

April 24, 2017

Dear Fellow Residents of West Newbury:

We have prepared this booklet to assist you in making informed decisions on this year's warrant Articles.

The Articles presented on the Annual Town Meeting Warrant are requests for expenditures in addition to the Town's annual budget for fiscal year ending June 30, 2018. The Articles of the Special Town Meeting are requests to be included in the Town's budget for the fiscal year ending June 30, 2017. The Finance Committee has reviewed each of these Articles and reports to you our recommendation to approve or disapprove each Article, together with our reasons. At the end of this booklet you will find a Glossary of Terms, overview of Finance Committee responsibilities and a spreadsheet of Town fund balances, we thought you would find helpful.

We began this budget year, as in prior years, with the goal of keeping expenses within our levy limit. We approach each consideration with thoughtful attention to budget line items and prudent use of our Free Cash. The Finance Committee met with several Department Heads, and we thank them for helping us understand their responsibilities and financial needs.

The Omnibus Budget for fiscal year 2018 includes a new line item within section 14, Police Department. This line is titled Salary & Wages (School Resource Officer). The implementation of a School Resource Officer is supported by the school committee and would be the first step in ensuring the safety of the schools located within our Town. The cost reflected within this section of the Omnibus represents the balance remaining after the schools' financial contribution of \$26,000 to this new position.

Our estimated fiscal year 2018 revenues available for operating expenses are \$14,845,100, and are comprised primarily of Real Estate Taxes, supplemented with previously approved general overrides, licenses, motor vehicle excise taxes, fees and receipts from the Commonwealth.

Our operating budget will be \$14,240,684, which is a 2.92% increase over last year. This amount is well within our allowed levy limit. Please note that this incorporates a 3.17% increase in education costs. The prior two years, 2017 and 2016, saw an increase in education costs of 2.14% and a 5.18%, respectively. Should this budget pass, the overall effect on your taxes will be 1.57%, an increase of approximately \$121.02 per year on a home valued at approximately \$500,000. The 2017 budget resulted in a comparable average increase of \$128.02.

Throughout 2016 the Capital Improvement Committee has been working on the development of a detailed capital plan for the town, which, when completed, will provide a guideline for the Town's future capital needs. Typically the Finance Committee would recommend the funding of capital items directly from the Stabilization Account. We would also recommend an appropriate transfer from the Free Cash Account to the Stabilization Account for continued funding. Until a capital plan is finalized, any further funding of the Stabilization Account is ineffective. In the meantime, many of the Articles on the warrants for both the Annual Town Meeting and the Special Town Meeting, with the exception of Water Department and Community Preservation Act funded items, will be funded from the Free Cash Account. There will be

no Articles funded from the Town Stabilization Account for capital projects. The funding of these Articles will have no direct effect on your taxes for FY 2018. The only Article which we recommend to raise and appropriate funds will be ATM Article 13, the School Stabilization Account fund transfer. The purpose of this is to reallocate matured debt payments to the School Stabilization Account to assist in future tax rate stability.

If all the proposed Articles to be funded from Free Cash are passed, \$992,300 will remain in that account. Likewise, if the Articles proposed to be funded to the School and Pension Stabilization Accounts are passed, the combined Stabilization Account balances will be \$1,839,138.

This town meeting contains many other major points for consideration, including, but not limited to, the following items. 1) The request for authority to pursue a Town Manager form of government. This topic has been covered extensively by the Board of Selectmen throughout various public forums. 2) The request for authorization to pursue the purchase of a parcel of land, which could provide a long-term water supply for the Town and eliminate the reliance on water from a neighboring town. 3) The authority to borrow funds, up to \$1.7 million, for the installation of a new elevated water tower to improve both capacity and water flow to the town. 4) Authorization for the construction of a cell tower on town land. 5) The request to adopt a demolition bylaw, seeking an avenue to help preserve the historic charm of the town. 6) The request for funding of replacement breathing apparatus (air packs) for the fire department. 7) The request for the Town to adopt a resolution to petition our current President to release his tax returns to the public. The above items do not reflect the full detail of Articles within the warrants, but do show a vast array of items that will be presented to the Town for vote.

The Finance Committee meets Monday evenings at 7:00 p.m. at the 1910 Building, or as posted. We welcome your participation. We encourage you to review our recently redesigned website, which includes various documents, such as FinCom Town Meeting booklets and meeting minutes.

What we prepare for is what we shall get.
William Graham Sumner

Kymberly Codair, Chairman

The West Newbury Finance Committee

Kymberly Codair, chair
Carroll Winch, vice chair
Elisa Grammer, secretary
Peter Phillips

Nicholas DeLena
Thomas Ellis
Andrew Gould, ex officio
Carol Mahoney, administrative assistant

**TOWN OF WEST NEWBURY
COMMONWEALTH OF MASSACHUSETTS
WARRANT - ANNUAL TOWN MEETING – MONDAY, April 24, 2017 @ 7 pm**

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 Annex at 379 Main Street, at 7:00 p.m. on Monday, April 24, 2017 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 1, 2017 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.

GENERAL GOVERNMENT MATTERS

ARTICLE 1. To give their votes to the election of the following offices:

<u>Position</u>	<u>Term</u>
Selectman	Three Years
Assessor	Three Years
Water Commissioner	Three Years
School Committee	Three Years
Library Trustees (3)	Three Years
Planning Board	Five Years
Park & Recreation Commissioner	Three Years
Board of Health	Three Years
Constable	Three Years

ARTICLE 2. To hear and act upon the reports of Town officers and committees.

ARTICLE 3. To determine what sums of money the Town will raise and appropriate for defraying the expenses of the Town for the ensuing fiscal year and for the payment of Town debt. By request of the Board of Selectmen.

Selectmen Recommendation::

Approve: 3-0-0

FinCom Recommendation:

Approve: 4-0-0



	FY 2015 Actual Expended	FY 2016 Budget Requested	FY 2016 Approved Budget	FY 2016 Actual Expended	FY 2016 Turnbacks/ Transfers	FY 2017 Requested Budget	FY2017 Budget Approved	FY 2018 Requested Budget	FY 2018 % Change from FY2017
GENERAL GOVERNMENT									
1 MODERATOR									
Salary & Wages	200	200	200	200		200	200	200	
Expenses	20	60	60	45	15	60	60	60	
SUBTOTAL	220	260	260	245	15	260	260	260	
2 SELECTMEN									
Selectmen's Stipend	2	3	3	2	1	3	3		
Salary & Wages	65,127	66,721	66,721	66,755	-34	68,123	68,123	62,564	
Temporary Pay		1	1	1		1	1		
Overtime		1,493	1,493		1,493	1,493	1,493		
Professional & Technical Services	13,225	10,000	10,000	4,850	5,150	10,000	10,000	10,000	
Expenses	7,622	8,100	8,100	4,775	3,325	9,500	9,500	9,500	
SUBTOTAL	85,976	86,318	86,318	76,384	9,934	89,120	89,120	82,064	-7.92%
3 FINANCE COMMITTEE									
Salary		1,800	1,800	1,374	426	1,800	1,800	1,800	
Expenses	295	2,000	2,000	320	1,680	2,000	2,000	1,000	
Reserve Fund	26,543	60,000	60,000	19,868	40,132	60,000	60,000	60,000	
SUBTOTAL	26,838	63,800	63,800	21,562	42,238	63,800	63,800	62,800	-1.57%
4 BOARD OF ASSESSORS									
Board of Assessors Salary	2	3,000	3,000	2,917	83	3	3		
Salary	93,349	103,892	103,892	103,518	374	112,389	112,389	119,455	
Expense	36,678	40,400	40,400	40,291	109	38,458	38,458	38,458	
Vehicle Allowance	971	1,500	1,500	1,027	473	1,500	1,500	1,500	
SUBTOTAL	131,000	148,792	148,792	147,753	1,039	152,350	152,350	159,413	4.64%
5 FINANCE DEPARTMENT									
Salary & Wages	245,175	273,394	273,394	273,604	-210	284,700	284,700	292,226	
Annual Audit	18,500	20,000	20,000	18,500	1,500	20,500	20,500	20,500	
Tax Title & Foreclosure	225	2,000	2,000	450	1,550	1,000	1,000	1,000	
1910 Building Technology Expense	31,609	35,744	35,744	39,265	-3,521	35,744	35,744	35,744	
1910 Building Telephone Expense	6,103	8,000	8,000	5,743	2,257	8,000	8,000	8,000	
1910 Building Postage Expense	12,102	13,056	13,056	13,343	-287	13,517	13,517	13,517	
Expenses	60,184	36,400	36,400	23,747	12,653	36,400	36,400	36,400	
SUBTOTAL	373,898	388,594	388,594	374,653	13,941	399,861	399,861	407,387	1.88%



6 SPECIAL COUNSEL

Legal Fees

SUBTOTAL

7 TOWN CLERK/TOWN COUNSEL

Salary & Wages

Preservation of Town Records

Operation of Facsimile Machine/Photocopiers
Expenses

SUBTOTAL

8 BOARD OF REGISTRARS/ELECTIONS

Town Clerk Compensation

Salary & Wages

Expenses

SUBTOTAL

9 CONSERVATION COMMISSION

Salary & Wages

Expenses

Vehicle Allowance

SUBTOTAL

10 PLANNING BOARD

Salary & Wages

Expenses

MVPC Assessment

SUBTOTAL

11 BOARD OF APPEALS

Salary & Wages

Expenses

SUBTOTAL

12 OPEN SPACE & RECREATION COMMITTEE

Expenses

SUBTOTAL

13 CABLE ADVISORY COMMITTEE

Expenses

SUBTOTAL

	FY 2015 Actual Expended	FY 2016 Budget Requested	FY 2016 Approved Budget	FY 2016 Actual Expended	FY 2016 Turnbacks/ Transfers	FY 2017 Requested Budget	FY2017 Budget Approved	FY 2018 Requested Budget	FY 2018 % Change from FY2017
Legal Fees		1	1		1	1	1	1	
SUBTOTAL		1	1		1	1	1	1	
Salary & Wages	99,461	102,786	102,786	102,487	299	107,578	107,578	109,729	
Preservation of Town Records									
Operation of Facsimile Machine/Photocopiers	4,328	4,750	4,750	4,574	176	4,750	4,750	5,100	
Expenses	6,874	9,475	9,475	5,715	3,760	9,475	9,475	9,475	
SUBTOTAL	110,663	117,011	117,011	112,776	4,235	121,803	121,803	124,304	2.05%
Town Clerk Compensation	150	150	150	150		150	150	150	
Salary & Wages	5,030	4,845	4,845	3,233	1,613	5,400	5,400	2,450	
Expenses	5,836	6,100	6,100	2,866	3,234	7,625	7,625	6,100	
SUBTOTAL	11,016	11,095	11,095	6,248	4,847	13,175	13,175	8,700	-33.97%
Salary & Wages	23,966	24,998	24,998	25,032	-34	25,414	25,414	28,615	
Expenses	1,693	3,100	3,100	2,941	159	2,320	2,320	2,410	
Vehicle Allowance	600	600	600	600		600	600	600	
SUBTOTAL	26,259	28,698	28,698	28,573	125	28,334	28,334	31,625	11.61%
Salary & Wages	39,400	39,855	39,855	40,422	-567	40,775	40,775	46,443	
Expenses	4,247	3,000	3,000	1,450	1,550	4,500	4,500	3,600	
MVPC Assessment	1,435	1,436	1,436	1,471	-35	1,508	1,508	1,546	
SUBTOTAL	45,082	44,291	44,291	43,343	948	46,783	46,783	51,589	10.27%
Salary & Wages	1,000	1,000	1,000	1,000		1,000	1,000	1,000	
Expenses	159	500	500	302	198	500	500	500	
SUBTOTAL	1,159	1,500	1,500	1,302	198	1,500	1,500	1,500	
Expenses	626	750	750	1,057	-307	750	750	750	
SUBTOTAL	626	750	750	1,057	-307	750	750	750	
Expenses		1	1		1	1	1	1	
SUBTOTAL		1	1		1	1	1	1	



	FY 2015 Actual Expended	FY 2016 Budget Requested	FY 2016 Approved Budget	FY 2016 Actual Expended	FY 2016 Turnbacks/ Transfers	FY 2017 Requested Budget	FY2017 Budget Approved	FY 2018 Requested Budget	FY 2018 % Change from FY2017
TOTAL GENERAL GOVERNMENT	812,737	891,111	891,111	813,894	77,217	917,738	917,738	930,394	1.38%
PUBLIC SAFETY									
14 POLICE DEPARTMENT									
Salary & Wages	745,544	759,288	759,288	715,404	43,884	746,600	746,600	816,293	
Salary & Wages (School Resource Officer)								34,260	
Overtime	47,552	35,000	35,000	49,344	-14,344	38,000	38,000	52,808	
FMLA								9,600	
Expenses	76,435	90,000	90,000	88,799	1,201	95,810	95,810	99,379	
Capital Outlay									
SUBTOTAL	869,531	884,288	884,288	853,547	30,741	880,410	880,410	1,012,340	14.99%
15 FIRE DEPARTMENT									
Alarms	89,354	78,720	78,720	71,384	7,336	80,688	80,688	82,302	
Training/Drills	15,913	24,648	24,648	17,239	7,409	25,264	25,264	25,769	
Miscellaneous Fire Department Wages	15,697	21,648	21,648	18,374	3,274	22,189	22,189	22,633	
Administration	17,071	24,127	24,127	18,740	5,387	24,730	24,730	25,225	
Fire Protection Fees	62,872	64,758	64,758	62,872	1,886	67,008	67,008	68,720	
Fire Alarm & Communications	7,053	9,500	9,500	9,170	330	9,500	9,500	11,000	
Expenses	39,128	39,600	39,600	37,069	2,531	41,600	41,600	42,600	
Capital Outlay	44,782	44,782	44,782	44,781	1				
Medical Exams	2,037	3,000	3,000	748	2,252	3,000	3,000	3,000	
SUBTOTAL	293,907	310,783	310,783	280,377	30,406	273,979	273,980	281,249	2.65%
16 AMBULANCE SERVICE									
Ambulance Retainer						1	1	1	
SUBTOTAL						1	1	1	
17 INSPECTION DEPARTMENT									
Salary & Wages	101,574	110,481	110,481	106,740	3,741	112,624	112,624	120,284	
Expenses	6,645	9,490	9,490	6,448	3,042	9,490	9,490	9,490	
Vehicle Allowance	4,565	4,980	4,980	4,790	190	4,980	4,980	4,980	
SUBTOTAL	112,784	124,951	124,951	117,978	6,973	127,094	127,094	134,754	6.03%
18 EMERGENCY MANAGEMENT AGENCY									
Salary & Wages	6,514	7,117	7,117	5,680	1,437	7,594	7,594	7,746	
Expenses	725	3,265	3,265	2,487	778	3,265	3,265	3,265	
SUBTOTAL	7,239	10,382	10,382	8,167	2,215	10,859	10,859	11,011	1.40%
19 ANIMAL CONTROL OFFICER									
Salary & Expense	20,000								
Expenses		21,500	21,500	20,000	1,500	21,500	21,500	21,500	
SUBTOTAL	20,000	21,500	21,500	20,000	1,500	21,500	21,500	21,500	



