single Pane, Double Pane, Other (please describe))**

Double pane glass

**Age of Section (number of years since the Windows were installed or replaced)** 28

**Description of repairs, if applicable, in the last three years. Include year of repair:**

Windows lack energy efficient details such as thermal breaks, tinting and gas filled vacuum.

Glass, hinges, handles and screens need constant and ongoing replacement as a result of continuing aging and increased wear.

**MECHANICAL and ELECTRICAL SYSTEMS: Please provide a detailed description of the current mechanical and electrical systems and any known problems or existing conditions (maximum of 5000 characters).**

Please refer to the district's 2019 SOI and the October 2022 PDP Evaluation of Existing Conditions Section 3.1.4 for detailed analysis.

Key points from this study include:

**ELECTRICAL**

Most of the systems are original to the building, and although functioning, have outlived their intended useful life. The facility's electric power is provided by National Grid and is primary metered. Other incoming utilities include telephone, cable TV, fiber and fire alarm.

The power distribution system received secondary switchboard upgrades during 1998, but most of the remainder is original and in port condition. The lighting systems have been retrofitted recently with new lamps and ballasts, as well as new LES fixtures in newly renovated areas but most if the existing light fixtures and wiring were reused. The fire alarm systems control panel has been upgraded however the system signaling type is not compliant with current code.

The emergency stand-by system, due to code changes, is no longer compliant with current code and would require separation of optional stand-by loads and life safety lighting loads.

**PLUMBING**

The existing facility is equipped with several plumbing systems including domestic hot and cold water, sanitary drain, waster and vent: natural gas: storm drainage: laboratory waste and vent: and compressed air.

The building is served by municipal water and an on-site septic system.

In general, most of the fixtures are dated and in fair condition, with some fixtures having been replaced over the years. Most fixtures are not the water conserving type, and toilets and urinals that have been retrofitted with low-flush valves do not function property.

There are various damaged and/or abandoned fixtures throughout the building, most notably in the older science classrooms.

There are various plumbing materials in use throughout the building including PVC, ABS and PEX tubing which are typically not allowed in commercial buildings however exceptions are allowed for certain circumstances.

Plumbing fixtures appear to be in fair condition but may not meet current codes for flow rates and /or accessibility and may not be able to be retrofitted.

Laboratory water, waster and gas piping systems do not meet code.

Laboratory emergency showers do not meet current code.

Although storm and sanitary drainage system piping appears to be in good condition, given the age of the building, extensive investigation should be conducted prior to reuse or modifications, as a renovation or rebuild would require the system to last for an extended period of time.

Although the existing domestic water piping system appears to be in good condition, it will not last for an extended period of time as should be expected with a renovation.

In general, the existing plumbing fixtures, while dated and worn, are in fair to good condition and are functional and could remain in place. However many fixtures may fail to comply with current accessibility and water conservation standards.

On April 2, 2024, a van hit a fire hydrant on the property. Due to the age, access and debris associated with the building shutoffs, it was necessary to shut down the main water supply and dismiss school.

HVAC

The building, constructed in 1973 had an original HVAC system that consisted of an electric heating with a combination of unit ventilators with electric heating and terminal electric baseboard radiation that served classroom areas and modular indoor air handling units with electric heating that served interior classrooms and the larger single zone areas such as the Library, Cafeteria, Kitchens, Auditorium, Gym and Shop areas. The majority of classroom unit ventilators, indoor air handling units and terminal electric radiation heating systems are 49 years old and have exceeded their expected useful life.

In the 1990's a gas fired hot water boiler plant was installed to convert the indoor air handling units to gas fired hot water heating systems. These boilers were replaced in 2017 with new high efficiency gas fired boilers

A water cooled chiller plant was installed circa 2001 to replace a previously installed chiller that provided cooled water to air conditioning in several areas of the building. The chiller plant's cooling tower was replaced in 2017.

Several split system air conditioning and heat pump systems, replacement heating and ventilation units and exhaust fans have also been installed throughout the building.

The building control system is a combination pneumatic and direct digital control system. Many of the pneumatic controls and associated components are originally installed and have exceeded their useful life.

Due to the age of the majority of the HVAC equipment it is recommended that the majority of the building's HVAC equipment be replaced and repairs and upgrade improvements be made to any existing to remain HVAC system to improve the system's operational, thermal comfort and indoor air quality performance.

### **Total Building Boilers 5**

#### **Boiler Section Boiler 1**

**Is the District seeking replacement of the Boiler? NO**

**Is there more than one boiler room in the Building?**

**What percentage of the Building is heated by the Boiler?**

**Type of heating fuel (e.g., Heating Oil, Natural Gas, Propane, Other)**

**Age of Boiler (number of years since the Boiler was installed or replaced)**

**Description of repairs, if applicable, in the last three years. Include year of repair:**

**Has there been a Major Repair or Replacement of the HVAC SYSTEM? YES**

**Year of Last Major Repair or Replacement:(YYYY) 2000**

**Description of Last Major Repair or Replacement:**

Please refer to the district's 2019 SOI and the October 2022 PDP Evaluation of Existing Conditions Section 3.1.4 for detailed analysis.

After the onset of COVID the district installed infiltration units in each classroom and enhanced the air handling system in the library.

**Has there been a Major Repair or Replacement of the ELECTRICAL SERVICES AND DISTRIBUTION SYSTEM? YES**

**Year of Last Major Repair or Replacement:(YYYY) 2018**

**Description of Last Major Repair or Replacement:**

Please refer to the district's 2019 SOI and the October 2022 PDP Evaluation of Existing Conditions Section 3.1.4 for detailed analysis.

The district is experiencing more frequent electrical issues as the building continues to age. In January 2024, about a week apart, entire sections of the building were without power for a significant part of the school day. In order to help mitigate this issue, the district's short term capital plan includes replacement of the electrical panels throughout the buuilding.

### **BUILDING INTERIOR: Please provide a detailed description of the current building interior including a description of the flooring systems, finishes, ceilings, lighting, etc. (maximum of 5000 characters).**

Please refer to the district's 2019 SOI and the October 2022 PDP Evaluation of Existing Conditions Section 3.1.4 for detailed analysis.

Key points from this study include:

Interior Partitions

The interior partitions are typically painted, running bond concrete masonry units to 8' above finish floor where it

transitions to a mix of transom glazing, louvers, or gypsum board assembly infill. Classroom corridor partitions have painted metal clerestory windows with wire glass. Large sections of aluminum frame storefront glazing with wire glass separate the 2-story Carpentry shop from adjacent corridor and classroom areas. Existing wire glass is not labeled as impact resistant and would need to be replaced to be code compliant. The interior partitions have been well maintained. In general, the metal lockers are in good condition although several instances of broken s were observed.

#### Interior Doors

The interior doors are hollow metal doors in painted metal frames. The doors and frames are in fair condition. Several doors have had their rating tags painted over or removed. Many doors lack ADA/MAAB compliant hardware, and several doors lack the proper clearances for ADA/MAAB compliant push/pull conditions which would require substantial alterations to adjacent interior partitions to create a code compliant situation.

#### Stairs

The stairs have exposed concrete treads, risers and landings. The stairs lack ADA/MAAB compliant handrails and cane guards. Treads and landings are in good condition.

#### Floor Finishes

VCT is typical throughout classroom and corridor areas. Concrete is typical in stair and vocational shop areas. The auditorium has wood on the stage area with a sloped, rubberized floor system in the seating areas. Toilet rooms typically have tile flooring. The Music Room and associated practice and offices spaces are carpeted as well as a few miscellaneous office spaces throughout the building. Kitchen and Culinary Arts areas have a mix of quarry tile and sealed concrete floors. In general floors are in fair condition. The Gymnasium has a hard wood floor that was replaced in 2011 and refinished during this summer.

#### Ceiling Finishes

Suspended 2'x2' acoustic ceiling tiles are typical in classrooms and offices. Many of the tiles and grid have yellowed or been damaged over time. Corridors, shop areas, library, cafeteria and auditorium all have no ceilings with exposed structure. The gymnasium has painted acoustical roof deck that appears to be in fair condition.

#### Elevators

The building has two (2) passenger elevators and one (1) service elevator. All passenger elevators lack ADA/MAAB compliant signage and operators and are undersized to meet ADA/MAAB requirements. No single elevator provides access to all floors of the building. The main passenger elevator is located adjacent to the main entry but does not service the first floor. A secondary passenger elevator is in the north-west corner of the building adjacent to the service elevator but does not provide access to the fourth floor. This second passenger elevator does service the first floor but lacks ADA/MAAB compliant interior cab dimensions, signage, and operators. All elevator cab finishes are past their serviceable life and should be replaced.

**SPACES AND PROGRAMS: Please provide a description of the number and sizes (in square feet) of all spaces. Please also provide the current grade structure and programs offered. If a vocational or comprehensive high school offering Chapter 74 Programs and/or Career Technical Education, please include the number of programs currently offered (maximum of 5000 characters).**

Please refer to the district's 2019 SOI and the October 2022 PDP Evaluation of Existing Conditions Section 3.1.4 for detailed analysis of the school's core educational spaces.

Changes since the 2019 SOI include the grant funded upgrade of the HVAC-R area, the completion of the Allied Health Center (dental, health and medical assisting), the elimination of the Graphics program and relocation of the Plumbing program to that area, the expansion of the Electrical area into the former Plumbing spaces, the addition of a Marine Tech program which shares spaces with the Auto Tech program, and the anticipated addition of a Construction Craft Laborer program which will share space with the Carpentry program.

**TOTAL SCHOOL STUDENT ENROLLMENT: Please provide the current student enrollment at the school as of the SOI filing.** 1277

**CURRENT GRADES SERVED AT SOI FACILITY:** 9,10,11,12

**SCHOOL TYPE:** Vocational

**CAPACITY and UTILIZATION: Please provide the original design capacity and a detailed description of the current capacity and utilization of the school facility. Please also describe in detail any spaces that have been converted from their intended use to be used as classroom space (maximum of 5000 characters).**

Please refer to the district's 2019 SOI and the October 2022 PDP Evaluation of Existing Conditions Section 3.1.4 for detailed analysis. Enrollment at Whittier Regional Vocational Technical High School during the school year is approximately 1,300 students and 300 staff.

Certain areas of the building are open to the public for services provided through the vocational technical programs. These spaces include Culinary Arts, Business Marketing, Auto Tech, Auto Body, Marine Technology and Cosmetology.

The school also operates an Adult Evening School program with approximately 500 students and staff. Offerings include Electrical and Plumbing Journeymen courses well as many enrichment classes.

The school operates educational programs during twelve months of the year.

In the Summer of 2023, the District partnered with the state to run an eight-week state-funded CTI program for underemployed and unemployed adults. 9 CTI programs will be offered during the summer of 2024.

In Spring 2021, Whittier Tech started an annual high school exploratory program for seniors in its sending districts to learn trade skills with the opportunity to advance to the summer CTI program following their high school graduation. The district is only able to do this because many members of upper class students are out working on co-op jobs, which frees up room in the vocational areas.

Whittier's programs are overcrowded and do not allow the district to expand capacity despite the apparent need. In some cases, students are not able to get into their first-choice vocational area due to lack of space.

There is great demand today for a vocational technical education; however Whittier cannot accept all students who apply due to space constraints. As a result, the district is forced to deny over 300 district applicants each year due to this limitation. While the district would like to be able to accept these students, it cannot because to do so would create severe overcrowding.

**Is there overcrowding at the school facility? YES**

**If "YES", please describe in detail, including specific examples of the overcrowding and describe steps taken by the administration to address capacity issues.**

Given that the school is now at capacity, the district faces limits enrollment in its existing programs and is unable to consider most new initiatives as space is no longer available for program expansion of any kind. The current building also no longer allows students to access music programs due to the lack of space and resources.

**Please provide the current student to teacher ratios at the school facility that is the subject of this SOI (# students per teacher) 12**

**Please indicate if the ratio is a goal, practice or a class size policy adopted by the School Committee NA**

**Please provide the originally planned student to teacher ratios at the school facility that is the subject of this SOI (# students per teacher) 12**

**MAINTENANCE and CAPITAL REPAIR: Please provide a detailed description of the district's current maintenance practices within the past five years, its capital repair program, and the maintenance program in place at the facility that is the subject of this SOI. Please include specific examples of capital repair projects undertaken in the past, including any override or debt exclusion votes that were necessary (maximum of 5000 characters).**

Please refer to the district's 2019 SOI and the October 2022 PDP Evaluation of Existing Conditions Section 3.1.4 for detailed analysis of the school's core educational spaces.

Changes since the 2019 SOI include:

A large space used for tutoring was converted into an Allied Health Center and houses the Dental, Health and Medical assisting programs.

A modular classroom was added in a large hallway outside of this area to provide additional classroom/tutoring

space. space for the Allied Health programs.

HVAC-R area was renovated as part of Mass Capital Skills grant.

A new turf field was installed on the football field along with complete replacement of the surrounding track area. Please note that in the event the school relocates to another site, the district would like to continue to utilize these athletic fields.

The Graphics program was closed and the area was renovated to accommodate needed space for the plumbing program.

The front entryway to the building was redesigned in Fall 2018 to create a secure vestibule in order to provide better sightline of guests and restrict direct entry into the building without permission.

Cubicles were added to the library to accommodate the need for additional office and student tutoring space.

Two classrooms were renovated in 2018 to accommodate an Early Childcare Center however the center was closed in 2022 because the space was needed for student instruction.

The district's short term capital projects for the FY25 school year include the replacement of electrical panels throughout the building and the replacement of several pumps in the waste water treatment facility.

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**Priority 5**

***Question 1: Please provide a detailed description of the issues surrounding the school facility systems (e.g., roof, windows, boilers, HVAC system, and/or electrical service and distribution system) that you are indicating require repair or replacement. Please describe all deficiencies to all systems in sufficient detail to explain the problem.***

***If a response has been previously provided, please reference which page the information is on in lieu of copying and pasting. The responses per Priority should capture new or different information than previously provided within this document.***

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The 2019 SOI outlines the deficiencies identified during the facility study conducted by KBA Architects in 2015. A more recent and detailed analysis can be found in the October 2022 PDP Evaluation of Existing Conditions Section 3.1.4 for detailed analysis.

**Priority 5**

**Question 2: Please describe the measures the district has already taken to mitigate the problem/issues described in Question 1 above.**

***If a response has been previously provided, please reference which page the information is on in lieu of copying and pasting. The responses per Priority should capture new or different information than previously provided within this document.***

The District employs a Plant Facilities Manager and 6 Maintenance Mechanics who perform day to day upkeep and repairs. Daily cleaning is performed by an outside contracted cleaning service.

Other maintenance practices are as follows:

- Monthly inspection and preventive maintenance of all mechanical systems.
- Regularly scheduled filter replacement on all units.
- Annual fire alarm and fire extinguisher testing.
- Annual electrical distribution and testing.
- Roof and facility repairs are done as needed and/or required.
- Annual electrical distribution maintenance and testing.

Funding for ongoing maintenance and repairs is provided within the District's annual operating budget. Funding for capital needs is provided as an additional appropriation to the operating budget as part of the overall budget assessment to the member communities.

Facility and grounds capital priorities are included as part of the district's five year capital plan.

Capital repairs from 1972 to present are as follows:

- In the 1990's five condensing boilers were added to supplement the electric heat.
- Exterior envelope work was completed in 1996 which included refacing the concrete masonry veneer with brick, and replacement of all exterior doors and windows.
- In 2000 a chilled water system was installed to address some of the ventilation issues.
- The science labs were renovated in the late 2000's.
- Air conditioning was installed in the Nurses' suite in the fall of 2015.
- A newly installed PVC roofing system was completed in 2010.
- The overhaul of the school's waste water treatment plant was completed in 2014 and it now operates in full in compliance with Department of Environmental Safety regulations.
- With the exception of the replacement of the main electrical breakers in 1998, most mechanical and electrical operating systems remain original to the building.
- In April of 2015, 10 percent of the building's original metal roof was replaced due to damage that was sustained from the previous harsh winter.
- The School Nurse's suite was air conditioned in the fall of 2015.
- The Sawdust collector in the Carpentry vocational area was replaced in the spring of 2016.
- During Spring-Summer of 2016, an area of the building which housed a professional development meeting space was renovated into a new Guidance suite in order to address some of the overcrowding issues that existed in the current Administration Offices/Guidance area.
- The District replaced its Athletic Field Bleachers in the Spring of 2017 to address structural safety concerns.
- One of the four boilers that service heat failed in the fall of 2016 and was replaced.
- In 2016, a sewer ejection pump failed and was replaced.
- The cooling tower to the District's Chiller failed in fall 2016 has been replaced.
- The remaining three boilers that service heat, a second sewer ejection pump, numerous electrical panels and the student greenhouse will be replaced 2017-18 as part of the District's FY18 Capital budget plan.
- The Machine Tech shop area was completely renovated during the summer of 2017. This renovation included a complete upgrade of the shop's electrical system.
- A 15kV electrical cable required an emergency replacement in August 2018 due to testing failure.
- The Greenhouse was partially renovated during 2017-2018. It has been difficult finding a greenhouse specific contractor that can fully complete the work needed.
- Many of the school's electrical panels were upgraded during 2017-2018
- An area that previously housed a Tutoring lab was renovated during the Spring and Summer of 2018 to house the Allied Health programs and allow for the addition of a new Dental Assisting program.
- The HVAC-R shop was renovated in 2019 through a Mass Skills Capital Grant
- The athletic field and surrounding track area was completely renovated three years ago, with turf replacing the grass field. These field
- In 2018, two classrooms were converted into an Early Childhood Center for staff and community members to utilize. In 2022 this program was closed as the classrooms were needed for student instruction.
- The Graphics program was closed and the area was renovated to accommodate needed space for the plumbing program.
- The front entryway to the building was redesigned in Fall 2018 to create a secure vestibule in order to provide better sightline of guests and restrict direct entry into the building without permission.
- Cubicles were added in the library to accommodate the need for additional office and student tutoring space.
- A modular classroom was added in a large hallway to allow additional space for the Allied Health programs.
- The district's short term capital projects for the FY25 school year include the replacement of electrical panels throughout the building and the replacement of several pumps in the waste water treatment facility.

## Priority 5

***Question 3: Please provide a detailed explanation of the impact of the problem/issues described in Question 1 above on your district's educational program. Please include specific examples of how the problem prevents the district from delivering the educational program it is required to deliver and how students and/or teachers are directly affected by the problem identified.***

***If a response has been previously provided, please reference which page the information is on in lieu of copying and pasting. The responses per Priority should capture new or different information than previously provided within this document.***

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In December 2019, Whittier was invited by MSBA to partner with them on a building project and commenced a four-year process which culminated with a Feasibility Study that culminated in the recommendation to construct a new school building, and as part of that, the District wrote an Educational Plan which is on file with MSBA and can be referenced.

On January 23, 2024, a districtwide vote was held to approve the construction of a new building, but the vote did not pass. As a result of the vote, it is evident that the needs of the District remain steadfastly unchanged. In light of this, Whittier is exploring avenues to fortify its collaboration with Northern Essex Community College (NECC). The latest project intentions include the possible relocation of Whittier Tech to the NECC location.

In early 2019, Whittier first began to have discussions aimed at optimizing resources and expanding access to Early College programs. However, the onset of the COVID-19 pandemic disrupted these plans, only to reignite them in the wake of the failed building vote on January 23, 2024. This setback prompted a resurgence in dialogue between Whittier Tech and NECC, with the prospect of a broader partnership coming to the forefront.

At present, the District and NECC are actively pursuing a comprehensive study to delineate how their respective entities can synergize to leverage shared resources and further enhance the Early College program.

A cornerstone of this collaboration lies in the sharing of maintenance and other resources, thereby optimizing efficiency and fostering sustainability. Moreover, by co-locating on the NECC campus, both Whittier Tech and NECC students will gain access to a broader array of educational opportunities and support services. This partnership will not only enrich the academic experience but also give students a broad range of skills that will help them succeed in all of their future undertakings. Whittier Tech students can use the benefits of the college and NECC students can use the benefits of Whittier Tech. This will also allow for an increase in cooperative education opportunities as Whittier aims to nurture the future generation of adept professionals primed to meet the evolving demands of the workforce of the future.

As outlined in the Introduction of the October 2022 Preliminary Design Program, “the existing facility no longer adequately services the educational needs of the students. There are constraints to offering new vocational programs due to the lack of expandable space in the building. Whittier Tech and the Department of Elementary and Secondary Education have determined that Whittier Tech's desire to expand current programming has been reviewed. A viability letter dated May 5, 2021, documented that Whittier Tech's planning for the CTE program offering the District is proposing for this school project has been thorough, the programs are viable, and the number of students per program are reasonable.”



**Priority 5**

**Question 4: Please describe how addressing the school facility systems you identified in Question 1 above will extend the useful life of the facility and how it will improve your district's educational program.**

**If a response has been previously provided, please reference which page the information is on in lieu of copying and pasting. The responses per Priority should capture new or different information than previously provided within this document.**

The possibility of relocation and collaboration with NECC would allow both entities to share resources, optimize efficiency, foster sustainability, and allow both Whittier and NECC students to gain access to a broader array of educational opportunities and support services. It would also allow for an increase in cooperative educational opportunities.

NECC shares similar programming with many of Whittier's vocational offerings including Culinary, Health Services, Early Education and Business Marketing/Computer, and some of Whittier's programs such as Drafting, Engineering, and Medical/Health Assisting can readily utilize space in available space in NECC's existing buildings.

For the past several years, Whittier has received nearly 800 applications for about 325 available seats and over 300 students get waitlisted as a result. After its 2019 acceptance into MSBA's program, Whittier's initial intention was to increase its enrollment capacity. Given the anticipated cost of a larger school however, the district made the difficult decision to same size the enrollment..

Because NECC's site is flat and has several buildable areas, the design of a new Whittier building can be less site restrictive which will allow for a building with increased capacity at a much more reasonable cost and the sharing of resources between both entities will ensure useful life maximization of facilities, systems and equipment for both concerns.

**If not located elsewhere in this SOI, please also provide the following information:**

**Have the systems identified above been examined by an engineer or other trained building professional?:**

YES

**If "YES", please provide the name of the individual and his/her professional affiliation (maximum of 250 characters):**

Please refer to the October 2022 PDP Evaluation of Existing Conditions Section 3.1.4 for detailed analysis.

**The date of the inspection:** 10/31/2022

**A summary of the findings (maximum of 5000 characters):**

Please refer to the October 2022 PDP Evaluation of Existing Conditions Section 3.1.4 for detailed analysis.

**Priority 7**

***Question 1: Please provide a detailed description of the programs not currently available or in substandard spaces due to facility constraints, the state or local requirement for such programs, and the facility limitations precluding the programs from being offered.***

***If a response has been previously provided, please reference which page the information is on in lieu of copying and pasting. The responses per Priority should capture new or different information than previously provided within this document.***

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Whittier is constructed on a very site-restricted plot of land surrounded by wetlands and conservation land. Possible sites for new building construction are therefore very limited and require extensive remediation work. In addition, these factors constricted the overall design layout of the most recently proposed building option, and all of which were major contributing factors to the \$444 million estimated cost.

Utilizing flat terrain offers a cost-effective solution for constructing buildings, potentially reducing expenses. This enables Whittier to expand our existing programs, increase enrollment, enhance vocational offerings, and accommodate the needs of current students while adding new programs. Embracing shared resources optimizes efficiency across departments, while Early College initiatives provide students with enhanced educational experiences and access to campus resources, fostering continued education. These decisions are guided by a thorough Feasibility Study, aligning with architectural findings for the Whittier Tech building.

Site restrictions also limit the ability to expand the existing facility. As a result, the district waitlists over 300 student applicants each year. Whittier is limited in program expansion options due to this inability to physically expand. Limitations within the building restrict expansion of existing programs and classroom space does not allow a student to enroll in their first vocational choice selection.

The effects of the original and aged electrical, plumbing, and HVAC systems on the delivery of academic and vocational instruction can be referenced in both the 2019 SOI as well as the October 2022 PDP documents.

**Priority 7**

***Question 2: Please describe the measures the district has taken or is planning to take in the immediate future to mitigate the problem(s) described above.***

***If a response has been previously provided, please reference which page the information is on in lieu of copying and pasting. The responses per Priority should capture new or different information than previously provided within this document.***

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Please refer to Priority 7, Question 2 of this SOI

**Priority 7**

***Question 3: Please provide a detailed explanation of the impact of the problem described in this priority on your district's educational program. Please include specific examples of how the problem prevents the district from delivering the educational program it is required to deliver and how students and/or teachers are directly affected by the problem identified.***

***If a response has been previously provided, please reference which page the information is on in lieu of copying and pasting. The responses per Priority should capture new or different information than previously provided within this document.***

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The evolution of vocational and technical education is imperative to meet the dynamic demands of today's workforce. The Department of Elementary and Secondary Education's commitment to expanding Chapter 74 criteria underscores this necessity, ensuring programs remain relevant and responsive. However, Whittier's existing school infrastructure presents significant limitations, hindering its ability to adapt and grow in step with these evolving standards.

The inability to expand crucial programs such as Plumbing, HVAC, and Electrical due to spatial constraints jeopardizes Whittier's capacity to accommodate future student enrollment. Similarly, the absence of adequate space obstructs the implementation of an on-site practicum program for students in the Child Care program, compelling them to navigate logistical challenges with off-site placements.

Despite resourceful retrofitting efforts, the reality persists that the current facilities were not designed to accommodate the breadth of modern vocational and technical programming. As workforce demands continue to evolve, this incongruence between infrastructure and educational requirements will increasingly impede Whittier's ability to deliver state-of-the-art instruction.

While Whittier has diligently managed capital improvements within budgetary constraints, sustaining this trajectory into the future demands a comprehensive renovation strategy exceeding its current capabilities. Major overhauls to the building, site, and operating systems are indispensable to ensure Whittier remains a beacon of excellence in vocational education for the next half-century and beyond.

Whittier's commitment to student success extends beyond the confines of its physical campus. The establishment of an EarlyCollege program in partnership with NECC exemplifies Whittier's dedication to providing innovative pathways for student advancement and access to postsecondary credentials that are increasingly needed for the Massachusetts workforce. Since 2018, Whittier Tech students have benefited from Early College courses, culminating in the official Early College state designation in 2021. This collaboration not only enriches our educational offerings but also positions our students for future success in higher education and the workforce.

As Whittier navigates the challenges of the present and envision the opportunities of the future, the school motto resounds: "Whittier Tech: Working on Your Future." Together, with strategic investments in infrastructure and partnerships, Whittier will continue to empower generations of students to thrive in an ever-evolving world.

**CERTIFICATIONS**

The undersigned hereby certifies that, to the best of his/her knowledge, information and belief, the statements and information contained in this statement of Interest and submitted hereto are true and accurate and that this Statement of Interest has been prepared under the direction of the district school committee and the undersigned is duly authorized to submit this Statement of Interest to the Massachusetts School Building Authority. The undersigned also hereby acknowledges and agrees to provide the Massachusetts School Building Authority, upon request by the Authority, any additional information relating to this Statement of Interest that may be required by the Authority.

**Chief Executive Officer \*      School Committee Chair      Superintendent of Schools**

_____	_____	_____
(signature)	(signature)	(signature)
Date	Date	Date

\* Local Chief Executive Officer: In a city or town with a manager form of government, the manager of the municipality; in other cities, the mayor; and in other towns, the board of selectmen unless, in a city or town, some other municipal office is designated to the chief executive office under the provisions of a local charter. Please note, in districts where the Superintendent is also the Local Chief Executive Officer, it is required for the same person to sign the Statement of Interest Certifications twice.

**Angus Jennings**

---

**From:**  
**Sent:** Thursday, March 28, 2024 3:15 AM  
**To:** Angus Jennings  
**Cc:**  
**Subject:** Moody's Annual Issuer Comment: Final Version for West Newbury (Town of) MA –  
Moody's ID: 600024847  
**Attachments:** PFG\_IssuerComment\_City\_County\_Report\_Final\_20240328031513768\_1399555.pdf

Dear Angus,

We are sending you the final version of Moody's Annual Issuer Comment Report for West Newbury (Town of) MA. This report was published on Moodys.com on Thursday, March 28, 2024.

We have incorporated any appropriate changes that you may have brought to our attention during your review.

Please feel free to reply all with any questions for us going forward. Thank you for working with us.

Sincerely,  
Nathan Carley  
Moody's Investors Service

NOTE: Your email security system may have removed the PDF attachment before delivery to your inbox. Please let us know if you did not receive the PDF attachment.

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## ISSUER COMMENT

28 March 2024

### RATING

Issuer Rating <sup>1</sup>

Aaa Stable

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# Town of West Newbury, MA

## Annual comment on West Newbury

### Issuer profile

The Town of West Newbury is located in Essex County in the North Shore region of Massachusetts, approximately 40 miles north of Boston.

### Key indicators

Exhibit 1

#### West Newbury (Town of) MA

	2020	2021	2022	2023	Aaa Medians
<b>Economy</b>					
Resident income ratio (%)	207.4%	216.8%	215.3%	N/A	173.0%
Full Value (\$000)	\$955,511	\$1,027,056	\$1,027,056	\$1,189,427	\$8,668,233
Population	4,688	4,500	4,521	N/A	35,992
Full value per capita (\$)	\$203,821	\$228,235	\$227,174	N/A	\$225,444
Annual Growth in Real GDP	-1.5%	7.0%	2.3%	N/A	N/A
<b>Financial Performance</b>					
Revenue (\$000)	\$18,039	\$19,258	\$19,362	\$19,903	\$101,177
Available fund balance (\$000)	\$8,944	\$9,576	\$9,137	\$9,011	\$58,570
Net unrestricted cash (\$000)	\$13,849	\$15,333	\$15,775	\$16,739	\$82,803
Available fund balance ratio (%)	49.6%	49.7%	47.2%	45.3%	61.7%
Liquidity ratio (%)	76.8%	79.6%	81.5%	84.1%	88.4%
<b>Leverage</b>					
Debt (\$000)	\$3,767	\$3,358	\$2,996	\$2,616	\$71,733
Adjusted net pension liabilities (\$000)	\$18,712	\$20,221	\$18,912	\$14,122	\$120,941
Adjusted net OPEB liabilities (\$000)	\$2,391	\$1,449	\$1,048	\$598	\$14,374
Other long-term liabilities (\$000)	\$131	\$120	\$139	\$140	\$3,750
Long-term liabilities ratio (%)	138.6%	130.6%	119.3%	87.8%	263.2%
<b>Fixed costs</b>					
Implied debt service (\$000)	\$231	\$270	\$236	\$209	\$4,989
Pension tread water contribution (\$000)	\$743	\$669	\$633	N/A	\$3,389
OPEB contributions (\$000)	\$92	\$88	\$116	\$87	\$523
Implied cost of other long-term liabilities (\$000)	\$7	\$9	\$8	\$10	\$245
Fixed-costs ratio (%)	5.9%	5.4%	5.1%	4.7%	11.6%

For definitions of the metrics in the table above please refer to the [US Cities and Counties Methodology](#) or see the Glossary in the Appendix below. Metrics represented as N/A indicate the data were not available at the time of publication. The medians come from our most recently published [US Cities and Counties Median Report](#).

The real GDP annual growth metric cited above is for the Boston-Cambridge-Newton, MA-NH Metropolitan Statistical Area [issuer specific] Metropolitan Statistical Area.

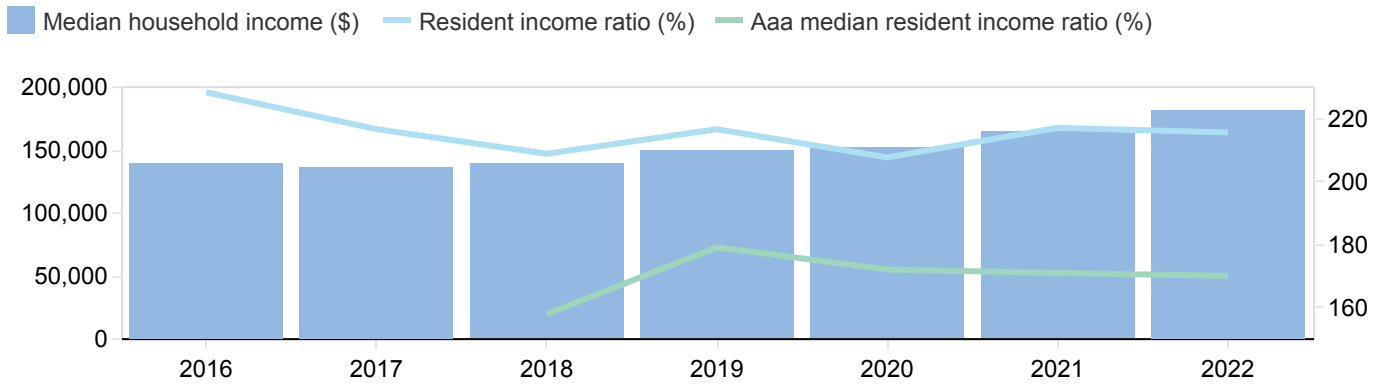
Sources: US Census Bureau, West Newbury (Town of) MA's financial statements and Moody's Investors Service, US Bureau of Economic Analysis

## Credit overview

### Economy

Exhibit 2

#### Resident Income

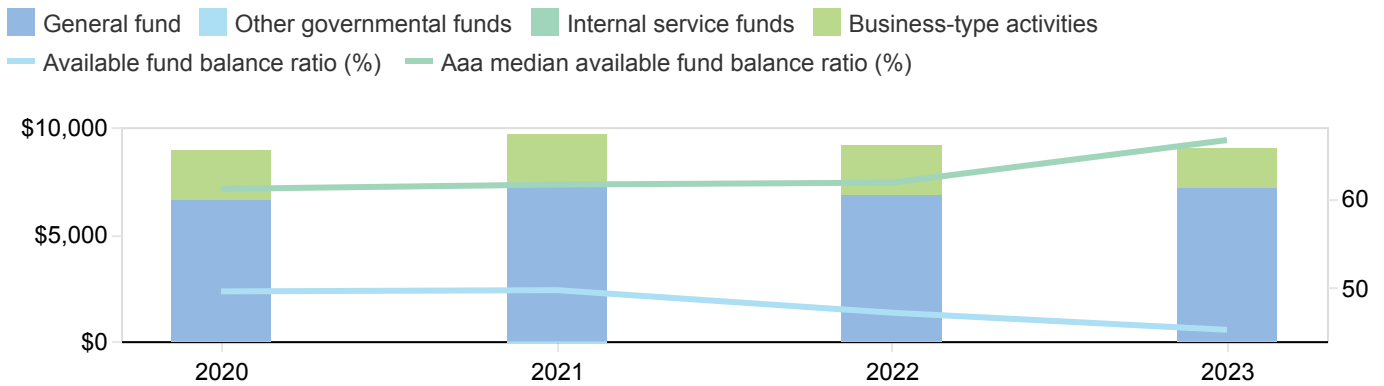


Source: Moody's Investors Service

### Financial performance

Exhibit 3

#### Fund Balance



Source: Moody's Investors Service

This publication does not announce a credit rating action. For any credit ratings referenced in this publication, please see the issuer/deal page on <https://ratings.moodys.com> for the most updated credit rating action information and rating history.

