



**Town of West Newbury  
Select Board  
Monday, October 2, 2023 @ 5:30pm  
381 Main Street, Town Office Building  
[www.wnewbury.org](http://www.wnewbury.org)**

REC'D W. NEWBURY CLERK  
28 SEP 23 4:51:24

**AGENDA**

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

- ❖ MGL Ch. 30A §21(a) 6: To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body (*Sawmill Brook property, review of draft Conservation Restriction*);
- ❖ MGL Ch. 30A §21(a) 2: To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel (*review of proposed compensation structure, proposed DPW restructure; EMA staffing transition plan*);
- ❖ MGL Ch. 30A §21(a) 3: To discuss strategy with respect to collective bargaining if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares (*review of proposed compensation structure, proposed DPW restructure*).

The Board may take a brief recess between the Executive Session and the Open Session beginning at 7 PM.

**Open Session: 7:00pm by in-person attendance or remote participation (instructions below)**

**Announcements:**

- This meeting is being broadcast on local cable TV and recorded for rebroadcast on the local cable channels and on the internet. Meeting also accessible by remote participation; instructions below.
- Merrimack River boat tour fully booked; keep an eye out for future events and activities as part of River Road resiliency planning, funded by Municipal Vulnerability Preparedness (MVP) Action Grant!
- Fall Special Town Meeting to take place on Monday, Oct. 23, 2023 at 7pm in the Annex
- Call for volunteers! FY24 positions on Boards/Commissions/Committees. See [www.wnewbury.org/volunteer](http://www.wnewbury.org/volunteer)
- Reminder to subscribe for emailed Town agendas/news/announcements at [www.wnewbury.org/subscribe](http://www.wnewbury.org/subscribe)

**Regular Business**

- A. Request for appointment of Liam Grenham as Police Officer – *Police Chief Michael Dwyer*
- B. Notification of appointment of Michael Dwyer as Interim EMA Director
- C. Request for appointment of Jason Goldweber to Mill Pond Committee
- D. Select Board review of Committees' charge / function: Cable Advisory Committee
- E. Review of updated draft Warrant for Fall Special Town Meeting; discussion of draft articles, if needed
- F. Request for ARPA funding to support repair of sills / remedial masonry work at Page School
- G. Review employee requests for carry-over of unused FY23 vacation time until December 31, 2023
- H. Review of draft amendments to Personnel Policy; consideration of referral to public hearing
- I. Public Hearing to consider proposed amendments to Personnel Policy Sec. 1.4 Amendment of Policies
- J. Review of proposed amendments to Select Board policies: Agenda Items; Signs on Town Property
- K. Consideration of potential new policy to establish criteria for use of Town Facebook, email notifications, etc. for communications and publicity
- L. Clarification of policy regarding use of EV Charging Station revolving fund to pay related electric bills; potential revision to rate for use of charging stations
- M. Select Board liaison updates regarding recent or near-term Board / Commission / Committee activities
- N. Town Manager recommendations re draft Select Board/Town Manager Goals / Priorities for FY24
- O. Updates regarding Goals / Priorities; potential to initiate facilitated goal-setting/prioritization workshop
- P. Meeting minutes: September 14, 2023

**Town Manager Updates**

- Q. MVP Action Grant updates (regarding River Road resiliency planning); consideration of whether to pursue consolidated public outreach/planning event (with Rte. 113 corridor planning), or separate events
- R. Process to review request for Certificate of Approval to construct dwelling on land at 520 Main Street subject to Agricultural Preservation Restriction co-held by Select Board and Conservation Commission
- S. Community Compact grant application (filed Sept. 28 for new budgeting/capital planning software)
- T. Town Planner Report, September
- U. MS4 Annual Report (filed with U.S. EPA late September)
- V. Updates on other ongoing/active projects/initiatives
- W. Follow up meeting assignment; placing items for future agendas

**Addendum to Meeting Notice regarding Remote Participation**

Public participation in this meeting of the West Newbury Select Board will be available via remote participation. For this meeting, members of the public who wish to listen to the meeting may do so in the following manner:

**Zoom Meeting**

Phone: (646) 558 8656  
Meeting ID: 867 9969 8794  
Passcode: 264301

Join at: <https://us06web.zoom.us/j/86799698794?pwd=anlFNluli627aYmyVDuccNjzS4sZRC.1>

Every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the West Newbury website an audio or video recording of proceedings as soon as practicable after the meeting.



*In connection with the Town's 2023 Municipal Vulnerability Preparedness Grant concerning climate change impacts on River Road and environs*

West Newbury's Climate Change Resiliency Committee invites you to join a

## **Merrimack River Boat Tour**

*Kindness of: Yankee Clipper Harbor Tours*

*Funded by the Municipal Vulnerability Preparedness Action Grant*

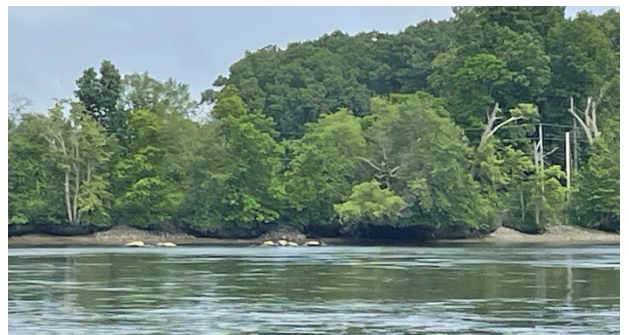
**When:** October 3, 2023 at 4-6 pm (rain date October 9, time TBA)

**Where:** Groveland Town Dock/Boat Ramp at Pines Recreation Area, 222 Main St, Groveland

**Parking:** Please use the parking lot by the baseball fields. The dock is a short walk down the driveway between the two baseball fields.



Come aboard for a waterside view of River Road and a discussion of its—and the Merrimack's—past, present, and future.



***Space is limited!***

Please RSVP to [Climate@WNewbury.org](mailto:Climate@WNewbury.org) with the number of attendees no later than 12pm Monday, October 2<sup>nd</sup>.



# TOWN OF WEST NEWBURY Police Department

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**Michael D. Dwyer**  
Police Chief

401 Main Street  
West Newbury, MA 01985  
978-363-1213  
978-363-1114 (Fax)  
dwyer@westnewburysafety.org

To: Angus Jennings, Town Manger

CC: Select Board

Date: September 24, 2023

RE: Full-time Police Officer Appointment – Liam Grenham

I am requesting the Select Board's appointment of Liam Grenham as a full-time police officer. Liam graduated from Pentucket Regional High School in 2018 and earned his bachelor's degree in criminal justice from Salem State University in 2023. He currently lives in Groveland with his family and has been working for the department as a part-time dispatcher. Liam has proven to be dependable, hardworking, and motivated to support our community.

Sincerely,

Michael Dwyer

September 30, 2023

Michael D. Dwyer  
Police Chief & Chief Engineer, Board of Fire Engineers  
6 Alpha Road  
Groveland, MA 01834

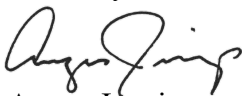
Dear Chief Dwyer,

This is to provide written notice of your appointment to serve as the Interim West Newbury Emergency Management Director, effective October 1, 2023. This confirms our conversations earlier this week, and reflects conversations with each of me and Select Board Chair Wendy Reed in the weeks since we received notice of the outgoing EMA Director's resignation. We are delighted by your willingness to serve in this position on top of your current duties and responsibilities, and we are thankful to you for doing so.

This appointment is on an interim basis solely to provide time to secure Board authorization of an EMA compensation structure for the FY24 budget year. As we have discussed, the Board's review/approval of my proposal will inform budgeting for all EMA stipends/wages. We'll benefit from our continued work together to get the EMA Director and Assistant Director job descriptions confirmed/formalized in the first part of October. An updated FY24 EMA compensation structure is expected to be taken up by the Board at its regularly scheduled meeting on Oct. 16<sup>th</sup>. Compensation will be retroactive to Oct. 1<sup>st</sup>.


Please respond at your first convenience to confirm your previous verbal acceptance of this interim appointment. And again, thank you for your continued and exceptional dedication and service to the Town of West Newbury.

Sincerely,



Angus Jennings  
Town Manager

I, Michael Dwyer, hereby accept this interim appointment from the Town of West Newbury under the terms outlined.

Signature  Date: 9/30/23

cc:           Select Board  
              Town Accountant  
              Personnel File



# Town of West Newbury Application for Appointment

For additional information please call 978-363-1100, ext. 110.

The Town appreciates your interest in serving. Please complete this form and return it to: Town Clerk, 381 Main Street, West Newbury, MA 01985 or email to: [townclerk@wnewbury.org](mailto:townclerk@wnewbury.org)

Name: Jason Goldweber

Address: [Redacted] 01985

e-mail: [Redacted]

Mobile phone: [Redacted] Home phone: NA

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

Mill Pond Committee

Current or past committees served on: None, West Newbury Firefighter

Relevant skills, expertise and education: BA from Hiram College on Environmental Studies, Hiker, Mountain Biker, Dog walker, kayak, canoe, fish, snowshoe in the Mill Pond area on a regular basis. Also currently participate in trail clean ups in the park area. Town Firefighter for 12 years.

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

Signature: [Handwritten Signature]

Date: 9/26/2023

Board/Committee \_\_\_\_\_

Appointing Authority \_\_\_\_\_

Date of Appointment \_\_\_\_\_ Sworn in \_\_\_\_\_

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

#### Appointed Boards, Commissions and Committees

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

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

Name of BCC	Cable Advisory Committee
Current Membership with Officers noted	<ol style="list-style-type: none"> <li>1. Kelly Scott –Chair</li> <li>2. Kevin Bowe – Member</li> <li>3. Empty</li> </ol>
Length of Terms	1 year
Meeting Schedule	Generally 1 <sup>st</sup> Thursday of every month 6:30 pm (flexible)
Location of Meetings	2 <sup>nd</sup> Floor Meeting Room
Responsibility for Posting Meeting Agenda	Kelly Scott
Responsibility for Taking Meeting Minutes	Kelly Scott
Responsibility for Updating Website	Kelly Scott
Town Staff Liaison/Support (if any)	Adam Stone - PEG Access Coordinator
BCC Charge (Review attached excerpt from the 2023 BCC Charge document and note any differences with your objectives)	Presented to Wendy Reed 9/7/2023
Accomplishments since the last Evaluation	<p>Purchased/implemented equipment upgrading the Server</p> <p>Purchased/implemented equipment for recording in 2<sup>nd</sup> Floor Meeting Room</p>
Priorities for the Next Year	<p>Formalize process for Citizens can borrow and utilize our Camera Field Kit</p> <p>Working toward making the PEG funding sustainable</p>
Two Year Priorities	Helping Select Board prepare for Contract negotiations with Verizon and Comcast
Five Year Priorities	Studio space for citizens to use
How can the Select Board/Town Manager better support the work of this BCC?	Help research the services in our purview and how we can negotiate robust contracts
Are there other BCC whose work overlaps with yours?	
Is there other input you wish to provide?	
Completed by	Kelly Scott
Date	9/7/2023



## **Cable Advisory Committee**

**Composition:** Variable membership, appointed

**Date of Creation:** Annual Town Meeting Article 14, April 27, 2015

**MGL Reference:** M.G.L. Ch. 44, § 53F¾

**Bylaw Reference:** N/A

**Other References:** Cable Television Renewal license, Verizon New England, Inc.  
Renewal Cable Television license, Comcast of Massachusetts I, Inc.

**Charge:**

# West Newbury CAC Draft Charge - draft prepared by CAC

## Background

Under Massachusetts regulations, an Issuing Authority (IA), such as the mayor of a city or the board of selectmen of a town, may appoint a Cable Advisory Committee (CAC) to advise the IA throughout the licensing process. The IA may, at its discretion, define the role and responsibilities of the CAC to the extent permitted under G.L. c. 166A. While an IA may delegate to a CAC the authority to negotiate a license agreement, an IA may not delegate authority to execute such an agreement.

The Select Board has issued a License Agreement to Comcast of Massachusetts I, Inc. for the period from April 1, 2017 through December 31, 2026, and Verizon New England Inc. for the period from September 8, 2020 through September 7, 2025; which authorizes the companies to provide non-exclusive cable television and other telecommunication services to homes and businesses in the Town of West Newbury. The agreements provide for the delivery of PEG Access (Public, Educational, and Governmental) Television services, defined in the agreements as “non-commercial programming developed by any West Newbury residents or organizations, schools, government entities and the use of facilities, equipment and/or channels of the Cable System in accordance with 47 U.S.C. 531 and this Renewal License”. Pursuant to section 6 of the agreement, Comcast makes one channel available to the Town for PEG access programming and allocates 1.5% of the company’s gross annual revenue in West Newbury to support PEG access programming. Pursuant to section 5 of the agreement, Verizon makes 3 SD PEG Access Channels available, with potential of a 4<sup>th</sup> HD channel, and allocates 1.5% of the company’s gross annual revenue in West Newbury, to support PEG access programming.

## Objective

The purpose of the Cable Advisory Committee is to monitor the effectiveness of West Newbury’s PEG Access services, and to help the Select Board ensure that those services conform to the requirements of the Comcast and Verizon franchise agreements while safeguarding the public’s interest in community television through policies promoting fairness, equal access, and non-discrimination. The committee is also intended to promote quality telecommunication services that reflect the interests and concerns of West Newbury residents. The committee will also assist the Select Board in adapting to new technologies as society moves from the traditional local cable television to more current telecommunication services.

## Membership

The Cable Advisory Committee shall be comprised of three voting members appointed by the Select Board. The term of office shall be three years. The committee shall be comprised of members representing a diversity of residents interested in communications, civics, education and community engagement.

1. To advise the Select Board and Town Manager on matters concerning PEG access television services, including comparing West Newbury's services to those of other communities and to the state of the industry in general.
2. To recommend broad policies on matters concerning PEG access television, including matters involving use of studio equipment, training of volunteers, access to studio space by citizens including students, and similar matters.
3. To ensure that West Newbury's PEGs services conform to all requirements of the Comcast and Verizon franchise agreements, as well as all applicable federal, state and local laws and regulations concerning PEG access services.
4. To solicit public feedback and make recommendations regarding the performance of PEG access operations including the ability to deliver a variety of quality PEG access programming offerings.
5. To make recommendations to the Select Board and Town Manager on media and communication initiatives that do not involve Comcast or Verizon including social media outlets and other methods of communicating with West Newbury residents.
6. To support the PEG service staff in creating, developing and promoting various and specialized courses which are necessary to enhance citizen and volunteer use and involvement in public access programming.
7. To assist the Select Board at the time of renegotiation of the cable television franchise agreement, to maximize the benefits to the community of cable television and other services during the term of the Comcast and Verizon agreements.
8. The PEG Access Advisory Committee may be requested to provide advice or guidance with respect to PEG Access operations and technological advancement initiatives, including expanded audio-visual communications and web-based programming.
9. To submit a comprehensive annual report regarding committee activities and efforts for inclusion in the Town's "Annual Town Report." Such submission should include an overview of the Committee's work during the prior year as well as an assessment of the community's access to PEG-related services and offerings.
10. To meet regularly, and annually, to elect a Chairperson and define annual goals.

### Other Considerations

The Cable Advisory Committee is responsible for conducting its activities in a manner which is in compliance with all relevant State and local laws and regulations, including but not limited to: Open Meeting Law, Public Records Law and Conflict of Interest Law.

Please note: Article numbers used here may change.

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

Essex, ss.

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

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

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

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**WATER ENTERPRISE FUND**  
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**ARTICLE 2.** To see if the Town will vote to amend the Expenses line in the FY24 Water Department budget, to reduce the budgeted line item from \$445,027.00, as set forth in the Fiscal Year 2024 Water Budget adopted under the Motion for Article 6 of the Annual Town Meeting on April 24, 2023, to \$375,027.00, or take any other action relative thereto. *By request of the Board of Water Commissioners.*

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

- 3 – Town Manager Technology Expenses; (increase from \$70,032 to \$76,455)
- 9 – Board of Registrars Salary & Wages; (increase from \$6,800 to \$8,400)
- 9 – Board of Registrars Expenses; (increase from \$8,250 to \$10,170)
- 21 – Pentucket Regional School Assessment; (decrease from \$7,871,758 to \$7,862,142)
- 21 – Pentucket Capital Assessment; (increase from \$1,123,070 to \$1,154,371)

- 22 – Essex North Shore Ag & Tech School; (increase from \$46,327 to \$94,110)
- 25 – Board of Health Steele Landfill Monitoring; (increase from \$36,315 to \$36,915)

and vote to raise and appropriate a sum or sums of money as may be necessary to defray the expenses of the Town for Fiscal Year 2024, or take any other action relative thereto. *By request of the Select Board.*

**ARTICLE 4.** To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$67,514.00 for the Pension Liability Stabilization Fund, or take any other action relative thereto. *By request of the Select Board.*

**ARTICLE 5.** To see if the town will vote to transfer and/or appropriate from available funds the sum of \$50,000.00 for costs associated with identification and evaluation of sites with potential to support development of public well fields, to include all necessary expenses associated there with. *By request of the Select Board.*

**ARTICLE 6.** To see if the Town will vote to transfer from available funds the sum of \$20,000.00 for the purpose of engaging consultant support relative to the FY25 assessing revaluation, including all incidental and related expenses, or take any other action relative thereto. *By request of the Board of Assessors.*

**ARTICLE 7.** To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$28,000.00 to fund the purchase of police/fire audio recording, playback and archiving equipment for use by Police, Fire and Dispatch personnel, including associated training and setup costs, or take any other action relative thereto. *By request of the Police Chief.*

**ARTICLE 8.** To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$7,400.00 to fund the purchase of gas meters for use by Fire personnel and other first responders, including associated training and setup costs, or take any other action relative thereto. *By request of the Fire Chief Engineer.*

**ARTICLE 9.** To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$12,000.00 to fund the purchase of a portable speed monitoring trailer, including associated training and setup costs, and pedestrian safety signs, or take any other action relative thereto. *By request of the Police Chief.*

**ARTICLE 10.** To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$50,000.00 to fund professional invasive species management on town owned land, or take any other action relative thereto. *By request of the Select Board.*

**ARTICLE 11.** Funds for invasive species intern/steward program, for early summer 2024. To see if the Town will vote to transfer from available funds the sum of \$3,500.00 for all costs and expenses pertaining to identifying, mapping and remediating invasive species on public lands in the Town of West Newbury, including all incidental and related expenses, or take any other action relative thereto. *By request of the Select Board.*

**ARTICLE 12.** To see if the Town will vote to transfer from available funds the sum of \$2,430.00 to fund the payment of unpaid bills incurred from the previous fiscal year, or take any other action relative thereto. *By request of the Select Board.*

**ARTICLE 13.** No Article.

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

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**BY-LAWS - OTHERS**

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**ARTICLE 15.** To see if the Town will vote to amend the West Newbury Zoning By-law by deleting in its entirety existing Section 7 (including 7.1.-7.4) and replacing it with a new Section 7 (including 7.1-7.9), Nonconforming Uses and Structures; and further to authorize the Town Clerk to make any non-substantive, ministerial changes to numbering and formatting to ensure consistency with the remainder of the Zoning By-law, or take any action relative thereto. *By request of the Planning Board.*

**ARTICLE 16.** To see if the Town will vote to amend the West Newbury Zoning By-law by revising Section 2 Definitions, and by adding a new Section 4.2.4 Accessory Dwelling Unit (ADU) Bylaw; and further to authorize the Town Clerk's office to make any non-substantive, ministerial changes to numbering and formatting to ensure consistency with the remainder of the By-law, or take any other action relative thereto. *By request of the Planning Board.*

**ARTICLE 17.** To see if the Town will vote to amend the West Newbury Town Bylaws to delete in its entirety Section XXXIX Short Term Rentals Bylaw, and further, to authorize the Town Clerk to make any non-substantive, ministerial changes to numbering and formatting, so as to ensure consistency with the rest of the Town Bylaws, as necessary, or take any other action relative thereto. *By request of the Select Board.*

**ARTICLE 18.** To see if the Town will vote to repeal the Personnel Bylaw, adopted at the third session of the 1999 Annual Town Meeting, in its entirety. *By request of the Select Board.*

**ARTICLE 19.** To see if the Town will vote to accept the provisions of Mass. Gen. Laws Ch. 59 Sec. 21A regarding certification stipends to Assessors. *By request of the Select Board.*

**ARTICLE 20.** To see if the Town will vote to accept the provisions of Mass. Gen. Laws Ch. 41 Sec. 19K regarding certification stipends to Town Clerks. *By request of the Select Board.*

**ARTICLE 21.** To see if the Town will vote to accept the provisions of Mass. Gen. Laws Ch. 41 Sec. 108P regarding certification stipends to Treasurer/ Collectors. *By request of the Select Board.*

**ARTICLE 22.** To see if the Town will vote to amend Section XL of the Town Bylaws by adding sections 5.7.1 thru 5.7.5 in order to establish a revolving fund for revenues and expenses associated with Council on Aging programs:

5.7.1 Council on Aging Program Revolving Fund.

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

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

5.7.4 Purposes and Expenditures. During each fiscal year, the Town may incur liabilities against and spend monies from the Council on Aging Program Revolving Fund for the payment of expenses for programs, events, trips, transportation and related expenses. The Council on Aging Director shall have authority to expend from such fund a maximum of \$30,000 per fiscal year.

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

*By request of the Council on Aging.*

**ARTICLE 23.** To see if the Town, in accordance with Massachusetts General Laws Chapter 44, Section 53E½, and Section XL of the By-laws of the Town of West Newbury, will fix the maximum amount that may be spent during the fiscal year beginning on July 1, 2023 for the revolving funds established in town bylaws, as set forth below for certain departments, boards, committees, agencies or officers, with such expenditure limits to be applicable for each fiscal year until such time as Town Meeting votes, prior to July 1 for the ensuing fiscal year, to revise the same; or take any other action relative thereto:

- Section 5.7 Council on Aging Revolving Fund \$ 30,000.00

*By request of the Council on Aging.*

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

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

LOCATIONS TO POST WARRANT:

Town Hall  
1910 Town Office Building  
G.A.R. Memorial Library  
Public Safety Building  
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 \_\_\_\_ day of October, 2023.

SELECT BOARD:

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

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

\_\_\_\_\_  
Christopher Wile

A true copy, Attested:

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





# Town of West Newbury

381 Main Street

West Newbury, Massachusetts 01985

Angus Jennings, Town Manager

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

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

TO: Select Board  
 FROM: Angus Jennings, Town Manager  
 DATE: September 30, 2023  
 RE: Recommendation to retain Tax Relief article on STM Warrant

This is to document my and the Town Accountant’s recommendation regarding the potential transfer of Free Cash to offset the FY24 tax rate. In conversations with individual Board members since the meeting on Wednesday, I have become aware that my recommendation regarding the draft article may not have come through clearly at the meeting; my memo of Sept. 25 (“RE: Estimated FY24 tax rate and potential Free Cash transfer”) provided context but not a clear recommendation.

This memo is to clarify that the Finance Department and my office recommend inclusion of an article on the Fall STM warrant to transfer free cash to offset the FY24 tax rate.

The following includes new information, not available at the Sept. 27 meeting, and also summarizes the basis of our recommendation to retain an article on the STM warrant:

- The operating budget increased 3.2% in FY24 (relative to FY23). Ideally, the average tax bill would not exceed by a greater percentage than the increase in operating budget.
- If all draft STM articles are combined, the aggregate cost to Free Cash will be approx. \$240,844.

(This number may decrease or increase somewhat depending on the final form of warrant, incl. resolving a couple of draft amounts re water study/testing and Police equipment). This amount is considerably lower than I had verbally estimated at Wednesday’s meeting; I had been looking quickly at a working file Excel workbook, and this workbook has since been proofed/updated.

- Although not codified in written policy, Free Cash transfers have been a consistent practice dating back to FY2017, in an average annual amount of \$221k. (See Table to right). We believe that taxpayers should be given the opportunity to decide whether to continue this practice or not.

Free Cash Trends, FY16-FY23

Fiscal Year	Year-End Certified Free Cash <sup>1</sup>	Free Cash transfer to reduce Tax Rate <sup>2</sup>
FY24	TBD	\$ -
FY23	\$ 2,386,317	\$ 250,000
FY22	\$ 2,128,806	\$ 200,000
FY21	\$ 1,749,980	\$ -
FY20	\$ 1,954,878	\$ 400,000
FY19	\$ 2,102,586	\$ 220,000
FY18	\$ 1,718,985	\$ 114,000
FY17	\$ 1,824,005	\$ 144,300
FY16	\$ 1,892,315	\$ -

Avg (FY17-23)	\$ 189,757
---------------	------------

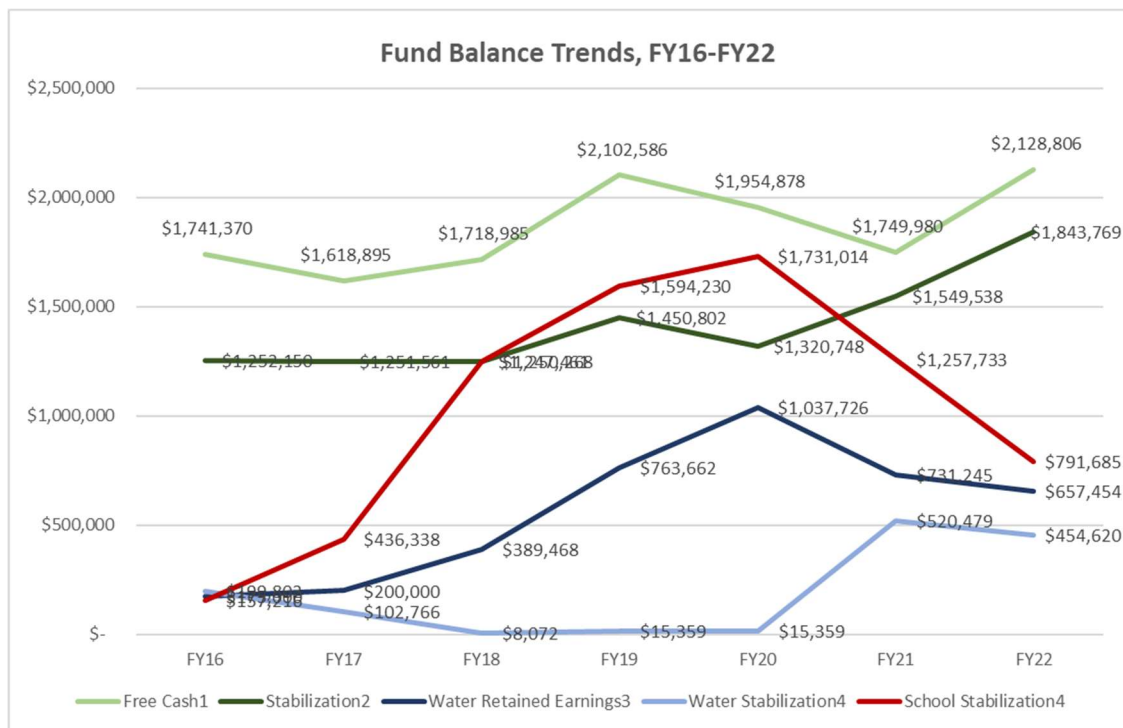
<sup>1</sup> Source: MA DOR Form B-1, FY15-FY23

<sup>2</sup> Source: MA DOR Tax Rate Recaps, Item IIIId, FY16-FY23

\* Note: In FY21 the Town did allocate \$220,000 of Overlay Surplus in order to reduce the FY21 Tax Rate. If that amount were to be included in the table above, the FY17-23 average would be \$221,186.

Source: Angus Jennings, Town Manager

- As we have discussed with the Board and Finance Committee on many occasions, the Finance Department’s annual projections of non-tax revenues – a key ingredient in the Tax Rate Recap – include significant conservatism. This is mandated by MassDOR policy and guidelines. Over the past four fiscal years, actual non-tax revenues have exceeded projected revenues by an average of \$194k/year. (See attached table, Local Receipts FY20-23). A similar overage is reasonable to project for FY24.
- Due to a combination of conservative budgeting and underspending, the operating budget has turned back an average aggregate amount of \$498k over the past four fiscal years. (See attached table, Omnibus Budget FY20-23). Although trending downward, the Town can reasonably project substantial turnbacks for FY24.
- The following trend lines – prepared and circulated to the Board, Finance Committee and Capital Improvements Committee, among others, during the FY24 budget cycle – show healthy and improving balances in Free Cash and Stabilization accounts:



Although not yet updated to reflect FY23 year-end closeout (which will coincide with closeout of FY23 Audit), the FY23 Free Cash certification illustrates one area of known, further improvement since the data shown here. Notwithstanding that there are still – as always – some “moving parts” with regard to future capital project costs (incl. the potential for significant changes to Town capital liabilities, depending on the outcome of future policy decisions regarding, especially, water and school), the Town is in excellent financial condition.

Through Town Meeting, taxpayers are entitled and required to approve, amend and approve, or may reject, the Town budget and sections thereof. The impact of this decision on taxpayers’ wallets – measured purely in dollars – is analogous to a budgetary line item of comparable amount to prior years’ average transfers. Just as taxpayers approve the allocation of the budget, it seems appropriate that they would also have a role in such a consequential decision regarding the use of Free Cash.

cc: Town Accountant, Finance Committee

<b>Local Receipts: FY20-FY23</b>								
	<u>6/30/2020</u>		<u>6/30/2021</u>		<u>6/30/2022</u>		<u>6/30/2023</u>	
	<u>Estimated</u>	<u>Actual</u>	<u>Estimated</u>	<u>Actual</u>	<u>Estimated</u>	<u>Actual</u>	<u>Estimated</u>	<u>Actual</u>
Motor Vehicle	\$ 810,000	\$ 784,124	\$ 743,580	\$ 814,348	\$ 775,000	\$ 858,791	\$ 870,000	\$ 839,490
Other Excise	\$ 1,600	\$ 1,750	\$ 1,600	\$ 1,617	\$ 1,600	\$ 2,076	\$ 1,800	\$ 881
Pen & Int Taxes & Excise	\$ 39,185	\$ 55,885	\$ 45,000	\$ 59,004	\$ 45,000	\$ 70,988	\$ 55,000	\$ 43,730
PILOT	\$ 14,000	\$ 19,494	\$ 15,000	\$ 53,368	\$ 42,443	\$ 89,829	\$ 20,000	\$ 52,497
Rentals	\$ 145,000	\$ 122,144	\$ 122,309	\$ 138,273	\$ 160,625	\$ 161,014	\$ 161,014	\$ 168,185
Other Dept Rev	\$ 17,000	\$ 17,585	\$ 17,000	\$ 24,977	\$ 20,000	\$ 25,231	\$ 27,000	\$ 18,210
Lic & Permits	\$ 220,000	\$ 267,024	\$ 249,859	\$ 227,541	\$ 200,000	\$ 192,043	\$ 197,162	\$ 257,161
Fines & Forfeits	\$ 15,000	\$ 12,096	\$ 12,000	\$ 9,070	\$ 10,000	\$ 13,604	\$ 12,000	\$ 9,738
Invest Income	\$ 70,000	\$ 60,478	\$ 34,430	\$ 21,373	\$ 20,000	\$ 7,765	\$ 14,000	\$ 112,495
Misc Recurring	\$ 26,000	\$ 26,000	\$ 30,000	\$ 30,000	\$ 30,750	\$ 30,750	\$ 31,518	\$ 38,606
Misc Non-recurring		\$ 1,072		\$ 72,948		\$ 48,717		\$ 53,154
<b>Total</b>	<b>\$ 1,357,785</b>	<b>\$ 1,367,652</b>	<b>\$ 1,270,778</b>	<b>\$ 1,452,519</b>	<b>\$ 1,305,418</b>	<b>\$ 1,500,809</b>	<b>\$ 1,389,494</b>	<b>\$ 1,594,147</b>
	<b>\$9,867</b>		<b>\$181,741</b>		<b>\$195,390</b>		<b>\$204,654</b>	

**\$193,928**

Average

<b>Omnibus Budget: FY20-FY23</b>								
	<u>6/30/2020</u>		<u>6/30/2021</u>		<u>6/30/2022</u>		<u>6/30/2023</u>	
	<u>Budget</u>	<u>Actual</u>	<u>Budget</u>	<u>Actual</u>	<u>Budget</u>	<u>Actual</u>	<u>Budget</u>	<u>Actual</u>
<b>Total</b>	<b>\$ 16,587,263</b>	<b>\$ 16,012,637</b>	<b>\$ 17,318,830</b>	<b>\$ 16,736,939</b>	<b>\$ 18,262,839</b>	<b>\$ 17,805,088</b>	<b>\$ 18,276,431</b>	<b>\$ 17,822,917</b>
	<b>\$574,626</b>		<b>\$581,891</b>		<b>\$457,750</b>		<b>\$453,514</b>	

**\$497,718**

Average

Source: Jennifer Walsh, Town Accountant



# PENTUCKET REGIONAL SCHOOL DISTRICT

OFFICE OF THE SUPERINTENDENT  
22 MAIN STREET  
WEST NEWBURY, MASSACHUSETTS 01985-1897  
TEL: (978) 363-2280 / FAX: (978) 363-1165

**Justin Bartholomew, Ed.D.** *Superintendent of Schools*    **Brent Conway** *Assistant Superintendent*    **Catherine Page** *IT & Digital Learning Director*    **Greg A. Labrecque** *Business Manager*    **Michael A. Jarvis, Ed.D.** *Director of Student Services*

September 27, 2023

Mr. Angus Jennings, Town Manager  
West Newbury Town Hall  
381 Main Street  
West Newbury, MA 01985

RECEIVED  
SEP 29 2023  
TOWN MANAGER  
TOWN OF WEST NEWBURY

Dear Mr. Jennings:

The Pentucket Regional School District's School Committee approved an operating budget for fiscal year 2024 at their meeting held on September 26, 2023. Based upon that approved budget, West Newbury's assessment for FY24 totals **\$9,496,351.00**. The attached calculation, which is in accordance with the Pentucket Regional School District Regional Agreement and Bylaws as well as Chapter 70, section 6 of the Massachusetts General Laws, provides the details for your assessment.

If you have any questions, please feel free to contact us at 978-363-2280, extension 132.

Sincerely,

Justin Bartholomew  
Superintendent of Schools

Rebekah Hayden  
Treasurer

cc: Board of Selectmen  
Finance Committee

enclosure: Assessment calculation

RECEIVED  
 SEP 29 2023  
 TOWN MANAGER  
 TOWN OF WEST NEWBURY

**FY24 Town Assessments**

**Pentucket Regional School District Operating and Capital Assessment Worksheet for FY24**

General Fund Budget	\$	50,720,090
Operating	\$	45,057,476
District Wide Capital	\$	4,659,900
Town Specific Capital	\$	1,002,714

<b>Town Assessment Calculations</b>	<b>Two Step Methodology</b>
-------------------------------------	-----------------------------

Operating Budget	\$	45,057,476
Revenue In	\$	15,724,096
Amount Assessed to Towns	\$	29,333,380

<b>Minimum Contributions- DOE</b>
-----------------------------------

Groveland		7,848,340
Merrimac		7,031,799
West Newbury		5,668,857
<b>Total</b>		<b>20,548,996</b>

<b>Amount Above Minimum</b>
-----------------------------

Total Assessment To Towns	\$	29,333,380
Total Minimum Contributions	\$	20,548,996
Difference ( Assessment- Total Minimum)	\$	8,784,384

<b>Per Pupil Assessment</b>	<b>Actual ratio</b>
-----------------------------	---------------------

	Difference	Enrollment	2 Town %	3 Town %	Total Above Minimum		
Groveland	\$ 8,784,384	X	0.52292	0.39236	=	\$	3,446,641
Merrimac	\$ 8,784,384	X	0.47708	0.35796	=	\$	3,144,458
West Newbury	\$ 8,784,384	X		0.24968	=	\$	2,193,285
<b>Total</b>			<b>1.000000</b>	<b>1.000000</b>		<b>\$</b>	<b>8,784,384</b>

<b>Minimum + Percentage Above Minimum = Local Assessment</b>
--

Groveland	\$ 7,848,340	+	\$ 3,446,641	\$	11,294,981
Merrimac	\$ 7,031,799	+	\$ 3,144,458	\$	10,176,257
West Newbury	\$ 5,668,857	+	\$ 2,193,285	\$	7,862,142
<b>Total</b>	<b>\$ 20,548,996</b>		<b>\$ 8,784,384</b>	<b>\$</b>	<b>29,333,380</b>

**District Wide Capital Assessment**

Three Town Debt Service	\$	4,623,400
Two Town Debt Service	\$	36,500
State Construction Aid	\$	-
Amount Assessed to Towns	\$	4,659,900

	FY 23 Total Capital Assessment	FY 24 Three Town Capital Assessment	FY 24 Two Town Capital Assessment	FY 24 Total Capital Assessment
Groveland	\$ 1,793,158	\$ 1,814,037	\$ 19,087	\$ 1,833,124
Merrimac	\$ 1,634,341	\$ 1,654,992	\$ 17,413	\$ 1,672,405
West Newbury	\$ 1,232,822	\$ 1,154,371		\$ 1,154,371
Total	\$ 4,660,321	\$ 4,623,400	\$ 36,500	\$ 4,659,900

**Town Specific Capital Assessment**

	FY24 QECB Debt Service	FY24 QECB Subsidy	FY24 G.O. Debt Service	FY24 Total Town Specific Capital Assessment
Groveland	\$ 92,563	\$ (13,191)	\$ 327,807	\$ 407,179
Merrimac	\$ 110,446	\$ (15,149)	\$ 20,400	\$ 115,697
West Newbury	\$ 131,213	\$ (18,660)	\$ 367,285	\$ 479,838
Total	\$ 334,222	\$ (47,000)	\$ 715,492	\$ 1,002,714

**FY 24 Total Town Assessment**

	FY 24 Operating Assessment	FY 24 DW Capital Assessment	FY 24 Town Specific Capital Assessment	FY 24 Total Assessment
Groveland	\$ 11,294,981	\$ 1,833,124	\$ 407,179	\$ 13,535,284
Merrimac	\$ 10,176,257	\$ 1,672,405	\$ 115,697	\$ 11,964,359
West Newbury	\$ 7,862,142	\$ 1,154,371	\$ 479,838	\$ 9,496,351
Total	\$ 29,333,380	\$ 4,659,900	\$ 1,002,714	\$ 34,995,994

[REDACTED]

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**Sent:** Friday, September 29, 2023 12:27 PM  
**To:** Wendy Reed; Town Manager  
**Cc:** Town Accountant; Michael Dwyer; Town Clerk  
**Subject:** Re: FY24 S&I Grant, Additional Funding

I like the former also. In addition, the rationale can be easily adjusted to reflect the known circumstances at the time of publication. There is no harm in showing that we supported the higher amount whilst pursuing the grant, which was clearly successful.