	FY 2015 Actual Expended	FY 2016 Budget Requested	FY 2016 Approved Budget	FY 2016 Actual Expended	FY 2016 Turnbacks/ Transfers	FY 2017 Requested Budget	FY2017 Budget Approved	FY 2018 Requested Budget	FY 2018 % Change from FY2017
20 HARBORMASTER									
Salary & Wages	626	3,000	3,000		3,000	2,000	2,000	2,000	
Expenses	1,756	3,000	3,000		3,000	2,000	2,000	2,000	
Wages & Expense									
SUBTOTAL	2,382	6,000	6,000		6,000	4,000	4,000	4,000	
21 PUBLIC SAFETY DISPATCH									
Salary & Wages	162,349	205,597	205,597	190,936	14,661	234,684	234,684	247,186	
Overtime	13,470	15,028	15,028	17,283	-2,255	20,816	15,028	22,700	
Expenses	19,810	21,910	21,910	22,297	-387	21,315	21,315	24,910	
SUBTOTAL	195,629	242,535	242,535	230,516	12,019	276,815	271,027	294,796	8.77%
TOTAL PUBLIC SAFETY	1,501,472	1,600,439	1,600,439	1,510,585	89,854	1,594,658	1,588,871	1,759,652	10.75%
EDUCATION									
22 EDUCATION									
Pentucket Minimum Contribution	6,176,309	6,536,803	5,147,674	5,147,674		6,732,907	6,607,435	6,794,510	
Pentucket Other Assessment			1,389,129	1,389,129					
Pentucket Capital Assessment			139,140	139,140		55,585	55,585	57,860	
Page School Phase II	597,880	560,425	421,285	421,285		587,314	531,729	526,060	
Whittier Minimum Contribution	160,320	217,106	217,106	217,106		294,760	298,031	305,615	
Whittier Other Assessment	31,377	31,377	31,377	31,377		31,377	31,377	60,891	
Whittier Capital Assessment	13,552	13,250	13,250	13,250		13,250	13,250	15,056	
Essex North Shore RegVoc Tech(Essex Aggie	20,080	20,750	20,750	19,408	1,342	2,500	2,500	18,643	
SUBTOTAL	6,999,518	7,379,711	7,379,711	7,378,369	1,342	7,717,693	7,539,907	7,778,635	3.17%
TOTAL EDUCATION	6,999,518	7,379,711	7,379,711	7,378,369	1,342	7,717,693	7,539,907	7,778,635	3.17%
DEPARTMENT OF PUBLIC WORKS									
23 DPW									
Salary & Wages	396,887	412,951	412,951	401,823	11,128	409,497	426,744	436,253	
Overtime Wages	7,845	10,404	10,404	5,501	4,903	10,404	10,404	10,612	
Snow & Ice Removal	321,449	150,000	150,000	137,296	12,704	175,000	150,000	150,000	
Town Buildings Operating Expenses	187,854	185,400	185,400	171,289	14,111	185,400	185,400	185,400	
Town Buildings Improvements	43,817	55,500	55,500	54,754	746	51,000	51,000	51,000	
Childrens Castle Operating Expense	12,365	16,000	16,000	10,766	5,234	16,000	16,000	16,000	
Road Improvement Program	70,000	70,000	70,000	70,000		70,000	70,000	70,000	
Highway, Sidewalk & Trees	119,547	115,000	115,000	144,958	-29,958	140,000	140,000	140,000	
Vehicle Allowance	6,000	6,000	6,000	6,000		6,000	6,000	6,000	
Expenses	4,178	4,000	4,000	3,930	70	4,500	4,800	4,800	
Parks & Playground Expenses	14,951	15,000	15,000	14,836	164	15,000	15,000	15,000	
Road Machinery Expense	46,781	49,000	49,000	42,416	6,584	49,000	49,000	49,000	
ATM & STM									
Street Lighting	15,233	13,000	13,000	11,323	1,677	13,000	13,000	13,000	
SUBTOTAL	1,246,907	1,102,255	1,102,255	1,074,892	27,363	1,144,801	1,137,348	1,147,065	0.85%



	FY 2015 Actual Expended	FY 2016 Budget Requested	FY 2016 Approved Budget	FY 2016 Actual Expended	FY 2016 Turnbacks/ Transfers	FY 2017 Requested Budget	FY2017 Budget Approved	FY 2018 Requested Budget	FY 2018 % Change from FY2017
TOTAL PUBLIC WORKS	1,246,907	1,102,255	1,102,255	1,074,892	27,363	1,144,801	1,137,348	1,147,065	0.85%

HUMAN SERVICES

24 BOARD OF HEALTH

Salary & Wages	95,473	101,977	101,977	99,316	2,661	113,657	113,657	115,930	
Newburyport Health Center	1,325	5,500	5,500		5,500	5,500	5,500	5,500	
Waste Collection	286,219	314,900	314,900	260,560	54,340	307,980	307,980	315,640	
Hazardous Waste Collection	2,362	2,500	2,500	1,542	958	2,500	2,500	2,500	
Expenses	9,517	10,915	10,915	9,421	1,494	11,415	11,415	11,915	
SUBTOTAL	394,896	435,792	435,792	370,839	64,953	441,052	441,052	451,485	2.37%

25 COUNCIL ON AGING

Salary & Wages	52,816	54,051	54,051	53,938	113	62,621	62,621	63,873	
FMLA								2,000	
Expenses	13,747	17,000	17,000	17,113	-113	17,000	17,000	18,500	
SUBTOTAL	66,563	71,051	71,051	71,051		79,621	79,621	84,373	5.97%

26 COMMUNITY CENTER

Salary & Wages									
Expenses						6,000		6,000	
SUBTOTAL						6,000		6,000	

27 VETERANS

Rental C.L. Carr Post	300	300	300		300	300	1	1	
Soldiers' Graves Expenses	1,230	2,600	2,600	2,050	550	2,600	2,600	2,600	
Assessment	15,010	19,030	19,030	14,995	4,035	19,030	18,149	18,149	
N. Essex Veterans Services Benefits	4,775	9,355	9,355	7,184	2,171	9,355	9,355	9,355	
Memorial Day Expense	115	600	600		600	600	600	600	
SUBTOTAL	21,430	31,885	31,885	24,229	7,656	31,885	30,705	30,705	

TOTAL HUMAN SERVICES	482,889	538,728	538,728	466,119	72,609	558,558	551,378	572,564	3.84%
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CULTURE & RECREATION

28 LIBRARY

Salary & Wages	224,910	234,737	234,737	232,662	2,075	243,465	243,465	250,899	
Expenses	29,756	31,481	31,481	31,481		32,273	32,273	32,500	
Books & Periodicals	61,895	62,000	62,000	62,000		62,000	62,000	66,000	
SUBTOTAL	316,561	328,218	328,218	326,143	2,075	337,738	337,738	349,399	3.45%



	FY 2015 Actual Expended	FY 2016 Budget Requested	FY 2016 Approved Budget	FY 2016 Actual Expended	FY 2016 Turnbacks/ Transfers	FY 2017 Requested Budget	FY2017 Budget Approved	FY 2018 Requested Budget	FY 2018 % Change from FY2017
29 RECREATION									
Parks & Recreation Expense	5,090	5,700	5,700	3,750	1,950	7,200	7,200	7,344	
Mill Pond Operating Expense	3,827	4,450	4,450	3,960	490	4,450	4,450	4,450	
Bandstand Operating Expense	4,000	3,000	3,000	4,000	-1,000	6,000	6,000	6,000	
SUBTOTAL	12,917	13,150	13,150	11,710	1,440	17,650	17,650	17,794	0.82%
30 CULTURAL COUNCIL									
Expenses		100	100	66	34	100	100	100	
SUBTOTAL		100	100	66	34	100	100	100	
31 HISTORICAL COMMISSION									
Expenses	330	500	500	400	100	500	2,000	500	
SUBTOTAL	330	500	500	400	100	500	2,000	500	-75.00%
TOTAL CULTURE & RECREATION	329,808	341,968	341,968	338,319	3,649	355,988	357,488	367,793	2.88%
DEBT SERVICE									
32 DEBT SERVICE									
Maturing Debt	725,000	620,000	620,000	620,000		580,000	580,000	470,000	
Interest & Paydowns on Long/Short Term Debt	97,075	64,000	64,000	64,000		54,400	54,400	41,000	
SUBTOTAL	822,075	684,000	684,000	684,000		634,400	634,400	511,000	-19.45%
TOTAL DEBT SERVICE	822,075	684,000	684,000	684,000		634,400	634,400	511,000	-19.45%
BENEFITS									
33 ESSEX COUNTY RETIREMENT FUND									
Assessment	468,843	494,917	494,917	494,917		538,245	538,245	563,649	
SUBTOTAL	468,843	494,917	494,917	494,917		538,245	538,245	563,649	4.72%
34 UNEMPLOYMENT COMPENSATION									
Expense	1	1	1		1	1	1	1	
SUBTOTAL	1	1	1		1	1	1	1	
35 EMPLOYEES' HEALTH INSURANCE									
Expenses	231,177	316,652	316,652	289,773	26,879	355,577	364,938	398,877	
OPEB - GF	23,749	1	1		1	1	1	1	
SUBTOTAL	254,926	316,653	316,653	289,773	26,880	355,578	364,939	398,878	9.30%



	FY 2015 Actual Expended	FY 2016 Budget Requested	FY 2016 Approved Budget	FY 2016 Actual Expended	FY 2016 Turnbacks/ Transfers	FY 2017 Requested Budget	FY2017 Budget Approved	FY 2018 Requested Budget	FY 2018 % Change from FY2017
36 MEDICARE INSURANCE (FICA)									
Expenses	37,400	39,008	39,008	37,707	1,301	40,678	42,916	43,774	
SUBTOTAL	37,400	39,008	39,008	37,707	1,301	40,678	42,916	43,774	2.00%
37 INSURANCE AND BONDS									
Expenses	123,887	165,000	165,000	155,858	9,142	167,500	164,000	167,280	
SUBTOTAL	123,887	165,000	165,000	155,858	9,142	167,500	164,000	167,280	2.00%
TOTAL BENEFITS	885,057	1,015,579	1,015,579	978,254	37,325	1,102,002	1,110,101	1,173,583	5.72%
GRAND TOTAL OMNIBUS BUDGET	13,080,463	13,553,791	13,553,791	13,244,433	309,358	14,025,838	13,837,231	14,240,684	2.92%

ARTICLE 4. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court, in compliance with Clause (1) Section (8) of Article LXXXIX of the Amendments of the Constitution of the Commonwealth of Massachusetts to the end that legislation be adopted for the establishment of a Town Manager precisely as set forth in Appendix A. The General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court. The Board of Selectmen is authorized to approve amendments that shall be within the scope of the general public objectives of this petition. By request of the Board of Selectmen.¹

Selectmen Recommendation::

Approve: 3-0-0

FinCom Recommendation:

Approve: 5-0-0

Rationale: *This Article seeks to petition the state legislature to establish a Town Manager position for West Newbury. Currently the Finance Director is the highest level employee in Town government, but has no authority beyond the Finance Department. The intent of the Town Manager is to fill the managerial gap between department heads and the supervisory boards and Selectmen, as most elected officials have full-time jobs elsewhere.*

Funding Source: N/A.

WATER ENTERPRISE FUND

ARTICLE 5. To see if the Town will vote to appropriate, in anticipation of Water Department revenue, the sum of \$698,525 of which \$186,126 for Salaries and Wages, which include \$1,700 for Water Commissioners stipends, \$30,514 for Insurances, \$400,594 for Expenses, \$16,772 for Debt Service, \$15,000 for Extraordinary and Unforeseen, and \$49,519 for Indirect Cost. By request of the Board of Water Commissioners.

Selectmen Recommendation::

Approve: 3-0-0

FinCom Recommendation:

Approve: 4-0-0

Rationale: *This Article allows the Town to approve the operating budget of the Water Department. Since the Department is funded entirely from user fees, its budget is not included in the Town's line item budget. The Department's total estimated expenses for fiscal year 2018 are \$698,525.00, broken down by operating accounts as outlined within the Article.*

Funding Source: FY2018 Water Revenues.

ARTICLE 6. To see if the Town will (i) vote to authorize the Board of Water Commissioners and/or the Board of Selectmen to acquire by purchase, gift or eminent domain, for Water Department purposes and for general municipal purposes, the fee interest in a certain parcel of real estate, with all buildings and improvements thereon, located at 31 Dole Place, West Newbury, MA containing approximately 8.71 acres of land and as shown on Assessors' Map 1 as Lot 640 or any part therefore, together with and subject to all rights, restrictions and easements of record, on such terms and conditions as the Board of Water Commissioners and/or the Board of Selectmen may determine; (ii) to appropriate funds to pay costs of purchasing the property described herein, including the payment of costs incidental and related thereto, and for payment of costs pertaining to the construction of a new water well on said property, and to determine whether this amount should be raised by borrowing, water department fees, transfer from available funds or otherwise; (iii) to authorize the Board of Water Commissioners and Board of Selectmen to enter into all

¹ Please find Annual Town Meeting Warrant Appendix A in this booklet immediately after the Annual Town Meeting Warrant.

agreements and execute any and all instruments as may be necessary to effect said acquisition or purchase; or (iv) to take any other action in relation thereto. By request of the Board of Water Commissioners/Board of Selectmen.