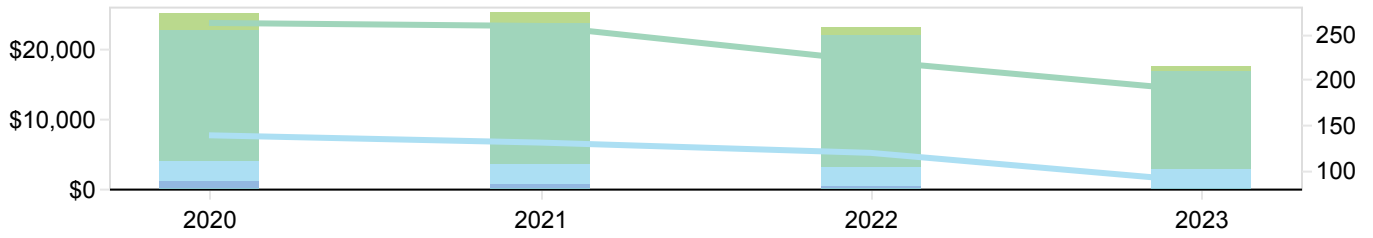


Leverage

Exhibit 4

Total Primary Government - Long Term Liabilities

- Governmental Debt   ■ Business-Type Activity Debt   ■ Adjusted net pension liabilities
- Adjusted net other post-employment liabilities   ■ Other long-term liabilities   — Long-term liabilities ratio (%)
- Aaa median long-term liabilities ratio (%)



Source: Moody's Investors Service

## Appendix

Exhibit 5

### Key Indicators Glossary

	Definition	Typical Source*
<b>Economy</b>		
Resident income ratio	Median Household Income (MHI) for the city or county, adjusted for Regional Price Parity (RPP), as a % of the US MHI	MHI: US Census Bureau - American Community Survey 5-Year Estimates RPP: US Bureau of Economic Analysis
Full value	Estimated market value of taxable property in the city or county	State repositories; audited financial statements; continuing disclosures
Population	Population of the city or county	US Census Bureau - American Community Survey 5-Year Estimates
Full value per capita	Full value / population	
Economic growth metric	Five year CAGR of real GDP for Metropolitan Statistical Area or county minus the five-year CAGR of real GDP for the US	Real GDP: US Bureau of Economic Analysis
<b>Financial performance</b>		
Revenue	Sum of revenue from total governmental funds, operating and non-operating revenue from total business-type activities, and non-operating revenue from internal services funds, excluding transfers and one-time revenue, e.g., bond proceeds or capital contributions	Audited financial statements
Available fund balance	Sum of all fund balances that are classified as unassigned, assigned or committed in the total governmental funds, plus unrestricted current assets minus current liabilities from the city's or county's business-type activities and internal services funds	Audited financial statements
Net unrestricted cash	Sum of unrestricted cash in governmental activities, business type activities and internal services fund, net of short-term debt	Audited financial statements
Available fund balance ratio	Available fund balance (including net current assets from business-type activities and internal services funds) / Revenue	
Liquidity ratio	Net unrestricted cash / Revenue	
<b>Leverage</b>		
Debt	Outstanding long-term bonds and all other forms of long-term debt across the governmental and business-type activities, including debt of another entity for which it has provided a guarantee disclosed in its financial statements	Audited financial statements; official statements
Adjusted net pension liabilities (ANPL)	Total primary government's pension liabilities adjusted by Moody's to standardize the discount rate used to compute the present value of accrued benefits	Audited financial statements; Moody's Investors Service
Adjusted net OPEB liabilities (ANOL)	Total primary government's net other post-employment benefit (OPEB) liabilities adjusted by Moody's to standardize the discount rate used to compute the present value of accrued benefits	Audited financial statements; Moody's Investors Service
Other long-term liabilities (OLTL)	Miscellaneous long-term liabilities reported under the governmental and business-type activities entries	Audited financial statements
Long-term liabilities ratio	Debt + ANPL + ANOL + OLTL / Revenue	
<b>Fixed costs</b>		
Implied debt service	Annual cost to amortize city or county's long-term debt over 20 years with level payments	Audited financial statements; official statements; Moody's Investors Service
Pension tread water contribution	Pension contribution necessary to prevent reported unfunded pension liabilities from growing, year over year, in nominal dollars, if all actuarial assumptions are met	Audited financial statements; Moody's Investors Service
OPEB contribution	City or county's actual contribution in a given period	Audited financial statements
Implied cost of OLTL	Annual cost to amortize city or county's other long-term liabilities over 20 years with level payments	Audited financial statements; Moody's Investors Service
Fixed-costs ratio	Implied debt service + Pension tread water + OPEB contributions + Implied cost of OLTL / Revenue	

\*Note: If typical data source is not available then alternative sources or proxy data may be considered. For more detailed definitions of the metrics listed above please refer to the [US City and Counties Methodology](#).

Source: Moody's Investors Service

## Endnotes

- 1 Issuer Rating reflects the government's ability to repay debt and debt-like obligations without consideration of any pledge, security or structural features. In some circumstances, credit characteristics are sufficient to result in a GO bond rating that is higher than the Issuer Rating. Local governments with Moody's rated debt outstanding will have separate ratings detailed by security pledge on their Moody's.com issuer page and credit opinions explaining our credit view for each rating.

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EMEA	44-20-7772-5454



C.a.

April 9, 2024

Subject: Construction Notice  
Church Street and Prospect Street Water Main Replacement

Dear Resident:

On behalf of the West Newbury Water Department, we are writing to inform you of an upcoming water main construction project in your area. The Construction Contract has been awarded to DeFelice Corporation, of Dracut, Massachusetts. The Contractor is scheduled to begin construction during the week of April 15, 2024. The limits of the water main construction on Church Street begin at the intersection with Main Street to north of the intersection with Prospect Street and on Prospect Street, from Main Street to Church Street. The anticipated duration of water main/water service construction and trench pavement installation is approximately five months with permanent paving scheduled to occur in the Spring of 2025.

Every effort will be made to limit inconvenience to you during construction but, as with any project of this nature, you can expect delays traveling through the work area and should plan accordingly.

We request that homeowners and their guests keep their parked vehicles off the side of the roadway during construction hours (7:00 am to 4:00 pm Monday through Friday) so that the roadway is kept clear during construction.

Also, advance notice of planned water main/water service shutdowns will be provided to residents/businesses in the area. However, unannounced disruptions in service due to water main breaks may occur. Every effort will be made to minimize inconvenience to customers. If you experience rusty water, please run your cold water faucet until it clears.

Please advise all children to stay away from the construction area. Playing on construction equipment, stored materials, or in the construction area can be dangerous.

Feel free to speak to on site personnel should you have any questions. You may also contact me at this office at 617-840-5030.

Your patience and cooperation are greatly appreciated.

Sincerely,

TATA & HOWARD, INC.

A handwritten signature in blue ink that reads 'Steven H. Daunais'.

Steven Daunais, P.E.  
Project Manager

**Angus Jennings**

---

**From:** Conservation  
**Sent:** Monday, April 1, 2024 1:03 PM  
**To:** Angus Jennings; Carol Decker; Graham Bacheller; Matthew Shwom; Dave Rimmer; ; Molly Hawking ( NPau; Wendy Reed  
**Cc:** Grzenda, Michele  
**Subject:** FW: Action Alert: Urge DEP to Simplify Wetland Permitting for Trail Work and Habitat Restoration on Public Open Spaces!  
**Attachments:** Urge DEP to Simplify Wetland Permitting for Trail Work and Habitat Restoration on Public Open Space March 2024.pdf  
**Importance:** High  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi all,

You probably know by now that I am a bit of a stickler for following the rules, especially the regulations under the Wetlands Protection Act (WPA) but, I am also aware that the regulations could use A LOT more flexibility as we try to create access to our open spaces and as we try to fight back against the invasion of invasive species.

Unfortunately, as we are all aware from working together on these projects, there are currently no exemptions or streamlined permitting processes in the WPA regulations for projects that create trails through wetlands or projects that manage invasive plants in and around wetlands. This creates a lengthy and expensive process for properly permitting these projects under the regs today.

You may have heard that MassDEP has rolled out revisions to their regulations under the WPA called "[Resilience 1.0](#)". While these revisions start to address issues we have been facing permitting projects in a changing climate, they do not address permitting challenges related to trail maintenance, trail creation, or invasive plant management.

As a board member of the MA Society of Municipal Conservation Professionals (MSMCP), this is something we have discussed at length and you'll probably be unsurprised to hear that the issues we have permitting these types of projects in West Newbury are not isolated to our community, they exist throughout the Commonwealth.

I'm reaching out to you with this email because you are someone who is on a Board, Committee, or Commission, not for profit, land trust, or in some other capacity are involved with these projects in Massachusetts. I am hoping that you could submit a comment on this to MassDEP by email by April 30<sup>th</sup> (the close of the comment period on the "Resilience 1.0" regulation revisions) urging MassDEP of the importance of including changes to simplify the regulations for these projects in their planned next round of revisions to be called "Resilience 2.0".

Info on where to send the email and what needs to be included in the subject line is below. The attachment to this email includes suggested language you can use in your email to MassDEP.

Please do feel free to share this with your respective BCC's and organizations for their input. Please also feel free to share throughout your professional networks if you know of others who do this type of work and would benefit from these changes. If you have any questions please feel free to reach out to me or to Michele Grzenda of MSMCP at [massconpros@gmail.com](mailto:massconpros@gmail.com).

And if you're feeling a little unsure on how to we effective public comments, here are some great tips:

### Tips on writing an effective comment letter

At the Association of MA Wetland Scientists annual meeting in November, US EPA's Erica Sachs Lambert talked about writing effective comment letters. Below are some of the highlights from that meeting

- **Briefly** say who you are, how the regulations relate to you/your organization, and why you're qualified to express your regulatory opinion.
- Submit **positive comments** (i.e., thing you like) *and why*, **as well as comments on things you'd like to see changed** (*and why*). If MassDEP only gets negative comments, it will appear that the regulations are universally disliked/not supported. In my humble opinion, there is a lot to like in this regulatory package.
- As best as you are able, **submit your own (e.g., your ConCom's, your municipality's) comments**, not as part of a large group. Each comment letter gets counted as "one comment". So, *a comment letter which 500 people signed only counts as one comment, not 500*. Obviously MACC, AMWS, and MCMSP will be submitting comments on behalf of their members (hopefully one letter from each organization). But MassDEP should hear from you all. ConComs are The Issuing Authority in probably 99% of WPA filings, and ConCom technical staff are the boots on the ground in protecting local wetlands and waterways, and the Eight Public Interests they in turn protect.
- Write your **comments following the order of the draft regulations** (i.e., start at the beginning and work your way through). This makes it easier for the reviewers to follow, and to write MassDEP's responses to the comments more efficiently. If it feels overwhelming to address every proposed regulatory change, just **focus on the parts that impact you the most, or those which you feel most strongly about**. If you love the entire thing, then say so! And say WHY.
- **Get your comments in before the deadline: 5:00 PM on Tuesday, April 30, 2024.** MassDEP encourages electronic submission by email to [dep.wetlands@mass.gov](mailto:dep.wetlands@mass.gov); and must include "Wetlands-401 Resilience Comments" in the subject line.

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

*Vernal pools are special, temporary wetlands that typically hold water only for a few months of the year in the spring or fall. A variety of unique animals rely on vernal pools to complete certain portions of their life cycles. These animals include salamanders that spend the majority of their lives underground in upland areas but start their lives as larva in vernal pools and fairy shrimp whose eggs survive drying out until the vernal pool holds water again the next year. On warm, rainy nights drive slowly to avoid hitting migrating salamanders and frogs and check out MassDCR's excellent video to learn more about vernal pools [here](#).*

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**From:** Grzenda, Michele  
**Sent:** Monday, April 1, 2024 12:06 PM  
**Subject:** Action Alert: Urge DEP to Simplify Wetland Permitting for Trail Work and Habitat Restoration on Public Open Spaces!  
**Importance:** High

**Action Alert: Urge DEP to Simplify Wetland Permitting for Trail Work and Habitat Restoration on Public Open Spaces!**



Over the years, MA Society of Municipal Conservation Professionals (MSMCP) has heard from numerous land managers, land stewards, and trail groups about their challenges with permitting trail work and habitat restoration in or near wetlands. Although MassDEP has released a suite of wetland regulatory updates called "[Resilience 1.0](#)", these updates did not address the onerous permitting challenges associated with trail construction, trail maintenance, and invasive control. As climate change decimates our native ecosystems, intensifies storm events, and exacerbates flood-prone areas, trail work and invasive species management should not be discouraged by time-consuming, costly, or complex wetland permitting.

Fortunately, MassDEP has said they will accept suggestions for their forthcoming "Resilience 2.0" regulatory changes! MSMCP has prepared a [2-page letter](#) which summarizes some of the wetland permitting challenges and suggests regulatory changes needed to simplify the permitting process for conducting important land management work. Feel free to copy text from the letter to craft your own email.

We urge land trusts, trail organizations, and land managers to take a few minutes to **prepare and email a comment letter to MassDEP by April 30th!** Even a short letter would be very helpful! Please include why your organization or community needs climate resilient permitting and improved regulations associated with trail work and habitat restoration. **Email comments to: [dep.wetlands@mass.gov](mailto:dep.wetlands@mass.gov) by April 30. Your email's subject line must be "Wetlands-401 Resilience Comments".**

Please forward this email to other trail maintainers/staff! Questions can be directed to MSMCP Board Member Michele Grzenda at [massconpros@gmail.com](mailto:massconpros@gmail.com). Consider cc'ing us on your email or forwarding us a copy of your comment letter. Thank you for helping.

## **Urge DEP to Simplify Wetland Permitting for Trail Work and Habitat Restoration on Public Open Spaces!**

*Prepared by the Board Members of the MA Society of Municipal Conservation Professionals (March 2024)*

### **Summary Request**

Over the years, MSMCP has heard from numerous land managers, land stewards, and trail groups about their challenges with permitting trail work and habitat restoration in or near wetlands. As you may know, on 12/22/23, MA Department of Environmental Protection (MassDEP) released a suite of wetland regulatory updates called “Resilience 1.0.” These updates have the potential to make our wetland and coastal permitting much more climate-smart. Unfortunately, the draft regulations did not address the onerous permitting challenges many small non-profits and trail groups face. Fortunately, MassDEP has said they will accept suggestions for their forthcoming “Resilience 2.0” regulatory changes! This means that we have a great opportunity to help MassDEP consider opportunities to better protect our wetland ecosystems through improved permitting of trail work and habitat restoration. Therefore, we are writing to ask you to provide comments to MassDEP by April 30th!

Below, we have outlined two common types of land stewardship projects (trail work and invasive plant management), wetland permitting challenges many of you have faced, and some ways in which wetland permitting could be simplified. When preparing your letter to MassDEP, consider using some of the comments below, along with your wetland permitting stories. Please also include why your organization or community needs climate resilient permitting and improved regulations associated with trail work and habitat restoration. Even a short letter would be very helpful! Email comments to: [dep.wetlands@mass.gov](mailto:dep.wetlands@mass.gov) by April 30. Your email’s subject line **must** be "Wetlands-401 Resilience Comments".

### **Suggested Language for Your Comment Letter**

We are grateful to MassDEP for the years of work you have put into these draft regulations and commend you for helping make Massachusetts ecosystems more resilient to climate change. It is critical we take such steps towards ecological restoration, public safety, and preparing our communities for the impacts of climate change. However, these draft regulations do not go far enough and we strongly encourage MassDEP to begin to engage stakeholders in the “Resilience 2.0” planning process. Regulatory changes would benefit from early and close coordination with local and regional land trusts, conservation staff, and trail organizations. Following are some specific 2.0 suggestions that relate to important climate resilient work needed in the Commonwealth’s open spaces.

1. **Trail Maintenance and Construction** should not be discouraged by time-consuming, costly, or complex wetland permitting. Narrow unpaved pedestrian walkways in publicly accessible open space often traverse wetlands. When trails in wetlands are properly constructed with best trail management practices (BTMPs), they help protect wetland resources by creating stable trail surfaces that limit improper widening of the footbed and trampling of vegetation by hikers seeking to avoid wet areas. Well-used trails help build a culture of appreciation and stewardship for these vital wetland resources. Encouraging BTMPs is ever more important as climate change intensifies storms and flooding.
  - A. All trails on public open space should be regulated the same. Currently unpaved pedestrian walkways (i.e., trails) located within buffer zone or Riverfront Area and less than 3’ wide for public access on “Conservation Property” are exempt from wetland permitting. However, many trails traverse general municipal land, land trust properties, and private property with conservation restrictions. **We ask**

**MassDEP to define “Conservation Property” to include all these types of natural land onto which the public is invited.**

- B. **Trail Maintenance.** Boardwalks, puncheons, waterbars, and other basic trail infrastructure need to be routinely replaced, expanded, and/or created. **We ask that MassDEP create an exemption for trail maintenance similar to the exemptions afforded to existing structures associated with many other public services in 10.02(2)(a)(2).**
- C. **Trail Construction.** Most boardwalks and puncheons are elevated only 4-12” above the ground for safety reasons. Unfortunately, the regulations currently consider these common wooden structures to impair the wetland because they shade out vegetation, resulting in a “loss” of wetlands. Therefore, such projects require wetland replication which requires wetland professionals, groundwater assessments, and detailed plans and execution. Wetland replication generally involves cutting down trees and shrubs and excavating soils in buffer zones. Most trail organizations don’t have the necessary expertise or funding to undertake such a complex permitting or replication process. Furthermore, permitting a wetland trail should not be held to the same standard as development projects that clearly impair or destroy the functions and values of wetlands, such as building roads, houses, or commercial plazas. **We ask that MassDEP simplify permitting of trail construction projects by:**
  - i. **Expanding the limited project provision in 10.53(j) to allow: “The construction of public footpaths and associated boardwalks/puncheons, that are close to the ground provided, however, that such structures are constructed on pilings, sills, or posts so as to permit the reasonably unobstructed flowage of water.”**
  - ii. **Adding to the Bordering Vegetated Wetland regulations a new section in 10:55(4)(c)(4) allowing Conservation Commissions to permit trail work in BVWs when: "Said work involves the creation of a trail for non-motorized use (e.g., hiking and skiing) which will alter less than 500 s.f. and will permit the reasonably unobstructed flowage of water.”**

2. **Habitat Restoration by means of Invasive Species Management.** Non-native invasive plants pose a major threat to the health and survival of our native ecosystems, and are on the rise with climate change. Currently, invasive plant control work requires the same time-consuming, costly, and complex wetland permitting devised for construction projects. Quick identification and removal of invasive plants can minimize the dramatic negative effects of these plants and allow for the recovery of native species diversity and native wildlife habitat, a recognized wetland value. **We ask that MassDEP simplify the permitting process for certain habitat restoration projects involving invasive species management.** This could be accomplished by the following changes:

- A. **Create a new minor activity in 310 CMR 10.02(2)(b)(2) which allows for the removal of turf lawn and/or non-native invasive herbs, vines, and shrubs, provided erosion and sedimentation controls are implemented until the area is restabilized with native species.**
- B. **Add a limited project provision which specifically allows small-, medium-, and large-scale invasive species removal projects with distinct regulatory review standards.**

Thank you for your careful consideration of these recommended regulatory changes. We look forward to working with you on simplifying the wetland permitting processes for these needed climate resilient strategies for managing our open space.

April 4, 2024

TO: Select Board, West Newbury, Mass.  
FROM: Capital Improvements Committee  
SUBJECT: FY 2025 Capital Improvements Committee Final Report

This is the final report from the West Newbury Capital Improvements Committee to the Select Board addressing FY2025 Capital Request Priorities. Twenty-one projects were submitted to the committee. Six were withdrawn.

Copies of the Article Request Forms and supplemental information were circulated to each member of our committee by the Town Manager. At meetings in February and March the committee met with Department representatives to discuss their requests. Additional information concerning significant changes to the scope and content of a number of the projects was provided to the committee following their initial submission and further information concerning a number of projects is anticipated in the next few weeks. One of the projects was first submitted to the committee at its meeting on March 14, 2024 and a formal request form as to one of the projects discussed was submitted after that meeting. Since additional information concerning a number of projects was anticipated to be available in the weeks following the March 14, 2024 meeting the committee decided to perform a preliminary prioritization of the 16 remaining projects, submit a preliminary report to the Select Board in compliance with the bylaw requiring submission of a report six weeks prior to Town Meeting, and meet again on April 4, 2024 to finalize prioritization and submit a final report to the Select Board. The committee met on April 4, 2024 and finalized its prioritization. This is the final report.

While funding of the Town's stabilization account will not always match the projected capital asset replacement costs, the committee feels strongly, as always, that the stabilization fund should strive to be sufficient to address the Town's capital needs. After reviewing the Stabilization Chart for FY2025 and following years, and the Town's projected finances for FY25, the committee unanimously recommends an appropriation of \$800,000 to stabilization for this year, with \$600,000 to come from raise and appropriate and \$200,000 to come from free cash.

The committee also unanimously voted to recommend that the Select Board consider treating police cruiser acquisitions as an operating expense in the budget.

Below is the final prioritization of this year's requests.

**--Priority No 1– Fire Department -- tanker replacement**

The request is for \$560,000.00 to purchase a new 3,000-gallon water tanker/pumper to replace a 1984 Ford tanker/pumper refurbished in the late 1990s. The current tanker has not passed required testing over the last two years.

**--Priority No. 2— Department of Public Works – replacement of failing sections of concrete flooring throughout the Page School**

The request is for \$50,000.00 to repair sections of the gypsum concrete floor slab where cracks and holes are trip hazards.

**--Priority No. 3 –Water Department – replacement of well pump #1, piping and check valves at the well field**

The request is for \$44,000.00 to replace well pump #1 and associated piping and valves at the wellfield. The current pump, from the 1990s, has been partially rebuilt previously and now need to be replaced. The new pump will be variable speed and more energy efficient.

**--Priority No. 4 –Police Department – cruiser replacement**

The request is for \$57,000.00 to replace a 2018 Ford Explorer cruiser with either a hybrid or gas-powered 2025 Ford all-wheel-drive utility vehicle. The current vehicle is due for replacement based on mileage and the cost of recent repairs.

**--Priority No. 5 – Department of Public Works – annex flooring replacement**

The request is for \$62,000.00 to remove and replace the existing annex flooring, including fixing the existing sewerage pipe and asbestos removal.

**--Priority No. 6 –Projects/Programs Manager – Coffin Street culvert design, engineering, and permitting**

The request is for \$50,000.00 for the design, engineering, permitting, and procurement for two failed culverts on Coffin Street. Initial data has been provided by GEI in connection with the climate change grant for River Road.

**--Priority No. 7 –Highway Superintendent– dump truck with plow replacement**

The request is for \$350,000.00 to replace a 2011 International dump truck equipped with salter unit and plow with a 2025 HV607 snow fighter with patrol wing dump plow sander. The current vehicle is heavily used, has 36,376 miles and 2,950 hours of run time, and has major body and frame rust. It is one of the town's three full size plow trucks.

**--Priority No. 8 — Projects/Programs Manager—telecom replacement/upgrades at town offices, public safety complex, and library**

The request is for an undetermined amount to fund the replacement, rerouting, and upgrading of all telecom and network cabling in the 1910 building. The VOIP phone system requires each phone to have internet access. Separate cabling from the computer network is preferred. The 1910 building cabling network would be upgraded when the new cabling is installed. The server rack and telephone lines switch room will be relocated to a locked area for security. Additional information is anticipated.

**--Priority No. 9 —Department of Public Works – Page School elevator engineering and repairs**

The revised request is for \$50,000.00 for obtaining a new vendor to evaluate the elevator, which unexpectedly failed inspection in January, 2024, and for repairs to return the elevator to reliable service. Additional information is anticipated.

**--Priority No. 10 —Highway Superintendent – accessories for trackless MT7 tractor**

The request is for \$41,540.00 to purchase a boom flail mower and dual tires to use with the mower. This would increase the use of the vehicle from snow removal to multi-season use.

**--Priority No. 11 — Department of Public Works – installation of generator for annex**

The revised proposal is for \$90,000.00 for the installation a generator to support the annex, including air conditioning, so that it could be used as an emergency shelter in case of emergency. Natural gas would be the preferred fuel.

**--Priority No. 12 —Highway Superintendent – replacement of zero-turn mower**

The request is for \$33,000.00 for a Kubota zero-turn mower with climate-controlled cab to replace the current 2002 zero-turn mower. The cab would protect the operator from dust, heat, and noise. It is difficult to find replacement parts for the current mower, which also has electrical and overheating issues.

**--Priority No. 13 —River Road Planning Services**

The request is for \$40,000 to continue the River Road Assessment, currently being done under the Municipal Vulnerability Preparedness grant with a match from the Town. The current grant ends June 30, 2024. The goals of the requested planning services include developing both a short-term preparedness project and potential longer-term actions.

**--Priority No. 14 — Department of Public Works – public safety complex interior/exterior painting and improvements**

The request is for \$23,835.00 for replacing trim on gable ends and damaged trim, installing light blocks for exterior lights, repairing damaged framing, and painting the front of the building. The work is being done in-house at significant savings.

**--Priority No. 15 — Department of Public Works – installation of town office electronic keying system**

The updated request is for \$28,000.00 for installation of an electronic keying system for the external doors and the archives/server room in the basement. The precise system (e.g. card, fob, code) has not been determined.

Respectfully Submitted:

Elisa Grammer, Ross Capolupo, Polly McDowell, Rick Parker, Paul Niman, Judy Mizner, Chair



West Newbury Water Dept.  
381 Main Street  
West Newbury, MA 01985  
(978) 363-1100 Ext.127

**D.b.**

## *April, 2024 Water Department Updates*

### Change in Water Rates

While water bill rates have remained unchanged since 2019, increased expenses, primarily due to an increase in debt service for necessary water distribution system upgrades and an increase in the cost of purchasing water, will result in increases in water rates. Changes in Water Rates DO NOT take effect for this current bill. A more detailed description of the rate setting process and rationale for the new rates can be found at the Town's website (on the Water Department page, "*FY2025 Water Rates 3-21-24 Public Hearing Presentation*" PowerPoint).

For customers using less than 35,000 gallons per bill (approximately 75% of all customers), the increase will be less than \$70/bill. The "average customer" bill (a household that uses 30,000 gallons/year) will see a \$35.00 increase per bill.

#### **Base Charge to remain at \$70.00**

The Base Charge on your future water bill will remain unchanged at \$70.00/bill. All customers receive a base charge regardless if they use water or not. There is a separate charge for water consumption. The Base Charge is used for costs associated with the daily operation of the water department, including meter reading, billing, meter service and administrative expenses. We currently send out water bills twice a year, spring and fall.

#### **Base Rate and Conservation Rate will increase**

The Base Rate will increase \$2.00 from \$14.43/1000 gallons to \$16.43/1000 gallons and the Conservation Rate will increase from \$17.48/1000 gallons to \$27.48/1000 gallons in the future. The Base Rate usage is 0-35,000 gallons in a six-month billing period and the Conservation Rate usage is more than 35,000 gallons used in a six-month billing period.

The Conservation Rate reflects a higher charge for water (i.e., a higher consumption rate) to encourage water conservation by customers. Most water used over the Conservation Rate threshold of 35,000 gallons is used for seasonal watering. In the upcoming weeks, the Water Department will be providing information about conserving water and ways to reduce water bills, especially for high volume users. These communications will be through a future mailing and/or the Town's website.

### Water Production, Water Treatment and Water Distribution System Updates

#### **Water Production and Treatment/Monitoring**

The Water Department operates a tubular wellfield and a bedrock well that provides approximately two thirds of the Town's water needs. This water and water purchased from Newburyport is monitored and treated as necessary to meet MA DEP drinking water standards. In recent years, a new chemical treatment building and the bedrock well were added improvements to the system. Water production and treatment continue to be maintained to ensure safe and reliable water to our customers.

#### **Pipestave Water Tank and the New Brake Hill Water Tank**

These tanks provide water storage and maintain water pressure which is necessary for reliable water use by customers and for firefighting throughout the Town for all residents, businesses, schools and other establishments. Scheduled and necessary maintenance for both tanks was performed in 2023 and both are operating effectively.

#### **Water Main Replacement to Church and Prospect Street**

Beginning this spring, work to replace water mains on Church and Prospect Street will begin. This \$2.1 million dollar project, partially funded by federal ARPA funds allocated to the project by the Select Board, will replace pipes from the original 1936 system. The original 1936 water distribution system was paid for by federal WPA funds and matching funds by the Town of West Newbury residents. The Church and Prospect project is expected to be completed by spring, 2025. Updates will be provided directly to affected residents and through the Town website [www.wnewbury.org](http://www.wnewbury.org).





# Town of West Newbury

## Select Board

[selectboard@wnewbury.org](mailto:selectboard@wnewbury.org)

Volunteer Boards, Commissions and Committees (BCC) are an integral part of the Town of West Newbury's organization. Although their origins range from proposals from interested residents to town meeting approved bylaws, members are appointed by the Select Board/Town Manager and serve specified terms prior to being considered for reappointment. As appointed entities, the work of these BCC is expected to be consistent with current and long-term priorities of the Town. In order to facilitate this, the Select Board will periodically review the size, terms, objectives, and accomplishments of all appointed BCC and provide direction and/or identify changes necessary to better reflect Town needs and operations. Each BCC will be asked to participate in this process by completing the attached questionnaire and returning it to the Select Board for discussion in a public meeting.

### Appointed Boards, Commissions and Committees

- Affordable Housing Trust
- Board of Fire Engineers
- Cable Advisory Committee
- Capital Improvements Committee
- Climate Change Resiliency Committee
- Community Preservation Committee
- Conservation Commission
- Council on Aging
- Cultural Council
- Energy & Sustainability Committee
- Finance Committee
- Harbor Committee
- Historic District Commission
- Historical Commission
- Investment Policy Committee
- Mill Pond Committee
- Open Space Committee
- Personnel Advisory Committee
- River Access Committee
- Tree Committee
- Whittier School Committee
- Zoning Board of Appeals



## Board, Commission, Committee Review

Please complete the following. Note that the size of the answer space will expand as information is entered. Also review the attached forms maintained by the Town Clerk's Office and note changes.

Name of BCC	Board of Fire Engineers															
Current Membership with Officers noted	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%;">Michael Dwyer</td> <td style="width: 20%;">Chief Engineer</td> <td style="width: 60%;">4/10/23 to 4/29/24</td> </tr> <tr> <td>David Evans</td> <td>Deputy Chief</td> <td>4/10/23 to 4/29/24</td> </tr> <tr> <td>Benjamin Jennell</td> <td>Assistant Chief</td> <td>4/10/23 to 4/29/24</td> </tr> <tr> <td>Cooper Carifio</td> <td>Lieutenant</td> <td>4/10/23 to 4/29/24</td> </tr> <tr> <td>Mark Marlowe</td> <td>Lieutenant</td> <td>4/10/23 to 4/29/24</td> </tr> </table>	Michael Dwyer	Chief Engineer	4/10/23 to 4/29/24	David Evans	Deputy Chief	4/10/23 to 4/29/24	Benjamin Jennell	Assistant Chief	4/10/23 to 4/29/24	Cooper Carifio	Lieutenant	4/10/23 to 4/29/24	Mark Marlowe	Lieutenant	4/10/23 to 4/29/24
Michael Dwyer	Chief Engineer	4/10/23 to 4/29/24														
David Evans	Deputy Chief	4/10/23 to 4/29/24														
Benjamin Jennell	Assistant Chief	4/10/23 to 4/29/24														
Cooper Carifio	Lieutenant	4/10/23 to 4/29/24														
Mark Marlowe	Lieutenant	4/10/23 to 4/29/24														
Length of Terms	1 Year															
Meeting Schedule	As needed															
Location of Meetings	Central Fire Station   403 Main Street, 2 <sup>nd</sup> floor administrative office.															
Responsibility for Posting Meeting Agenda	Michael Dwyer															
Responsibility for Taking Meeting Minutes	David Evans															
Responsibility for Updating Website	Assistant Town Clerk															
Town Staff Liaison/Support (if any)	Rick Parker															
BCC Charge (Please review excerpt from webpage or summarize referenced bylaw or MGL citation)	<p>The Board of Fire Engineers is appointed by the Select Board during the month of April, per the timeline set out in the statute. The Board of Fire Engineers oversees the Financial Operations of the Department and approves all expenditures for the Fire Department. They conduct the annual appointment of department members.</p> <p>The Board of Fire Engineers' duties and authority shall include, but shall not be limited to, those specified in Massachusetts General Laws (MGL) <a href="#">Chapter 48</a>, Sections 45 to 49, 51 to 54, 74 to 75, specifically including the authority to appoint the Fire Department members and the responsibility to approve and oversee the financial operations of the Department.</p>															
Accomplishments since the last Evaluation	<p>Capital tanker replacement.</p> <p>Recommended budget restructuring and staffing plan.</p> <p>This year the board recommended to level funded the budget for FY25 and would support the recommended cost of living increase for non-union employees. The board worked during FY24 on a plan to restructure the current line-item budget to better manage wages, staffing and budget turn backs. LT. Carifio developed a staffing plan to begin using per-diem firefighters to work shift, primarily during the daytime when staffing is low. Many of our calls are medical in nature or to assist the public. This plan will allow us to continue working within our current budget and to focus on the needs of the community 1, 5 and 10 years out.</p>															



## Board, Commission, Committee Review

Priorities for the Next Year	Staffing plan review, and updates to the TM/SB. Review of the capital program (ongoing). Recruitment and retention (ongoing). Improvements to department training and professional development opportunities for future department leaders (ongoing). Investigate regional opportunities with citizen and student outreach, training and pre-planning for emergency response.
Two Year Priorities	Staffing plan, review, and updates to the TM/SB. Review of the capital program (ongoing). Recruitment and retention (ongoing).
Five Year Priorities	Staffing plan 5+ year – review of the current administrative structure of the FD. Does it make sense to maintain the current BOFE structure or move towards a strong chief model.
How can the Select Board/Town Manager better support the work of this BCC?	The BOFE feels strongly that the Town Manager and SB have been supportive to our needs, goals, and priorities. The addition of the SB liaison has been well received by the members of the BOFE.
Are there other BCC whose work overlaps with yours?	Water, Health, Planning and Conservation work directly with the Chief.
Is there other input you wish to provide?	
Completed by	Michael Dwyer
Date	March 29, 2024

To: The Honorable Board of Selectmen

From: David Evans

Date: March 28, 2024

Re: Re-Appointment to the Board of Fire Engineers

---

Good afternoon Everyone,

I am submitting this letter to you as a candidate for re-appointment to the Board of Fire Engineers for the Town of West Newbury. It has been a privilege to serve the Town of West Newbury in this capacity and work alongside Chief Dwyer, Assistant Chief Jennell, Lt. Carifio and Lt. Marlowe to move the Fire Department forward. I believe I possess the necessary qualifications for this position including but not limited to: Public Safety Management skills, Fire & Life Safety skills, strong communication skills, intimate knowledge of the day to day operations of the Fire Department, budget & finance skills, many years as a member of the community, passion and dedication to the West Newbury Fire department, as well as my multiple years on the Board of Fire Engineers.