Once we know how the Chair of the Select Board would want to proceed, we should give Ross a heads-up since he is writing all Public Safety rationales.

Congratulations Chief Dwyer and Sergeant Parenteau. Very well done.

On Thursday, September 28, 2023 at 08:58:43 AM EDT, Town Manager <townmanager@wnewbury.org> wrote:

Wendy, Rob,

Please see below/attached. We knew this might happen, but didn't have confirmation til this AM. We can proceed as Chief Dwyer suggests, with a modified Motion at the lower amount. Or, if you two would like to take this up at the 10/2 and 10/4 mtgs, respectively, the Article could be revised to reflect the lower amount. The latter would give voters a more accurate FinCom booklet; the former would result in more direct understanding, by voters at Town Meeting, that the efforts of the P.D. directly reduced local costs. On balance, I favor the former approach, but adding content to the booklet rationale, and stating on the floor of Town Meeting, that the Department secured a grant to reduce what the costs otherwise would have been.

Thanks,

Angus

Angus Jennings, Town Manager

Town of West Newbury

Town Office Building

381 Main Street

West Newbury, MA 01985

(978) 363-1100 x111

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

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**From:** Michael Dwyer <dwyer@westnewburysafety.org>  
**Sent:** Thursday, September 28, 2023 8:20 AM  
**To:** Town Manager <townmanager@wnewbury.org>  
**Cc:** Town Accountant <townaccountant@wnewbury.org>  
**Subject:** FW: FY24 S&I Grant, Additional Funding

Hi Angus,

Attached is the award letter from State 911 regarding a one-time payment to the FY24 Support and Incentive Grant. This funding will allow us to order the electronic audio recorder and reduce the special article cost to the town. I will take care of the paperwork and forward for signatures. You and I can follow up prior to the fall town meeting to coordinate the motion to amend the special article reducing it to \$10,000. This will cover the cost of the year 2–5 service contract that the grant will not cover.

I want to again commend Sgt. Parenteau for his hard work with this project. It was dropped on us at the 11<sup>th</sup> hour during the more challenging time of the budget/FY cycle. After hours and hours (many of them off shift) of follow up calls, emails, quotes, and webinars he was able to find the best solution for public safety and to the taxpayer.

Thanks,  
Mike

---

Good Afternoon,



Attached is a letter from our Executive Director, Frank Pozniak regarding your request for a one-time increase in funding under the **FY2024 Support and Incentive Grant program** for the purchase of a Digital Logging Recorder.

Please complete the **attached supplemental application** for just the amount of your one-time increase, **\$13,111** and the highlighted sections of the contract amendment form.

Please **mail** these to my attention at our address in Middleborough.

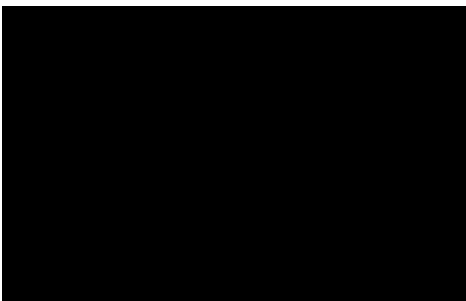
Thank you,

Cindy

*Cindy Reynolds*

*Grants Specialist*

**State 911 Department**



Forms | Applications | EMD Resources | Approved Trainings | [www.mass.gov/E911](http://www.mass.gov/E911)



**Town of West Newbury  
SLFRF - State and Local Fiscal Recovery Funds ARPA  
Project Request Form**

Please complete this form and attach any additional paperwork to support your request.

<b>Date:</b>	9/29/2023
<b>Project Name:</b>	Page School Remedial Masonry / Sills Repairs
<b>Project ID: (accounting use only)</b>	ARPA-04
<b>Expense Category:</b>	6.1 Provision of Government Services
<b>Description of Project: (50-250 words)</b>	The sills along the exterior of the Page School are in need of repair and pose a potential danger of falling and injuring persons below. Town Meeting expended funds to diagnose the situation more specifically, and to assist with procurement. The Town engaged consulting support, and a draft RFP is ready; however, the RFP would not be issued until an appropriation is available to support the actual work. Allocation of ARPA funds would allow the repair work to move forward more quickly than if we wait for a Spring Town Meeting appropriation, and would help ensure the safety and wellbeing of the public.
<b>Estimated Project cost</b>	\$45,000
<b>Status of completion:</b>	Scope and procurement documents complete.
<b>Which FY will these expenses occur:</b>	FY24

**Dept head approval/Date** Angus Jennings, Town Manager

**Select Board approval/Date**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Accounting approval/Date**  
\_\_\_\_\_



**Town of West Newbury**  
Office of  
Inspectional Services  
West Newbury, MA 01885  
Phone: 978-363-1100 x122

TO: Board of Selectmen, Town Manager  
FROM: Sam Joslin, Building Commissioner  
DATE: September 20, 2023  
SUBJECT: Page School – masonry issue

Based on recent visits to the Page School in preparation for Gienapp Architect's conditions assessment, it has been brought to my attention the concrete sills are cracking and spalling leading to pieces of them becoming loose. 780 CMR The State Building Code Section 102.8 Maintenance of Existing Buildings and Structures, requires all buildings to be maintained in a safe and operable condition. These sills should be addressed while it is still an issue of maintenance. Further degradation of the sills may result in enforcement to immediately correct if the condition becomes unsafe as outlined in 780 CMR Section 116 potentially resulting in a disruption of operations of the school.

If you have any questions regarding this matter, please do not hesitate to contact me.

Respectfully,

  
Sam Joslin  
West Newbury Building Commissioner

August 24, 2023

Angus Jennings, Town Manager  
Town of West Newbury  
381 Main Street  
West Newbury, MA 01985

via email: townmanager@wnewbury.org

**RE: Page Elementary School Conditions Assessment – Stone Evaluation  
Contract Amendment**

Dear Mr. Jennings:

This is to request an amendment for our contract for Architectural and Engineering Services for the Page Elementary School Conditions Assessment project at 694 Main Street in West Newbury, MA. This scope of this amendment includes the following:

- A. Study and Design
  - A.1. Review the condition of the cast stone around the building. We understand that some masonry appears to be loose and is falling off the building.
  - A.2. Develop a scope of work to stabilize the stone. A more thorough repair will depend on the Town’s plans for the building.
- B. Bidding
  - B.1. Assist the Town with developing an RFP to solicit quotes from contractors to do further investigation and stone stabilization.
  - B.2. Provide support during the solicitation process.
- C. Construction Administration
  - C.1. Provide construction administration support during the contractor’s investigation and stabilization work.



We propose to provide **hourly architectural services** based on the attached rate sheet, on a monthly basis or upon completion of your project in less than thirty days. The following indicates Not To Exceed (NTE) amounts for each of the above phases. If we approach these values, we will notify the Town prior to proceeding.

	<b>Fee</b>	<b>Subtotal</b>
A Study and Design	\$ 11,500	
B Bidding	\$ 2,000	
C Construction Administration	<u>\$ 6,500</u>	
<b>D Total</b>		<b>\$ 20,000</b>

Sincerely,

Accepted

*Imelda R. Barnhurst*

Imelda R. Barnhurst, AIA, LEED AP BD+C  
Gienapp Architects, LLC

*Angus Jennings* 8/25/23  
 \_\_\_\_\_  
 for Town of West Newbury DATE

Payable from: 02-122-3590-021061 (ATM 51422 A14)

Encl: Schedule of Billing Rates and Reproduction Charges, Schedule of Terms and Conditions of Letter Agreement between Owner and Architect, 2023

THE COMMONWEALTH OF MASSACHUSETTS

# TOWN OF WEST NEWBURY

---

INSERT AGENCY ADDRESS



Town of  
**West Newbury**  
Massachusetts

## Request for Proposal (RFP)

### PAGE ELEMENTARY SCHOOL REMEDIAL MASONRY WORK

**COMMBUYS Bid#: <Bid# assigned automatically by COMMBUYS in the Bid# field  
when the draft Bid is created>**

**<DATE>**

Please Note: This is a single document associated with a complete Bid (also referred to as Solicitation) that may be found on [COMMBUYS](http://www.commbuys.com) (www..com). Bidders are responsible for reviewing and adhering to all information, forms, and requirements for the entire Bid, which are incorporated into the Bid. Bidders also may contact the OSD Help Desk at [OSDHelpDesk@mass.gov](mailto:OSDHelpDesk@mass.gov) or by phone at 1-888-MA-STATE (627-8283). The OSD Help Desk is staffed from 8:00 p.m. to 5:00 p.m. Monday through Friday, Eastern Time, except during federal, state, and Suffolk county holidays.

<b>1</b>	<b><u>RFP INTRODUCTION AND GENERAL DESCRIPTION</u></b>	<b>1</b>
1.1	Procurement Scope and Description	1
1.2	Applicable Procurement Law	1
1.3	Number of awards	1
1.4	Contract Duration	1
1.5	Estimated Value of the Contract	1
1.6	Site Inspection	1
<b>2</b>	<b><u>SPECIFICATIONS</u></b>	<b>1</b>
2.1	Bidder Qualifications	1
2.1.1	Company experience	1
2.1.2	References and reference information and/or requirements	1
2.1.3	Employee requirements	1
2.1.4	Labor rates or project based compensation	1
<b>3</b>	<b><u>HOW TO SUBMIT A QUOTE</u></b>	<b>2</b>
3.1	Withdrawing a Quote	2
3.1.1	Prior to Bid Opening Date/Time	2
3.1.2	After Bid Opening Date/Time	2
3.2	Additional Quote Terms	2
3.2.1	Prohibition regarding contract terms	2
<b>4</b>	<b><u>APPENDIX 1 – REQUIRED TERMS FOR ALL RFPS</u></b>	<b>3</b>
4.1	General Procurement Information	3
4.1.1	Alterations	3
4.1.2	Ownership of Submitted Quotes	3
4.1.3	Prohibitions	3
4.2	Terms and Requirements Pertaining to Awarded Contracts	3
4.2.1	Commonwealth Tax Exemption	3
4.2.2	Contractor’s Contact Information	3
4.2.3	Publicity	4
<b>5</b>	<b><u>APPENDIX 2 - RFP - REQUIRED SPECIFICATIONS</u></b>	<b>4</b>

APPENDIX7 Glossary

## 1 RFP INTRODUCTION AND GENERAL DESCRIPTION

### 1.1 Procurement Scope and Description

The Town of West Newbury is soliciting Bidders to inspect and remove damaged cast stone masonry in selected exterior areas at the Page School.

Background information

The Page School has areas of cracked and/or otherwise damaged cast stone masonry (precast concrete) which are in danger of detaching from the building and present a danger to bystanders. The Town is soliciting proposals from contractors to identify and remove stones which show visible cracks or which are otherwise unsound. It is anticipated that approximately 2 cubic yards of stone will be removed.

### 1.2 Applicable Procurement Law

This RFP is issued under the following law(s):

- MGL c.149§44A.

### 1.3 Number of awards

One contract will be awarded.

### 1.4 Contract Duration

The Work shall commence upon issue of Notice to Proceed. However, work must be performed while school is not in session (either after school hours or on days in which school is not in session). See attached School Calendar for reference.

### 1.5 Estimated Value of the Contract

The estimated construction cost for this project is \$45,000.

### 1.6 Site Inspection

Bidders are encouraged to visit the site  
conference will be held on TBD. Contact

## 2 SPECIFICATIONS

Additional required terms appear in the Appendices to this RFP.

### 2.1 Bidder Qualifications

#### 2.1.1 Company experience

Contractor experienced in the type of work required for this Contract.

#### 2.1.2 References and reference information and/or requirements

Bidders shall provide at least three (3) references, for projects similar in size and scope.

#### 2.1.3 Employee requirements

On-site contractor personnel are subject to CORI check requirements.

#### 2.1.4 Labor and Materials Payment Bond:

Contractor shall furnish a Labor and Materials Payment Bond in the amount of 50 percent of the Contract Amount.

#### 2.1.5 Unit Prices

In the event that cast stone removal work beyond the anticipated scope of this Contract is deemed necessary by the Architect and the Awarding Authority, additional work shall be compensated based on

the following Unit Price Schedule. Contractor shall submit proposed Unit Price where indicated on the Form of General Bid ,

<u>Unit Price Item</u>	<u>Unit of Measure</u>
Additional Work Day:	One day of work, for 3 employees and Lift.

### **2.1.6 Labor rates or project based compensation**

This Contract requires the payment of prevailing wages pursuant to G.L. c. 149, Sections 26 through 27D (construction); Section 27F (trucks, vehicles, and other equipment performing public works functions (non-construction); The Awarding Authority has a legal obligation to request a prevailing wage schedule from the [Department of Labor Standards \(DLS\)](http://www.mass.gov/dols) at <http://www.mass.gov/dols> and to ensure that annual updates are requested pursuant to G.L. c. 149 s. 27. In addition, bidders and proposers must agree to comply with the Prevailing Wage Law, as administered by the DLS. Questions regarding the Prevailing Wage Law may be answered by accessing the [DLS website](http://www.mass.gov/dols) at [www.mass.gov/dols](http://www.mass.gov/dols) or by calling the DLS Prevailing Wage Program at (617) 626-6953.

## **3 HOW TO SUBMIT A QUOTE**

Quotes shall be submitted in writing, on the attached "Form of General Bid" document.

Submit quotes **by email** to:

Christine Wallace, DPW Program and Project Manager  
[dpwprojects@wnesbury.org](mailto:dpwprojects@wnesbury.org)  
Department of Public Works  
Town of Newbury  
381 Main Street  
West Newbury, MA 01985

The deadline for submitting a quote is \_\_\_\_\_ at \_\_\_\_\_ AM.

### **3.1 Withdrawing a Quote**

#### **3.1.1 Prior to Bid Opening Date/Time**

Quotes may be withdrawn prior to the Bid Opening Date/Time by notifying the Town at the above address.

#### **3.1.2 After Bid Opening Date/Time**

Quotes may not be withdrawn after the Bid Opening Date/Time. If the Bidder wants to remove a Quote from consideration, contact the Strategic Sourcing Services Lead for guidance.

### **3.2 Additional Quote Terms**

#### **3.2.1 Prohibition regarding contract terms**

Bidders must not, as part of their Quote, propose additional contractual terms, or supplemental or clarifying language pertaining to contractual terms, even if the proposed additions/clarifications are not in conflict with the Commonwealth Terms and Conditions, the Standard Contract Form, or other documents comprising this RFP. Contracting Departments expect that all Statewide Contracts incorporate the same terms and conditions and only those terms and conditions. Contractors who wish to propose additional non-conflicting contractual terms, or supplemental or clarifying language, may do



so ONLY on a case-by-case basis, negotiated for each specific engagement and memorialized in the Project Statement of Work.

## **4 APPENDIX 1 – REQUIRED TERMS FOR ALL RFP’S**

### **4.1 General Procurement Information**

#### **4.1.1 Alterations**

Bidders may not alter (manually or electronically) the Bid language or any Bid component files, except as directed in the RFP . Modifications to the body of the Bid, specifications, terms and conditions, or which change the intent of this Bid are prohibited and may disqualify a Bid.

#### **4.1.2 Ownership of Submitted Quotes**

The Town of West Newbury shall be under no obligation to return materials submitted by a Bidder in response to this Bid. All materials submitted by Bidders become the property of the Commonwealth of Massachusetts and will not be returned to the Bidder. The Commonwealth reserves the right to use any ideas, concepts, or configurations that are presented in a Bidder’s Quote, whether or not the Quote is selected for Contract award.

#### **4.1.3 Prohibitions**

Bidders are prohibited from communicating directly with any employee of the procuring Department or any member of the Town of West Newbury regarding this RFP except as specified in this RFP, and no other individual Town employee or representative is authorized to provide information or respond to questions or inquiries concerning this RFP. Bidders may contact the individual listed in contact information section of the Header Information this Bid in the event that this RFP is incomplete or information is missing.

In addition to the certifications found in the Commonwealth’s Standard Contract Form, by submitting a Quote, the Bidder certifies that the Quote has been arrived at independently and has been submitted without any communication, collaboration, or without any agreement, understanding, or planned common course of action with any other Bidder of the commodities and/or services described in the RFP.

### **4.2 Terms and Requirements Pertaining to Awarded Contracts**

#### **4.2.1 Commonwealth Tax Exemption**

Invoices or invoices submitted to the Town of West Newbury must not include sales tax. A Taxpayer ID number will be furnished to the Contractor upon award of the Contract.

#### **4.2.2 Contractor’s Contact Information**

It is the Contractor’s responsibility to keep the Contractor’s Contract Manager information current. If this information changes, the Contractor must notify the Contract Manager by email immediately, using the address located in the Header Information of the Purchase Order

The Town of West Newbury assumes no responsibility if a Contractor’s designated email address is not current, or if technical problems, including those with the Contractor’s computer, network, or internet service provider (ISP), cause email communications between the Bidder and the Town to be lost or rejected by any means, including email or spam filtering.

#### **4.2.3 Publicity**

Any Contractor awarded a contract under this Bid is prohibited from selling or distributing any information collected or derived from the Contract, including lists of participating Eligible Entities, Commonwealth employee names, telephone numbers, addresses, or other information except as specifically authorized by the Town of West Newbury..

### **5 APPENDIX 2 - RFP - REQUIRED SPECIFICATIONS**

#### **Drawings:**

- T-1 General Information
- A101 Site Plan
- A201 Building Elevations
- A202 Building Elevations
- A501 Detail Photos – South Elevation
- A502 Detail Photos – South, East, & North Elevations
- A503 Detail Photos – North Elevation
- A504 Detail Photos – West Elevation
- A511 Detail Photos- Entry
- A521 Detail Photos - Downspouts

#### **Specification:**

Document 01 1000 “Summary”

#### **Appendices:**

- A. 2023-2024 School Calendar
- B. Form of General Bid
- C. Sample Owner-Contractor Agreement (AIA A105 – 2017)

## SECTION 01 1000

### SUMMARY

#### PART 1 - GENERAL

##### 1.1 SUMMARY

###### A. Section Includes:

1. Project information.
2. Work covered by Contract Documents.
3. Contract time and Work Hours.
4. Phased construction.
5. Work performed by Owner.
6. Multiple Work Packages.
7. Work under Owner's separate contracts.
8. Future work not part of this Project.
9. Owner's product purchase contracts.
10. Owner-furnished/Contractor-installed (OFICI) products.
11. Owner-furnished/Owner-installed (OFOI) products.
12. Contractor-furnished/Owner-installed (CFOI) products.
13. Contractor's use of site and premises.
14. Coordination with occupants.
15. Work restrictions.
16. Products requiring long lead time.
17. Specification and Drawing conventions.
18. Miscellaneous provisions.
19. Use Charges.
20. Hoisting Equipment and Machinery.
21. Staging and Scaffolding.
22. Construction Barriers and Protection of Existing Facilities.
23. Temporary Facilities.
24. Debris Control and Removal

###### B. Related Requirements:

1. Section 01 5000 "Temporary Facilities and Controls" for limitations and procedures governing temporary use of Owner's facilities.
2. Section 01 7300 "Execution" for coordination of Owner-installed products.

##### 1.2 DEFINITIONS

- A. Work Package: A group of specifications, drawings, and schedules prepared by the design team to describe a portion of the Project Work for pricing, permitting, and construction.

##### 1.3 PROJECT INFORMATION

- A. Project Identification: Page Elementary School Remedial Masonry Work.  
1. Project Location: Page Elementary School, 694 Main Street #7, West Newbury, MA 01985.
- B. Owner: Town of West Newbury, 381 Main Stret, West Newbury, MA 01985.
- C. Architect: [REDACTED]

#### 1.4 DEFINITIONS – OWNER, OWNER’S PROJECT MANAGER, AND ARCHITECT

- A. Whenever the term “Owner” is used in this Project Manual, it refers to the **Town of West Newbury, 381 Main Street, West Newbury, MA 01985.**
  - 1. The terms “Owner” and “Awarding Authority” are used in the Project Manual to have the same meaning and are interchangeable in the Contract Documents. Both terms refer to the same entity.
- B. Whenever the term “Architect”, “Designer”, or “Architect/Engineer” are used in the Contract Documents, it refers to [REDACTED]

#### 1.5 WORK COVERED BY CONTRACT DOCUMENTS

- A. The Work of Project is defined by the Contract Documents and includes, but is not limited to, the following:
  - 1. Access and evaluate all horizontal bands of cast stone (precast concrete) masonry on the south, west and north facades of the Page Elementary School. No destructive testing has taken place but it appears that the cast stone bands contain horizontal reinforcing bar. The length of each precast stone unit is approximately 3-4 feet. The total area of stone to be evaluated is approximately 1,600 linear feet, with conditions necessitating removal in approximately 50 locations as shown on Drawings.
  - 2. Identify, by visual and/or auditory examination, areas of cast stone that are damaged or loose and in danger of falling.
  - 3. Remove and dispose of any cast stone loose material that is deemed to be in danger of falling. It is anticipated that approximately 2 cubic yards of material will be removed.
  - 4. Coating steel reinforcing bar exposed by stone removal with sealant to prevent corrosion.
  - 5. Stabilize precast stone masonry at head of main entrance, in areas shown on Drawings.
  - 6. Application of sealants in stone joints disturbed by stone removal, and in areas indicated on Drawings.
  - 7. Application of water repellent to exposed precast stone surfaces.
  - 8. Access roof gutter on east side (above flat roof) of building, clean gutter and check slope. Snake or otherwise confirm that downspout is clear. Apply sealant to downspout joints in areas indicated on Drawings.
  - 9. Furnish and install horizontal leaders and splash blocks to extend downspouts to roof drain.
  - 10. Any other incidental Work indicated in the Contract Documents.
- B. Project will be constructed under a single prime contract.

#### 1.6 CONTRACT TIME

- A. The contract time shall commence on an agreed upon date, either the Notice to Proceed or the date of the preconstruction meeting, whichever is earlier.
- B. Work shall be accomplished during days/times when school is not in session (such as after school hours, or on weekends or school holidays). Refer to the Pentucket School District 2023-2024 Calendar appended to this document. School hours are 8:35 AM – 3:00 PM.

#### 1.7 EXAMINATION OF SITE AND DOCUMENTS

- A. Bidders are encouraged to visit and examine the site. Visits may be arranged by contacting \_\_\_\_\_.
- B. The bidders are expected to examine and to be thoroughly familiar with all contract documents and with the conditions under which the work is to be carried out. The Owner will not be responsible for errors, omissions, and/or charges for extra work arising from the General Contractors or Subcontractors failure

to familiarize themselves with the contract documents. The General Contractor and Subcontractor acknowledge that they are familiar with the conditions and requirements of the contract documents where they require, in any part of the work a given result to be produced, and that the contract documents are adequate and will produce the required results.

## 1.8 SALES TAX EXEMPTION

### A. State Sales Tax:

1. The Owner is exempt from paying state sales tax. A tax-exempt number will be provided to the Contractor at the start of the contract. It is therefore required that the General Contractor and all Subcontractors purchasing taxable goods or services make known to suppliers that tax-exempt status of the Owner, in order that such taxes will not be applied to the goods under Contract.

## 1.9 PHASED CONSTRUCTION – Not Used.

## 1.10 WORK PERFORMED BY OWNER – Not Used.

## 1.11 MULTIPLE WORK PACKAGES – Not Used.

## 1.12 WORK UNDER OWNER'S SEPARATE CONTRACTS

- A. The Owner may have concurrent work performed under separate contracts during the time of this Contract.
- B. Work with Separate Contractors: Cooperate fully with Owner's separate contractors, so work on those contracts may be carried out smoothly, without interfering with or delaying Work under this Contract or other contracts. Coordinate the Work of this Contract with work performed under Owner's separate contracts.

## 1.13 OWNER'S PRODUCT PURCHASE CONTRACTS – Not Used.

## 1.14 OWNER-FURNISHED/CONTRACTOR-INSTALLED (OFICI) PRODUCTS – Not Used.

## 1.15 OWNER-FURNISHED/OWNER-INSTALLED (OFOI) PRODUCTS – Not Used.

## 1.16 CONTRACTOR-FURNISHED/OWNER-INSTALLED (CFOI) PRODUCTS – Not Used.

## 1.17 CONTRACTOR'S USE OF SITE AND PREMISES

- A. Restricted Use of Site: Each Contractor shall have limited use of Project site for construction operations as indicated on Drawings by the Contract limits and as indicated by requirements of this Section.
- B. Limits on Use of Site: Limit use of Project site to Work in areas indicated. Do not disturb portions of Project site beyond areas in which the Work is indicated.
  1. Driveways, Walkways and Entrances: Keep driveways loading areas, and entrances serving premises clear and available to Owner, Owner's employees, and emergency vehicles at all times. Do not use these areas for parking or for storage of materials.
    - a. Schedule deliveries to minimize use of driveways and entrances by construction operations.
    - b. Schedule deliveries to minimize space and time requirements for storage of materials and equipment on-site.

- C. Condition of Existing Building: Maintain portions of existing building affected by construction operations in a weathertight condition throughout construction period. Repair damage caused by construction operations.
- D. Condition of Existing Grounds: Maintain portions of existing grounds, landscaping, and hardscaping affected by construction operations throughout construction period. Repair damage caused by construction operations.

#### 1.18 COORDINATION WITH OCCUPANTS

- A. Full Owner Occupancy: Owner will occupy Project site and existing building(s) during entire construction period. Cooperate with Owner during construction operations to minimize conflicts and facilitate Owner usage. Perform the Work so as not to interfere with Owner's day-to-day operations. Maintain existing exits unless otherwise indicated.
  1. Maintain access to existing walkways, corridors, and other adjacent occupied or used facilities. Do not close or obstruct walkways, corridors, or other occupied or used facilities without written permission from Owner and approval of authorities having jurisdiction.
  2. Notify Owner not less than 72 hours in advance of activities that will affect Owner's operations.

#### 1.19 WORK RESTRICTIONS

- A. Comply with restrictions on construction operations.
  1. Comply with limitations on use of public streets, work on public streets, rights of way, and other requirements of authorities having jurisdiction.
- B. On-Site Work Hours: On-site work shall be limited to days/hours when school is not in session. Coordinate with Owner's representative. Refer to the "Pentucket School District 2023-24 Calendar" included as an Appendix to this Section.
- C. Smoking and Controlled Substance Restrictions: Use of tobacco products, alcoholic beverages, and other controlled substances on Owner's property is not permitted.
- D. Employee Identification: Provide identification tags for Contractor personnel working on Project site. Require personnel to use identification tags at all times.
  1. Employee Screening: Comply with Owner's requirements for drug and background screening of Contractor personnel working on Project site. Maintain list of approved screened personnel with Owner's representative.
  2. All employees shall be subject to a Massachusetts Criminal Offender Record Information (CORI) check.

#### 1.20 SPECIFICATION AND DRAWING CONVENTIONS

- A. Specification Content: The Specifications use certain conventions for the style of language and the intended meaning of certain terms, words, and phrases when used in particular situations. These conventions are as follows:
  1. Imperative mood and streamlined language are generally used in the Specifications. The words "shall," "shall be," or "shall comply with," depending on the context, are implied where a colon (:) is used within a sentence or phrase.
  2. Text Color: Text used in the Specifications, including units of measure, manufacturer and product names, and other text may appear in multiple colors or underlined as part of a hyperlink; no emphasis is implied by text with these characteristics.
  3. Hypertext: Text used in the Specifications may contain hyperlinks. Hyperlinks may allow for access to linked information that is not residing in the Specifications. Unless otherwise indicated, linked information is not part of the Contract Documents.

4. Specification requirements are to be performed by Contractor unless specifically stated otherwise.
- B. Division 00 Contracting Requirements: General provisions of the Contract, including General and Supplementary Conditions, apply to all Sections of the Specifications.
  - C. Division 01 General Requirements: Requirements of Sections in Division 01 apply to the Work of all Sections in the Specifications.
  - D. Drawing Coordination: Requirements for materials and products identified on Drawings are described in detail in the Specifications. One or more of the following are used on Drawings to identify materials and products:
    1. Terminology: Materials and products are identified by the typical generic terms used in the individual Specifications Sections.
    2. Abbreviations: Materials and products are identified by abbreviations scheduled on Drawings and published as part of the U.S. National CAD Standard.
- 1.21 PRODUCTS REQUIRING LONG LEAD TIME – Not Used.
- 1.22 MISCELLANEOUS PROVISIONS
- A. Payment Bond: The Contractor will be required to furnish a Labor & Materials Payment Bond in the amount of 50 per cent of the contract amount.
  - B. OSHA Requirements: Pursuant to MGL Ch. 30§39S (A)(2), all employees to be employed on the Project site shall have successfully completed a course in construction safety and health approved by OSHA and of at least 10 hours in duration.
  - C. Permits, Inspections and Testing Required by Governing Authorities:
    1. Contractor is responsible for all permits, inspection and testing required by Governing Authorities.
    2. Contractor shall apply for and obtain all permits, licenses and fees required to furnish and install and operate all elements of the Work.
    3. All permit fees payable to the Town of West Newbury are waived.
    4. If the Contract Documents, laws, ordinances, rules, regulations or orders of any public Authority Having Jurisdiction require any portion of the Work to be inspected, tested, or approved, the General Contractor shall give the Architect and such Authority timely notice of its readiness so the Architect may observe such inspection and testing.
- 1.23 USE CHARGES
- A. Water and Sewer Serviced from Existing System: The Owner will make existing water sources in and around the building available for construction without charge. Any hoses and connections from service lines either outside or within the building, necessary for the use of the Contractor shall be installed, protected and maintained at the expense of the Contractor. Use of the water may be discontinued by the Owner if, in the opinion of the Owner, it is wastefully used.
    1. The Contractor shall provide an adequate supply of drinking water from approved sources of acceptable quality, satisfactorily cooled, for Contractor's and Subcontractor's employees.
  - B. Electric Power Service from Existing System: The Owner will make existing electrical power sources in and around the building available for construction without charge. The Contractor and all Subcontractors, individually, shall furnish all extension cords, sockets, motors, and accessories required for their work.
    1. Any temporary wiring of a special nature shall be paid for by the Contractor requiring same. Any power that needs to be cut or equipment that needs to be disconnected will be done by a licensed

electrician and eventually reconnected in order to accomplish or complete the work of this contract.

2. All temporary wiring installed by the Subcontractor shall be removed by the Contractor after it has served its purpose, upon demobilization. Use copper wire only.
3. All relocations of temporary service to meet construction and/or phasing requirements shall be performed by the Contractor at no additional cost to the Owner.
4. All temporary work shall be provided in conformity with the National Electric Code, State laws, and requirements of the power company. Particular attention is called to Commonwealth of Massachusetts, Department of Labor Division of Occupational Safety Regulations

#### 1.24 HOISTING EQUIPMENT AND MACHINERY

- A. All hoisting and rigging equipment and machinery required for the proper and expeditious prosecution of the Work shall be furnished, installed, and maintained in safe condition by the General Contractor. All costs for hoisting operating services shall be borne by the General Contractor. A licensed equipment manufacturer's representative shall be present at all times, to witness the erection and dismantling of all hoisting and riggings equipment and machinery, whenever such equipment is being erected or dismantled. No such work will be performed without the presence of such representative.
  1. Hoisting and rigging equipment and machinery erection and dismantling shall be performed only by trained, certified and experienced riggers qualified to perform such work.
  2. Copies of such licenses and/or certifications, clearly indicating qualifications, shall be provided to the Architect prior to commencement of such erecting and dismantling work.

#### 1.25 STAGING AND SCAFFOLDING

- A. All staging and scaffolding shall be furnished and erected by the General Contractor and maintained in safe condition.
  1. Erection and dismantling of staging shall be performed only by trained, certified and experienced staging personnel qualified to perform such work.
  2. Copies of such certifications, clearly indicating qualifications, shall be provided to the Architect prior to commencement of such erecting and dismantling work.

#### 1.26 VEHICULAR ACCESS AND PARKING

- A. Parking:
  1. Limited use of existing parking facilities will be available for use by the Contractor. Such parking areas shall be designated by the Owner. The Owner shall not be responsible for safety or security of cars, trucks, etc., or their contents.
- B. Work in Public Ways:
  1. Consult with the appropriate local authorities and identify public thoroughfares which will be used as haul routes and site access. Confine construction traffic to designated routes.
  2. If it is necessary to temporarily close or obstruct traffic on a public or private street or way, obtain a permit from the local authorities in advance of such closing or obstruction. Comply with local ordinances regulating such permits.
  3. Whenever work is occurring in a public street or way, provide and pay for police traffic detail. Comply with requirements of local police department.

#### 1.27 CONSTRUCTION BARRIERS AND PROTECTION OF EXISTING FACILITIES

- A. Proper construction barriers shall be erected around the Contract work areas as defined by the Contract Drawings or as directed by the Owner's Project Representative.



1. Construction barriers shall consist of traffic cones, ribbons, tapes, secure fencing, trench covers, wood barriers, warning signs, directional signs, and other traffic materials to keep traffic and unauthorized personnel from area of construction and maintain ongoing operations.
- B. Protection of Existing Facilities: Protect existing vegetation, equipment, structures, utilities, and other improvements at Project site and on adjacent properties, except those indicated to be removed or altered. Repair damage to existing facilities.
1. Where access to adjacent properties is required in order to affect protection of existing facilities, obtain written permission from adjacent property owner to access property for that purpose.

#### 1.28 TEMPORARY FACILITIES

- A. The Contractor shall not be required to have an office on site. However, there shall be an operable telephone on site at all times there are workers on site, with the number provided to the Owner and the Architect.
- B. Sanitary Facilities: Provide temporary toilets, wash facilities, safety shower and eyewash facilities, and drinking water for use of construction personnel. Comply with requirements of authorities having jurisdiction for type, number, location, operation, and maintenance of fixtures and facilities.
- C. Use of Permanent Toilets: Use of Owner's existing toilet facilities will be not permitted.

#### 1.29 DEBRIS CONTROL AND REMOVAL

- A. Debris shall not be permitted to accumulate or migrate and the work shall at all times be kept satisfactorily clean. Facility trash receptors shall not be used for the disposal of debris. Dumpster(s) shall be provided by the Contractor for removal of debris for all trades including that of subtrades.
- B. Remove debris from the work site on a daily basis and dispose of same at any (private or public) DEP-approved dumpsite that the Contractor may choose providing that the Contractor shall make all arrangements and obtain all approvals and permits necessary from the Owner or Officials in charge of such dumpsites. Proposed dumpsite shall be submitted for approval by the Owner's Project Representative prior to start of demolition. During disposal process, copies of daily dated receipts from the dumpsite shall be submitted to the Contractor on a regular basis.

#### 1.30 PREVAILING WAGE RATES

- A. The minimum wages to be paid for all labor on the project are established in a schedule issued by the Department of Labor and Workforce Development, in accordance with Section 26A - 27D, of Chapter 149 of the M.G.L., as amended, said schedule being made a part of the Contract Documents and is included therein.

#### 1.31 INSURANCE REQUIREMENTS

- A. Contractor shall maintain the following types of insurance for the duration of the Project:
1. Commercial General Liability:
  2. Automobile Liability:
  3. Worker's Compensation: Statutory limits.
  4. Employer's Liability:
  5. Builder's Risk:

### 1.32 UNIT PRICES

- A. Should additional stone removal work beyond the amount anticipated in Paragraph 1.5 be necessary, additional days of work shall be paid at the agreed-upon Unit Price rate submitted in the "Form of General Bid".

### 1.33 SUBMITTALS

- A. Submittal Information: Include the following information in each submittal:
  - 1. Project name.
  - 2. Date.
  - 3. Name of Architect.
  - 4. Name of Contractor.
  - 5. Name of firm or entity that prepared submittal.
  - 6. Names of subcontractor, manufacturer, or supplier.
  - 7. Category and type of submittal.
  - 8. Submittal purpose and description.
  - 9. Remarks.
  - 10. Signature of transmitter.
- B. Electronic Submittals: Prepare submittals as PDF package, incorporating complete information into each PDF file. Name PDF file with submittal number.
  - 1. Email: Prepare submittals as PDF package and transmit to Architect by sending via email. Include PDF transmittal form. Include information in email subject line as requested by Architect.
  - 2. Architect will return annotated file. Annotate and retain one copy of file as a digital Project Record Document file.
- C. Processing Time: Allow 15 days for initial submittal review and 15 days for review of each resubmittal. Time for review shall commence on Architect's receipt of submittal. No extension of the Contract Time will be authorized because of failure to transmit submittals enough in advance of the Work to permit processing, including resubmittals.
- D. Action Submittals:
  - 1. Product Data: For each type of product.
  - 2. Samples for Initial Selection: Manufacturer's standard samples showing full range of available colors for joint sealants.
  - 3. Sample warranties.

