



**Town of West Newbury  
Select Board  
Monday, February 12, 2024 @ 5:30pm**

RECEIVED  
TOWN CLERK  
WEST NEWBURY, MA

381 Main Street, Town Office Building 2024 FEB - 8 PM 3: 32

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

**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 (*Elliot Fund*);
- ❖ MGL Ch. 30A §21(a) 7: To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements (*potential intermunicipal agreement w/Newburyport re Middle St Bridge*).

The Board may reconvene in Executive Session, after the conclusion of the Open Session, if needed.

**Open Session: 6:00pm by in-person attendance or remote participation (instructions below) [NOTE 6PM START TIME]**

**Announcements**

- This meeting is being broadcast on local cable TV and recorded for rebroadcast on the local cable channels and on the internet. Meeting also accessible by remote participation; instructions below.
- **Update:** Select Board Open Session starting times will vary, and may be 6pm or 7pm going forward, as needed
- Nomination papers available for local office- contact the Town Clerk's Office! [townclerk@wnewbury.org](mailto:townclerk@wnewbury.org) or call or visit. Final day to obtain nomination papers: March 14, 2024
- Presidential Primary Tuesday, March 5, 2024- Last day to request vote by mail ballot February 27, 2024
- SAGE Center Lunch and Learn: Senior Tax Circuit Breaker Tax Relief- March 6<sup>th</sup> 11:30-1pm
- 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. Public Comment. Limited to 2 minutes per resident on any topic. Please note that the Board will not discuss or take action at this meeting.
- B. Consent agenda
- C. Town Manager Updates
  - a. Proposed articles for Spring Annual and Special Town Meeting now available on Town website
  - b. Capital articles submitted for review by Capital Improvements Committee; upcoming meeting date(s)
  - c. Middle Street Bridge, work with Newburyport regarding potential additional grant funding
  - d. EMA practice exercise/drill completed, with FEMA and local officials, on February 7<sup>th</sup>
  - e. Upcoming swatting hoaxes/bomb threat training February 14<sup>th</sup>
  - f. Correspondence sent to Representative Ramos and Senator Tarr re FY25 State budget priorities
  - g. Updates on other ongoing/active projects/initiatives
- D. Department Updates/Discussion
  - a. MVPC DPW/Stormwater updates – *Christine Wallace, PE, Projects/Programs Manager*
  - b. Town Meeting logistics – potential venue change to accommodate attendance; potential multi-night Town Meeting. Preliminary discussion to be followed by review with Town Moderator, FinCom etc. in the coming weeks. – *Jim Blatchford, Town Clerk*
  - c. Pre-Construction meeting scheduled for Church and Prospect St water main project February 13 at 10am
- E. Board/Commission/Committee Updates/Discussion (and Select Board liaison updates):
  - a. Review of Climate Change Resiliency Committee questionnaire
  - b. Select Board appointment process for Boards/Commissions/Committees
  - c. Upcoming meeting of Board of Water Commissioners (Feb. 14 at 10am) re FY25 expenses and revenues
- F. Action Items
  - a. Presentation of proposed FY25 Budget – *Angus Jennings, Town Manager*
  - b. Referral of proposed FY25 budget to Finance Committee; review of upcoming schedule/process
  - c. Consider whether to direct preparation of ARPA funding requests for one or more proposed spending articles, in lieu of proposing for funding at Town Meeting
  - d. Decide whether to seek participation in Commercial Building Pilot Program
  - e. Review of draft proposed changes to the Hunting and Animal Bylaws
  - f. Review/approve proposed Select Board policy regarding livery operations – *Jim Blatchford, Town Clerk*
  - g. Select Board meeting minutes: November 20, 2023; January 29, 2024
- G. General Discussion Items
  - a. Acknowledge receipt of draft consultant reports regarding River Road Resiliency Study; review of process/timeline for further consideration and timely provision of comments on draft reports
  - b. Whittier Regional Technical High School updates
- H. Correspondence, including:
  - a. Correspondence received re Emery Lane/Curzon Mill Road Dam inspection
- I. Future Agenda Items / Meeting follow-up assignments

**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: 891 9435 9611

Passcode: 740033

Join at: <https://us06web.zoom.us/j/89194359611?pwd=ndkMRT79rOaC0Nc4tLsjbPk7JokaUz.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.