I continue to work with the members of the board to bring modern trainings, equipment, and ideas to, the West Newbury Fire Department. The experiences I have been fortunate to have, along with being the former Director of the Massachusetts Fire Academy, the Department of Fire Services and other agencies (Local, State and Nationally), have been vital to moving the West Newbury Fire Department forward. I will continue to bring these opportunities to the members of the board and the department.

I feel that all of the experiences continue to makes me one of the strongest candidates for re-appointment to the Board of Fire Engineers.

It has been a privilege and an honor to serve the members of the fire department and the West Newbury community, and I look forward to doing more in the future.

I appreciate your consideration and look forward to working with you.

Respectfully,

*David C. Evans*

David C. Evans  
Deputy Fire Chief  
WNFD

## Executive Assistant

---

**From:**  
**Sent:** Friday, March 29, 2024 8:24 AM  
**To:** Executive Assistant  
**Subject:** Board of Fire Engineers

Good morning,  
I emailing to let you know I would be interested in being reappointed to the board of fire engineers.  
Thanks  
Ben

Sent from my iPhone

## Executive Assistant

---

**From:**  
**Sent:** Thursday, March 28, 2024 12:58 PM  
**To:** Executive Assistant  
**Subject:** BOFE

Hello Rebecca,

I am interested in serving on the Board of Fire Engineers for the upcoming year. It has been a privilege to serve the community on the board for the past two years and i hope to continue to do so.

Any questions please let me know.

Cooper Carifio

## Executive Assistant

---

**From:** Water Superintendent  
**Sent:** Monday, April 1, 2024 2:21 PM  
**To:** Executive Assistant  
**Subject:** Board of Fire RE appointment

Hi could you please add my name to the reappointments for Board of Fire Engineers Please

Thank You

Mark Marlowe  
Water Manager/Superintendent  
Town of West Newbury  
381 Main Street  
West Newbury, MA 01985  
(978) 363-1100 X-128



# TOWN OF WEST NEWBURY

## APPLICATION FOR APPOINTMENT

The Town appreciates your interest in serving. Please complete this form and return to: Board of Selectmen, 381 Main Street, West Newbury, MA 01985 or e-mail to: [selectmen@wnewbury.org](mailto:selectmen@wnewbury.org)  
For additional information please call 978-363-1100, ext. 115.

Name: Janice Parrott

Address: [Redacted]

e-mail: [Redacted]

Mobile phone: [Redacted] Home phone: -

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

Historic District Commission

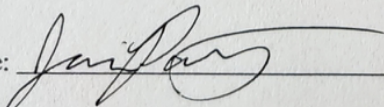
Current or past committees served on: -

Relevant skills, expertise and education: -I live in the Historic District, and

I have a great appreciation for architecture. Each building  
contains so many stories, and I love that.

-BA in Classics

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

Signature:  Date: 03/27/2024



THE ALS THERAPY DEVELOPMENT INSTITUTE  
**TRI-STATE  
TREK**



West Newbury, MA  
James RW Blatchford  
381 Main Street  
West Newbury, MA 01985

March 11, 2024

Dear James RW Blatchford,

On Saturday, June 22<sup>nd</sup>, 2024, 250 cyclists will travel through your town intermittently for the **22<sup>st</sup> Annual ALS Therapy Development Institute (ALS TDI) Tri-State Trek**. The Tri-State Trek raises funds and spreads awareness of the work ALS TDI is doing to find an effective treatment and cure for a horrific disease. Every 90 minutes, someone is diagnosed with ALS, also known as Lou Gehrig's disease or Motor Neuron Disease (MND). It is a progressive, neurodegenerative disease that causes muscle weakness, difficulty breathing and swallowing, and paralysis while leaving the senses intact. Currently, there is no effective treatment or cure.

ALS TDI is the world's first and largest nonprofit biotech focused 100 percent on ALS research. Led by people with ALS and drug development experts, we understand the urgent need to slow and stop this disease. You can learn more at [www.als.net](http://www.als.net).

Enclosed is a proposed route with the specific date that we plan to be in your location. Please forward this along to the proper channels. If applicable, we have indicated any rest areas that we are planning to stop at in your town. We have a comprehensive insurance policy for the event that recognizes your town as additionally insured under ALS TDI's insurance. The necessary insurance certificate is attached. You can return these forms via email, fax, or mail addressed to my contact information below.

Thank you so much for your time. If you have any questions or concerns, please contact me.

Best regards,

**Kevin Sweeney**  
Events Manager  
ALS Therapy Development Institute  
Direct: 617.441.7286  
Fax: 617. 441.7299

**ALS** THERAPY DEVELOPMENT  
**INSTITUTE**

ALS Therapy Development Institute (ALS TDI) | 480 Arsenal Street, Suite 201, Watertown, MA 02472  
501(c)3 nonprofit: EIN # 04-3462719 | Phone: 617.441.7205 | Email: [events@als.net](mailto:events@als.net)

# Special Event Application

Organization or Group ALS Therapy Development Institute

Person Making Reservation Kevin Sweeney- Events Manager

Mailing Address '

Phone \_\_\_\_\_ e-mail \_\_\_\_\_

Event Date: June 22, 2023 Start Time 9:30am End

Time 1:00pm

Reason for Event Charity Bike Ride raising funds for ALS Research

Number of attendees ~250

### 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 Has been sent in

\_\_\_\_\_

2. For road or walk race, a detailed map of the route Has been sent in

\_\_\_\_\_

3. Features and attractions N/A

\_\_\_\_\_

4. Participant circulation N/A

\_\_\_\_\_

5. Proposed parking including how you will handle overflow parking N/A

\_\_\_\_\_

6. Any proposed road closures No

\_\_\_\_\_

7. Location of trash receptacles and dumpsters N/A

\_\_\_\_\_

8. Location of temporary toilet facilities N/A

\_\_\_\_\_

9. Accessible routes for the disabled or mobility impaired N/A

\_\_\_\_\_

10. Locations, size and number of any tents, trailers or temporary structures

N/A

\_\_\_\_\_

11. Location, size, and description of any signage or banners

N/A

\_\_\_\_\_

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.

N/A

\_\_\_\_\_

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. N/A

\_\_\_\_\_

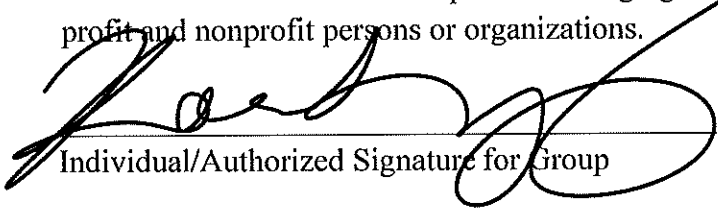
14. Provide a Certificate of Insurance to the Town Manager's Office no later than ten (10) business days before the event. Final Special Event Permits will not be issued without submission of a Certificate of Insurance Has been sent already

\_\_\_\_\_

Name: ALS Therapy Development Institute- Kevin Sweeney

Event: Tri-State Trek

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.



Individual/Authorized Signature for Group

1/10/24

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 Approval Form**

Date: \_\_\_\_\_

I, \_\_\_\_\_, acknowledge that the ALS TDI Tri-State Trek will be utilizing our roads between June 22, 2024, for the purpose of a charity bicycle ride, benefiting the ALS Therapy Development Institute. The town of \_\_\_\_\_ has approved the ALS TDI Tri-State Trek's proposed route.

**TOWN:** \_\_\_\_\_

**NAME:** \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_

**TITLE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**PLEASE FAX THIS FORM TO 617-441-7299 (NO COVER LETTER REQUIRED) OR SCAN AND EMAIL TO**

**[tristatetrek@als.net](mailto:tristatetrek@als.net)**



ALS Therapy Development Institute (ALS TDI) | 480 Arsenal Street, Suite 201, Watertown, MA 02472  
501(c)3 nonprofit: EIN # 04-3462719 | Phone: 617.441.7205 | Email: [events@als.net](mailto:events@als.net)



<b>Saturday, June 22nd</b>	<b>100 Mile Route</b>		
Merrimac,MA	Bare Left	Keep Left on River Road	43
West Newbury,MA	Continue Straight	Continue onto River Road	43.5
West Newbury,MA	Left	Turn left onto East Main Street	43.7
West Newbury,MA	Turn Left	Turn left onto River Road	43.9
West Newbury,MA	Turn right	Keep right onto Coffin Street	46.1
West Newbury,MA	Left	Turn left onto Main Street, MA 113	47
Newburyport, MA	Continue Straight	Continue straight on Main Street/ Storey Avenue	49
Newburyport, MA	Bare Left	Bare Left to stay on Turkey Hill Road	50.3
West Newbury,MA	Continue Straight	Continue Straight on Turkey Hill Road	50.4
West Newbury,MA	Turn right	Turn right onto South Street *	52.4
Newbury, MA	Turn Left	Turn Left onto Main Street	53.2

**\* Police Detail Required in 2023**



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

1/9/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Arthur J. Gallagher Risk Management Services, LLC 470 Atlantic Avenue Boston MA 02210	<b>CONTACT NAME:</b> _____	
	<b>PHONE (A/C. No. Ext):</b> 6 _____	<b>FAX (A/C. No):</b> 6 _____
<b>E-MAIL ADDRESS:</b> _____		
<b>INSURER(S) AFFORDING COVERAGE</b>		<b>NAIC #</b>
<b>INSURER A:</b> Homeland Insurance Company of New York		34452
<b>INSURER B:</b> Atlantic Specialty Insurance Company		27154
<b>INSURER C:</b>		
<b>INSURER D:</b>		
<b>INSURER E:</b>		
<b>INSURER F:</b>		

**COVERAGES**

CERTIFICATE NUMBER: 2109373053

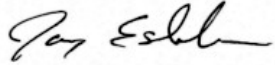
REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
B	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER: _____			GL05623-03	12/12/2023	12/12/2024	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input type="checkbox"/> <b>UMBRELLA LIAB</b> <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED _____ RETENTION \$ _____			EX04917-02	12/12/2023	12/12/2024	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000 \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N <input checked="" type="checkbox"/> N/A If yes, describe under DESCRIPTION OF OPERATIONS below						<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

**CERTIFICATE HOLDER****CANCELLATION**

JamesRW Blatchford Town Clerk 381 Main Street West Newbury MA 01985	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 
--	---

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**From:** [Michael Dwyer](#)  
**To:** [Town Clerk](#)  
**Subject:** Re: Approval for Tri-State Trek- ALS Therapy Development Institute- June 22 and 23, 2024  
**Date:** Tuesday, March 19, 2024 3:51:41 PM  
**Attachments:** [image001.png](#)

---

Hi Jim,

1 officer posted at coffin street. No Fire or EMS unless requested by the event organizer.

Mike

---

**From:** Town Clerk <[townclerk@wnewbury.org](mailto:townclerk@wnewbury.org)>  
**Date:** Monday, March 18, 2024 at 5:04 PM  
**To:** Michael Dwyer <[dwyer@westnewburysafety.org](mailto:dwyer@westnewburysafety.org)>  
**Subject:** FW: Approval for Tri-State Trek- ALS Therapy Development Institute- June 22 and 23, 2024

Any comments on this race as well?

**James RW Blatchford**

Town Clerk

Town of West Newbury

Phone 978-363-1100 X 110

Mobile 978-891-0039

[www.WNewbury.org](http://www.WNewbury.org)



---

**From:**  
**Sent:** Friday, February 9, 2024 10:20 AM  
**To:**  
**Subject:** Approval for Tri-State Trek- ALS Therapy Development Institute- June 22 and 23, 2024

Hello,

We hope all is well with you!

We are having our 22<sup>nd</sup> Annual [Tri-State Trek](#), which will be riding through Maine, New Hampshire and Massachusetts again this year. We sent a letter for approval to ride through your town at the

# Special Event Application

**E.d.**

Organization or Group YuKan Sports, LLC

Person Making Reservation Rich Morrell

Mailing Address \_\_\_\_\_

Phone \_\_\_\_\_ e-mail \_\_\_\_\_

Event Date: 6/9/24, 7/21/24, 9/29/24 Start Time 8:00am End 11:00am

Time \_\_\_\_\_

Reason for Event Road Race

Number of attendees 350

## **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 \_\_\_\_\_

Start and finish at 40 Parker St., Newburyport, MA 01950

2. For road or walk race, a detailed map of the route \_\_\_\_\_

Please see attached map

3. Features and attractions \_\_\_\_\_

4. Participant circulation \_\_\_\_\_

5. Proposed parking including how you will handle overflow parking \_\_\_\_\_

Parking at 40 Parker St., Newburyport, MA 01950

6. Any proposed road closures n/a

7. Location of trash receptacles and dumpsters \_\_\_\_\_

Water stations near 43 Moulton St. and 38 Rogers St. West Newbury, MA

8. Location of temporary toilet facilities \_\_\_\_\_

9. Accessible routes for the disabled or mobility impaired \_\_\_\_\_

10. Locations, size and number of any tents, trailers or temporary structures

11. Location, size, and description of any signage or banners

"RACE" arrow signs on telephone poles to direct runners

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.

Water and Gatorade at aid stations

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.

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 \_\_\_\_\_

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.

 12/28/23  
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 Board of Selectmen: \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_

Requests and comments:

# Town & Country Half Marathon

(21.0975 km)

## Newburyport, Massachusetts

Start/Finish & Turnaround marked with PK-Nail and a spot of blue paint (UP = Utility Pole).

**Start/Finish:** On west side of 40 Parker Road parking lot 18 ft 7 inches east of the parking lot curb, 22 ft 7 inches S of a parking lot light pole, & 26 ft 4 inches S from end of handicapped ramp to the RiverWalk Brewing Co. on opposite side.

**Mile 1:** On northwest side of Parker St 18 ft 3 inches SW of a storm drain on same side, & 8 ft 3 inches SW of the southwest side of 104 Parker St (pink bldg) on opposite side.

**Mile 2:** On north side of Scotland Rd 56 ft NE of UP 64 84 on same side but opposite northeast side of Scotland Heights Dr.

**Mile 3:** On northwest side Scotland Rd 27 ft NE of "Massachusetts State Police Newbury" sign in grass opposite driveway for 193 Scotland Rd.

**Mile 4:** On northwest side of South St 66 ft NE of UP 27 20 20 with "Speed Limit 30 & Caution Children" signs & about 130 ft NE of driveway for 50 South St.

**Mile 5:** On northeast side of Ash St even with southeast side of driveway for 220 Ash St.

**Mile 6:** On east side of Moulton St 9 ft S of UP 46 46 on opposite side, about 150 ft SW of unmarked driveway for a house high on hill.

**Mile 7:** On north side of Indian Hill St at the beginning of intersection with Garden St & 25 ft E of mailboxes for 55 & 57 Indian Hill.

**Mile 8:** On south side of Rogers St 35 ft W of UP 11 11, about 95 ft W of "Raw Milk Eggs" farm sign, & about 150 ft E of 40 Rogers mailbox.

**Mile 9:** On east side of Turkey Hill Rd at beginning of sharp curve about 75 ft SW of double yellow curve signs on opposite side.

**Mile 10:** On south side of South/Scotland Sts 38 ft W of I-95 West Exit Ramp & opposite I-95 West Entrance Ramp.

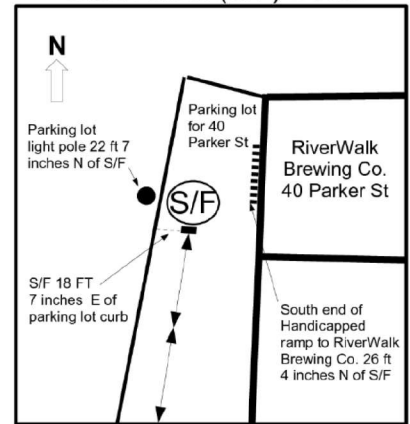
**Mile 11:** On south side of Scotland Rd 9 ft W of "Speed Limit 45" sign on same side & about 130 ft W of driveway for 105 Scotland.

**Mile 12:** On southeast side of Scotland/Parker Sts in the middle of the intersection with Highfield Rd.

**Turnaround (TA):** In middle of Perkins Way 17 ft 6 inches E of a red Fire Hydrant & 88 ft 10 inches E of UP with no # both on north side of Perkins Way, UP is opposite east side of driveway for 4 Perkins Way.

**Mile 13:** On west side of the entrance to the parking lot for 40 Parker St, 23 ft S of "Parking for 40 Parker Street Business Only..." sign, & 12 ft 6 inches N of the white shoulder line on north side of Parker St.

### Start/Finish (S/F) Detail

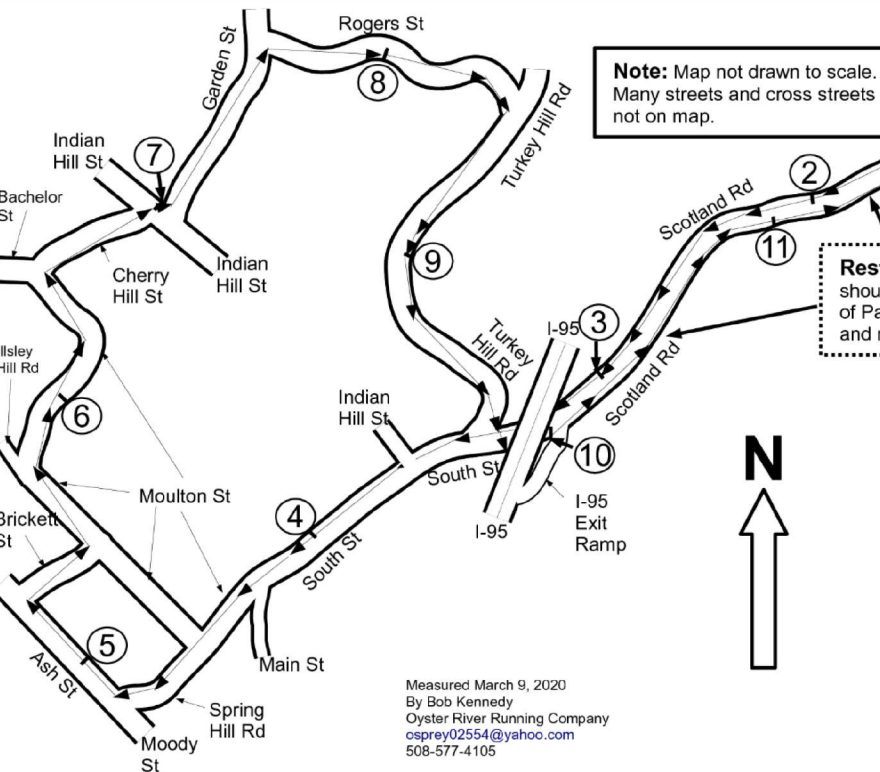


### USATF Certificate

MA20002BK

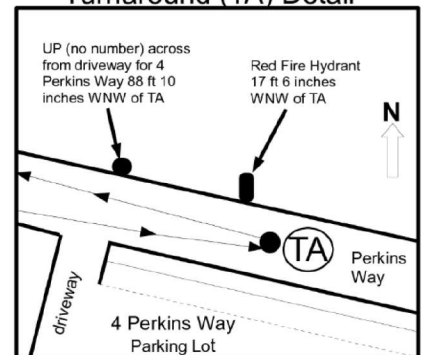
Effective: 03/19/2020

Through: 12/31/2030



**Restrictions:** Runners restricted to the wide shoulder to the right of the white shoulder line of Parker St, Scotland Rd & South St going out and returning.

### Turnaround (TA) Detail



Measured March 9, 2020  
By Bob Kennedy  
Oyster River Running Company  
osprey02554@yahoo.com  
508-577-4105



**From:** [Michael Dwyer](#)  
**To:** [Town Clerk](#)  
**Subject:** Re: 2024 Road Races  
**Date:** Friday, March 1, 2024 7:53:57 AM

---

Hi Jim,

These are my notes, recommendations for the T & C half marathon.

Have a great weekend!,  
Mike

---

**From:** Michael Dwyer <dwyer@westnewburysafety.org>  
**Date:** Tuesday, January 9, 2024 at 3:27 PM  
**To:** Town Clerk <townclerk@wnewbury.org>  
**Subject:** Re: 2024 Road Races

Hi Jim,

I will recommend 6 detail officers this year. Here is the rational:

We have been doing 5 each year, but that race can be very packed at the beginning when they pass Turkey Hill on South Street. Because that is mile 3, the group is still clustered together, and this tends to be the location for the first round of EMS related calls. We should have 2 people there as that is the busiest intersection both traffic wise and runner wise. The 2nd officer at Turkey hill @ south will move to Turkey Hill @ Rogers once the crowd goes down out there.

2 Turkey Hill at South  
1 Indian Hill @ South  
1 Brickett @ Moulton  
1 Indian Hill @ Garden  
1 at Garden @ Rogers.

I would also recommend an EMS detail from the WNFD. The event organizer can contact me via email prior to the event to go over logistics.

Hope this helps,

Mike

Michael Dwyer

## **SPECIAL ARTICLE REQUEST FORM**

**ARTICLE:** (To be presented at the Fiscal Year 2025 Special Town Meeting.)

To see of the town will vote to transfer the sum of \$44,000 from the Water Enterprise Stabilization Fund Account to replace well pump #1, distribution lines, valves, and equipment to produce water at our well field.

**AMOUNT REQUESTED:** \$44,000.00

**CONTACT PERSON:** Mark Marlowe

**PHONE NUMBER:** 363-1100 ext. 128

**Why should the town make this purchase? What needs will be met? Who will benefit?** To replace the failing 40 year old pipes and valves in the pump house as well as the pump # 1. To replace the aging vacuum pumps and the out of date win 911 system which is failing to notify proper emergency services.

**What factors affect the timing of this purchase?**

The listed items are showing age and need to be replaced asap.

**What ancillary costs do you anticipate? (Maintenance, Insurance, Training, etc.)**  
None.

**When should this Article be sunsetted—how long will the project take?**  
6/30/2025

**Does this Article involve improvement, preservation or creation of tangible assets and projects 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.**



## Special Article Request Breakdown

All Prices Include Parts and Labor

Item #	Description	Qty	Unit price	Discount	Price
<b>Pump 1</b>	Replacement	1	\$25,974.00		\$25,974.00
<b>Vac Pump</b>	Replacement	1	\$2,700.00		\$2,700.00
Pipe valves and Fittings	Replacement	1	\$7,230.00		\$7,230.00
<b>Win 911</b>	Upgrade	1	\$1,700.00		\$1,700.00
<b>Scada</b>	Reconfigure	1	\$1,000.00		\$1,000.00
<b>Soft Costs</b>	Gaskets,bolts, labor	1	\$1,200.00		\$1,200.00
				Invoice Subtotal	\$39,804.00
				Contingency 10%	10.00%
				Contingency Total	\$3,980.40
				Deposit Received	
				<b>TOTAL</b>	<b>\$43,784.70</b>

**ARTICLE REQUEST FORM - UPDATED**

**ARTICLE:**

**AMOUNT REQUESTED:** Updated amount proposed: \$60,000

**CONTACT PERSON:**

**PHONE NUMBER:**

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

**What factors affect the timing of this purchase?**

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

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

**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.**

**Please attach additional pages or other supporting documentation.**



# Town of West Newbury Massachusetts

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The document 'Select Board Joint meeting with Conservation Commission Agenda' is locked by you. You may want to 'release the lock' in order to allow others to edit.



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## Proposed Wetlands Protection Bylaw

### Proposed Wetlands Protection Bylaw Information

**March 19, 2024 Update:**

The WNCC has further revised the wetlands protection bylaw and it is now in final draft form for spring 2024 town meeting:

- The 3/19/2024 revised bylaw can be viewed in redline form here.
- The 3/19/20204 bylaw in final draft form can be viewed here.

The WNCC will be presenting the Spring 2024 town meeting article for the wetlands protection by-law to the Select Board and Finance Committee at their joint public meeting of 3/20/2024 at 6PM.

The WNCC will host a second info session on the bylaw ahead of spring town meeting on Tuesday April 9th, 2024 at 6:00 PM.

The info session will be held in hybrid format with the option for interested persons to participate in person at the Town Office Building, 381 Main Street, West Newbury, MA in the first floor hearing room or by virtual attendance from a computer, tablet, or smartphone via Zoom using the Zoom info below. More info and the Zoom link can be found here.

**February 21, 2024 Update:**

The WNCC has further revised the draft wetlands protection bylaw.

- The 2/21/2024 revised draft bylaw can be viewed in redline form here.
- The 2/21/2024 revised draft bylaw in clean format with all redline changes accepted can be viewed here.

The WNCC will be presenting the wetlands protection bylaw article for spring 2024 town meeting to the Select Board and Finance Committee at their joint public meeting of 3/20/2024 at 6PM.

**February 8, 2024 Update:**

The WNCC has submitted an article request to the Select Board for the spring 2024 town meeting. The article request can be viewed here on on page 203.

**January 24, 2024 Update:**

The WNCC has further revised the draft wetlands protection bylaw.

- The 1/24/2024 revised draft bylaw can be viewed in redline form here.
- The 1/24/2024 revised draft bylaw in clean format with all redline changes accepted can be viewed here.

**December 27, 2023 Update:**

The public info session held by the WNCC on the draft wetland bylaw on 12/7/2023 is now available to view on YouTube here. The slides from the public info session can be viewed here.

The draft wetlands bylaw has been further revised based on feedback received at the public info session and by comments submitted directly to the WNCC.

- The 12/27/2023 revised draft bylaw can be viewed in redline form here.
- The 12/27/2023 revised draft bylaw in clean format with all redline changes accepted can be viewed here.

The WNCC will be responding directly to each person who has emailed feedback over the upcoming weeks and will be continuing to further revise the draft bylaw in public meetings as needed ahead of the Spring 2024 Annual Town Meeting warrant schedule.

Please send any questions, comments, or feedback to Michelle Greene, Conservation Agent, at [conservation@wnewbury.org](mailto:conservation@wnewbury.org).

**November 21, 2023 Update:**

The WNCC has prepared a draft version of a proposed wetlands protection bylaw and is seeking feedback and comments on it. The draft bylaw can be viewed here (please click the link to view the draft bylaw).

A public info session to present the draft bylaw and answer questions has been scheduled for December 6, 2023 at 6 PM in the First Floor Hearing Room of the Town Office Building. If you are unable to attend the info session you are still encouraged to submit comments, feedback, or questions on the proposed draft bylaw to the WNCC by email. Please send comments, feedback, or questions to Michelle Greene, Conservation Agent, at [conservation@wnewbury.org](mailto:conservation@wnewbury.org).

Additional meetings to discuss the proposed draft bylaw will likely be held and further revisions to the draft bylaw may be made by the WNCC. These meetings will be posted on the town calendar on the town website, the calendar on the WNCC web page on the town website, and posted in upcoming meeting agendas of the WNCC. If the draft bylaw is further revised, these revised versions of the draft bylaw will be posted to the WNCC web page on the town website for review.

### **August 2023 Update:**

The WNCC is currently working on a proposed wetlands protection bylaw with intentions to bring the bylaw to the Spring 2024 Annual Town Meeting. Once available, the draft bylaw and draft regulations will be posted for review and the Commission will welcome feedback on both draft documents.

### **Why have a local bylaw?**

The West Newbury Conservation Commission is seeking support from residents for a local Wetlands Protection Bylaw. Wetlands and their bordering lands are valuable to the community for several important reasons including protecting the public drinking water supply, storing flood water and preventing storm damage, filtering pollutants, slowing erosion, and providing wildlife habitat. Areas extending out 200 feet from rivers and perennial streams and 100 feet from other wetland resource areas are protected for these purposes by the Massachusetts Wetlands Protection Act (G.L. Ch. 131 sec. 40) (the Act). The Act was enacted in 1972 and regulations under the Act (310 CMR 10.00) were enacted shortly after. The Act recognizes the values provided by wetlands and their surrounding areas and gives local Conservation Commissions responsibility for implementing the protections provided to these areas. Despite these efforts, according to the EPA, more than half of the original wetlands on the continental United States have been lost to commercial, agricultural, and residential development.

The Home Rule authority allows individual towns to protect additional wetland resource areas, recognize additional wetland resource values, and to impose in local regulations and permits additional standards and procedures above what is in the state Act and Regulations through bylaws deemed appropriate by their residents. As of 2019, 210 Massachusetts towns and

cities have adopted wetlands bylaws, including neighboring towns including Newburyport, Newbury, Merrimac, Amesbury, Groveland, Georgetown, Rowley, Boxford, Topsfield, Ipswich, Hamilton, Wenham, Andover, and North Andover. West Newbury's wetlands protection bylaw would protect the current and future inhabitants of the Town from the costs of wetland degradation through regulations that more adequately protect the function of resource areas.

A local bylaw and regulations will allow the Commission to provide additional protections for vernal pools, ponds, isolated wetlands, and buffer zones, including setbacks for no-disturb and no build areas in buffer zones. Buffer zones are important as vegetation and naturally occurring leaf litter and debris around wetlands help prevent erosion and siltation by slowing the velocity of water. Roots bind the soil to allow for infiltration and also take up heavy metals and phosphorus that would otherwise pollute wetlands, waterways, and ground water. Vegetation also prevents thermal pollution by shading the ground and maintaining water temperatures. A reduction of pollutants and cooler water helps prevent algal blooms, a growing concern with more frequent extreme weather. With plants for cover, wildlife is better able to use the area around wetlands for refuge and reproduction. The Commission also recognizes that certain natural features, resources, and amenities in West Newbury are irreplaceable, and that there are costs incurred to the community by development in or near wetland resource areas.

Many residents live close to wetlands and at some point, they may interact with the Conservation Commission and/or the Conservation Agent as they design and permit work in or along a river, stream, swamp, wet meadow, vernal pool, or other resource area. The bylaw provides for waivers where a proposed project will not adversely impact the interests protected by the bylaw. The Commission's goal is to provide residents with a user-friendly application process and uniformity of response to activities near these valuable natural resources to further protect and enhance the resilience of West Newbury for all residents.

If you have any questions about the bylaw please contact Michelle Greene, Conservation Agent, at 978-363-1100 x126.

## ▼ Create Content

[Proposed Wetlands Protection Bylaw](#)

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[Wetlands Permitting Forms, Instructions, and Filing Fees](#)

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[2024 Conservation Commission Meeting Schedule and Submission Deadlines](#)

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[Additional Wetlands Information, Resources, and Maps](#)

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[Conservation Commission Policy on Hiring Outside Consultants](#)

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[Invasive Plant Information](#)

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[Join the Conservation Commission](#)

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[Trail Information](#)

## Contact Info

**Phone:**

Office: (978) 363-1100 ext. 126

Mobile: (978) 891-0238

Email: [conservation@wnewbury.org](mailto:conservation@wnewbury.org)

**Fax:**

(978) 363-1119

**Address:**

381 Main Street, 2nd Floor

West Newbury 01985

See map: [Google Maps](#)

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

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## ARTICLE REQUEST FORM

**ARTICLE:** Supplemental funding for MBTA Communities zoning/planning consulting

**AMOUNT REQUESTED:** TBD

**CONTACT PERSON:** Angus Jennings, Town Manager

**PHONE NUMBER:** 978-363-1100 ext. 115

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

On January 3, 2024, the Town submitted its draft MBTA Communities Multi-family Housing Overlay District Bylaw and Map to the State (Exec. Office of Housing and Livable Communities, or EOHLC) for review as required under the MBTA Communities Act (M.G.L. Ch.e 40A, Sec. 3A). Work on the draft zoning bylaw and map, and the underlying planning efforts that took place, involved nearly a year of work, and was supported by significant funding secured from a State "One Stop" grant awarded in 2023, and matched by a 10% local funding match approved at the Spring 2023 Town Meeting.

The planning work to date has anticipated - and continues to anticipate - a Spring 2024 Town Meeting to consider the proposed zoning amendments. However, as of this writing (Feb. 7th), the Town has not yet received comments/edits back from EOHLC regarding the draft zoning. If EOHLC requires significant/substantive changes, this COULD lead to the Planning Board recommending a delay on bringing the proposed bylaw to Town Meeting. Alternatively, the bylaw could stay on track for a vote in April, 2024, but in the event the bylaw is proposed, and is not adopted by voters, the Town (Planning Board and Select Board) could opt to extend its planning work on the MBTA Communities initiative into FY25.

If, for whatever reason, this planning efforts extends past the April 2024 Town Meeting, it is likely that the Town's current contact with its consultant will run out of funds, since the workplan was based on an anticipated project timeline. In that case, the Town would find itself without consulting support to carry forward the work. This proposed placeholder article is brought forward in order to preserve the option for the Town to appropriate funds to support continuing consulting support on the MBTA Communities zoning initiative. If funded, and if necessary or helpful to the Town's efforts, continuing support could be provided by the current consultant, MVPA, or another consultant, based on what the Planning Board deems is in the Town's best interests. Whether this funding will be needed, and if so in what amount, will become clearer later in the cycle, with new information provided at that time.

**What factors affect the timing of this purchase?**

The Town is required by law to comply with the MBTA Communities Act by Dec. 31, 2025. If the Town, via Town Meeting and State approval, has not met compliance by the end of the current FY24, it will be beneficial to have the option to engage consulting support as needed to continue a robust public planning process.

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

June 30, 2026

**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.**

Additional information regarding this initiative can be found at:

<https://www.wnewbury.org/home/town-projects/pages/mbta-communities-housing-opportunities-initiative>



## Angus Jennings

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**From:** Town Planner  
**Sent:** Tuesday, April 9, 2024 12:47 PM  
**To:** Angus Jennings  
**Subject:** April TP Report and MBTA Communities  
**Attachments:** TP Report 2024 April 2.pdf

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Hi Angus,

Since I am out tomorrow and will miss the Huddle, just wanted to see if you needed any update on MBTA Communities to pass along.

As I think you know, the Board voted to delay the proposed amendment to a future Town Meeting. They are interested in continuing their outreach so they can try to answer as many questions as possible when the time comes so the request for some continued funding is greatly appreciated.

Since we discussed putting off Town Counsel review until the new fiscal year, the Board will just sit on the existing regulations pending what may come out of that review.

Thanks,

*Sue Brown*, RLA  
Town Planner  
West Newbury  
[townplanner@wnewbury.org](mailto:townplanner@wnewbury.org)  
(978) 363-1100 x125

# Town Planner Report

April 2, 2024

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## Housing Opportunities Initiative (MBTA Community Multi-Family Zoning District)

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- Public Hearing Continued to April 2, 2024 – Hybrid Meeting
- Planning Board will respond to unanswered questions from previous meeting and hear additional questions and testimony. Responses will be uploaded to project website.
- Anticipate preliminary review response from EOHLC by April 2.
- Select Board and Finance Committee awaiting Planning Board's recommendation on whether to bring Zoning Amendment forth at 2024 Annual Town Meeting.