### 1.34 PAYMENT PROCEDURES

- A. Schedule of Values:
  - 1. Submit the Schedule of Values to Architect at earliest possible date, but no later than seven days before the date scheduled for submittal of initial Applications for Payment.
  - 2. Arrange schedule of values consistent with format of AIA Document G703.
  - 3. Arrange the schedule of values in tabular form, with separate columns to indicate the following for each item listed:
    - a. Description of the Work.
    - b. Change Orders (numbers) that affect value.
    - c. Dollar value of the following, as a percentage of the Contract Sum to nearest one-hundredth percent, adjusted to total 100 percent. Round dollar amounts to whole dollars, with total equal to Contract Sum.
      - 1) Labor.
      - 2) Materials.
      - 3) Equipment.

4. Provide a breakdown of the Contract Sum in enough detail to facilitate continued evaluation of Applications for Payment and progress reports.
5. Overhead Costs, Proportional Distribution: Include total cost and proportionate share of general overhead and profit for each line item.
6. Schedule of Values Revisions: Revise the schedule of values when Change Orders or Construction Change Directives result in a change in the Contract Sum. Include at least one separate line item for each Change Order and Construction Change Directive.

B. Applications for Payment:

1. Each Application for Payment following the initial Application for Payment shall be consistent with previous applications and payments, as certified by Architect and paid for by Owner.
2. Each payment shall itemize 5% retainage for each line item until final payment is released, or a monetized punch list is established.
3. Payment Application Times: The date for each progress payment is indicated in the Owner/Contractor Agreement. The period of construction work covered by each Application for Payment is the period indicated in the Agreement.
  - a. Submit draft copy of Application for Payment seven days prior to due date for review by Architect.
4. Application for Payment Forms: Use AIA Document G702 and AIA Document G703 as form for Applications for Payment.
5. Application Preparation: Complete every entry on form. Notarize and execute by a person authorized to sign legal documents on behalf of Contractor. Architect will return incomplete applications without action.
  - a. Entries shall match data on the schedule of values and Contractor's construction schedule. Use updated schedules if revisions were made.
  - b. Include amounts for work completed following previous Application for Payment, whether or not payment has been received. Include only amounts for work completed at time of Application for Payment.
  - c. Include amounts of Change Orders and Construction Change Directives issued before last day of construction period covered by application.
6. Transmittal: Submit one signed and notarized original copy of each Application for Payment to Architect by a method ensuring receipt within 24 hours.. One copy shall include waivers of lien and similar attachments if required.
  - a. Transmit each copy with a transmittal form listing attachments and recording appropriate information about application.
7. Initial Application for Payment: Administrative actions and submittals that must precede or coincide with submittal of first Application for Payment include the following:
  - a. List of subcontractors.
  - b. Schedule of values.
  - c. Contractor's construction schedule (preliminary if not final).
  - d. Schedule of unit prices.
  - e. Submittal schedule (preliminary if not final).
  - f. List of Contractor's staff assignments.
  - g. Copies of building permits.
  - h. Copies of authorizations and licenses from authorities having jurisdiction for performance of the Work.
  - i. Certificates of insurance and insurance policies.
  - j. Payment bond.
8. Application for Payment at Substantial Completion: After Architect issues the Certificate of Substantial Completion, submit an Application for Payment showing 100 percent completion for portion of the Work claimed as substantially complete.
  - a. Include documentation supporting claim that the Work is substantially complete and a statement showing an accounting of changes to the Contract Sum.

- b. This application shall reflect Certificate(s) of Substantial Completion issued previously for Owner occupancy of designated portions of the Work.
- 9. Final Payment Application: After completing Project closeout requirements, submit final Application for Payment with releases and supporting documentation not previously submitted and accepted, including, but not limited, to the following:
  - a. Evidence of completion of Project closeout requirements.
  - b. Certification of completion of final punch list items.
  - c. Insurance certificates for products and completed operations where required and proof that taxes, fees, and similar obligations were paid.
  - d. Updated final statement, accounting for final changes to the Contract Sum.
  - e. AIA Document G706.
  - f. AIA Document G706A.
  - g. Proof that taxes, fees, and similar obligations are paid.
  - h. Waivers and releases.

## **PART 2 - PRODUCTS:**

### **2.1 WOOD-PRESERVATIVE TREATED LUMBER**

- A. Lumber: DOC PS 20 and applicable rules of grading agencies indicated. If no grading agency is indicated, provide lumber that complies with the applicable rules of any rules-writing agency certified by the ALSC Board of Review. Provide lumber graded by an agency certified by the ALSC Board of Review to inspect and grade lumber under the rules indicated.
  - 1. Factory mark each piece of lumber with grade stamp of grading agency.
- B. Preservative treatment by pressure process: AWPA U1, Use Category UC3A (Commodity Specification A).
  - 1. Preservative Chemicals: Acceptable to authorities having jurisdiction and containing no arsenic or chromium.
  - 2. Kiln-dry lumber after treatment to a maximum moisture content of 19 percent. Do not use material that is warped or does not comply with requirements for untreated material.
  - 3. Mark lumber with treatment quality mark of an inspection agency approved by the ALSC Board of Review.
- C. Dimension Lumber Items: Standard, Stud or No. 3 grade lumber of any species.

### **2.2 WATER REPELLENT (FOR EXPOSED STONE)**

- A. Penetrating Silane/Siloxane Water Repellent: Clear, containing 10 percent or more active content of silane and siloxane blend with 600 g/L or less of VOCs.
  - 1. Prosoco, product "Sure Klean Weather Seal Siloxane PD".
  - 2. Euclid Chemical Company, product "Chemstop WB Heavy Duty"
  - 3. Sika Corporation, product "Sikagard 701W".
  - 4. Or approved equal.

### **2.3 DRAINAGE SPECIALTIES**

- A. Downspout leaders, in size and style to match existing downspouts in areas indicated on Drawings.
  - 1. Formed aluminum or zinc-coated steel.
  - 2. Include all necessary hardware for complete installation.
- B. Splash Blocks: PVC or rubber, 2 inches high by 11.5 inches wide by 24 inches long.

## 2.4 JOINT SEALANTS

- A. Elastomeric Sealant: ASTM C920, elastomeric polyurethane polymer sealant of type, grade, class, and use classifications required by drainage-specialty manufacturer for each application.
  - 1. Manufacturers: Subject to compliance with requirements, manufacturers offering products that may be incorporated into the work include, but are not limited to, the following:
    - a. Sika Corporation.
    - b. Tremco.
    - c. Quickcrete.
    - d. Or approved equal.
- B. Textured Urethane Sealant: ASTM C920, single-component non-sag elastomeric polyurethane, Type S, Grade NS, Class 25, Use T, NT.
  - 1. Manufacturers:
    - a. Sika Corporation, product "Sikaflex Precast".
    - b. Tremco, product "Vulken 116".
    - c. Bostik, product "916".
    - d. Or approved equal.
- C. Sealant Backing Material:
  - 1. Sealant Backing Material, General: Nonstaining; compatible with joint substrates, sealants, primers, and other joint fillers; and approved for applications indicated by sealant manufacturer based on field experience and laboratory testing.
  - 2. Cylindrical Sealant Backings: ASTM C1330, Type C (closed cell material with a surface skin) of size and density to control sealant depth and otherwise contribute to producing optimum sealant performance.
- D. Miscellaneous Materials:
  - 1. Primer: Material recommended by joint-sealant manufacturer where required for adhesion of sealant to joint substrates indicated, as determined from preconstruction joint-sealant-substrate tests and field tests.
  - 2. Cleaners for Nonporous Surfaces: Chemical cleaners acceptable to manufacturers of sealants and sealant backing materials, free of oily residues or other substances capable of staining or harming joint substrates and adjacent nonporous surfaces in any way, and formulated to promote optimum adhesion of sealants to joint substrates.
  - 3. Masking Tape: Nonstaining, nonabsorbent material compatible with joint sealants and surfaces adjacent to joints.
  - 4. Sand for finishing sealant joints: Natural or ground-stone sand in color to match existing mortar as closely as possible.

## PART 3 - EXECUTION

### 3.1 PROTECTION

- A. Temporary Protection: Provide temporary barricades and other protection required to prevent injury to people and damage to adjacent buildings and facilities to remain.
- B. Provide protection to ensure safe passage of people around selective demolition area and to and from occupied portions of building.

### 3.2 INSPECTIONS BY ARCHITECT

- A. Contractor shall provide lift access for Architect to work areas for the following inspections/reviews:
  - 1. Initial review, with Contractor present, to determine criteria for cast stone unit removal.

2. Progress inspection during Work period.
3. Final inspection at completion of Work.

### 3.3 STONE REMOVAL

- A. Cast stone units shall be deemed unsound and identified for removal based on the following criteria:
  1. Visual: Units exhibiting cracks of 1/16 inch or greater, or units that are visually damaged.
  2. Auditory: Use a 16 oz. hammer to tap on units. Remove units that sound hollow.
- B. Identify cast stone units that are damaged and in need of removal in areas designated by the Contract Documents. Notify Architect of any additional areas.
- C. Demolish cast stone masonry in small sections. Cut masonry at junctures with construction to remain, using power-driven saw, and then remove masonry between saw cuts.
- D. Maintain flashing, reinforcement, lintels and adjoining construction in an undamaged condition.
- E. Notify Architect of unforeseen detrimental conditions discovered during removal of damaged cast stone.

### 3.4 SEALANT COATING OF STEEL UNCOVERED BY CAST STONE REMOVAL

- A. In areas where steel reinforcing is uncovered by removal of cast stone, apply textured urethane sealant over exposed steel as follows:
  1. Clean substrate of substances that could impair adhesion of sealant.
  2. Apply sealant ½ inch thick over exposed steel bar, extending sealant bite 3/8 inch on either side of steel.

### 3.5 WATER REPELLENT APPLICATION

- A. Cleaning: Before application of water repellent, clean substrate of substances that could impair penetration or performance of product in accordance with water-repellent manufacturer's written instructions.
- B. Protect adjoining work, including mortar and sealant bond surfaces, from spillage or blow-over of water repellent. Cover adjoining and nearby surfaces of aluminum and glass if there is the possibility of water repellent being deposited on surfaces. Cover live vegetation.
- C. Coordination with Sealant Joints: Do not apply water repellent until sealants for joints adjacent to surfaces receiving water-repellent treatment have been installed and cured.
  1. Water-repellent work may precede sealant application only if sealant adhesion and compatibility have been tested and verified using substrate, water repellent, and sealant materials identical to those required.
- D. Application: Comply with manufacturer's written instructions for brush application procedures.

### 3.6 JOINT SEALANT APPLICATION (IN JOINTS DISTURBED BY STONE REMOVAL)

- A. Comply with joint sealant manufacturer's written installation instructions.
- B. Install sealant backings to support sealants during application and at apposition required to produce cross-sectional shapes and depths of installed sealants relative to joint widths to allow optimum sealant movement capability.
  1. Do not leave gaps between ends of sealant backing.

2. Do not stretch, twist, puncture or tear sealant backing.
- C. Install sealants using proven techniques that comply with the following and at the same time backings are installed:
    1. Place sealants so they directly contact and fully wet joint substrates.
    2. Completely fill recesses in each joint configuration.
    3. Produce uniform, cross-sectional shapes and depths relative to joint widths that allow optimum sealant movement capability.
  - D. Tooling of Nonsag Sealants: Immediately after sealant application and before skinning or curing begins, tool sealants in accordance with requirements specified in subparagraphs below to form smooth, uniform beads of configuration indicated; to eliminate air pockets; and to ensure contact and adhesion of sealant with sides of joint.
    1. Remove excess sealant from surfaces adjacent to joints.
    2. Use tooling agents that are approved in writing by sealant manufacturer and that do not discolor sealants or adjacent surfaces.
    3. Provide concave joint profile in accordance with Figure 8A in ASTM C1193 unless otherwise indicated.
  - E. Sand finishing: Immediately after tooling joint, cover sealant with sand to match mortar joints. Brush off (remove) excess sand after sealant has cured.
- 3.7 DOWNSPOUT LEADERS AND SPLASH PANS
- A. Using snake or other methods, verify that existing downspouts are clear of debris.
  - B. Join new downspout leaders to existing downspouts using manufacturer's standard telescoping joints. Provide fasteners to hold leaders securely.
  - C. Apply sealant as necessary to prevent leakage at joints in downspouts and leaders.
  - D. Install splash blocks where downspout leaders discharge on roof surface, at locations indicated on Drawings.
  - E. Remove debris from existing roof drains.
- 3.8 WASTE REMOVAL
- A. Unless otherwise indicated, excess cast stone materials are the Contractor's property.
  - B. Remove cast stone waste and other construction debris from Owner's property and legally dispose of it.
- 3.9 CLEANING
- A. Clean adjacent structures and improvements of dust, dirt, and debris caused by construction operations. Return adjacent areas to condition existing before cast stone removal operations began.

**END OF SECTION**



# Pentucket Regional School District 2023-2024 School Calendar

Approved February 14, 2023

0 days in August							2023							21 days in January								
S	M	T	W	T	F	S	August/September							S	M	T	W	T	F	S		
		1	2	3	4	5	8/29, 8/30, 8/31 - All Staff Professional Development			1	2	3	4	5	6	7	8	9	10	11	12	13
6	7	8	9	10	11	12	9/1 & 9/4 - No School - Labor Day Holiday	14	15	16	17	18	19	20	21	22	23	24	25	26	27	
13	14	15	16	17	18	19	9/5 - First Day of School	27	28	29	30	31			28	29	30	31				
20	21	22	23	24	25	26	9/15 9/16 - No Homework or Tests/Quizzes - Religious Holiday	19 days in September							16 days in February							
27	28	29	30	31			9/22 - Early Release - Professional Development	S	M	T	W	T	F	S	S	M	T	W	T	F	S	
					1	2	9/24 - No Homework or Tests/Quizzes - Religious Holiday						1	2	3					1	2	3
						3	10/9 - State Holiday - No School	3	4	5	6	7	8	9	4	5	6	7	8	9	10	
						10	10/13 - Early Release - Professional Development	10	11	12	13	14	15	16	11	12	13	14	15	16	17	
						17	10/24 - Early Release Conferences (Elementary Afternoon 1-4), (Secondary Evening 5-8)	17	18	19	20	21	22	23	18	19	20	21	22	23	24	
						24	10/26 - Early Release Conferences (Secondary Afternoon 1-4), (Elementary Evening 5-8)	24	25	26	27	28	29	30	25	26	27	28	29			
							November							20 days in March								
							11/10 No School Veterans Day Observed	S	M	T	W	T	F	S	S	M	T	W	T	F	S	
							11/22 Early Release (3 Hrs) All Schools Close for Thanksgiving	1	2	3	4	5	6	7						1	2	
							11/23 and 11/24 Closed for Thanksgiving	8	9	10	11	12	13	14	3	4	5	6	7	8	9	
							December							10	11	12	13	14	15	16		
							12/22 - Early Release - Winter Break	15	16	17	18	19	20	21	17	18	19	20	21	22	23	
							12/25 - 1/1 School Closed Winter Break	22	23	24	25	26	27	28	24	25	26	27	28	29	30	
							January 2024							31								
							1/1 New Year's Day - Holiday	1	2	3	4	5	6	7	17 days in April							
							1/2 School resumes	8	9	10	11	12	13	14	S	M	T	W	T	F	S	
							1/12 Early Release Students Only (3 Hrs), Staff Professional Development	15	16	17	18	19	20	21		1	2	3	4	5	6	
							1/15 No School Martin Luther King Day	22	23	24	25	26	27	28	7	8	9	10	11	12	13	
							February							14	15	16	17	18	19	20		
							2/16 - Early Release Students Only (3 Hrs), Staff Professional Development	19	20	21	22	23	24	25	21	22	23	24	25	26	27	
							2/19 - 2/23 No School Winter Break	26	27	28	29	30		28	29	30						
							March							22 days in May								
							3/8 No School - Professional Development Day	S	M	T	W	T	F	S	S	M	T	W	T	F	S	
							3/15 - Early Release Students Only (3 Hrs) - Spring Parent/Teacher Conferences					1	2	3	4				1	2	3	4
							3/31- No Homework or Tests/Quizzes - Religious Holiday	3	4	5	6	7	8	9	5	6	7	8	9	10	11	
							3/15 Preschool Screening - No Preschool Classes Held	10	11	12	13	14	15	16	12	13	14	15	16	17	18	
							April							19	20	21	22	23	24	25		
							4/12 Early Release Students Only (3 Hrs), Staff Professional Development	17	18	19	20	21	22	23	26	27	28	29	30	31		
							4/15 - 4/19 No School Spring Break	24	25	26	27	28	29	30								
							4/22 - 4/23- Incoming Kindergarten Screeners - No Kindergarten Classes held	31							9 days in June							
							May							S	M	T	W	T	F	S		
							5/24 Early Release Students Only (3 Hrs), Staff Professional Development							1							1	
							5/27 No School Memorial Day	2	3	4	5	6	7	8	2	3	4	5	6	7	8	
							June							9	10	11	12	13	14	15		
							6/1 Graduation	9	10	11	12	13	14	15	16	17	18	19	20	21	22	
							6/13 Last Day of School (No Snow Days) - 180 days	23	24	25	26	27	28	29	23	24	25	26	27	28	29	
							6/19 No School - Juneteenth	30							30							
							6/21 Last Day of School with Five Snow Days - 185 Days	Thanksgiving & 3 Hr. Release							School Hours							
														High/Middle School 7:35 - 2:15								
														Page School 8:35 - 3:00								
														Sweetsir School 8:35 - 3:00								
														Bagnall School 8:35 - 3:00								
														Donaghue School 8:25 - 2:50								
														Report Card Dates - Elem.								
														Triemster 1 - 12.14.23								
														Triemster 2 - 3 27 24								
														Last Day of School								

◇ Teachers Only  
□ No School  
□ Early Release  
□ Religious Holiday-No HW or Test

**Elementary End of Trimester Dates**  
 Trimester 1 - 12.1.23  
 Trimester 2 - 3.13.24  
 Trimester 3 - Last Day of School

**Secondary End of Quarter Dates**  
 Quarter 1 - 11.7.23  
 Quarter 2 - 1.23.24  
 Quarter 3 - 4.4.24  
 Quarter 4 - 6.13.24

6/1 Graduation  
 6/13 Last Day of School (No Snow Days) - 180 days  
 6/19 No School - Juneteenth  
 6/21 Last Day of School with Five Snow Days - 185 Days

**Thanksgiving & 3 Hr. Release**  
 Dr. John C. Page School 12:00 noon  
 Dr. Elmer S. Bagnall 12:00 noon  
 Helen R. Donaghue 11:50 a.m.  
 Dr. Frederick N. Sweetsir 12:00 noon  
 Pentucket Regional Middle School 11:10 a.m.  
 Pentucket Regional High School 11:10 a.m.  
 Pentucket Regional High School 11:10 a.m.

**School Hours**  
 High/Middle School 7:35 - 2:15  
 Page School 8:35 - 3:00  
 Sweetsir School 8:35 - 3:00  
 Bagnall School 8:35 - 3:00  
 Donaghue School 8:25 - 2:50

**Report Card Dates - Elem.**  
 Triemster 1 - 12.14.23  
 Triemster 2 - 3 27 24  
 Last Day of School

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

**G**

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

TO: Select Board  
 FROM: Angus Jennings, Town Manager  
 DATE: September 30, 2023  
 RE: Requests for carry-forward of FY23 vacation time

The following employees have requested carry-forward of unused FY23 vacation hours through December 31, 2023:

	Department	Carried Over	Hours Taken	Remaining Hours	Requested Carry-Forward
Angus Jennings	Town Manager	128.5000	58.0000	70.5000	Y
Jennifer Walsh	Finance	103.6667	33.0000	70.6667	Y
Domingo Corona	DPW	41.7778	8.0000	33.7778	Y
Richard Hills	DPW	116.0000	52.0000	64.0000	Y
Brian Richard	DPW	136.0000	40.0000	96.0000	Y
John Spalding	DPW	160.0000	60.0000	100.0000	Y
Mark Marlowe	Water	144.0000	24.0000	120.0000	Y

As you know, DPW has been short one full-time position since April 27<sup>th</sup>. In my office, the Finance Department and the Water Department, it has not been practicable to take earned vacation hours within the allotted timeline; for each of the affected employees, it has not been uncommon for vacation days to be scheduled, but not taken, due to the demands of these positions.

The employees' vacation balances shown above are as of September 27<sup>th</sup>, and in several instances will be lower by the end of October (when unused hours would expire, unless an extension is authorized).

The Board may consider authorizing an extension for all employees, or on a case-by-case basis (or not at all).

If other than a blanket extension, any further requests for carry-forward would be brought forward for Board review. At present, there are employees in the Police, Dispatch and Library departments with vacation balances that would be unrealistic or impossible to use by the end of October; so additional requests are likely.

TO: Select Board  
FROM: Angus Jennings, Town Manager  
DATE: September 29, 2023  
RE: Personnel Policy amendments

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Some time ago, on request by me and the former Board, former Town Counsel Mike McCarron had prepared suggested revisions to the Personnel Policy in order to improve its consistency with the Town Manager Act. But for the arrival of COVID-19 a short time after his memo, these may have been addressed a while back. Nevertheless, they were not.

The enclosed redlined markups illustrate recommended revisions. The Board is asked to consider referring some or all of these for consideration at a public hearing on Oct. 16<sup>th</sup>. (As you know, amendments to the Personnel Policy must be preceded by a public hearing, with 10 days' advance notice of the proposed amendments).

At least one of the enclosed draft revisions will be important to make prior to the proposed repeal of the Personnel Bylaw; others need not take place on that timeline, but are viewed as somewhat low-hanging fruit, and it is recommended to bring forward a package of amendments to bring greater consistency among the Town's governing documents (statutes, bylaws, policies).

If the Board does support referring some number of amendments to public hearing, it is recommended that the public hearing already scheduled for Oct. 2 (Item I on Monday's agenda) be opened; testimony taken, if any; then continued to Oct. 16<sup>th</sup> in order that a single hearing could result in adoption of multiple revisions.



# Town of West Newbury

## Select Board

381 Main Street, West Newbury, MA 01985 | 978-363-1100, Ext. 115  
[selectboard@wnewbury.org](mailto:selectboard@wnewbury.org)

### Public Hearing Notice

#### Amendment to the Personnel Policy

Monday, October 2, 2023 @ 7pm

On September 18, 2023 the Select Board proposed an amendment to the Personnel Policy. Any proposed new, amended or revised policies shall be posted for a period of at least ten days after being proposed by the Select Board, during which time comments, information and questions regarding any proposed policy may be provided to the Select Board. A public hearing shall be held following the ten-day posting period.

A public hearing will be held by the Select Board on the following proposed revision to Sec. 1.4 of the Personnel Policy, the Amendments of Polices:

**Current language:**

“1.4 Amendment of Policies

These policies may be amended as provided in Section 5 of the Bylaw.”

**Proposed revised language:**

“1.4 Amendment of Policies

These policies may be amended as provided below.

- a) The Select Board may propose new, amended or revised policies; any such proposed policy may be proposed at any meeting of the Select Board.
- b) Any proposed new, amended or revised policies shall be posted for a period of at least ten days after being proposed by the Select Board, during which time comments, information and questions regarding any proposed policy may be provided to the Select Board. A public hearing shall be held following the ten-day posting period.
- c) Any new, amended or revised polices shall become effective upon approval by a unanimous vote of the Select Board, unless a specific effective date is provided by the Board.
- d) Copies of new or amended policies shall be posted in prominent locations within the Town Office Building.”

*Rationale for proposed amendment: The proposed amendment would incorporate the process for policy amendment directly into the Personnel Policy. The language proposed for addition to the Personnel Policy is substantially identical to language that has been included in the Personnel Bylaw since 1999. The Personnel Bylaw is proposed for repeal at the Fall Special Town Meeting, so the proposed amendment to the Personnel Policy would ensure that the process to amend the Policy would remain unchanged, if the Bylaw is repealed.*

*Comments, information and questions from all interested parties may be sent to the Board in advance ([selectboard@wnewbury.org](mailto:selectboard@wnewbury.org)), or may be provided at the hearing. All interested parties are encouraged to attend.*

TOWN COUNSEL MEMO

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TO: Town Manager  
FROM: Michael P. McCarron  
SUBJECT: Town Manager Authority  
DATE: November 21, 2018  
CC: Board of Selectmen

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Note: The Board of Selectmen voted on June 24, 2019 to release Executive Session privilege and authorize public disclosure of this memo.

*This is a confidential communication subject to the attorney client privilege. This communication is exempt from disclosure pursuant to the Public Records Act.*

*Question Presented:* Under the new Town Manager Act, what is the authority of the Board of Selectmen and Town Manager to supervise and direct Town employees?

*Answer:* An Act Establishing a Town Manager in the Town of West Newbury, Chapter 97 of the Acts of 2017 is the primary source of governance for the Town. It is in fact the constitution of the Town. As such, its intention was to provide the general authority for the Town and enable the Town to customize its governing structures. Section 2 of the Act states: “Notwithstanding any general or special law to the contrary, there shall be a town manager in the town of West Newbury who shall have the powers, duties and limitations described in the Act.”

The Board of Selectmen constitutes the “chief goal-setting and policy making board of the town.” (Section 4(c)) The Board has the power to:

- Enact rules and regulations;
- Implement policies;
- Issue directives; and
- Issue interpretations of the town’s rules and regulations.

Each of these powers has a specific meaning. Rules and regulations are the general requirements applicable to all. Policies are the processes that must be followed to comply with the Act, the Town Bylaws and the rules and regulations of the Town. Directives are individual determinations as to a particular situation. For example, the

Town may have a policy to limit the use of Town facilities to six times a year, but may issue a directive permitting the Boy Scouts to use Town facilities with greater frequency. Lastly, when there is a question as to how a rule or regulation is to be used or applied, the Board can make a determination without additional verbiage to the rule itself.

Additionally, Section 4(d) states that the Board, through the town manager, “shall exercise...general supervision over all matters affecting the interests or welfare of the town “

In accordance with Section 8(a) of the Act, the town manager is the “chief operating and administrative officer of the town and shall be responsible for the effective management of all town affairs placed in the town manager’s charge by this act, by the board of selectmen, by town by-law or vote of the town meeting and for the implementation of town policies placed in the town manager’s charge by the board of selectmen.” Section 8(b) states, “The town manager shall supervise all town departments and direct the day-to-day affairs of the town.” Additionally, the town manager is vested with the authority to oversee and direct, “...such other human resource obligations as designated by the board of selectmen.”

Again, the purpose of the Act was to provide the authority to make the rules, policies and directives for the management of the entire town. The process now is to implement changes to the Personnel Bylaw, the Town Bylaws and the town policies to reflect this new authority.

TOWN COUNSEL MEMO

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TO: Town Manager  
FROM: Michael P. McCarron  
SUBJECT: Amendment to the Personnel Policies  
DATE: January 29, 2020  
CC:

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*This is a confidential communication subject to the attorney client privilege. This communication is exempt from disclosure pursuant to the Public Records Act.*

The Board of Selectmen have asked that we review the Personnel Policies in order to update them in coordination with the Town Manager legislation. Here are my suggestions:

**Section 1.5 Personnel Officer** *delete in full.* (additionally, any reference to “personnel officer” should be changed to “town manager”.)

**New Section 1.5 Town Manager** *The town manager shall oversee the town’s personnel system and staff in accordance with town by-laws and shall oversee personnel evaluation policies and practices, employee benefit programs, enforcement of labor contract, labor relations, collective bargaining, state and federal equal opportunities law compliance in the town, job descriptions, employee recruitment and advertising and such other duties as set forth in these personnel policies.*

*The town manager may designate one or more employees under his/her direction to perform human resource functions.*

Since the statute includes “...such other human resource obligations as designated by the board of selectmen.”, this would be an opportunity to include any human resource function for the town manager. I have added the last two, but the Board can add more if they choose.

Some potential additions include:

*to direct the efficient and responsible administration of employees including, but not limited to directing the work activity; determining the methods, means, scheduling, and*

*staffing by which work is to be carried out to maintain the efficiency of governmental operations;*

*to take actions necessary to carry out the duties of an agency in emergencies;*

*assign job classification to pay ranges;*

*hire, promote, or transfer employees;*

## **Amend Section 4.2**

### **4.2 Classification, compensation plans and job descriptions**

Add a third paragraph

*The town manager shall prepare and maintain job descriptions for all positions for the Town. Such descriptions shall consist of a statement describing the essential nature and level of work performed by employees including illustrative examples of typical tasks and duties assigned; and the required or desirable qualifications for the job.*

## **Various locations**

The Personnel Policies refer to the Board in numerous sections and a determination should be made as to which, if any of these functions, should be transferred to the town manager.

## **Add section 5.1.7**

*In hiring employees who have considerable work experience, the town manager may adjust the vacation time granted to such new hires by awarding additional vacation time reflecting the level of work experience.*



## TOWN OF WEST NEWBURY PERSONNEL POLICY

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The contents of this policy are presented as a matter of information only in order for employees to acquaint themselves with our policies, procedures and benefits. While the Town wholeheartedly supports the plans, policies and procedures contained herein, it is not anticipated that any set of policies, however specific or comprehensive, will provide the correct solution to every problem or situation that might occur in our workplace. The provisions of this policy are not intended to be, and are not to be construed as a contract, or part of any employee's contract of employment. Employment with the Town is "at will". All employment is of indefinite duration, and is terminable at the will of the employee, at any time, with or without reason, and at the will of the Town at any time, with or without reason. No one at the Town, other than the Select Board of Selectmen, or personnel with statutory authority has the authority to commit to a contract of employment and then only in writing.

We reserve the right to modify, revoke, suspend, terminate or change any or all plans, policies and procedures, in whole or in part, at any time, with or without prior notice. We will try to give advance notice in the event that we find it necessary to change any policy, program or benefit, but cannot guarantee that everyone will receive advance notice of such changes. Any changes which are made will apply retroactively.

The language used in this policy is not intended to create, nor is it to be construed to constitute, a contract between the Town and any one or all of its employees. This policy and the policies, plans and procedures contained herein, supersede all previous personnel policies, plans, and procedures of the Town.





# TOWN OF WEST NEWBURY

## PERSONNEL POLICY

### Section 1.0 General Provisions

#### 1.1 Authorization

These policies are promulgated in accordance with the authority granted by ~~the~~ An Act establishing a Town Manager in the Town of West Newbury Personnel Bylaw Chapter 97 of the Acts of 2017, also known as the Town Manager Act. In the case of a conflict between the provisions of these policies and the provisions of any collective bargaining agreement, the provisions of the collective bargaining agreement shall prevail.

#### 1.2 Purpose

The purpose of these policies is to establish a system of personnel administration based on merit principles including, but not limited to: (a) recruitment, selection and classification of employees on the basis of ability, knowledge, education and skill, under fair and open competition; (b) fair and equitable treatment of all applicants and employees in all aspects of the personnel system without regard to age, race, color, creed, gender, sexual orientation, national origin, political affiliation, disability, military service, and with proper regard for privacy and constitutional rights and any other federal or state laws which may apply; (c) retention and advancement of employees based on performance, with recognition of the obligation to make reasonable efforts to assist employees to overcome inadequate performance.

#### 1.3 Definitions

The following definitions shall apply:

"Appointing authority," any board or official authorized by General Law, or otherwise, to employ personnel to perform services for the Town.

"Board," the Select Board of Selectmen of West Newbury.

~~"Bylaw," the Personnel Bylaw adopted by the Town.~~

"Department manager," the officer responsible for supervising a department's operations and activities. A department manager may be an appointing authority.

"Exempt employee," an employee whose position is not covered by, or is exempt from, the minimum wage and overtime provisions of the Fair Labor Standards Act.

"Full-time employee," an employee regularly scheduled to work forty (40) hours per week for fifty-two (52) weeks per year. Employees working two or more part-time schedules, which in aggregate total 40 hours per week, shall be treated as full-time employees.

"General Laws," the General Laws of the Commonwealth of Massachusetts.

"Immediate family," an employee's spouse, children, parents, siblings and parents of spouse.

"Non-exempt employee," an employee whose position is subject to the minimum wage and overtime provisions of the Fair Labor Standards Act.



## TOWN OF WEST NEWBURY PERSONNEL POLICY

"Part-time employee," an employee whose position is designated to work fewer than forty (40) hours per week.

"Regular employee," an employee who has completed the introductory period successfully.

"Introductory period," the first ninety days of employment for all employees, except police officers. For police officers, the first 12 months of employment shall be the introductory period or as otherwise designated in the collective bargaining agreement.

"Qualified part-time employee," a part-time employee working at least twenty (20) hours per week for 52 weeks per year.

"Temporary employee," an employee whose term of service is defined at the time of hire and is not eligible for benefits.

"Town," the Town of West Newbury.

["Town Manager Act," An Act establishing a Town Manager in the Town of West Newbury Chapter 97 of the Acts of 2017](#)

### 1.4 Amendment of Policies

These policies may be amended as provided ~~below in Section 5 of the Bylaw.~~

[a\) The Select Board may propose new, amended or revised policies; any such proposed policy may be proposed at any meeting of the Select Board](#)

[b\) Any proposed new, amended, or revised policies shall be posted for a period of at least ten days after being proposed by the Select Board, during which time comments, information, and questions regarding any proposed policy may be provided by the Board. A public hearing shall be held following the ten-day posting period.](#)

[c\) Any new, amended, or revised policies shall become effective upon approval by a unanimous vote of the Select Board, unless a specific effective date is provided by the Board.](#)

[d\) Copies of new or amended policies shall be posted in prominent locations within the Town Office Building.](#)

### 1.5 Personnel Officer

~~The Board may, from time to time, designate an employee under its direction to serve as the Personnel Officer for the Town, responsible for administration of the personnel system. The Personnel Officer shall provide assistance and training to appointing authorities and department managers to ensure that recruitment, selection, appointment and retention of employees and benefit administration are conducted in ways that are consistent with the Bylaw and these policies. The Personnel Officer shall supervise the maintenance of a personnel record keeping system. The Personnel Officer shall bring to the Board's attention issues or matters requiring~~



# TOWN OF WEST NEWBURY

## PERSONNEL POLICY

their attention in the administration of these policies.

The Town Manager shall oversee the town's personnel system and staff in accordance with town by-laws and shall oversee personnel evaluation policies and practices, employee benefit programs, enforcement of labor contract, labor relations, collective bargaining, state and federal equal opportunities law compliance in the town, job descriptions, employee recruitment and advertising and such other duties as set forth in these personnel policies.

The Town Manager may designate one or more employees under their direction to perform human resource functions.

to direct the efficient and responsible administration of employees including, but not limited to directing the work activity; determining the methods, means, scheduling, and staffing by which work is to be carried out to maintain the efficiency of governmental operations; to take actions necessary to carry out the duties of an agency in emergencies; assign job classification to pay ranges; hire, promote, or transfer employees;

### 1.6 Personnel Records

The Board shall maintain records, including the job descriptions for all positions, the Affirmative Action Plan and required reports, as provided in Appendix A, and rosters of employees laid off or released from employment because of disability.

Each department shall maintain records of recruitment and hiring as provided in Section 2.

Each department will maintain records relating to each employee's tenure of service, including performance evaluations, letters of commendation received, training and certifications, and disciplinary action for each employee. Any record which contains personal medical information shall be retained in a separate confidential file, access to which shall be limited to those individuals who have a critical need for the information.

Within five business days of the request, employees are entitled to examine and or have a copy of the contents of their individual personnel files. No confidential information shall be released or disclosed to any third party without written authorization from the employee.

Each department shall maintain attendance records for all employees. These records will include, for each employee, the following: hours of regular pay; hours of overtime pay; hours and type of paid leave, available and taken; and hours and type of authorized unpaid leave taken. Department managers shall prepare a report of attendance and leave every ninety days which shall be submitted to the appointing authority or Board.