Selectmen Recommendation::

Approve: 3-0-0

FinCom Recommendation:

Approve: 6-0-0

Rationale: *This Article authorizes the Selectmen and/or Water Commissioners to acquire a parcel of land in Town that can be developed into a high-quantity and -quality source of water for the Town. If acquired and developed, this would make West Newbury water-independent as supplies purchased from neighboring areas become increasingly costly. FinCom supports this Article because it represents a unique and important opportunity not only for water ratepayers, but also for the Town's current and future citizens, all of whom benefit from Town water used by firefighters, schools and Town properties.*

Funding source: N/A.

ARTICLE 7. To see if the Town will vote to transfer from Community Preservation Act Funds the sum of \$500,000 in order to acquire by purchase, gift or eminent domain the fee interest in a portion of the property located at 31 Dole Place, West Newbury as shown on Assessors Map 1 as Lot 640, said sum to be taken from the CPA Open Space and Recreation Reserve and from the Undesignated CPA Retained Reserve, or take any other action relative thereto. By request of the Community Preservation Committee, the Board of Selectmen and the Board of Water Commissioners.

Selectmen Recommendation::

Approve: 3-0-0

FinCom Recommendation:

Approve: 6-0-0

Rationale: *This Article provides a partial means of funding for the parcel of land to be acquired as a well site, discussed in Article 6. In addition to borrowing, water department fees, transfer from available funds or otherwise, use of Open Space and Recreation and Undesignated Community Preservation Act funds would be authorized under this Article as a source of funding.*

Funding source: CPA Open Space & Recreation Reserve and Undesignated CPA Retained Reserve.

ARTICLE 8. To see if the Town will vote to raise and appropriate and/or transfer from available funds and/or borrow by short or long term notes in the sum of \$1,700,000 for purchasing, construction and installation of a new water tank to replace the original 1936 Standpipe, including all related equipment and payment of all costs and expenses incidental thereto. By request of the Board of Water Commissioners.²

Selectmen Recommendation::

Approve: 3-0-0

FinCom Recommendation:

Approve: 4-0-0

Rationale: *This Article authorizes the funding for the installation of a new elevated water tower on Brake Hill. This new tank will replace the existing tank, which was built in 1936. The current tank is deteriorating, in need of exterior lead abatement, provides inferior water pressure, and its failure could result in a large portion of the Town being without water. The pricing used for this Article is based on the survey completed in 2013, for a composite tank, by Tata and Howard-Water and Wastewater Consultant. Due to recent cost increases since this 2013 survey, the cost of the composite tank has increased by \$420,000. The decision was made to proceed with a steel tank instead, at the originally anticipated cost of \$1.7m. This new elevated steel tank would improve water quality, increase capacity by 90,000 gallons, and increase water pressure to existing systems. The cost of this Article includes the dismantling and removal of the existing tank, which is not financially viable for use as a backup tank.*

² Please see Appendix B-ATM Article 8 and STM Articles 2, 3 & 7 for the Capital Improvements Committee's ranking of this and other capital improvements.

Funding source: *Borrowing to be repaid by Water Enterprise Fund Revenues.*

ARTICLE 9. 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. By request of the Board of Water Commissioners.

APPROPRIATIONS

ARTICLE 10. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$50,000 for the Pension Liability Stabilization Fund, or take any other action related thereto. By request of the Board of Selectmen.

Selectmen Recommendation::

Approve: 3-0-0

FinCom Recommendation:

Approve: 5-0-0

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

Funding source: *Free Cash.*

ARTICLE 11. To see if the Town will vote to transfer the sum of \$21,191.73 from the Septic Loan Revolving Account for the repayment of debt service. By request of the Board of Health.

Selectmen Recommendation::

Approve: 3-0-0

FinCom Recommendation:

Approve: 5-0-0

Rationale: *In 2001 the Town enrolled in a twenty-year state-financed program to loan residents money to help them rebuild septic systems that do not conform to Title V. This program offers 0% loans to communities, which in turn provide low-interest betterment loans to eligible homeowners with failed septic systems through the local Board of Health. The Town loaned money at a rate of 3% (to cover the cost of administration). The homeowners repay the loan money to the Town, which in turn reimburses the State. Neither the Town nor the State profits from this transaction. The Town has been making these payments since 2001 with the amount based on the number of borrowers. This year the amount is \$21,191.73. This program is no longer open to new participants.*

Funding source: *Septic Loan Revolving Account.*

ARTICLE 12. To see if the Town will vote to transfer from available funds the sum of \$104,900 to pay the debt service associated with the Dunn Property Acquisition. By request of the Board of Selectmen.

Selectmen Recommendation::

Approve: 3-0-0

FinCom Recommendation:

Approve: 5-0-0

Rationale: *In 2003 the Town purchased the 71-acre Dunn Property for \$3,500,000 with a matching grant from the state (\$1,775,000). The Town bonded its share (\$1,775,000) and established an account dedicated to servicing the debt. Each year the*

amortized debt service amount is transferred from the “grant” account to the debt service line of the Omnibus Budget. This year the debt service amount to be transferred is \$104,900.

Funding source: Grant Reserve Account.

ARTICLE 13. To see if the Town will vote to raise and appropriate the sum of \$279,122 to be placed in the Special Purpose Municipal Stabilization Fund established pursuant to Massachusetts General Laws c. 40 §5B in order to fund future capital expenditures for school related building projects, or take any other action related thereto. By request of the Board of Selectmen.

Selectmen Recommendation::

Approve: 3-0-0

FinCom Recommendation:

Approve: 5-0-0

Rationale: *It is expected that the schools will require major renovation and/or replacement in upcoming years. In an effort to avoid significant tax overrides at that time, the Town has begun to set aside money each year for this purpose. It is expected that as the Town retires debt, it will make equivalent payments into this fund to ensure growth in savings without significantly impacting taxes. This method of saving for that project will allow for a steady and predictable tax impact over time, and help to ensure the Town has the needed funds at the time of the project. This Article allows funding of \$279,122, based on retirement of debt obligations since 2015.*

Funding source: Raise and Appropriate.

ARTICLE 14. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$10,000 to add to the special fund established in accordance with the provisions of MGL Chapter 44, Section 53I for a celebration of West Newbury’s Bicentennial in 2019. By request of the Board of Selectmen.

Selectmen Recommendation::

Approve: 3-0-0

FinCom Recommendation:

Approve: 5-0-0

Rationale: *In 2019 West Newbury will celebrate its Bicentennial. State law allows for the creation of a celebration fund up to five years prior to the event. This Article would allow funding of \$10,000, to be transferred from Free Cash. This transfer will be in addition to the prior year funding total of \$10,000 approved at the 2015 and 2016 spring meetings. The Town has formed a Bicentennial Committee to develop and manage the celebration.*

Funding source: Free Cash.

ARTICLE 15. To see if the Town will vote to re-authorize the Summer Recreation Revolving Fund for the Park and Recreation Commission as described in Chapter 44, Section 53E ½ of the Massachusetts General Laws, for FY 2018. This revolving fund would be to accept receipts from fees charged to participants of the Summer Recreation Program. The receipts would be expended, not to exceed \$42,000 in FY 2018 by the Park and Recreation Commission for the payment of program-related wages, expenses and field trips of the 2018 Summer Recreation Program or to take any other action relative thereto. By request of the Park and Recreation Commissioners.

Selectmen Recommendation::

Approve: 3-0-0

FinCom Recommendation:

Approve: 5-0-0

Rationale: *This Article requests the re-authorization of the Summer Recreation Program Revolving Fund account that was established at the April, 2013 Town Meeting. Until Town adoption of the new Revolving Fund Bylaw, this account must be re-authorized every year.*

The program begins in June and continues through the summer. Participant fees are deposited into the Summer Recreation Program revolving account and used for program-related expenses. Under this Article expenditures are capped at \$42,000 for FY 2018.

Funding source: *Summer Recreation Revolving Account.*

ARTICLE 16. To see if the Town will vote to re-authorize a Revolving Fund for FY 2018 for the Cable Advisory Committee as described in Chapter 44, Sections 53E½ and 53F¾ of the Massachusetts General Laws. This revolving fund would be to accept funds received in connection with a franchise agreement between a cable operator and a municipality commonly referred to as PEG (Public Education and Government). The receipts would be expended, not to exceed \$75,000 in FY 2018 by the Cable Advisory Committee for the payment of program-related wages, expenses, and equipment or such other purposes as permitted by the statute, or to take any other action relative thereto. By request of the Cable Advisory Committee.

Selectmen Recommendation::

Approve: 3-0-0

FinCom Recommendation:

Approve: 5-0-0

Rationale: *This Article requests the re-authorization of the Cable Advisory Committee Revolving Fund account that was established at the April, 2015 Town Meeting in accordance with M.G.L. c. 44, §§ 53E½ and 53F¾. Until Town adoption of the new Revolving Fund Bylaw, this account must be re-authorized every year. The revolving account allows for the acceptance of funds received pursuant to the franchise agreement between the Town's cable providers and the Town, commonly referred to as PEG (Public Education and Government) funds, and ensures that these funds are segregated from the Town's General Fund (Free Cash) so that they may be used for the purposes for which they have been collected, such as program related wages, expenses and equipment. Expenditures from this fund would be capped at \$75,000 for FY 2018 under this Article.*

Funding source: *Cable Advisory Revolving Fund.*

ARTICLE 17. To see if the Town will vote to authorize the Police Vehicle Revolving Fund for the Police Department, as revolving funds are described in Chapter 44, Section 53E ½ of the Massachusetts General Laws, for FY 2018. This revolving fund would be to accept receipts from fees charged for use of police vehicles for details. The receipts would be expended, not to exceed \$10,000 in FY 2018 by the Police Department for the payment of costs and expenses for replacement of police vehicles in accordance with the vehicle replacement policy established by the Police Department or to take any other action relative thereto. By request of the Police Department.

Selectmen Recommendation::

Approve: 3-0-0

FinCom Recommendation:

Approve: 5-0-0

Rationale: *The Finance Committee supports the creation of this revolving fund and recommends that Town Meeting approve this Article. Monies raised through the use of police vehicles in connection with private details, such as utility line work and street openings, which are paid by the companies or individuals hiring the private police details, shall be set aside under this fund specifically to help defray the cost of purchasing replacement vehicles under the police department's vehicle replacement program. Based upon the number of private details in the past that have utilized Town police vehicles as part of the detail, annual revenues are estimated to be approximately \$10,000. Establishment of this fund will ensure that the funds are segregated from the Town's General Fund (Free Cash) so that they may be used for the purpose for which they have been collected. From the Finance Committee's perspective, this is a logical and appropriate use of the monies to be collected.*

Funding source: *N/A.*

ARTICLE 18. To see if the Town will vote to transfer from available funds the sum of \$25,000.00 to be deposited into a Municipal Buildings’ Insurance Fund. By request of the Finance Director.

Selectmen Recommendation::

Approve: 3-0-0

FinCom Recommendation:

Approve: 5-0-0

Rationale: *This Article allows for \$25,000 in funding of the Municipal Buildings’ Insurance Fund. This Insurance Fund enables the Town to isolate monies to cover deductibles and other claim-related expenses for our Town properties. This in turn allows the Finance Director to negotiate higher deductible policies at lower costs. In order to retain the higher deductible plans, the funds should be available to cover the costs should a claim occur.*

Funding source: Free Cash.

ARTICLE 19. 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 Community Preservation Projects, Committee Administrative Expenses, and other expenses in Fiscal Year 2018, with each item to be considered a separate appropriation or take any other action relative thereto. By request of the Community Preservation Committee.

Allocate Reserves:

From FY 2018 estimated revenues for Community Housing Reserve:	\$38,423.00
From FY 2018 estimated revenues for Historic Resources Reserve:	\$38,423.00
From FY 2018 estimated revenues for Open Space & Recreation Reserve:	\$38,423.00
From FY 2018 estimated revenues for Committee Administrative Expenses:	\$18,109.00
From FY 2018 estimated revenues for Budgeted Reserve:	<u>\$228,806.41</u>
TOTAL	\$362,184.41

Selectmen Recommendation::

Approve: 3-0-0

FinCom Recommendation:

Approve: 6-0-0

Rationale: *The Article presents to the Town an annual allocation of Community Preservation Funds, as required under state law. In 2006 the Town adopted the Community Preservation Act (CPA) which enables the Town to assess a 3% surcharge on real estate bills. CPA funds provide for 1) open space/recreational use, 2) community housing, and 3) historical preservation. This Article contains the Community Preservation Committee’s (CPC) recommended distribution, which earmarks the required minimum of 10% to each of the three categories plus a maximum of 5% to administration. CPC and Town Meeting must approve spending funds in any of the three CPA areas. Two-thirds of these funds were raised from the CPA surcharge and one-third is from matching state aid, based on a Department of Revenue formula for disbursements to participating cities and towns each year. The state match is derived from increased charges at the Registries of Deeds for recording of documents and plans. Additionally, towns such as West Newbury, which have committed to the maximum of 3%, receive bonus rounds of funding, if available.*

Funding source: N/A.

ARTICLE 20. To see if the Town will raise and appropriate or transfer from free cash the sum of \$4,595 to fund an actuarial study for Other Post Employment Benefits “OPEB”. By request of the Finance Director.

Selectmen Recommendation::

Approve: 3-0-0

FinCom Recommendation:

Approve: 5-0-0

Rationale: *West Newbury must, by law, complete an actuarial study of its funding for Other Post-Employment Benefits (OPEB). Thus it is necessary—even though the Town has funded its OPEB obligations—to commit funds to pay for this study, as proposed in this Article.*

Funding source: *Free Cash.*

ARTICLE 21. To see if the Town will vote to authorize the Board of Selectmen to enter into a lease for a portion of the Dunn Property, Main Street (Assessors Map R22 as Lot 190) for the purpose of the construction and maintenance of a wireless communication tower. By request of the Board of Selectmen.

Selectmen Recommendation::

Approve: 3-0-0

FinCom Recommendation:

Approve: 5-0-0

Rationale: *The Selectmen are seeking to lease out a portion of the Dunn Property for the construction of a cell tower. This is advantageous to the Town for several reasons. The lease of the site will bring in revenue, cellular service will improve for some carriers, and the cell tower will be available for use by the police and fire communications infrastructure.*

Funding source: *N/A.*

ARTICLE 22. To see if the Town will vote to authorize the Board of Selectmen to enter into a lease for a portion of the Brake Hill Property, Main Street (Assessors Map 2 as Lot 350) for the purpose of the construction and maintenance of a wireless communication tower. By request of the Board of Selectmen.