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## Municipal Vulnerability Plan (MVP) – Evaluating Vulnerabilities and Options to Promote Resiliency

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- The Towns consultants (Gulf of Maine Research Institute and GEI) are hosting a workshop on Wednesday, April 3<sup>rd</sup> from 5:30 to 8 PM in the Town Annex.
- The interactive scenario-based planning workshop focusing on River Road considers local data and community values to identify community climate vulnerabilities, priorities and needs.
- For more information on this project visit [www.wnewbury.org/2023MVPGrant](http://www.wnewbury.org/2023MVPGrant)

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## Hazard Mitigation Plan

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- The Town is working with MVPC to complete its 5-year Mult-Hazard Mitigation Plan (HMP).
- Hazard Mitigation Plans help towns identify and assess potential natural hazards and develop risk reduction strategies that are feasible to implement.
- Having an approved HMP allows the Town to apply for and receive federal funding to support pre-disaster mitigation and recovery.
- A draft Plan is anticipated within the month with project completion anticipated by the end of July.

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## Projects Summary

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- Deer Run, 519 Main Street:
  - Applicant has remaining units under agreement.
  - Lot releases and additional Inclusionary Housing payments anticipated later in the year
- Drakes Landing Project Close-out
  - Applicant requesting release of Performance Bond and any Escrow balance
  - Town Counsel will review draft Performance bond release once submitted by Applicant
- 125 River Road, Eagle Nest Definitive Subdivision
  - Hearing Continued to April 2
  - Site Walk held on March 25
  - Applicant is planning to perform Perc tests this month
  - Conservation Commission hearing on-going
  - Applicant is revising Plans due to changes in wetland boundaries

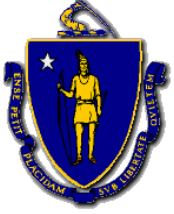
Sue Brown, Town Planner  
4/9/2024

# Town Planner Report

April 2, 2024

- 37 Coffin Street, Potential violation of Scenic Road Bylaw
  - Applicant advised to contact Board by Conservation Commission (see draft Conservation Commission Meeting Minutes of 3/4/2024)
  - Town Planner received notice of work done – including removal of stone wall
  - Town Tree Warden, Building Inspector and homeowner notified of Agenda Item

Sue Brown, Town Planner  
4/9/2024



Commonwealth of Massachusetts  
EXECUTIVE OFFICE OF HOUSING &  
LIVABLE COMMUNITIES

Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Sent via email to [townplanner@wnewbury.org](mailto:townplanner@wnewbury.org)

April 2, 2024

Susan Brown  
Town Planner  
381 Main Street  
West Newbury, MA 01985

**Re: Town of West Newbury: Pre-Adoption Review Application for Compliance with MBTA Communities/Section 3A of the Zoning Act**

Dear Ms. Brown:

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of West Newbury on January 3, 2024. The application requested that EOHLC conduct a pre-adoption review for the Town of West Newbury's proposed district called the "MBTA Communities Multi-family Housing Overlay District," (District) based on the criteria set forth in the Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act (Guidelines).

EOHLC appreciates all the work the town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the descriptions of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff are available to work through these technical details with you and your staff.

West Newbury is designated as an Adjacent small town community with 1,740 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum multi-family unit capacity of 87 units and a gross density of 15 dwelling units per acre.

EOHLC identified the following issues which may affect the District's compliance with Section 3A:

1. The GIS shapefiles provided show a district that excludes street and rail right of way areas. The definition of gross density in G.L. Chapter 40A, Section 1A requires including right of way areas in calculations. Therefore, these areas must be included in district shapefiles even if local practice is to not include them in zoning districts.

2. When applying for district compliance, please include a brief statement about how development at the density and scale of 3A requirements is allowed, and include the calculated density denominator in that statement.
3. Section 8.4.3 includes, in the definition for “Building Type, Stacked Flats,” a “medium sized residential building.” EOHLC recommends defining the unit count range of a medium sized building to avoid confusion and align the definition with descriptions of other size residential buildings.
4. Section 8.4.5 requires a plan submission, but does not specify to whom the plan is submitted. EOHLC recommends clarifying this requirement to avoid confusion.
5. EOHLC recommends reviewing Sections 8.4.11 and 11.3, Site Plan Review, to ensure that the standards set forth are objective and nondiscretionary and consult with town counsel to ensure that this section aligns with the existing case law concerning site plan review for as of right uses.
6. If a zoning map amendment is required for this bylaw change, please ensure that it occurs before applying for district compliance.

For the foregoing reasons, EOHLC recommends that the Town address the issues outlined before putting the District to a legislative vote.

Please note that this pre-adoption review is limited to the specific issues identified at this stage of review and is based on materials provided by the Town of West Newbury. It does not constitute a representation that resolution of the identified issues would result in a compliant zoning district. We encourage the town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed overlay zoning district.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at [nathan.carlucci@mass.gov](mailto:nathan.carlucci@mass.gov).

Sincerely,



Caroline “Chris” Kluchman  
Director, Livable Communities Division

cc: Senator Bruce E. Tarr  
Representative Adrienne Pusateri Ramos  
Dillon Sussman, Dodson Flinker



# Town of West Newbury

381 Main Street  
West Newbury, Massachusetts 01985

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

TO: Planning Board  
FROM: Angus Jennings, Town Manager  
DATE: April 2, 2024  
RE: MBTA Communities Act / State funding

At the Planning Board’s recent public hearing regarding the proposed MCMOD zoning overlay district(s), several residents asked questions about how much State funding the Town receives, and what may be “at risk” if the Town were to fall out of compliance with the MBTA Communities Act.

In my opinion, a response to the second part of that question would be speculative, given two things:

- Governor Healey and the Attorney General’s office have stated, in public comments and/or written statements, that the scope of financial penalty can be expected to go beyond those grant programs specifically identified in the Act.
- Pending litigation between the Commonwealth and the Town of Milton introduces some uncertainty regarding the Act, pending resolution by the Courts.

I am therefore focusing this memo on the clearer question regarding the amount of State funding that the Town of West Newbury receives, and has received, in recent years. The following summary was prepared by the Town Accountant:

	2020	2021	2022	2023	2024 YTD	2024 Projected
Cherry Sheet Revenue	391,576.00	381,515.18	437,648.89	426,947.59	314,824.86	464,557.00
CPA State Match	169,258.00	224,429.00	342,531.00	310,408.00	178,146.00	178,146.00
Other State Revenue	663.60	14,127.46	1,243.88	9,319.08	408.00	2,297.40
State Grant Revenue	155,098.95	199,420.97	238,038.03	351,441.20	261,977.09	938,375.60
Chapter 90 State Revenue	0.00	0.00	328,736.25	0.00	0.00	582,293.79
<b>TOTAL STATE REVENUE</b>	<b>716,596.55</b>	<b>819,492.61</b>	<b>1,348,198.05</b>	<b>1,098,115.87</b>	<b>755,355.95</b>	<b>2,165,669.79</b>

\*YTD through March 27, 2024

Source: Jennifer Walsh, Town Accountant, WORKING DRAFT

While the numbers above are accurate as to funds received, they do not fully account for funds that have been committed but not yet received. For instance, in the fall of 2023, the Town was awarded a \$1,000,000 MassWorks grant for the Middle Street Bridge. This amount is not included in the numbers above, because the funds are expected to be received in FY25 and FY26, and perhaps FY27, depending on the timing of (anticipated) reconstruction of the bridge.

Separately, the Town recently (in mid-March) was awarded a \$750,000 MassDOT Small Bridge Grant, also for the Middle Street Bridge. This funding is also not included in the amounts above, because we are presently at the pre-contract phase so – while the funding has been awarded – as of this writing it is not yet under contract. The Town Accountant’s numbers only count funds that are in-hand or contractually obligated.

As I review the list of State grant programs that would be explicitly unavailable if West Newbury's compliance with the Act lapses, I see several grants that have in recent years contributed greatly to some of the Town's highest policy priorities:

- \$1,000,000 **MassWorks grant** for Middle Street Bridge (2023)
- \$394,900 **LAND grant** for Sawmill Brook land acquisition (2023)
- \$150,000 **Municipal Vulnerability Preparedness (MVP) Action Grant** for River Road resiliency planning initiative (2023)
- \$1,000,000 **MassWorks grant** for Middle Street Bridge (2019; \$292,285 was spent before unspent grant funds expired 6/30/23)

The Act's Guidelines also provide that: "Determinations of compliance also may inform other funding decisions by EOED, EOHL, the MBTA and other state agencies which consider local housing policies when evaluating applications for discretionary grant programs or making other discretionary funding decisions."

This could include other grants that have also been very helpful to the Town in recent years, such as:

- \$750,000 MassDOT Small Bridge grant for Middle Street Bridge (2024)
- Green Communities grants (every year from 2021-24, totaling approx. \$108,000)
- 911 Training grants and 911 Support & Incentive grants (every year from 2020-24, totaling approx. \$106,000)
- Council on Aging formula grants (every year from 2020-24, totaling approx. \$55,000)
- \$22,500 Firefighter Safety Equipment grant (2022)

The Governor has been quoted as saying that "If you don't comply with the act, then you're going to see us withholding as a state money for any number of programs that you're used to receiving money for," Healey said. "That includes for schools, it includes for roads and bridges, it includes for a whole host of things that are important to communities."<sup>1</sup>

If the Commonwealth were to extend the penalties for non-compliance to affect, for instance, Ch. 90 monies (for roadway paving/improvements), this could implicate more than \$900,000 of State funding in recent years. It is not known if her reference to funding "for schools" relates to Ch. 70 education funds, or to school capital project funds administered by the Mass. School Building Authority, but each of these programs offers either existing/actual funding, and/or potential new funding, that is and is expected to remain central to the Town's operations and planning.

I write this memo in response to specific questions raised at the public hearing with the intent to inform – not to influence – your decision as to how best to move forward. However, I do feel that it is important for you as an elected Board, and for Town Meeting voters (if/when this matter comes to them) to make fully informed decisions. While some residents at the initial hearing expressed apparent unconcern regarding the potential loss of State revenues, this is somewhat incongruous to other concerns we routinely receive regarding the local property tax burden. There can be no question that, if the Town were to become non-compliant with the Act, and if the Commonwealth were to fully implement the penalties it has either stated or suggested, it would result in either a diminution in local levels of service, noticeable increases in local taxpayer expenses, or both.

This is not to suggest that adoption of new zoning is the only answer – only that an alternative approach should weigh all resulting outcomes. A decision must be made "all things considered."

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<sup>1</sup> <https://www.wbur.org/news/2023/12/08/maura-healey-mbta-communities-act-zoning-law>

State Revenues to West Newbury, FY20 to FY24 YTD						
	2020	2021	2022	2023	2024 YTD	2024 Projected
C.S. Exempt: VBS and Elderly	3,072.00	2,008.00	502.00	502.00	16,748.00	12,869.00
C.S. State Owned Land	44,525.00	45,474.00	49,661.00	63,747.00	50,376.00	75,644.00
C.S. Unrestricted General Government Aid	340,182.00	314,642.00	339,582.00	343,239.00	236,144.00	354,223.00
C.S. Veterans Blind Survig Sp	2,734.00	5,610.00	30,923.00			
C.S. Veterans Benefits	853.00	0.00	2,889.00	2,742.00	1,754.74	3,933.00
C.S. Chapter 70	210.00	5,131.00	5,263.00	6,221.00	4,264.00	6,403.00
Mass Library Incentive Rev		8,650.18	8,828.89	10,496.59	5,538.12	11,485.00
<b>Cherry Sheet Revenue</b>	<b>391,576.00</b>	<b>381,515.18</b>	<b>437,648.89</b>	<b>426,947.59</b>	<b>314,824.86</b>	<b>464,557.00</b>
CPA State Rev	169,258.00	224,429.00	342,531.00	310,408.00	178,146.00	178,146.00
<b>CPA State Match</b>	<b>169,258.00</b>	<b>224,429.00</b>	<b>342,531.00</b>	<b>310,408.00</b>	<b>178,146.00</b>	<b>178,146.00</b>
MIIA Wellness Grant Revenue		6,481.39	1,139.98	3,935.60		2,297.40
Extended Polling State Distribution				645.00	408.00	
Transportation Infrastructure	240.60	485.80	103.90	137.00		
Early Voting- State Distributions	423.00	7,160.27		4,601.48		
<b>Other State Revenue</b>	<b>663.60</b>	<b>14,127.46</b>	<b>1,243.88</b>	<b>9,319.08</b>	<b>408.00</b>	<b>2,297.40</b>
West Newbury Bridge Replacement Project State Revenue		136,114.72	47,010.17	83,278.65	25,881.95	25,881.95
FY22 CC Dev Wage Classification State revenue			15,000.00	-5,000.00		
FY24 CC Budget Document Revenue					35,165.00	35,165.00
Microgrid Feasibility Study	12,000.00					
DHCD MBTA Communities Zoning Revenue					62,321.00	62,321.00
MED Drug take-back Revenue	1,950.00		1,300.00	1,300.00		
DOER Hybrid Cruiser Revenue			1,250.00	3,750.00		
Byrne Memorial Justice Revenue			16,059.00			30,876.04
AED Equipment Program Revenue						1,950.55
Firefighter Safety Equip Grant Revenue			22,500.00		11,998.70	11,998.70
911 Support and Incentive Revenue	17,128.83	24,645.67	4,234.32	2,732.48	854.40	854.40
911 Training Grant Revenue	1,853.84	-10,503.83	1,872.24	1,428.82	3,293.40	3,293.40
911 Training Grant Revenue	3,690.38	2,154.76	2,255.36	3,247.75	2,579.52	20,406.56
911 Support and Incentive Revenue		23,099.07	24,650.69	26,794.14	20,245.12	41,109.00
FY21 ADA Improvement Grant Revenue			9,300.00			
EPZ Local Prep Grant Rev	42,179.72	-30,949.72	15,785.00	9,020.00	6,765.00	6,765.00
Page School Playground Revenue	19,036.18					
DOER Green Communities Grant Revenue		18,953.75	56,861.25	8,000.00	24,000.00	24,000.00
MVP Grant Revenue	25,000.00			-320.50		150,000.00
Safety Audit Main Street Page School Intersection				25,000.00		
WRAP Paving Repair Revenue				152,991.31		
MOTT Sidewalk and Pedestrian Safety Revenue FY23				15,000.00	15,000.00	15,000.00
Mass DEP (DWSRF) Grant Revenue					19,919.00	75,000.00
MAPC Emergency COVID-19 State Revenue	17,500.00	19,872.75				
FY21 MAPC BIDLS Funding		1,073.80				
Nutrition/Outreach COA revenue		5,000.00				
COA Formula Grant Revenue	9,960.00	9,960.00	9,960.00	15,996.00	19,054.00	19,054.00
FY24 SIG FDP Grant Revenue						5,000.00
Veterans Grant Heritage Program Revenue				2,722.55		
Arts Cultural Cncl State	4,800.00		10,000.00	5,500.00		
CPA State Grant Reimbursement					14,900.00	409,700.00
<b>State Grant Revenue</b>	<b>155,098.95</b>	<b>199,420.97</b>	<b>238,038.03</b>	<b>351,441.20</b>	<b>261,977.09</b>	<b>938,375.60</b>
Chapter 90 State Revenue			328,736.25			582,293.79
<b>Chapter 90 State Revenue</b>	<b>0.00</b>	<b>0.00</b>	<b>328,736.25</b>	<b>0.00</b>	<b>0.00</b>	<b>582,293.79</b>
<b>TOTAL STATE REVENUE</b>	<b>716,596.55</b>	<b>819,492.61</b>	<b>1,348,198.05</b>	<b>1,098,115.87</b>	<b>755,355.95</b>	<b>2,165,669.79</b>
<i>*YTD through March 27, 2024</i>						
Source: Jennifer Walsh, Town Accountant, WORKING DRAFT						



# MEMORANDUM

E.f.

To: Town Manager and Select Board  
From: Wendy Reed  
Re: Animal Bylaw Amendment Discussion  
Date: April 7, 2024

The following documents are included for review in support of our discussion on the proposed Animal bylaw amendment on April 11, 2024:

- Emails that initiated the proposed amendments (resident and ACO)
- Fin Com booklet Appendix with proposed changes
- Updated public comment to the Select Board email address
- Memo from the Conservation Agent regarding proposed changes
- Email from ACO regarding proposed changes
- Select Board email chain from prior to proposed amendments
- Map of potential dog off leash area at Dunn Field

I also reached out to the chairs of the Mill Pond Committee and Open Space Committee in early March to ask for this item to be on their agenda and to provide feedback, but did not receive any.

One issue that continually comes up in the discussion about off leash dogs at Mill Pond and Pipestave Hill is the use of these areas by individuals with more than one (or two) dogs. Controlling more than one dog off leash by voice is challenging. There are also reports of dog walkers with several dogs at a time using these areas.

From our recent discussions it seems that these are the possible outcomes of our discussion on April 11:

1. Establishment of a designated off leash area
2. Allow off leash dogs only at certain Town owned parcels
3. Grant permission for off leash use of properties by a formal and documented process
4. No changes made to the proposed bylaw amendments
5. No changes made to the existing bylaw

These are not meant to be prescriptive but I'd like to have focus for this discussion so that we can come to a resolution. I am not planning on taking public comment at the meeting given that we provided that opportunity at a prior meeting and have solicited email feedback.

**From:** [Michele Burke](#)  
**To:** [Selectboard](#)  
**Subject:** Incident at Mill Pond  
**Date:** Sunday, July 11, 2021 12:39:36 PM

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To the Board Members,

I am a resident of West Newbury and I'm writing to inform you of an incident involving my son, a 16 year old rising junior at PRHS.

On Thursday morning my son attended a captain's cross country practice from 9-10:30am at Pipestave Hill and Mill Pond. He was one of about 10 boys running . No coach was present as this is a summer practice called by the Captain's.

Mid way into practice the group had made their way down to the lower parking area at Mill Pond.

It was here that they were chased by two off leash dogs ( breed unknown). From my sons' account the dogs pursued them quite aggressively, barking and chasing through the lot, past the gate onto the walking path. It was at this point on the path that my son was bitten by one of the dogs on his hip. He and his group proceeded up to the beach area where they stopped. Dogs were no longer following. Here is where my son really noticed the pain and told teammates about the bite.

The owner who had done very little to call her dogs let alone leash them was passing the group.

She was told by my son about the bite. Yes, she apologized and answered my son's question that yes her dogs were up to date on shots. Then she just kept going with her unruly off leash dogs. She offered no contact information or any further assistance to him.

Thursday after he returned home I reported the incident at the police station and spoke on the phone with the Animal Control officer. My son was seen by his doctor on Thursday, given antibiotics and referred to the Emergency Department. On Friday he was seen at ED at Anna Jaques and was started on the rigorous rabies shot protocol. Which will take four weeks of visits to ED. Without any way to verify with the dog owner that her dog's shots were up to date we had no choice.

Prior to going into the ED I posted on the West Newbury news/ & People FaceBook pages in an effort to track down the owner with no luck.

Although many who were present reached out and confirmed they witnessed the attack and a few were yelling to the woman owner to "leash her dogs". No one who saw this knew her or got her contact information.

I wanted to make you aware of the situation in hopes that you will revisit what the leash laws in our open spaces should be and the best way to enforce them.

My post on Facebook drew a lot of attention, concern and frustration from others in town, so I know there's a bigger problem beyond my son's unfortunate dog bite.

The Pentucket High School teams use both Pipestave and Mill Pond for practices and I hope that this doesn't happen to another child/family.

Thank you for your time .

Respectfully,

Michele Burke

10 Training Field Rd

**From:** [Town Manager](#)  
**To:** [Wendy Reed](#); [Rick Parker](#); [Chris Wile](#)  
**Subject:** FW: Mill Pond Question  
**Date:** Friday, December 8, 2023 10:36:51 AM

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FYI

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**From:** Kayla A. Provencher <[KProvencher@CityofNewburyport.com](mailto:KProvencher@CityofNewburyport.com)>  
**Sent:** Friday, December 8, 2023 10:05 AM  
**To:** Town Manager <[townmanager@wnewbury.org](mailto:townmanager@wnewbury.org)>  
**Cc:** Michael Dwyer <[dwyer@westnewburysafety.org](mailto:dwyer@westnewburysafety.org)>; Town Clerk <[townclerk@wnewbury.org](mailto:townclerk@wnewbury.org)>; Executive Assistant <[exec.assistant@wnewbury.org](mailto:exec.assistant@wnewbury.org)>  
**Subject:** RE: Mill Pond Question

Thanks for the information Angus! I touched base with Chief Dwyer this morning.

Thank you and have a great weekend,  
Kayla

---

**From:** Town Manager <[townmanager@wnewbury.org](mailto:townmanager@wnewbury.org)>  
**Sent:** Thursday, December 7, 2023 3:30 PM  
**To:** Kayla A. Provencher <[KProvencher@CityofNewburyport.com](mailto:KProvencher@CityofNewburyport.com)>  
**Cc:** Michael Dwyer <[dwyer@westnewburysafety.org](mailto:dwyer@westnewburysafety.org)>; Town Clerk <[townclerk@wnewbury.org](mailto:townclerk@wnewbury.org)>; Executive Assistant <[exec.assistant@wnewbury.org](mailto:exec.assistant@wnewbury.org)>  
**Subject:** RE: Mill Pond Question

Kayla,

Jim shared with me your question.

The bad news is that the Mill Pond Management Plan is extremely difficult to amend, due to processes written in 2007. Paragraph A.16 on pg. 4 ([here](#)) sets out the process, such as it is.

The good news is that you may have more authority than you think under the Town's current Animal Bylaw (beginning on pg. 16 [here](#)), including as relates to the specific items you've raised (such as 1 person with 8 dogs). See esp.:

Sec. 3.3. The Animal Control Officer may require dog owners or keepers to restrain their dogs from running at large in schools, school playgrounds, parks or recreational area. Owners and keepers may be required to restrain their dogs from running at large when the Animal Control Officer determines that any such dog is an annoyance, is dangerous or is known to cause damage in the neighborhood.

And

Sec. 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

I know Chief Dwyer will be happy to work with you to ensure that you're fully aware of the Town Bylaws as well as any relevant history re prior enforcement. I know we posted signage out at Mill Pond/Pipestave sometime last year and don't know if that has helped people understand the locations where leashes are required (such as in parking areas), but we could always look at doing more signage in those locations if that will help.

I'd also be happy to be part of a meeting with you and Chief Dwyer re current policies and enforcement, if that would be helpful.

In parallel, I do think the current Select Board will be looking at whether they want to initiate a Bylaw change at the Spring Town Meeting to see about increasing requirements for leashing in town. One advantage of considering a Bylaw changes it that it would apply town-wide, rather than just at Mill Pond and Pipestave.

Thanks,  
Angus

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

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**From:** Kayla A. Provencher <[KProvencher@CityofNewburyport.com](mailto:KProvencher@CityofNewburyport.com)>  
**Sent:** Thursday, December 7, 2023 10:41 AM  
**To:** Town Clerk <[townclerk@wnewbury.org](mailto:townclerk@wnewbury.org)>  
**Subject:** Mill Pond Question

Good morning James,

I was wondering what the process is to changing the rules at Mill Pond? The rules for dogs is a little vague and makes it difficult to enforce when it comes to dogs being under "voice control". There are a few dog walkers who go to Mill Pond daily and have 8+ dogs off-leash, majority of them having no recall. Just looking to tighten up the rules a bit and make them more clear. For example, at Moseley Woods in NBPT one of the rules is: "No owner shall have more than two (2) unleashed dogs in a designated off leash area at any one time.". Looking to add something like that for Mill Pond which would help with the dog walker issue.

Hope all is well & happy holidays!

Thank you,  
Kayla

*Kayla Prouencher*

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

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**APPENDIX D – 2024 Annual Town Meeting**  
**Article 25**  
**TOWN BYLAWS**

**Article 25.** Proposed amendments to the West Newbury Town Bylaws Title VI. Animal By-Law.

Editing Notes:

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

**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 Clerk Fees Committee 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 all Town-owned property, and from running at large in on schools, school playgrounds, parks, trails and ~~or~~ recreational areas. ~~Owners and keepers may be required to restrain their dogs from running at large when the Animal Control Officer determines that any such dog is an annoyance, is dangerous or is known to cause damage in the neighborhood.~~

3.4. ~~3.1.~~ If the Animal Control Office 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	\$ <del>25.00</del> <u>50.00</u>
Third Offense, and any subsequent within twelve months of the first offense	\$ <del>75.00</del> <u>100.00</u>

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. ~~4.~~ 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. ~~5.~~ 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	\$ <del>25.00</del> <u>50.00</u>
Second Offense	\$ <del>50.00</del> <u>100.00</u>
Third Offense and Subsequent Offenses	\$ <del>100.00</del> <u>200.00</u>

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	\$15.00
Spayed Female Dogs	\$15.00
Male & Female Dogs	\$25.00
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.]*



Proposed Animal Bylaw Amendments  
Public Feedback  
Received as of 6:00 p.m. April 5, 2024

Hunting by law walking on town property and hearing gun shots makes us very Leary of continuing.  
The dog by law is one that is way past due too many dogs walking free around the reservoir racing ahead of owners

Thanks  
Ivars jakobsons  
7 river meadow

---

Good Morning, Select Board,

I am in favor of both these amendments. Pretty common sense.

Patricia Skibbee  
396 Main Street

---

**DOG BY-LAW:**

I am in favor of the majority of the changes proposed to the Dog By-law with the exception of the following:

Clause 2: should remain as currently written without the proposed modifications.

Clause 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.

Lastly, does a "fixed, physical leash" mean that people may not use the retractable type leash? If so, perhaps more clearly defining that would be beneficial. Perhaps language as follows - "fixed, physical leash (no retractable leashes)".

--

Catherine Marrone  
251 River Rd

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Greetings,

I am unable to attend the upcoming meeting, but I want to share my thoughts regarding the bylaw changes to restrict dogs on town properties (which I assume includes Mill Pond and Pipestave). I walk my two large dogs every morning there. It is one of my delights about living in West Newbury. They socialize well with other dogs and exercise much more than they could if they stayed on leash. During several years of doing so, I have never had a problem or seen a problem. Owners who are concerned about their dogs (whether being too aggressive or running away) naturally keep their dogs on leash. During my walks (typically between 7 am and 10 am), I have never seen a horse, nor have I witnessed any pedestrians with any concerns. My dogs certainly are not perfectly behaved; however, I appreciate that I live in a town that is open to these freedoms.



Proposed Animal Bylaw Amendments  
Public Feedback  
Received as of 6:00 p.m. April 5, 2024

I frankly don't know your conversation or understand why this issue is coming forward. However, if you do decide to move forward with this change, I hope that you might include some nuance rather than taking this radical and heavy-handed approach. If certain times are an issue, then perhaps having set hours for leashes would make more sense. If this is a concern for horses, perhaps the times when there are horse gatherings should be the focus (I tend to avoid these times anyway).

Overall, this change saddens me and makes me question why this change needs to be made in this way. I think we can do better with this decision.

Thanks for your consideration,  
Greg Keller  
529 Main St.

---

I support both proposed amendments. Thank you.

Kathy Mandeville  
2 Ridgeway Circle

---

Dear Select Board Members,

I think there should be an additional section for people with dogs staying at AirBnB/VRBO homes for extended stays in residential neighborhoods (not sure if they are required to provide any fees and/or proof of rabies vaccinations etc.)

Also, people with dogs that are renters at residential homes and ADUs.

Thank you!

Maryann Czerepak  
14 Norino Drive

---

We are in favor of both amendments with one reservation, that is the penalty fee for weapon use on private property or Town property.

Thank you for considering our comments.

Bridget & Bill White  
59 Indian Hill Street

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As an older resident, I am not capable of running with my dogs on leash. Running and playing together in the fields gives them the exercise that I cannot give them. My dogs enjoy running with other dogs in and around Mill Pond and Pipestave Hill. We are respectful of others and my dogs are put on leash until we are clear that the other dog owners and their pets are okay.

I agree that dogs should be leashed on school grounds and buildings.



Proposed Animal Bylaw Amendments  
Public Feedback  
Received as of 6:00 p.m. April 5, 2024

I respectfully request that you do not amend the Animal By-Law Section 3.3 to require that dogs must be kept on leash on trails and recreational areas.

Thank you for the opportunity to express my concern.

Claudia Woods Estin

Claudia Woods Estin

**From:** [Greg Keller](#)  
**To:** [Selectboard](#)  
**Subject:** RE: proposed changes to bylaws  
**Date:** Thursday, March 7, 2024 11:03:09 PM

---

Good evening Wendy,  
Thanks so much for your explanation. This is unfortunate to hear. I certainly don't envy the work of you and work colleagues. I wonder if there is an option to dedicate spaces to dog owners. Or to have a two-strike option for dog owners. But honestly, having any dog bite someone is troubling. Sorry this is something that you have to deal with.  
Best to you,  
Greg

---

Gregory S. Keller, Ph.D. (he/him/his)  
Professor of Conservation Biology  
Chair of the Life, Health, and Physical Sciences

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**From:** Selectboard <[selectboard@wnewbury.org](mailto:selectboard@wnewbury.org)>  
**Sent:** Thursday, March 7, 2024 8:37 PM  
**To:**  
**Subject:** RE: proposed changes to bylaws

**CAUTION:** External Email: Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Greg,

I appreciate your feedback on this bylaw revision. The reason for bringing this change forward is that we have had many resident complaints about dogs not being under owner control, as is required by the current bylaw. If a person is afraid of or does not like being approached by dogs, it doesn't matter if they're friendly or well behaved. While it sounds like you are a responsible dog owner, not everyone who uses our recreation areas is. There have been reported incidents of biting and aggressive behavior and our Animal Control Officer has had to increase patrolling. She has

asked us to tighten the bylaw so that it can be better enforced. This is to protect people who would like to use the trails as well as leashed dogs and horses. I agree that it is unfortunate that we have to contemplate such a change. This has been an ongoing problem for as long as I've been on the Select Board, though, and we think that it's time to address it.

I will pass your input along to other Select Board members and your email will be included in the information packet for the meeting on Monday night.

Thank you,

Wendy Reed  
WN Select Board

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**From:**

**Sent:** Thursday, March 7, 2024 10:35 AM

**To:** Selectboard <[selectboard@wnewbury.org](mailto:selectboard@wnewbury.org)>

**Subject:** proposed changes to bylaws

Greetings,

I am unable to attend the upcoming meeting, but I want to share my thoughts regarding the bylaw changes to restrict dogs on town properties (which I assume includes Mill Pond and Pipestave). I walk my two large dogs every morning there. It is one of my delights about living in West Newbury. They socialize well with other dogs and exercise much more than they could if they stayed on leash. During several years of doing so, I have never had a problem or seen a problem. Owners who are concerned about their dogs (whether being too aggressive or running away) naturally keep their dogs on leash. During my walks (typically between 7 am and 10 am), I have never seen a horse, nor have I witnessed any pedestrians with any concerns. My dogs certainly are not perfectly behaved; however, I appreciate that I live in a town that is open to these freedoms.

I frankly don't know your conversation or understand why this issue is coming forward. However, if you do decide to move forward with this change, I hope that you might include some nuance rather than taking this radical and heavy-handed approach. If certain times are an issue, then perhaps having set hours for leashes would make more sense. If this is a concern for horses, perhaps the times when there are horse gatherings should be the focus (I tend to avoid these times anyway).

Overall, this change saddens me and makes me question why this change needs to be made in this way. I think we can do better with this decision.

Thanks for your consideration,

Greg Keller  
529 Main St.  
West Newbury

---

Gregory S. Keller, Ph.D. (he/him/his)  
Professor of Conservation Biology

Chair of the Life, Health, and Physical Sciences

310 KOSC





**TOWN OF WEST NEWBURY  
CONSERVATION COMMISSION**

381 Main Street, West Newbury, Mass. 01985

Phone: 978-363-1100 x126 Email: [conservation@wnewbury.org](mailto:conservation@wnewbury.org)

TO: Select Board; Angus Jennings, Town Manager

FROM: Michelle Greene, Conservation Agent on behalf of the West Newbury Conservation Commission

DATE: March 22, 2024

RE: Comments on Proposed amendments to the Town of West Newbury Animal By-Law

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At its regularly scheduled and duly posted meeting of March 18, 2024, the West Newbury Conservation Commission (WNCC) reviewed and discussed the “Proposed amendments to Town of West Newbury Animal By-Law Discussion Draft, March 2024” document.

The WNCC generally believes that additional amendments to the animal bylaw which provide some flexibility for off-leash provisions should be considered and is therefore not supportive of the proposed amendments to the animal bylaw as currently written.

During its discussion of the proposed animal bylaw amendments as they relate to the leashing of dogs, the Commission considered that while there are areas such as sensitive wildlife habitat and high traffic areas that would likely benefit from a leash requirement, that there are also other areas such as those with lower traffic or areas away from trails that may not require such strict leashing requirements. Additionally, the Commission considered that a policy, such as the [policy at Cashman Park in Newburyport which offers certain times of day when leashing is not required](#), could be explored for certain areas to provide the flexibility that is currently missing in the proposed amendments to the animal bylaw.

The WNCC would like to offer to continue discussions with the Select Board to draft amendments to the animal bylaw that strike a balance between reducing the potential impacts of off-leash dogs but also allows flexibility for off-leash dogs where and or when it is practicable.

**From:** [Angus Jennings](#)  
**To:** [Wendy Reed](#)  
**Cc:** [Executive Assistant](#)  
**Subject:** Fwd: Question re West Newbury Animal (Dog) Bylaw  
**Date:** Wednesday, March 6, 2024 9:01:20 AM

---

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](mailto:townmanager@wnewbury.org)

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**From:** [DON LEONE](#)  
**To:** [Selectboard](#)  
**Subject:** RE: Leash law  
**Date:** Friday, December 1, 2023 9:10:52 AM

---

Hi Wendy,

Thanks for the update.

It is a difficult situation. I make at least one sometimes two trips a day on the town trails, South St, reservoir, top of our hill is an access point to the trail system. Over the years we have not had a serious incident, although a few aggressive dogs have presented challenging situations most are solved.

I do not use the Pipestave Hill recreation area so I don't see those problems.

This is almost impossible to legislate except to require a leash throughout the town which in my opinion is punitive to the great majority of dog owners. Mine are always leashed but that is my choice.

I think your approach is a good one. Make it location specific.

Thanks again for the info.

Don Leone

On 11/29/2023 6:34 AM EST Selectboard <[selectboard@wnewbury.org](mailto:selectboard@wnewbury.org)> wrote:

Hi Don,

Thanks for reaching out. There has not been a new animal control bylaw passed. There have been property specific policy changes, however, in response to incidents that have occurred. Last year the Select Board asked the Animal Control Officer to increase their presence at Mill Pond and to enforce a requirement that dogs be leashed in and around parking and high public use areas. If you have specific questions about this or you are referring to a different town owned property, please let me know. I'm copying the Town Clerk here who will also be able to provide specific information if needed.