*Adopted: August 23, 1999*

*Revised: September 30, 2009*



# TOWN OF WEST NEWBURY

## PERSONNEL POLICY

### Section 2.0 Recruitment and Hiring

- 2.1 Recruitment of prospective employees shall be conducted in a non-discriminatory manner and in accordance with the Town's Affirmative Action Plan, which is attached as Appendix A to these policies.
- 2.2 With the approval of the appointing authority, a department manager seeking to fill a position shall post a notice of vacancy for the position. The notice will include the job title, initial rate of pay or pay range, summary statement of duties, minimum qualifications relating to education, skills, or experience, directions for submitting applications, and deadline for receipt of applications. Deadline for receipt of applications will be no sooner than ten (10) days after posting. The notice will be posted in the Town Office Building, in the department's work area if its office is not in the Town Office Building and will be sent to the Haverhill office of the Massachusetts Department of Unemployment Assistance (DUA).
  - 2.2.1 Internal Hiring Policy

Current Town employees are encouraged to apply for open positions and will be given prior notice when jobs are posted. This will be accomplished by posting the notice internally concurrent with advertising or posting externally. Internal notice shall be accomplished by posting the job ad in hard copy in employee break rooms in the 1910 Building, G.A.R. Memorial Library, DPW building, and Public Safety complex. Any interested employee should submit a cover letter and resume within the standard application process. If an employee has the stated minimum qualifications, and ability to be trained on any recommended qualifications not held at the time of application without negatively affecting the operations of the department, they will be formally interviewed and given full consideration.
- 2.3 Employment advertising may be used in order to generate an expanded pool of applicants and encourage equal opportunity employment.
- 2.4 In emergency situations, temporary employees may be hired for a period not to exceed 30 days without posting or advertisement of the vacancy.
- 2.5 All applicants for employment will complete an official employment application form which shall be retained by the appointing authority. The form will include a statement signed by the applicant certifying to the truthfulness and accuracy of all information provided on the form. An employee who is found to have falsified his or her employment application may be subject to termination.
- 2.6 Appointing authorities will review applications from candidates and make their selection based on qualifications, including successful completion of any examination that measures ability to perform the essential functions of the job and receipt of satisfactory references from prior employers, supervisors or others.
- 2.7 Offers of employment to prospective uniformed members of the police and fire departments shall be conditional upon the candidate successfully passing medical and physical fitness



# TOWN OF WEST NEWBURY

## PERSONNEL POLICY

### Section 4.0 Performance Evaluation; Classification and Compensation Plans; Employee Development and Training

#### 4.1 Performance evaluation

During the introductory period, the job performance of newly hired employees will be evaluated as provided in Section 3.0.

The job performance of all regular employees will be evaluated at least once each fiscal year by the immediate supervisor. The Board will develop and distribute forms to be used for this purpose to assess the quantity and quality of performance of job duties, attendance, attitude and other relevant performance measures. Employees shall be provided the opportunity to read and file comments on their evaluations. Evaluations shall be maintained as confidential personnel records which may be disclosed only in connection with personnel actions concerning the employee.

#### 4.2 Classification and compensation plans

The Board has adopted a uniform system for the classification of positions to establish proper relationships between positions, based on the level of responsibilities assumed and the minimum qualifications required to perform the job so that the same schedule of compensation may be applied to each class, ensuring equal pay for equal work.

The Board may adopt a compensation plan to reward and retain qualified employees by providing merit incentives linked to performance. The compensation plan will take into consideration the relative responsibilities of positions as set forth in job descriptions, wage rates paid for comparable positions in comparable communities and in the private sector, wage rates paid under collective bargaining agreements, economic conditions in the general labor market, and the Town's fiscal policies. The plan shall be reviewed and revised from time to time in order to maintain a fair and equitable compensation system for the Town.

The town manager shall prepare and maintain job descriptions for all positions for the Town. Such descriptions shall consist of a statement describing the essential nature and level of work performed by employees including illustrative examples of typical tasks and duties assigned; and the required or desirable qualifications for the job

#### 4.3 Employee development and training

The Board shall foster and promote programs of training for employees when appropriate to improve the quality of services provided by the Town and to help employees develop skills needed for career development. Appointing authorities and department managers shall identify effective sources of training and provide resources to allow designated employees to pursue training opportunities. Town employees interested in transferring to other departments or promotions within their current department should be encouraged to seek training and professional development that will make them eligible for consideration when such openings arise.



# TOWN OF WEST NEWBURY

## PERSONNEL POLICY

### Section 5.0 Authorized Leaves

#### 5.1 Vacation

5.1.1 The Town of West Newbury believes it is healthy and important for employees to take advantage of time off work so they are encouraged to use the full vacation allowance available. As an incentive to use all vacation days, the Town has adopted a use it or lose it policy, where unused vacation days cannot be carried beyond the days specified in this policy.

Regular employees who have completed at least ninety days (90), but fewer than five years, of continuous service shall be entitled to 10 days of vacation with pay each fiscal year. Vacation is accrued at .833 days per month.

Regular employees who have completed at least five, but fewer than 10, years of continuous service shall be entitled to 15 days of vacation with pay each fiscal year. Vacation is accrued at 1.25 days per month.

Regular employees who have completed at least 10, but fewer than 20, years of continuous service shall be entitled to 20 days of vacation with pay each fiscal year. Vacation is accrued at 1.66 days per month.

Regular employees who have completed at least 20 years of continuous service shall be entitled to 25 days of vacation with pay each fiscal year. Vacation is accrued at 2.08 days per month.

For the purpose of this section, years of continuous service shall be calculated from anniversary of employment. Vacation days will be added at the rate of one day per month starting at the anniversary month of completed year which changes the accrual rate.

5.1.2 Qualified part-time employees shall be entitled to vacation leave with pay on a pro-rated basis based on their regularly scheduled weekly hours.

5.1.3 Requests for vacation must be approved by the department manager or appointing authority. Vacation leave shall be taken within 120 calendar days following the end of the fiscal year in which it is first available,

5.1.4 Employees who have exhausted all their sick leave benefits may, with the approval of the department manager, or appointing authority, have their absence charged to vacation.

5.1.5 Upon termination employees are eligible for payment for unused vacation time. In the event of a death, the payment will be made pursuant to the laws of Massachusetts.

5.1.6 Employees who return to work after layoff will be credited with the amount of their previous service for purposes of calculating their vacation eligibility under Section 5.1.1



## TOWN OF WEST NEWBURY PERSONNEL POLICY

5.1.7 In hiring employees who have considerable work experience, the town manager may adjust the vacation time granted to such new hires by awarding additional vacation time reflecting the level of work experience.

### 5.2 Sick leave

- 5.2.1 Full-time employees shall accrue sick leave at the rate of .833 days (6.664 hours) per completed month. Qualified part-time employees accrue sick leave monthly, on a pro-rated basis based on their regularly scheduled weekly hours. Unused sick leave may accumulate from year to year to a maximum accumulation of 960 hours.
- 5.2.2 Sick leave may be granted for absence required by the employee's serious illness or injury, or for the care required for the employee's immediate family, as provided in Section 6.0 of these policies. Sick days are not payable upon termination.
- 5.2.3 An employee requesting sick leave must notify the department manager, or appointing authority, as early as possible on the first day of absence from work. The department manager may require a physician's certification of the employee's inability to work, if the absence is of three days or more duration, or if there is a series of repeated absences over the prior year.
- 5.2.4 The Town of West Newbury's Sick Time Pool for Catastrophic Illness Policy affords certain regular employees facing life threatening illness access to paid sick time donated by others after meeting specific criteria. Participation and/or utilization do not imply promise of continued employment. The program is subject to availability and terms and conditions are subject to change without notice.

#### Donation Guidelines:

1. Participation in the program is voluntary and confidential.
2. Participants must be full-time or part time regular employees who are benefits eligible.
3. The employee (donor) must be in good standing; that is, not on disciplinary action, warning status or probation within the past 90 days.
4. A maximum of 10 8-hour days may be donated by a full-time employee, with the maximum donation by a part-time employee being pro-rated, based on hours regularly scheduled to work per week.
5. A minimum of 20 sick day balance must remain after the donation.
6. Donations must be in whole days (that is, 8-hour increments) – The donations of part-time employees will be rounded up to whole day increments.
7. Time cannot be returned once donated.
8. Employees cannot designate specific recipients to be awarded days from the pool.



## TOWN OF WEST NEWBURY PERSONNEL POLICY

9. Employees are not informed of who utilizes the pool.
10. Donations to the pool will be anonymous.
11. Upon voluntary termination employees may donate a maximum of 10 days to the pool.

### Minimum Recipient Eligibility Requirements:

1. The employee must have a life threatening medical condition certified by a physician, which causes an employee to be unable to perform his/her job.
2. The medical condition must not be the result of an illegal act and must not be covered by workers' compensation, short-term disability or long-term disability insurance.
3. The employee must have a minimum of two years of service and must be employed as an active, regular full time or regular part time benefits eligible employee.
4. The employee must be in good standing; that is, not on disciplinary action, warning status or probation within the past 90 days.
5. The employee must submit a signed application accompanied by the attending physician's certification.
6. The employee must have exhausted all accrued sick time, vacation and personal days prior to eligibility.
7. The employee must agree to, and cooperate with, the Selectmen's review.
8. Meeting the minimum requirements set forth above does not guarantee receipt of donated paid sick time. Selectmen's decisions are final.

### 5.3 Worker's Compensation

In accordance with General Laws, c. 149, §69, employees who are incapacitated from working due to injuries arising out of, and in the course of employment, may apply sick leave to supplement disability benefits received because of such injuries so they may continue to receive their full salary or wages while disabled.

### 5.4 Bereavement leave

Bereavement leave will be granted by the Town Manager to any employee to enable ~~him or her~~them to take care of matters caused by the death of a member of ~~his or her~~their immediate family. Three days of pay will be granted for immediate family members which includes: mother, father, brother, sister, child, spouse/domestic partner, grandparent, grandchild, step-parent, step-sibling, step-child, parent-in-law, and sibling-in-law. Compensation for part-time employees shall be based on the employee's regular compensation for scheduled hours for which ~~he or she~~they are is absent.

### 5.5 Military leave





## TOWN OF WEST NEWBURY PERSONNEL POLICY

All regular full-time and part-time employees who are members of the ready reserve of the armed forces shall be granted leave not exceeding 17 days per calendar year, in order to receive military training. At least 60 days prior to departure, employees shall provide notice of the date of departure and date of return and shall provide confirmation of the satisfactory completion of such training upon ~~his or her~~their return to work.

Absence from work for military training as provided in this section shall not affect the employee's right to receive normal vacation, sick leave or other employment benefits.

Employees will be eligible to receive the difference between their regular wages or salary and military pay for no more than seventeen working days per fiscal year.

### 5.6 Parental leave

An employee, not eligible for leave under the provisions of the Family and Medical Leave Act of 1993, but who has been employed by the Town for at least ninety (90) days as a full-time employee, shall be entitled to leave for a period not exceeding eight weeks for the purpose of having or adopting a child under the age of 18, or under 23 if the child is mentally or physically handicapped. In order to be eligible for leave under this section, the employee is required to give two weeks' notice, or such lesser amount of notice as may be feasible based on medical circumstances, in advance of the anticipated date of departure, stating their intention to return and anticipated date of return. Upon their return to work, the employee is entitled to be restored to their previous position, or to a similar position which has the same status and pay as their previous position, and to the length of service credit and seniority as of the date of their leave. Qualified part-time employees are also eligible for leave under this section. Leave under this section shall be unpaid, unless the employee is eligible to apply other leave, such as sick leave or vacation to which they are entitled.

### 5.7 Jury Duty leave

Employees shall be granted leave when called for jury duty and shall be paid their regular wages for the first five days, or part thereof, of jury service. The Town Manager may authorize compensation for jury duty for a period greater than five days upon receipt of documentation that the employee's required term of jury duty exceeded five days. Employees will be paid the difference between their regular wages and the amount paid by the court, provided employees present evidence of compensation received from the court to the Town Accountant. Employees are required to report for work while on jury service if released before the end of the regular work day.

### 5.8 Unpaid Leaves of Absences

#### 5.8.1 Religious Observances

Department managers may grant employees leave for the personal observance of an employee's religious holidays. Employees must provide a reasonable amount of advance notice, which shall normally be ten days, to the department manager, or appointing



## TOWN OF WEST NEWBURY PERSONNEL POLICY

authority. Non-exempt employees may take such leave as unpaid leave, charge the time to vacation or, with the approval of the department manager or appointing authority, schedule additional hours of work to compensate for the time lost.

### 5.8.2 Other Unpaid Leaves of Absences

Upon written request and receipt of requested documentation, a department manager may approve an unpaid leave up to a maximum of 30 days. Any leave request exceeding 30 days will require the approval of the Board or other designee. An employee will not accrue any benefits during this leave but will remain on health insurance at the same contribution level. If leave is granted for more than thirty days, health insurance may still be available, but at full cost to the employee. An employee who fails to return to work upon the expiration of the approved leave will be deemed as having resigned from his or her~~their~~ position and employment.

### 5.9 Personal leave

Full-time employees not party to an employment contract or collective bargaining agreement will be granted 16 hours of personal leave with pay each fiscal year. Qualified part-time employees will be granted 8 hours of personal leave with pay every fiscal year per the first 20 hours of scheduled work per week, based on their regular work schedule, with additional personal hours granted on a prorated basis for scheduled hours above 20 per week, up to a maximum of 16 hours of personal leave per employee per fiscal year.

Personal leave is for the purpose of attending to personal business which unavoidably conflicts with the employee's work schedule or to observe religious holidays. Employees must provide a reasonable amount of advance notice, which shall normally be two days, to the department manager, or appointing authority. Personal leave shall be used in minimum increments of 4 hours, provided, however, that if an employee's remaining balance of available hours is less than 4, the employee may use the remainder of hours available.

Personal leave for the new fiscal year will be posted to all employees' accrual records on the first payroll period after July 1. New full- and qualified part-time employees hired mid-year would begin employment with a balance of personal hours proportional to their first date of employment over the remainder of the fiscal year.

*Adopted: August 23, 1999*

*Revised: Section 5.5 "Military Leave" amended by vote of the Board of Selectmen on March 20, 2000, following a Public Hearing conducted on March 13, 2000.*

*Revised: September 30, 2009*

*Revised: Section 5.1.1 and 5.1.3 by Board of Selectmen July 14, 2014*

*Revised: Section 5.6 by Select Board March 28, 2022*



# TOWN OF WEST NEWBURY PERSONNEL POLICY

## Section 7.0 Holidays

7.1 The following holidays shall be observed by the Town.

New Year's Day	Independence Day
Martin Luther King Day	Labor Day
Presidents' Day	Columbus Day
Patriots' Day	Veterans' Day
Memorial Day	Thanksgiving Day
	<a href="#">Day after Thanksgiving</a>
Juneteenth	Christmas Day

7.2

Regular full-time employees will be excused from working on the holidays without loss of pay.

7.3 Qualified part-time employees will be excused from working on holidays which fall on or are observed on days they are regularly scheduled to work without loss of pay.

7.4 Temporary employees and part-time employees who do not have an established work schedule, or whose regular schedule does not include the day on which a holiday falls or is observed, will not be eligible for holiday pay.

7.5 Non-exempt employees who are required to work on a holiday will be compensated for the hours worked at a rate of pay equal to one and one-half times their regular hourly rate, in addition to their regular pay for the day.

*Revised: Section 7.1 on September 30, 2009*

*Revised: Section 7.3 on July 14, 2014*

*Revised: Section 7.1 on August 30, 2021*

*Revised: Section 7.3 on October 4, 2021*



# TOWN OF WEST NEWBURY

## PERSONNEL POLICY

### Section 10.0 Disciplinary Action

10.1 Disciplinary action may be imposed upon an employee for misconduct or failure to fulfill ~~his or~~ her their responsibilities as an employee. Specific grounds for disciplinary action include, but are not limited to, the following:

- a. Chronic tardiness or absenteeism.
- b. Incompetence, inefficiency, dishonesty or recklessness in performing assigned duties.
- c. Refusal or inability to meet performance standards or to comply with the instructions or direct orders from a supervisor.
- d. Possession or use of alcohol or controlled substances during working hours or reporting to work under the influence of alcohol or controlled substances.
- e. Unauthorized absence from work.
- f. Falsification of records, including application for employment, and obtaining sick, injury or bereavement leave under false pretenses.
- g. Conducting or engaging in any business activity that conflicts, or gives the appearance of a conflict, with Town employment.
- h. Abusive or threatening language or conduct towards the public or a fellow employee, including insubordinate conduct towards a supervisor, department manager or another Town official.
- i. Violation of Town's sexual harassment policy
- j. Willful misuse, misappropriation, destruction, theft or conversion to personal use of Town property, materials, equipment or funds.
- k. Disclosure of confidential information acquired in the course of employment.
- l. Conduct which violates General Laws, c. 268A. (Conflict of Interest)
- m. Engaging in political activity, or conducting private business, during working hours.
- n. Carrying firearms without authorization by the Town during working hours.
- o. Violating Town policies.
- p. Conviction of a felony.

10.2 The degree of discipline imposed shall be commensurate in the judgment of the appointing authority with the severity of the offense and prior work and disciplinary history of the employee. Disciplinary action may include the following actions, as appropriate, in individual situations and circumstances. We reserve the right to terminate any employee for unacceptable conduct without the progression of discipline set out below.



## TOWN OF WEST NEWBURY PERSONNEL POLICY

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### 10.2.1 Oral warning

A department manager may issue an oral warning to an employee when ~~he or she~~they ~~has~~have observed, or otherwise become aware of, unacceptable conduct. The warning shall be issued in a private setting away from other employees or the public. The reasons for the warning will be stated to the employee. A record of the oral warning will be made in the employee's personnel file maintained by the department.

### 10.2.2 Written warning

If an oral warning has failed to correct the unacceptable conduct, or where the conduct merits more serious initial action, the department manager may issue a written warning to the employee. The reasons for the warning will be stated with the required change in conduct or behavior. A copy of the written warning will be placed in the employee's personnel file maintained by the department.

### 10.2.3 Disciplinary probation

If a warning, or warnings, fail to correct unsatisfactory job performance, or other unacceptable conduct, the employee may be placed on a disciplinary probation period not to exceed thirty days, at the direction of the department manager, with the approval of the appointing authority. The employee will receive a written notice at least three days prior to the commencement of the probationary period stating the reasons for the probation, and the standards by which satisfactory completion of the probation will be determined. Upon conclusion of the probationary period, the department manager will notify the employee and appointing authority whether ~~they~~he or she recommends the employee be retained or terminated from employment.

### 10.2.4. Suspension

An employee may be suspended without pay for a period not to exceed 45 days without pay by ~~his or her~~their department manager, with the approval of the appointing authority. The employee will be given written notice of the reason for the suspension and the length of the suspension. Notice will be given three (3) days prior to the commencement date, unless the suspension is for such serious conduct that it is in the best interest of the Town that it begins forthwith, in which case notice will follow within three (3) days.

### 10.2.5 Demotion or discharge

A regular employee may be demoted to a position of lower rank, or dismissed, for unsatisfactory job performance, violation of Town regulations including these policies, or after the exhaustion of other disciplinary measures.



# TOWN OF WEST NEWBURY

## PERSONNEL POLICY

### Section 11.0 Grievance Procedure

Under normal conditions, if, as an employee, you feel dissatisfied with some aspect of your conditions of employment, i.e. treatment, working conditions, warnings, termination, etc., you are encouraged to discuss the matter with your immediate Supervisor. If you and your Supervisor are unable to resolve the issue or if you are not satisfied with the Supervisor's response, then you may discuss your job-related problem, question or complaint with your Department Manager.

Should you and these individuals not come to agreement, you may put your grievance in writing and submit it to the Select Board of Selectman which will make a final determination.

We will endeavor to resolve complaints within a reasonable amount of time.

Any employee who has completed the introductory period and who believes that ~~he or she~~ hasthey have cause to challenge the administration of these policies or other condition of employment may seek review of ~~his or her~~ their complaint. A complaint must first be brought to the attention of the employee's direct supervisor within 14 days of knowledge of the incident or circumstance giving rise to the potential dispute. The result of the discussion must be noted in writing. If the employee is not satisfied with the results of the discussion with the supervisor, ~~he or she~~ they may submit the complaint in writing to the department manager or appointing authority within 30 days. If not submitted, the matter will be considered closed.

If there is no resolution upon review by the department manager, the employee may refer the complaint (in writing) to the Board within 30 days. If not submitted, the matter will be considered closed. The Board will conduct an investigation into the facts alleged in the complaint and will meet with the employee. The Board will make every effort to resolve the grievance promptly and fairly. If the Board is unable to resolve the grievance to the employee's satisfaction within fourteen (14) days of meeting with the employee, the Board will provide the employee with a written statement of its position within an additional seven (7) days.

If submitting the complaint to the Board (already designated as the third step) presents a conflict because the issue involves a dispute between an employee and the Board or a Board member, the Grievance shall be brought before a 3-member panel made up of one party chosen by the Board, one party chosen by the employee from the work force (other than a family relative or person from the employee's same department), and one other party mutually agreed upon by the Board and the employee. The panel will issue an opinion on the validity of the grievance within 14 days, together with any recommendations to end the disagreement.



# TOWN OF WEST NEWBURY

## PERSONNEL POLICY

### APPENDIX A

#### Affirmative Action Plan

##### Commitment to Equal Opportunity in Employment

It shall be the policy of the Town of West Newbury not to discriminate against any applicant for employment, or any employee, on the basis of race, color, national origin, religion, gender, sexual orientation, age, or physical/mental handicap, military/veteran status or any other characteristic or status of individual protected from discrimination under state or federal law, with regard to recruitment, selection and placement, rate of pay, promotion and transfer, disciplinary measures, layoffs and terminations, working conditions, testing and training, and compensation and benefits.

The Town of West Newbury recognizes its obligations to administer actively and aggressively an Equal Employment and Affirmative Action Program, to investigate and initiate changes in any discriminatory employment practices or patterns, and to provide positive benefits to the Town of West Newbury by more fully utilizing and developing the potential of all current employees and by expanding opportunities to a greater number of potential employees.

The Town of West Newbury will provide equal access to its services, programs and facilities without regard of race, color, national origin, religion, gender, sexual orientation, age, or physical/mental handicap, military/veteran status or any other characteristic or status of individual protected from discrimination under state or federal law.

The Town of West Newbury will only purchase goods and services from agencies or companies which have established policies of non-discrimination in employment or are willing to establish such a policy. All consultants to the Town of West Newbury will be required to insert an equal opportunity clause in their contract with the Town.

##### Purpose of the Affirmative Action Program

The Town of West Newbury shall not underutilize minorities or females.

Minority and female employees shall have upward mobility within the structure of the Town of West Newbury.

The Town of West Newbury shall take affirmative action steps to recruit minorities and females for positions within the Town Government.

##### Dissemination of the Program

This Equal Opportunity Policy and Affirmative Action Plan shall be posted in a conspicuous place in the Office of the Select Board of Selectmen. All advertisements and job announcements shall state that the Town of West Newbury is an equal opportunity employer, and that all qualified applicants will receive consideration for employment, without regard to race, color, national origin, religion, gender, sexual orientation, age, or physical/mental handicap, military/veteran status or any other characteristic



## TOWN OF WEST NEWBURY PERSONNEL POLICY

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or status of individual protected from discrimination under state or federal law.

### Responsibilities for Affirmative Action

The Chair of the Select Board ~~of Selectmen~~ shall serve as Equal Employment Opportunity (EEO) Officer and be responsible for administering the Equal Opportunity Policy and Affirmative Action Plan. The Selectmen may appoint an employee of the Town of West Newbury as Equal Opportunity Administrator (EOA) who will be responsible for executing the program, coordinating policy matters, developing and/or strengthening lines of communication between the Town of West Newbury and the target populations and in achieving compliance with policy, law and regulations.

The Select Board ~~of Selectmen~~ shall keep confidential any information or data relating to a specifically named individual, any disclosure of which may constitute an invasion of personal privacy and any other records that are not "public records" as defined in Chapter 1050 of the Acts of 1973, as amended [M.G.L. c. 4, §7 (26)].

The EEO Officer shall directly inform appropriate organizations, community agencies, community and civic leaders, social groups and other potential recruitment sources of job openings as an employee of the Town of West Newbury.

The Town of West Newbury will identify those jobs which are basically the same, although compensated at different rates, in order to achieve equal pay for equal work.

All personnel who are involved in interviewing prospective employees and who are in any way involved in the selection process shall consult with the EEO Officer to assure compliance with the Affirmative Action Plan.

### The Affirmative Action Program

The EEO Officer shall gather and analyze data of the Town of West Newbury employees on minority and female employment composition and with reference to overall goals, identify any underutilization of minority employees, female employees and non-job-related prerequisites & deficiencies in compensation. If the Town of West Newbury is underutilizing minorities and females, or if deficiencies in compensation exist, the Town of West Newbury will develop a specific program to correct any such deficiencies.

The data gathered by the EEO Officer for review and revision shall include the following information:

- Names of personnel involved in hiring and promotion
- Job classification
- Compensation rates for each classification
- Existing job description for each classification
- An updated job description, if the existing one does not correspond to the work actually





# TOWN OF WEST NEWBURY

## PERSONNEL POLICY

### APPENDIX B

#### Safety Policy

1. It is the policy of the Town of West Newbury that all employees work under the safest possible conditions in each department. To this end, every reasonable effort will be made to provide and maintain a safe and healthy work environment, safe equipment, proper materials and to establish and require safe work practices at all times.

Accidents which injure people, damage machinery or equipment, destroy materials and property cause needless suffering, inconvenience and expense.

Employees are the Town's most important asset, and their safety is the Town's greatest responsibility.

2. Every employee is responsible for making job safety a part of ~~his or her~~their daily concern. Employees shall observe rules of conduct and safety and shall use any and all safety equipment that is provided in a proper manner.
3. Department heads are responsible for thoroughly investigating all accidents and for reporting the results of their investigation on forms that are available from the office of the Select Board of Selectmen. In completing the investigation, emphasis shall be placed on determining the condition or other factors responsible for each and every incident.
4. The Safety Coordinator has been designated and is responsible for ensuring that department heads and supervisory personnel carry out their duties in the area of loss control.



# TOWN OF WEST NEWBURY

## PERSONNEL POLICY

### 10.1 Alcohol violations

10.1.1 Removal from safety-sensitive functions

10.1.2 Following a violation, a driver may not return to safety-sensitive duties until an evaluation has been performed and any recommended treatment has been completed.

10.1.3 Anyone with an alcohol concentration of 0.02 or greater, may not return to safety-sensitive duties for at least 24 hours.

### 10.2 Drug violations

10.2.1 Removal from safety-sensitive functions.

10.2.2 A driver cannot return to safety-sensitive duties until an evaluation has been performed, recommended treatment has been completed, and a verified negative drug test is produced.

### 10.3 Discipline

An employee who refuses to be tested, or who tests positive for alcohol or drugs, may be subject to disciplinary action, including suspension and discharge in appropriate situations.

### Section 11.0 Alcohol and drug treatment

11.1 In conformity with DOT rules and regulations, employees will be provided with an opportunity for treatment at their own expense and without any obligation for the Town to hold a job open. Employees who violate an alcohol or drug prohibition must be evaluated by a substance abuse professional to determine what help is needed. As provided in Section 10.0, completion of recommended treatment is a condition for return to a safety-sensitive job.

11.2 The Town's designated coordinator for alcohol and drug problems is available for assistance with treatment referrals. [He/she/They](#) may be reached at the Town Clerk and/or [Town Manager's Board of Selectmen's](#) Office, Town Office Building, 381 Main Street, West Newbury, MA 01985. Telephone number is 978-363-1100, extension 115.

### Section 12.0 Effects of alcohol and drugs on the body

#### 12.1 Alcohol

Alcohol, a nervous system depressant, is the most widely abused drug. About half of all auto accident fatalities in this country are related to alcohol abuse. A 12-ounce can of beer, a 5-ounce glass of wine and a 1.5-ounce shot of hard liquor all contain the same amount of alcohol. The average person takes about one hour to process and eliminate one-half ounce of alcohol. Coffee, cold showers or exercise do not speed up the process.



# TOWN OF WEST NEWBURY

## PERSONNEL POLICY

### APPENDIX D

#### Policy and Procedures Concerning Sexual Harassment

1. The Town of West Newbury depends upon a work environment of tolerance and respect for the achievement of its goals. The Town is committed to providing a working environment that is free of all forms of abuse or harassment. The Town recognizes the right of all employees to be treated with respect and dignity.
2. Sexual harassment is a form of behavior which adversely affects the employment relationship. It is prohibited by state and federal law and will not be tolerated by the Town. The Town condemns and prohibits sexual harassment by any employee.

Sexual harassment does not refer to purely voluntary social activities. It refers to behavior which is not welcomed by the employee, which is personally offensive to him or her, and which undermines morale and/or interferes with the ability of the employee to work effectively. As defined by law, sexual harassment may, depending upon the circumstances, include unwelcome actions, such as:

- verbal abuse of a sexual nature, use of sexually degrading words, or jokes or language of a sexual nature;
  - physical contact including patting, pinching or repeated brushing against another's body;
  - demands or requests for sexual favors accompanied by implied or overt promises of preferential treatment or threats concerning an individual's status as an employee;
  - continued expressions of sexual interest after being informed that the interest is unwelcome;
  - assaults or molestations; and
  - the posting or distribution of sexually suggestive pictures or other material.
3. Sexual harassment is not limited to prohibited behavior by a male employee toward a female employee. Either a man or woman may be a harasser, or a victim of sexual harassment. The harasser may or may not be the victim's supervisor, and the harasser and victim may be of the same, or opposite, sexes.

The victim may not be the person to whom the unwelcome sexual conduct is directed. The victim may be someone who is affected by the harassing conduct, even when it is directed toward another person, if the conduct creates an intimidating, hostile or offensive working environment for the employee or interferes with the employee's work performance.

4. It is, therefore, against the policy of the Town for an employee or person with whom a Town employee comes in contact on the job, male or female, to harass a Town employee sexually, that is, by making unwelcome sexual advances, requests for sexual favors or other uninvited



## TOWN OF WEST NEWBURY PERSONNEL POLICY

verbal or physical conduct of a sexual nature when:

- a. submission to such conduct is made, either explicitly or implicitly, a term or condition of an employee's employment;
- b. submission to, or rejection of, such conduct by an individual is made the basis for employment decisions affecting the employee;
- c. such conduct has the purpose, or effect, of interfering with an individual's work performance;
- d. a hostile or intimidating work environment is created for the employee.

It is also against the policy of the Town for an employee to sexually harass any person with whom the employee comes in contact on the job.

5. Each employee is personally responsible for:

- a. ensuring that ~~his or her~~their conduct does not sexually harass any other employee or person with whom the employee comes in contact on the job, such as an outside vendor; and
- b. cooperating in any investigation of alleged sexual harassment by providing any information ~~he or she~~they possesses concerning the matter being investigated; and
- c. actively participating in efforts to prevent and eliminate sexual harassment and to maintain a working environment free from such conduct; and
- d. ensuring that an employee who files a sexual harassment claim or cooperates in an investigation may do so without fear of retaliation or reprisal.

6. Supervisor/ Subordinate Fraternization

The legal definition of sexual harassment is broad. Sexually orientated conduct, whether it is intended or not, that is unwelcome or has the effect of creating a work place environment that is hostile, offensive, intimidating or humiliating may constitute harassment. While friendly, collaborative personal relationships are encouraged and create a positive work environment, personal relationships must never, even in perception, create a conflict of interest or bias.

Individuals who manage others, should never engage in a romantic, intimate relationship with any employee within their chain of command.

Relationships included within this policy are marriage, dating, or any other relationship that creates the appearance of favoritism or an actual conflict of interest. This Policy is intended to supplement the state conflict of interest law contained in Chapter 268A of the Massachusetts General Laws by providing guidance with respect to the hiring and promoting of individuals or employees to avoid the appearance of favoritism.

If such relationships develop, it is the responsibility of senior management to take appropriate action, after consultation with the parties. Such action may include, but is not limited to:



## TOWN OF WEST NEWBURY PERSONNEL POLICY

- Transfer or reassignment, preferably with voluntary participation of the parties;
- Removal of the supervisor from any activity or decision directly or indirectly affecting the subordinate, including work assignments, performance evaluation, compensation, bonus or promotion;
- Termination of employment.
- This policy will be applied in accordance with applicable state and federal laws. Non-consensual relationships of a romantic or sexual nature are addressed in the Town's Sexual Harassment Policy and are prohibited by law and Town Policy.

Any individual who applies for a position with the Town or for a promotion shall notify the Appointing Authority of any "relative(s)" who are currently employed by the Town in any capacity, as provided by Chapter 268A, and under Section III, A (3) of this Policy. The ~~Select Board of Selectmen~~/Town Manager may implement administrative procedures necessary to implement this policy.

7. Retaliation against an employee for filing a complaint of sexual harassment or for cooperating in an investigation of a sexual harassment complaint is against the law and will not be tolerated by the Town.
8. Any employee violating this policy will be subject to appropriate discipline, including possible discharge by the Town.
9. The Town has a designated Sexual Harassment Grievance Officer (Grievance Officer). ~~They/He/she~~ may be reached at the Town Clerk and ~~/or the Town Manager's Board of Selectmen's~~ Office, Town Office Building, 381 Main Street, West Newbury, MA 01985. Telephone number is 978-363-1100, extension 115.

The Town has been designated as the Alternate Sexual Harassment Grievance Officer (Alternate Grievance Officer). ~~They/He/she~~ may be reached at the Office of the Town Clerk, Town Office Building, 381 Main Street, West Newbury, MA 01985. Telephone number is 978-363-1100, extension 110.

10. If any employee believes ~~he or she~~~~they~~ has been subjected to sexual harassment, the employee should initiate a complaint by contacting the Grievance Officer or Alternate Grievance Officer as soon as possible. The employee should file the complaint promptly following an incident of alleged harassment. The employee should be aware that the longer the period of time between the event giving rise to the complaint and the filing, the more difficult it will be for the Grievance Officer to verify what occurred. The employee may be requested to document the complaint in writing.

An employee may, at ~~his or her~~~~their~~ option, discuss a possible sexual harassment problem with ~~his or her~~~~their~~ supervisor, or may go directly to the Grievance Officer without notifying the supervisor.



# TOWN OF WEST NEWBURY

## PERSONNEL POLICY

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### APPENDIX E

#### Town of West Newbury's E-mail, Internet and Social Media Use Policy

The Town of West Newbury recognizes the importance of modern technology and access to the Town's information. This is another attempt to provide our citizens the best and most efficient services possible. Therefore, the Town has provided many of its employees with e-mail as well as access to the Internet. Some of its employees also engage in social media (Facebook, Twitter and similar services) on behalf of the Town. All information technology provided by the Town to its employees or used by its employees on behalf of the Town, including, but not limited to, Internet access, e-mail and social media, is, and remains at all times, the property of the Town of West Newbury. Accordingly, the Town has the right to review any and all activity, including, but not limited to, all data and information accessed, created, sent, displayed, stored, downloaded and/or printed through the e-mail, Internet and/or social media services provided by the Town or conducted in the name of the Town.

While the Town encourages its employees to utilize these information technology tools, employee use of the Town's e-mail, the Internet and social media is restricted to the business purposes of the Town. All employees are responsible for their own actions with respect to their use of the Town's e-mail, the Internet and social media. Employees may not use another employee's password or computer to create, send or retrieve e-mail messages, or to access Internet sites, unless express permission is granted. Under no circumstance are the Town's e-mail, Internet and social media systems to be used for any purposes prohibited by state, local or federal law. Employees are advised that copyright laws apply to information accessed over the e-mail system the Internet and social media. Any improper use of the Town's e-mail, Internet and social media systems, at any time, including, but not limited to, accessing, creating, sending, displaying storing, downloading and/or printing sexually explicit or otherwise potentially offensive materials, will not be tolerated and will subject the employee to discipline, up to and including, termination. Employees' use of social media shall also conform to all social media policies enacted by the [Select Board of Selectmen](#).

Employee use of the Town's e-mail, Internet and social media systems is not private. All e-mail messages and Internet sites visited by Town employees are automatically stored on the Town's computer back-up systems as well as any social media services conducted on Town's equipment. Further, employees should be aware that even when a message is deleted, it may exist on a backup tape. The Town of West Newbury reserves the right to retrieve, save, monitor and review all web sites visited by an employee and all information and/or data accessed, created, sent, displayed, stored, downloaded and/or printed through the employee's access to the Internet, at any time, with or without advance notice or prior consent. Such access may occur during or after working hours by any supervisor, manager, or other personnel designated by the Town of West Newbury. Further, employees are reminded that information accessed and/or distributed over the e-mail system the Internet or social media may be considered a public record pursuant to M.G.L. c.66.

An employee's use of the Town's e-mail system and/or access to the Internet through the Town's system and /or use of social media on behalf of the Town constitutes his/her agreement to



## TOWN OF WEST NEWBURY PERSONNEL POLICY

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comply with the Town's E-mail, Internet and Social Media Use Policy as well as his/her consent to the Town's recording and monitoring of the employee's use of the e-mail Internet and social media systems. Employees are subject to all rules and regulations promulgated by the Town of West Newbury's [Select Board of Selectmen](#). This policy may be altered or amended at the discretion of the Town at any time. Employees will be notified of any change in the policy.

*Revised: September 30, 2009*

*Revised: May 14, 2018*

DRAFT

**Town Manager**

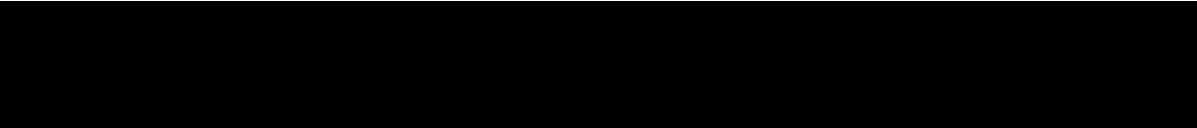
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**From:** Town Manager  
**Sent:** Tuesday, September 19, 2023 5:23 PM  
**To:** Chris Wile; Wendy Reed  
**Subject:** RE: Agenda request item

This hasn't been followed in many years; I would think it should be removed. The Chair has responsibility to set the agenda so, it would seem, should have discretion to set a deadline, or not, as they wish.

Administratively, closing the agenda earlier than Thursday would help with work flow – theoretically – but I would not favor that as I think it would make town government less nimble and less responsive to real-world situations.