Posted Agenda on 2/8/2024 at the Town Offices and the Town's Official Website [www.wnewbury.org](http://www.wnewbury.org)



SAGE CENTER  
*social | activities | growth | education*



# LUNCH & LEARN SPEAKER SERIES

**WEDNESDAY, MARCH 6**  
**11:30 AM - 1:00 PM**

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Please join us for lunch and learn more about the Senior Circuit Breaker Tax Relief. Brian will discuss eligibility & qualifying criteria, how to calculate one's Circuit Breaker Credit amount, and how to file and receive the refundable credit from the Commonwealth through the Massachusetts Department of Revenue.

There will be time for questions and answers, and updated Circuit Breaker Tax Relief handouts will be distributed.

**Topic: SENIOR  
CIRCUIT BREAKER  
TAX RELIEF**

**with Brian Lynch from the  
DEPARTMENT OF REVENUE  
and Senator Tarr's Office**

**REGISTER**

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

**Lunch: Chicken Alfredo  
Lasagna**

**Suggested Donation \$5**



# West Newbury

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

## BOARD OF REGISTRARS PUBLIC NOTICE

Town of West Newbury 2024 Presidential Primary Election Schedule

\*All In-person early voting will take place in the Town Clerk's Office - 381 Main St.

Event	Day	Date	Clerk's Office Hours
Last day to Register to Vote	Saturday	February 24, 2024	8am to 5pm
First Day of In-Person Early Voting	Saturday	February 24, 2024	8am to 5pm
In-Person Early Voting	Monday	February 26, 2024	8am to 4:30pm
In-Person Early Voting <b>(Late Night Early Voting)</b>	Tuesday	February 27, 2024	8am to 7pm
Last Day to request a Vote-By-Mail Ballot	Tuesday	February 27, 2024	8am to 7pm
In-Person Early Voting	Wednesday	February 28, 2024	8am to 4:30pm
In-Person Early Voting	Thursday	February 29, 2024	8am to 4:30pm
Last Day of In-Person Early Voting	Friday	March 1, 2024	8am to 4:30pm
Presidential Primary Election	Tuesday	March 5, 2024	7am - 8pm (In the Town Annex)

**Town Manager**

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**From:** Angus Jennings  
**Sent:** Wednesday, February 7, 2024 7:21 PM  
**To:** Town Hall All  
**Cc:** Selectboard  
**Subject:** Updates re Spring Town Meeting and FY25 Budget

Hi all,

This email includes a number of updates regarding the budget process and upcoming spring Town Meeting cycle. While we will be preparing a similar update for broader circulation to Boards/Commissions/Committees, and to Town residents (via the website and social media) tomorrow, do not hesitate to share this info with others in the meantime if you wish.

At their meeting last night, the Select Board voted to close the Town Meeting warrant, and to set the slate of proposed warrant articles. As you may know, the inclusion of proposed warrant articles at this stage does not necessarily mean those articles will appear on the April 29<sup>th</sup> Town Meeting warrant, but now that the warrant is closed, no new articles can be added unless the Board re-opens the warrant (after putting this on an agenda) at a future meeting.

A packet of proposed Town Meeting warrant articles, with backup, has been [posted](#) to the Town website in a couple of locations:

- Under Select Board meeting packets, for the upcoming Feb 12<sup>th</sup> SB meeting; and
- On the Town Events calendar, in the April 29<sup>th</sup> Town Meeting calendar event.