Selectmen Recommendation::

Approve: 3-0-0

FinCom Recommendation:

Approve: 5-0-0

Rationale: *As with the previous Article, the Selectmen are seeking to lease a portion of the Brake Hill Property for the construction of a cell tower.*

Funding source: *N/A.*

BYLAWS - OTHERS

ARTICLE 23. To see if the Town will vote to amend the Bylaws of the Town of West Newbury by adding a new section to establish and authorize revolving funds for use by certain town departments boards, committees, agencies or officers under Massachusetts General Laws Chapter 44 Sec. 53E1/2, or take any other action relative thereto. By request of the Board of Selectmen.³

Selectmen Recommendation::

Approve: 3-0-0

FinCom Recommendation:

Approve: 5-0-0

Rationale: *Under a new state statute, specifically the Municipal Modernization Act of 2016, towns are required to enact a new bylaw relative to the approval and establishment of revolving funds. Under the old law, the Town was required to place an Article in the warrant every year reauthorizing a particular fund. Under the new law, this will be unnecessary. The Town will only have to appropriate the amount*

³ The text of this proposed Bylaw is provided in FinCom Booklet Appendix B-ATM Article 23, following the Special Town Meeting Warrant.

of money that can be spent from the fund(s). If additional monies are generated, then the Selectmen and Finance Committee can increase the amount of the expenditure consistent with the bylaw. This Article serves to enact the new bylaw in accordance with the new state statute and therefore the Finance Committee recommends its approval.

Funding source: N/A.

ARTICLE 24. To see if the Town will vote to amend its Bylaws by adding a new section in order to preserve the historic and architectural assets of the town by instituting a period of delay for a period up to nine months, before the issuance of a demolition permit, or take any other action relative thereto. By request of the Historical Commission.⁴

Selectmen Recommendation::
FinCom Recommendation:

Will of the Town
Will of the Town

Rationale: The Finance Committee opted to leave this Article to the Will of the Town.

Funding source: N/A.

ARTICLE 25. To see if the Town will vote to amend the West Newbury Zoning Bylaw concerning “Signs” pursuant to the attached document entitled “West Newbury Planning Board Proposed Zoning Bylaw Amendment SIGNS”, 5 pages, dated February 6, 2017 at the Spring Town Meeting by:

1. Deleting Section 7.C. “Signs” in its entirety and replacing it with a new Section 7.C. “Signs”;
2. Amending Section 8.B.3.e. by adding new subsection 8.B.3.e.5., which would read “5. Signs (Section 7.C.)”.

By request of the Planning Board.⁵

Selectmen Recommendation::
FinCom Recommendation:

Approve: 1-0-2
Disapprove: 3-1-0

Rationale: The current Signs Bylaw is limited and provides insufficient guidance to the Building Inspector, Business Owners and Residents regarding the regulation of signs in Town. Members of the West Newbury Planning Board have worked toward amending the Signs Bylaw in order to provide more clarity and guidance. FinCom voted not to recommend this Article for the following reasons: (1) Clear methods of enforcement are not included in new bylaw; (2) No compelling need for such changes shown; and (3) It imposes far-reaching and potentially burdensome new requirements. The Finance Committee supports continued Planning Board efforts on this, with feedback from the community, to address any potential burdens or impacts of this proposed bylaw.

Funding source: N/A.

ARTICLE 26. To see if the Town will vote to authorize the Board of Selectmen to transfer, by deed or otherwise, the care, custody and control of the Pipestave apartments located at 692 Main Street consisting of approximately 1.52 acres of land and shown on Assessors’ Map R23 as Lot 23A to the West Newbury Housing Authority upon such terms and conditions as the Board deems appropriate, or take any other action relative thereto. By request of the Board of Selectmen.

⁴ The text of this proposed Bylaw with an explanation is provided in FinCom Booklet Appendix B-ATM Article 24, following the Special Town Meeting Warrant.

⁵ The text of this proposed Bylaw is provided in FinCom Booklet Appendix B-ATM Article 25, following the Special Town Meeting Warrant.

Selectmen Recommendation::
FinCom Recommendation:

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

Rationale: *The transfer of the Pipestave Apartments to the West Newbury Housing Authority will relieve the Town of responsibility and cost for upkeep of the property and maintenance of the grounds. In addition, this transfer will get the Town out of the business of being a landlord. Approval of this Article will make management of the Pipestave Apartments consistent with other affordable housing units in Town. The Housing Authority would benefit from an increase in the number of managed housing units and possible corresponding increases in state aid.*

Funding source: N/A.

ARTICLE 27. To see if the Town will vote to authorize the Board of Selectmen to transfer the land shown on the Haverhill Assessors' Map 464, Block 3, Lot 1 being a portion of the land acquired by the Town by deed recorded with the Essex South District Registry of Deeds in Book 3366 Page 436 and pursuant to the Will of Emily S. Elliot Cote, on such terms and conditions as the Selectmen shall determine, or take any other action relative thereto. By request of the Board of Selectmen.⁶

Selectmen Recommendation::
FinCom Recommendation:

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

Rationale: *This Article serves to correct a defect in the Town's transfer of land, which was supposed to have occurred in 1996, but for the fact that the deed granted by the Board of Selectmen at that time referenced the wrong parcel. In 1996, the Board of Selectmen entered into an agreement to sell land that the Town owned in Haverhill, MA that had been acquired by the Town pursuant to a Will of Emily S. Elliot Cote. The Board of Selectmen, in their capacity as Trustees of the Elliott Fund (and without authorization from Town Meeting), gave a release deed to Richard P. Early, Jr. of Haverhill, MA in exchange for \$20,000. In fact, the parcels of land in the Release Deed referred, mistakenly, to other land, formerly owned by the Town in Haverhill, that was taken for construction of Route 495. Upon recent discovery of this mistake, Mr. Early, who wishes to construct a solar field on the property he believed he owned, has asked for a confirmatory deed from the Board of Selectmen. The current Board of Selectmen has taken the position that Town Meeting authorization is necessary before a deed should be granted, although there is no dispute that the intent in 1996 was to sell the 20 acres in question and the deed described the wrong parcel. The Finance Committee recommends approval of this Article, which is consistent with the intent and purpose of the transaction that occurred in 1996, later determined to be defective.*

Funding source: N/A.

⁶ Town Counsel's explanation and background for this Article is provided in FinCom Booklet Appendix B-ATM Article 27, following the Special Town Meeting Warrant.

APPENDIX A
Annual Town Meeting Warrant
TOWN MANAGER LEGISLATION

AN ACT ESTABLISHING A TOWN MANAGER IN THE TOWN OF WEST NEWBURY

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

SECTION 1. PREAMBLE AND AMENDMENT TO EXISTING SPECIAL LEGISLATION

There shall be a town manager in the Town of West Newbury. Notwithstanding any general or special law or rule, regulation or by-law to the contrary, the town manager, reporting to and accountable to the Board of Selectmen, shall be the chief administrative and operating officer of the Town of West Newbury and shall have the powers, duties and limitations described in this act.

Chapter 270 of the Acts of 1990 is hereby repealed and Chapter 38 of the Acts of 1936 and Chapter 184 of the Acts of 2005 shall be subject to the provisions of this act.

SECTION 2. ELECTED OFFICIALS OF THE TOWN OF WEST NEWBURY

(a) Upon the effective date of this act, the registered voters of the Town of West Newbury shall, in accordance with any applicable laws, by-laws, votes of the Town or inter-local agreements elect the following

- (i) Members of the Board of Selectmen;
- (ii) Town Moderator;
- (iii) Members of the Pentucket School Committee from West Newbury;
- (iv) Trustees of the GAR Memorial Library;
- (v) Members of the Board of Assessors;
- (vi) Members of the Board of Health;
- (vii) Members of West Newbury Housing Authority;
- (viii) Members of the Planning Board;
- (ix) Members of the Park and Recreation Commission;
- (x) Members of the Water Commission, and;
- (xi) Constables

(b) The powers, duties and responsibilities of elected and appointed officials shall be as provided by applicable General Laws, special acts, bylaws and votes of the Town, except as otherwise expressly provided herein.

(c) Notwithstanding the election by voters of the Town of the officers named in this section 2(ii) thru (xi), such officers shall be available to the town manager and Board of Selectmen for consultation, conference and discussion on matters relating to the officers' respective offices. The town manager and/or the Board of

APPENDIX A
Annual Town Meeting Warrant
TOWN MANAGER LEGISLATION

Selectmen may require all such officials to prepare reports necessary for the administration of town government.

SECTION 3. POWERS AND DUTIES OF THE BOARD OF SELECTMEN

- (a) The executive powers of the Town shall be vested in the Board of Selectmen, who shall have all the powers given to boards of selectmen in the General Laws.
- (b) The Board of Selectmen shall consist of three (3) persons elected by the voters of the Town. The term of each member of the Board of Selectmen shall not exceed three (3) years or until a successor takes office. The Board of Selectmen shall annually elect a Chairperson and Clerk from among its members.
- (c) The Board of Selectmen shall serve as the chief goal-setting and policy making body of the Town and shall not normally administer the day to day affairs of the Town. The Board of Selectmen shall set guidelines and policy directives that are to be implemented by the town manager and by other officers and employees appointed by or under its authority. The Board of Selectmen shall have the power and authority to enact rules and regulations to implement policies, to issue directives and to issue interpretations of the rules and regulations.
- (d) The Board of Selectmen shall exercise, through the town manager, general supervision over all matters affecting the interests or welfare of the Town.
- (e) The Board of Selectmen shall appoint by a majority vote with the full board present, the town manager, town counsel, the chief of police, the independent auditor, the town accountant, assistant or special counsel and the executive administrator to the board of selectmen. The board shall also appoint all members of committees, boards and commissions, except for those positions which are elected, that the town bylaws provide are to be appointed differently or as otherwise provided by federal or state statute, law or regulation.
- (f) The Board of Selectmen shall have oversight of such boards, committees, positions or commissions appointed by the Board of Selectmen and such general powers as set forth in MGL c. 41 §23B.
- (g) The Board of Selectmen shall be the licensing authority for the Town, make necessary rules and regulations regarding the issuance of licenses, attach conditions and restrictions to licenses as it deems to be in the public interest, to enforce the laws relating to such licenses and the regulations for which it issues licenses and have all other non-personnel matters as provided by the bylaws of the Town or as provided in the General Laws of the Commonwealth of Massachusetts.
- (h) The Board of Selectmen shall be responsible for and shall approve the form and content of all town meeting warrants before such warrants are submitted to the town meeting for deliberation.
- (i) The Board of Selectmen shall be responsible for establishing and maintaining a written process for the preparation of the budget. The Selectmen shall annually issue one or more written budget messages, including fiscal guidelines and the timeline of budget makers, at the beginning of each budget cycle or at a time established by the town bylaws.

APPENDIX A
Annual Town Meeting Warrant
TOWN MANAGER LEGISLATION

(j) The Board of Selectmen shall review the annual proposed budget prepared by the town manager and make changes as the Board of Selectmen deem 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.

SECTION 4. APPOINTMENT OF THE TOWN MANAGER

(a) The Board of Selectmen shall create a search committee of West Newbury residents to assist in the selection of candidates for the position of town manager. The candidates shall be persons of demonstrated ability with administrative experience in public management or business administration and who are qualified by reason of education and experience for the position of town manager. The search committee shall recommend to the Board of Selectmen a minimum of three (3) qualified candidates. After receiving the recommendations of the search committee, the Board shall appoint a town manager from the recommended candidates; provided, however, that the Board shall not be required to appoint any of the recommended candidates and may request that the search committee continue the screening process or shall appoint a new search committee to continue or re-start the search.

(b) No member or former member of the Board of Selectmen shall be eligible to be appointed to the position of town manager within 15 months of serving on the Board of Selectmen.

(c) The Board of Selectmen may enter into a formal written contract with the town manager and may set contract terms that shall have precedence over any personnel bylaws.

(d) The town manager may be appointed for successive terms of office. No term of office shall be more than three years or until a successor is appointed. There is no obligation on the part of the Board of Selectmen to renew an expired contract. Before entering upon the duties of the office, the town manager shall be sworn to the faithful and impartial performance thereof by the town clerk or a notary public.

(e) The town manager shall execute a bond in favor of the town for the faithful performance of the town manager's duties in such sums and with such sureties as may be fixed and approved by the Board of Selectmen. The cost for such bond shall be borne by the Town.

(f) The Board of Selectmen shall set the compensation for the town manager, not to exceed an amount appropriated by the town meeting.

SECTION 5. REMOVAL OF TOWN MANAGER

(a) The Board of Selectmen may remove the town manager, by a majority vote with the full board present. At least thirty days before such removal shall be effective, the Board of Selectmen shall file a preliminary written resolution with the town clerk setting forth reason, if any, for the proposed removal, a copy of which shall be delivered to the town manager.

(b) The town manager may reply in writing to the resolution and may request, in writing, a public hearing provided, however, that the request for a hearing shall be received the town clerk not later than ten days after the town manager's receipt of the resolution. If the town manager so requests, the Board of Selectmen, shall hold a public hearing not earlier than ten days nor later than twenty days after the filing of such request.

APPENDIX A
Annual Town Meeting Warrant
TOWN MANAGER LEGISLATION

- (c) Following the public hearing or, if none, at the expiration of thirty days, the Board of Selectmen may adopt a final resolution of removal.
- (d) As part of the preliminary resolution, the Board of Selectmen may suspend the town manager from duty.
- (e) Nothing contained herein shall limit the authority of the Board of Selectmen to suspend or remove the town manager as provided by the laws of the Commonwealth.
- (f) Any suspension may be with or without pay.

SECTION 6. APPOINTMENT OF TEMPORARY TOWN MANAGER

- (a) During a temporary absence, not to exceed thirty days, the town manager shall designate by a letter filed with the town clerk and the Board of Selectmen, a temporary administrator to perform the duties of the office. Such delegation shall be limited to those matters not allowing for delay during the town manager's absence.
- (b) The Board of Selectmen reserves the right to select a different temporary town administrator, in place of the town manager's designee or in the case of the failure of the town manager to select a temporary town administrator, to perform the functions of the town manager during the absence of the town manager, provided however, that the delegation shall be limited to those matters not allowing for delay during the town manager's absence.
- (c) During the absence of the town manager for more than thirty or more days, due to disability, illness or other circumstance, the Board of Selectmen shall appoint an acting town manager for the duration of the extended absence. Such designation will cease upon the return of the town manager.
- (d) If the individual serving as acting town manager is a town officer or employee, the individual shall return to the position held prior to being appointed the acting town manager.
- (e) No member of the Board of Selectmen shall serve as acting town manager.
- (f) If the Board of Selectmen determines that the town manager will be unable to resume the duties of the office for any reason, including, but not limited to, resignation, termination or illness; the office of town manager shall be filled as soon as practical by the Board of Selectmen, provided, however that the Board of Selectmen may appoint an acting town manager to serve until town manager is appointed.
- (g) Notwithstanding the duration of the absence of the town manager, the Board of Selectmen shall determine the powers and responsibilities of the temporary town administrator or the acting town manager.