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



Hi Angus and Wendy-

Looking through SB policies and see the policy below (cut & paste). Per discussion of last evening's meeting, I was left with a different understanding. I would like to request that this item be placed on the agenda for discussion at a future meeting.

Thanks  
Chris

Policies of the West Newbury Select Board Policies of the Select Board Approved policies through April 25, 2022 1.

1. Agenda Items

All items for the agenda or requests to be heard by the Select Board must be in the Office of the Select Board by 12:00 noon on the Wednesday prior to the following Monday meeting. Adopted: date unknown





## Policies of the West Newbury Select Board

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### 1. ~~Agenda Items~~

All items for the agenda or requests to be heard by the Select Board must be in the Office of the Select Board by 12:00 noon on the Wednesday prior to the following Monday meeting.

*Adopted: date unknown*

Repealed 10/XX/2023



## Policies of the West Newbury Select Board

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### 2. Annual Election of Officers Policy

Annually each town board, committee and commission shall elect a Chairperson & Clerk at their first meeting after July 1<sup>st</sup> each year or by statute, regulation or bylaw. The Chairperson will then communicate the vote to the Town ~~Manager-Clerk's Office and which will~~ update the town's website.

*Adopted: 5/29/2018*

*Amended: 11/25/2019*

*Amended: 10/XX/2023*



# Policies of the West Newbury Select Board

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## 4. Certificate of Insurance and Signed Contracts for Snow Removal Drivers

The Select Board requires that Snow Removal Drivers who plow for the Town of West Newbury are required to sign the Town’s contract and to provide a Certificate of Insurance naming the Town as an additional insured, in the amount required by the [Select Board Town Manager](#).

*Adopted: 12/15/2014*

*Amended: 8/6/2018*

**Amended: 10/XX/2023**



## Policies of the West Newbury Select Board

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### 5. Disposal of Surplus Property Policy

This policy complies with Massachusetts general Laws Chapter 30B which requires municipalities to adopt a written policy regarding the disposal of surplus property.

From time to time the Town of West Newbury finds it necessary to dispose of materials, equipment, residue inventory or other items that are no longer required. The following procedures describe the process to be followed when disposing of surplus items. The intent is to establish reasonable control over usage, surplus and obsolete material handling, sale and disposition. This policy applies to all surplus items regardless of value. It does not apply to disposal of real estate. This policy applies to all Town departments, boards and committees.

Items taken into custody by the West Newbury Police Department through statutory procedures i.e. drug, criminal and civil forfeitures pursuant to MGL Chapter 94c and 18 USC §§ 981-87, will be disposed according to state and federal law. Unclaimed property taken into possession by the West Newbury Police Department will be auctioned according to MGL Chapter 135, § 8.

#### **Procedures**

The Department Head will submit a written recommendation to the Chief Procurement Officer (CPO) that the item(s) are surplus to department needs and may be disposed of.

The Select Board of Selectmen shall vote to designate the items surplus.

For surplus property valued at less than \$10,000 the CPO will advertise the items for sale on the Town website, or in the local newspaper, or by online auction as she or he deems in the best interest of the Town.

For surplus property valued at \$10,000 or more, the CPO shall dispose of the property in accordance with MGL Chapter 30B by sealed bids, or by public auction, including online auction.

Items that have only scrap value may be disposed of as the CPO deems appropriate.

At its discretion, the Town may either sell at less than fair market value or donate surplus property to a government entity or an organization which has Internal Revenue Service tax exempt status by reason of its charitable nature. For property valued at less than \$1,000 the CPO may exercise his own judgment. For property valued at \$1,000 or more the Selectmen-Select Board must first approve the disposition.

*Adopted: 9/3/2019*

**Amended 10/XX/2023**



# Policies of the West Newbury Select Board

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## 10. Fall Special Town Meeting Schedule

~~The~~ If needed, the Fall Special Town meeting ~~will~~ should be scheduled ~~between~~ within the months of October ~~15 and/or~~ November ~~15~~; shall be announced six weeks prior to the meeting date; shall have a deadline for special article requests at a date to be specified by the Select Board; require that the special article requests must be submitted to the Town Manager-Clerk's Office and Select Board in writing by the set deadline; and the final drafts of the Warrant should be available for review by the Select Board, Finance Committee, Town Clerk, Town Counsel, ~~and~~ Town Moderator, and the Town Manager one week prior to posting. For good cause or emergencies, deadlines may be changed by vote of the Select Board.

*Adopted: 10/14/1998*  
*Amended: 8/6/2018*  
Amended 10/XX/2023



# Policies of the West Newbury Select Board

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## 15. Meeting Minutes

In an effort to comply with the provision of the Public Records Law requiring that minutes be available for public review, all minutes are to be provided to the Town Clerk after they are approved. The Town Clerk shall maintain a central file where minutes will be readily available for public inspection during regular office hours.

A draft of minutes should be available by the next regular meeting of any board or committee, approved or revised at that meeting, ~~with final approval at the second regular meeting.~~ They Upon approval, minutes shall ~~should~~ be promptly filed in the Town Clerk's Office where they become public record and are not to be removed from the Office or revised in any way. Any necessary revisions must be made at a subsequent meeting and recorded in the minutes of that meeting.

*Adopted: 7/23/1996*

*Amended: 9/9/2003*

*Amended 10/XX/2023*



## Policies of the West Newbury Select Board

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### 17. Naming Streets

When a preliminary plan comes before the Planning Board with a proposed street name, that name shall be submitted to the Select Board for their information and input. The Planning Board either directly or through its staff shall also consult with the [Building Inspector](#), Police Chief, Fire Chief and EMA Director to ensure that the proposed street name is adequately different from existing street names in order to facilitate prompt response in the event of emergency.

*Adopted: 12/12/1994*

*Amended: 8/6/2018*

*Amended 10/XX/2023*



## Policies of the West Newbury Select Board

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### 23. Public Access to Documents Drafted by ~~or Mail Addressed to~~ the Select Board

The Select Board voted to adopt a policy stating that no mail or document ~~addressed to or~~ drafted by the Select Board shall be considered public property until the Select Board has received and reviewed it as a Board in a public meeting.

*Adopted 8/25/2003*

Amended 10/XX/2023





## Policies of the West Newbury Select Board

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### 25. Reconciling Cash and Receivables Policy

~~Two of the largest assets for a community are cash and receivables.~~ Information pertaining to ~~these cash and receivables~~ is kept by the Treasurer/Collector and the Town Accountant. A Treasurer is the custodian of revenues, tax titles, and tax possessions, while a Collector keeps listings of outstanding receivables due to the Town, and the Town Accountant is responsible for maintaining the accounting records. Prompt and frequent reconciliations between them are essential in order to maintain control and ensure checks and balances are in place.

It is the policy of the Town of West Newbury that within thirty days after the end of each month, the Treasurer/Collector shall internally reconcile the cashbook to all bank statements, and the Treasurer/Collector shall internally reconcile all receivable balances with the receivable control. The results of these activities shall be forwarded to the Accountant's office and compared to the general ledger records. If differences are determined, the Treasurer/Collector and Accountant shall reconcile the variances (e.g. missing information, errors and timing differences), with a copy of this final reconciliation ~~forwarded to~~maintained on file in the ~~Town Manager~~Finance Department.

*Adopted: 5/29/2018*

Amended 10/XX/2023



## Policies of the West Newbury Select Board

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### 29. Review by the Town Manager of all Accident Report Forms

All Accident Report Forms filed involving property damage or personal injury of Town vehicles or Town employees will be submitted to the Town Manager as soon as possible after the accident, and forwarded to the ~~MHA~~ Claims Department of the Town's insurance company, and for processing. ~~reviewed at the next meeting of the Select Board.~~

*Adopted: 9/18/06*

*Amended 8/6/2018*

*Amended 10/XX/2023*



## Policies of the West Newbury Select Board

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### 31. Signs on Town Property

The Town of West Newbury prohibits all signs on public property without prior approval by the Select Board or designee.

The Board adopts the following requirements and limitations applicable to requests to install signs on public property (including within Town roadway rights-of-way):

- a) Organizations are limited to placement of a total of five (5) temporary signs, town-wide, at any given time, with no more than one (1) temporary sign at any one location.
- b) Installation of temporary signs may be approved in the following locations: Page School; Pipestave; ~~Middle/High School~~; along roadway rights-of-way if/as specified in the organization's initial request. Installation of temporary signs may also be approved at Ferry Park or Cammett Fields (Bachelor Street), but temporary signs in those locations also require the approval of the Parks and Recreation Commission, which has care and custody of those properties.
- c) The duration of allowance for temporary signs is limited to two two-week periods (so, a total of 28 calendar days) over the course of a calendar year. At the option of the organization, the two two-week periods may or may not be consecutive.
- d) In no instance shall the installation of temporary signs be approved at the following locations: Town Offices (1910 Building); GAR Memorial Library; Training Field; Public Safety Building; or traffic islands (unless grandfathered at the time of policy adoption).

All requests to place a sign on public property must include the reason, the location(s), and duration the sign will need to be posted for and confirmation that permission has been obtained from the property owner. Applicant must acquire permission from the property owner if placing a sign on the property or in the right of way. Real estate open house signs are permitted as long as they are posted and removed the day of the open house.

Some examples of public property are rights-of-way (property running parallel to the roadway), traffic islands, utility poles, sidewalks and town-owned property. Please submit all requests to the Select Board either by email at [selectboard@wnewbury.org](mailto:selectboard@wnewbury.org) or mail/drop off at 381 Main Street, West Newbury, MA 01985.

*Adopted: 9/18/2017*

*Amended: 11/13/2017*

*Amended: 7/26/2021*

**Amended 10/XX/2023**



## Policies of the West Newbury Select Board

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### 35. Variable Message Board Placement

The ~~Town of West Newbury has been fortunate to secure Federal funding to purchase two~~ Variable Message Boards (VMBs), ~~with a goal are intended to have the option be used~~ to communicate important messages to the community as it related to the Public Health, Public Safety and special town government events. This policy will ensure that these devices are only used in special situations that require greater outreach and immediate community attention.

The usage of such means of communications is authorized by the Select Board, Police Chief, Fire Chief, EMA Director, Health Agent, Water Superintendent, Town Manager and the DPW Director. The operation of these devices will be overseen by the Department of Public Works.

The message displayed on these devices must be related to the health and safety of the community. This would include the use of the VMBs for emergency situations, as well as for traffic control, such as to notify drivers of road closures or detours due to roadway paving. The devices should not be used for community events, advertising non-profit and profit organizations, school events and sporting events.

An approved VMB message should not be deployed for greater than ten calendar days at one time. In rare situations where public health and safety information is vital and may be on-going for an extended period of time, the VMB's deployment limit can be extended with prior approval by the Town Manager.

*Adopted: 6/28/2021*  
*Amended 10/XX/2023*

## MEMORANDUM

To: Select Board  
From: Wendy Reed  
Date: September 29, 2023  
Subject: Criteria for Using Town Resources for Publicity

There have been several requests/uses of the Town email notification system in the last couple of weeks that have raised the question of what the approval process for this should be. When the Town publicizes events, whether affiliated with the Town or not, it gives the impression the Town is recommending them or at the very least supports them. Given our recent discussion about the implications of allowing use of Town facilities like the Public Safety sign and Town Office Building lighting to publicize events, I thought we should also consider our communication about these events using email notifications, Facebook etc. as well.

I don't think it would be productive to insert Select Board approval into this process, but agreeing on the factors that should be considered before agreeing to publicize events could be helpful to Angus and staff. Here is a quick list of possible factors that we could discuss:

- Affiliation with Town Departments and/or BCC
- Profit vs Nonprofit status of an organization
- Whether there's a financial benefit to be gained by the requesting party
- Whether the event benefits all residents, a majority, a minority or no direct benefit
- Whether the event targets an identified need or one in line with Town priorities
- Whether being associated with the event creates a liability for the Town

Please edit and add to this list for discussion at our meeting. Also, consider whether the answer to any of these should preclude Town publicity of the event. I'm planning on limiting this to a 10 min discussion but if we need more time, it can be taken up a future meeting.



# Town of West Newbury

381 Main Street

West Newbury, Massachusetts 01985

Angus Jennings, Town Manager

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

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

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TO: Select Board  
FROM: Angus Jennings, Town Manager  
DATE: September 30, 2023  
RE: Electric Vehicle charging stations – clarification of policy(ies)

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In the Town Bylaws, the Departmental Revolving Funds Bylaw establishes an Electric Vehicle Charging Stations Revolving Fund:

5.5.1 Electric Vehicle Charging Stations Revolving Fund.

5.5.2 Department. There shall be a separate fund called the Electric Vehicle Charging Stations Revolving Fund.

5.5.3 Revenues. The town accountant shall establish the Electric Vehicle Charging Stations Revolving Fund as a separate account and credit to the fund all the monies received in connection with use of EV charging stations located on Town-owned property, donations, and any other source.

5.5.4 Purposes and Expenditures. During each fiscal year, the Town may incur liabilities against and spend monies from the Electric Vehicle Charging Stations Revolving Fund for the operations and maintenance of electric vehicle (EV) charging stations located on Town-owned property in West Newbury.

5.5.5 Fiscal Years. The Electric Vehicle Charging Stations Revolving Fund shall operate for fiscal years that begin on or after July 1, 2021 and shall continue until such time as Town Meeting votes to eliminate the fund.

This is a request that for Board authorization of payment, from this revolving fund, of the two National Grid accounts corresponding to each of the two sets of charging stations, provided there are sufficient funds to do so. (If the revolving fund balance were inadequate, these invoices would be paid from the electricity line in the DPW operating budget).

In addition to this policy question, the Board may wish to reconsider the current rate for use of the charging stations. I have talked this over preliminarily with Rick, and he may have a suggestion for the Board to consider either on Monday night or at a future meeting.

cc: Town Accountant

MEMORANDUM

To: Select Board, Town Manager  
 From: Wendy Reed  
 Re: Updated Town Manager Project/Initiatives Priority Rankings  
 Date: September 29, 2023

The following shows combined Select Board rankings from July 2023, sorted by timeframe and priority. A column has been added to reflect the Town Manager’s recommended timeframe and priority for each of these projects/initiatives.

Individual Select Board member rankings are included on pages 4-6 for reference. The Town Manager’s current draft priorities matrix, which he maintains as a “living document” (i.e. it is updated routinely), is also enclosed, and may reflect items that weren’t “on the table” when the Board members assigned their rankings this summer.

The combined rankings were determined by:

1. Assigning a point value to timeframe (A=1, B=2) and averaging SB member’s ranking
  - a. FY24 indicates all SB members in agreement on A
  - b. FY24/FY25 indicates partial agreement between A and B
  - c. FY25 indicates all SB in agreement on B
2. Averaging point value of priority (1, 2 or 3)
3. Sorting combined rankings by timeframe point value and then priority.

Projects/initiatives for which the combined SB ranking and the Town Manager ranking are significantly different are highlighted for discussion.

The following legend applies to both tables.

Legend		
Project Rankings		Project Completion Status
A	FY24	Complete
B	FY25 and later	Underway
1	Vital	Not Underway (at all; or in a meaningful way)
2	Important	
3	Optional	

<b>Combined Select Board and Town Manager Rankings – July 2023</b>			
Town Manager Projects/Initiatives	Timeframe	Priority	TM Ranking
<b>Peer Review: Dole Place cost estimates; permitting/design review (\$)</b>	FY24	1.0	A2
Water financial plan	FY24	1.0	A1
<b>Water hydraulic plan (\$)</b>	FY24	1.0	A1
<b>Water Rate Study (\$)</b>	FY24	1.0	A1
<b>Restructure DPW; figure out FY24 expense and FY25 budget implications</b>	FY24	1.3	A1
<b>MOU with Newburyport: Water</b>	FY24	1.3	A2
<b>Page School Conditions Assessment (\$)</b>	FY24	1.3	A2
Realistic/sustainable water capital program/plan	FY24	1.3	
Form of Government: Review Town Manager legislation; begin process to consider potential amendments to improve efficiency and effectiveness. Consider establishment of Charter Committee or Commission.	FY24	1.7	B2
Page School lintels evaluation (\$)	FY24	1.7	
Emerald Ash Borer: treatments / tracking (\$)	FY24	2.0	A2/B2
<b>Expand/empower “Land Agent” role with BCCs</b>	FY24	2.0	
Remote Work (personnel policy)	FY24	2.0	A2
Solar: feasibility study of Town-owned parcels (\$)	FY24	2.0	A2
<b>Stabilization Fund: refine account structure to distinguish Capital Stabilization from regular Stabilization funds</b>	<b>FY24</b>	<b>2.0</b>	<b>B3</b>
Summer Rec Program	FY24	2.0	
Town Hall Restoration (painting) (\$)	FY24	2.0	A2
Investment Manager procurement process	FY24	2.5	A3
Acquire site for new public water source	FY24/FY25	1.0	B2
Establish reliable accrual tracking process in payroll software	FY24/FY25	1.0	A2
<b>Replace phone systems: Town Offices and Public Safety (\$)</b>	FY24/FY25	1.3	A2
Self-evaluation of pay practices (MGL Ch. 149)	FY24/FY25	1.5	B2
<b>Adopt financial policies: Employee Reimbursement, Procurement, Procurement Conflict-of-Interest (priority 1)</b>	FY24/FY25	1.7	A2
Adopt financial policies: Grant Management; Overlay; Reconciliations; Revenue Turnover; Tailings; Tax Recapitulation; and Year-End Closing (priority 2)	FY24/FY25	1.7	B2
Building security/access protocols	FY24/FY25	1.7	B2
HVAC equipment upgrades: Annex/COA (\$)	FY24/FY25	1.7	
Identify and apply for grants: Middle Street Bridge	FY24/FY25	1.7	A2
Improve structure/utilization of network servers, records management in Town Offices	FY24/FY25	1.7	A2
<b>MBTA Communities planning/zoning (\$)</b>	<b>FY24/FY25</b>	<b>1.7</b>	<b>A1</b>
<b>MOU with Newburyport: Middle Street Bridge</b>	FY24/FY25	1.7	A2
Review EMA dept. structure/function	FY24/FY25	1.7	A2



<b>Combined Select Board and Town Manager Rankings – July 2023</b>			
Town Manager Projects/Initiatives	Timeframe	Priority	TM Ranking
Review/update employee classifications/grades	FY24/FY25	1.7	A2
River Road resiliency: engineering study	FY24/FY25	1.7	A2
<b>Road paving IFB</b>	<b>FY24/FY25</b>	<b>1.7</b>	<b>A1</b>
<b>Wage/Classification study (cont'd implementation: job desc.; perf. evals)</b>	<b>FY24/FY25</b>	<b>1.7</b>	<b>A1</b>
Advance consideration of regionalization	FY24/FY25	2.0	B2
<b>Ash Street management plan</b>	FY24/FY25	2.0	B2
Build multi-year budget forecasting tool	FY24/FY25	2.0	B3
<b>Cable License Agreement renewal, Verizon (2026)</b>	<b>FY24/FY25</b>	<b>2.0</b>	<b>B1</b>
Expand/broaden GIS user group	FY24/FY25	2.0	B3
GAR Library: implementation of 5-year strategic plan	FY24/FY25	2.0	A2
<b>Hazard Mitigation Plan updates</b>	<b>FY24/FY25</b>	<b>2.0</b>	<b>A1</b>
<b>Housing Production Plan updates (\$)</b>	<b>FY24/FY25</b>	<b>2.0</b>	<b>A1</b>
Invasive Species (permitting, contractor management) (\$)	FY24/FY25	2.0	A2/B2
Page/Pipestave crossing (25% design)	FY24/FY25	2.0	A2
Pentucket Regional Agreement: review/update	FY24/FY25	2.0	A2
<b>Route 113 Corridor Plan / TIP (\$)</b>	FY24/FY25	2.0	A2/B2
Sawmill Brook land acquisition; incl. LAND grant; land management plan (\$)	FY24/FY25	2.0	A2
<b>Soldiers &amp; Sailors Building: resolve public plan, whether by authorizing disposition to a third party (subject to historic preservation restriction) or otherwise</b>	<b>FY24/FY25</b>	<b>2.0</b>	<b>B1</b>
Stormwater/culvert mapping/engineering (beyond River Rd)	FY24/FY25	2.0	A3
<b>Surface Water Protection Bylaw (within MOU with Newburyport)</b>	<b>FY24/FY25</b>	<b>2.0</b>	<b>B1</b>
Zoning amendments: ADUs	FY24/FY25	2.0	A2
Capital Bylaw: revise for consistency with policy	FY24/FY25	2.3	B3
Coffin Street land acquisition (establish parking, access) (\$)	FY24/FY25	2.3	A2
Hearing Room improvements, cont'd (\$)	FY24/FY25	2.3	A3
<b>Mowing: Town-wide fields management/mowing plan</b>	FY24/FY25	2.3	A2
Propose new Wetlands Bylaw	FY24/FY25	2.3	A3
Town Center traffic calming (\$50k earmark) (\$)	FY24/FY25	2.3	B2
Invasive Species intern program (\$)	FY24/FY25	2.5	A2/B2
LED streetlight conversion	FY24/FY25	2.7	B2
Parks/Rec capital planning	FY24/FY25	2.7	A2
Relocate public safety equipment from Parks & Rec bldg.; propose bldg. demo (\$)	FY24/FY25	2.7	A2
Update 2001 Committee Handbook	FY24/FY25	2.7	B3
New resident info/welcome package	FY24/FY25	3.0	A3
Special Legislation: Select Board name	FY24/FY25	3.0	B2

<b>Combined Select Board and Town Manager Rankings – July 2023</b>			
Town Manager Projects/Initiatives	Timeframe	Priority	TM Ranking
Improvements recommended in ADA facilities audit, cont'd (\$)	FY25	1.5	A2
New/Updated Comp Master Plan	FY25	1.7	B2
Establish COA Revolving Fund	FY25	2.0	A2
<b>Evaluate applicability, administration of Scenic Roads Bylaw</b>	FY25	2.0	A2
Fire Dept operational/asset structure review (incl. improve daytime coverage/ops)	FY25	2.0	B1
Pipestave/Dunn access/parking/circulation/management plan	FY25	2.0	B2
Potential land disposition for housing	FY25	2.0	B3
River Road boat launch	FY25	2.0	B3
Secure "Complete Streets" community designation	FY25	2.0	B3
Sustainable long-term plan for cemeteries O&M, capacity	FY25	2.0	B3
Zoning amendments: wireless comm facilities	FY25	2.0	B2
Artichoke River Woods land acquisition (establish parking, access)	FY25	2.3	A2
Establish public access to Merrimack River	FY25	2.3	A3
<b>Parks/Rec O&amp;M plans</b>	FY25	2.3	A2
Mill Pond All Access trail (with or without broader reorientation plan) (\$)	FY25	2.5	B3
Pursue "Housing Choice" community designation	FY25	2.5	
Whetstone Greenway (\$)	FY25	2.5	B3
Edits/Updates to Mill Pond Management Plan	FY25	2.7	B2
Way to the River: vehicle access questions	FY25	2.7	A3
Potential Mooring Field	FY25	3.0	B3

<b>Legend</b>		
Project Rankings		Project Completion Status
A	FY24	Complete
B	FY25 and later	Underway
1	Vital	Not Underway (at all; or in a meaningful way)
2	Important	
3	Optional	

**TOWN MANAGER PROJECTS / INITIATIVES**  
**Select Board Member/TM Priorities – July 2023**

WR	RP	CW	AJ	Project/Initiative
A1	A1	B1	B2	Acquire site for new public water source
A2	A1	B2	A2	<b>Adopt financial policies: Employee Reimbursement, Procurement, Procurement Conflict-of-Interest (priority 1)</b>
B2	A1	A2	B2	Adopt financial policies: Grant Management; Overlay; Reconciliations; Revenue Turnover; Tailings; Tax Recapitulation; and Year-End Closing (priority 2)
B2	A1	B3	B2	Advance consideration of regionalization
B2	B2	B3	A2	Artichoke River Woods land acquisition (establish parking, access)
A2	A2	B2	B2	<b>Ash Street management plan</b>
B2	A2	A2	B3	Build multi-year budget forecasting tool
A2	B1	B2	B2	Building security/access protocols
A2	B1	B3	B1	Cable License Agreement renewal, Verizon (2026)
A3	A2	B2	B3	Capital Bylaw: revise for consistency with policy
A2	A2	B3	A2	Coffin Street land acquisition (establish parking, access) (\$)
B3	B2	B3	B2	Edits/Updates to Mill Pond Management Plan
A2	A1	A3	A2/B2	Emerald Ash Borer: treatments / tracking (\$)
B2	B2	B2	A2	Establish COA Revolving Fund
B2	B2	B3	A3	Establish public access to Merrimack River
B1	A1		A2	Establish reliable accrual tracking process in payroll software
B2	B2		A2	<b>Evaluate applicability, administration of Scenic Roads Bylaw</b>
B2	A2		B3	Expand/broaden GIS user group
A2	A2			<b>Expand/empower "Land Agent" role with BCCs</b>
B2	B2		B1	Fire Dept operational/asset structure review (incl. improve daytime coverage/ops)
A2	A2	A1	B2	Form of Government: Review Town Manager legislation; begin process to consider potential amendments to improve efficiency and effectiveness. Consider establishment of Charter Committee or Commission.
B2	A2	B2	A2	GAR Library: implementation of 5-year strategic plan
A2	A1	B3	A1	Hazard Mitigation Plan updates
A2	A3	B2	A3	Hearing Room improvements, cont'd (\$)
A2	A2	B2	A1	Housing Production Plan updates (\$)
B2	A1	A2		HVAC equipment upgrades: Annex/COA (\$)
B2	A1	A2	A2	Identify and apply for grants: Middle Street Bridge
B2	A1	B2	A2	Improve structure/utilization of network servers, records management in Town Offices
B2	B1		A2	Improvements recommended in ADA facilities audit, cont'd (\$)
B2	A2		A2/B2	Invasive Species (permitting, contractor management) (\$)

**TOWN MANAGER PROJECTS / INITIATIVES**  
**Select Board Member/TM Priorities – July 2023**

WR	RP	CW	AJ	Project/Initiative
B3	A2		A2/B2	Invasive Species intern program (\$)
A3	A2		A3	Investment Manager procurement process
B3	A2	B3	B2	LED streetlight conversion
A2	A1	B2	A1	<b>MBTA Communities planning/zoning (\$)</b>
B3	B2		B3	Mill Pond All Access trail (with or without broader reorientation plan)
B2	A1	A2	A2	<b>MOU with Newburyport: Middle Street Bridge</b>
A1	A1	A2	A2	<b>MOU with Newburyport: Water</b>
B2	A2	B3	A2	<b>Mowing: Town-wide fields management/mowing plan</b>
A3	A3	B3	A3	New resident info/welcome package
B2	B1	B2	B2	New/Updated Comp Master Plan
A2	A1	A1	A2	<b>Page School Conditions Assessment (\$)</b>
A2	A2	A1		Page School lintels evaluation (\$)
B2	A2	B2	A2	Page/Pipestave crossing (25% design)
B3	A2	B3	A2	Parks/Rec capital planning
B2	B2	B3	A2	<b>Parks/Rec O&amp;M plans</b>
A1	A1	A1	A2	<b>Peer Review: Dole Place cost estimates; permitting/design review (\$)</b>
B2	B2	A2	A2	Pentucket Regional Agreement: review/update
B2	B2	B2	B2	Pipestave/Dunn access/parking/circulation/management plan
B2	B2	B2	B3	Potential land disposition for housing
B3	B3	B3	B3	Potential Mooring Field
A2	B2	B3	A3	Propose new Wetlands Bylaw
B3	B2			Pursue "Housing Choice" community designation
A1	A1	A2		Realistic/sustainable water capital program/plan
B3	A2	B3	A2	Relocate public safety equipment from Parks & Rec bldg.; propose bldg. demo (\$)
A2	A2	A2	A2	Remote Work (personnel policy)
A2	A1	B1	A2	<b>Replace phone systems: Town Offices and Public Safety (\$)</b>
A1	A1	A2	A1	<b>Restructure DPW; figure out FY24 expense and FY25 budget implications</b>
A2	B1	B2	A2	Review EMA dept. structure/function
B2	A1	B2	A2	Review/update employee classifications/grades
B2	B1	B3	B3	River Road boat launch
B2	A1	B2	A2	River Road resiliency: engineering study
A2	A1	B2	A1	<b>Road paving IFB</b>
B2	A2	B2	A2/B2	<b>Route 113 Corridor Plan / TIP (\$)</b>
B2	A2	B2	A2	Sawmill Brook land acquisition; incl. LAND grant; land management plan

TOWN MANAGER PROJECTS / INITIATIVES				
Select Board Member/TM Priorities – July 2023				
WR	RP	CW	AJ	Project/Initiative
	B2		B3	Secure “Complete Streets” community designation
A2	B1		B2	Self-evaluation of pay practices (MGL Ch. 149)
A2	A2		A2	Solar: feasibility study of Town-owned parcels (\$)
B2	B2	A2	B1	Soldiers & Sailors Building: resolve public plan, whether by authorizing disposition to a third party (subject to historic preservation restriction) or otherwise
B3	A3	B3	B2	Special Legislation: Select Board name
A2	A2	A2	B3	Stabilization Fund: refine account structure to distinguish Capital Stabilization from regular Stabilization funds
A2	B2		A3	Stormwater/culvert mapping/engineering (beyond River Rd)
A2	A2			Summer Rec Program
B2	A2		B1	Surface Water Protection Bylaw (within MOU with Newburyport)
B2	B2		B3	Sustainable long-term plan for cemeteries O&M, capacity
B3	A2	B2	B2	Town Center traffic calming (\$50k earmark) (\$)
Done	A2	done	A2	Town Hall Restoration (painting) (\$)
B3	A3	B2	B3	Update 2001 Committee Handbook
A2	A1	B2	A1	<b>Wage/Classification study (cont’d implementation: job desc.; perf. evals)</b>
A1	A1	A1	A1	Water financial plan
A1	A1	A1	A1	<b>Water hydraulic plan (\$)</b>
A1	A1	A1	A1	<b>Water Rate Study (\$)</b>
B3	B2	B3	A3	Way to the River: vehicle access questions
B3	B2		B3	Whetstone Greenway (\$)
A2	B2	A2	A2	Zoning amendments: ADUs
B2	B2		B2	Zoning amendments: wireless comm facilities
			B3	Create Pickleball Courts
			A3	Expand Pickleball Programming

Legend		
Project Rankings		Project Completion Status
A	FY24	Complete
B	FY25 and later	Underway
1	Vital	Not Underway (at all; or in a meaningful way)
2	Important	
3	Optional	

# FY24+ Goals / Priorities

WORKING DRAFT

Angus Jennings, Town Manager

Sept. 30, 2023

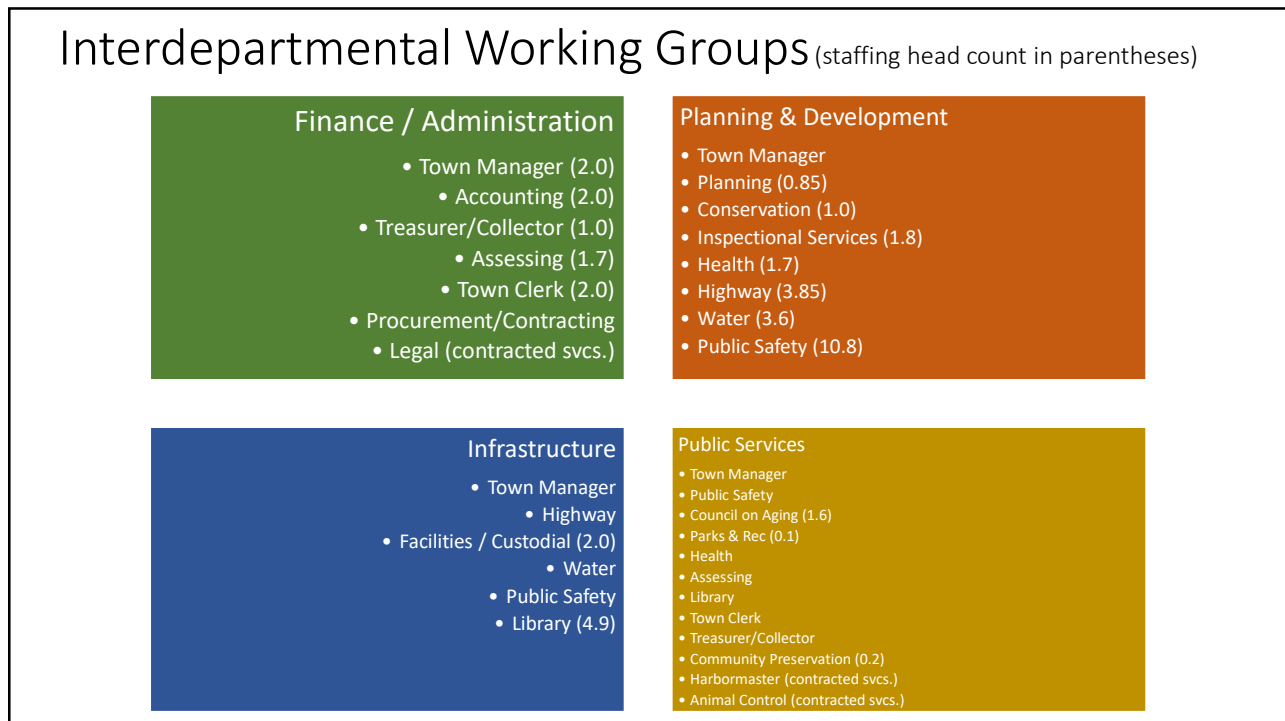
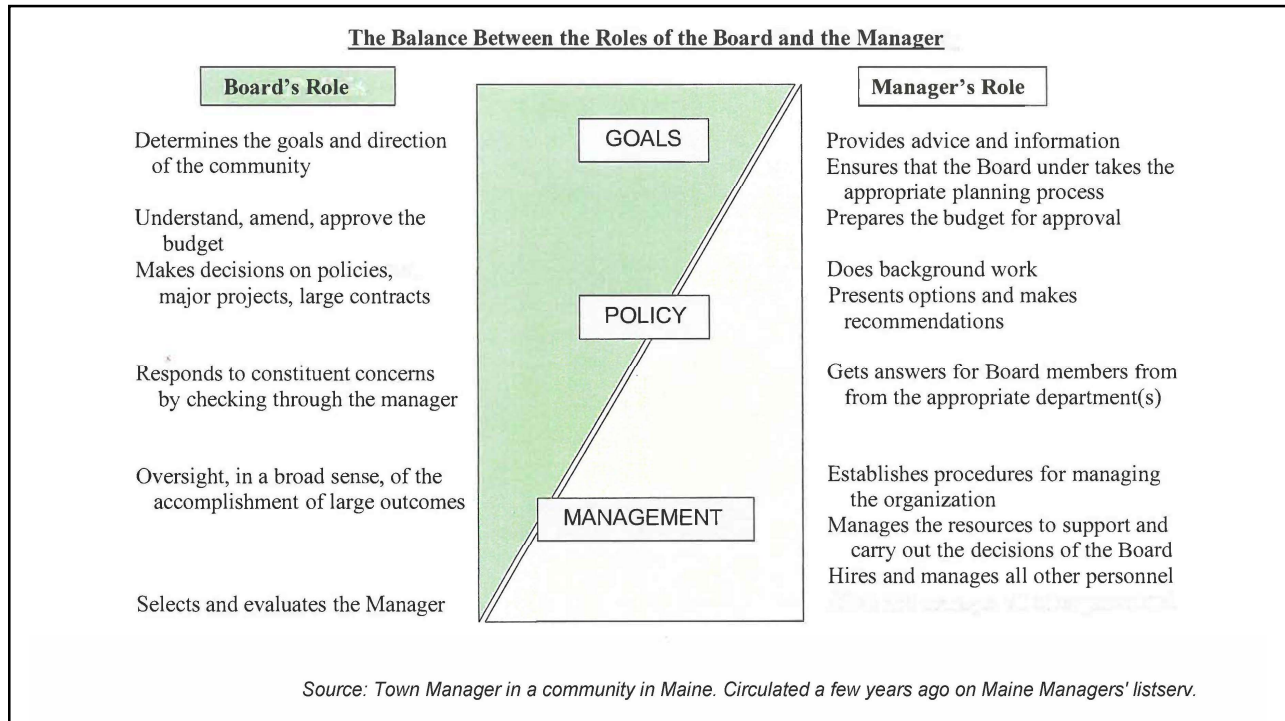
## Action Items to improve alignment / efficiency

### Town Manager

- Interdepartmental staff working groups (partially underway)
- Designated project managers with identified support roles
- Establish/clarify staff support roles to BCCs
- Create and maintain “special projects” pages on website
- Reorganize network servers to facilitate collaboration
- Mailed newsletter (longer term)

### Select Board

- BCC Charge review (ongoing)
- SB liaisons to different BCCs
  - BCC workplan alignment
- Maintain durable, but adaptable, priorities list; when new priorities added (or brought forward early), be clear about what is being de-prioritized
- Periodic Chairs’ Roundtable (?)
- Remember that most staff time is toward “baseline” functions