As noted in the file, all backup materials are hyperlinked from the index on pp. 1-2. **If you or the Board/Commission/Committee your office supports is sponsoring any warrant articles, please review the backup info posted.** If you have add'l info you'd like added, please let me and Rebecca know and one of us can make these updates. Article backup materials will be updated with new/updated info as it comes in over the course of the process, and will be provided to the reviewing Boards/Committees (generally, Select Board, FinCom, Capital Improvements Committee, Community Preservation Committee) timely for each of their consideration, as needed.

The FY25 budget calendar has been updated and re-posted [online](#) as well, linked from the FY25 budget page. We are working to get the proposed FY25 budget ready for presentation at the Board's upcoming meeting next Monday, February 12<sup>th</sup>.

My office will be working with the FinCom Chair to schedule the FinCom reviews of specific proposed articles and sections of the proposed budgets at the already-scheduled FinCom meetings (which include a number of joint FinCom/SB mtgs). (These dates are all included in the budget calendar linked above). Jim, Rebecca or I will be in touch with each Dept Head and article sponsor in the coming days/week or so in order to firm up a schedule for FinCom reviews to take place over the course of their scheduled meetings between mid-Feb and late-March.

Please don't hesitate to contact me, Rebecca or Jenny with any budget-related questions; or to contact me, Rebecca or Jim with any Town Meeting / article-related questions.

Thanks,  
 Angus

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

Annual OR Special Warrant Articles - Spring 2024 Town Meeting						
#				Form	Add'l Backup	On Warrant?
(DRAFT) Article	Amt (if \$) DRAFT	Sponsor	Received?	Info	Received?	(SB 2/6/24)
1	To give votes to the election of the public offices	n/a	n/a	n/a	n/a	Y
2	Reports of Town Officers and Committees	n/a	n/a	n/a	n/a	Y
3	School Stabilization Fund transfer	\$ 200,000	Town Manager	Y		Y
4	FY25 Town Operating Budget	TBD	FinCom	n/a		Y
5	Transfer Free Cash to reduce FY25 tax rate	TBD	Town Manager	Y	Y	Y
6	Instructions, Rules and Regulations for Board of Water Commissioners	n/a	???	Y		Y
7	FY25 Water operating budget	TBD	BOWC	Y		Y
8	Establish Water Pension Liability Stabilization Fund	n/a	Town Manager	Y		Y
9	Appropriation from Septic Loan Revolving Fund	\$ 10,364	Town Manager	Y	Y	Y
10	Transfer funds to Pension Liability Stabilization Fund	\$ 99,507	Town Manager	Y	Y	Y
11	Transfer funds to Other Post-Employment Benefits (OPEB) Stabilization Fund	\$ 21,586	Town Manager	Y	Y	Y
12	Appropriation of PEG Reserved Revenues under MGL c.44 s.53F3/4	TBD	CAC	Y		Y
13	Revolving funds (reauthorize and establish max amounts for FY25)	n/a	Town Manager	Y		Y
14	<b>CPA Article:</b> Allocate and/or reserve Community Preservation Fund annual revenues	TBD	CPC	Y		Y
15	<b>CPA Article:</b> Transfer CPA Housing Reserve funds to Affordable Housing Trust - <i>pending favorable review/recommendation by CPC</i>	TBD	AHT / SB	Y	Y	Y
16	<b>CPA Article:</b> Funding for Pickleball feasibility study - <i>pending favorable review/recommendation by CPC</i>	\$ 22,000	Select Board	Y	Y	Y
17	<b>CPA Article:</b> Sawmill Brook trails, design and permitting - <i>pending favorable review/recommendation by CPC</i>	TBD	Select Board	Y	Y	Y
18	<b>CPA Article:</b> Fund maintenance/clean-up of Town-owned cemeteries - <i>pending favorable review/recommendation by CPC</i>	\$ 4,000	Historical Comm	Y	Y	Y
19	Extend Sunset Dates for Previous Town Meeting Articles	n/a	Town Manager	Y	Y	Y
20	Appropriation and/or Debt Authorization for Middle Street Bridge	TBD	Town Manager	Y	Y	Y
21	Replace Fire Pumper Tanker	\$ 560,000	BOFE	Y	Y	Y
22	Rocks Village Bridge warning signals	TBD	Town Manager	Y	Y	Y
23	Annex flooring replacement	\$ 49,200	DPW/Facilities	Y		Y
24	Replace A/C Unit in Council on Aging / SAGE Center	\$ 38,000	DPW/Facilities	Y	Y	Y
25	Replace Generator for Town Offices/Annex	\$ 90,000	DPW/Facilities	Y	Y	Y
26	Page School flooring repairs	\$ 50,000	Pentucket/DPW	Y	Y	Y
27	Page School Interior Improvements/Repairs	\$ 75,000	Pentucket/DPW	Y	Y	Y
28	DPW Plow Truck	\$ 350,000	DPW/Highway	Y	Y	Y
29	Zero-Turn Mower for DPW	\$ 33,500	DPW/Highway	Y	Y	Y
30	Add'l Accessories for DPW Trackless Vehicle	\$ 41,540	DPW/Highway	Y	Y	Y
31	Supplemental funding for telecom upgrades at Town Offices, Public Safety Complex and Library	TBD	Town Manager	Y	Y	Y
32	Town Offices Electronic Keying System	\$ 35,000	DPW/Facilities	Y	Y	Y
33	Roof replacement, Public Safety Complex	\$ 120,000	DPW/Facilities	Y	Y	Y
34	Public Safety Complex, interior/exterior improvements	\$ 75,000	DPW/Facilities	Y	Y	Y