SECTION 7. ADMINISTRATIVE RESPONSIBILITIES OF THE TOWN MANAGER

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

APPENDIX A
Annual Town Meeting Warrant
TOWN MANAGER LEGISLATION

- (c) The town manager shall be responsible for seeing that the budget is administered as adopted by town meeting and in accordance with the General Laws, this act and the town by-laws.
- (d) The town manager shall advise the Board of Selectmen of all matters requiring action by the Board of Selectmen or the Town.
- (e) The town manager shall oversee the town's personnel system and staff in accordance with the town's by-laws and shall oversee personnel evaluation policies and practices, employee benefit programs, enforcement of labor contracts, labor relations, collective bargaining, state and federal equal opportunities law compliance in the town, and such other human resource obligations as designated by the Board of Selectmen.
- (f) The town manager shall attend all meetings of the Board of Selectmen, except when excused, and all annual and special town meetings.
- (g) The town manager shall have access to all information necessary for the proper performance of the duties of town manager in accordance with the town by-laws, except for attorney-client privileged information that is provided to or by the Board of Selectmen, unless the Board of Selectmen specifically authorizes such access.
- (h) The town manager shall keep the Board of Selectmen fully informed regarding all departmental operations, fiscal affairs, general problems and administrative actions and shall submit periodic reports to the Board of Selectmen.
- (i) The town manager shall coordinate the activities among boards, commissions and committees, concerned with current development and the long range municipal planning.
- (j) The town manager shall develop, keep and annually update a full and complete inventory of all property of the town, both real and personal. The town manager shall have jurisdiction over the rental of all town facilities and real property. Such usages shall not conflict with policies, rental fees and other practices established by the Board of Selectmen.
- (k) With the approval of the Board of Selectmen, the town manager shall prosecute, defend or compromise all litigation to which the town is a party.
- (l) The town manager shall devote full working time to the duties of the office and shall not engage in any business activity during the term of office, except with the written consent of the Board of Selectmen.
- (m) The town manager shall keep full and complete records of town manager's office and annually submit to the Board of Selectmen, unless requested to do so more frequently, a full written report of the operations of the town manager's office.

SECTION 8. FINANCIAL RESPONSIBILITIES OF THE TOWN MANAGER

- (a) The town manager shall be the chief financial officer of the Town.
- (b) The town manager may approve any warrants for payment of town funds prepared by the town accountant; provided, however, that the approval of any such warrant by the town manager shall be in

APPENDIX A
Annual Town Meeting Warrant
TOWN MANAGER LEGISLATION

compliance with the policies for payment as promulgated by the Board of Selectmen and this shall be sufficient to authorize payment by the treasurer. If there is a vacancy of the town manager, in the town manager's absence or at any other time the Board of Selectmen or a designee of one of the members of the Board of Selectmen may approve such warrants.

(c) Annually, the town manager shall be responsible for the preparation of the proposed budget to be included in the annual town meeting warrant. The proposed budget shall be prepared in accordance with the most current budget process established by the Board of Selectmen. The proposed budget shall detail all estimated revenue from all sources and all proposed expenditures.

(d) The town manager shall annually submit a town departmental and organizational structure, which such town departmental and organization structure shall be subject to the approval of the Board of Selectmen. The town manager shall recommend all salaries and pay rates for town employees, excepting those covered by collective bargaining agreements, which salaries and pay rates shall be subject to the approval and/or modification by the Board of Selectmen.

(e) The town manager shall be responsible for filing grant applications and for informing the Board of Selectmen as to the status of such applications.

(f) The town manager shall notify and inform the Board of Selectmen of any matter impacting the expenditures or revenues of the Town.

SECTION 9. APPOINTMENT POWERS OF THE TOWN MANAGER

(a) The town manager shall appoint and may remove all department heads as the term may be defined in the town departmental and organizational structure and all such other employees for which no method of selection is provided in this Act or otherwise provided by law.

(b) Appointments or removals made by the town manager pursuant to subsection (a) hereof shall be effective 15 calendar days following the date of written notice of the appointment or removal is filed with the Board of Selectmen, unless the Board of Selectmen vote to reject such appointment or removal. The Board of Selectmen may waive the 15-day period whereupon the action of the town manager shall take effect immediately.

SECTION 10. COLLECTIVE BARGAINING

(a) The town manager or a negotiating committee authorized by the Board of Selectmen shall negotiate collective bargaining contracts on behalf of the Board of Selectmen; provided, however that such contracts shall be subject to the approval, ratification and execution by the Board of Selectmen.

(b) The Board of Selectmen may authorize use of additional counsel or persons to assist the town manager or the negotiating committee in the negotiations for any collective bargaining contract.

SECTION 11. EFFECTIVE DATE

This act shall take effect upon its passage.

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 By-Laws

LOCATIONS TO POST WARRANT:

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

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

Given under our hands this 3rd day of April, 2017.

BOARD OF SELECTMEN

Joseph H. Anderson, Jr. - Chairman
Glenn A. Kemper
David W. Archibald

A true copy, attested:

Town Clerk Michael P. McCarron

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

Date of Posting

LOCATIONS TO POST WARRANT:

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A true copy, attested:

Town Clerk Michael P. McCarron

**TOWN OF WEST NEWBURY
COMMONWEALTH OF MASSACHUSETTS
WARRANT - SPECIAL TOWN MEETING – MONDAY, APRIL 24, 2017 @ 7pm**

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, 379 Main Street, at 7:00 p.m. on Monday, April 24, 2017 to act upon or take any other action relative to all of the following Articles.

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

ARTICLE 2. To see if the Town will vote to transfer from available funds the sum of \$285,000 for the purpose of purchasing self-contained breathing apparatus and related equipment for the Fire Department of the Town. By request of the Fire Department.¹

Selectmen Recommendation::
FinCom Recommendation:

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

Rationale: The Fire Department's existing air packs, bought in 2003, are at the end of their 15-year useful life and soon must by law be destroyed. Some of the equipment has already broken down and is unusable now. FinCom supports this Article. The Town must replace this equipment because firefighters are required to wear air packs (which also contain safety devices such as automatic alerts if a firefighter is not responsive) during responses involving hazardous conditions. The Fire Department attempted several times to obtain grants to cover this cost, but funding has gone to needier communities.

Funding Source: Free Cash.

ARTICLE 3. To see if the Town will vote to transfer the sum of \$100,000.00 from the Water Enterprise Fund Free Cash Account and \$80,000.00 from the Water Department Stabilization Fund Account for a total of \$180,000.00 to upgrade the existing Wellfield #1 to include but not limited to engineering, design, site development, construction of buildings, pipe, and all other related equipment needed to deliver water and to comply with, Massachusetts Department of Environmental Protection (MassDEP) regulations for municipal water supply. By request of the Board of Water Commissioners.²

Selectmen Recommendation::
FinCom Recommendation:

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

Rationale: This Article seeks monies to improve Wellfield #1 with a small adjacent building which will house chemicals required to treat the water. The current placement and storage of these chemicals is not DEP compliant.

¹ Please see Appendix B-ATM Article 8 and STM Articles 2, 3 & 7 for the Capital Improvements Committee's ranking of this and other capital improvements.

² Please see Appendix B-ATM Article 8 and STM Articles 2, 3 & 7 for the Capital Improvements Committee's ranking of this and other capital improvements.

Funding Source: *Water Enterprise Fund Stabilization Fund.*

ARTICLE 4. To see if the Town will vote to transfer the sum of \$60,000.00 from the Water Enterprise Fund Free Cash Account to purchase water from the City of Newburyport. Any remaining funds in this account at the end of Fiscal Year 2017 will close out to the Water Enterprise Fund Free Cash Account. By request of the Board of Water Commissioners.

Selectmen Recommendation::

Approve: 3-0-0

FinCom Recommendation:

Approve: 5-0-0

Rationale: *The Town purchases water from Newburyport with an annual cost of between \$100,000 and \$200,000 (depending on usage). Newburyport sets its rates at the end of June, two months after West Newbury's Town Meeting. Last June Newburyport increased its rate significantly. The \$60,000.00 request is to cover the cost of water usage at the new rate.*

Funding Source: *Water Enterprise Fund Free Cash Account.*

ARTICLE 5. To see if the Town will vote to transfer from available funds the sum of \$41,000.00 to purchase and equip a Ford Interceptor Utility Vehicle for the Police Department. By request of the Chief of Police.

Selectmen Recommendation::

Approve: 3-0-0

FinCom Recommendation:

Approve: 5-0-0

Rationale: *This Article authorizes the funding to purchase a utility vehicle which would replace the oldest marked vehicle (cruiser #302). The current cruiser is a 2013 Ford sedan with approximately 103,000 miles. This vehicle exceeds the current recommended replacement trigger of 85k miles. In order to maintain a rotating vehicle replacement cycle, supporting proper fleet management, reduced maintenance costs, and safety for our officers, this vehicle should be replaced now.*

Considering the development of a standardized annual replacement schedule, the Finance Committee recommends that future replacement costs be included within the Omnibus Budget.

Funding Source: *Free Cash.*

ARTICLE 6. To see if the Town will vote to transfer from available funds the sum of \$150,000 to fund the Snow and Ice deficit. By request of the Director of Public Works.

Selectmen Recommendation::

Approve: 3-0-0

FinCom Recommendation:

Approve: 4-0-0

Rationale: *Snow removal is an annual expense that is difficult to budget precisely. This item is on the Special Town Meeting Warrant in order to transfer from Free Cash the amount needed to cover this year's expenditure in excess of the budgeted amount.*

Funding source: *Free Cash.*

ARTICLE 7. To see if the Town will vote to transfer from available funds the sum of \$61,000.00 to purchase and equip a tractor and mower for the Department of Public Works. By request of the Director of Public Works.³

³ Please see Appendix B-ATM Article 8 and STM Articles 2, 3 & 7 for the Capital Improvements Committee's ranking of this and other capital improvements.

Selectmen Recommendation::
FinCom Recommendation:

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

Rationale: *This Article requests the transfer of \$61,000 from Free Cash, for the purchase of a tractor and mower for the DPW. This new equipment will replace a current tractor and mower which was purchased in 2003. This older equipment is starting to decline. This Article was placed on the Special Town Meeting as funds are needed immediately so that the equipment can be purchased before spring mowing is scheduled to begin.*

Funding source: *Free Cash.*

ARTICLE 8. To see if the Town will vote to transfer from Community Preservation Act funds the sum of \$25,000 for Rehabilitation and Restoration of the Action Cove Playground Facility, Phase II, said sum to be taken from the CPA Open Space and Recreation Reserve, or take any other action relative thereto. By request of the Community Preservation Committee and the Park and Recreation Commission.

Selectmen Recommendation::
FinCom Recommendation:

Approve: 3-0-0
Approve: 4-0-0

Rationale: *The Action Cove Playground was built in 1990 entirely through the dedicated work of volunteers, and paid for by donations and fundraising efforts. Presently under Park and Recreation Committee oversight, it is a K-3 playground that has been hugely popular for Town residents over the years. The playground underwent major repairs 8-10 years ago and is now in dire need of repairs once again. Approval of this Article would transfer the sum of \$25,000 from the CPA Open Space and Recreation Reserve account for purposes of preservation and rehabilitation of the playground, including addressing immediate safety concerns. This is the second phase of a project to repair and rebuild the playground. Given the importance of the playground for Town residents and the immediate and continued need for safety improvements, the Finance Committee sees this as an appropriate use of CPA funds. However, it is concerned that despite Town Meeting approval of the phase one repairs last year, those repairs have not been completed and significant safety issues still exist. The Finance Committee has been told by the Park and Recreation Committee that all immediate safety concerns will be addressed by the 2017 April vacation period, weather permitting.*

Funding source: *Community Preservation Act Open Space and Recreation Reserve.*

PETITION ARTICLE 9. To see if the Town will vote to adopt a resolution to petition Donald J. Trump, forty-fifth President of the United States, to immediately release his tax returns to the public.

Selectmen Recommendation::
FinCom Recommendation:

Will of the Town
Will of the Town

Rationale: *The Finance Committee opted to leave this Article to the Will of the Town.*

Funding source: *N/A.*

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 By-Laws

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Laurel Grange

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

Given under our hands this 3rd day of April, 2017.

BOARD OF SELECTMEN

Joseph H. Anderson, Jr. - Chairman
Glenn A. Kemper
David W. Archibald

A true copy, attested:

Town Clerk Michael P. McCarron

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

Date of Posting

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**APPENDIX B-ATM Article 8 and
STM Articles 2, 3 & 7
Capital Improvements**

CAPITAL IMPROVEMENTS COMMITTEE RANKINGS: PRIORITY & VALUE TO TOWN

Article #	Description	Ranking
ATM # 8	Water Department Brake Hill Water Tank Replacement	2
STM # 2	Fire Department Breathing Apparatus	1
STM # 3	Water Department Wellfield #1 Upgrade	4
STM # 7	Department of Public Works Mower Tractor	3

APPENDIX B-ATM Article 23
West Newbury Town Bylaw Amendment
REVOLVING FUNDS BYLAW per new state law

SECTION _____ DEPARTMENTAL REVOLVING FUNDS

1. Purpose. This by-law establishes and authorizes revolving funds for use by the town departments, boards, committees, agencies or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some to the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44 Section 53E1/2
2. Expenditure Limitations. A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this bylaw with appropriation subject to the following limitations:
 - A. Fringe benefits of fulltime employees whose salaries or wages are paid from the fund shall also be paid from the fund.
 - B. No liabilities shall be incurred in excess of the available balance of the fund.
 - C. The total amount spent during a fiscal year shall not exceed the amount authorized by town meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal years by the selectmen and the finance committee.
3. Interest. Interest earned on monies credited to a revolving fund established by this bylaw shall be credited to the general fund.
4. Procedures and Reports. Except as provided in General Laws Chapter 44 Section 53E1/2 and this bylaw , the laws, bylaws, rules, regulations, policies or procedures that govern the receipt and custody of town monies and the expenditure and payment of town funds shall apply to the use of a revolving fund established and authorized by this bylaw. The town accountant shall include a statement on the collections credited to each fund, the encumbrance and expenditures charged to the fund and the balance available for expenditure in the regular report the town accountant provides the department, board, committee, agency or officer on appropriations made for its use.
5. Authorized Revolving Funds.
 - 5.1 Summer Recreation Revolving Fund.
 - 5.1.1 Department. There shall be a separate fund called the Summer Recreation Revolving Fund authorized for use by the Park and Recreation Commission.
 - 5.1.2 Revenues. The town accountant shall establish the Summer Recreation Revolving Fund as a separate account and credit to the fund all the receipts from fees charged to participants of the Summer Recreation Program charged and received by the Park and Recreation Commission in connection with the summer recreation programs sponsored by the Park and Recreation Commission.
 - 5.1.3 Purposes and Expenditures. During each fiscal year, the Park and Recreation Commission may incur liabilities against and spend monies from the Summer Recreation Revolving Fund for the payment of program related wages, expenses and field trips.in connection with the Summer Recreation Programs.