## Prioritization Matrix, Finance & Administration

	Present (FY24)	Future (FY25+)
Vital	<ul style="list-style-type: none"> <li>Water financial plan, with realistic/sustainable water capital program/plan</li> <li>Water Rate Study (\$)</li> <li>Restructure DPW; figure out FY24 expense and FY25 budget implications</li> <li>Wage/Classification study (cont'd implementation: job desc.; perf. evals)</li> </ul>	<ul style="list-style-type: none"> <li>Cable License Agreement renewal, Verizon (2026)</li> </ul>
Important	<ul style="list-style-type: none"> <li>MOU with Newburyport: Water</li> <li>Remote Work (personnel policy)</li> <li>Adopt financial policies: Employee Reimbursement, Procurement, Procurement Conflict-of-Interest (priority 1)</li> <li>Establish reliable accrual tracking process in payroll software</li> <li>Improve structure/utilization of network servers, records management in Town Offices</li> <li>Review EMA dept. structure/function</li> <li>Review/update employee classifications/grades</li> <li>Pentucket Regional Agreement: review/update</li> </ul>	<ul style="list-style-type: none"> <li>Advance consideration of regionalization</li> <li>Form of Government: Review Town Manager legislation; begin process to consider potential amendments to improve efficiency and effectiveness. Consider establishment of Charter Committee or Commission.</li> <li>Adopt financial policies: Grant Management; Overlay; Reconciliations; Revenue Turnover; Tailings; Tax Recapitulation; and Year-End Closing (priority 2)</li> <li>Self-evaluation of pay practices (MGL Ch. 149)</li> <li>Special Legislation: Select Board name</li> </ul>
Optional	<ul style="list-style-type: none"> <li>Investment Manager procurement process</li> <li>New resident info/welcome package</li> </ul>	<ul style="list-style-type: none"> <li>Stabilization Fund: refine account structure to distinguish Capital Stabilization from regular Stabilization funds</li> <li>Build multi-year budget forecasting tool</li> <li>Capital Bylaw: revise for consistency with policy</li> <li>Update 2001 Committee Handbook</li> </ul>

## Prioritization Matrix, Planning & Land Management

	Present (FY24)	Future (FY25+)
Vital	<ul style="list-style-type: none"> <li>Expand/empower "Land Agent" role with BCC</li> <li>MBTA Communities planning/zoning (\$)</li> <li>Hazard Mitigation Plan updates</li> <li>Housing Production Plan updates (\$)</li> </ul>	<ul style="list-style-type: none"> <li>Surface Water Protection Bylaw (within MOU with Newburyport)</li> </ul>
Important	<ul style="list-style-type: none"> <li>Emerald Ash Borer: treatments / tracking (\$)</li> <li>Solar: feasibility study of Town-owned parcels (\$)</li> <li>Zoning amendments: ADUs</li> <li>Invasive Species (permitting, contractor management) (\$)</li> <li>Invasive Species intern program (\$)</li> <li>River Road resiliency: engineering study</li> <li>Sawmill Brook land acquisition; incl. LAND grant; land management plan (\$)</li> <li>Mowing: Town-wide fields management/mowing plan</li> <li>Evaluate applicability, administration of Scenic Roads Bylaw</li> </ul>	<ul style="list-style-type: none"> <li>Emerald Ash Borer: treatments / tracking (\$)</li> <li>Ash Street management plan</li> <li>Invasive Species (permitting, contractor management) (\$)</li> <li>Invasive Species intern program (\$)</li> <li>New/Updated Comp Master Plan</li> <li>Pipestave/Dunn access/ parking/ circulation/ management plan</li> <li>Zoning amendments: wireless comm facilities</li> <li>Edits/Updates to Mill Pond Management Plan</li> </ul>
Optional	<ul style="list-style-type: none"> <li>Propose new Wetlands Bylaw</li> <li>Way to the River: vehicle access questions</li> </ul>	<ul style="list-style-type: none"> <li>Expand/broaden GIS user group</li> <li>Potential land disposition for housing</li> <li>Potential Mooring Field</li> </ul>



## Prioritization Matrix, Public Services

	Present (FY24)	Future (FY25+)
Vital		<ul style="list-style-type: none"> <li>• Fire Dept operational/asset structure review (incl. improve daytime coverage/ops)</li> </ul>
Important	<ul style="list-style-type: none"> <li>• GAR Library: implementation of 5-year strategic plan</li> <li>• Parks/Rec capital planning</li> <li>• Establish COA Revolving Fund</li> </ul>	
Optional	<ul style="list-style-type: none"> <li>• Establish public access to Merrimack River</li> <li>• Expand pickleball programming</li> </ul>	<ul style="list-style-type: none"> <li>• Sustainable long-term plan for cemeteries O&amp;M, capacity</li> <li>• Create pickleball courts</li> </ul>

## Prioritization Matrix, Infrastructure

	Present (FY24)	Future (FY25+)
Vital	<ul style="list-style-type: none"> <li>• Water hydraulic plan (\$)</li> <li>• Road paving IFB</li> </ul>	<ul style="list-style-type: none"> <li>• Soldiers &amp; Sailors Building: resolve public plan, whether by authorizing disposition to a third party (subject to historic preservation restriction) or otherwise</li> </ul>
Important	<ul style="list-style-type: none"> <li>• Peer Review: Dole Place cost estimates; permitting/design review (\$)</li> <li>• Page School Conditions Assessment, incl sills (\$)</li> <li>• Town Hall Restoration (painting) (\$)</li> <li>• Replace phone systems: Town Offices and Public Safety (\$)</li> <li>• Identify and apply for grants: Middle Street Bridge</li> <li>• MOU with Newburyport: Middle Street Bridge</li> <li>• Coffin Street land acquisition (establish parking, access) (\$)</li> <li>• Artichoke River Woods land acquisition (establish parking, access)</li> <li>• Page/Pipestave crossing (25% design)</li> <li>• Route 113 Corridor Plan / TIP (\$)</li> <li>• Relocate public safety equipment from Parks/ Rec bldg.; propose bldg. demo (\$)</li> <li>• Improvements recommended in ADA facilities audit, cont'd (\$)</li> <li>• Parks/Rec O&amp;M plans</li> <li>• Coffin Street culvert replacements (engineering, permitting, funding, construction)</li> </ul>	<ul style="list-style-type: none"> <li>• Acquire site for new public water source</li> <li>• Building security/access protocols</li> <li>• Route 113 Corridor Plan / TIP (\$)</li> <li>• Town Center traffic calming (\$50k earmark) (\$)</li> <li>• LED streetlight conversion</li> </ul>
Optional	<ul style="list-style-type: none"> <li>• Hearing Room improvements, cont'd (\$)</li> <li>• Stormwater/culvert mapping/engineering (beyond River Rd)</li> </ul>	<ul style="list-style-type: none"> <li>• River Road boat launch</li> <li>• "Complete Streets" community designation</li> <li>• Mill Pond All Access trail (with or without broader reorientation plan) (\$)</li> <li>• Whetstone Greenway (\$)</li> </ul>

### Town Manager FY24 Prioritization Matrix, Consolidated, DRAFT

Present (FY24)

Vital

- Water financial plan, with realistic/sustainable water capital program/plan
- Water Rate Study (\$)
- Restructure DPW; figure out FY24 expense and FY25 budget implications
- Wage/Classification study (cont'd implementation: job desc.; perf. evals)
- Expand/empower "Land Agent" role with BCC
- MBTA Communities planning/zoning (\$)
- Hazard Mitigation Plan updates
- Housing Production Plan updates (\$)
- Water hydraulic plan (\$)
- Road paving IFB

### Town Manager FY24 Prioritization Matrix, Consolidated, DRAFT

Present (FY24)

Important

<ul style="list-style-type: none"> <li>• MOU with Newburyport: Water</li> <li>• Remote Work (personnel policy)</li> <li>• Adopt financial policies: Employee Reimbursement, Procurement, Procurement Conflict-of-Interest (priority 1)</li> <li>• Establish reliable accrual tracking process in payroll software</li> <li>• Improve structure/utilization of network servers, records management in Town Offices</li> <li>• Review EMA dept. structure/function</li> <li>• Review/update employee classifications/grades</li> <li>• Pentucket Regional Agreement: review/update</li> <li>• Emerald Ash Borer: treatments / tracking (\$)</li> <li>• Solar: feasibility study of Town-owned parcels (\$)</li> <li>• Zoning amendments: ADUs</li> <li>• Invasive Species (permitting, contractor management) (\$)</li> <li>• Invasive Species intern program (\$)</li> <li>• River Road resiliency: engineering study</li> <li>• Sawmill Brook land acquisition; incl. LAND grant; land management plan (\$)</li> <li>• Mowing: Town-wide fields management/mowing plan</li> <li>• Evaluate applicability, administration of Scenic Roads Bylaw</li> <li>• GAR Library: implementation of 5-year strategic plan</li> </ul>	<ul style="list-style-type: none"> <li>• Parks/Rec capital planning</li> <li>• Establish COA Revolving Fund</li> <li>• Peer Review: Dole Place cost estimates; permitting/design review (\$)</li> <li>• Page School Conditions Assessment, incl sills (\$)</li> <li>• Town Hall Restoration (painting) (\$)</li> <li>• Replace phone systems: Town Offices and Public Safety (\$)</li> <li>• Identify and apply for grants: Middle Street Bridge</li> <li>• MOU with Newburyport: Middle Street Bridge</li> <li>• Coffin Street land acquisition (establish parking, access) (\$)</li> <li>• Artichoke River Woods land acquisition (establish parking, access)</li> <li>• Page/Pipestave crossing (25% design)</li> <li>• Route 113 Corridor Plan / TIP (\$)</li> <li>• Relocate public safety equipment from Parks/ Rec bldg.; propose bldg. demo (\$)</li> <li>• Improvements recommended in ADA facilities audit, cont'd (\$)</li> <li>• Parks/Rec O&amp;M plans</li> <li>• Coffin Street culvert replacements</li> </ul>
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## Town Manager FY24 Prioritization Matrix, Consolidated, DRAFT

Present (FY24)

Optional

- Investment Manager procurement process
- New resident info/welcome package
- Propose new Wetlands Bylaw
- Way to the River: vehicle access questions
- Establish public access to Merrimack River
- Expand pickleball programming
- Hearing Room improvements, cont'd (\$)
- Stormwater/culvert mapping/engineering (beyond River Rd)



**Town of West Newbury**  
**Select Board and Finance Committee Joint Meeting**  
**Thursday, September 14, 2023 @ 6:00pm**  
 381 Main Street, Town Office Building  
[www.wnewbury.org](http://www.wnewbury.org)  
**Meeting Minutes**

**Open Session:** Chairman Phillips opened the session at 6:00pm.

**Participation at the Meeting:**

- Rick Parker, Wendy Reed, Chris Wile- Select Board
- Rob Phillips, Ross Capolupo, Dan Innes, Ann O’Sullivan- Finance Committee members
- Angus Jennings- Town Manager
- Jim Blatchford- Town Clerk
- Jenny Walsh- Town Accountant
- Christine Marshall- Council on Aging/SAGE Center representative
- Michael Dwyer- West Newbury Police and Fire Chief
- Bob Janes- Board of Water Commissioners member

**Regular Business**

**A. Call to Order**

Chairman Phillips opened the session at 6:00pm.

**B. Public Content**

No motion was made at this time.

Item E was taken out of order at this time.

**C. Approval of Finance Committee Minutes**

**a. Meeting of August 16, 2023**

Minutes tabled until September 27, 2023 Finance Committee Meeting.

**b. July 13, 2023**

Minutes tabled until September 27, 2023 Finance Committee Meeting.

Item F was taken out of order of this time.

**D. Review and discuss Articles for Fall Special Town Meeting to be held on October 23, 2023**

Prior to getting started, the Chairs of the Board and Committee explained the purpose of the joint meeting: to better discuss and vote on Town Meeting draft Articles in greater harmony. Jennings provided further elaboration on the status of the Articles and the numbering system.

On Article 19 (amending of West Newbury Bylaws to establish a COA Revolving Fund) and Article 20 (amending the West Newbury Bylaws to cap the COA Revolving Fund at \$30,000) Christine Marshall testified. Marshall explained the need for the fund by providing recent examples of where it could come in handy with respect to events and trips undertaken by the COA so that the participants would not pay. Jennings explained that no more money could be expended than received for events and trips by COA participants. The group discussed the limits on the Fund and whether the \$30,000 was a good amount. Parker asked about how the SAGE Center would avoid any unanticipated expenses and Phillips explained how the Fund would manage this. **Wile motioned to approve draft Article 19. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Wile motioned to approve draft Article 20. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Finance Committee member Innes motioned to approve Articles 19 and 20. O’Sullivan seconded. The motion unanimously passed. (4 Yes, 0 No, 0 Abstain).**

On Articles 8 through 10, Chief Dwyer testified to the joint hearing. On Article 8 (the purchase of public safety audio recorders and affiliated storage), Dwyer explained the scope of what the recorders capture, and that the Commonwealth was no longer planning to pay for them as they had been for 20 years. Dwyer said he was pursuing grants to supplement the costs. Wile asked if there were any annual fees to the operation of the equipment, and the Chief explained the Department planned to absorb the intended costs. The lifetime of the equipment is 10 years. Phillips determined that the requests for the recorders would be pulled from Free Cash, and wondered if cable fees could be employed in defraying the expenses. Parker admitted there was a fair amount of funds accumulated in cable fees. Capolupo inquired about storage options for archived audio recordings (server v. cloud-based) and why the Department had opted for servers. The cloud-based platform would have been unfeasible, admitted the Chief, though it will underpin body camera footage storage when body cameras are acquired down the line. **Wile motioned to approve draft Article 8. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Innes motioned to approve draft Article 8. O’Sullivan seconded. The motion unanimously passed. (4 Yes, 0 No, 0 Abstain).** Phillips asked what the sunset date on Article 8 should be and was told it was two years. Dwyer told the room it would be about eight weeks to acquire

the equipment once purchased. On Article 9 (the purchase of new gas meters for the Fire Department) Dwyer explained the need to purchase new gas meters (which detect carbon monoxide and hydrogen cyanide). The meters are vital to protect firefighters, and the present units are failing. The purchase would encompass six meters of various configurations that would roughly last a decade. **Parker motioned to approve draft Article 9. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Innes motioned to approve draft Article 9. Phillips seconded. The motion passed unanimously. (4 Yes, 0 No, 0 Abstain).** The Finance Committee set a sunset date of June 2024. On Article 10 (the purchase of a speed monitoring trailer and pedestrian safety signage), Dwyer justified the speed monitoring trailer's purchase to enhance traffic and pedestrian safety. The Article also provides for the acquisition of mobile pedestrian crosswalk signs. The Chief stated he preferred the MPH Industries radar trailer because of its enhanced data collection ability. The Finance Committee worked to nail down a total cost of the proposal. **Parker motioned to approve draft Article 10 with a sum of \$12,000. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). O'Sullivan motioned to approve draft Article 10. Innes seconded. The motion unanimously passed. (4 Yes, 0 No, 0 Abstain).** On an unnumbered Article (not in drafts), the Chief explained that a grant had been pursued to acquire new computer technology for West Newbury police cruisers but he wanted to put additional monies toward the acquisition in case the grant award was not sufficient. **No motion was made at this time.**

On Article 4 (to amend the Expenses line in the FY24 Department budget to reduce the budgeted amount from \$445,027 to \$375,027) Bob Janes rose to speak. The Water Commissioners, faced with pressure from the Massachusetts Department of Revenue, is looking to reduce their budget, and thus \$70,000 was identified for trimming from the Newburyport Water Contingency. The weather conditions and water usage trends were such that Janes felt that the remaining \$90,000 in the Contingency funds would be sufficient to get through the year. **Parker motioned to approve draft Article 4 to reduce the budget line item. Wile seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Innes motioned to approve draft Article 4. O'Sullivan seconded. The motion unanimously passed. (4 Yes, 0 No, 0 Abstain).**

On Article 3 (encompassing technology purchases, Board of Registrars funds, and educational funds), Jennings explained the rationale behind the grouping of assorted line-item amendments despite their diverse nature. Jennings explained that the tech purchases would enable the Select Board to have new, functioning laptops (a one-time purchase). Jennings and Blatchford explained that the payroll expenses reflect increased amounts allotted to Board of Registrars salaries and expenses to manage the Whittier Tech Special Election (which would be fully reimbursed by Whittier). The additional funds for Essex North Shore Ag and Tech School reflect an increased enrollment of West Newbury pupils in the school. The group discussed having the language of the line item to hand annually since the possibility of needing to provide funds for increased enrollment could happen at any time. The Town Manager also mentioned that a line item for \$600 required to landfill monitoring needed to be taken into consideration, but he had forgotten to fill out an article request form for. Jennings suggested doing a line-item transfer in the Spring instead of bringing it to Town Meeting. The Finance Committee members agreed to the latter approach. **Wile motioned to approve draft Article 3 with the four line-items as provided in the packet. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Innes motioned to approve draft Article 3. O'Sullivan seconded. The motion unanimously passed. (4 Yes, 0 No, 0 Abstain).** Phillips stated there would be no sunset date on the funds.

On Article 5 (the transfer/appropriation of money to the Pension Liability Stabilization Fund), Phillips explained the depositing and withdrawing of funds into the Fund by following a set schedule which in his words was the "definition of stabilization" of these ongoing expenses. **Wile motioned to approve draft Article 5. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Innes motioned to approve draft Article 5. O'Sullivan seconded. The motion unanimously passed. (4 Yes, 0 No, 0 Abstain).**

On Article 16 (to pay unpaid bills incurred by West Newbury), the room debated the potential success of the passage of draft Article 16. Accountant Walsh explained that some of the bills were incurred due to the biller emailing incorrect addresses at Town Offices in Fall 2021, late submission by the biller, and other factors. **Wile motioned to approve draft Article 16. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** Phillips established the monies were to be pulled from Free Cash. **Innes motioned to approve draft Article 16. O'Sullivan seconded. The motion unanimously passed. (4 Yes, 0 No, 0 Abstain).**

On Article 21 (to repeal the Short-Term Rental Bylaw), Reed explained the history of the weak Bylaw. The Town Meeting vote would eliminate it. Phillips relayed that a Commonwealth judge ruled that short-term rentals were problematic, and the repeal would behoove the town. The group then discussed how laborious the present Bylaw had made things for both applicants and the Select Board/Town officials. **Wile motioned to approve draft Article 21. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** Phillips stated there was no funding source/sunset date. Intensive Finance Committee discussion occurred on whether the Committee should endorse the Article though it did not deal with financial matters. The Committee members debated how burdensome the Bylaw could be/has been to the Town. Capolupo said he felt the Committee should not be weighing in on land-use questions. Phillips stated that the Committee could support the repeal under the auspices of its burden on the Town administration. **Capolupo motioned to approve draft Article 21. O'Sullivan seconded. The motion unanimously passed. (4 Yes, 0 No, 0 Abstain).**

On Articles 23 through 25 (to vote to accept the provision of M.G.L. regarding certification stipends), Jennings told the room that contemporary offer letters incorporated these incentivizing stipends out of hand for Clerks, Assessors, and Treasurers to encourage growth and to attract certified talent to West Newbury job openings. Under the Articles, the only major change would be a \$500 stipend to the Assistant Assessor. The Articles simply formalized what was already being done. **Wile motioned to approve Article 23. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Wile motioned to approve Article 24. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Wile motioned to approve Article 25. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). O'Sullivan motioned to approve draft Articles 23, 24, and 25. Innes seconded. The motion unanimously passed. (4 Yes, 0 No, 0 Abstain).**

On Article 25 (establishing a Special Purposes Stabilization Fund to receive opioid settlement monies), Town Accountant Jenny Walsh took the floor to explain that without an earmarked Fund for the incoming money, it would wind up in the general funds for the Town. Walsh stated there would be two votes- one to establish the Fund, and one to accept the related M.G.L. It was not clear who could authorize the spending of that money. Wile felt that approving the draft Article would be foolish without understanding who would be disbursing it. The room decided to put the Article off after fervent discussion on whether or not to approve it that night. **No motion was made at this time.**

Before concluding this portion of the meeting, Jennings told the Board and Committee about expansion in invasive species removal efforts and a potentially greater request for financial backing than the proposed \$25,000. **No motion was made at this time.**

**E. Communications**

**No communications were read at this Meeting.**

**F. Review schedule of future Finance Committee meeting dates (September 18, joint meeting with Select Board; September 27, October 4)**

Chairman Phillips told the members of the Finance Committee of the Select Board meeting times and the procedures/potential agendas for those meetings. He suggested the Board attend the September 27<sup>th</sup> meeting of the Finance Committee. **No motion was made at this time.**

**G. Adjournment**

**Wile motioned to adjourn the session. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Innes motioned to adjourn. O'Sullivan seconded. The motion unanimously passed. (4 Yes, 0 No, 0 Abstain). The session adjourned at 8:30pm.**

**To access a video recording of the meeting, use the link below:**

**<https://www.youtube.com/watch?v=k4dAqSVZgkQ>**

## MVP River Road & Environs Grant Kickoff meeting minutes 9/28/2023, 1 pm

### 1910 Building, Town Offices & via Zoom

Present: MVP Program Northeast Regional Coordinator Michelle Rowden, Town Manager Angus Jennings, DPW Project Manager Christine Wallace, Town Accountant Jenny Walsh, Town Manager Executive Assistant Rebecca Ambra, Conservation Agent Michelle Greene, Climate Change Resiliency Committee (CRCC) member & Select Board member Rick Parker, CCRC Chair Elisa Grammer, and Consultants Mike Sabulis, Alex Gray, Leila Pike of GEI.

#### **Introductions**

Ms. Wallace provided an overview and the attendees introduced themselves and their roles.

#### **Overview of Project (Attachment B)**

Ms. Wallace outlined the tasks in Attachment B defining the work to be done in the grant project and explained that she will be coordinating with the consultants and the CCRC, writing the monthly progress reports, submitting the case study at the end of the project, and doing other grant administration work. Ms. Wallace asked to be cc'd on all project-related emails.

Ms. Grammer said that the CCRC will be involved in many community engagement activities. She noted that it has done a number of grant tasks this month, including holding its monthly meeting, updating the web page, organizing a Merrimack River boat tour, and working with the Library on a community event about climate change.

Ms. Pike said that GEI will be doing a number of technical surveys and evaluations. She added that Mr. Gray has already been compiling GIS data including looking into how to download the CZM modeling information which is not yet available to download on the website. GEI will be evaluating coastal flood risks using the CZM model and will develop a new precipitation model for the Town to evaluate culvert capacity. GEI will also be doing site work investigations of and assessment of culverts in the study area. GEI will do a broad review of alternatives and options that will be discussed with the Town. This will set the stage for future work on steps to take for adaptation.

Ms. Pike said that the Gulf of Maine Research Institute (GMRI) will be working on community engagement. She said that GMRI has been active in Maine primarily and has excellent systems in place, particularly for a community science project (which will last beyond the grant period) that enables community members to report flooding and other information to a website. They are working on temporary signs for River Road that will explain and invite community participation in the grant project and will be leading a program on sea level rise for the community and training for Town officials.

Mr. Jennings said that he is particularly excited about the work to document and assess the culverts, which is something the Town lacks but needs badly. He noted that most if not all of the culvert installations over the years were constructed based on local know-how, but typically didn't benefit from engineering studies/designs, and didn't include the preparation of as-built plans. Improved documentation of existing infrastructure, and evaluation of its sufficiency, will result in tangible and valuable benefits from this work.

#### **Contract/Process/Administrative Items**

##### Reimbursement

Ms. Rowden explained that the grant operates on an entirely reimbursable basis: GEI invoices the Town and the Town pays GEI, then as tasks are completed with appropriate documentation the Town seeks reimbursement from the MVP program. She said that a town should make 2 or 3 reimbursement requests over the grant period, but it

could wait until the end to seek reimbursement of the full amount. She said monthly requests for reimbursement would be too frequent.

Ms. Rowden continued that all work must be complete by the end of the fiscal year—June 30, 2024. July 31, 2024 is the drop dead date for requests for reimbursement, but it is better to get them in early so that they can be processed timely. [All FY24 invoices (including for this project, but also town-wide) must be submitted to the Finance Department no later than Monday, July 15, 2024 in order to be paid from FY24 funds (unless the funds are encumbered, which would not be the case here)]. Ms. Walsh said that the Town will need reimbursement by September 30 in time for the audit process. Ms. Rowden does not need to receive copies of invoices every month. Invoices can accompany the request for reimbursement. The Town will need to keep track of all funds spent per Attachment B, the deadlines met, the funding amounts, and match funding. Ms. Rowden noted that it is best if the consultant invoices are task oriented so that it is easy to see where funds were spent for what task. Ms. Rowden said that it is more important to show matching funds and in-kind hours matching when seeking reimbursement.

### Monthly reports

A monthly report is required, said Ms. Rowden, and it is based on a template. It covers what was done as part of the grant project and what is planned. There is space in the monthly report to identify a change in timing of tasks, and for invoice, match, and in-kind hours information. Deliverables documentation can be attached to the monthly report or emailed to Ms. Rowden separately, but deliverables should be provided only after the task is completely finished. Ms. Rowden offered to set up a SharePoint mechanism to allow the Town to upload deliverables, which Ms. Wallace said was a good idea. Deliverables documentation should be separated by items within a given task. A deliverable for a “website update” could be a summary of what was changed on the website.

The monthly report often describes a task by % of completion. Ms. Pike said that GEI will be submitting an invoice for a given month about 2 weeks into the following month and that invoice will show % completion of tasks GEI worked on in the billing month. Ms. Rowden said that with respect to GEI’s tasks, the Town’s monthly report to MVP can lag by a month in describing consultant activity.

Since the Town is providing a cash match that covers the match requirement, Ms. Rowden said that it was not necessary to document all the in-kind time, but that the Town may want to for their own purposes.

### Other reporting issues

Mr. Jennings said that it makes sense to separate the invoicing and reimbursement requests (which the Finance Department will handle in coordination with Ms. Wallace) from the monthly reports (which Ms. Wallace will manage).

The last reporting item the Town must provide is a case study and a powerpoint summarizing the project, which are two separate deliverables. These documents will advance the Commonwealth’s objectives for “transferability” of the work to other communities; and once in final form will be posted to the Commonwealth’s MVP program webpage.

If issues arise and the grant work cannot be completed by June 30 2024, May 1 is the cut off date for requesting a change and Ms. Rowden will need a good amount of advance notice if this occurs.

### Reviewing draft documents

The monthly report should have drafts of major reports and major outreach documents, but Ms. Rowden does not need to review drafts of less important documents. She definitely needs to review a draft of the consultant’s final report. Ms. Pike said that GEI was thinking of having an extensive, user friendly executive summary of the final report intended for public consumption. The report will also contain highly technical information. Ms. Rowden



recommended making a version of or parts of the final report consumer-friendly and having an active means of obtaining feedback and participation, as opposed to simply posting it on the website. Other, highly technical papers, may be reviewed by the CCRC but, while all would be public documents, need not necessarily put out for advance public feedback prior to finalizing.

### **Questions and Open Discussion**

Ms. Rowden said that she held a kickoff with Newburyport yesterday about their grant, which is a public outreach project to engage citizens about climate change. Newburyport is interested in working with neighboring communities about this. The officials in West Newbury know the key players in Newburyport and are interested in collaborating.

In response to a question about pitfalls to avoid, Ms. Rowden advised:

- Don't leave outreach to the last
- Go into consideration of alternatives with an open mind
- Don't be afraid to think big in terms of a potentially complex or complicated or costly solution—money may be available
- Look for and engage community members beyond the usual people who come out for things in Town

Mr. Sabulis stressed the importance of a blank slate for consideration of alternatives. It is important to gather the data and do the analysis before reaching conclusions.

*Ms. Rowden left the meeting at 2:10 pm.*

### **Other matters**

With GEI, the Town officials discussed the status of the signage. Mr. Jennings stated his view that the Select Board has approved the submittal of the grant application, knowing specifically that the grant would require installation of signs, and he felt that the Board would not need to review this again. (He also noted that the signs would not fit within the temporary sign guidelines, due to the length of their installation, per the grant requirements). Mr. Jennings also expressed full confidence in the consultant team to create excellent sign designs, and that their work, as may be further refined by CCRC review, would in his opinion result in signs that everyone was happy with. Mr. Parker noted that the signs are temporary on the order of the Community Preservation Committee signs. It was agreed that Mr. Jennings would review this with the Select Board Chair to confirm whether the Board would need to specifically vote to approve the signs, or whether their prior vote is sufficient for this purpose.

Mr. Sabulis said that GEI has an invoicing template for grants that he will share with Ms. Walsh.

Mr. Jennings asked about the location and extent that culverts will be examined on Coffin Street, noting that recent storm events including the August 18 flooding illustrated the apparent inadequacy of culverts on the street. The Town will need to undertake major work there, including the need to secure engineering support (not part of this grant work scope) to design any increased culvert sizes that may be proposed, and including information about the culverts in the grant site evaluation will be very helpful. Mr. Sabulis confirmed that the affected culverts will be included in the study.

GEI will plan on sending a copy of the culvert locations on a map to the Town prior to the field visit to confirm with Town staff that they have not missed any important culverts. Ms. Wallace noted that the Town recently extended an agreement with MVPC for continued use of a mobile GIS application intended to facilitate inspections of stormwater infrastructure. Mr. Jennings noted that part of the initial work with MVPC, later this fall, will include

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Approved, 2023

targeted training of key town personnel on the use of this technology. He suggested that Butch Hills would likely wish to accompany GEI on the culvert inspections, and that his direct involvement would both add value – due to his knowledge of the infrastructure – and offer a benefit in terms of building town staff fluency with use of the mobile GIS app.

*GEI left the meeting at 2:30 pm.*

### **November Town forum on big projects**

Mr. Jennings said that the Select Board will be taking this up at its meeting this coming Monday.

Ms. Grammer said that we have moved the forum from October to November and to keep the grant on track we need to have some sort of introduction to the townspeople about the grant in November, which will be followed by a GMRI session for townspeople in November or December about climate change, sea level rise, and what this grant project will be doing. The October 11 CCRC meeting will work on advertising, flyers, etc. for the November introduction about the grant and we need to have a date and also need to let the consultants know the date scheduled. Ms. Ambra noted that we also need to book the Annex space for this.

Mr. Jennings said that options include having multiple projects under discussion (likely drawing a larger crowd) or have sessions for individual projects (though there isn't a lot of space on the calendar to accommodate that). Another thought would be to have the forum focus on River Road and Main Street.

It was generally agreed that Ms. Wallace will contact the Main Street and River Road consultants (TEC and GEI/GMRI, respectively) about their availability and a date will be found sometime in the first two weeks of November. Mr. Jennings said he expected that a format and date for the November forum(s) could be confirmed by or on Wednesday October 4<sup>th</sup>, at which time “save the date” notices could be prepared, to be followed by further outreach in the subsequent weeks.

### **Adjournment**

3:15 pm

*Meeting materials*

None

**Scope of Services (Attachment A)**  
**FY24 EEA Municipal Vulnerability Preparedness Program – Action Grant**  
**Town of West Newbury**  
**July 2023**

**Grantee:**

Name: Christine Wallace, DPW Program & Project Manager  
Address: Town Office, 381 Main Street, West Newbury, MA 01985  
Phone: (978) 363-1100 x130  
Email: dpwprojects@wnewbury.org

**Project Title:** Evaluating Vulnerabilities and Options to Promote Resiliency: River Road and Environs

**Project Summary:** This project will analyze vulnerabilities and potential solutions to flood risk from the Merrimack River at River Road and environs. It includes public engagement activities, meetings, and outreach to inform and engage citizens and town officials; an existing conditions survey of the areas susceptible to Merrimack River flooding; a study of existing culverts, and options for shoreline stabilization and infrastructure flood adaptation.

**Scope:**

The tasks described in Attachment B will be performed according to the agreed-upon schedule and budget.

**Funding Distribution:**

**Funding will be distributed by reimbursement upon completion of tasks outlined in Attachment B and submission of invoices.** Costs eligible for reimbursement include all approved project costs incurred between the contract execution date and the contract termination date. Any amendments to this attachment or Attachment B must be approved by EEA prior to commencement of such activities. All grant funds must be spent according to the fiscal year breakdown below (before June 30, 2024, for FY24 funds and before June 30, 2025, for FY25 funds, as applicable). Please reference the RFR “ENV 24 MVP 01” for additional details on what is required for reimbursement and contact your MVP regional coordinator with any questions.

**FY24 - \$150,000**

To receive grant funding, the applicant must agree to the fiscal requirements of the program by providing a statement from the authorized signatory of the organization acknowledging and accepting the following:

- The Grantee commits to match 25% (or 10% if Grantee is listed in Attachment N of the RFR) of the total project cost using cash or in-kind contributions (or a combination of the two);
- The Grantee acknowledges that the funding under this grant will be provided on a reimbursement basis; and

- All matching funds provided by the Grantee or direct project partners have been approved and/or appropriated (or are in the process of being approved).

**Additional details:**

- Massachusetts sales tax is not a reimbursable expense.
- Work done prior to the project start date (the date the contract is issued and signed by the Commonwealth’s Department Authorized Signatory) shall NOT be reimbursed. No funds will be granted for work performed after the contract termination date.
- For work completed before June 30, 2024, requests for reimbursement are due by July 31, 2024. For work completed between July 1, 2024 and June 30, 2025, requests for reimbursement are due by July 31, 2025.
- ***Any FY24 funds that are not spent by June 30, 2024 do not roll over to the next fiscal year and will be forfeited.***

As tasks are completed and deliverables are submitted to, reviewed, and approved by EEA, the Grantee must submit a Reimbursement Package (template to be provided) containing the following items:

1. A signed letter (on city or town letterhead) from the Grantee requesting reimbursement.
2. All relevant invoices, including those from subcontractors. Invoices must itemize costs consistent with the agreed-upon scope of work. Invoices must include sufficient information for EEA to determine that the services were performed and/or products were received, and that the invoiced items meet all contractual performance requirements.
3. A detailed breakdown of the required match for the task. For in-kind services, include sufficient details to demonstrate the total amounts of match contributed, and as appropriate, a list of personnel, hours worked, hourly rates, etc.
4. A short case study and a summary PowerPoint slide with project images (due at the end of the project, templates to be provided).

**Reimbursement Packages should be submitted as tasks are completed with the monthly progress report, and reflect work performed according to the schedule of deliverables included in the project budget.** Reimbursement is generally made within 45 days after approval of a reimbursement package. Reimbursement packages are due before July 31, 2024 for FY24 funds and before July 31, 2025 for FY25 funds.

EEA will retain a minimum of ten percent (10%) of awarded funds until all contract provisions are satisfied and all deliverables have been received.

**Progress Reporting:**

To help EEA stay current on work being conducted over the course of the project, the Grantee will submit a brief monthly progress report (template to be provided), due by the 30<sup>th</sup> of the month, including:

- Significant activities that have occurred to show progress toward deliverables

- Whether a change in schedule or scope of work is anticipated
- Whether costs are anticipated to be overrun or underrun
- If additional assistance from EEA or partners is needed
- Invoices for work completed to date

The Grantee must be in regular communication with their MVP Regional Coordinator (RC) throughout the course of the project and submit all reporting documentation to the RC.

**Changes in Scope, Schedule, or Budget:**

The Grantee shall inform their RC as soon as possible if any change in the schedule or scope (including tasks and deliverables) is needed or if the Grantee expects an underrun or overrun of the budget, so that EEA can work with the Grantee to take any necessary steps. The RC will inform the Grantee of any necessary contract amendments or if the adjustment is minor enough to only require written approval from EEA. If circumstances beyond the Grantee's control make an extension or new split in funding between FY24 and FY25 necessary—please notify EEA **no later than May 1st** (so that we may discuss a potential amendment before the end of the fiscal year). These requests will be considered on a case-by-case basis and may not be approved.

**Regulatory Compliance**

Grantee agrees to comply with all applicable state, federal, and local laws and ordinances. Such compliance is a condition of this grant.

**Additional Terms**

Receipt of MVP funding shall not be considered state approval of the project for any necessary state, federal, or local permits, nor provide any indication of the project's competitiveness for future funding phases.