Thanks,

Wendy Reed

WN Select Board

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**From:**  
**Sent:** Wednesday, November 29, 2023 5:39 AM  
**To:** Selectboard <[selectboard@wnewbury.org](mailto:selectboard@wnewbury.org)>  
**Subject:** Leash law

It would be helpful if the animal control person and the town bylaw agreed.

Animal control claims on face book leash required at all times.

Town bylaw says leash or immediate control.

Is there a new bylaw that hasn't been published?

Don Leone

# April 11, 2024 SB Discussion

4/7/2024



Data Sources: Produced by Merrimack Valley Planning Commission (MVPC) using data provided by the Town of West Newbury & MassIT/MassGIS. MVPC AND THE TOWN OF WEST NEWBURY MAKES NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE ACCURACY, COMPLETENESS, RELIABILITY, OR SUITABILITY OF THESE DATA. THE TOWN OF WEST NEWBURY AND MVPC DOES NOT ASSUME ANY LIABILITY ASSOCIATED WITH THE USE OR MISUSE OF THIS INFORMATION.

MVPC Boundary	Parcels	Roads	Interstate	Major Road	Local Road
Trails	Easements	Wetlands			



# MEMORANDUM

To: Town Manager and Select Board  
From: Wendy Reed  
Re: Hunting Bylaw Amendment Discussion  
Date: April 6, 2024

The following documents are included for review in support of our discussion on the proposed Hunting bylaw amendment on April 11, 2024:

- Email chain that initiated the proposed amendments
- Fin Com booklet Appendix with proposed changes
- List of publicly used Town owned properties where hunting might occur with descriptions and links for trail maps
- Greenbelt's hunting policy and application requirements
- Updated public comment to the Select Board email address
- Memo from the Conservation Agent regarding proposed changes
- Email chains for the three hunting permission requests received and denied over the last year

I also reached out to the chairs of the Mill Pond Committee and Open Space Committee to ask for this item to be on their agenda and to provide feedback, but did not receive any.

Of note for this discussion is that the fact that hunting is currently not allowed on Town owned property unless written permission is received from the Select Board. Some of the feedback that follows suggests that this is not understood and that we are proposing a new outright ban. Additionally of note is of the three requests made to hunt on Town owned land, none are from residents.

From our recent discussions it seems that these are the possible outcomes of our discussion on April 11:

1. Hunting is allowed with bows only (no firearms)
2. Hunting is allowed with permission granted by a formal and documented process
3. Hunting is allowed only on specified Town owned properties
4. No changes made to the existing bylaw

These are not meant to be exclusive of others but I wanted to attempt to provide focus for our discussion. I am not planning on taking public comment at the meeting given that we provided that opportunity at a prior meeting and have solicited email feedback.

**From:** [Town Manager](#)  
**To:** [Wendy Reed](#); [Rick Parker](#); [Chris Wile](#)  
**Cc:** [Town Clerk](#)  
**Subject:** FW: Posting no hunting signage for Town properties  
**Date:** Thursday, December 7, 2023 11:49:44 AM  
**Attachments:** [No Hunting Signage \(3\).pdf](#)

---

Forwarding below/attached so all Board members are aware -

---

**From:** Town Manager  
**Sent:** Thursday, December 7, 2023 11:49 AM  
**To:** Michael Dwyer <[dwyer@westnewburysafety.org](mailto:dwyer@westnewburysafety.org)>  
**Cc:** Selectboard <[selectboard@wnewbury.org](mailto:selectboard@wnewbury.org)>; Highway <[highway@wnewbury.org](mailto:highway@wnewbury.org)>; DPW Admin <[DPWAdmin@wnewbury.org](mailto:DPWAdmin@wnewbury.org)>; Conservation <[conservation@wnewbury.org](mailto:conservation@wnewbury.org)>; Town Clerk <[townclerk@wnewbury.org](mailto:townclerk@wnewbury.org)>; Assistant Clerk <[assistantclerk@wnewbury.org](mailto:assistantclerk@wnewbury.org)>; Executive Assistant <[exec.assistant@wnewbury.org](mailto:exec.assistant@wnewbury.org)>  
**Subject:** RE: Posting no hunting signage for Town properties

Here is the sign the Town Clerks' office came up with. (They prepared about 8 variations and this is the preferred draft in our offices). We will print and laminate a bunch of these, then work with Butch when he's back in the office on Monday to see about getting some properties posted. If people copied here have recommended locations, please provide them (be as specific as possible). Thanks!

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

---

**From:** Town Manager  
**Sent:** Wednesday, December 6, 2023 4:57 PM  
**To:** Michael Dwyer <[dwyer@westnewburysafety.org](mailto:dwyer@westnewburysafety.org)>  
**Cc:** Selectboard <[selectboard@wnewbury.org](mailto:selectboard@wnewbury.org)>; Highway <[highway@wnewbury.org](mailto:highway@wnewbury.org)>; DPW Admin <[DPWAdmin@wnewbury.org](mailto:DPWAdmin@wnewbury.org)>; Conservation <[conservation@wnewbury.org](mailto:conservation@wnewbury.org)>; Town Clerk <[townclerk@wnewbury.org](mailto:townclerk@wnewbury.org)>; Executive Assistant <[exec.assistant@wnewbury.org](mailto:exec.assistant@wnewbury.org)>  
**Subject:** Posting no hunting signage for Town properties

Chief,

Please see below. I suspect your office also gets periodic complaints/concerns about this issue. To the extent they may not already know this, please ensure that your officers are aware of the concerns; of the Bylaw requirement that hunting on Town land require advance approval (Hunting Bylaw, Art. XII [here](#)); and that no such approvals have been given.

Re thread below, I reviewed it with Wendy and we both agreed that posting signage sooner than



later would be warranted – since it would just be communicating existing Town policy, and would be timely responsive to the residents’ concerns.

Tomorrow, we’re going to work on putting together a sign that can be laminated and suitable for posting at various Town properties. (If we want to get more durable signage in the future that could be designed and fabricated... the goal here is to get something clear posted quickly). Once we have something drafted we can figure out how many signs and where best to post, but the Riverbend area would be the starting point. If signage were within roadway ROWs this wouldn’t need further approval, but Michelle if you think the ConCom would want to know about this please feel free to share with them, or let me know if there’s any further process they would expect.

Thanks,  
Angus

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

---

**From:** Town Manager  
**Sent:** Friday, December 1, 2023 4:27 PM  
**To:** Selectboard <[selectboard@wnewbury.org](mailto:selectboard@wnewbury.org)>  
**Subject:** RE: Hunting in Riverbend Conservation

I totally agree that simply posting “No Hunting” signs ought to be able to be done quickly; or “No Hunting without Written Authorization of Select Board per Town Bylaws” if needed (though that signage would obviously need to be created rather than something that could be readily purchased). Short of getting durable signage fabricated, though, we could print signage on paper and use the BOH laminator if we wanted to get quick signage posted in various locations as early as Monday.

It may be something worth looking at a more nuanced policy for next year’s hunting season, but if people are concerned about their or their animals’ safety, I would support moving quickly to get clear signage to try to limit unauthorized hunting; along with notice to P.D. to be on the lookout in the interest of improved enforcement.

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

[townmanager@wnewbury.org](mailto:townmanager@wnewbury.org)

---

**From:** Selectboard <[selectboard@wnewbury.org](mailto:selectboard@wnewbury.org)>  
**Sent:** Friday, December 1, 2023 7:47 AM  
**To:** Catherine Marrone <  
**Cc:** Conservation <[conservation@wnewbury.org](mailto:conservation@wnewbury.org)>  
**Subject:** Re: Hunting in Riverbend Conservation

Hi Catherine,

In accordance with our Town Bylaws, hunting is not allowed on Town owned property without the permission of the Select Board. That would have been discussed and approved at a public meeting, which has not happened.

I'm copying the Conservation Agent on this email as the Commission owns/manages most of the Riverbend area. Installation of signage would need to be approved and coordinated with them.

I will also share your email with the other Select Board members and Town Manager so they are aware of your concerns. Thank you for reaching out on this issue.

Wendy Reed  
WN Select Board

Get [Outlook for iOS](#)

---

**From:** Catherine Marrone  
**Sent:** Thursday, November 30, 2023 9:20:34 AM  
**To:** Selectboard <[selectboard@wnewbury.org](mailto:selectboard@wnewbury.org)>  
**Subject:** Hunting in Riverbend Conservation

Hello,

My husband and I reside on River Road and frequently utilize the Riverbend Conservation Trails. Last year we encountered quite a few hunters and had some "close calls" with rifle shots. This year, we're encountering even more hunters out on the trails.

My husband went for a walk this morning and came across two hunters with long rifles hunting for deer. They asked my husband if it was OK to hunt on this land. They said that they were told it was OK to do so. They also stated that there's a young man who hunts out there all the time. This would align with our experience from last year as my son, Patrick, was within 50' of a young hunter when he discharged his rifle.

Our understanding is that hunting is not allowed in the Riverbend area. Please let me know if that is not the case. If hunting is not allowed, what can be done to better police illegal activity within the area? Can signage be posted at all entry points? (River Rd, Way to the River and Coffin Street) I'm sure you're aware of how many people on any given day use these trails. We also ride our horses (some of which are the color of deer) on these trails, along with many other equestrians in the town.

Thank you,

--

Catherine Marrone

**APPENDIX C – 2024 Annual Town Meeting**  
**Article 24**  
**TOWN BYLAWS**

**Article 24.** Proposed amendments to the West Newbury Town Bylaws Title XII. Hunting By-Law.

Editing Notes:

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

**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 fifty ~~twenty~~ dollars for each 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~~]*



## Town Owned Open Space Details

### **Mill Pond & Pipestave Hill**

Multi use trails of varying length, type and difficulty. This is the largest trail network in West Newbury and is 270 acres in size. Most trails are marked and maintained. Popular with dogs and horses and skating on the pond in winter. Trails are linked across Route 113 to Riverbend and the Page School. Maps are available at kiosks located at Mill Pond and Pipestave Hill parking lots.

[Click here](#) for the trail map.

### **Riverbend & Page School**

Outstanding walk along Merrimack River shoreline and throughout the Riverbend Conservation Area. Watch for bald eagles and great blue herons. Route connects River Road across the Indian River to Way-to-the-River Rd (1/2 mile). Trails go to a large open field and beyond connecting to Route 113 near the Page School and over to the Indian River dam ruins. New trails and bridges added in 2014 connect Riverbend West from the dam to Coffin Street.

[Click here](#) for the trail map.

### **Dunn Field**

Purchased by the Town of West Newbury for municipal use with help from a State grant in 2002, Dunn Field contains over 70 acres of active farm land and forest. Trails connect to Pipestave Hill athletic fields and to Chase Street with access to the Ocean Meadow development.

[Click here](#) for the trail map.

### **Withers Conservation Area**

Contains 24 acres of town-owned conservation land acquired in 1969. Withers Conservation Area offers scenic, shoreline views along the Upper Artichoke Reservoir and connects to a loop thru the forest. Fishing is permitted. Access trail using right-of-way next to Insight Meditation Center on Middle Street or park across the bridge on Plumber Spring Road in Newburyport.

[Click here](#) for the trail map.

### **Quaker Cemetery**

Short, one minute walk passing through an old cemetery, grown over by forest. Trail leads to the Upper Artichoke Reservoir. Great views of the lake along the shoreline. Popular spot for fishing. Take the 'Fisherman's Trail' to avoid walking through the tombstones. Quaker Cemetery is located on Turkey Hill Road, next to the Newburyport city line. No boating or swimming.



## Town Owned Open Space Details

### **Brake Hill & Groveland Town Forest**

Highest point in West Newbury (Elev. 258'). From Hill Top Circle, the main trail leads through the red gate and up a gravel road to a water tower. Several trails veer left off the gravel road into the Craven Woods, which then connect to a loop extending into the Groveland Town Forest. Parking available along the street near 19 Hill Top Circle or on Brake Hill Terrace near Route 113.

[Click here](#) for the Brake Hill & Groveland Town Forest trail map.

### **Chestnut Hill Farm Reservation**

Protected by a conservation restriction in 2007, this site features easy walking on grass pathways with river views from the overlook. This is also another good birding site, with access to the Merrimack shoreline. Parking lot is located at end of Farm Lane. The public space lies beyond the parking area and east of the house. No dogs, horses, bikes, fishing, hunting or boating allowed please.

[Click here](#) for the Chestnut Hill Farm trail map.

### **Mullen Woods**

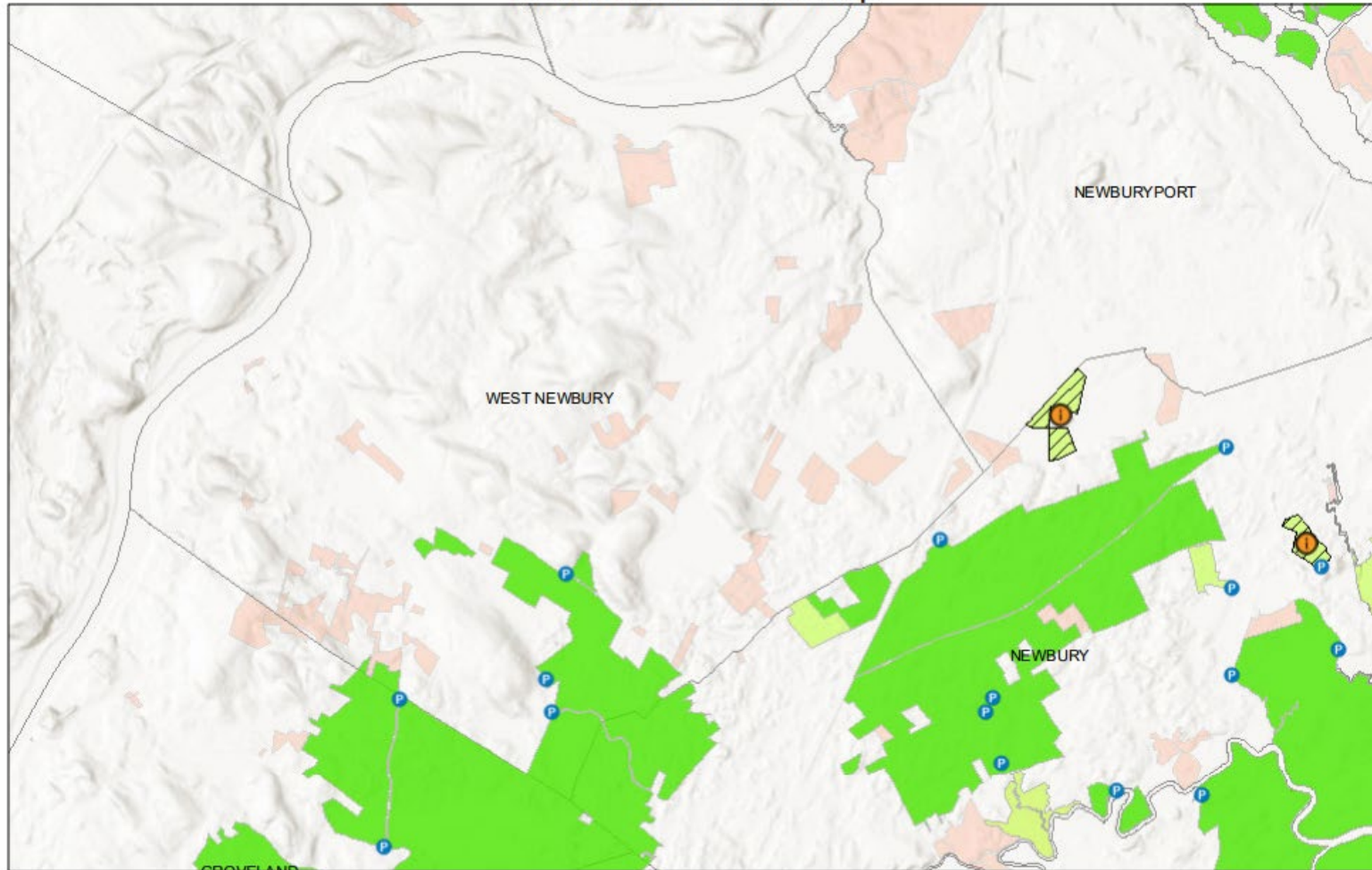
The 34 acre Mullen Property features a trail loop connecting Church Street to Main Street. A short 20 to 30 minute walk passes thru a scenic forest and up a ridge behind Prospect Street. Park and access the trail at the Carr Post building on Main Street (also called the American Legion).

[Click here](#) for the Mullen Woods Trail Map

<https://www.wnewbury.org/open-space-committee/pages/hiking-areas-and-trail-maps>

# Mass Wildlife Lands Open to Hunting, Fishing, Trapping and Wildlife Viewing

## MassWildlife Lands Map

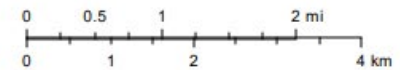


2/15/2024



### Legend

- Additional Info about Access
  - Parking
  - MassWildlife Lands with Limited Access
- MassWildlife Lands**
- WCE
  - WMA



Information on this map should not be used for legal boundary definition or parcel specific planning.

[Mass.gov/wildlife-lands](http://Mass.gov/wildlife-lands)

Hunting Bylaw Discussion

## Essex County Greenbelt Association Hunting Policy

Hunting is allowed with written permission on some Essex County Greenbelt Association (Greenbelt) land for white-tailed deer (archery equipment only), waterfowl and certain other species. Hunting is allowed without written permission on a few Greenbelt properties as a result of conservation restrictions (easements) held by the Mass. Division of Fisheries and Wildlife. For more information, inquire with the Greenbelt contact shown below.

For Greenbelt properties that require permission, **all permissions are issued prior to the opening of each hunting season** by Greenbelt's Director of Land Stewardship. In season requests are reviewed for the following hunting season. Hunting permits are issued only to current Greenbelt members. Permits are issued annually, and previous permit holders are generally given preference. The permit must be in the hunter's possession at all times while hunting on a Greenbelt property. All Massachusetts and Federal laws apply.

Requests to obtain written hunting permission should be submitted in via mail or email to:

Director of Land Stewardship  
Essex County Greenbelt Association  
82 Eastern Avenue  
Essex, MA 01929  
978-768-7241 ext. 114.  
email: [hunting@ecga.org](mailto:hunting@ecga.org)

The letter or email request to Greenbelt should include your contact information (with email address and cell phone number if available), as well as information about your hunting background, what species will be targeted, methods (archery or firearms), and what property or properties you wish to hunt on. Info on Greenbelt properties can be found at [www.ecga.org/trails](http://www.ecga.org/trails).

**Greenbelt limits deer hunting on our properties to archery equipment only, except for some sites that are subject to a MADFW conservation restriction/easement requiring hunting without landowner permission (see below for more info).**

Requests for access to a specific property are preferred and it is advised to contact the Director of Land Stewardship to determine the status of a property before you spend time and energy scouting. All requests will be dated upon arrival and filed.

Specific requests for deer hunting are reviewed annually in August/September and permits sent out before the season opens. As stated earlier on this page, requests received after the opening of deer archery season are deferred to the following year. The majority of deer hunting permissions are issued for archery season only.



## Essex County Greenbelt Association Hunting Policy

### **Greenbelt properties with MassWildlife conservation restriction/easements:**

#### **Donald Woodland, Newbury**

GPS Location

Latitude 42.775534, Longitude -70.941015

[Google Map Locator](#)

Conservation Restriction

Granted 2012 by Greenbelt to Mass. Dept. of Fish and Game

**Public may hunt – Greenbelt written permission not required**

#### **Hans Morris Reservation, Newbury**

GPS Location

Latitude 42.777307, Longitude -70.887324

[Google Map Locator](#)

Conservation Restriction

Granted 2010 by Greenbelt to Mass. Dept. of Fish and Game

**Public may hunt - Greenbelt written permission not required**

#### **Wet Meadows, Newbury**

GPS Location

Latitude 42.788601, Longitude -70.908921

[Google Map Locator](#)

Conservation Restriction

Granted 2007 by Greenbelt to Mass Dept. of Fish and Game

**Public may hunt - Greenbelt written permission required**

#### **Lagoulis Reservation, Newbury**

GPS Location

Latitude 42.778958, Longitude -70.876544

[Google Map Locator](#)

Conservation Restriction Granted 2014 by Greenbelt to Mass. Dept. of Fish and Game

**Public may hunt - Greenbelt written permission required**

#### **Great Swamp Brook, Rowley**

GPS Location

Latitude 42.727473, Longitude -70.917905

[Google Map Locator](#)

Conservation Restriction

Granted 2010 by Greenbelt to Mass. Dept. of Fish and Game

**Public may hunt - Greenbelt written permission required**

## Essex County Greenbelt Association Hunting Policy

### **Reinert Reservation, Essex**

GPS Location

Latitude 42.648333, Longitude-70.779547

[Google Map Locator](#)

Conservation Restriction

Granted in 2018 by Greenbelt to Mass. Dept. of Fish and Game

**Public may hunt - Greenbelt written permission not required**

### **Brewer Field, Ipswich**

GPS Location

Latitude 42.681729, Longitude -70.814504

[Google Map Locator](#)

Conservation Restriction

Granted in 2019 by Greenbelt to Mass. Dept. of Fish and Game

**Public may hunt only in the salt marsh portion of this property. Written permission is not required**

### **Ox Pasture and Mill River, Rowley**

Ox Pasture GPS Location

Latitude 42.742605, Longitude-70.890358

[Ox Pasture Google Map Locator](#)

Mill River GPS Location

Latitude 42.747337, Longitude-70.886034

[Mill River Google Map Locator](#)

Conservation Restriction

Granted in 2018 by Greenbelt to Mass. Dept. of Fish and Game

**Public may hunt - Greenbelt written permission not required**

Mapping information for some of the properties above can be found on the [MassWildlife Land Viewer](#)

Greenbelt membership information can be obtained at our offices or from our website at [www.ecga.org](http://www.ecga.org). Contact the Director of Land Stewardship with questions.

<https://ecga.org/Hunting-Policy>



## Proposed Hunting and Animal Bylaw Amendments

Public Feedback

Received as of 6:00 p.m. March 10, 2024

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?



## Proposed Hunting and Animal Bylaw Amendments

Public Feedback

Received as of 6:00 p.m. March 10, 2024

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

---

Hunting by law walking on town property and hearing gun shots makes us very Leary of continuing. The dog by law is one that is way past due too many dogs walking free around the reservoir racing ahead of owners

Thanks  
Ivars jakobsons

---

Good Morning, Select Board,

I am in favor of both these amendments. Pretty common sense.

Patricia Skibbee

---

### **HUNTING by-law:**

I am in favor of the proposed changes with the exception of recommending that the fine outlined in Section 3 should be \$100. I propose the higher fine amount based on my family's personal knowledge that hunting is currently happening on town land. Our family has had a few "close calls" with firearms being discharged within 50' of where they were standing. If the fine was higher, perhaps hunters wouldn't be so quick to hunt where it's not allowed.

### **DOG BY-LAW:**

I am in favor of the majority of the changes proposed to the Dog By-law with the exception of the following:

Clause 2: should remain as currently written without the proposed modifications.

Clause 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.

Lastly, does a "fixed, physical leash" mean that people may not use the retractable type leash? If so, perhaps more clearly defining that would be beneficial. Perhaps language as follows - "fixed, physical leash (no retractable leashes)".



## Proposed Hunting and Animal Bylaw Amendments

Public Feedback

Received as of 6:00 p.m. March 10, 2024

--

Catherine Marrone  
[REDACTED]

---

Greetings,

I am unable to attend the upcoming meeting, but I want to share my thoughts regarding the bylaw changes to restrict dogs on town properties (which I assume includes Mill Pond and Pipestave). I walk my two large dogs every morning there. It is one of my delights about living in West Newbury. They socialize well with other dogs and exercise much more than they could if they stayed on leash. During several years of doing so, I have never had a problem or seen a problem. Owners who are concerned about their dogs (whether being too aggressive or running away) naturally keep their dogs on leash. During my walks (typically between 7 am and 10 am), I have never seen a horse, nor have I witnessed any pedestrians with any concerns. My dogs certainly are not perfectly behaved; however, I appreciate that I live in a town that is open to these freedoms.

I frankly don't know your conversation or understand why this issue is coming forward. However, if you do decide to move forward with this change, I hope that you might include some nuance rather than taking this radical and heavy-handed approach. If certain times are an issue, then perhaps having set hours for leashes would make more sense. If this is a concern for horses, perhaps the times when there are horse gatherings should be the focus (I tend to avoid these times anyway).

Overall, this change saddens me and makes me question why this change needs to be made in this way. I think we can do better with this decision.

Thanks for your consideration,  
Greg Keller  
[REDACTED]

---

Hunting Bylaw

Good morning - My comment is that the fine in Section 3 should be \$250 for each offense. The amount of \$50 is too little to be a deterrent.

Thank you - Barry Fogel,  
[REDACTED]

---

I support both proposed amendments. Thank you.

Kathy Mandeville  
[REDACTED]

---

Dear Select Board Members,

I think there should be an additional section for people with dogs staying at AirBnB/VRBO homes for extended stays in residential neighborhoods (not sure if they are required to provide any fees and/or proof of rabies vaccinations etc.)

Also, people with dogs that are renters at residential homes and ADUs.



Proposed Hunting and Animal Bylaw Amendments

Public Feedback

Received as of 6:00 p.m. March 10, 2024

Thank you!

Maryann Czerepak  
[REDACTED]

---

We are in favor of both amendments with one reservation, that is the penalty fee for weapon use on private property or Town property. Fifty dollars is a slap on the wrist and not a deterrent for disregard of the law.

If someone were to use any weapon on our property, which is surrounded by woods and not easily visible much of the year, we would not feel safe in our own home. Worse, if outside we could be hit. Not only would we want the person criminally charged, we would also expect them to lose their hunting license (assuming they had one to begin with) and pay a fine that would have a meaningful impact.

We need strong laws when it comes to weapons, for our community's safety and to remain one of the safest states in the country, particularly regarding firearm use.

Thank you for considering our comments.

Bridget & Bill White  
[REDACTED]

---

As an older resident, I am not capable of running with my dogs on leash. Running and playing together in the fields gives them the exercise that I cannot give them. My dogs enjoy running with other dogs in and around Mill Pond and Pipestave Hill. We are respectful of others and my dogs are put on leash until we are clear that the other dog owners and their pets are okay.

I agree that dogs should be leashed on school grounds and buildings.

I respectfully request that you do not amend the Animal By-Law Section 3.3 to require that dogs must be kept on leash on trails and recreational areas.

Thank you for the opportunity to express my concern.

Claudia Woods Estin  
[REDACTED]



**TOWN OF WEST NEWBURY  
CONSERVATION COMMISSION**

381 Main Street, West Newbury, Mass. 01985

Phone: 978-363-1100 x126 Email: [conservation@wnewbury.org](mailto:conservation@wnewbury.org)

TO: Select Board; Angus Jennings, Town Manager

FROM: Michelle Greene, Conservation Agent on behalf of the West Newbury Conservation Commission

DATE: March 22, 2024

RE: Comments on Proposed amendments to the Town of West Newbury Hunting By-Law

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At its regularly scheduled and duly posted meeting of March 18, 2024, the West Newbury Conservation Commission (WNCC) reviewed and discussed the “Proposed amendments to Town of West Newbury Hunting By-Law Discussion Draft, March 2024” document.

The WNCC is not supportive of the proposed amendments to the hunting bylaw as currently written. The proposed amendments would prohibit all hunting of all species by any means on any town owned lands. The WNCC finds these amendments broad sweeping and short-sighted and would like to provide the following information for the Select Board and the public’s consideration:

- The WNCC believes the bylaw amendments as proposed have been drafted without appropriate input from the town Boards, Committees, and Commissions that are charged with the town’s open space and natural resource management and without adequate time for public outreach, public comment, and without any data to support the need to entirely ban all hunting on all town owned parcels of land.
- The WNCC would like to call attention to its [meeting minutes of November 20, 2024](#) in which it expressed an interest in working with the Select Board to develop a fair and considered policy to permit hunting on some town owned parcels of land, similar to the policy developed in Hampden Maine that was shared with the Select Board in its [meeting packet of November 20, 2024](#).
- Hunters, anglers, and trappers in Massachusetts play a major role in funding land conservation in Massachusetts. A portion of every hunting, fishing, and trapping license sold in Massachusetts funds the [Wildlands Fund](#) which acquires land for wildlife habitat. These lands are open to the public for all outdoor recreational activities, not just for hunting, fishing, and trapping.
- It is likely that grants already received by the town for open space land acquisition such as the Self Help grant which helped acquire the land now known as Riverbend Conservation Area, formerly the Mingo property, and the LAND Grant which partially funded acquisition of the Sawmill Brook Conservation Area, formerly the Austin

property, were likely made possible, in part from funds generated from the sale of hunting and fishing licenses.

- Many cities and towns in Massachusetts, including Weston, which has a similar land size to West Newbury (Weston: 17.3 sq. miles, West Newbury: 14.7 sq. miles) and a larger population than West Newbury (Weston: 11,851 in 2020 Census, West Newbury: 4,500 in 2020 Census) [have successfully created policies and programs that allow for hunting on their town owned lands.](#)

The WNCC believes that properly regulated hunting can be a safe and effective conservation tool. As humans have disrupted natural food chains eliminating natural predators, humans have created an overpopulation of certain species such as white-tailed deer with damaging impacts to the ecosystem and even impacts to the health and safety of humans.

- Overpopulation of white-tailed deer results in overbrowsing which “alters plant species composition, distribution, and abundance, and reduces understory structural diversity (due to the inability of seedlings to grow beyond the reach of deer). These changes have a negative impact on other wildlife species, which also depend on healthy vegetative systems for food and cover. In time, overbrowsing results in reduced habitat quality”. [\(Northeast Deer Technical Committee, May 2009\)](#)
- An overpopulation of white-tailed deer increases the number of deer-vehicle collisions on roads and may contribute to an increase of tick-borne illnesses, such as Lyme disease. [\(New York State Department of Environmental Conservation\)](#)
- According to [MassWildlife](#) “In areas where effective hunting methods are restricted by town by-laws prohibiting the discharge of firearms and in areas where hunting access is severely limited through discharge setbacks, land closures, or town by-laws requiring written permission, not enough deer are removed from the population to stabilize or reduce deer numbers. This is occurring in much of eastern Massachusetts, but also any place in the state where large areas of land are closed to hunting or restrictions to hunting are prohibitive. Towns and landowners must work proactively to increase hunting access to address deer issues sooner than later, as deer numbers will continue to rise and make reduction efforts even more difficult in the future.”

As the WNCC is the commission charged with “the promotion and development of the natural resources” of the town under G.L. c. 40 §. 8C, is the property owner of many open space parcels in town, and is the holder of many conservation restrictions on parcels of land in town, the WNCC would like to be a partner with the Select Board in developing a policy under the existing hunting bylaw which provides a clear path for the town to permit hunting on certain town owned parcels of land.



**From:** [Will Poulin](#)  
**To:** [Selectboard](#)  
**Subject:** Re: Hunting on Town Land  
**Date:** Wednesday, November 22, 2023 10:50:27 PM

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Wendy,

Thank you for getting back to me. I understand the decision and appreciate the consideration.

Respectfully,  
Will Poulin

Sent from my iPhone

On Nov 22, 2023, at 06:55, Selectboard <[selectboard@wnewbury.org](mailto:selectboard@wnewbury.org)> wrote:

Hi Will,

The Select Board discussed your request at our meeting Monday night. In accordance with our bylaw, hunting is not allowed on town owned property unless approved by the Select Board. Given that the property you requested permission to hunt on is relatively small and has an extensive trail system used by Page School students, equestrians, hikers and bird watchers, the Board was not in favor of allowing hunting on this parcel. There are other options for hunting in our region that we believe would create fewer risks to non-hunters and be better choices for this activity.

We appreciate you reaching out and making this request through the proper channels. Please let any of us know if you have further questions on this decision.

Thanks,  
Wendy

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**From:**  
**Sent:** Tuesday, November 14, 2023 1:17 PM  
**To:** Selectboard <[selectboard@wnewbury.org](mailto:selectboard@wnewbury.org)>  
**Subject:**

Good Morning,

My name is William Poulin. Attached below is a letter requesting permission to hunt on a town owned parcel. I spoke with Michelle Greene who was helpful enough to pass along your contact information and explain the process of requesting permission on town land. I look forward to hearing from you.

Respectfully,  
William Poulin

**From:** [Wendy Reed](#)  
**To:**  
**Cc:** [Town Clerk](#); [Angus Jennings](#)  
**Subject:** Hunting in Riverbend Conservation Area  
**Date:** Sunday, February 4, 2024 8:53:00 AM

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Hello Mr. Puopolo,

With respect to your request for information about obtaining permission to hunt on Town owned land, the usual process is to send a written request to the Select Board for consideration at a public meeting. The Board did consider a similar request for hunting in this area recently and denied permission based on the following:

“In accordance with our bylaw, hunting is not allowed on town owned property unless approved by the Select Board. Given that the property you requested permission to hunt on is relatively small and has an extensive trail system used by Page School students, equestrians, hikers and bird watchers, the Board was not in favor of allowing hunting on this parcel. There are other options for hunting in our region that we believe would create fewer risks to non-hunters and be better choices for this activity.”

This is not to say that you can't request permission, just that is unlikely to be granted.

Please let me know if you have any questions on this or need additional information.

Thanks,  
Wendy Reed  
WN Select Board

**From:** [Selectboard](#)  
**To:** [Luigi](#)  
**Cc:** [Angus Jennings](#)  
**Subject:** RE: Turkey hunting permission  
**Date:** Tuesday, March 26, 2024 7:26:00 AM

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Hello Mr. Salvatori,

Thank you for reaching out to the Select Board about hunting on Town property. We are currently reviewing the hunting bylaw and plan to propose amendments to it at our Annual Town Meeting on April 29, 2024. Given that the outcome of that process is unknown, we will not be granting any permissions to hunt at this time. Feel free to check back in after the Town Meeting to see what the status of hunting on Town Property is, though.