APPENDIX B-ATM Article 23
West Newbury Town Bylaw Amendment
REVOLVING FUNDS BYLAW per new state law

5.1.4 Fiscal Years. The Summer Recreation Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017 and shall continue until such time as town meeting votes to eliminate the fund.

5.2.1 Cable Advisory PEG Revolving Fund.

5.2.2 Department. There shall be a separate fund called the Cable Advisory Revolving Fund authorized for use by the Cable Advisory Committee.

5.2.3 Revenues. The town accountant shall establish the Cable Advisory Revolving Fund as a separate account and credit to the fund all the monies received in connection with a franchise agreement between a cable operator and a municipality commonly referred to as PEG (Public Education and Government) in connection with the cable licenses issued by the Board of Selectmen.

5.2.4 Purposes and Expenditures. During each fiscal year, the Cable Advisory Committee may incur liabilities against and spend monies from the Cable Advisory PEG Revolving Fund for the payment of program-related wages, expenses, and equipment or such other purposes as permitted by General Laws c. 44, Section 53F3/4.

5.2.5 Fiscal Years. The Cable Advisory PEG Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017 and shall continue until such time as town meeting votes to eliminate the fund.

5.3.1 Police Vehicle Revolving Fund

5.3.2 Department. There shall be a separate fund called the Police Vehicle Revolving Fund authorized for use by the Police Department.

5.3.3 Revenues. The town accountant shall establish the Police Vehicle Revolving Fund as a separate account and credit to the fund all the monies charged and received by the Police Department in connection with the use of police vehicles by private details.

5.3.4 Purposes and Expenditures. During the fiscal year, the Police Department may spend monies from the Police Vehicle Revolving Fund for the purpose of purchasing and equipping new police vehicles.

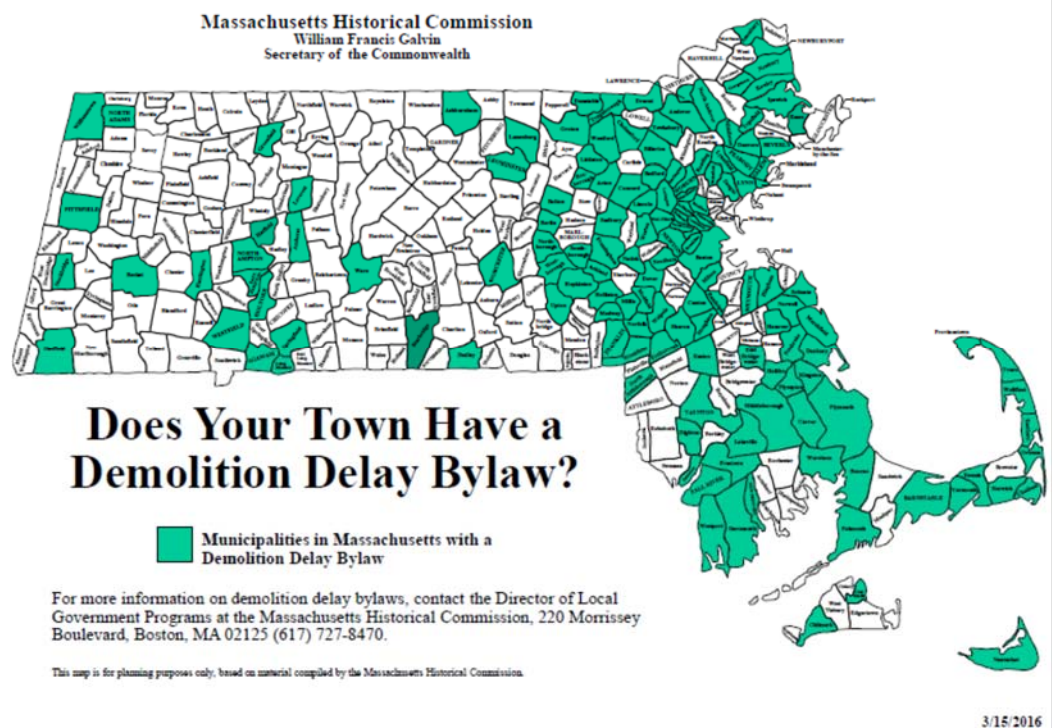
5.3.5 Fiscal Years. The Police Department Revolving Fund shall operate for the fiscal years that begins on or after July 1, 2017 and shall continue until time as town meeting votes to eliminate the fund.

APPENDIX B-ATM Article 24

West Newbury Historical Commission Town Bylaw Amendment DEMOLITION DELAY AGE-BASED BYLAW

The West Newbury Historical Commission seeks to pass The Preservation of Historically Significant Buildings Bylaw. This bylaw is enacted for the purpose of preserving and protecting significant buildings that make West Newbury a unique, picturesque, historically rich town. If a demolition permit is pulled on a building 100 years or older, the Building Inspector must notify the Historical Commission prior to issuing the permit. The Commission will study and inspect the building to determine whether or not the building is Significant (on the National Register of Historic Places; eligible for the register; or associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the Town or Commonwealth; or historically or architecturally important either by itself or in the context of a group of buildings). If it is not deemed Significant, a demolition permit is granted. If it is Significant, a public hearing will be held where the Commission decides if the building is Preferably Preserved, meaning that it is in the best interest of the public that the building be preserved rather than demolished. If the building is deemed not to be Preferably Preserved, a demolition permit will be issued. If the building is Preferably Preserved, a nine month delay period begins. This is a period for *discussion* and *brainstorming*. It's a time to see if there is a way to save the building, or at very least, document it prior to its demolition. At the end of the delay period, the demolition permit is granted if no agreement can be made.

The vast majority of the towns along the eastern coast of MA have demolition delays. This map will illustrate this point. It is not the only step that a town can take to preserve historical buildings but is a good first step. It allows for discussion prior to the loss of buildings of historical value. In the 1980s, the State Reconnaissance Survey Regional Report suggested a possible future threat to the historical buildings of West Newbury due to development. Sadly, we are now dealing with the reality of building and land loss in town. It is important that we address this concern by passing the bylaw. If delay periods are successful, through out of the box thinking, we may be able to preserve some of the historically valuable buildings in Town, keeping the charm of our Town that, in turn, increases our property value and the beauty of our surroundings.



Without a demo delay bylaw, our town will continue to attract developers who know that there is nothing stopping them from acquiring historic homes on large parcels of land, demolishing them and building a new development. With the vast majority of surrounding towns protected by such a bylaw, West Newbury is easy prey for development. This is not to say that development will be halted in town. Clearly, developers are able to plan around and wait out a delay period. However, if the bylaw works the way that it is intended, an historical home close to the street may be preserved by allowing a street to access the back property, for example. It's one of many preservation tools that are recommended by the Massachusetts Historical Commission to attempt to preserve historical resources while wisely moving forward with development.

APPENDIX B-ATM Article 24
West Newbury Town Bylaw Amendment
DEMOLITION DELAY AGE-BASED BYLAW

Title of Bylaw

The Preservation of Historically Significant Buildings

1.0 Intent and Purpose:

Local Historical Commissions (LHC) are established under Chapter 40, Section 8D of the general laws (as amended by Chapter 1155, Acts of 1973) Our primary responsibility is to (1) identify and inventory the historic assets of the Town of West Newbury and (2) to develop and implement a program for their preservation.

This by-law is enacted for the purpose of preserving and protecting Significant Buildings within the Town of West Newbury both public and private, which constitute or reflect distinctive features of the architectural, cultural, economic, political or social history of the town and to limit the detrimental effect of demolition on the character of the town. Through this bylaw, owners of Preferably Preserved buildings are encouraged to seek out alternative options that will preserve, rehabilitate or restore such buildings and residents of the town are alerted to impending demolitions of Significant Buildings. By preserving and protecting Significant Buildings, streetscapes and neighborhoods, this bylaw promotes the public welfare by making the town a more attractive and desirable place in which to live and work. To achieve these purposes the Historical Commission is authorized to advise the Building Inspector with respect to Demolition Permit applications. The issuance of Demolition Permits is regulated as provided by this by-law.

2.0 Definitions:

2.1 APPLICANT: Any person or entity who files an application for a Demolition Permit. If the Applicant is not the owner of the premises upon which the building is situated, the owner must indicate on or with the application his/her assent to the filing of the application.

2.2 APPLICATION: An application for the demolition of a building.

2.3 BUILDING: Any combination of materials forming a building which is or has been a shelter for persons, animals, or property.

2.4 BUILDING INSPECTOR: The person occupying the office of Building Inspector or otherwise authorized to issue Demolition Permits.

2.5 COMMISSION: The West Newbury Historical Commission or its designee.

2.6 DEMOLITION: Any act of pulling down, destroying, removing, dismantling or razing a building or commencing the work of substantial or total destruction with intent of completing the same.

2.7 DEMOLITION PERMIT: The permit issued by the Building Inspector for the demolition of a building, excluding a Building Permit issued solely for the demolition of the interior of a building.

2.8 PREFERABLY PRESERVED: Any Significant Building within the town which the Commission determines, following a public hearing, that it is in the public interest to be preserved rather than demolished. A Preferably Preserved building is subject to the nine month demolition delay period of this bylaw.

2.9 SIGNIFICANT BUILDING: Any building within the town which is in whole or in part one hundred years or more old and, which has been determined by the Commission or its designee to be significant based on any of the following criteria:

- The Building is listed on, or is within an area listed on, the National Register of Historic Places; or
- The Building has been found eligible for the National Register of Historic Places; or
- The Building is importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the Town or the Commonwealth; or
- The Building is historically or architecturally important (in terms of period, style, method of building construction or association with a recognized architect or builder) either by itself or in the context of a group of buildings.

APPENDIX B-ATM Article 24
West Newbury Town Bylaw Amendment
DEMOLITION DELAY AGE-BASED BYLAW

3.0 Procedure:

3.1 No Demolition Permit for a building which is in whole or in part one hundred (100) years or more old shall be issued without following the provisions of this bylaw. If a building is of unknown age, it shall be assumed that the building is over one hundred (100) years old for the purposes of this bylaw.

3.2 An Applicant proposing to demolish a building subject to this bylaw shall file with the Building Inspector an application containing the following information:

- The address of the building to be demolished.
- The owner's name, address and telephone number.
- A description of the building.
- The reason for requesting a Demolition Permit.
- A brief description of the proposed reuse, reconstruction or replacement.
- A photograph or photograph(s) of the building.

3.3 The Building Inspector shall within seven (7) business days forward a copy of the application to the Commission. Said notification shall be by e-mail to the Commission chairperson plus, a hard copy placed in the Commission mail slot at the Town Office building. Within the first ten (10) business days, after the Historical Commission's receipt of the application from the Building Inspector, the applicant shall make available the property for an interior and exterior inspection by the Historical Commission. The Commission shall within fifteen (15) business days after receipt of the application; hold a public meeting for which notice has been filed with the Town Clerk and the Applicant shall be notified. At such meeting, the Commission majority shall decide whether the building is significant.

3.4 Upon determination by the Commission that the building is NOT significant, the Commission shall so notify the Building Inspector and Applicant in writing. The Building Inspector may then issue the Demolition Permit.

3.5 Upon determination by the Commission that the building IS significant, the Commission shall so notify the Building Inspector and the Applicant in writing. No Demolition Permit may be issued at this time.

3.5.1 If the Commission does not notify the Building Inspector within fifteen (15) business days of receipt of the application, the Building Inspector may proceed to issue the Demolition Permit.

3.6 If the Commission finds that the building is significant, it shall hold a public hearing within thirty (30) calendar days of the written notification to the Building Inspector. Public notice of the time, place and purpose of the hearing shall be published in the local newspaper at least 14 days prior to the hearing and, posted in a conspicuous place in The Town Office Building, 381 Main Street, West Newbury, MA. Prior to the date of said hearing the applicant and the building inspector shall be notified by first class mail of the meeting time and place.

3.7 The majority of the Commission shall decide, either at the public hearing or at a publicly-posted meeting to be scheduled and held within ten (10) business days after the public hearing, whether the building should be Preferably Preserved. If agreed to in writing by the Applicant, the determination of the Commission may be postponed to a date and time certain.

3.8 If the Commission determines that the building is not Preferably Preserved, the Commission shall so notify the Building Inspector and Applicant in writing. The Building Inspector may then issue the Demolition Permit

3.9 If the Commission determines that the building is Preferably Preserved, the Commission shall notify the Building Inspector and Applicant in writing. No Demolition Permit may then be issued for a period of nine (9) months from the date of the determination unless otherwise agreed to by the Commission. If the Commission does not so notify the Building Inspector in writing within fifteen (15) business days of the public hearing, the Building Inspector may issue the Demolition Permit.

3.9.1 Should the owner sell the property prior to the expiration of the 9 month delay period, the new owner shall apply for a new demolition permit and, a new 9 month delay period will start.

APPENDIX B-ATM Article 24
West Newbury Town Bylaw Amendment
DEMOLITION DELAY AGE-BASED BYLAW

3.10 Upon a determination by the Commission that any building which is the subject of an application is a Preferably Preserved building, no Building Permit for new construction or alterations on the premises shall be issued for a period of nine months from the date of the determination unless otherwise agreed to by the Commission.