**West Newbury  
River Road: Evaluating Vulnerabilities and Options to Promote Resiliency  
FY24 MVP Action Grant Scope/Budget**

Project Task Description	Deliverables	Approximate Start Date	Approximate End Date	Total Grant	In-Kind Match*	Cash Match	Total Match	Total Project Cost
<b>Tasks to be Completed by June 30, 2024</b>								
<b>Task 1: Project Kick-off, Management, and Reporting</b>								
Sub-task 1.1 Internal Kick-off Meeting with Town, EEA, and Consultant (GEI Task 1.1)	Meeting notes, sign-in sheet	9/1/2023	9/30/2023	\$ 1,500.00	\$ 440.00	\$ 1,000.00	\$ 1,440.00	\$2,940.00
Sub-task 1.2 Monthly progress reports FY24	Monthly progress reports submitted by the 30th of each month of the grant period to your MVP Regional Coordinator	9/1/2023	6/30/2024	\$ -	\$ 2,800.00	\$ -	\$ 2,800.00	\$2,800.00
Sub-task 1.3 Monthly Coordination at Climate Change Resiliency Committee (CCRC) Meetings	Meeting Notes, Sign-in Sheet	9/1/2023	6/30/2024	\$ -	\$ 7,200.00	\$ -	\$ 7,200.00	\$7,200.00
Sub-task 1.4 Project Case Study	Final Case Study Report, PowerPoint slide, project photos	4/1/2024	6/30/2024	\$ -	\$ 360.00	\$ -	\$ 360.00	\$360.00
<b>Total Task 1 Cost</b>				\$ 1,500.00	\$ 10,800.00	\$ 1,000.00	\$ 11,800.00	\$13,300.00
<b>Task 2: Public Involvement and Community Engagement in FY24</b>								
Sub-task 2.1 Print and Digital Media Development (GEI Task 1.2)	Webpage development - webpage URL, West Newbury joining the Coastal Flood Community Science Project, copies of signage along River Road and Coffin Street, copies of media announcements.	9/1/2023	12/31/2023	\$ 11,700.00	\$ 600.00	\$ 3,400.00	\$ 4,000.00	\$15,700.00
Sub-task 2.2 Community Engagement at Town Summit (GEI Task 1.3a)	Presentation slides, recording of event	9/1/2023	10/31/2023	\$ 3,562.50	\$ 600.00	\$ 1,187.50	\$ 1,787.50	\$5,350.00
Sub-task 2.3 Drone Public Event (included in Task 3.2 below, GEI Task 2.2)	Photos, short videos of event, sign-in sheet	10/1/2023	12/31/2023	\$ -	\$ 600.00	\$ -	\$ 600.00	\$600.00
Sub-task 2.4 Community Virtual Education Event (GEI Task 1.3b)	Presentation slides, recording of event, sign-in sheet	11/1/2023	12/31/2023	\$ 3,562.50	\$ 600.00	\$ 1,187.50	\$ 1,787.50	\$5,350.00
Sub-task 2.5 Planning Forward Event for Local Officials (GEI Task 4)	Presentation slides, sign in sheet	1/1/2024	3/31/2024	\$ 9,750.00	\$ 4,100.00	\$ 3,250.00	\$ 7,350.00	\$17,100.00
Sub-task 2.6 CCRC Field Trips to River - may include kayak tour, river tour with guide, guided walks	Meeting notes, photos, sign-in sheet, Tour given by Resiliency Committee members focusing on bank erosion and nature-based solutions to erosion (submerged aquatics, wetland veg, natural rock formations).	9/1/2023	6/30/2024	\$ 750.00	\$ 3,080.00	\$ 250.00	\$ 3,330.00	\$4,080.00
Sub-task 2.7 G.A.R. Library Events - may include read up a storm, storytime, crafts, book discussions	Copies of publicity materials, meeting notes, photos, sign-in sheet. Library events with usual publicity on Town & Library webpages, social media, etc	9/1/2023	6/30/2024	\$ -	\$ 2,100.00	\$ -	\$ 2,100.00	\$2,100.00
Sub-task 2.8 ArcGIS StoryMap Development (GEI Task 6)	Webpage update with StoryMap	1/1/2024	3/31/2024	\$ 8,025.00	\$ 600.00	\$ 2,675.00	\$ 3,275.00	\$11,300.00
Sub-task 2.9 Community Site Visit (GEI Task 9.1)	Photos of Event	5/1/2024	6/30/2024	\$ 6,637.50	\$ 920.00	\$ 2,212.50	\$ 3,132.50	\$9,770.00
Sub-task 2.10 Final Public Meeting (GEI Task 9.2)	Presentation slides, recording of event	5/1/2024	6/30/2024	\$ 6,637.50	\$ 1,000.00	\$ 2,212.50	\$ 3,212.50	\$9,850.00
<b>Total Task 2 Cost</b>				\$ 50,625.00	\$ 14,200.00	\$ 16,375.00	\$ 30,575.00	\$81,200.00
<b>Task 3: Existing Conditions of Shoreline Evaluation and Drone Survey (GEI Task 2)</b>								
Sub-task 3.1 Existing Conditions of Shoreline Evaluation (GEI Task 2.1)	Technical memo	9/1/2023	1/31/2024	\$ 8,550.00	\$ -	\$ 2,850.00	\$ 2,850.00	\$11,400.00
Sub-task 3.2 Drone Survey, including Drone Public Event (GEI Task 2.2)	Digital files of drone footage	9/1/2023	1/31/2024	\$ 4,500.00	\$ -	\$ 1,500.00	\$ 1,500.00	\$6,000.00
<b>Total Task 3 Cost</b>				\$ 13,050.00	\$ -	\$ 4,350.00	\$ 4,350.00	\$17,400.00
<b>Task 4: Existing Conditions of Culverts Survey (GEI Task 3)</b>								
Sub-task 4.1 Existing Conditions of Culverts Survey (GEI Task 3)	Technical memo	9/1/2023	1/31/2024	\$ 7,275.00	\$ -	\$ 2,425.00	\$ 2,425.00	\$9,700.00
<b>Total Task 4 Cost</b>				\$ 7,275.00	\$ -	\$ 2,425.00	\$ 2,425.00	\$9,700.00
<b>Task 5: Flood Vulnerability Study (GEI Task 5)</b>								
Sub-task 5.1 GIS Data Compilation (GEI task 5.1)	Digital GIS files	9/1/2023	3/31/2024	\$ 3,225.00	\$ -	\$ 1,075.00	\$ 1,075.00	\$4,300.00
Sub-task 5.2 Merrimack River Flood Risk Analysis (GEI Task 5.2)	Report with inundation maps	9/1/2023	3/31/2024	\$ 20,775.00	\$ -	\$ 6,925.00	\$ 6,925.00	\$27,700.00
Sub-task 5.3 River Road Flood Risk Analysis (GEI Task 5.3)	Technical memo	9/1/2023	3/31/2024	\$ 15,225.00	\$ -	\$ 5,075.00	\$ 5,075.00	\$20,300.00
<b>Total Task 5 Cost</b>				\$ 39,225.00	\$ -	\$ 13,075.00	\$ 13,075.00	\$52,300.00
<b>Task 6: Shoreline Stabilization Options and Locations (GEI Task 7)</b>								
Sub-task 6.1 Shoreline Stabilization Options and Locations (GEI Task 7)	Technical memo	2/1/2024	5/31/2024	\$ 11,700.00	\$ -	\$ 3,900.00	\$ 3,900.00	\$15,600.00
<b>Total Task 6 Cost</b>				\$ 11,700.00	\$ -	\$ 3,900.00	\$ 3,900.00	\$15,600.00
<b>Task 7: Infrastructure Flood Adaptation Options (GEI Task 8)</b>								
Sub-task 7.1 Infrastructure Flood Adaptation Options (GEI Task 8)	Technical memo	2/1/2024	5/31/2024	\$ 13,500.00	\$ -	\$ 4,500.00	\$ 4,500.00	\$18,000.00
<b>Total Task 7 Cost</b>				\$ 13,500.00	\$ -	\$ 4,500.00	\$ 4,500.00	\$18,000.00
<b>Task 8: Final Report and Continuing Webpage Development (GEI Task 10)</b>								
Sub-task 8.1 Final Report (GEI Task 10.1)	Draft Report, Final Report	4/1/2024	6/30/2024	\$ 11,475.00	\$ -	\$ 3,825.00	\$ 3,825.00	\$15,300.00
Sub-task 8.2 Continuing Webpage Development (GEI Task 10.2)	Updated Webpage URL	4/1/2024	6/30/2024	\$ 1,650.00	\$ -	\$ 550.00	\$ 550.00	\$2,200.00
<b>Total Task 8 Cost</b>				\$ 13,125.00	\$ -	\$ 4,375.00	\$ 4,375.00	\$17,500.00
<b>TOTAL PROJECT COST FY24</b>				\$ 150,000.00	\$ 25,000.00	\$ 50,000.00	\$ 75,000.00	\$ 225,000.00
<b>TOTAL PROJECT COST OVERALL</b>				\$ 150,000.00	\$ 25,000.00	\$ 50,000.00	\$ 75,000.00	\$ 225,000.00

\*Note: In-Kind Match is a minimum estimate only. Full costs with specific pay rates and documented hours will be tracked throughout the project.

Match

33.33%

## MVP River Road & Environs Grant Kickoff meeting minutes 9/28/2023, 1 pm

### 1910 Building, Town Offices & via Zoom

Present: MVP Program Northeast Regional Coordinator Michelle Rowden, Town Manager Angus Jennings, DPW Project Manager Christine Wallace, Town Accountant Jenny Walsh, Town Manager Executive Assistant Rebecca Ambra, Conservation Agent Michelle Greene, Climate Change Resiliency Committee (CRCC) member & Select Board member Rick Parker, CCRC Chair Elisa Grammer, and Consultants Mike Sabulis, Alex Gray, Leila Pike of GEI.

#### **Introductions**

Ms. Wallace provided an overview and the attendees introduced themselves and their roles.

#### **Overview of Project (Attachment B)**

Ms. Wallace outlined the tasks in Attachment B defining the work to be done in the grant project and explained that she will be coordinating with the consultants and the CCRC, writing the monthly progress reports, submitting the case study at the end of the project, and doing other grant administration work. Ms. Wallace asked to be cc'd on all project-related emails.

Ms. Grammer said that the CCRC will be involved in many community engagement activities. She noted that it has done a number of grant tasks this month, including holding its monthly meeting, updating the web page, organizing a Merrimack River boat tour, and working with the Library on a community event about climate change.

Ms. Pike said that GEI will be doing a number of technical surveys and evaluations. She added that Mr. Gray has already been compiling GIS data including looking into how to download the CZM modeling information which is not yet available to download on the website. GEI will be evaluating coastal flood risks using the CZM model and will develop a new precipitation model for the Town to evaluate culvert capacity. GEI will also be doing site work investigations of and assessment of culverts in the study area. GEI will do a broad review of alternatives and options that will be discussed with the Town. This will set the stage for future work on steps to take for adaptation.

Ms. Pike said that the Gulf of Maine Research Institute (GMRI) will be working on community engagement. She said that GMRI has been active in Maine primarily and has excellent systems in place, particularly for a community science project (which will last beyond the grant period) that enables community members to report flooding and other information to a website. They are working on temporary signs for River Road that will explain and invite community participation in the grant project and will be leading a program on sea level rise for the community and training for Town officials.

Mr. Jennings said that he is particularly excited about the work to document and assess the culverts, which is something the Town lacks but needs badly. He noted that most if not all of the culvert installations over the years were constructed based on local know-how, but typically didn't benefit from engineering studies/designs, and didn't include the preparation of as-built plans. Improved documentation of existing infrastructure, and evaluation of its sufficiency, will result in tangible and valuable benefits from this work.

#### **Contract/Process/Administrative Items**

##### Reimbursement

Ms. Rowden explained that the grant operates on an entirely reimbursable basis: GEI invoices the Town and the Town pays GEI, then as tasks are completed with appropriate documentation the Town seeks reimbursement from the MVP program. She said that a town should make 2 or 3 reimbursement requests over the grant period, but it could wait until the end to seek reimbursement of the full amount. She said monthly requests for reimbursement would be too frequent.

Ms. Rowden continued that all work must be complete by the end of the fiscal year—June 30, 2024. July 31, 2024 is the drop dead date for requests for reimbursement, but it is better to get them in early so that they can be processed timely. [All FY24 invoices (including for this project, but also town-wide) must be submitted to the Finance Department no later than Monday, July 15, 2024 in order to be paid from FY24 funds (unless the funds are encumbered, which would not be the case here)]. Ms. Walsh said that the Town will need reimbursement by September 30 in time for the audit process. Ms. Rowden does not need to receive copies of invoices every month. Invoices can accompany the request for reimbursement. The Town will need to keep track of all funds spent per Attachment B, the deadlines met, the funding amounts, and match funding. Ms. Rowden noted that it is best if the consultant invoices are task oriented so that it is easy to see where funds were spent for what task. Ms. Rowden said that it is more important to show matching funds and in-kind hours matching when seeking reimbursement.

### Monthly reports

A monthly report is required, said Ms. Rowden, and it is based on a template. It covers what was done as part of the grant project and what is planned. There is space in the monthly report to identify a change in timing of tasks, and for invoice, match, and in-kind hours information. Deliverables documentation can be attached to the monthly report or emailed to Ms. Rowden separately, but deliverables should be provided only after the task is completely finished. Ms. Rowden offered to set up a SharePoint mechanism to allow the Town to upload deliverables, which Ms. Wallace said was a good idea. Deliverables documentation should be separated by items within a given task. A deliverable for a “website update” could be a summary of what was changed on the website.

The monthly report often describes a task by % of completion. Ms. Pike said that GEI will be submitting an invoice for a given month about 2 weeks into the following month and that invoice will show % completion of tasks GEI worked on in the billing month. Ms. Rowden said that with respect to GEI’s tasks, the Town’s monthly report to MVP can lag by a month in describing consultant activity.

Since the Town is providing a cash match that covers the match requirement, Ms. Rowden said that it was not necessary to document all the in-kind time, but that the Town may want to for their own purposes.

### Other reporting issues

Mr. Jennings said that it makes sense to separate the invoicing and reimbursement requests (which the Finance Department will handle in coordination with Ms. Wallace) from the monthly reports (which Ms. Wallace will manage).

The last reporting item the Town must provide is a case study and a powerpoint summarizing the project, which are two separate deliverables. These documents will advance the Commonwealth’s objectives for “transferability” of the work to other communities; and once in final form will be posted to the Commonwealth’s MVP program webpage.

If issues arise and the grant work cannot be completed by June 30 2024, May 1 is the cut off date for requesting a change and Ms. Rowden will need a good amount of advance notice if this occurs.

### Reviewing draft documents

The monthly report should have drafts of major reports and major outreach documents, but Ms. Rowden does not need to review drafts of less important documents. She definitely needs to review a draft of the consultant’s final report. Ms. Pike said that GEI was thinking of having an extensive, user friendly executive summary of the final report intended for public consumption. The report will also contain highly technical information. Ms. Rowden recommended making a version of or parts of the final report consumer-friendly and having an active means of obtaining feedback and participation, as opposed to simply posting it on the website. Other, highly technical papers,



may be reviewed by the CCRC but, while all would be public documents, need not necessarily put out for advance public feedback prior to finalizing.

### **Questions and Open Discussion**

Ms. Rowden said that she held a kickoff with Newburyport yesterday about their grant, which is a public outreach project to engage citizens about climate change. Newburyport is interested in working with neighboring communities about this. The officials in West Newbury know the key players in Newburyport and are interested in collaborating.

In response to a question about pitfalls to avoid, Ms. Rowden advised:

- Don't leave outreach to the last
- Go into consideration of alternatives with an open mind
- Don't be afraid to think big in terms of a potentially complex or complicated or costly solution—money may be available
- Look for and engage community members beyond the usual people who come out for things in Town

Mr. Sabulis stressed the importance of a blank slate for consideration of alternatives. It is important to gather the data and do the analysis before reaching conclusions.

*Ms. Rowden left the meeting at 2:10 pm.*

### **Other matters**

With GEI, the Town officials discussed the status of the signage. Mr. Jennings stated his view that the Select Board has approved the submittal of the grant application, knowing specifically that the grant would require installation of signs, and he felt that the Board would not need to review this again. (He also noted that the signs would not fit within the temporary sign guidelines, due to the length of their installation, per the grant requirements). Mr. Jennings also expressed full confidence in the consultant team to create excellent sign designs, and that their work, as may be further refined by CCRC review, would in his opinion result in signs that everyone was happy with. Mr. Parker noted that the signs are temporary on the order of the Community Preservation Committee signs. It was agreed that Mr. Jennings would review this with the Select Board Chair to confirm whether the Board would need to specifically vote to approve the signs, or whether their prior vote is sufficient for this purpose.

Mr. Sabulis said that GEI has an invoicing template for grants that he will share with Ms. Walsh.

Mr. Jennings asked about the location and extent that culverts will be examined on Coffin Street, noting that recent storm events including the August 18 flooding illustrated the apparent inadequacy of culverts on the street. The Town will need to undertake major work there, including the need to secure engineering support (not part of this grant work scope) to design any increased culvert sizes that may be proposed, and including information about the culverts in the grant site evaluation will be very helpful. Mr. Sabulis confirmed that the affected culverts will be included in the study.

GEI will plan on sending a copy of the culvert locations on a map to the Town prior to the field visit to confirm with Town staff that they have not missed any important culverts. Ms. Wallace noted that the Town recently extended an agreement with MVPC for continued use of a mobile GIS application intended to facilitate inspections of stormwater infrastructure. Mr. Jennings noted that part of the initial work with MVPC, later this fall, will include targeted training of key town personnel on the use of this technology. He suggested that Butch Hills would likely wish to accompany GEI on the culvert inspections, and that his direct involvement would both add value – due to

his knowledge of the infrastructure – and offer a benefit in terms of building town staff fluency with use of the mobile GIS app.

*GEI left the meeting at 2:30 pm.*

### **November Town forum on big projects**

Mr. Jennings said that the Select Board will be taking this up at its meeting this coming Monday.

Ms. Grammer said that we have moved the forum from October to November and to keep the grant on track we need to have some sort of introduction to the townspeople about the grant in November, which will be followed by a GMRI session for townspeople in November or December about climate change, sea level rise, and what this grant project will be doing. The October 11 CCRC meeting will work on advertising, flyers, etc. for the November introduction about the grant and we need to have a date and also need to let the consultants know the date scheduled. Ms. Ambra noted that we also need to book the Annex space for this.

Mr. Jennings said that options include having multiple projects under discussion (likely drawing a larger crowd) or have sessions for individual projects (though there isn't a lot of space on the calendar to accommodate that). Another thought would be to have the forum focus on River Road and Main Street.

It was generally agreed that Ms. Wallace will contact the Main Street and River Road consultants (TEC and GEI/GMRI, respectively) about their availability and a date will be found sometime in the first two weeks of November. Mr. Jennings said he expected that a format and date for the November forum(s) could be confirmed by or on Wednesday October 4<sup>th</sup>, at which time “save the date” notices could be prepared, to be followed by further outreach in the subsequent weeks.

### **Adjournment**

3:15 pm

*Meeting materials*

None

# The Daily News

Newspaper of the Town of West Newbury, New Hampshire

Volume 117  
Number 45  
November 14, 2020

## Police: Amesbury man charged after touching woman's backside

WEST NEWBURY — A 40-year-old Amesbury man was charged with touching a woman's backside after he was caught on camera at a restaurant.

Local police say the man touched the backside of a woman while they were dining at a restaurant on Aug. 13. The woman, who was sitting at a table with another woman, was sitting at the head of the table.

The man, who was sitting at the table with the woman, touched her backside while they were dining. The woman was sitting at the head of the table.

Police officers saw the man touch the woman's backside while they were dining at the restaurant. The woman was sitting at the head of the table.

The man was charged with touching a woman's backside. The woman was sitting at the head of the table.

The man was charged with touching a woman's backside. The woman was sitting at the head of the table.

## A BRIDGE TOO FAR?



Top left, Bill Lewis, John Harris, Joanne and Hazel and get started during a meeting for the West Newbury Senior Community Center.

## Feds choose Greater Boston as research hub

WEST NEWBURY — The federal government has chosen Greater Boston as a research hub for the study of aging.

The federal government has chosen Greater Boston as a research hub for the study of aging. The study will focus on the health and well-being of older adults.

The study will focus on the health and well-being of older adults. The federal government has chosen Greater Boston as a research hub.

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## GOP ASKS BIDEN FOR FUNDS, SECURE BORDER

WEST NEWBURY — Members of the state's Republican assembly are calling on President Biden to provide more federal funding for the state's border.

The GOP assembly is calling on President Biden to provide more federal funding for the state's border. They are asking for \$1 billion in additional funding.

The GOP assembly is calling on President Biden to provide more federal funding for the state's border. They are asking for \$1 billion in additional funding.

## West Newbury awarded climate resiliency grant funding

WEST NEWBURY — West Newbury was awarded a grant for climate resiliency. The grant will be used to fund various projects to improve the town's ability to withstand climate change.

The grant will be used to fund various projects to improve the town's ability to withstand climate change. The town will receive \$100,000 in funding.

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Flooding along West Newbury's Bear Road in 2019.

# West Newbury awarded climate resiliency grant funding

BY STAFF REPORTS WEST NEWBURY — Local officials recently announced the town was awarded \$150,000 in climate resilience grant funding to study vulnerabilities and potential solutions to flood risk from the Merrimack River at River Road and environs for the years 2030, 2050, and 2070.

Building on West Newbury’s climate resilience planning process completed in 2019, these grant funds, with an additional \$50,000 in matching money from the town, will provide the community essential information about existing conditions of the shoreline and culverts and will offer projections about flooding and sea level rise. This will support planning and development of near-term and future solutions. A critical component of this project is an outreach and education campaign designed to involve and inform community members about climate vulnerability in West Newbury.

Awarded by the Healey-Driscoll Administration’s Municipal Vulnerability Preparedness (MVP) program, which is administered by the Executive Office of Energy and Environmental Affairs (EEA), these competitive grants support communities in identifying climate hazards, developing strategies to improve resilience, and implementing priority actions to adapt to climate change.

West Newbury’s project is one of 79 that received action grant funding in the latest round of applications.

“Climate change is already impacting our community,” Town Manager Angus Jennings said. “The intense rainstorm in the morning of Aug. 18 brought localized flooding and required emergency work to shore up the areas to be studied

on River and Coffin Roads. We can only expect more of this with climate change,” Jennings said.

The town manager went on to say the MVP award will allow the town to take meaningful steps to ensure our community is prepared. Jennings also noted that this appears to be the first study of its kind on climate change impacts on towns along the tidal Merrimack.

“We appreciate the letters of support from many of our riverine neighbors,” he said, “and we look forward to their ongoing engagement in this arena.”

The project will focus

See **GRANT**, Page A2



**Flooding along West Newbury’s River Road in mid August.**

COURTESY PHOTO

## GRANT

. *Continued from Page A1* on River Road and the lower portions of Coffin and Bridge Streets where they intersect with River Road. This directly affects the Rocks Village Bridge, which is a critical connector to Haverhill and Merrimac, neighboring municipalities with environmental justice communities. Among other things, school buses serving West Newbury and Merrimac traverse this bridge, as do public safety vehicles, commuters, and others traveling from and to adjacent areas and beyond.

The proposed project consists of: public activities, meetings and outreach to inform and engage citizens and town officials; an existing conditions survey (including bank erosion, watershed delineations, and other factors) of the areas shown susceptible to Merrimack River flooding; a study of culverts and stormwater infrastructure; a report of vulnerabilities in 2030, 2050, and 2070; and options for shoreline stabilization as well as other solutions (preferably nature-based) for longer timeframes.

Community members eager to get involved should get in touch with Christine Wallace, public works program and

Additionally, the town seeks to proactively explore climate resiliency solutions to provide access to houses that may be impacted by road erosion and flooding, and to preserve recreational resources for birdwatching, hiking, biking, fishing, and similar activities.

project manager for the Town of West Newbury at [dpwprojects@wnewbury.org](mailto:dpwprojects@wnewbury.org) or [978363-1100](tel:978363-1100) x130.

This assessment will allow town officials and residents to better understand the timeline and locations of future flooding and explore both interim and long-term climate adaptation strategies. It will also inform planning and consideration of alternatives to foster resiliency.

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RECEIVED

AUG 25 2023

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TOWN MANAGER  
TOWN OF WEST NEWBURY

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

251 Causeway Street, Suite 500, Boston, MA 02114

617-626-1700 fax: 617-626-1850 www.mass.gov/agr



CHARLES D. BAKER  
Governor

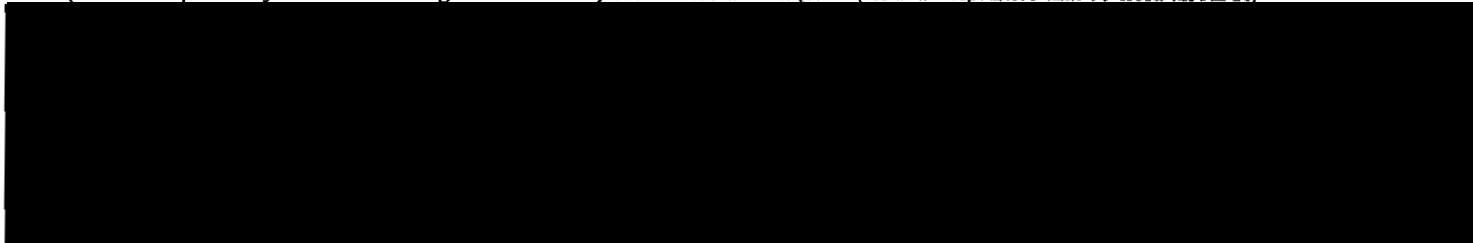
KARYN E. POLITO  
Lt. Governor

KATHLEEN A. THEOHARIDES  
Secretary

JOHN LEBEAUX  
Commissioner

Co-Holder Approval Form for Department Approvals

(To be completed by landowner of Agricultural Preservation Restriction [APR] or municipalities that co-hold an APR)



Request Type (circle one): Certificate of Approval / Special Permit

construct a dwelling on Baileys Lane

APR Landowner requests to conduct the following activities on APR land as further described in the attached Department Approval application. By affixing a signature below, the municipality of

\_\_\_\_\_ hereby finds that the requested activities, as authorized by this APR General Laws Chapter 184 and 132A, are: (Please Check Box)

- Approved
- Approved with conditions
- Denied

Signature: \_\_\_\_\_, authorized signatory on behalf of \_\_\_\_\_

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

(Please send completed form back to APR landowner)

# MDAR APR Program Application for Certificate of Approval (COA) - Dwelling

## Certificate of Approval (COA) Application Requirements & Information

- Read your APR Document and refer to the APR Dwelling guidelines prior to applying.
- To view the APR Dwelling Guidelines, visit: <https://www.mass.gov/info-details/apr-dwelling-guidelines>
- Upon review of this application, the APR Program reserves the right to request additional materials such as business plans, projected income, additional site plans, or Farm Plan.
- Work related to this application may not begin prior to receiving a recordable Certificate of Approval (COA) from the Department.
- APR Regulations limit the area of impervious surface allowed on APR land. Please refer to your APR Stewardship Planner for additional details.

prime agricultural soils on your APR, please visit: <https://www.mass.gov/info-details/apr-soil> or contact your assigned Stewardship Planner for

Landowner Contact (name and address):

Name of Original Grantor of APR & Address of APR:

Is the APR Co-held by a municipality? Yes  No  Not Sure   
-The Co-holder is identified in the APR document or a separately recorded Co-holder Agreement. If yes, you may need to request additional approval from the Co-holder.

Will this new improvement rely on MDAR grant funding? Yes  No  If so, which grant? \_\_\_\_\_

Describe need for approval. Explain how the proposed housing will maintain or improve the economic viability of your farming operation: TO PROVIDE A DWELLING FOR THE FARM OWNERS/OPERATORS THAT WILL ALLOW THEM TO GROW AND TRANSITION THE FARM OPERATION TO INCLUDE IMMEDIATE FAMILY MEMBERS THAT ARE INVOLVED IN ALL ASPECTS / DAY TO DAY OPERATIONS AND FUTURE SUCCESS OF THE FARM.

### Dwelling

1. Dimensions & Square Footage HOUSE - APPROX. 2,500 SQ FT W/ ATTACHED BARN/GARAGE

2. Is the new structure replacing an existing structure? Yes  No

-If yes, will it be sited within the existing footprint? Yes  No, it will be expanding upon

3. Will construction of a new driveway be required to access the structure? Yes  No

4. Will the utility connections be new or existing? New  Existing

-If new, which type will need to be installed? Electric  Septic/Sanitary  Sewer  Water

-For each connection type, describe system & how it will be tied-in to the structure (i.e. will any excavation be required): ALL UTILITIES ARE ADJACENT TO PROPOSED LOCATION

5. Will the project require an easement from a utility company to conduct the work? Yes  No

## MDAR APR Program Application for Certificate of Approval (COA) - Dwelling

6. Describe the current use of the APR land:

THE APR LAND CURRENTLY PRODUCES VEGETABLE, FRUITS, FLOWERS AND PICK YOUR OWN CROPS. IT IS SUPPORTING OUR VERY SUCCESSFUL CSA OPERATION, PRODUCING SUMMER AND FALL SHARES.

7. Describe how the siting of the structure will minimize the loss of quality agricultural soils:

THE SITING OF THE STRUCTURE WILL BE LOCATED IN AN AREA CLOSE TO A TOWN APPROVED ROAD. THERE WILL BE NO LOSS OF AGRICULTURAL SOIL. THE AREA IS NOT CURRENTLY FARMED (DUE TO LOCATION) AND ALL EFFORT WILL BE MADE TO MINIMIZE ANY EXCAVATION WORK. (SEE ATTACHED MAP)

8. Describe how the siting of the structure will not significantly interfere or lead to future interference with agricultural operations:

THE SITING OF THE STRUCTURE WILL HAVE NO IMPACT ON PRODUCTIVE AGRICULTURAL AREAS. THE PROPOSED LOCATION HAS NOT BEEN IN AGRICULTURAL USE SINCE OUR OWNERSHIP.

9. Identify the relationship of the individuals who are expected to reside in the proposed dwelling to the landowner(s):

THE DWELLING WILL BE OCCUPIED BY THE OWNERS,  
JOHN & CINDY ADAMS.

10. How many growing seasons has the proposed dwelling occupant been involved in the daily operation of the agricultural operation? 34 YEARS

11. List all responsibilities of the proposed dwelling occupant in relation to the agricultural operation:

ALL ASPECTS HANDS ON FARM OPERATIONS. PLANNING, PLANTING, MAINTENANCE, HARVESTING, PACKING, MARKETING. OVERSEE/MANAGE ALL FACILITIES/EQUIPMENT MAINTENANCE & DAILY OPERATIONS. MANAGE ALL STAFFING REQUIREMENTS (FIELD, FARM STAND, MARKETS).

12. Does the proposed residing occupant own any other buildable land or dwellings? Yes  No

-If yes, provide location: \_\_\_\_\_

NOTE: THE 514 MAIN ST DWELLING WILL BECOME THE FOR IMMEDIATE FAMILY THAT ARE CURRENTLY ASSISTING AND WORKING ON THE FARM. THERE IS AN IN-LAW APARTMENT THAT CAN BE USED FOR LIVING QUARTERS FOR ONE OF ITS EMPLOYEES.



MDAR APR Program Application for Certificate of Approval (COA) - Dwelling

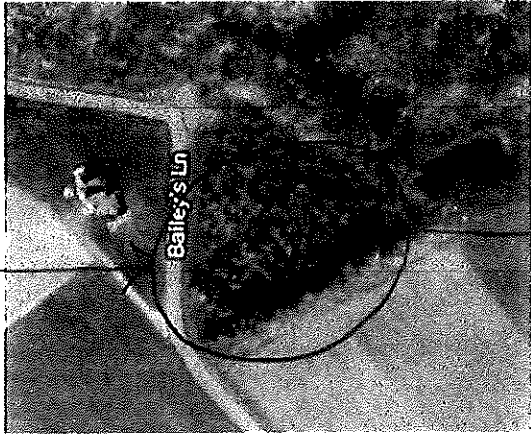
13. You must include the following attachment to this application:

- A map/layout plan showing the location of the proposed dwelling, including the number and types of rooms, square footage, dimensions, and elevations, as well as any additional need for improvements such as a driveway, parking lot, etc.

---

Landowner signature: Gindy Adams Date: 10/25/22

Landowner signature: Julia Adams Date: 10/25/22



PROPOSED DWELLING SITE



Form Name: FY24 Best Practices Compact Program Application  
 Submission Time: September 28, 2023 10:55 am  
 Browser: Chrome 117.0.0.0 / Windows  
 IP Address: 72.74.89.122  
 Unique ID: 1146862959  
 Location:



<b>Municipal Designation</b>	Town
<b>City or Town Name</b>	West Newbury
<b>Contact</b>	Angus Jennings
<b>Municipal Address:</b>	381 Main Street West Newbury, MA 01985
<b>Contact Phone</b>	(978) 363-1100 ext. 115
<b>Contact Email</b>	Townmanager@wnewbury.org
<b>Compact Signatory</b>	Angus Jennings
<b>Signatory Title</b>	Other
<b>Signatory Title</b>	Town Manager
<b>Best Practice Area #1</b>	Financial Management
<b>Are you applying for this best practice with other communities?</b>	No
<b>Financial Management - Best Practice Focus Area</b>	Establish a Budget document that details all revenues and expenditures, provides a narrative describing priorities and challenges, and offers clear and transparent communication of financial policies to residents and businesses.
<b>Why did you choose this best practice and what assistance would you need to accomplish this best practice?</b>	Efficient budget building processes and long-range planning/forecasting models are the cornerstone of a fiscally healthy community. We believe that ClearGov, a MA-based company, will provide West Newbury with the support to focus on key initiatives within the community, create and maintain multi-year strategies for Capital Improvement Projects, and ensure West Newbury's resources and tax-payer dollars are used efficiently and effectively. To support this best practice, we are requesting a grant in the amount of \$35,165 which will cover the initial setup costs and first year of service of the ClearGov programing for our community.
<b>Funding request</b>	\$35,165
<b>Would you like to apply for a second best practice?</b>	No



# Service Order

2 Mill & Main; Suite 630; Maynard, MA 01754

<b>Created by</b>	David Misasi
<b>Contact Phone</b>	620.249.9504
<b>Contact Email</b>	dmisasi@cleargov.com

<b>Order Date</b>	Sep 26, 2023
<b>Order valid if signed by</b>	<b>Sep 29, 2023</b>


Customer Information					
<b>Customer</b>	West Newbury, MA	<b>Contact</b>	Angus Jennings	<b>Billing Contact</b>	Jennifer Walsh
<b>Address</b>	381 Main Street	<b>Title</b>	Town Manager	<b>Title</b>	Town Accountant
<b>City, St, Zip</b>	West Newbury, MA 01985	<b>Email</b>	townmanager@wnewbury.org	<b>Email</b>	townaccountant@wnewbury.org
<b>Phone</b>	978-363-1100			<b>PO # (if any)</b>	


The Services you will receive and the Fees for those Services are...			
<b>Set up Services</b>		<b>Tier/Rate</b>	<b>Service Fees</b>
ClearGov Setup: Includes activation, onboarding and training for ClearGov solutions		Tier 2	\$ 10,800.00
ClearGov Setup: BCM Bundle Discount - Discount for bundled BCM solutions		Tier 2	\$ (3,780.00)
<b>Total ClearGov Setup Service Fee - Billed ONE-TIME</b>			<b>\$ 7,020.00</b>
<b>Subscription Services</b>		<b>Tier</b>	<b>Service Fees</b>
ClearGov BCM Operational Budgeting - Civic Edition		Tier 2	\$ 13,300.00
ClearGov BCM Personnel Budgeting - Civic Edition		Tier 2	\$ 12,100.00
ClearGov BCM Capital Budgeting - Civic Edition		Tier 2	\$ 9,800.00
ClearGov BCM Digital Budget Book - Civic Edition		Tier 2	\$ 8,100.00
ClearGov BCM Bundle Discount: Discount for bundled BCM solutions		Tier 2	\$ (15,155.00)
<b>Total ClearGov Subscription Service Fee - Billed ANNUALLY IN ADVANCE</b>			<b>\$ 28,145.00</b>

ClearGov will provide your Services according to this schedule...			
Period	Start Date	End Date	Description
<b>Setup</b>	Oct 1, 2023	Oct 1, 2023	ClearGov Setup Services
<b>Pro-Rata</b>	Oct 1, 2023	Jun 30, 2024	ClearGov Subscription Services
<b>Initial</b>	Jul 1, 2024	Jun 30, 2027	ClearGov Subscription Services

To be clear, you will be billed as follows...		
Billing Date(s)	Amount(s)	Notes
Oct 1, 2023	\$ 7,020.00	One Time Setup Fee
Oct 1, 2023	\$ 21,108.75	9 Month Pro-Rata Subscription Fee
Jul 1, 2024	\$ 28,145.00	Annual Subscription Fee
Additional subscription years and/or renewals will be billed annually in accordance with pricing and terms set forth herein.		
Billing Terms and Conditions		
<b>Valid Until</b>	<b>Sep 29, 2023</b>	Pricing set forth herein is valid only if ClearGov Service Order is executed on or before this date.
<b>Payment</b>	<b>Net 30</b>	All invoices are due Net 30 days from the date of invoice.
<b>Initial Period Rate Increase</b>	3% per annum	During the Initial Service Period, the Annual Subscription Service Fee shall automatically increase by this amount.
<b>Rate Increase</b>	3% per annum	After the Initial Service Period, the Annual Subscription Service Fee shall automatically increase by this amount.