Sincerely,

Wendy Reed  
WN Select Board Chair

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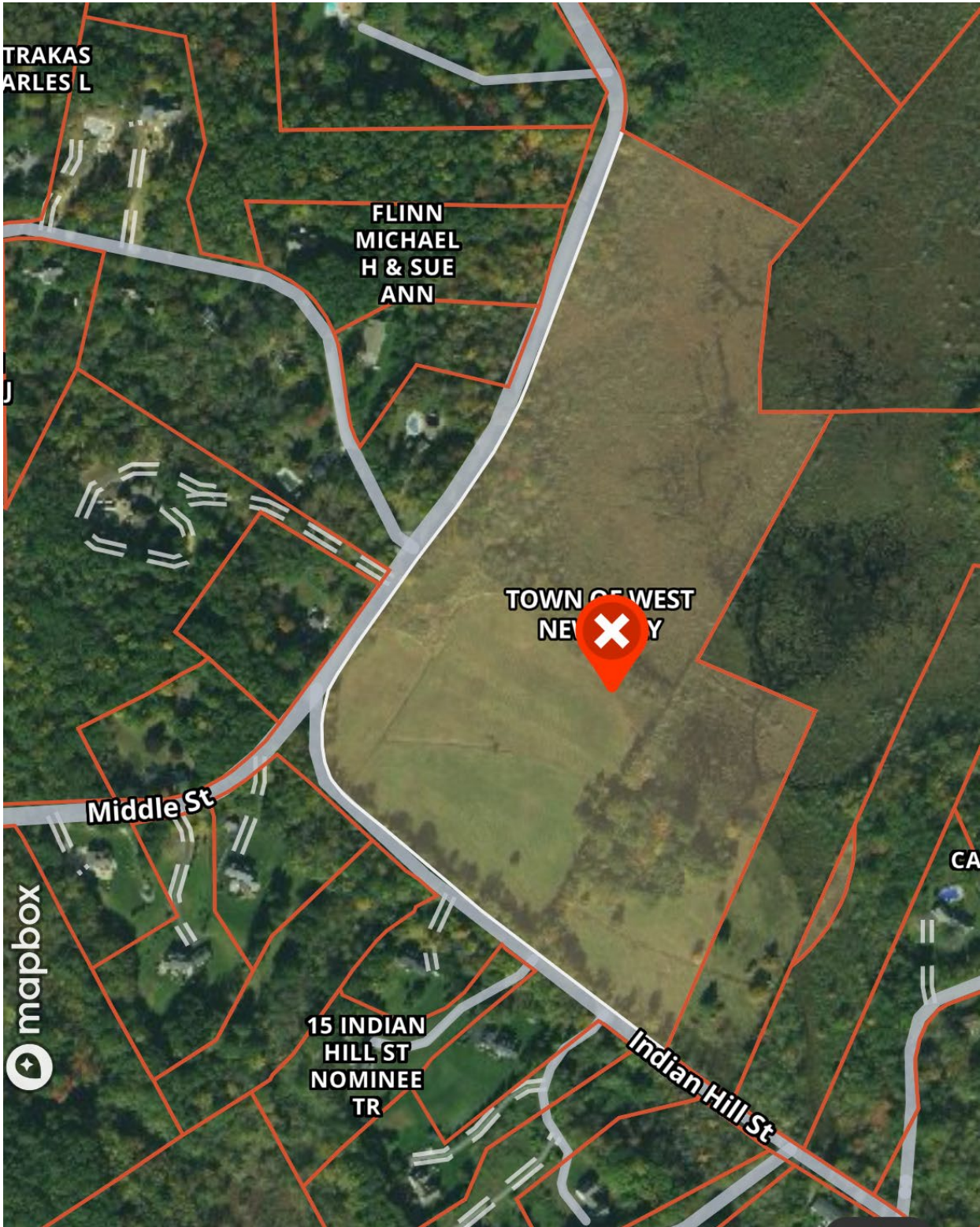
**From:** Luigi >  
**Sent:** Sunday, March 24, 2024 4:27 PM  
**To:** Selectboard <[selectboard@wnewbury.org](mailto:selectboard@wnewbury.org)>  
**Subject:** Turkey hunting permission

To the Select board,

I came across this town property where I would like to hunt turkey during the Massachusetts turkey season ( april 24 - may 20). The hunting is from sunrise to noon, but I will hunt the earlier hours. As I was looking up the West Newbury hunting by-law, I saw I need the board of selectmen approval. I live in Melrose at 16 Sargent street with my wife Bethany and dog, Moxie. I have been hunting for 15 years and I have clean hunting records and I am law abiding Massachusetts resident. If you have any questions about me please let me know and The lot is located between Indian hill st and middle street. See map below.

Thank you in advance for your time.

Luigi





**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 Commissioner
- 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 6<sup>th</sup> 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 4<sup>th</sup>**  
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.

Select Board Open Session Monday, February 26, 2024.

Minutes approved March 25, 2024.

Posted Agenda on February 22, 2024 at the Town's Offices and the Town's Official Website www.wnewbury.org

**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 22<sup>nd</sup>**

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. 22<sup>nd</sup> 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. Sperlakis 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). Sperelakis 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). Sperelakis 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. Sperelakis 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). Sperelakis motioned to recommend Article 60. The motion was properly seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain).** Sperelakis 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 8<sup>th</sup> 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>



**Town of West Newbury  
Select Board Meeting  
March 11, 2024 @ 6:00pm  
381 Main Street, Town Office Building  
www.wnewbury.org  
Meeting Minutes**

**Open Session:** Chairwoman Reed opened the session at 6:07pm.

**Participation at the Meeting:**

- Rick Parker, Wendy Reed, Chris Wile- Select Board
- Angus Jennings- Town Manager
- Jim Blatchford- Town Clerk
- Jenny Walsh- Town Accountant
- Rob Phillips- Finance Committee representative

**Announcements:**

- Nomination papers available for local office- contact the Town Clerk's Office! [townclerk@wnewbury.org](mailto: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 11<sup>th</sup> at 1:30pm
- Matinee performance of *Les Misérables*, March 13<sup>th</sup>, 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**

There was no public comment at this meeting.

- B. Consent Agenda**

There were no Items on the Consent Agenda.

- C. Town Manager Updates**

- b. Newburyport Council Public Works & Safety Committee, mtg re Middle Street Bridge, Mon., March 18<sup>th</sup>**

**See Exhibit Cb, p. 10-27.** Jennings reported that the meeting with Newburyport had been postponed to March 18<sup>th</sup>. He said the City applied for a \$500K small bridge grant, which was presently under review by MassDOT. DOT had requested further elaboration on some of the finances presented by West Newbury and Newburyport, which would necessitate a meeting with Commonwealth and Newburyport officials. Parker urged reaching out to Newburyport's subcommittee responsible for the Bridge project with particular regard to an updated intermunicipal agreement. Jennings envisioned Newburyport handling the execution of the project and related maintenance in the field, while the Town would be responsible for administrative activities (since he felt that West Newbury was well-equipped to do this).

- c. Recent intermunicipal meeting in Newburyport regarding Whittier Tech Regional Agreement**

**See Exhibit Cc, p. 28-61.** Jennings hailed the meeting he and Reed attended as productive. Newburyport encouraged the other communities who attended their meeting to provide their feedback on concerns with Whittier they have in order to build unanimity. One major area of change to the Regional Agreement suggested was appointments to the Whittier School Committee by Select Board or City Council, rather than by the local School Committee in each Town or City, and another major suggestion improved communication to communities especially with regard to the posting of agendas and other materials. Parker wanted this in the Agreement itself. Jennings stated the next meeting of the intermunicipal group would be April 3<sup>rd</sup> at 3:30 pm in Amesbury. Looking over proposed revisions to the Agreement, Wile drew attention to the clause recommending a 2/3rds vote of the member communities to allow a City or Town withdraw. Wile felt that threshold was too low, and thought an 80% approval was more reasonable. Wile suggested cutting out the "school choice" clause, as well.

- d. Update on proposed extension of/updates to Harbormaster Intermunicipal Agreement with Salisbury**

**See Exhibit Cd, p. 62-67.** Jennings said the Harbormaster IMA would come back before the Board for further review as the renewal period draws near. He highlighted that one of the key changes was to the language regarding termination- a termination of the Agreement could take place 90 days before the end of the term, rather than at the end of the term, as West Newbury continues internal discussions as to whether Salisbury is the right partner to continue collaborating with for the service (versus Amesbury or Haverhill). Jennings said that not all of the waterways-related services were carried out by the Harbormaster, but rather were handled locally by members of West Newbury's Harbor Committee.

- e. FY25 budget updates and review of upcoming meeting schedule**

**See Exhibit Ce, p. 68-82.** The Town Manager pointed out a few changes in line items. These included an increase in Select Board Professional and Technical Services funds, and the minimum-wage PT "land steward" position envisioned by the Conservation Commission to assist with trail maintenance and other duties to alleviate burdens on the DPW. Among their duties would be operating chainsaws for the Town (to meet insurance requirements that wouldn't otherwise be met with volunteer labor). **Wile motioned to refer the new amounts, up to \$10,000, presented to Town Meeting. The motion was properly seconded. The**

**motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

- f. Land Management & Planning Group meeting on Feb. 28<sup>th</sup>**  
See Exhibit Cf, p. 83. Jennings said this Item was purely informational and was intended to keep the Select Board abreast.
- g. Updates on other ongoing/active projects/initiatives**  
See Exhibit Cg, p. 84-86. Jennings informed the Board that a cybersecurity training sequence for Town employees was forthcoming.

#### **D. Department Updates/Discussion**

- a. Police Chief & Town Manager attendance at Essex County Police Chiefs' legislative breakfast, March 6<sup>th</sup>**  
See Exhibit Da, p. 87-89. Dwyer and Jennings attended the high-profile annual breakfast on the 6<sup>th</sup>.
- b. Update on work toward Sawmill Brook Land Management Plan (required by June 30, 2024)**  
See Exhibit Db, p. 90-91. Jennings used this Item to remind the Board about ongoing progress on the Management Plan, in his efforts attempting to get comments on it before June.

#### **E. Board/Commission/Committee Updates/Discussion (and Select Board liaison updates):**

- a. Board of Water Commissioners' water rate public hearing, March 21<sup>st</sup> at 6pm, Annex**  
See Exhibit Ea, p. 92. A save-the-date postcard went out to promote the hearing, and other required postings/announcements had gone up.
- b. River Road Resiliency Plan: receipt of draft consultant reports; project timeline and next steps**  
See Exhibit Eb, p. 93-98. Public access to these materials was needed, Reed said, after she had tried opening some of the links and finding she did not have permission to.
- c. Proposed Right to Farm bylaw/Agricultural Steering Committee - update from March 8, 2024 meeting**  
See Exhibit Ec, p. 99. Reed discussed the public meeting at the Laurel Grange which over two dozen people attended- including State Senator Bruce Tarr. What came out of it was a plan to draft a Bylaw similar to the Town of Newbury's by a nine-person *ad hoc* committee. Reed relayed comments she had heard at the meeting- those of farmers worried about their lifestyle and livelihood, and those of others hoping to better promote agriculture in West Newbury through education. Reed said that the committee would need to be composed of West Newbury residents, but many of the Laurel Grange event organizers were not. She predicted this could lead to conflict. If this would become a Bylaw, at the end of the day, the Board (or another Town government body) would have to be responsible for bringing that before voters, Jennings confirmed. The Bylaw would potentially help settle disputes, promote farmers/farming, warn new homeowners that ag. activity is taking place in Town. The goal would be to get the Bylaw before Fall Special Town Meeting. Wile suggested the committee provide the Board with monthly updates, but Parker wanted to let them operate unfettered to see how they'd do. Reed relayed that Senator Tarr suggested the Town should have some input in the process.

#### **F. Action Items**

- a. Review of new proposed/potential warrant articles for Spring Annual and Special Town Meeting**  
See Exhibit Fa, p. 100-107. The authorization to purchase a new police car was to be introduced to the Warrant for Town Meeting. The line item would account for a more expensive hybrid patrol car if Public Safety opted for one. Parker said that there was concern about a shortage of hybrid police cruisers nationwide that might impact West Newbury's attempts to get one.

This Item encompassed discussion of five additional Warrant Articles to be added (police cruiser included).

Jennings said that further understanding of the Opioid Settlement Stabilization Fund meant that two actions were required to one, dissolve the account, and two, put the revenue into another Town-owned account. Town Accountant Walsh confirmed this procedure. A third Article would incorporate Sawmill Brook funding for administrative costs associated with the acquisition of the land, and a fourth would raise funds for River Road work. Jennings said that a site walk on the 11<sup>th</sup> had been successful at revealing the problems with the byway, and that while he did not have anything in writing that night for the Board to look over, there would need to be a lot of follow-up to roll out mitigation efforts for issues they saw. Applying for an MVP Action Grant in Winter 2024 (with local matching funds that would need to be appropriated at Fall Town Meeting) was something Jennings hoped to do in order to fund these efforts. Much of what could be done to mitigate flooding wouldn't be accomplished without outside help (such as permitting for and dumping of crushed stone along the riverbank). Parker worried that the Town may not be eligible for another MVP Action Grant for this next phase of the project under refreshed "MVP 2.0" guidelines. He wanted to check with the proper authorities before doing any legwork for a new grant. Jennings said that in past years, placeholder Articles with generalized financials were put in the Warrant to allow the Town to vote on the funding once numbers were clearer, which he felt could be a possibility here. That said, permitting for mitigation along the riverbank could be a yearlong process (or longer). Highway Superintendent Butch Hills had requested that the Board reconsider the purchase of the Trackless vehicle, submitting a new write-up enhanced by new data. The Board felt that its inclusion on the Warrant was a good idea, and Parker felt that the re-inclusion was smart, enabling the Town to use it as a mower meant that with less snow in the coming decades, it wouldn't just sit idle.

- b. Vote to re-open Annual and Special Town Meeting Warrants; add new warrant article(s)**  
See Exhibit Fb, p. 108-113. Parker motioned to reopen the Warrants to add the five new Articles. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).
- c. Vote to withdraw/remove proposed warrant article(s)** The Board did not formally vote to remove any Items.
- d. Vote to close Annual and Special Town Meeting Warrants**  
Wile motioned to close the Warrants. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).

The Board took up Item Ga at this time.

- e. **Review/update of capital articles for review by Capital Improvements Committee**  
See Exhibit Fe, p. 114-125. Jennings provided the Board with updates on several items, primarily highlighting the purchase of a new police cruiser becoming a capital expense. Jennings said that this year's CIC cycle was started later than normal, and that a vast number of proposals was going before the Committee. Overall, the Town Manager thought the process was going well despite the abbreviated timeline.
- f. **Cont'd review of draft framework for potential budgeted step increases for FY25**  
See Exhibit Ff, p. 126-129. Reed said the Board had no new information on the topic, but reiterated their desire to come up with a percentage of the Labor Budget to be sustained year over year for possible step increases. Accountant Walsh said she would do the calculations and get a final percentage for the joint Board and Finance Committee meeting on March 13. The Board planned to revisit the percentage in the future to make sure it was appropriate.
- g. **Request from MA Division of Fisheries & Wildlife for support letter re land acquisition on Ash Street**  
See Exhibit Fg, p. 130-131. Parker motioned to provide a letter of support. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).
- h. **Review of updated draft Ash Street Traffic Management Plan, reflecting NHESP response letter**  
See Exhibit Fh, p. 132-134. The Town Manager said West Newbury did not hear back from the state regarding approval or disapproval of the Traffic Plan the Town submitted.
- i. **Authorize submittal of FY25 Congressionally Directed Spending funding request (Middle Street Bridge)**  
See Exhibit Fi, p. 135-158. Jennings told the Board he needed a formal vote to submit the request. Parker motioned to allow the Town Manager to submit the request. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).
- j. **Request for approval Special Event Permit: Solar Eclipse Viewing Celebration at Pipestave, April 8<sup>th</sup>**  
See Exhibit Fj, p. 159-163. Jennings confirmed that no food trucks would be on-scene, from what the GAR Library had said, and there would be adequate toilets put in. The Library also planned to pay the cost of the police detail. Wile motioned to approve the permit. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).
- k. **Select Board meeting minutes: Feb. 12, 2024; Feb. 15, 2024; Feb. 20, 2024; Feb. 26, 2024**  
See Exhibit Fk, p. 164-176. Wile motioned to approve the February 12 Minutes as amended. The motion was properly seconded. The motion passed. (2 Yes, 0 No, Parker Abstaining). Reed motioned to approve the February 15 Minutes as amended. The motion was properly seconded. The motion passed. (2 Yes, 0 No, Parker Abstaining). Wile motioned to approve the February 20 Minutes as amended. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). The Board tabled the February 26 Minutes to the March 13, 2024 joint meeting with the Finance Committee.

#### G. General Discussion Items

- a. **Proposed draft amendments to Hunting Bylaw, to discontinue hunting on Town property 7:15 p.m.**  
See Exhibit Ga, p. 177-181. Reed said that the initiative for both Bylaw changes was purely sponsored by the Select Board as a result of resident requests. Taking up Ga first, Reed said that a number of written comments had been received on the matter both for and against changing the Bylaw, mostly for. A resident from 3 Poorhouse Lane spoke up in favor of hunting on Town property, and took umbrage with the inclusion of the word "weapon" which he found too vague. The resident also spoke to his need to have access to accessible hunting grounds due to his disability, and provided the Board with statistics on the relatively low number of injuries associated with hunting, in contrast to other recreational activities such as biking, skateboarding, fishing, and others. He suggested restricting all hunting to bow hunting (no explosives, no noise, more ethical). Following his comment, Reed said that an approach on Greenbelt-owned properties fit the mold of what the resident was saying, with prospective hunters being required to use bow and arrow and receive a permit. Wile spoke in favor of dedicating a parcel of Town land for hunting each Fall. Parker agreed with the idea of restricted hunting areas (versus an outright ban), and further stated he approved of bow hunting.
- b. **Proposed draft amendments to Animal Bylaw, to require dog leashing on Town property 7:30 p.m.**  
See Exhibit Gb, p. 182-188. Reed said that the initiative for both Bylaw changes was purely sponsored by the Select Board as a result of resident requests. Reed said that a number of written comments had been received both for and against changing the Bylaw. She displayed a slide documenting the Select Board's proposed changes. West Newbury resident Deborah Hamilton spoke to the need to compromise. She suggested a limited time period for off-leash dogs. This could come in the form of a few hours a day or week, presently how Newburyport handles this issue. She also pointed out that loose dogs chase away native birds, and that the Town should be mindful of this. West Newbury resident, Nate Pierce, echoed what Hamilton said, and urged a compromise- perhaps setting up designated areas for off-leash dogs in Town. Pierce's wife spoke to it being more of a volume problem (i.e. a larger quantity of dogs being walked by one person) than anything, but expressed her displeasure at a blanket leash law. West Newbury resident, Dan Finbury, spoke to his responsible management of his own dog, and agreeing that a blanket leash law would be undesirable. West Newbury resident, Callie Town, echoed previous speakers. She supported tightening up the language of the Bylaw but did not want an unleashed dog ban. She wondered how enforceable the leash law would be. Town said that poorly trained dog owners were a large part of the problem, and that options for compromise should be considered, suggesting out-of-Towners get permits for off leash dogs in conservation and recreation areas. Town also wondered what interactions of a negative variety have looked like pre-, post-, and during the Coronavirus pandemic. Town suggested portions of conservation or recreation land be offered for resident use only.

The Board returned to Item Fe at this time.

**c. Letter from Comcast re Commencement of Franchise Renewal Process**

See Exhibit Gc, p. 189-190. Reed suggested moving ahead with negotiations, though the Cable Advisory Committee had not provided the Board with feedback. Jennings confirmed that Verizon had also provided the Town with materials for renegotiations with them in the near future. Wile suggested inviting Comcast rep. Kelly Morris to give us a presentation to start the process.

**H. Correspondence, including:**

**a. Council on Aging Director letter to Parks & Rec Commission re Pickleball**

See Exhibit Ha, p. 190-192. The Select Board looked over Council on Aging/SAGE Center Director Marshall's plan to use the basketball courts for pickleball, which had been forwarded to the Park and Rec. Commission. Reed said that she had seen a pickleball court that could be disassembled, which meant that it could potentially be something that could be ordered and put in the Annex. Jennings expressed concerns about safety, but the Board did want to look into it as an option.

**b. Letter from ERRS regarding public hearing on retiree COLA, April 29<sup>th</sup> at 8:30am**

See Exhibit Hb, p. 193. The Select Board opted to not take a position at this time.

**c. Support letter sent to General Court re: S.2571 *An Act empowering municipalities and local governments***

See Exhibit Hc, p. 194-196. The Board looked at the letter, which Jennings had forwarded to the Energy and Sustainability Committee, as well.

**d. ChargePoint monthly report (re utilization of Electric Vehicle charging stations), January 2024**

See Exhibit Hd, p. 197-200. Parker said that usage was not increasing (with no usage of the Town's charger at Page School, and less overall recently at the Town Office Building). The primary user at 381 Main St. is a senior housing resident, as it had been in recent years.

**I. Future Agenda Items / Meeting follow-up assignments**

For this Item, Parker brought up the decarbonization program. A proposal had been received by the Town, and the cost would be \$3,000 (roping in other municipal buildings such as the Library to bring the total from three to five buildings). Parker still was unsure how the Town could supply the \$3,000 needed.

**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 8:28pm.**

**To access a video recording of the meeting, use the link below:**

<https://www.youtube.com/watch?v=Z-zc7r2Y2EA>



**Town of West Newbury**  
**Select Board and Finance Committee Joint Meeting**  
**March 13, 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
- Dan Innes, Dennis LaMalfa, Rob Phillips, Jim Sperelakis- Finance Committee
- Angus Jennings- Town Manager
- Jim Blatchford- Town Clerk
- Jenny Walsh- Town Accountant
- Paul Sevigny- Health Agent
- Tom Fahey, Bob Janes, Blake Seale- Board of Health
- Chief Michael Dwyer- West Newbury Public Safety
- Christine Marshall- CoA Director
- Doug Mead- Park and Recreation Commissioner

**Announcements:**

There were no announcements read at this meeting.

**Regular Business:**

**A. Convene**

The session opened at 6:01pm. Rob Phillips of the Finance Committee walked through the drafting of the Annual Budget and provided context on its creation to date.

**B. Review and Discuss Budgets and Articles for Spring Town Meeting to be Held on April 29, 2024, Including Proposed FY25 Public Safety, Health Dept, and Council on Aging Operating Budgets and Warrant Articles**

This Item opened with Jennings requesting a Reserve Fund Transfer related to Public Safety. With Public Safety staff in attendance for the evening's proceedings, Jennings thought it was a good idea to discuss this matter. \$20,000 was requested to fund the costs of an internal affairs investigation of the West Newbury Police Department by an outside vendor. The account from which funds were usually drawn was exhausted, and could not handle the additional drain. The Finance Committee would be solely responsible for approving or denying the request. **Sperelakis motioned to the transfer. The motion was properly seconded. The motion unanimously passed. (4 Yes, 0 No, 0 Abstain).**

Jennings requested a Reserve Fund Transfer to cover additional expenses for PFAS testing at the shuttered Steele Landfill and on properties nearby. Jennings said that the Town was part of a class-action suit against PFAS manufacturers such as 3M and DuPont, but filing a claim would require updated testing to be done by the end of April, prior to the originally imagined testing dates for May that would have been bankrolled by a Town Meeting appropriation. Paul Sevigny explained the testing process, and how different testing intervals would potentially impact the price, but suggested the amount being asked for not be modified to a lower figure. The Finance Committee would be solely responsible for approving or denying the request. **Sperelakis motioned to approve up to \$15,410 in a transfer for the testing. The motion was properly seconded. The motion unanimously passed. (4 Yes, 0 No, 0 Abstain).**

The Committee and Board next took up the Board of Health Operating Budget. Sperelakis wondered about the expenditures in the Waste Collection and Disposal lines and in landfill monitoring/testing which were lagging behind the amounts set for them at prior year's Town Meeting. Phillips pointed out that the increases for FY25 (despite the present trends) were being driven by mandates and contractual obligations. Innes asked how long the PFAS testing would last. Sevigny said that it would be a good decade before the testing could be wound down, depending on the quantity of chemicals found during testing. With regard to the increased price tag for the waste disposal contract, Seale opined that the only way West Newbury might see a reduction in expenses is if fuel costs dip. Costs for recycling tonnage also had to be factored in, due to the People's Republic of China no longer accepting our recycling products, reported Seale. The present Budget would cover amounts up to \$100/ton. **Wile motioned to recommend the proposed Health Department Budget. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Innes motioned to recommend the proposed Health Department Budget. The motion was properly seconded. The motion unanimously passed. (4 Yes, 0 No, 0 Abstain).** Sperelakis stated he would write the rationale.

The Committee and Board next took up the Historical Commission's request for a Quaker Cemetery cleanup. The Town Manager reported CPC supported the project. Wile wondered why the costs could not be included in the DPW's tree maintenance expenses. Jennings said he had not talked to Butch Hills about this but did not see a reason why it couldn't hypothetically. **Wile motioned to approve the Article on Cemetery cleanup. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Sperelakis motioned to approve the Article on Cemetery cleanup. The motion was properly seconded. The motion unanimously passed. (4 Yes, 0 No, 0 Abstain).** Sperelakis stated he would write the rationale. The sunset date is June 30, 2025.

The Committee and Board next took up the Council on Aging Budget Operating Budget. Jennings lauded the work of Marshall and Vincent at Council on Aging. Reed asked Marshall what the formula grant increase would be (that pays for many programs as well as Jen Vincent's salary as the Nutrition Coordinator). Marshall stated that it was \$14/senior (those 60 and older) based on 2020 Census numbers, bringing the total for 2024 to \$19,000. **Wile motioned to approve the CoA Budget. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Sperelakis**

**motioned to approve the CoA Budget. The motion was properly seconded. The motion unanimously passed. (4 Yes, 0 No, 0 Abstain).**

The Committee and Board next took up the Historical Commission Operating Budget. Reed wondered what the Commission's Budget went toward. Jennings explained that some Committees and Commissions received funds, but the monies were rarely used. Jennings said he had gotten them to reduce the asked-for amount (as he had with other bodies). Reed suggested reexamining Budgets for Boards, Committees, and Commissions in the future. Jennings stated that historically BCCs were given their own funds to manage prior to the Town Manager form of government, and Phillips suggested that these funds could be included in the Town Manager's Budget for dispersal as needed. Making changes would be a decent amount of work, Jennings admitted, for a variety of reasons, both for Town administration and the Boards, Committees, and Commissions. The Board and Committee discussed when the best time might be to reevaluate whether these Budgets should be standalone or included in the Town Manager's portion of the FY Budget. **Wile motioned to approve the \$600 Historical Commission Budget. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** **Sperelakis motioned to approve the \$600 Historical Commission Budget. The motion was properly seconded. The motion unanimously passed. (4 Yes, 0 No, 0 Abstain).**

The Committee and Budget next took up the Public Safety Department's Operating Budget. Jennings pointed out some changes to the numbers since the initial Budget reveal. Some salary increases were not yet set in stone, with union negotiations still ongoing, Jennings told the Committee and Board. Other major expenses included unanticipated costs and OT salaries. **Wile motioned to approve the Police Department Budget for \$1,299,568. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** **Innes motioned to approve the Police Department Budget. The motion unanimously passed. (4 Yes, 0 No, 0 Abstain).** Following a brief clarification on whether the new Office Administrator position would be paid for out of the Police Budget alone (it would), **Wile motioned to approve the Fire Department Budget for \$328,091. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** Phillips had further questions about the Budget before the FinComm voted on the Fire Budget. Chief Dwyer said the new numbers were to accommodate getting firefighters on hand during the day with greater ease, since evening shifts were much easier to fill at present. Public Safety would take a per diem approach to daytime wages, versus on-call. **Sperelakis motioned to approve the Fire Department Budget. The motion was properly seconded. The motion unanimously passed. (4 Yes, 0 No, 0 Abstain).** Following consideration of the Fire Budget, Jennings indicated that there would be increases in the Dispatchers' Budget. **Wile motioned to approve the Dispatch Budget for \$341,366. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** **LaMalfa motioned to approve the Dispatch Budget. The motion was properly seconded. The motion unanimously passed. (4 Yes, 0 No, 0 Abstain).** Following consideration of the Dispatch Budget, **Parker motioned to approve the Emergency Management Agency Budget for \$12,601. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** **Innes motioned to approve the Emergency Management Agency Budget. The motion was properly seconded. The motion unanimously passed. (4 Yes, 0 No, 0 Abstain).** The Select Board decided to table approving the Animal Control Officer's Budget until the financial picture in Newburyport was clearer. Jennings said that in a call with the City's Finance Director, Newburyport may be adjusting wages for the ACO. This would potentially impact how much West Newbury would need to contribute to retaining the Officer's services.

The Board and Committee next considered Warrant Articles.

Article 21: Replacement of the WNFDPumper/Tanker Truck. Dwyer explained that the existing pumper truck would be sold off to another Department or simply traded in. In its place, the new pumper would be a stock model, meaning, Dwyer explained, that it was available for purchase from the dealer now at \$560,000 a more affordable price than building it custom (like many of West Newbury's other Fire Dept. vehicles). **Wile motioned to recommend Article 21. The motion was properly seconded.** Prior to the final vote, Reed interjected and asked the Chief why grant money was not given to West Newbury to help with the purchase of the new truck. Dwyer said that West Newbury's finances were excellent, and this had resulted in being denied grants. **The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** Jennings discussed options for funding the truck such as financing v. outright purchase. He felt that with interest rates, it may not be worth it. He encouraged Dwyer to look into it. **Sperelakis motioned to recommend Article 21. The motion was properly seconded. The motion unanimously passed. (4 Yes, 0 No, 0 Abstain).** **Sperelakis motioned to recommend Article 21. The motion was properly seconded. The motion unanimously passed. (4 Yes, 0 No, 0 Abstain).** Innes stated he would write the rationale. The sunset date is June 30, 2025.

Article 65: Purchase of a new police cruiser. **Wile motioned to recommend Article 65 in the amount of \$57,000. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** Parker asked where the Department came down on purchasing a hybrid or non-hybrid vehicle. Chief Dwyer said that there's no available hybrid models (a one-year-plus waiting list at most dealers). Dwyer endorsed the lower wear and tear and fuel costs in hybrid cruisers and wanted to continue to pursue that route. However, he did say that the cruiser's undercarriages were posing issues because of plastic cladding to protect the hybrid components, and that the Ford Explorer Hybrid has not been very reliable. The Department was monitoring their Explorers and those in other Town's fleets to see if these problems persist. He stated that many new gas-powered vehicles were much more efficient, and that they were comparing the two engine types. **Innes motioned to recommend Article 65. The motion was properly seconded. The motion unanimously passed. (4 Yes, 0 No, 0 Abstain).** Innes stated he would write the rationale. The sunset date is June 30, 2025.

Article 34: Public Safety Complex repairs. **Wile motioned to recommend Article 34 in the amount of \$23,835. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** **Innes motioned to recommend Article 34. The motion was properly seconded. The motion unanimously passed. (4 Yes, 0 No, 0 Abstain).** **Sperelakis stated he would write the rationale. The sunset date is June 30, 2026.**

Article 64: Transfer of Opioid Stabilization Fund money. Jennings explained that the original opioid stabilization fund would be closed (per Article 59), and that a second Article (64) would authorize the transfer of those funds. **Wile motioned to recommend Article 64. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** **Sperelakis motioned to approve Article 64. The motion was properly seconded. The motion unanimously passed. (4 Yes, 0 No, 0 Abstain).** Phillips said he would write the rationale. There was no sunset date.



Article 53 and 54: The Finance Committee intended to make no recommendation on these Articles asking for changes to the Hunting and Animal Bylaws, but Jennings said the Finance Committee could choose to do so if they wanted. Reed said that the Select Board was waiting on further input from other Town bodies after getting public feedback at a prior Board meeting. The Finance Committee decided not to make any recommendations either, with Phillips planning to write a rationale for the public to understand why.

The Board and Committee agreed that another joint meeting would be useful, and they agreed upon March 25<sup>th</sup>, a Monday. **At this time, the Finance Committee closed their session, with Sperelakis motioning to adjourn. The motion was properly seconded. The motion unanimously passed. (4 Yes, 0 No, 0 Abstain). The Committee Session adjourned at 8:04pm.**

The Select Board members next took up the still-unresolved matter of step raises, determining that an allotment of 1.25% (\$26,402) would be available to the Town Manager to accommodate pay increases across Town government, based on performance reviews. **Wile motioned to use up to \$26,402 for step raises. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

**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 8:22pm.**

DRAFT



**Town of West Newbury  
Select Board and Finance Committee Joint Meeting  
March 20, 2024 @ 6:00pm  
381 Main Street, Town Office Building  
www.wnewbury.org  
Meeting Minutes**

**Open Session:** Chair Reed opened the session at 6:00pm.

**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
- Sue Brown- Town Planner
- Corinn Flaherty- GAR Library Director
- Sam Joslin- Inspections Agent
- Michelle Greene- Conservation Agent
- Molly Hawkins- Conservation Commission representative
- Brian Murphey- Planning Board representative
- Fred Chanania- Library Trustee
- David Archibald- Resident

**Announcements:**

There were no announcements read at this meeting.

**Regular Business:**

**A. Convene**

**B. Public Comment**

No public comment was made at this meeting.

**C. Review and discuss Budgets and Articles for Spring Town Meeting to be held on April 29, 2024.**

Chair Phillips of the Finance Committee explained the Budgeting process and the context of the evening's activities.

Library Operating Budget: Jennings said he had carried forward numbers from last year submitted by the Board of Library Trustees, with a COLA for employees factored in. There were no questions from Board or Committee. **Wile motioned to approve the Library Budget. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Sperelakis motioned to approve the Library Budget. The motion was properly seconded. The motion unanimously passed.**

Conservation Operating Budget: Jennings pointed to a few small mistakes in the numbers for the room to keep in mind, having transposed the Planning Budget's salary line with Conservation's. Both salary line items account for the shared administrative position that will cover CPC, Conservation, inspections, and Planning. It will be a full-time position with partial funding from CPA. With staffing levels improved in other Departments, Jennings felt that the cross-trained administrative aide would be a good next step. The Conservation Budget accounted for summer intern/land steward funding as well. **Wile motioned to approve the Conservation Budget for the sum of \$102,249. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Sperelakis motioned to approve the Conservation Budget. The motion was properly seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain).**

Planning Department Operating Budget: **Wile motioned to approve the Planning Department Budget for the sum of 87,921, to be verified. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Sperelakis motioned to approve the Planning Department Budget. The motion was properly seconded. The motion unanimously passed.**

Article 50: Wetlands Protection Bylaw. Reed lauded Greene for the clarity of the Bylaw's text. Wile felt that the conditions of the Bylaw were logical, and endorsed it, as did Parker. Reed felt that it was important to get it passed, as well. Wile and Jennings both spoke up and agreed that the ability to impose fines was a huge leap forward for enforcement of the state-mandated regulations. Greene said that public feedback had been incorporated into the document. **Wile motioned to recommend the Bylaw. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** To the Finance Committee, Greene explained that the Bylaw would give the Conservation Agent permission to issue fines rather than rely on the Commonwealth to do so- whose bandwidth is stretched too thin to resolve violations quickly and efficiently. The Finance Committee debated whether they should make a recommendation on the Bylaw or if it fell outside their purview. They agreed to attend the next information session on the measure to learn more. Parker pointed out that the financial aspects of the Bylaw would concern the Finance Committee. As the Board and the Committee wound down discussion, former Board member David Archibald expressed his

unhappiness at the “expansion” of government (in his opinion) the Bylaw promised saying that it would have a tremendous impact on the community.