3.11 No permit for the demolition of a building determined to be a Preferably Preserved building shall be granted until all plans for future use and development of the site have been filed with the Building Inspector and have been found to comply with all laws pertaining to the issuance of a Building Permit or if for a parking lot, a certificate of occupancy for that site. All approvals necessary for the issuance of such Building Permit or certificate of occupancy including without limitation any necessary zoning variances or special permits, must be granted and all appeals from the granting of such approvals must be concluded, prior to the issuance of a Demolition Permit under this section.

3.12 Notwithstanding section (3.11) preceding, the Building Inspector may issue a demolition permit for a preferably-preserved or significant building at any time after receipt of written advice from the Commission to the effect that either:

- A. The Commission is satisfied that there is no reasonable likelihood that either the owner or some other person or group is willing to purchase for fair market value, to preserve, rehabilitate, or restore such building, or
- B. The Commission is satisfied, that for at least six (6) months the owner has made continuing, bona fide and reasonable efforts to locate a purchaser to preserve, rehabilitate and restore the subject building, and that such efforts have been unsuccessful.

3.13 Following the nine month delay period, the Building Inspector may issue the Demolition Permit.

4.0 Administration:

4.1 The Commission may adopt such rules and regulations as are necessary to administer the terms of this bylaw.

4.2 The Commission may pro-actively develop a list of Significant Buildings, based on the historic inventory, which will be subject to this bylaw. Buildings proposed for the Significant Building list shall be added following a public hearing.

5.0 Responsibilities of the Owner:

Once a significant building is determined to be a preferably preserved building, the owner shall be responsible for properly securing the building, if vacant, to the satisfaction of the Building Inspector. Should the owner fail to so secure the building, a subsequent destruction of the building at any time during the nine (9) month delay period, which destruction could have been prevented by the security measures, shall be considered a demolition in violation of this by-law.

6.0 Emergency Demolition:

6.1 If after an inspection, the Building Inspector finds that a building subject to this bylaw is found to pose an immediate threat to public health or safety due to its deteriorated condition and that there is no reasonable alternative to the immediate demolition of the building or structure, then the Building Inspector may issue an emergency Demolition Permit to the owner of the building or structure. The Building Inspector shall then prepare a report explaining the condition of the building and the basis for his decision which shall be forwarded to the Commission.

7.0 Enforcement and Remedies:

7.1 The Commission and/or the Building Inspector are each specifically authorized to institute any and all actions and proceedings, in law or equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this by-law or to prevent a threatened violation thereof.

7.2 Any owner of a building subject to this bylaw that demolished the building without first obtaining a Demolition Permit in accordance with the provisions of this bylaw shall be subject to a fine of not more than Three Hundred Dollars. Each day the violation exists shall constitute a separate offense until a faithful restoration of the demolished building is completed or unless otherwise agreed to by the Commission.

7.3 If a building subject to this bylaw is demolished without first obtaining a Demolition Permit, no Building Permit shall be issued for a period of two years from the date of the demolition on the subject parcel of land or any adjoining parcels of land

APPENDIX B-ATM Article 24
West Newbury Town Bylaw Amendment
DEMOLITION DELAY AGE-BASED BYLAW

under common ownership and control unless the Building Permit is for the faithful restoration referred to above or unless otherwise agreed to by the Commission.

8.0 Historic District Act:

8.1 Following a determination that the building is significant and Preferably Preserved, the Commission may recommend to town meeting that the building be protected through the provisions of Massachusetts General Law, Chapter 40C, the Historic Districts Act. The steps required under M.G.L. Chapter 40C shall be followed prior to the establishment of a local historic district. Nothing in this by-law shall be deemed to conflict with the provisions of the Historic District Act, Massachusetts General Laws Chapter 40C. If any of the provisions of this by-law do so conflict, that act shall prevail.

9.0 Severability:

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

APPENDIX B-ATM Article 25

West Newbury Planning Board Zoning Bylaw Amendment Feb. 6, 2017, rev. April 4, 2017

SIGNS

COMPARISON OF EXISTING BYLAW TO PROPOSED BYLAW		
Existing Bylaw - Sign Type Description	Existing Requirement	Proposed Description & Requirement
Announcement Sign advertising goods or sales on premises; name of occupant	10 sf (Business or Residential) (Not clear on # of signs allowed; No maximum height)	<ul style="list-style-type: none"> - 16 sf and 12 ft. maximum height for Permanent Signs in Business District. 1 freestanding sign is allowed per bldg. & 2 attached signs are allowed per business. - 4 sf for Home Occupation Sign in Business & Residential Districts - 2 sf for signs with Owner Name, Street and Number in the Business and Residential Districts
1 Freestanding Sign for shopping center or industrial park	40 sf (Not clear on # of attached signs allowed)	<ul style="list-style-type: none"> - Buildings w/ up to 3 businesses are allowed 1 freestanding sign per building and 2 attached signs per business - Buildings w/ 4 or more businesses are allowed 1 permanent sign identifying the premises and 1 attached sign per occupant - Complexes with 3 or more buildings are allowed 1 freestanding sign per street identifying the complex
1 Temporary Sign for each increment of required frontage advertising property on which it is located for sale or lease.	12 sf (language on "increment of frontage" is not clear)	6 sf
Directional signs, memorial plaques and historical markers, building names or other identification signs attached to a building	2 sf (no definition of directional signs is provided)	No longer considered signs. These items are included in a list of devices that are not considered signs within context of Bylaw
Sign Conditions	<ul style="list-style-type: none"> - No oscillating, flashing or operating w/ movable parts except for time and temperature - No internal illumination - No signs on trailers or movable platforms 	<ul style="list-style-type: none"> - No oscillating, flashing or operating w/ movable parts except that signs showing time and temperature and an "Open" flag of 15 sf are permitted in the Business District - No internal illumination is further clarified - Motor vehicles or trailers whose purpose is as a sign can be located on property not readily visible to public and cannot be parked on public streets

APPENDIX B-ATM Article 25

West Newbury Planning Board Zoning Bylaw Amendment Feb. 6, 2017, rev. April 4, 2017

SIGNS

SOME ITEMS NOT ADDRESSED IN EXISTING BYLAW THAT ARE ADDRESSED IN THE PROPOSED BYLAW

- | | | |
|---|--|---|
| • Purpose has been added (Sec. 7.C.1) | • Process for obtaining permits has been added (Sec 7.C.4.A) | • Up to two Private Auto Sale Signs would be allowed at 2 sf each (Sec 7.C.4.J.5) |
| • Parameters on external illumination have been added (Sec. 7.C.4.C) | • Section added on Legally Existing Nonconforming Signs (Sec 7.C.4.D) | • “Open” flags up to 15 sf could be up during business hours (Sec 7.C.4.K.5) |
| • Off Premises Signs would be allowed under certain circumstances (Sec. 7.C.4.G) | • A-Frame Signs up to 6 sf would be allowed (Sec 7.C.4.I.3 & 7.C.4.K.4) | • Section added on Nonconforming Signs (Sec 7.C.4.N) |
| • Section added on Signs for Exempt Uses i.e. agriculture, religious (Sec. 7.C.4.E) | • Section added on addressing Abandoned Signs (Sec 7.C.4.F) | • Definitions provided (Sec 7.C.2) |
| • Non-commercial event signs would be allowed up to 32 s.f. (Sec. 7.C.4.I.4) | • Freestanding Signs and Attached Signs would be differentiated (Sec 7.C.4.J –L) | • Contractor signs would be allowed up to 4 sf (Sec 7.C.4.J.4) |
| • Sign proposals not complying with the Bylaw can be approved by Special Permit. The existing Bylaw requires a variance for such cases. Variances are more difficult to obtain than Special Permits (Sec 7.C.4.N) | • Section identifying devices that are not considered signs has been added (Sec 7.C.2.I.2) | |

APPENDIX B-ATM Article 25

West Newbury Planning Board Zoning Bylaw Amendment Feb. 6, 2017, rev. April 4, 2017

SIGNS

I. Delete Section 7.C. “Signs” in its entirety and replace it with a new Section 7.C. as follows:

“7.C. SIGNS

7.C.1. Purpose - The purpose of this Bylaw Section is as follows:

- A. To preserve and enhance the natural, scenic, historical, cultural, and aesthetic qualities of the Town of West Newbury.
- B. To ensure the safety and general welfare of motorists and pedestrians.

7.C.2. Definitions

- A. Legally Existing Prior Nonconforming Signs - A non-abandoned sign, existent when these bylaws became effective that does not meet the requirements of this bylaw, but that complied with the existing bylaws and regulations at the time the sign was erected.
- B. Nonconforming Sign - A sign that does not comply with this bylaw and which is also not a legally existing, nonconforming sign.
- C. Off-Premises Sign - A sign related to any type of event, product, business, service, etc. which is not held on, conducted on, or sold on the premises where the sign is located.
- D. Permanent Signs
 - 1. Freestanding Sign - A sign affixed to a structure whose sole purpose is to support the sign.
 - 2. Attached Sign - Any sign that is attached to, erected on or supported by a building.
- E. Portable A Frame Sign - An "A-frame" shaped sign that identifies or advertises a place of business and that consists of two sign boards that are hinged together at the top.
- F. Private Sign - A sign that is not a public sign.
- G. Public Sign - A sign authorized, erected, and maintained by the Town or the Commonwealth or other public agencies.
- H. Roofline - A horizontal line located at the highest point of a roof exclusive of antennas, cupolas, or other appendages that may protrude from the roof structure.
- I. Sign
 - 1. Refer to Section 2. of the Zoning Bylaw for the definition of a sign.
 - 2. Exceptions - The following devices shall not be considered signs within the context of this bylaw:
 - a) Non-commercial historical markers, memorial plaques, and building names.
 - b) Flags and insignia of governmental jurisdictions when displayed for non-commercial purposes
 - c) Seasonal, non-commercial banners
 - d) On premise devices guiding and directing traffic and parking which bear no advertising.
 - e) Legal notices such as “No Trespass”, “No Soliciting” and “Private Way” signs and building numbers.
 - f) Informational devices required by public agencies.
 - g) Standard gasoline pumps bearing thereon in usual size and form, the name, type and price of gasoline.
- J. Sign Area - The area of the smallest horizontally or vertically oriented rectangle which could enclose the display area of the sign, exclusive of structural members not bearing advertising matter.

APPENDIX B-ATM Article 25

West Newbury Planning Board Zoning Bylaw Amendment Feb. 6, 2017, rev. April 4, 2017

SIGNS

K. Temporary Sign

1. A commercial or non-commercial sign relating to any event, activity or business operation which is not of a continuing or regularly recurring nature.
2. Portable A frame and similar signs shall be considered temporary signs.
Examples include, but are not limited to, sales, special events, seasonal businesses or changes in the nature of an operation.
3. Window Sign—A sign located in the interior of a building, usually at a window or door, intended to convey information to the public outside the building.

L. Uses

1. Commercial - A use intended to promote any for-profit event, activity, or business operation.
2. Non-commercial - A use not intended to promote any for-profit event, activity, or business operation.

7.C.3. Authorities

A. Inspector of Buildings—Sign permits are issued by the Inspector of Buildings.

B. Special Permit Granting Authority

1. For purposes of this Article, the Zoning Board of Appeals shall be the Special Permit Granting Authority.
2. The Special Permit Granting Authority shall adopt rules and regulations including, but not limited to, fees, procedures, methods, and removal of noncomplying signs and shall make them available at the Town Clerk's Office.

7.C.4. General Regulations

The following regulations apply to all districts unless a district is specifically mentioned.

A. Permits

1. No sign shall be erected, enlarged, or structurally altered without a sign permit issued by the Inspector of Buildings, except as provided for in this bylaw. See Sections 7.C.4.E, 7.C.4.I, 7.C.4.J, and 7.C.4.K of this bylaw.
2. Sign permits shall be issued only for signs conforming to this Article.
3. Sign permit applications shall be accompanied by two prints of scale drawings of the sign, supporting structure, source of illumination, and location.
4. Each application with respect to a sign to be located within an Historic District must be accompanied by a Certificate of Appropriateness from the Historic Districts Commission. A copy of any relevant Special Permit shall also accompany this type of application.
5. The Inspector of Buildings shall issue a sign permit for the erection and maintenance of a sign or signs or deny the issuance thereof within thirty (30) days of the date on which the application for a permit was received.
6. In the event that a sign permit has been denied, the Inspector of Buildings shall state the reason for said denial.
7. If the Inspector of Buildings fails to take the appropriate action within the above stated period, the sign permit shall be deemed to have been issued, and the Town Clerk shall issue a certificate of constructive approval of the application.

B. Materials and Maintenance - Permanent signs shall be constructed of durable materials and shall, together with their structural elements, be maintained in a safe and neat condition to the satisfaction of the Inspector of Buildings.

C. Illumination

1. Temporary signs shall not be illuminated in any way.
2. No signs shall be internally lit and no sign shall use luminous letters or symbols.

