



# Town of West Newbury

381 Main Street

West Newbury, Massachusetts 01985

Angus Jennings, Town Manager

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

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

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

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

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

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

\*YTD through March 27, 2024

Source: Jennifer Walsh, Town Accountant, WORKING DRAFT

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

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

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

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

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

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

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

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

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

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

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

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

**State Revenues to West Newbury, FY20 to FY24 YTD**

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