Inspections and Zoning Board Operating Budget: The ZBA Budget’s \$700 would accommodate a Minutes-taker and/or legal postings. Jennings felt that the Minutes-taker would go by the wayside in the Operating Budget once the new full-time administrator is hired to take on those duties. Reed asked if they could remove the line item, but Jennings felt leaving it in place was the right thing to do. Level funding this particular Budget could still allow it be used for other costs, Wile pointed out, and Jennings agreed that it could be used for Town-sponsored legal postings. **Wile motioned to approve the ZBA Budget for the sum of \$700. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** Jennings suggested the money could also be put toward trainings for the ZBA, too. **Sperelakis motioned to approve the ZBA Budget. The motion was properly seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain).** Phillips and Jennings lauded the work Inspections Agent Joslin has done to date. Joslin said he wanted to add a use table in the Zoning Bylaw to help make terminology clearer for all. **Wile motioned to approve the Inspections Department Budget. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** **Sperelakis motioned to approve the Inspections Department Budget. The motion was properly seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain).**

Article 57: Proposed amendment to the Zoning Bylaw concerning definitions. Joslin said that there were no changes of substance- the proposed amendments were a clerical action more than anything. Wile asked if there was a hearing on these definitions, and Jennings said that it had taken place at a Planning Board meeting the night before. **Wile motioned to recommend Article 57. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** **Sperelakis motioned to take no action on the Article. The motion was properly seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain).**

Open Space Committee Operating Budget: Jennings said the Budget was level funded at \$750. No Budget was submitted to the Manager’s Office. Reed wondered why keeping this line item made sense given the lack of response. The Board and Manager debated rolling it into another line item for potential use. **Wile motioned to reduce the Open Space Committee Budget to \$0. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** **Innes motioned to reduce the Open Space Committee Budget to \$0. The motion was properly seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain).** Parker raised his concerns about eliminating the Committee Budget but Phillips reassured him that the Committee could still come before the Select Board or Manager and get funds if they were available. Wile pointed out that providing unused money to any Town body was not good business.

Bandstand Coordinator’s Operating Budget: Jennings spoke to the success and efforts of the Bandstand Coordinators. The amount requested was a level-funded \$8,000. The money has attracted decent talent year after year, he reported. **Wile motioned to approve the Bandstand Budget for the sum of \$8,000. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** **Sperelakis motioned to approve the Bandstand Budget. The motion was properly seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain).**

Park and Recreation Commission Operating Budget: AJ noted that the Parks & Rec budget was reduced as much of the funds are now in the DPW budget. **Wile motioned to approve the Park and Rec Budget. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** **Sperelakis motioned to approve the Park and Rec Budget. The motion was properly seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain).**

Mill Pond Operating Committee: Over the course of the discussion, it was revealed that the Mill Pond Committee has \$1,000 in their gift account and more than \$5,000 in their Pipestave/Mill Pond Care and Maintenance Revolving Fund. **Wile motioned to approve the Mill Pond Committee Budget. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** **Sperelakis motioned to approve the Mill Pond Committee Budget. The motion was properly seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain).**

Cultural Council Operating Budget: Jennings wondered why the Council was carrying an OB if their funding was Commonwealth-derived. The funds provided by West Newbury were untouched year to year. **Wile motioned to reduce the Cultural Council Budget to \$0. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** **Sperelakis motioned to reduce the Cultural Council Budget to \$0. The motion was properly seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain).**

PEG Funds: The Cable Advisory Committee has engaged in several new initiatives, and the local cable server was recently replaced, reported Reed and Jennings. **Wile motioned to approve \$40,000 in PEG Funds. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** **Sperelakis motioned to approve \$40,000 in PEG Funds. The motion was properly seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain).** Innes stated he would write the rationale.

Article 14: To allocate or reserve Community Preservation Fund annual revenues. While the numbers for 2024-2025 are not yet set in stone because of numerous factors such as tax rates, the money could not be expended until 2026 regardless. **Wile motioned to recommend Article 14. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** **Sperelakis motioned to recommend Article 14. The motion was properly seconded.** Sperelakis stated he would write the rationale.

Article 15: Housing Fund Transfer. Transfer CPA Housing Reserve Funds to the Affordable Housing Trust. **Parker motioned to recommend Article 15. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** **Sperelakis motioned to recommend Article 15. The motion was properly seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain).**

Article 49: Proposed Zoning Amendment MBTA Communities Act. Wile opined that with regard to the pending lawsuits against the Commonwealth being brought by some Towns, it might be a wise move to wait before going ahead with the Article. Phillips expressed similar reservations about Article 49. Wile pointed out that the density requirements were “brutal”- which caused Murphey to chime in and suggested a happy medium could probably be found, within the state demands, that better suits West Newbury. Jim Sperelakis brought up one of the recurring themes at the public hearing on Article 49: the impact on the taxpayer for expanded services that could be required because of a new development. Sperelakis suggested getting an answer on “impact” by Town Meeting night would be a good idea. Wile suggested an economic analysis should be done. He pointed out that in the late 90’s, when new homes were built in West Newbury, the Town actually lost money, since the tax intake did not cover the expense of providing public safety protection, education, or other amenities to those new dwellings/residents. Murphey stated that a pause on trying to pass the zoning amendments might be warranted. Sperelakis asked what the deadline was to submit the Bylaw to the state. It was determined that the Town had until December 2025. Jennings felt that in the context of the MBTA Communities planning that this would allow the Town to bring more light to the ongoing 113 Corridor Study, and wondered if a Warrant Article in future could cover costs for a fiscal impact study around the development of high-density housing. **The Board and the Committee decided to table their vote on Article 49.**

Article 16: CPA Funding for Pickleball Court Feasibility Study. The \$30,000 in the Article included siting and design for a court. The CPC had recommended the Article. **Wile motioned to recommend Article 16. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** Innes wanted to know if there was sustained interest in the sport in Town, which Reed confirmed there was. Capolupo was worried the study would lock the Town into building the recommended design at one of the proposed locations. Reed intimated that much more money would need to be raised to actually pull the trigger and get a court in, and reiterated that popularity in pickleball had been sustained in communities who’d built these courts. **Sperelakis motioned to recommend Article 16. The motion was properly seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain).** LaMalfa stated he would write the rationale. The sunset date was set as June 30, 2025.

Article 38: Funding for Page School repairs and elevator. Jennings recapped some changes to the proposal as it had gone along, saying that there had been a change of vendor (City Elevator replacing a previous company). The process would focus on an assessment and repairs, and Jennings said that the funding request would cover expenses and offer the Town a little bit of breathing room for overruns. Wile stressed the importance of getting the repairs and other projects done. **Wile motioned to recommend Article 38. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** Phillips asked if the money would come out of Free Cash (Jennings said it would). Wile inquired whether the Pentucket Middle High School building project fund would be turning any other money back to the Town, believing this Article would be a good use of those dollars. Jennings did not believe any more funds were forthcoming. **Sperelakis motioned to recommend Article 38. The motion was properly seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain).** Capolupo stated he would write the rationale. The sunset date was set as June 30, 2025.

Article 44: Snow and ice deficit. No action was taken on this Article.

Article 45: Unpaid bills from prior Fiscal Year. Jennings asked to table a decision on the Article, as new information had recently been received regarding bills from National Grid. Jennings said that in previous years West Newbury had been unsuccessful in negotiating reductions in bills submitted to the Town by National Grid that had arrived late or had other problems.

Article 66: Funding Saw Mill Brook administrative costs. **Wile motioned to recommend Article 66 for the sum of \$10,000. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** **Sperelakis motioned to recommend Article 66. The motion was properly seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain).** Sperelakis stated he would write the rationale. The sunset date was set as June 30, 2025.

#### D. Communications

There were no communications read at this meeting.

**E. Schedule of Future Meeting Dates**

No action was taken on this Item.

**Sperelakis motioned to adjourn the Finance Committee Session. The motion was properly seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain). Wile motioned to adjourn the Select Board Session. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). The Session adjourned at 8:42pm.**

DRAFT



**Town of West Newbury**  
**Select Board and Finance Committee Joint Meeting**  
**March 25, 2024 @ 5:15pm**  
**381 Main Street, Town Office Building**  
**www.wnewbury.org**  
**Meeting Minutes**

**Open Session:** Chair Reed opened the session at 6:00pm.

**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
- Michael Dwyer- Chief, West Newbury Public Safety
- Zachary Dunham- Reserve Police Officer applicant
- Tom Ferguson- Resident
- Deb Hamilton- Resident
- Rich Baker- Resident, sponsor of Article 62
- David Seaton- Resident, sponsor of Article 63
- Rob- Alzheimer's Association representative

**Announcements:**

- SAGE Center- Ice Cream Social March 27<sup>th</sup> 12:30-1:30pm; Veterans' Breakfast April 10<sup>th</sup>, 10am
- River Road Resiliency Study- public meeting on Wednesday, April 3<sup>rd</sup> from 5:30-8pm, Town Annex
- Solar Eclipse viewing event - Monday, April 8<sup>th</sup> from 2:30-4:40pm; see Library & Town websites for details
- Information session re proposed Wetlands Bylaw - Tuesday, April 9<sup>th</sup> at 6pm, First Floor Hearing Room

**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.**

A resident spoke to the Board about the Water Department's proposed hike in water rates. He suggested that he (or the Town) could do analysis of who is using excess water in West Newbury. He also took umbrage with the way the Department handled the discussion and debate regarding the new rates.

**B. Town Manager Updates**

**a. Update on procurement process for telecom upgrade in Town Buildings**

**See Exhibit Ba.** Jennings said a supplemental component to the RFP detailing cabling needs had been issued, with a deadline for submissions of April 4<sup>th</sup>. Jennings stated that there was a good deal of interest on the part of vendors, but was not sure how much the bids would come in at.

**b. Quote received for work re Page School circulation and MDOT permitting of Page/Pipestave crosswalk**

**See Exhibit Bb.** Jennings wanted the Board to figure out what amount of money, if any, should be attached to this work for its Town Meeting Article on Wednesday during their joint meeting with the Finance Committee. The memo included in the packet gave the Board an overview of the Main St. crossing, traffic circulation, and other related concerns. Wile suggested that the first issue to be addressed should be the crosswalk, since it was not clear what the future of Page School would be. It would be a shame, in his view, to do a lot of work that could be undone by future projects. Parker agreed.

**c. Borrowing process/timeline for Church/Prospect project; Annual Report submitted to Hilltop**

**See Exhibit Bc.** The Town submitted their Annual Report to Hilltop Securities. Jennings said a date in June would be set for the Board to authorize borrowing for the water main replacement, once debt service numbers are set.

**d. Contract executed for Page School remedial masonry work/repairs**

**See Exhibit Bd.** The safety-focused repairs would be underway later in 2024, reported Jennings, but Parker and Wile were curious why the contract had the work = taking place during June when school was in session.

**e. Updates on other ongoing/active projects/initiatives**

**C. Department Updates/Discussion**

There were no updates given at this Meeting.

**D. Board/Commission/Committee Updates/Discussion (and Select Board liaison updates):**

**a. Capital Improvement Committee report and recommendations**

**See Exhibit Da.**

**b. Board of Water Commissioners' public hearing regarding water rates held on March 21<sup>st</sup> at 6pm**

**See Exhibit Db.** The Board of Water Commissioners voted to raise the water rates following the April bills. The raise would cover the Operating Budget of the Water Department, and help defray some of the costs associated with the Church and Prospect Street water main replacement projects. Reed confirmed that a notice with April's bills would be announcing the increase to the residents. It would also announce the different rates targeting heavy water users.

**E. Action Items**

- a. Request for appointment of Zachary Dunham as Reserve Police Officer**  
**See Exhibit Ea.** Chief Dwyer explained Dunham’s background as an Essex County Sheriff employee, and said that he had expressed interest in being a West Newbury officer for some time. Dwyer explained that Dunham would need to take the Department’s internal training course, offering a summary of what that involved. **Parker motioned to appoint Dunham to the Police Department.** Jennings explained that the initial appointment would last until June 30, with all officers on the force being reappointed annually after that date (which would include Dunham). **The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**
- b. Request to nominate Glenn Cogswell as additional Inspector of Animals**  
**See Exhibit Eb.** Jennings said that this Item included nomination of Kayla Provencher as well. **Wile motioned to appoint Cogswell and Provencher as Inspectors of Animals. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**
- c. Request to authorize Town Manager to execute 3-year lease for Children's Castle**  
**See Exhibit Ec. Wile motioned to authorize the Manager to execute the lease.** Wile inquired about the utility costs but Walsh was not sure of the number off the top of her head. The Town receives a special bill from Page School (where the Castle is located) that is paid to cover utilities. **The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**
- d. Review Middle Street Bridge financing and determine warrant article proposal amount; review draft IMA**  
**See Exhibit Ed.** The group decided to bring up the Item later in the meeting. When returning to this Item, Jennings presented a draft IMA to the Board. He said that based on feedback that there would be nothing about borrowing or multi-year payback. Upon passage in West Newbury, the hope would be that Newburyport would fund their share. Jennings said he would provide further information to the Board by the next day. The Manager and Select Board discussed whether they would need to employ ARPA funding and when best to do so.
- e. Review draft Harbormaster IMA with Town of Salisbury for 2024-2027**  
**See Exhibit Ee.** Jennings presented the IMA (between West Newbury and Salisbury) with markups to the Board. Jennings said that under the Clean Vessel Act the Commonwealth reimburses the Town roughly 75% of the costs of the pump out boat and its activities, with additional funds from the waterways permits contributing to reduce the Towns expenses. The new Agreement included language to allow the Town to enter into a more beneficial IMA if the opportunity arose with a 90-day termination clause. Parker wondered if a three-month window to draw up a new IMA to replace one being replaced was enough time, and the other Board members felt this was a very short period. Jennings suggested a six-month period instead, which was more agreeable to the three Board members. They did not feel that there was any pressing need to switch partners, however.
- f. Review /determine appropriation for testing of potential new public water site(s)**  
**See Exhibit Ef.** The Board did not take any action on this Item at this time.
- g. Request for release deed for two Ash Street Properties to the MA Division of Fisheries and Wildlife**  
**See Exhibit Eg.** Wile found the situation very unusual, but Parker pointed out that the taking of land at the time was so vast that perhaps these undeveloped parcels had been overlooked, and that the state did have legitimate claims to ownership. Jennings stressed that the properties would not be developed once in the Commonwealth’s ownership and that the maneuvers being executed by the state were simply part of a wider housekeeping effort regarding the protected lands of the Crane River Refuge. **Wile motioned to release the deeds back to the state. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**
- h. Special Event Request: Myopia Hunt Club Fox Hunt, May 28, 2024**  
**See Exhibit Eh.** It was determined that no road crossings would be involved in the fox hunt which meant the Board felt comfortable approving the May 28 event. **Parker motioned to approve the permit. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**
- i. Special Event Request: West Newbury Riding and Driving Club, Adventure Ride June 15 & Sept 15<sup>th</sup>**  
**See Exhibit Ei.** Wile wondered if the events would cause any conflicts with other planned events, and Hamilton answered that after checking with Park and Rec and other stakeholders, it was determined there would be no strain on space or parking. Wile followed up by asking if Chief Dwyer had signed off on the event (those that were not on conservation/recreation land only). Hamilton said that they would manage the road crossing themselves and would follow up with further information on the September rides if it involved road crossings. Reed asked her if Hamilton would provide the Board with maps for their September when it was nailed down by the Riding and Driving Club. **Wile motioned to approve the permits pending the acquisition of route maps and the approval of the Police Chief. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**
- j. Special Event Request: Alzheimer's Association Fundraiser Bike Ride, June 1, 2024**  
**See Exhibit Ej.** The Board had provided with a map for the ride, but Wile was curious if there would be any signage in advance of the event to alert citizens of the event. A representative from the Association (via Zoom) told the Board they would put in whatever signs the Town required. Blatchford confirmed that Chief Dwyer had approved the ride and would provide the necessary coverage for the event. **Parker motioned to approve the permit. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**
- k. Select Board meeting minutes: February 26, 2024; March 11, 2024; March 13, 2024**  
**See Exhibit Ek.** The Board decided to table the Minutes for a future Meeting.
- l. NOT BEFORE 7:00PM: Cont'd review, with Finance Committee, of proposed Town Meeting warrant articles; and proposed sections of FY25 operating budget (see Finance Committee agenda for details)**  
**See Exhibit El.** Phillips opened the Finance Committee and Select Board Joint Meeting at 7:00pm.

Article 62: Petition for 40R Zoning Study on the Mullen property. The genesis of Baker’s petition was

to reconsider the Mullen property on Main St. for use in complying with state-mandated zoning requirements under the MBTA Communities Act. 80 to 85 single bedroom units in West Newbury would add 5% toward meeting 40B requirements. The property would allow the Town to have much more control over the development than on other properties being considered. He also felt that it would be a boon for new homeowners and seniors, as well as those requiring a more affordable place to live in Town (such as its on-call firemen or its cops). The one-bedroom nature would fill a need, in his view. Within the Article, Baker sought \$100,000 in funding for the preparation of an RFP utilizing a third party. Baker pointed out that the Town would receive state and developer money if the Mullen property was used in this fashion, and there would be substantial tax revenue gained as well. Reed asked Baker who would manage the RFP, and reiterated that the lack of bandwidth on the part of Town staff would make it difficult for them to do. Baker did not have an answer at this time. Parker suggested diversifying the bedroom count, expressing his reservations about having just single bedroom units. Jennings and Phillips expressed their reservations as well. Jennings said bedroom count is a big factor in getting state funding. Reed referred to evaluations made by the consulting firm working with the Town on the MBTA Communities regulations/zoning changes, who had deemed the Mullen property as a poor fit for fulfilling the criteria, and further cited a non-committal response from the Commonwealth on the idea. Phillips cautioned against bringing open questions like this Article to Town Meeting, where debates on the actual content of the Article and the actual development of the property could break out. Wile pointed out that septic for 80 units would be hard with how marshy the parcel is. Jim Sperelakis chimed in to ask if Baker had worked with the Planning Board or Affordable Housing Trust on the Mullen property. Baker noted that he had gone to a large number of meetings for both bodies, but it was not clear if either body endorsed his idea. Deb Hamilton, speaking as a member of the Planning Board, reiterated that the Town's consultants did not recommend using the Mullen land for MBTA Communities Act housing, and Jennings said for the state to even consider the property, it would need to be sold first. The timeline was simply too tight to execute the proposal. **Parker motioned to not recommend Article 62. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Innes motioned to not recommend Article 62. The motion was properly seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain).** Phillips stated he would write the rationale.

Article 63: Citizen petition to reduce local election voting age to 16. Resident David Seaton presented his petition to the Board about why the voting age for local elections should be reduced to 16. Seaton pointed out that lowering the age had been done in local and international municipalities with positive results. Wile expressed concerns that high school age students were not property tax payers, and therefore not responsible as much for the financial implications of local votes. Seaton pointed out that plenty of other voters did not pay property taxes in West Newbury (18-year-olds, renters, etc). Phillips asked if this Home Rule petition would make its way to the State House if West Newbury passed it. Seaton said it would, and Blatchford explained more about the logistics of allowing those under 18 to vote. The administration of the election would be slightly more difficult due to the fact that 16 and 17 year olds would be classified as "confidential voters" since their information cannot be collected at that age. **Parker motioned to recommend Article 63. The motion was properly seconded. The motion passed. (2 Yes, Wile No, 0 Abstain). The Finance Committee took no action on this Article.**

Article 3. School Stabilization Fund transfer. The central question raised during discussion of this Article was whether or not the money should be saved to fund Whittier Tech. expenses or drawn down (as a multi-year model proposed). **Wile motioned to recommend Article 3. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Sperelakis motioned to recommend to Article 3. The motion was properly seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain).** Innes stated he would write the rationale.

Article 5. Use Free Cash to reduce tax rate. The Article would move \$200,000 into Stabilization from Free Cash, to increase that Fund to \$800,000. This would eliminate any strain on the tax payer, per the Capital Improvements Committee's recommendation. **Parker motioned to increase the Stabilization Fund to \$800,000. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Parker motioned to transfer \$200,000 from Free Cash to offset the Stabilization Fund increase. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Phillips motioned to increase the Stabilization Fund. The motion was properly seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain). Phillips motion to transfer Free Cash to offset the Stabilization Fund. The motion was properly seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain).** Phillips stated he would write the rationale. Sperelakis asked when a Stabilization Fund for Page School or Whittier Regional High School ought to be established, and the Town Manager replied that October might be a good starting point for that decision-making process.

Article 43: Funding for unbudgeted personnel costs for FY24-25. The Article requested \$82,000 to cover these costs. Much of it would cover expenses incurred by the Police Department in overtime pay to cover Department training. **Wile motioned to recommend Article 43 for the sum of \$82,000. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Sperelakis motioned to recommend Article 43. The motion was properly seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain).** Phillips stated he would write the rationale. The sunset date was set as June 30, 2025.

Article 48: Supplemental funding for MBTA Communities Act consultant work. Jennings said he



included all the information he had to date relevant to the Article, but no final number was included in it. With extra money, a 50–70-page economic impact study could be undertaken, which Jennings envisioned would keep the consultant engaged if necessary. Jennings expressed caution at moving ahead since it was not clear what would happen with this Act. **Wile motioned to remove Article 48 from the Warrant. The motion was properly seconded. The motion passed unanimously. (3 Yes, 0 No, 0 Abstain).** Sperelakis urged the Town to undertake an economic impact study before next Spring’s Town Meeting. Discussion continued on the bigger picture regarding the MBTA Communities Act, and whether the Town should make sure they are on the appropriate timeline if the challenges the Act fail in court. The group decided to return to an economic impact study closer to Fall Town Meeting.

Article 55: Finance Committee Bylaw. **Wile motioned to recommend Article 55. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** Sperelakis motioned to recommend Article 55. **The motion was properly seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain).** Phillips stated he would write the rationale.

Article 67: Funding for River Road study and engineering. The Article followed up on the MVP Grant’s work examining the vulnerabilities of River Road to flooding and other issues. **Wile motioned to recommend Article 67 in the amount of \$40,000. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** Sperelakis motioned to recommend Article 67 in the amount of \$40,000. **The motion was properly seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain).** Capolupo stated he would write the rationale. The sunset date was set as June 30, 2025.

Pentucket Regional Middle High School Operating Budget: **Wile motioned to approve the Pentucket Budget for the sum of \$9,624,791. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** Sperelakis motioned to approve the Pentucket Budget. **The motion was properly seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain).**

Whittier Technical High School Operating Budget: **Wile motioned to approve the Whittier Budget for the sum of \$300,687. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** Sperelakis motioned to approve the Whittier Budget. **The motion was properly seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain).**

Essex Ag. Operating Budget: **Wile motioned to approve the Essex Ag. Budget for the sum of \$101,686. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** Sperelakis motioned to approve the Essex Ag. Budget. **The motion was properly seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain).**

Harbormaster Operating Budget: Jennings went through the Harbormaster’s Budget. **Wile motioned to approve the Harbormaster Budget. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** Sperelakis motioned to approve the Harbormaster Budget. **The motion was properly seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain).**

Veterans Services Operating Budget: **Wile motioned to approve the Veterans Services Budget for the sum of \$29,598. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** Sperelakis motioned to approve the Veterans Services Budget. **The motion was properly seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain).**

**Sperelakis motioned to adjourn the Finance Committee Session. The motion was properly seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain). The Session adjourned at 9:16pm.**

At this time the Board returned to Item Ed.

## F. General Discussion Items

- a. **Correspondence from Sen. Tarr's office re FY25 State Budget Priorities**  
See Exhibit Fa. The two priorities for West Newbury are climate change resilience planning and engineering costs and pedestrian safety planning and engineering costs. The Manager and Board agreed to make sure Tarr’s office was informed of these.
- b. **Plan for finalizing proposed Animal Control and Hunting Bylaw amendments**  
See Exhibit Fb. Wile suggested establishing a dedicated dog park for West Newbury (whose site and scope would be determined by an *ad hoc* committee), and suggested a similar idea for a hunting-specific parcel in Town. The Board decided to examine this concept further at their April Meeting.
- c. **Building Decarbonization proposal for scope and services**  
See Exhibit Fc. The Board decided to wait and evaluate the program further due to upcoming changes to it.
- d. **Town Manager performance evaluation; process and timeline**  
See Exhibit Fd. Reed and Jennings agreed they would meet and discuss comments on his performance as Manager after April 8<sup>th</sup>.
- e. **Dangerous Dog Hearing Officer Training April 12<sup>th</sup>**  
See Exhibit Fe. Jennings made the Board aware of the training on a “dangerous dog” hearing’s procedure (a hearing that had not had cause to be convened in West Newbury recently, but Jennings felt was valuable to attend).

**G. Correspondence, including:****a. Chargepoint monthly report**

See Exhibit Ga. The Board looked at the Report.

**H. Future Agenda Items/ Meeting follow-up assignments**

Reed said she received a request to hunt on Middle Street and asked her fellow Board members to respond to the message. She asked Jennings if he had received an invitation to a Whittier Tech- sponsored dinner (Advisory Board). Jennings said he had not. Reed queried the group to see if anyone was interested in attending. No Board member was able to attend with certainty.

**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 9:41pm.**

**To access a video recording of the meeting, use the link below:**

<https://www.youtube.com/watch?v=zGw8PraCtE>

DRAFT

**Angus Jennings**

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**From:** Angus Jennings  
**Sent:** Monday, April 1, 2024 3:09 PM  
**To:** James J. McCauley [Council]; Ed Cameron [Council]; sreardon@cityofnewburyport.com  
**Cc:** Andrew Levine; Ethan Manning; Wayne Amaral; Jon-Eric White; Selectboard  
**Subject:** Follow-up re Bridge; draft IMA  
**Attachments:** Memo to SB re Middle Street Bridge 3-28-24.pdf;  
 NBPT\_West\_Newbury\_Bridge\_Repair\_MOU\_DRAFT 4-1-24.pdf;  
 NBPT\_West\_Newbury\_Bridge\_Repair\_MOU\_DRAFT 4-1-24.docx

Councilors McCauley and Cameron, and Mayor Reardon,

I am writing to follow up on the discussion at the March 18<sup>th</sup> meeting of the Council's Public Works & Safety Committee. At that time, I had hoped to be able to send a draft IMA re the Bridge by around the end of that week, but it took longer than I'd hoped with all else ongoing.

I have attached a memo I sent to West Newbury's Select Board late last week including the latest financial estimate of the bridge project. This accounts for the commitments both we (WN) and Newburyport received from MassDOT on March 18<sup>th</sup> to award MDOT Small Bridge grants of \$750k (each). This also includes a more recent construction cost estimate prepared by BSC Group (March 20<sup>th</sup>), which MDOT had required as part of its pre-contracting phase for the new grants.

Based on these updated numbers, including "crediting" each municipality with 50% of grant funds received (as per the 2019 IMA, and as proposed for a new IMA), and taking into account local appropriations already voted, I arrived at the estimate of each community's remaining cost specified in the attached memo. Last week, the Select Board expressed its support to authorize West Newbury ARPA funds at an amount necessary to fund its remaining share. At their meeting tonight, they'll be asked to formalize this support in a vote to allocate these ARPA funds, and this is expected to pass.

This leaves the one question remaining as to whether Newburyport will fund its share of the costs as apportioned (estimated in attached as just north of \$1M). This funding could be appropriated (which we recognize is unlikely over the course of 1 or 2 budget years) or, more likely (it would seem) authorized as borrowing, so the City could pay it down over the life of the borrowing.

I have attached a draft IMA which would memorialize the "50/50 net cost" approach (the same as the 2019 IMA), and which fleshes out some of the language on procurement, project management, etc., which will be necessary in order to get the project put out to bid, under contract, and constructed. For convenience, all language in the attached draft IMA which differs from the previously-approved 2019 IMA is shown in redline.

In order that West Newbury can rely on the roughly \$500k of ARPA funds it would like to use, the project would need to be under contract no later than Dec. 31, 2024, with the ARPA funds fully expended by Dec. 31, 2026. This timeline aligns with the timing we had estimated when we submitted paperwork to MassWorks in January as part of our pre-contract phase for that grant.

I'm sorry not to have found time to send these updates sooner. I'm aware that the Public Works & Safety Committee is scheduled to meet again this evening at 6:30pm. I'm not expecting you'd have time to review these materials in any detail before then, but wanted to send these now just in the interest of keeping things moving forward.

Ideal next steps, from our standpoint, would be:

- Firming up our understanding of when the Council would take up the question of funding;
- Once there has been some time for City staff/Mayor's office/Council review, referring the draft IMA to the City's legal counsel so any issues between the municipalities' attorneys can be worked through; and
- Jointly reviewing/agreeing to a schedule to put the project out to bid. If it were to be put out to bid this spring/summer, for construction next spring, prospective contractors would build in their own markups to account for inflation/cost escalation over the next ~12 months, but given the major amount of funds now carried as contingency (over \$900k), this approach would have the benefit of giving all parties a "true cost" sooner than later.

Our Select Board meets at 5:30pm but it is a 1-topic meeting so if I and perhaps a Board member is able to zoom into tonight's 6:30pm mtg, we'll do so. In any case, let's plan to follow up this week re potential next steps.

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](mailto: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](mailto:townmanager@wnewbury.org)

TO: Select Board  
 FROM: Angus Jennings, Town Manager  
 DATE: March 28, 2024  
 RE: Middle Street Bridge

As you know, we recently received an updated construction cost estimate from the project engineer. This updated the estimate that had been prepared in May, 2023, and which has been the basis of financial planning for the project since that time. The updated estimate updated the unit costs from the MassDOT weighted bid prices and, for nonstandard items, used an inflation value of 5% to account for the roughly year that has passed since last spring's estimate.

The enclosed summary reflects updated project cost estimates, funds expended to date, and remaining available funds, to illustrate the estimated shortfall. This accounts for additional grant funds awarded or received since last May, namely: \$1M MassWorks grant awarded to West Newbury; \$750k MassWorks Small Bridge grant awarded to West Newbury; and \$750k MassWorks Small Bridge grant awarded to West Newbury. This also reflects the Select Board's authorization of \$25k in ARPA funds (in January 2024) to support ongoing expenses related to securing these grants.

As you know, we are in continued discussions with the City of Newburyport regarding the project, and terms of a potential new Intermunicipal Agreement (IMA). Our proposed terms will be based on the same 50/50 split of net (non-grant) project costs as had been agreed in the 2019 IMA. This results in the estimated funding shortfall, per municipality, shown in the table to the right:

At the meeting on March 27<sup>th</sup>, the Board expressed support to allocate an amount of ARPA funds toward the project – roughly \$539k remains unallocated – sufficient to cover the estimated local shortfall. At your next meeting on April 1<sup>st</sup>, the Board will be asked to formalize this support through approval of a formal application for ARPA funding. As you know, such funds must be under contract by 12/31/24, and fully expended by 12/31/26.

We are continuing our work with the City of Newburyport, through its Mayor and Council, toward an Intermunicipal Agreement with the goal of both securing the City's authorization for the work to move forward; and to secure the balance of funding necessary to reconstruct the bridge.

<b>Middle Street Bridge, Funding Split, <u>DRAFT</u>, 3/28/24</b>	
<b>Total costs</b>	<b>5,356,250</b>
<i>minus</i> State grants	3,292,285
<i>equals</i> Net local costs	2,063,965
50% of net local costs	1,031,982
<b>Contributed to date</b>	
West Newbury	625,000
Newburyport	-
<b>Delta</b>	
West Newbury	406,982
Newburyport	1,031,982
Total shortfall	<b>1,438,965</b>
<i>Source: Angus Jennings, Town Manager</i>	

**Project Costs**

<u>Project Costs</u>		<u>Notes</u>
Construction costs	3,605,000	} <i>Source: BSC Group, 3/20/24</i>
Design/Permitting	550,000	
Construction contingency (25%)	901,250	
Resident Engineer	200,000	
Construction Engineering Services	100,000	
<b>TOTAL project costs (est.)</b>	<b>5,356,250</b>	

**Project Funds**

<u>Funds Expended to Date</u>		<u>Notes</u>
MassDOT Small Bridge grant to Newburyport, 2018, design funds (expended)	206,048	
MassWorks grant to West Newbury, 2019 (\$1M grant, partially expended)	292,285	<i>Amount shown is total amount expended. Grant expired 6/30/23</i>
<b>TOTAL project expenditures</b>	<b>498,334</b>	<i>Does not include \$2,337.24 in West Newbury ARPA funds expended as of 3/26/24</i>

<u>Remaining Available Funds</u>		<u>Notes</u>
<u>State Grants Received</u>		
MassDOT Small Bridge grant, 2018, design funds (remaining)	45,252	} <i>Awarded to Newburyport; construction funds due to expire 6/30/2024, if not further extended by MDOT. Repurposing of granted design funds, to be used for construction, may also require MDOT approval.</i>
MassDOT Small Bridge grant, 2018, construction funds (remaining)	248,700	
MassWorks (2023)	1,000,000	<i>Awarded to West Newbury, late 2023</i>
MassDOT Small Bridge grant (2023)	750,000	<i>Awarded to West Newbury, late 2023; increased to \$750k in early 2024</i>
MassDOT Small Bridge grant, FY24	750,000	<i>Awarded to Newburyport, early 2024</i>
<b>Sub-Total: remaining grant funding</b>	<b>2,793,952</b>	

Local Appropriations

West Newbury Town Meeting appropriation	600,000	<i>Approved May 2021; sunset date 6/30/2024. Extension to be voted at Town Meeting on 4/29/24</i>
West Newbury ARPA appropriation	25,000	<i>\$25k approved by Select Board, Jan. 2024</i>
Newburyport (requiring City Council approval)	-	<i>Discussions ongoing with Mayor and City Council regarding potential Intermunicipal Agreement, incl. proposed method to share local costs.</i>
<b>Sub-Total: remaining local funding sources</b>	<b>625,000</b>	

**Sub-Total: State and local funding sources** **3,418,952**

**Funding Shortfall**

Costs minus expenditures minus available funds: **1,438,965** *Based on existing appropriations and grants*

<u>Potential New Funds</u>		<u>Notes</u>
MassDOT Small Bridge grant, FY25 (West Newbury)	-	} <i>Confirmed <u>eligibility</u> for each community to apply for add'l Small Bridge grant in FY25. Timing of MDOT grant round not yet set, and unknown whether either or both grants would be awarded, and in what amount(s).</i>
MassDOT Small Bridge grant, FY25 (Newburyport)	-	
	-	

Summary

**Modified Est. Shortfall** **1,438,965** *Does not assume any FY25 grant funds.*

Source: Angus Jennings, Town Manager

**MASSACHUSETTS DEPARTMENT OF TRANSPORTATION - HIGHWAY DIVISION**  
**ESTIMATE OF QUANTITIES & ITEM COST**

CITY NEWBURYPORT/WEST NEWBURY  
 TYPE CONCRETE BOX BEAM  
 SPAN 45'-0"  
 ROAD PLUMMER SPRING ROAD/MIDDLE STREET  
 CALC. SSF/AK 2023

OVER  
 CLASS  
 BR. WIDTH  
 ROAD WIDTH  
 CHKD.