APPENDIX B-ATM Article 25

West Newbury Planning Board Zoning Bylaw Amendment Feb. 6, 2017, rev. April 4, 2017

SIGNS

3. No sign shall be lit externally, except by white, continuous, stationary lights, shielded and directed solely at the sign.
 4. Lights used to illuminate signs must be of sufficiently low intensity and brightness so as not to affect the safe vision of operators of vehicles moving within the premises or on adjacent public or private ways and so as not to negatively impact abutting residential uses.
 5. No sign shall be illuminated between the hours of 11:00 p.m. and 6:00 a.m. unless an establishment is open to the public during these hours.
- D. Legally Existing Prior Nonconforming Signs
1. Such signs may continue to be used, maintained, and repaired hereafter unless abandoned.
 2. Such signs may not be replaced by a new nonconforming sign without a Special Permit from the Special Permit Granting Authority.
 3. Such signs shall not be altered in shape or dimension unless brought into conformity.
 4. A change of use requires that such signs be brought back into conformity.
- E. Exempt Uses
- Signage for Exempt Uses pursuant to Section 4.B of this Bylaw and Section 3 of Chapter 40A of the General Laws as amended may be subject to reasonable regulations such as bulk and height. Examples of exempt uses include certain religious, educational and agricultural uses.
- F. Abandonment
1. Signs not repaired within ninety (90) days after notice given by the Inspector of Buildings shall be considered abandoned.
 2. Signs that advertise for or call attention to an abandoned establishment or any products, businesses or activities which are no longer carried on or sold on the premises shall be considered abandoned.
 3. Abandoned signs shall be removed by the owner within sixty (60) days after notice given by the Inspector of Buildings.
- G. Location
1. Private signs shall not be affixed to public property including but not limited to utility poles, fences, trees, traffic signs, light posts, flag poles, or columns except with the approval of the Board of Selectmen or other entity having jurisdiction over such public property.
 2. Private signs shall not be located within or project into or over a public right of way except with Board of Selectmen approval.
 3. Signs shall not project above the roofline of the building to which it is attached.
 4. Motor vehicles or trailers whose primary purpose is to act as a sign may not be parked along streets or the highway and may not be stationed on property in a location readily visible to the public.
 5. Signs shall not be erected in a manner that impairs visibility of the road or of traffic control signs.
 6. Off-Premises Signs for a business, service, product, or event which is located within West Newbury shall not be erected except upon the issuance of a Special Permit by the Special Permit Granting Authority in accordance with these General Regulations and except for temporary signs as discussed below. Said signs must serve a reasonable public purpose and be consistent with the purpose of this bylaw.
 7. Off-Premises Signs for a business, service, product, or event which is located outside of West Newbury are prohibited except for temporary signs as discussed below.
- H. Animation
1. Signs shall not wave, oscillate, revolve, flash, or operate with movable parts except for:
 - i. such portion of a sign which indicates time, temperature, or both;
 - ii. a flag with the word "Open" used to indicate that a business is open.
- I. Temporary Signs Not Requiring a Sign Permit

APPENDIX B-ATM Article 25

West Newbury Planning Board Zoning Bylaw Amendment Feb. 6, 2017, rev. April 4, 2017

SIGNS

1. Unless otherwise specified in this section, temporary signs shall comply with all applicable requirements for permanent signs.
 2. Real estate and contractor's signs not exceeding six (6) square feet.
 3. Portable A frame signs associated with a commercial event such as grand openings, sales, or closings may be displayed without a permit for no more than fourteen (14) days at a time and no more than thirty (30) days in the aggregate in any twelve (12) month period. Such signs shall not exceed six (6) square feet.
 4. Non-commercial signs for the purpose of sales, promotions, drives, campaigns, or other events of a civic, philanthropic, or educational nature. Such signs shall not exceed thirty two (32) square feet and shall not be posted for more than sixty (60) days prior to the date of the relevant event. Such signs shall be removed fourteen (14) days after the conclusion of said event.
- J. Signs Not Requiring a Sign Permit in a Residential District
1. One permanent sign per dwelling unit, either attached or freestanding, indicating the name of the owner or occupant. This sign may have the street name and number upon it. Such sign shall not exceed two (2) square feet in area.
 2. One permanent sign per allowed home occupation indicating such use. Such sign shall not exceed four (4) square feet in area.
 3. One temporary sign per dwelling unit advertising the sale, rental, or lease of the premises on which the sign is located. Such sign shall not exceed six (6) square feet in area and shall be displayed for no more than fourteen (14) consecutive days after the date of the completion of the sale or signing of the rental or lease agreement.
 4. No more than four (4) temporary signs limited to one per contractor associated with construction on the premises. Each such sign shall not exceed six (6) square feet in area and shall be displayed for no more than fourteen (14) days after completion of related work.
 5. Two temporary signs total, regardless of the number of items being sold, advertising the private sale of automobiles or other personal items on the premises. Such signs shall not exceed two (2) square feet each in area and shall be displayed for no more than thirty (30) consecutive days at a time and no more than sixty (60) days in the aggregate in any twelve (12) month period.
 6. Any freestanding sign, including its structure, which does not require a Sign Permit in a Residential District pursuant to this Section, shall be no more than eight (8) feet from the top of the sign to the ground.
- K. Signs Not Requiring a Sign Permit in the Business District
1. Signs allowed in Residential Districts are also allowed in the Business District.
 2. Temporary window signs that cover no more than 20% of the area of each window provided that such signs shall only be placed on windows that face parking lots and/or streets.
 3. Buildings having one (1) to three (3) businesses may have one (1) freestanding sign per building and two (2) attached signs per business.
 4. Portable A frame signs providing that they are no more than six (6) square feet and are displayed only during business hours.
 5. A flag with the word "Open" used to indicate that a business is open. Such flag shall be no more than 15 square feet and shall be taken down at the close of business each day.
 6. All permanent signs, including the structure, which do not require a Sign Permit in a Business District pursuant to this Section, shall be no more than twelve (12) feet from the top of the sign to the ground and sixteen (16) square feet in area.
- L. Signs Requiring a Sign Permit in the Business District
1. Buildings having four (4) or more occupants may erect a single sign, either attached or freestanding, identifying either the premises, the occupants, or both. Additionally, each occupant may erect one attached sign.

APPENDIX B-ATM Article 25

West Newbury Planning Board Zoning Bylaw Amendment Feb. 6, 2017, rev. April 4, 2017

SIGNS

2. Any business complex comprising three or more buildings on a single lot may erect one freestanding sign for each street on which the development fronts containing the name or other identification of the complex.

M. Industrial District

Any sign proposed in the Industrial District requires a Special Permit from the Special Permit Granting Authority.

N. Non Conforming Signs

1. The Special Permit Granting Authority may grant a Special Permit for a sign not in compliance with the provisions of this Article providing that the Special Permit Granting Authority finds the following:
 - a) that the sign will be in harmony with the interests cited in section I.
 - b) that a reasonable public benefit is derived from the erection, replacement, or maintenance of the sign
 - c) that the general purposes of this Article are not defeated.
2. The following criteria shall apply:
 - a) The Special Permit shall be granted to a user, owner, or both.
 - b) The Special Permit shall not run with the land.
 - c) The Special Permit shall terminate (become void) when or if the user or owner moves or goes out of business.
 - d) The Special Permit shall not be transferrable to another property.
 - e) The Special Permit Granting Authority shall specify the location of the sign.
 - f) The Special Permit Granting Authority shall approve the size of the sign subject to the following:
 - 1) The sign area shall not be more than 100% greater than signs not requiring a special permit in the district.
 - 2) The sign height shall not be greater than 25% greater than signs not requiring a special permit in the district.
 - g) The Special Permit Granting Authority may impose other terms, restriction, and conditions as it may deem to be in the public interest.

7.C.5 Severability

If any section of this Article is found to be in conflict with any statutes of the Commonwealth, such finding shall not affect the validity of the remainder of the Article nor the lawful administration thereof.”

Explanation: The Current Signs Bylaw is limited and provides insufficient guidance to the Building Inspector, Business Owners and Residents regarding the regulation of signs in Town. The Bylaw is difficult to enforce because of this lack of clarity. Members of the West Newbury Planning Board have worked toward amending the Signs Bylaw over a number of years with the Building Inspector, other Town officials and Residents in order to provide more clarity and guidance.

II. Amend Section 8.B.3.e. by adding new subsection 8.B.3.e.5. as follows:

“5. Signs (Section 7.C.)”

Explanation: The current Zoning Bylaw requires that all uses, which require a special permit be subject to Site Plan Review. The proposed language adds “Signs” to the list of uses that do not require Site Plan Review.

APPENDIX B-ATM Article 27
Town Counsel Explanation & Background
QUIETING PROPERTY TITLE

Following up on my recent conversation, here is some background material on the Early situation.

In July of 1996, the Board of Selectmen entered into a purchase and sale agreement with Richard P. Early, Jr. of Haverhill for land that the Town of West Newbury owned but was located in Haverhill, MA. The land in question was described in the purchase and sale agreement as “20.56 acres more or less of vacant land on Amesbury Road shown on Assessor Map 464, Block 3, Lot 1” (see attached purchase and sale agreement) This land was acquired by the Town pursuant to the Will of Emily S. Elliot Cote, (attached paragraph 43) and by deed of Harry S. Seagrave, et al recorded with the Essex South District Registry of Deeds in Book 3366 Page 436. (attached) Ms. Cote bequeathed the land “for the benefit of the worthy poor of the Town.”

The Board of Selectmen, at the time, in their capacity as Trustees of the Elliott Fund, gave a release deed to Mr. Early for the consideration of \$20,000.00. Said Deed was recorded with said Essex Deeds in Book 13672 Page 485. The Selectmen did not obtain authorization from Town Meeting seemingly taking the position that the property was under the jurisdiction of the Elliott Fund. (in paragraph 42 of the will, Ms. Cote bequeathed the Town \$5000.00 for the Elliott Fund, and it was argued that the land gift was for the same purpose.)

If you review the references in the Release Deed, you will note that references do not match. In fact, Parcels 1 and 2 of the Release Deed actually refers to other former Town land that was taken for the construction of Route 495.

After researching the title, Mr. Early discovered the mistake and asked for a confirmatory deed from the Board of Selectmen. This Board of Selectmen is of the opinion that Town Meeting authorization was necessary before a deed should be granted. The Board of Selectmen did acknowledge that the purchase and sale described 20 acres of the land shown on Exhibit B (attached, the rest was also taken for Route 495), and the deed described the wrong parcel. The Selectmen have acknowledged the original intention and Mr. Early was satisfied with that acknowledgment. He now wishes to construct a solar field on the property he thought he owned, but the solar company believes that Town Meeting authorization is also necessary. The attorney for Mr. Early has requested that the Selectmen place an authorization article on this town meeting,

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

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

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

GLOSSARY

1. **Article:** The topic to be considered and voted at Town Meeting.
2. **Assessment:** The Board of Assessors judgment of the value of a property.
3. **Bond:** A means to raise money through the issuance of debt. The Town (borrower) promises in writing to repay a specified sum of money, alternately referred to as face value, par value or bond principal, to the buyer of the bond on a specified future date (maturity date), together with periodic interest at a specified rate. The term of a bond is always greater than one year.
4. **Capital Expenditure:** An expense for a tangible asset or project that costs at least \$10,000 and has a useful life of at least 5 years.
5. **Chapter 70:** The Chapter of Massachusetts law that governs the funding of the schools. The formula is designed to distribute state aid to help establish educational equity among municipal and regional school districts. It is also the name for the largest part of state funding to schools.
6. **Chapter 90:** The Chapter of Massachusetts law that governs the funding of roads and highway improvements. It is also the common name for the largest part of state funding to highways.
7. **Cherry Sheet:** State aid to the Town, so called as they used to be printed on red paper.
8. **Credit Rating:** The evaluation given by lenders indicating the Town's ability to repay a Loan or Bond. A good credit rating allows the Town to borrow at a lower interest rate.
9. **Free Cash:** Funds remaining from the operations of a previous fiscal year (June 30) which may be appropriated after they have been certified by the Massachusetts Department of Revenue. These include unspent appropriations and revenue collected in excess of estimates.

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

TOWN MEETING IMPACTS ON TOWN ACCOUNTS

Balances Report		Town Stabilization	Pension Stabilization	School Stabilization	Town Free Cash	Water Stabilization	Water Free Cash	CPC Comm Housing	CPC Historical	CPC Open Space	CPC Undesig	CPC Reserve
7/1/2016		1,302,800	50,000	157,216	1,892,315	160,103	262,801	146,176	36,722	311,676	1,267,715	238,692
10/2016 STM	Art #											
Reduce Tax Rate	2				(144,300)							
Essex NS Tech School	3				(2,500)							
Police Vehicle	6				(39,720)							
Fire Dept Repeater	7				(45,000)							
Bd. of Registers - software	8				(1,400)							
Inventory Historic Prop	9								(25,000)			
Pipestave Apts. Repairs	10				(39,000)							
Recreation Salaries	15				(1,500)							
Balances												
12/31/2016		1,302,800	50,000	157,216	1,618,895	160,103	262,801	146,176	11,722	311,676	1,267,715	238,692
Proposed STM	Apr-17											
Fire SCBA	2				(285,000)							
Upgrade Wellfield # 1	3					(80,000)	(100,000)					
Purchase Water - Newbryprt	4						(60,000)					
Police Cruiser	5				(41,000)							
Snow & Ice Deficit	6				(150,000)							
Tractor/Mower	7				(61,000)							
Action Cove Playground	8									(25,000)		
										0		
Balances 4/2017		1,302,800	50,000	157,216	1,081,895	80,103	102,801	146,176	11,722	286,676	1,267,715	238,692
Proposed ATM	Apr-17											
Dole Prop Acquisition	7									(286,676)	(213,324)	
Pension Stabilization	10		50,000		(50,000)							
School Stabilization	13			279,122								
Town Bi-Cent	14				(10,000)							
Town Building Fund	18				(25,000)							
OPEB Actuarial Study	20				(4,595)							
Estimated Reciepts 2018								38,423	38,423	38,423		228,806
Balance After TM"s		1,302,800	100,000	436,338	992,300	80,103	102,801	184,599	50,145	38,423	1,054,391	467,498

REVENUES

4/3/2017					
Revenues:	Actual	Actual	In Process	Projected	Comments
	FY 2015	FY 2016	FY 2017	FY 2018	
Real Estate Taxes Raised	11,301,050	12,145,569	12,350,000	12,700,000	
Amended Prior Year Growth					
Tax Limit 2.5	282,526	292,800	304,827	317,500	Annual Increase allowed by prop 2 1/2
New Growth	128,427	188,281	286,282	125,000	All but FY2018 is actual
General Overrides					
Debt Exclusions	828,009	818,328	710,860	650,000	Required by debt schedule
Capital Exclusion					
Cherry Sheet Revenues	354,836	357,488	362,274	378,759	FY 2018 is updated for Gov Budget proposal
Local Receipts	933,910	932,896	900,663	900,000	FY 2018 is estimated at 90% of 5 yr Rolling Avg-Less One time Revenue
Total Revenues	13,828,758	14,735,362	14,914,906	15,071,259	
Reserve for Abatements/Receivables	-123,799	-153,480	-130,863	-140,000	Assessors generally recommend a number
Tax Title Purposes	0	-1,000	-1,000	-2,500	Set aside of tax title purposes
Cherry Sheet Charges	-71,942	-73,061	-77,444	-76,000	Charges for services thru state and other agencies & Charter schools'
Total Offsets	-195,741	-227,541	-209,307	-218,500	
Revenue-Less Offsets	13,633,017	14,507,821	14,705,599	14,852,759	
Less Direct to Library	-7,735	-7,588	-7,953	-7,659	Goes directly to library
Net to Revenues to General Fund	13,625,282	14,500,233	14,697,646	14,845,100	
Less Prior Year Snow & Ice Deficit	0	0	0	0	
Less Prior Year Other Deficits	0	0	0	0	
Net Available for Operating Expenses	13,625,282	14,500,233	14,697,646	14,845,100	