General Terms & Conditions	
<b>Customer Satisfaction Guarantee</b>	During the first thirty (30) days of the Service, Customer shall have the option to terminate the Service, by providing written notice. In the event that Customer exercises this customer satisfaction guarantee option, such termination shall become effective immediately and Customer shall be eligible for a full refund of the applicable Service Fees.
<b>Massachusetts Community Compact Best Practice</b>	ClearGov acknowledges that Customer intends to apply for a Massachusetts Community Compact Best Practices Grant. In the event that such grant request is denied, Customer shall have the option to terminate the Service, by providing written notice (e-mail acceptable) to ClearGov within fifteen (15) days of receiving such grant denial notice, and Customer shall owe nothing in accordance with this Service Order.
<b>Statement of Work</b>	ClearGov and Customer mutually agree to the ClearGov Service activation and onboarding process set forth in the attached Statement of Work. Please note that ClearGov will not activate and/or implement services for any Customer with outstanding balance past due over 90 days for any previous subscription services.
<b>Taxes</b>	The Service Fees and Billing amounts set forth above in this ClearGov Service Order <b>DO NOT</b> include applicable taxes. In accordance with the laws of the applicable state, in the event that sales, use or other taxes apply to this transaction, ClearGov shall include such taxes on applicable invoices and Customer is solely responsible for such taxes, unless documentation is provided to ClearGov demonstrating Customer's exemption from such taxes.
<b>Term &amp; Termination</b>	Subject to the termination rights and obligations set forth in the ClearGov BCM Service Agreement, this ClearGov Service Order commences upon the Order Date set forth herein and shall continue until the completion of the Service Period(s) for the Service(s) set forth herein. Each Service shall commence upon the Start Date set forth herein and shall continue until the completion of the applicable Service Period. To be clear, Customer shall have the option to Terminate this Service Order on an annual basis by providing notice at least sixty (60) days prior to the end of the then current Annual Term.
<b>Auto-Renewal</b>	After the Initial Period, the Service Period for any ClearGov Annual Subscription Services shall automatically renew for successive annual periods (each an " <b>Annual Term</b> "), unless either Party provides written notice of its desire not to renew at least sixty (60) days prior to the end of the then current Annual Term.
<b>Agreement</b>	This ClearGov Service Order shall become binding upon execution by both Parties. The signature herein affirms your commitment to pay for the Service(s) ordered in accordance with the terms set forth in this ClearGov Service Order and also acknowledges that you have read and agree to the terms and conditions set forth in the ClearGov BCM Service Agreement found at the following URL: <a href="http://www.ClearGov.com/terms-and-conditions">http://www.ClearGov.com/terms-and-conditions</a> . This Service Order incorporates by reference the terms of such ClearGov BCM Service Agreement. In event of any conflict between the terms set forth in this ClearGov Service Order and any terms or conditions set forth in the ClearGov BCM Service Agreement, the terms of this ClearGov Service Order shall prevail.

Customer	
<b>Signature</b>	
<b>Name</b>	Angus Jennings
<b>Title</b>	Town Manager

ClearGov, Inc.	
<b>Signature</b>	
<b>Name</b>	Bryan A. Burdick
<b>Title</b>	President

**Please e-mail signed Service Order to [Orders@ClearGov.com](mailto:Orders@ClearGov.com) or Fax to (774) 759-3045**

Customer Upgrades (ClearGov internal use only)			
<b>This Service Order is a Customer Upgrade</b>	No	<b>If Yes: Original Service Order Date</b>	

# Statement of Work

This Statement of Work outlines the roles and responsibilities by both ClearGov and Customer required for the activation and onboarding of the ClearGov Service. ClearGov will begin this onboarding process upon execution of this Service Order. All onboarding services and communications will be provided through remote methods - email, phone, and web conferencing.

## ClearGov Responsibilities

- ClearGov will activate ClearGov Service subscription(s) as of the applicable Start Date(s). ClearGov will create the initial Admin User account, and the Customer Admin User will be responsible for creating additional User accounts.
- ClearGov will assign an Implementation Manager (IM) responsible for managing the activation and onboarding process. ClearGov IM will coordinate with other ClearGov resources, as necessary.
- ClearGov IM will provide a Kickoff Call scheduling link to the Customer's Primary Contact. Customer should schedule Kickoff Call within two weeks after the Service Order has been executed.
- If Customer is subscribing to any products that require data onboarding:
  - ClearGov IM will provide a Data Discovery Call scheduling link to the Customer's Primary Contact. Customer should schedule Data Discovery Call based on the availability of Customer's staff.
  - ClearGov will provide Customer with financial data requirements and instructions, based on the ClearGov Service subscription(s).
  - ClearGov will review financial data files and confirm that data is complete, or request additional information, if necessary. Once complete financial data files have been received, ClearGov will format the data, upload it to the ClearGov platform and complete an initial mapping of the data.
  - After initial mapping, ClearGov will schedule a Data Review call with a ClearGov Data Onboarding Consultant (DOC), who will present how the data was mapped, ask for feedback, and address open questions. Depending upon Customer feedback and the complexity of data mapping requests, there may be additional follow-up calls or emails required to complete the data onboarding process.
- ClearGov will inform Customer of all training, learning, and support options. ClearGov recommends all Users attend ClearGov Academy training sessions and/or read Support Center articles before using the ClearGov Service to ensure a quick ramp and success. As needed, ClearGov will design and deliver customized remote training and configuration workshops for Admins and one for End Users - via video conference - and these sessions will be recorded for future reference.
- ClearGov will make commercially reasonable efforts to complete the onboarding/activation process in a timely fashion, provided Customer submits financial data files and responds to review and approval requests by ClearGov in a similarly timely fashion. Any delay by Customer in meeting these deliverable requirements may result in a delayed data onboarding process. Any such delay shall not affect or change the Service Period(s) as set forth in the applicable Service Order.

## Customer Responsibilities

- Customer's Primary Contact will coordinate the necessary personnel to attend the Kickoff and Data Discovery Calls within two weeks after the Service Order has been executed. If Customer needs to change the date/time of either of these calls, the Primary Contact will notify the ClearGov IM at least one business day in advance.
- If Customer is subscribing to any products that require data onboarding:
  - Customer will provide a complete set of requested financial data files (revenue, expense, chart of accounts, etc.) to ClearGov in accordance with the requirements provided by ClearGov.
  - Customer's Primary Contact will coordinate the necessary personnel to attend the Data Discovery and Data Review calls. It is recommended that all stakeholders with input on how data should be mapped should attend. Based on these calls and any subsequent internal review, Customer shall provide a detailed list of data mapping requirements and requested changes to data mapping drafts in a timely manner, and Customer will approve the final data mapping, once completed to Customer's satisfaction.
- Customer will complete recommended on-demand training modules in advance of customized training & configuration workshops.
- Customer shall be solely responsible for importing and/or inputting applicable text narrative, custom graphics, performance metrics, capital requests, personnel data, and other such information for capital budget, personnel budget, budget books, projects, dashboards, etc.

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

Dodson & Flinker continue to advance Scenarios for Housing Development (Concept Plans) and approaches to zoning for the Knapp Greenhouse and Dunn Greenhouse properties on Main Street based on the latest input received at the September 5 Forum and September 19 Planning Board meeting.

Next steps include finalized Concept Plans, draft Zoning Bylaw, focus group review of proposed Zoning, testing of the Plan and Zoning against EOHLC (Executive Office of Housing and Livable Communities) Compliance Model and Public Meetings.

**ADU and Non-Conforming Bylaw Changes**

The Public Hearing on the proposed Bylaws held on September 19<sup>th</sup> resulted in a change to the Non-Conforming Use Bylaw – changing the option from a Special Permit to a Finding by the Zoning Board of Appeals in certain instances. Town Counsel opined the change is lawful.

The Select Board and Finance Committee will discuss the proposed changes as they relate to the Special Town Meeting Warrant Articles at their joint meeting on September 27.

**Housing Production Plan**

The virtual sub-regional meeting is scheduled for Thursday, October 12<sup>th</sup> at 7:30 PM. MVPC working with Consensus Building Institute (CBI) will facilitate the event that will include full group discussions as well as breakout groups for the individual communities.

**Land Management and Planning Forum**

This meeting may be rescheduled to November or postponed indefinitely to allow for more extensive planning. The decision to be made is whether to hold a public forum organized and intended to provide outreach – and solicit public input – on multiple major projects at one time (i.e. MVP Action Grant/River Road resiliency planning; MBTA Communities Act planning; Rte. 113 corridor study/planning), or to proceed with holding separate public forums/events for each of these (and other) project in parallel.

**113 Corridor Improvement Study**

The Consultant Team has mapped existing conditions. Town staff are reviewing and will subsequently share with other Boards and Committees for further review. Consultant Team will look to present draft recommendations following full municipal review.

**Evergreen Farm – Ash Street**

Essex County Greenbelt's offer to the owner of Evergreen Farm has been accepted and work on the Conservation Restriction, lot division and other elements of the sale are under way.

**River Road Climate Change Resiliency**

The Town has been awarded a \$150,000 Municipal Vulnerability Preparedness grant to study vulnerabilities and potential solutions to flood risk from the Merrimack River for the years 2030, 2050, and 2070. This study will allow Town officials and residents to better understand the anticipated timeline and locations of future flooding and explore both interim and long-term climate adaptation strategies. It will also inform planning and consideration of alternatives to foster resiliency. There will be a public engagement element for this planning project that is anticipated to be complete by June 30, 2024. Christine Wallace is the Project Manager.

More information is available: [Climate Change Resiliency Committee | Town of West Newbury MA \(wnewbury.org\)](https://www.wnewbury.org/Climate-Change-Resiliency-Committee)



**Year 5 Annual Report**  
**Massachusetts Small MS4 General Permit**  
**Reporting Period: July 1, 2022-June 30, 2023**

**U**

*\*\*Please DO NOT attach any documents to this form. Instead, attach all requested documents to an email when submitting the form. Also ensure any websites included on this form are to publicly accessible sites\*\**

*Unless otherwise noted, all fields are required to be filled out. If a field is left blank, it will be assumed the requirement or task has not been completed. Please ONLY report on activities between July 1, 2022 and June 30, 2023 unless otherwise requested.*

**Part I: Contact Information**

Name of Municipality or Organization:

EPA NPDES Permit Number:

**Primary MS4 Program Manager Contact Information**

Name:  Title:

Street Address Line 1:

Street Address Line 2:

City:  State:  Zip Code:

Email:  Phone Number:

**Stormwater Management Program (SWMP) Information**

SWMP Location (publicly available web address):

Date SWMP was Last Updated:

If the SWMP is not available on the web please provide the physical address:

## Part II: Self-Assessment

First, in the box below, select the impairment(s) and/or TMDL(s) that are applicable to your MS4. Make sure you are referring to the most recent EPA approved Section 303(d) Impaired Waters List which can be found here: <https://www.epa.gov/tmdl/region-1-impaired-waters-and-303d-lists-state>

**Impairment(s)**

Bacteria/Pathogens     
  Chloride     
  Nitrogen     
  Phosphorus  
 Solids/ Oil/ Grease (Hydrocarbons)/ Metals

**TMDL(s)**

*In State:*     
  Assabet River Phosphorus     
  Bacteria and Pathogen     
  Cape Cod Nitrogen  
 Charles River Watershed Phosphorus     
  Lake and Pond Phosphorus

*Out of State:*     
  Bacteria/Pathogens     
  Metals     
  Nitrogen     
  Phosphorus

Clear Impairments and TMDLs

Next, check off all requirements below that have been completed. **By checking each box you are certifying that you have completed that permit requirement fully.** If you have not completed a requirement leave the box unchecked. Additional information will be requested in later sections.

Annual Requirements

- Provided an opportunity for public participation in review and implementation of SWMP and complied with State Public Notice requirements
- Kept records relating to the permit available for 5 years and made available to the public
- The SSO inventory has been updated, including the status of mitigation and corrective measures implemented
  - This is not applicable because we do not have sanitary sewer
  - This is not applicable because we did not find any new SSOs
  - The updated SSO inventory is attached to the email submission
  - The updated SSO inventory can be found at the following publicly available website:

- Updated system map due in year 2 as necessary
- Provided training to employees involved in IDDE program within the reporting period
- Properly stored and disposed of catch basin cleanings and street sweepings so they did not discharge to receiving waters
- All curbed roadways were swept at least once within the reporting period
- Enclosed all road salt storage piles or facilities and implemented winter road maintenance procedures to minimize the use of road salt
- Implemented SWPPPs for all permittee owned or operated maintenance garages, public works yards, transfer stations, and other waste handling facilities

- Updated inventory of all permittee owned facilities as necessary
- O&M programs for all permittee owned facilities have been completed and updated as necessary
- Implemented all maintenance procedures for permittee owned facilities in accordance with O&M programs
- Implemented program for MS4 infrastructure maintenance to reduce the discharge of pollutants
- Inspected all permittee owned treatment structures (excluding catch basins)

*Optional:* If you would like to describe progress made on any incomplete requirements listed above or provide any additional details, please use the box below:

West Newbury does not have any municipally-owned facilities that require SWPPPs within the MS4 regulated area.

**Bacteria/ Pathogens** (Combination of Impaired Waters Requirements and TMDL Requirements as Applicable)

Annual Requirements

*Public Education and Outreach\**

- Annual message was distributed encouraging the proper management of pet waste, including noting any existing ordinances where appropriate
- Permittee or its agents disseminated educational material to dog owners at the time of issuance or renewal of dog license, or other appropriate time
- Provided information to owners of septic systems about proper maintenance in any catchment that discharges to a water body impaired for bacteria
  - This is not applicable because there are no septic systems present

*\* Public education messages can be combined with other public education requirements as applicable (see Appendix H and F for more information)*

*Optional:* If you would like to describe progress made on any incomplete requirements listed above or provide any additional details, please use the box below:

*Optional:* Use the box below to provide any additional information you would like to share as part of your self-assessment:

--

### Part III: Receiving Waters/Impaired Waters/TMDL

Have you made any changes to your lists of receiving waters, outfalls, or impairments since the NOI was submitted?

- Yes
- No

If yes, describe below, including any relevant impairments or TMDLs:

## Part IV: Minimum Control Measures

Please fill out all of the metrics below. If applicable, include in the description who completed the task if completed by a third party.

### MCM1: Public Education

Number of educational messages completed **during this reporting period:**

Below, report on the educational messages completed **during this reporting period**. For the measurable goal(s) please describe the method/measures used to assess the overall effectiveness of the educational program.

#### **BMP: Elementary School Program - Keeping Water Clean**

Message Description and Distribution Method:

Program engages 5th grade students in several activities designed to raise their stormwater and water conservation awareness. Students learn about watersheds, stormwater, ground water, waste water, how we impact these systems, and how they should be protected/maintained.

Targeted Audience:

Responsible Department/Parties:

Measurable Goal(s):

2374 students  
450 teachers and parents  
40 schools

Message Date(s):

Message Completed for: Appendix F Requirements  Appendix H Requirements

Was this message different than what was proposed in your NOI? Yes  No

If yes, describe why the change was made:

#### **BMP: Print Material/Rack Card - "What Not to Flush"**

Message Description and Distribution Method:

Distributed a two sided rack card highlighting what can and cannot be flushed down toilets to avoid blockages. The card illustrates that it is important to only flush toilet paper and biological waste, whether you have a septic or sewer system. All rack cards can be found on the Greenscapes website under the resources tab: <https://greenscapes.org/resources-rackcards/>

Targeted Audience:

Responsible Department/Parties:

Measurable Goal(s):

500 copies to each Greenscape community; Distributed at community events

Message Date(s): Various dates between September 2022 - June 2023

Message Completed for: Appendix F Requirements  Appendix H Requirements

Was this message different than what was proposed in your NOI? Yes  No

If yes, describe why the change was made:

**BMP: Print Material/Rack Card - Pet Waste**

Message Description and Distribution Method:

Distributed a two sided rack card highlighting the importance of picking up pet waste. All rack cards can be found on the Greenscapes website under the Resources tab: <https://greenscapes.org/resources-rackcards/>

Targeted Audience: Residents +

Responsible Department/Parties: Greenscapes Coalition

Measurable Goal(s):

500 copies to each Greenscape community; Distributed at community events

Message Date(s): Various dates between September 2022 - June 2023

Message Completed for: Appendix F Requirements  Appendix H Requirements

Was this message different than what was proposed in your NOI? Yes  No

If yes, describe why the change was made:

**BMP: Print Material/Magazine - Greenscapes Guide**

Message Description and Distribution Method:

The Greenscapes Guide is a 26 page magazine that covers sustainable landscaping, stormwater management, and water conservation for residents. These guides were distributed at each school program Greenscapes conducted this year and at public events. A digital version can be found on our website: <https://greenscapes.org/greenscapes-guide/>

Targeted Audience: Residents +

Responsible Department/Parties: Greenscapes Coalition

Measurable Goal(s):

2400 Greenscapes Guides distributed at school programs; Distributed

Message Date(s): Various dates between September 2022 - June 2023

Message Completed for: Appendix F Requirements  Appendix H Requirements Was this message different than what was proposed in your NOI? Yes  No 

If yes, describe why the change was made:

**BMP: Media - "Greenscapes Guide to Green Infrastructure and Maintenance"**

Message Description and Distribution Method:

This guide details different types of green infrastructure and their associated maintenance requirements:  
<https://greenscapes.org/wp-content/uploads/2023/06/Guide-to-Green-Infrastructure.pdf>

Targeted Audience: Developers, Residents +

Responsible Department/Parties: Greenscapes Coalition

Measurable Goal(s):

Posted to the Greenscapes website as a resource for developers

Message Date(s): Posted on June 27th, 2023

Message Completed for: Appendix F Requirements  Appendix H Requirements Was this message different than what was proposed in your NOI? Yes  No 

If yes, describe why the change was made:

**BMP: Web Based Tools - Model Bylaw Toolkit**

Message Description and Distribution Method:

Created by the Greenscapes Coalition to help municipal staff find best language for their community's bylaws/  
ordinances. <https://mvpc.org/greenscapes-model-bylaw-toolkit/>

Targeted Audience: Municipal Staff

Responsible Department/Parties: Merrimack Valley Planning Commission &amp; Greenscapes Coalition

Measurable Goal(s):

Sent to 80 municipal staff



Message Date(s): June 21st, 2023

Message Completed for: Appendix F Requirements  Appendix H Requirements

Was this message different than what was proposed in your NOI? Yes  No

If yes, describe why the change was made:

### **BMP: Web Based Toolkit - LID Toolkit**

Message Description and Distribution Method:

Greenscapes updated the existing LID Toolkit to search for regional LID projects easily. It is intended to be a research tool for communities to see different LID projects throughout Massachusetts and their associated costs and potential funding opportunities: [app.mvpc.org/LIDViewer](http://app.mvpc.org/LIDViewer)

Targeted Audience: Municipal staff

Responsible Department/Parties: Merrimack Valley Planning Commission & Greenscapes Coalition

Measurable Goal(s):

Sent to 80 municipal staff

Message Date(s): June 21st, 2023

Message Completed for: Appendix F Requirements  Appendix H Requirements

Was this message different than what was proposed in your NOI? Yes  No

If yes, describe why the change was made:

### **BMP: Social Media - What Not to Flush**

Message Description and Distribution Method:

Social media content highlighting the importance of being septic safe. Shows what should not be flushed down drains and where water goes once it leaves resident sewer popes. Media content is available on the Greenscapes website: <https://greenscapes.org/resources-socialmedia/>

Targeted Audience: Residents +

Responsible Department/Parties: Greenscapes Coalition and municipal staff

Measurable Goal(s):

36 post impressions on Greenscapes Facebook

44 accounts reached on Greenscapes Instagram

Message Date(s): Posted on November 18th, 2022

Message Completed for: Appendix F Requirements  Appendix H Requirements

Was this message different than what was proposed in your NOI? Yes  No

If yes, describe why the change was made:

### **BMP: Social Media - Sidewalk Salt Application**

Message Description and Distribution Method:

Social media content related to roadway salt and the negative impact it has on aquatic habitats. Suggests alternatives to road salt. Media content is available on the Greenscapes website: <https://greenscapes.org/resources-socialmedia/>

Targeted Audience: Residents +

Responsible Department/Parties: Greenscapes Coalition and municipal staff

Measurable Goal(s):

119 post impressions on Greenscapes Facebook  
81 accounts reached on Greenscapes Instagram

Message Date(s): February 1st, 2023

Message Completed for: Appendix F Requirements  Appendix H Requirements

Was this message different than what was proposed in your NOI? Yes  No

If yes, describe why the change was made:

### **BMP: Social Media - Fertilizer Use & Permeable Pavement**

Message Description and Distribution Method:

Social media content related to fertilizer use, proper application, and how to reduce use. Included information on retaining stormwater in rain barrels and through the use of permeable pavement. Media content is available on the Greenscapes website: <https://greenscapes.org/resources-socialmedia/>

Targeted Audience: Residents +

Responsible Department/Parties: Greenscapes Coalition and municipal staff

Measurable Goal(s):

707 impressions on Greenscapes Facebook

Message Date(s): May 30th, 2023

Message Completed for: Appendix F Requirements  Appendix H Requirements

Was this message different than what was proposed in your NOI? Yes  No

If yes, describe why the change was made:

**BMP: Social Media - Erosion & Sediment Control Plan**

Message Description and Distribution Method:

Social media content related to erosion and sediment control plans for building planners and construction workers. Highlights proper protocol at construction sites to reduce erosion, off site sediment contamination, and illicit discharge. Media content is available on the Greenscapes website: <https://greenscapes.org/resources-socialmedia/>

Targeted Audience: Developers (construction)

Responsible Department/Parties: Greenscapes Coalition and municipal staff

Measurable Goal(s):

23 impressions on Greenscapes Facebook

Message Date(s): May 31st, 2023

Message Completed for: Appendix F Requirements  Appendix H Requirements

Was this message different than what was proposed in your NOI? Yes  No

If yes, describe why the change was made:

**BMP:Public Lecture - PIE Rivers Annual Meeting**

Message Description and Distribution Method:

Public meeting where Greenscapes speaker presented on LID bylaw review process.

Targeted Audience: Residents +

Responsible Department/Parties: Greenscapes Coalition

Measurable Goal(s):

47 participants

Message Date(s): December 1st, 2022

Message Completed for: Appendix F Requirements  Appendix H Requirements

Was this message different than what was proposed in your NOI? Yes  No

If yes, describe why the change was made:

**BMP: Public Lectures - Essex County Highway Association**

Message Description and Distribution Method:

Spring Technical Meeting presentation to municipal staff, DPW, and planners on LID maintenance.

Targeted Audience: Municipal staff & industry professionals

Responsible Department/Parties: Greenscapes Coalition

Measurable Goal(s):

200 participants

Message Date(s): April 11th, 2023

Message Completed for: Appendix F Requirements  Appendix H Requirements

Was this message different than what was proposed in your NOI? Yes  No

If yes, describe why the change was made:

**BMP: Greenscapes Stormwater Mitigation Toolkit Showcase**

Message Description and Distribution Method:

Event hosted for Greenscapes members community staff to review the updated LID viewer and the interactive Model Bylaw Toolkit

Targeted Audience: Municipal staff

Responsible Department/Parties: Greenscapes Coalition

Measurable Goal(s):

80 participants

Message Date(s): June 21st, 2023

Message Completed for: Appendix F Requirements  Appendix H Requirements

Was this message different than what was proposed in your NOI? Yes  No

If yes, describe why the change was made:

**BMP: Regional Tabling Events**

Message Description and Distribution Method:

Events attended by Greenscapes personnel where printed material were passed out: Salem Living Green Expo, Essex County Community Foundation - The State of Essex County, Topsfield Strawberry Festival, Wolf Hill Garden Center.

Targeted Audience: Residents +

Responsible Department/Parties: Greenscapes +

Measurable Goal(s):

Message Date(s): Various dates between September 2022 - June 2023

Message Completed for: Appendix F Requirements  Appendix H Requirements

Was this message different than what was proposed in your NOI? Yes  No

If yes, describe why the change was made:

**BMP:Town website monthly message**

Message Description and Distribution Method:

Monthly postings on West Newbury town website which address a number of MS4 related topics, including clearing storm drains, minimizing road salt, scooping dog waste, and the like. Monthly postings can be found at: <https://www.wnewbury.org/home/news/ms4-monthly-message-3>

Targeted Audience: Residents+

Responsible Department/Parties: Town of West Newbury

Measurable Goal(s):

Message Date(s):

Message Completed for: Appendix F Requirements  Appendix H Requirements

Was this message different than what was proposed in your NOI? Yes  No

If yes, describe why the change was made:

## MCM2: Public Participation

Describe the opportunity provided for public involvement in the development of the Stormwater Management Program (SWMP) **during this reporting period:**

The SWMP and other stormwater program materials are located on the DPW site, with comments welcome at any time. Comments are discussed with town staff at stormwater working group meetings (which take place at least monthly). <https://www.wnewbury.org/departments-public-works/pages/ms4-stormwater-management-plan-swmp>

The Town, through its Stormwater Working Group, with representation from the Planning Board, Department of Public Works, Board of Health, Building Inspector/Enforcement Officer, Town Manager, and Conservation Commission, and with assistance from Stormwater Consultant Horsley Witten updated its Stormwater Management Regulations. The year long process included monthly Stormwater Working Group Meetings, Consultant meetings, multiple drafts of proposed changes that would be discussed at the monthly meetings, and regular updates to the Planning Board and others during open public meetings. Following Working Group agreement on the revised draft regulations, the final draft regulations were presented to the Planning Board on Feb 7, 2023.

The Stormwater Management Regulations Public Hearing was held on May 16th.

The Proposed changes to Stormwater Management Regulations were also discussed at the following Planning Board public meetings:

Feb 7, 2023

April 18, 2023

June 6, 2023 (vote to approve, vote to delegate Board of Health as Stormwater Management Authority)

Was this opportunity different than what was proposed in your NOI? Yes  No

Describe any other public involvement or participation opportunities conducted **during this reporting period:**

West Newbury participated in monthly meetings of the Merrimack Valley Stormwater Coalition held monthly September-June (2022/2023)

West Newbury participated in Greenscapes North Shore Coalition

The town hosted an Earth Day Cleanup on April 22nd. The Town advertised the event on the Town of West Newbury Facebook page and DPW provided supplies (trash bags, gloves, maps of areas targeted for cleanup) and after the event picked up filled trash bags for disposal.

### MCM3: Illicit Discharge Detection and Elimination (IDDE)

#### Sanitary Sewer Overflows (SSOs)

Check off the box below if the statement is true.

- This SSO section is NOT applicable because we DO NOT have sanitary sewer

Below, report on the number of SSOs identified in the MS4 system and removed **during this reporting period**.

Number of SSOs identified:

Number of SSOs removed:

#### MS4 System Mapping

*Optional:* Provide additional status information regarding your map:

West Newbury's MS4 map was updated during Permit Year 3 in conjunction with dry-weather outfall inspections. No updates have been made since. The public map interface is at <https://mimap.mvpc.org/map/index.html?viewer=westnewbury>. More detailed mapping data are on West Newbury's internal mapping application. Updates are anticipated in the coming 1-2 years on River Road as erosion mitigation work through MVP grants takes place.

#### Screening of Outfalls/Interconnections

*If conducted, please submit any outfall monitoring results from this reporting period. Outfall monitoring results should include the date, outfall/interconnection identifier, location, weather conditions at time of sampling, precipitation in previous 48 hours, field screening parameter results, and results from all analyses. Please also include the updated inventory and ranking of outfalls/interconnections based on monitoring results.*

- No outfalls were inspected
- The above referenced outfall screening data is attached to the email submission
- The above referenced outfall screening data can be found at the following publicly available website:

<https://www.wnewbury.org/departments-public-works/pages/ms4-illicit-discharge-detection-and-elimination-idde-plan>

Below, report on the number of outfalls/interconnections screened **during this reporting period**.

Number of outfalls screened:

Below, report on the percent of outfalls/interconnections screened **to date**.

Percent of outfalls screened:

*Optional:* Provide additional information regarding your outfall/interconnection screening:

**Catchment Investigations**

*If conducted, please submit all data collected during this reporting period as part of the dry and wet weather investigations. Also include the presence or absence of System Vulnerability Factors for each catchment.*

- No catchment investigations were conducted
- The catchment investigation data is attached to the email submission
- The catchment investigation data can be found at the following publicly available website:

*Below, report on the number of catchment investigations completed **during this reporting period.***

Number of catchment investigations completed this reporting period:

*Below, report on the percent of catchments investigated **to date.***

Percent of total catchments investigated:

*Optional: Provide any additional information for clarity regarding the catchment investigations below:*

**IDDE Progress**

*If illicit discharges were found, please submit a document describing work conducted over this reporting period, and cumulative to date, including location source; description of the discharge; method of discovery; date of discovery; and date of elimination, mitigation, or enforcement OR planned corrective measures and schedule of removal.*

- No illicit discharges were found
- The illicit discharge removal report is attached to the email submission
- The illicit discharge removal report can be found at the following publicly available website:

*Below, report on the number of illicit discharges identified and removed, along with the volume of sewage removed **during this reporting period.***

Number of illicit discharges identified:

Number of illicit discharges removed:

Estimated volume of sewage removed:  gallons/day

*Below, report on the total number of illicit discharges identified and removed to date. At a minimum, report on the number of illicit discharges identified and removed **since the effective date of the permit (July 1, 2018).***

Total number of illicit discharges identified:

Total number of illicit discharges removed:



*Optional:* Provide any additional information for clarity regarding illicit discharges identified, removed, or planned to be removed below:

### **Employee Training**

Describe the frequency and type of employee training conducted **during this reporting period:**

Video and handout from CMRSWC IDDE Training workshop attended by DPW personnel W. Amaral and Butch Hills in April 2023.

### **MCM4: Construction Site Stormwater Runoff Control**

*Below, report on the construction site plan reviews, inspections, and enforcement actions completed **during this reporting period.***

Number of site plan reviews completed:

Number of inspections completed:

Number of enforcement actions taken:

*Optional:* Enter any additional information relevant to construction site plan reviews, inspections, and enforcement actions:

Site Plan Reviews included:

- 10 Pleasant St: septic replacement, deck, driveway;
- 1 Farm Lane: Septic replacement;
- 26 Church Street: barn addition;
- 45 Georgetown Rd: new garage and addition;
- 5 River Meadow: septic replacement;
- 46 Bridge Street: barn construction;
- Whetstone Greenway: trails connecting Sullivan dr to river meadow dr (reviewed in 10/2022 but after MS4 info was sent for that year)
- 365 Main St / Drakes Landing – as-built plan

Inspections include:

- 9+ @ Pentucket Regional School District (PRSD) Middle/High School
- 2 @ 3 Farm Lane (usually on my way to PRSD, this site had runoff into a catch basin),
- 3 @ 4 Norino (2 for runoff into a catch basin, 1 for unpermitted clearing EO),
- 2 @ 9 Pleasant: Pre & post construction; 1 @ 45 Georgetown for permitting,
- 1 @ 5 Sullivan's Court for dock installation),
- 2 @ 5 River Meadow Dr (permitting & preconstruction for a septic system replacement),
- 1 @ 46 Bridge St (permitting),
- 1 @ 322/326 Main St for culvert banking stabilization;
- 3+ @ 0 Main St across from PRSD for sidewalk undermining near culvert

- 2 @ 528 Main St post construction for septic replacement;
- 3+ @ 528 Main St/Deer Run – Construction site monitoring;
- 1 @ Across from 89 Church St: post construction dock installation
- 1 @ 365 Main/Drakes Landing: Post construction for Certificate of Compliance
- 10 @ 519 Main/Deer Run (Subdivision Construction Inspections – 2021-2023)
- 4 @ 365 Main/Drakes Landing (Construction Inspections (2020 – 2022))

Enforcements include:

- 1 at PRSD under Wetlands Protection Act for stormwater sediment discharges
- 1 at 333 Main St for unpermitted trenching within the BZ of wetlands
- 1 at 4 Norino in Dec 2022 for unpermitted clearing beyond LOW (while this may have been outside of the calendar year, it was after last year’s MS4 was submitted)

## **MCM5: Post-Construction Stormwater Management in New Development and Redevelopment**

### **Ordinance or Regulatory Mechanism**

Date update was completed (due in year 3):

Website of ordinance or regulatory mechanism:

### **As-built Drawings**

*Below, report on the number of as-built drawings received during this reporting period.*

Number of as-built drawings received:

*Optional:* Enter any additional information relevant to the submission of as-built drawings:

### **Street Design and Parking Lots Report**

Below, describe any changes made or planned to be made to local regulations and guidelines based on the report completed in Year 4:

West Newbury met and corresponded with MVPC regarding changes to the Stormwater Management and Zoning Bylaws and Stormwater Regulations related to priorities as identified in the year 4 report during the summer of 2022. West Newbury updated its Stormwater Regulations to incorporate relevant language related to LID and climate resiliency during the winter of permit year 5, and held several public meetings to discuss revisions. These revised regulations were adopted on June 6th, 2023. West Newbury is also actively revising its wetland bylaw to bring to Town Meeting in the Spring of 2024.

**Green Infrastructure Report**

Below, describe progress towards making green infrastructure practices allowable based on the report completed in Year 4:

West Newbury met and corresponded with MVPC regarding changes to the Stormwater Management and Zoning Bylaws and Stormwater Regulations related to priorities as identified in the year 4 report during the summer of 2022. West Newbury updated their Stormwater Regulations to incorporate relevant language related to LID and climate resiliency during the winter of permit year 5, and held several public meetings to discuss revisions. These revised regulations were adopted on June 6th, 2023. West Newbury is also actively revising their wetland bylaw to bring to Town Meeting in the Spring of 2024.

**Retrofit Properties Inventory**

Below, list remaining permittee-owned properties that could be modified or retrofitted with BMPs to mitigate impervious areas (must maintain a minimum of 5 sites in inventory until less than 5 sites remain):

West Newbury continues to maintain a list of 5 permittee owned properties which could be modified or retrofitted with BMPs to mitigate impervious areas. This properties include Ferry Park at 0 Bridge Street, the Town Offices Complex at 381 Main Street, a Parking Lot at 0 Main Street, the Public Safety Complex at 401 Main Street, and Burham Field/Action Cove at 0 Bachelor Street.

Below, list all properties that have been modified or retrofitted with BMPs to mitigate impervious area that were inventoried as part of 2.3.6.d of the permit. Non-MS4 owned properties that have been modified or retrofitted with BMPs to mitigate impervious area may also be listed, but must be indicated as non-MS4.

None of the identified permittee-owned properties have yet been modified or retrofitted with BMPs to mitigate impervious area.

**MCM6: Good Housekeeping**

**Catch Basin Cleaning**

*Below, report on the number of catch basins inspected and cleaned, along with the total volume of material removed from the catch basins **during this reporting period.***

Number of catch basins inspected:

Number of catch basins cleaned:

Total volume or mass of material removed from all catch basins:

Below, report on the total number of catch basins in the MS4 system.

Total number of catch basins:

If applicable:

Report on the actions taken if a catch basin sump is more than 50% full during two consecutive routine inspections/cleaning events:

**Street Sweeping**

Report on street sweeping completed **during this reporting period** using one of the three metrics below.

- Number of miles cleaned:
- Volume of material removed:  [Select Units]
- Weight of material removed:  [Select Units]

**Stormwater Pollution Prevention Plan (SWPPP)**

Below, report on the number of site inspections for facilities that require a SWPPP completed **during this reporting period**.

Number of site inspections completed:

Describe any corrective actions taken at a facility with a SWPPP:

West Newbury does not have any facilities that require SWPPPs within the MS4 regulated area.

**Additional Information**

**Monitoring or Study Results**

Results from any other stormwater or receiving water quality monitoring or studies conducted during the reporting period not otherwise mentioned above, where the data is being used to inform permit compliance or permit effectiveness must be attached.

- Not applicable
- The results from additional reports or studies are attached to the email submission
- The results from additional reports or studies can be found at the following publicly available website(s):

If such monitoring or studies were conducted on your behalf or if monitoring or studies conducted by other entities were reported to you, a brief description of the type of information gathered or received shall be described below:

### **Additional Information**

*Optional:* Enter any additional information relevant to your stormwater management program implementation during the reporting period. Include any BMP modifications made by the MS4 if not already discussed above. If any of the above year 5 requirements could not be completed due to the impacts of COVID-19, please identify the requirement that could not be completed, any actions taken to attempt to complete the requirement, and reason the requirement could not be completed below:

### **Activities Planned for Next Reporting Period**

Please confirm that your SWMP has been, or will be, updated to comply with all applicable permit requirements including but not limited to the year 6 requirements summarized below. (Note: impaired waters and TMDL requirements are not listed below)

Yes, I agree

#### **Annual Requirements**

- Annual report submitted and available to the public
- Annual opportunity for public participation in review and implementation of SWMP
- Keep records relating to the permit available for 5 years and make available to the public
- Properly store and dispose of catch basin cleanings and street sweepings so they do not discharge to receiving waters
- Annual training to employees involved in IDDE program
- Update inventory of all known locations where SSOs have discharged to the MS4
- Continue public education and outreach program
- Update outfall and interconnection inventory and priority ranking and include data collected in connection with the dry weather screening and other relevant inspections conducted
- Implement IDDE program
- Review site plans of construction sites as part of the construction stormwater runoff control program
- Conduct site inspection of construction sites as necessary
- Inspect and maintain stormwater treatment structures
- Log catch basins cleaned or inspected
- Sweep all curbed streets at least annually
- Continue investigations of catchments associated with Problem Outfalls
- Implemented SWPPPs for all permittee owned or operated maintenance garages, public works yards, transfer stations, and other waste handling facilities

- Review inventory of all permittee owned facilities in the categories of parks and open space, buildings and facilities, and vehicles and equipment; update if necessary
- Review O&M programs for all permittee owned facilities; update if necessary
- Implement all maintenance procedures for permittee owned facilities in accordance with O&M programs
- Implement program for MS4 infrastructure maintenance to reduce the discharge of pollutants
- Enclose all road salt storage piles or facilities and implemented winter road maintenance procedures to minimize the use of road salt
- Review as-built drawings for new and redevelopment to ensure compliance with post construction bylaws, regulations, or regulatory mechanism consistent with permit requirements
- Inspect all permittee owned treatment structures (excluding catch basins)
- Identify additional permittee-owned properties that could potentially be modified or retrofitted with BMPs to reduce impervious areas so that the permittee maintains a minimum of 5 sites in their inventory, until such a time when the permittee has less than 5 sites remaining

Provide any additional details on activities planned for permit year 6 below:

## Part V: Certification of Small MS4 Annual Report 2023

### 40 CFR 144.32(d) Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name:  Title:

Signature:   
Date:

*[Signatory may be a duly authorized representative]*