UPPER ARTICHOKE RESERVOIR  
 HL-93  
 32'-6"  
 24'-0"  
 KLE/MCM 2024

**HIGHWAY ITEMS**

ITEM NO.	UNITS	ITEM DESCRIPTION	Unit Price	Bridge Quantity	Highway Quantity	Combined Quantity	Bridge Cost	Highway Cost	Total Cost
102.01	*	LS	SELECTIVE CLEARING AND GRUBBING	\$3,000.00	0	1	\$0.00	\$3,000.00	\$3,000.00
102.511	*	EA	TREE PROTECTION - ARMORING & PRUNING	\$400.00	0	6	\$0.00	\$2,400.00	\$2,400.00
102.521	*	FT	TREE AND PLANT PROTECTION FENCE	\$17.00	0	200	\$0.00	\$3,400.00	\$3,400.00
103.		EA	TREE REMOVED - DIAMETER UNDER 24 INCHES	\$3,500.00	0	15	\$0.00	\$52,500.00	\$52,500.00
115.1	*	LS	DEMOLITION OF BRIDGE NO. N-11-007=W-20-001(8BC)	\$283,500	1	0	\$283,500.00	\$0.00	\$283,500.00
120.		CY	EARTH EXCAVATION	\$60.00	0	180	\$0.00	\$10,800.00	\$10,800.00
121.		CY	CLASS A ROCK EXCAVATION	\$250.00	0	10	\$0.00	\$2,500.00	\$2,500.00
140.		CY	BRIDGE EXCAVATION	\$65.00	570	0	\$37,050.00	\$0.00	\$37,050.00
141.1		CY	TEST PIT FOR EXPLORATION	\$140.00	0	50	\$0.00	\$7,000.00	\$7,000.00
143.		CY	CHANNEL EXCAVATION	\$85.00	390	0	\$33,150.00	\$0.00	\$33,150.00
144.	*	CY	CLASS B ROCK EXCAVATION	\$300.00	90	0	\$27,000.00	\$0.00	\$27,000.00
151.		CY	GRAVEL BORROW	\$75.00	0	220	\$0.00	\$16,500.00	\$16,500.00
151.1		CY	GRAVEL BORROW FOR BRIDGE FOUNDATION	\$75.00	290	0	\$21,750.00	\$0.00	\$21,750.00
151.2		CY	GRAVEL BORROW FOR BACKFILLING STRUCTURES AND PIPES	\$47.50	35	0	\$1,662.50	\$0.00	\$1,662.50
153.1	*	CY	CONTROLLED DENSITY FILL - NON-EXCAVATABLE	\$275.00	14	0	\$3,850.00	\$0.00	\$3,850.00
156.13	*	TON	CRUSHED STONE FOR INTEGRAL ABUTMENT PILES	\$73.50	35	0	\$2,572.50	\$0.00	\$2,572.50
156.5		CY	CRUSHED STONE FOR FILTER BLANKET	\$73.50	44	0	\$3,234.00	\$0.00	\$3,234.00
170.		SY	FINE GRADING AND COMPACTING - SUBGRADE AREA	\$20.00	0	720	\$0.00	\$14,400.00	\$14,400.00
290.	*	LS	DRAINAGE SYSTEM	\$105,000.00	0	1	\$0.00	\$105,000.00	\$105,000.00
402.		CY	DENSE GRADED CRUSHED STONE FOR SUB-BASE	\$177.50	0	80	\$0.00	\$14,200.00	\$14,200.00
443.		MGL	WATER FOR ROADWAY DUST CONTROL	\$200.00	0	3	\$0.00	\$600.00	\$600.00
450.22		TON	SUPERPAVE SURFACE COURSE - 9.5 (SSC - 9.5)	\$215.00	0	70	\$0.00	\$15,050.00	\$15,050.00
450.31		TON	SUPERPAVE INTERMEDIATE COURSE - 12.5 (SIC - 12.5)	\$310.00	0	90	\$0.00	\$27,900.00	\$27,900.00
450.41		TON	SUPERPAVE BASE COURSE - 25.0 (SBC - 25.0)	\$220.00	0	180	\$0.00	\$39,600.00	\$39,600.00
450.60		TON	SUPERPAVE BRIDGE SURFACE COURSE - 9.5 (SSC-B - 9.5)	\$345.00	15	0	\$5,175.00	\$0.00	\$5,175.00
450.70		TON	SUPERPAVE BRIDGE PROTECTIVE COURSE - 9.5 (SPC-B - 9.5)	\$331.50	20	0	\$6,630.00	\$0.00	\$6,630.00
452.		GAL	ASPHALT EMULSION FOR TACK COAT	\$10.00	0	150	\$0.00	\$1,500.00	\$1,500.00
453.		FT	HMA JOINT SEALANT	\$2.00	0	450	\$0.00	\$900.00	\$900.00
470.		TON	HOT MIX ASPHALT BERM	\$450.00	0	15	\$0.00	\$6,750.00	\$6,750.00
472.		TON	TEMPORARY ASPHALT PATCHING	\$482.50	0	5	\$0.00	\$2,412.50	\$2,412.50
504.		FT	GRANITE CURB TYPE VA4 - STRAIGHT	\$100.00	0	80	\$0.00	\$8,000.00	\$8,000.00
504.2		EA	GRANITE CURB TYPE VA4 - SPLAYED END	\$725.00	0	10	\$0.00	\$7,250.00	\$7,250.00
620.136	*	FT	GUARDRAIL, TL-3 STIFFENING WITH HALF POST SPACING (SINGLE FACE)	\$157.50	0	320	\$0.00	\$50,400.00	\$50,400.00
620.137	*	FT	GUARDRAIL, TL-3 STIFFENING WITH HALF POST SPACING, DEEP POST (SINGLE FACE)	\$210.00	0	80	\$0.00	\$16,800.00	\$16,800.00
627.1		EA	TRAILING ANCHORAGE	\$2,500.00	0	1	\$0.00	\$2,500.00	\$2,500.00
628.24		EA	TRANSITION TO BRIDGE RAIL	\$7,200.00	0	4	\$0.00	\$28,800.00	\$28,800.00
630.2		FT	HIGHWAY GUARD REMOVED AND DISCARDED	\$10.00	0	500	\$0.00	\$5,000.00	\$5,000.00
657.	*	FT	TEMPORARY FENCE	\$42.50	0	150	\$0.00	\$6,375.00	\$6,375.00
698.4	*	SY	GEOTEXTILE FABRIC FOR PERMANENT EROSION CONTROL	\$8.50	390	0	\$3,315.00	\$0.00	\$3,315.00
741.	*	MO	ENGINEERS FIELD OFFICE AND EQUIPMENT (TYPE B)	\$1,950.00	0	22	\$0.00	\$42,900.00	\$42,900.00
748.		LS	MOBILIZATION	\$1.00	0.75	0.25	\$69,000.00	\$37,000.00	\$106,000.00
751.		CY	LOAM FOR ROADSIDES	\$100.00	0	20	\$0.00	\$2,000.00	\$2,000.00
765.		SY	SEEDING	\$3.55	0	125	\$0.00	\$443.75	\$443.75
767.121	*	FT	SEDIMENT CONTROL BARRIER	\$10.00	0	1000	\$0.00	\$10,000.00	\$10,000.00
769.01	*	SY	PAVEMENT MILLING MULCH UNDER GUARD RAIL	\$90.00	0	200	\$0.00	\$18,000.00	\$18,000.00
833.7		EA	DELINEATION FOR GUARD RAIL TERMINI	\$95.00	0	1	\$0.00	\$95.00	\$95.00
853.1		EA	PORTABLE BREAKAWAY BARRICADE TYPE III	\$152.50	0	4	\$0.00	\$610.00	\$610.00
853.21		FT	TEMPORARY BARRIER REMOVED AND RESET	\$20.50	0	75	\$0.00	\$1,537.50	\$1,537.50
853.22	*	FT	TEMPORARY BARRIER REMOVED AND STACKED	\$82.50	0	175	\$0.00	\$14,437.50	\$14,437.50
942.124		FT	STEEL PILE HP 12 X 84	\$244.65	380	0	\$92,967.00	\$0.00	\$92,967.00
948.41		EA	DYNAMIC LOAD TEST BY CONTRACTOR	\$12,000.00	2	0	\$24,000.00	\$0.00	\$24,000.00
948.5		EA	PILE SHOES	\$200.00	10	0	\$2,000.00	\$0.00	\$2,000.00
983.12	*	TON	RIPRAP WITH GRAVEL PACKED VOIDS	\$180.00	440	0	\$79,200.00	\$0.00	\$79,200.00
983.521	*	CY	STREAM/BANK RESTORATION	\$93.00	86	0	\$7,998.00	\$0.00	\$7,998.00
991.1	*	LS	CONTROL OF WATER - STRUCTURE NO. N-11-007=W-20-001	\$346,500.00	1	0	\$346,500.00	\$0.00	\$346,500.00
994.01	*	LS	TEMPORARY PROTECTIVE SHIELDING BRIDGE NO. N-11-007 = W-20-001	\$115,500.00	1	0	\$115,500.00	\$0.00	\$115,500.00
995.01		LS	BRIDGE STRUCTURE, BRIDGE NO. N-11-007=W-20-001	\$1,172,923.50	1	0	\$1,172,923.50	\$0.00	\$1,172,923.50
996.4	*	LS	PREFABRICATED CONCRETE MODULAR BLOCK WALL (WITH GEOGRID REINFORCEMENT)	\$686,994.00	0	1	\$0.00	\$686,994.00	\$686,994.00

TOTAL = \$2,338,977.50 \$1,265,555.25 **\$3,604,532.75**

**SAY \$3,605,000.00**

**Intermunicipal 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**

This Agreement is made as of this \_\_\_\_ day of \_\_\_\_\_, ~~2020~~2024, by and between the City of Newburyport, a Massachusetts municipal corporation with its main office at City Hall, 60 Pleasant Street, Newburyport, MA 01950 (hereinafter referred to as “Newburyport”) and the Town of West Newbury, a Massachusetts municipal corporation with its main office at the 1910 Office Building, 381 Main Street, West Newbury, MA 01985 (hereinafter referred to as “West Newbury”).

**RECITALS**

**Whereas**, Newburyport and West Newbury, in accordance with M.G.L. c. 40, §4A, are authorized to enter into an agreement with another governmental unit to perform jointly or for that unit’s services, activities or undertakings which any of the contracting units is authorized by law to perform; and

**Whereas**, Newburyport and West Newbury desire to enter into an Agreement to share the costs to evaluate the condition of the Plummer Spring Road/Middle Street Bridge over the Artichoke Reservoir (the “Bridge”) situated on the border between Newburyport and West Newbury, and to share the costs of designing, bidding and making necessary repairs to the Bridge (the” Bridge Project”); and

**Whereas, Newburyport and West Newbury each have a legal obligation to maintain and repair the Bridge; and**

**Whereas**, Newburyport and West Newbury both desire to work cooperatively in order to complete the repairs to the Bridge in the most expeditious fashion; and

**Whereas**, Newburyport has been authorized to enter into this agreement by vote of its City Council and approval of its Mayor; and



**Whereas,** West Newbury has been authorized to enter into this agreement by vote of its Select Board of Selectmen.

**Now, therefore,** in consideration of the mutual promises contained herein, Newburyport and West Newbury agree to the following terms, conditions and provisions.

1. **Effective Date and Term; Renewal:** This Agreement shall become effective when fully executed by Newburyport and West Newbury on the day first above written and shall continue, ~~if renewed in accordance with the provisions hereinafter contained, until the completion of the Bridge Project. until the financial obligations set forth in Section 6 herein have been fully satisfied~~

~~The initial term of this Agreement shall be one three years from the date first written above. The parties shall review the status of the Bridge Project on an annual basis and may renew this Agreement with such amendments as are mutually agreed upon; provided, however, that in no event shall the term of this Agreement, including any renewal thereof, exceed five (5) [TERM] years. Any renewal shall be executed by the Mayor of Newburyport on behalf of the City of Newburyport and the Town Manager of the Town of West Newbury on behalf of the Town of West Newbury.~~

2. **Cost Sharing; Estimated Project Cost:** Newburyport and West Newbury mutually agree that costs for all aspects of the Bridge Project, including but not limited to, the costs of evaluation, project design, permitting, bidding, scheduling, oversight, construction, and contractor payment, to the extent that work is not undertaken by employees of Newburyport or West Newbury (all of whose costs and expenses shall be paid by their respective employer) shall be divided equally between Newburyport and West Newbury, with each municipality responsible for fifty percent (50%) of such costs. To that end, Newburyport and West Newbury shall obtain the authorization of the other party prior to incurring any such costs. Cost-sharing shall pertain solely to work directly related to the Bridge Project, ~~and shall be subject to appropriation.~~

The estimated Bridge project cost is contained in Appendix A attached to this Agreement. Funding, including any additional funding sources as described herein, shall be provided to address the costs ~~as~~ listed in Appendix A. Should additional funds for the Bridge Project in excess of this estimated cost be required, ~~such additional costs shall be expressly subject to appropriation by both parties and~~ any such additional costs shall be memorialized in an amendment to this Agreement authorized in Newburyport by vote of its City Council and approval of its Mayor, and in West Newbury by vote of its Select Board of Selectmen. Periodic financial statements shall be jointly issued ~~to~~ by both parties, acting through the Newburyport Finance Director, and the West Newbury Town Accountant, with respect to expenditures undertaken for the Bridge Project.

Notwithstanding anything set forth above, each party reserves the right to petition for an apportionment of the costs associated with the Bridge Project in accordance with the provisions of M.G.L. Ch. 84, §2.

3. **Cooperation:** Newburyport and West Newbury agree to work together to complete the Bridge Project design, bidding and repair as expeditiously as possible. Newburyport and West Newbury agree to use diligent efforts to obtain, without undue delay, any required local, state and/or federal permits, clearances, approvals, and/or waivers for the Bridge Project. Newburyport and West Newbury acknowledge that each party has received grant--funding for the completion of the Bridge Project; Newburyport having received ~~a-two~~ MassDOT grants and West Newbury having received a MassWorks grant and a MassDOT grant, the terms and requirements of such grants being incorporated herein by reference. In the interest of complying with such grant requirements, the Bridge project is intended to be under contract for construction on or before December 31, 2024, and construction shall be completed by June 30, ~~2023~~2027, provided, however, that the parties may seek extension of such deadline from ~~MassDOT~~the grant--awarding agency(ies).

4. **Procurement:** Newburyport and West Newbury shall prepare and advertise for a joint Invitation for Bids ("IFB") for the construction of the Bridge Project and shall jointly open and evaluate bids and award a contract to the selected eligible and responsible bidder. Following issuance of the IFB, West Newbury shall be primarily responsible for managing and overseeing all aspects of the procurement process and shall serve as the contract awarding authority for the Bridge Project.

5. **Project Management:** Newburyport shall be primarily responsible for providing all construction management services for the Bridge Project. The Parties agree that each of their respective agents, contractors, subcontractors, and assigns shall coordinate and work in harmony on management of the Bridge Project. The Parties further agree that their respective agents, contractors, engineers and assigns shall have unrestricted access to the Bridge, and that Newburyport and West Newbury shall have the right to have an authorized representative present to review any work performed by the contractor, from time to time during the performance of the work. Newburyport and West Newbury agree that each Party shall promptly notify the other in the event that it considers any work to be nonconforming with this Agreement, the Bridge Project contract issued pursuant to the joint IFB, or applicable federal, state, or local laws or regulations, or other applicable requirements.

**46. Liability:** Each party hereto shall be liable and responsible for the negligent or intentional acts of its employees, agents and contractors with respect to the Bridge Project, and shall hold each other harmless from any claims arising therefrom, to the extent permitted by law.

**57. Additional Funding Sources:** Newburyport and West Newbury agree to use ~~their~~ best all reasonable efforts to apply for and secure such grants, reimbursements or other sources of funding for the Bridge Project, including, but not limited to, MassDOT Small Bridge Grants. All such additional funding sources for the Bridge Project, whether received prior to or after the date of this Agreement shall reduce each party's obligations for costs by one half of the amount secured. The parties agree to comply with all terms and conditions set forth in such grants, reimbursements or other sources of funding.

**68. Notice and Change of Circumstances:** Each party shall promptly notify the other of any legal impediment, change of circumstances, including but not limited to changes in funding availability, insurance requirements, city or town approvals, or any condition or event which may adversely affect each party's ability to carry out any of its obligation, under this Agreement. Any request, demand, authorization, direction, notice, consent, waiver or other document provided or permitted by this Agreement to be made, given, furnished or filed with one party by another party shall be in writing and shall be delivered by hand or by certified mail, return receipt requested, or by overnight delivery service, in an envelope addressed to:

NEWBURYPORT:

Office of the Mayor  
Newburyport City Hall  
60 Pleasant Street  
Newburyport, MA 01950

WEST NEWBURY:

Town Manager  
1910 Office Building  
381 Main Street  
West Newbury, MA 01985

**79. Governing Law:** This Agreement is to be governed and construed in accordance with the laws of the Commonwealth of Massachusetts.

**810. Severability:** If any provision of this Agreement is determined to be invalid or unenforceable, the remaining provisions shall remain in force and unaffected to the fullest extent permitted by law and regulations.

**911. Modification and Amendment:** This Agreement may be modified or amended only by written mutual agreement of the parties as authorized in Newburyport by vote of its City Council and approval of its Mayor and in West Newbury by vote of its Select Board of Selectmen.

**1012. Designation of Project Coordinator:** Newburyport and West Newbury shall each designate an employee to act as the Project Coordinator who will be the point of contact for all aspects of the Bridge Project for that party. Each Project Coordinator shall be copied on all correspondence or other communication with any third party involved in the Bridge Project. In the event of the temporary absence or unavailability of a Project Coordinator, the parties may designate a temporary Project Coordinator for the duration of such absence or unavailability.

**1113. Oversight:** Newburyport and West Newbury agree that their respective employees, agents and officials shall have full and unfettered access to the Bridge during the pendency of this Agreement. Newburyport and West Newbury agree to promptly notify the other in the event that such party considers any work connected with the Bridge Project to be not in compliance with this Agreement, the Bridge Project contract issued pursuant to the Joint Invitation for Bids (“IFB”), or applicable federal, state or local laws and applicable regulations.

**14. Assignment.** Except as otherwise provided by this Agreement, this Agreement shall inure to the benefit of and be binding upon the successors and assigns of the Parties hereto, except that neither Party shall assign or transfer this Agreement or any of its rights hereunder to any person, firm, or corporation without obtaining the prior written consent of the other, which consent shall not be unreasonably withheld.

**15. Assurances.** The Parties hereto each agree to execute, acknowledge and deliver such further assurances and amendments hereto as may from time to time be reasonably requested by the other party to better assure the rights and obligations herein created.

**16. Inspection of Books.** Each party shall have the right at reasonable times and upon reasonable notice to examine the books, records, and other compilations of data of the other, as such books, records, and other compilations of data may pertain to the performance of the provisions and requirements of this Agreement.

**17. Audit.** All costs invoiced under this Agreement are subject to audit. The parties will promptly meet to settle all proposed audit adjustments. If the parties agree in writing that Newburyport has made an overpayment to West Newbury, Newburyport shall be entitled to immediate restitution by West Newbury and the right to deduct all sums due and unpaid as a result of the overpayment from each succeeding invoice until full restitution is accorded. If the parties agree in writing that West Newbury has been underpaid, West Newbury shall be entitled to include the underpayment sum in the next invoice and have the underpayment made up in full by Newburyport at the time that the invoice is paid. If the audit is concluded after all services are performed, the audit adjustment agreed to by the parties shall be paid in the full amount

within thirty (30) days. If the parties are unable to reach agreement on the proposed audit adjustments, they may be resolved in accordance with an agreed upon dispute resolution process. Newburyport and West Newbury shall have the right to audit one another's records at such times and places as may be mutually agreed to. The records subject to audit shall include, but shall not be limited to, all books, records, documents, papers, and other supporting data that the auditors may reasonably believe are relevant to the purpose of the audit. All books, records, documents, papers, and other supporting data may be kept on microfilm or in electronic format in lieu of original documents.

18. Remedies. The Parties hereby expressly acknowledge and all rights and remedies that each of them may have at law, in equity, or by contract with respect to the Bridge Project and this Agreement. All rights and remedies given in this Agreement are cumulative and not exclusive of any other rights or remedies which the Parties otherwise have and both Parties reserve the right to enforce such rights to the full extent permissible by law.

19. Jurisdiction. This Agreement is to be governed and construed in accordance with the laws of the Commonwealth of Massachusetts.

**1320. Entire Agreement:** This Agreement, including all documents incorporated herein by reference, constitutes the entire integrated agreement between the parties with respect to the matters described. This Agreement supersedes all prior agreements, negotiations and representations, either written or oral, and it shall not be modified or amended except by a written document executed by the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

**City of Newburyport**

**Town of West Newbury**

\_\_\_\_\_  
Sean Reardon, Mayor  
Duly authorized  
By ~~unanimous~~ vote of the  
Newburyport City Council  
[DATE]

\_\_\_\_\_  
Angus Jennings, Town Manager  
Duly authorized  
By ~~unanimous 3-0~~ vote of the  
West Newbury Select Board ~~of Selectmen~~  
[DATE]



## Department of Environmental Protection

Northeast Regional Office • 150 Presidential Way Woburn, MA 01801 • 978-694-3200

Maura T. Healey  
Governor

Kimberley Driscoll  
Lieutenant Governor

Rebecca L. Tepper  
Secretary

Bonnie Heiple  
Commissioner

April 5, 2024

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

City of Newburyport  
16C Perry Way  
Newburyport, MA 01950

re: **WATER QUALITY CERTIFICATION**  
Application for: **BRP WW 10**, Water Quality Certification  
Major Project – Upper Artichoke Reservoir

at: Middle Street/Plummer Spring Road over Upper Artichoke Reservoir  
DEP Transmittal # **X287261**  
DEP WETLANDS FILE # **078-0724 & 051-1047**  
USACE # **NAE-2021-00177**  
EEA # **16412**

Dear Mr. White and Mr. Jennings:

The Northeast Regional Office of the Massachusetts Department of Environmental Protection, Wetlands Program (MassDEP), has reviewed your application for Water Quality Certification (WQC), as referenced above. In accordance with the provisions of MGL c.21, §§ 26-53 and Section 401 of the Federal Clean Water Act as amended (33 U.S.C. §1251 et seq.), it has been determined there is reasonable assurance the project or activity will be conducted in a manner which will not violate applicable water quality standards.

**Note that this is a reissuance of a 401 WQC Transmittal No. X287261 which was authorized under the 2018 USACE General Permit that is now expired.**

The proposed project consists of the replacement of the structurally deficient bridge on Middle Street / Plummer Spring Road over the Upper Artichoke reservoir in West Newbury and

Newburyport. The bridge is currently in poor condition and the road is closed due to the structural deficiencies. The project will replace the bridge structure with a new structure on a similar horizontal and vertical alignment. The proposed bridge will expand the hydraulic opening of this stream crossing while also improving roadway safety.

The project will result in approximately 984 square feet of permanent impacts to Land Under Water associated with the installation of retaining walls, the bridge abutments, and riprap around the inlet and outlet. The project will net approximately 885 square foot gain of Land Under Water as a result of the expanded openness of the new bridge structure. The project will also result in approximately 641 square feet of temporary impacts to Land Under Water associated with the temporary dewatering of the channel for construction. Temporary impacts will be restored to pre-construction conditions.

MassDEP concurs that given the location of the proposed replacement bridge structure, generally in the same footprint of the existing drainage system and the increasing of the bridge openness, impacts to Land Under Water from the proposed activities have been avoided and minimized while meeting pertinent engineering requirements. The Applicant has explored sufficient alternatives regarding the need for impacts to resource areas as related to the design requirements and arrived at an alternative that minimizes impacts.

Since the project is located within an Outstanding Resource Water associated with the Upper artichoke Reservoir, the work is subject to the provisions of 314 CMR 9.06(3):

*(3) Except as otherwise provided in 314 CMR 9.06(3), no discharge of dredged or fill material shall be permitted to Outstanding Resource Waters. The discharge of dredged or fill material to an Outstanding Resource Water in association with an activity listed in 314 CMR 9.06(3)(a) through (k) may be permitted without requiring the applicant to obtain a variance...*

*9.06(3)(c) Maintenance, repair, replacement, or reconstruction but not substantial enlargement of existing and lawfully located structures or facilities including buildings, roads, railways, utilities, dams, and coastal engineering structures*

Because the impacts to Land Under Water are for the purpose of replacing an existing drainage utility, the project is in compliance with 314 CMR 9.06(3)(c).

The Criteria for Evaluating Proposed Discharge to Wetlands at 314 CMR 9.00 of the Regulations requires the submittal of information necessary for MassDEP to determine that the project complies with the Wetlands Protection Act, minimizes individual and cumulative impacts, and complies with the Massachusetts Surface Water Quality Standards. This information has been provided and specific mitigating measures required by MassDEP are itemized below. Therefore, based upon information currently in the record, MassDEP grants a WQC subject to the following conditions to maintain water quality, to minimize impact on the waters and wetlands, and to ensure compliance with the appropriate state law. MassDEP did not receive any public comments on the project within the 21-day public comment period.

All activities shall conform to the following plans:

1. “BRIDGE REPLACEMENT PROJECT” prepared by BSC Group, dated 12/21/2020, signed, and stamped by Kathryn Eagan, P.E., consisting of 14 sheets. **Final, stamped plans shall be sent to MassDEP prior to the beginning of work.**

On File with: MassDEP, the Newburyport, and West Newbury Conservation Commissions, and the US. Army Corps of Engineers.

2. MassDEP shall be notified of all changes in plans affecting waters or wetlands. MassDEP will determine whether the changes require a revision to this certification. This condition, pursuant to 314 CMR 9.06(1) and 314 CMR 9.09(2), is necessary to protect the public health and restore and maintain the chemical, physical, and biological integrity of the water resources of the Commonwealth.
3. All activities shall conform to the requirements set forth in the National Pollutant Discharge Elimination System (NPDES) Construction General Permit. Any violation of this permit shall be considered a violation of the 401 Water Quality Certification. This condition is necessary to assure that any discharge from the project complies with the Massachusetts Surface Water Quality Standards, as provided in 314 CMR 9.00, to protect the public health and restore and maintain the chemical, physical, and biological integrity of the water resources of the Commonwealth.
4. Pursuant to 314 CMR 9.06(2), areas required to facilitate construction access shall be limited to those shown on the referenced plans. In the event that other access areas are required by the applicant or by the contractors, MassDEP shall be notified. This condition is necessary to ensure that construction practices are implemented in such a manner as to prevent degradation to wetlands and waters
5. Pursuant to 314 CMR 9.06(6)(a)(8), to prevent erosion and sedimentation from disturbed areas from entering the waterways, the following erosion and sedimentation control measures will be taken:
  - a. An erosion control plan shall be deployed as shown on the referenced plans and described in the Notice of Intents and application for 401 Certification. Any further erosion control plan or site-specific Stormwater Pollution Prevention Plan (SWPPP) developed for this project shall be supplied to the MassDEP and Conservation Commission prior to construction activities. Noncompliance with the SWPPP shall constitute non-compliance with the requirements of this Certification.
  - b. Siltation devices shall be installed before the commencement of any site work. These devices shall be inspected regularly, and entrapped silt shall be removed and disposed of in an upland location greater than 100 feet from wetland resource areas. Siltation devices shall be maintained or replaced when clogged with sediment or deteriorated.



This condition is necessary to ensure that construction practices are implemented in such a manner as to prevent degradation to wetlands and waters.

6. Pursuant to 314 CMR 9.06(2), pre-construction photographs of areas of Land Under Water where impacts are anticipated shall be submitted to MassDEP prior to the start of work. This condition is necessary to ensure that construction practices are implemented in such a manner as to prevent degradation to wetlands and waters.
7. **The effective time period for the WQC runs with the overlying USACE PGP which expires on June 1, 2028. Time allowed for completion of the project allowed herein is the same as that allowed under the PGP; specifically, those activities that commence before the PGP's expiration date will have until June 1, 2028, to complete the activity under the terms and general conditions of the current PGP. Work within jurisdiction that is not completed by June 1, 2028, will be able to proceed only in accordance with any reissued or new PGP [314 CMR 9.09 (1)(d)].**
8. Pursuant to 314 CMR 9.06(2), all temporary construction fill shall be completely removed after the construction phase of this project is complete. This condition is necessary to ensure that construction practices are implemented in such a manner as to prevent degradation to wetlands and waters
9. Pursuant to 314 CMR 9.05(4), MassDEP and Newburyport and West Newbury Conservation Commission personnel shall be allowed on site to inspect construction activities for compliance with the terms and conditions of this certification. This condition ensures notification from the applicant for MassDEP or Conservation Commission personnel to access the project site to monitor project progress and to verify that the project is implemented in compliance with requirements of 401 WQC to protect water quality.
10. Pursuant to 314 CMR 9.05(4), this Office, attention Kyle Lally, Wetlands Program ([kyle.lally@mass.gov](mailto:kyle.lally@mass.gov)) and the Newburyport Conservation Commission shall be notified 48 hours in advance of construction activity for this project. The 48 hours shall not include weekends or holidays. This condition assures that MassDEP is notified in reasonable time to plan a site visit, if needed, to observe the work and conduct site inspection for compliance with 401 WQC to ensure that water quality is protected

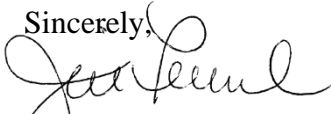
Section 61 Findings: Pursuant to MGL Chapter 30, Sections 61 to 62H (MEPA), this project was reviewed as EEA # 16412 and the Secretary's Certificate, issued August 23, 2021, found that the Environmental Notification Form (ENF) adequately and properly complies with MEPA and its implementing regulations. Pursuant to MGL Chapter 30, Section 61, MassDEP determines that the proposed project as conditioned, will incorporate the appropriate feasible measures to avoid or minimize potential environmental impacts that may result from construction and operation of the project.

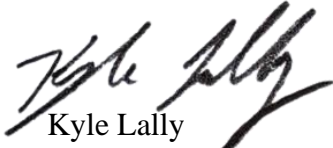
No activity may begin prior to the expiration of the appeal period or until a final decision is issued by MassDEP if an appeal is filed.

Failure to comply with this certification is grounds for enforcement, including civil and criminal penalties, under MGL c.21 §42, MGL c.21A §16, or other possible actions/penalties as authorized by the General Laws of the Commonwealth.

This Certification does not relieve the applicant of the obligation to comply with other appropriate state or federal statutes or regulations. This includes, but is not limited to, conditions of the Order of Conditions.

If you have any questions regarding this decision, please contact Kyle Lally at [kyle.lally@mass.gov](mailto:kyle.lally@mass.gov).

Sincerely,  
  
Jill Provencal  
Section Chief  
Wetlands Program – NERO

  
Kyle Lally  
Section 401 Coordinator  
Wetlands Program - NERO

cc: Newburyport Conservation Commission, 60 Pleasant Street, Newburyport, MA 01950  
West Newbury Conservation Commission, 381 Main Street, 2nd Floor, West Newbury,  
MA 01985

## Notice of Appeal Rights

### Appeal Rights and Time Limits

Certain persons shall have a right to request an adjudicatory hearing concerning certifications by the Department when an application is required: (a) the applicant or property owner; (b) any person aggrieved by the decision who has submitted written comments during the public comment period; any ten (10) persons of the Commonwealth pursuant to M.G.L. c. 30A where a group member has submitted written comments during the public comment period; or (c) any governmental body or private organization with a mandate to protect the environment which has submitted written comments during the public comment period. Any person aggrieved, any ten (10) persons of the Commonwealth, or a governmental body or private organization with a mandate to protect the environment may appeal without having submitted written comments during the public comment period only when the claim is based on new substantive issues arising from material changes to the scope or impact of the activity and not apparent at the time of public notice. To request an adjudicatory hearing pursuant to M.G.L. chapter 30A section 10, a Notice of Claim must be made in writing provided that the request is made by certified mail or hand delivery to the Department, with the appropriate filing fee specified within 310 CMR 4.10 along with a DEP Fee Transmittal Form within twenty-one (21) days from the date of issuance of this Certificate, and addressed to:

Docket Clerk  
Office of Administrative Appeals  
Department of Environmental Protection  
One Winter Street, 3<sup>rd</sup> Floor  
Boston, MA 02108

A copy of the request shall at the same time be sent by certified mail or hand delivery to the issuing office of the Wetlands and Waterways Program at:

Department of Environmental Protection, Northeast Regional Office  
One Winter Street; 5<sup>th</sup> Floor  
Boston, MA 02108

#### A) Contents of Hearing Request

A Notice of Claim for Adjudicatory Hearing shall comply with the Department's Rules for Adjudicatory Proceedings, 310 CMR 1.01 (6), and shall contain the following information pursuant to 314 CMR 9.10(3):

- (a) the 401 Certification Transmittal Number and DEP Wetlands Protection Act File Number;
- (b) the complete name of the applicant and address of the project;

- (c) the complete name, address, and fax and telephone numbers of the party filing the request, and, if represented by counsel or other representative, the name, fax, and telephone number of the attorney;
- (d) if claiming to be a party aggrieved, the specific facts that demonstrate that the party satisfies the definition of “aggrieved person” found at 314 CMR 9.02;
- (e) a clear and concise statement that an adjudicatory hearing is being requested;
- (f) a clear and concise statement of (1) the facts which are grounds for the proceedings, (2) the objections to the Certificate, including specifically the manner in which it is alleged to be inconsistent with the Department’s Water Quality Regulations, 314 CMR 9.00, and (3) the relief sought through the adjudicatory hearing, including specifically the changes desired in the final written Certification, and
- (g) a statement that a copy of the request has been sent by certified mail or hand delivery to the applicant, the owner (if different from the applicant), the conservation commission of the city or town where the activity will occur, the Department of Environmental Management (when the certificate concerns projects in Areas of Critical Environmental Concern), the public or private water supplier where the project is located (when the certificate concerns projects in Outstanding Resource Waters), and any other entity with responsibility for the resource where the project is located.

**B) Filing Fee and Address**

The hearing request along with a DEP Fee Transmittal Form and a valid check or money order payable to the Commonwealth of Massachusetts in the amount of one hundred dollars (\$100) must be mailed to:

Commonwealth of Massachusetts  
Department of Environmental Protection  
Commonwealth Master Lockbox  
P.O. Box 4062  
Boston, MA 02211

The request will be dismissed if the filing fee is not paid, unless the applicant is exempt or granted a waiver. The filing fee is not required if the appellant is a city or town (or municipal agency), county, or district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory hearing filing fee pursuant to 310 CMR 4.06 (2) for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file an affidavit setting forth the facts believed to support the claim of undue financial hardship together with the hearing request as provided above.