Annual OR Special Warrant Articles - Spring 2024 Town Meeting						
#		Amt (if \$) DRAFT	Sponsor	Form Received?	Add'l Backup Info Received?	On Warrant? (SB 2/6/24)
35	Replace Water Pump at Wellfield	\$ 44,000	BOWC	Y	Y	Y
36	Engineering funds for Coffin Street culvert replacement	\$ 48,213	Town Manager	Y	Y	Y
37	Page School standpipe installation (engineering/design)	\$ 30,000	Pentucket/DPW	Y	Y	Y
38	Page School: study design/cost to bring elevator into ADA compliance	TBD	Pentucket/DPW	Y	Y	Y
39	Page School: engineering/design re internal site circulation, lighting	TBD	Town Manager	Y	Y	Y
40	Funds for required testing at Steele Landfill	\$ 22,915	BOH	Y	Y	Y
41	Funds for removal of dead ash trees along public rights-of-way	\$ 50,000	DPW/Highway	Y		Y
42	Funds to replace retaining wall at 1910 Building (Town Offices)	\$ 12,000	DPW/Facilities	Y		Y
43	Unbudgeted Personnel Costs, FY24-25	TBD	Town Manager	Y		Y
44	Snow & Ice deficit (amount TBD)	TBD	DPW/Highway	Y		Y
45	Unpaid FY23 Bills	TBD	Town Manager	Y	Y	Y
46	Funds for site testing for potential water source(s)	\$ 50,000	Town Manager	Y		Y
47	Replace Water tapping machine	\$ 7,995	BOWC	Y	Y	Y
48	Supplemental funding for MBTA Communities consulting (if needed)	TBD	Town Manager	Y		Y
49	Proposed Zoning Amendment: Adopt MBTA Communities overlay district	n/a	Planning Board	Y	Y	Y
50	Proposed adoption of Wetlands Bylaw	n/a	ConCom	Y	Y	Y
51	Proposed amendments to Capital Improvements Committee Bylaw	n/a	Town Manager	Y	Y	Y
52	Proposed amendments to General Harbor Regulations Bylaw	n/a	Select Board	Y		Y
53	Proposed amendments to Hunting Bylaw	n/a	Select Board	Y		Y
54	Proposed amendments to Animal Bylaw	n/a	Select Board	Y		Y
55	Amendments to Finance Committee Bylaw	n/a	FinCom	N	Y	Y
56	Proposed amendments to Town Meetings / Elections Bylaw	n/a	Select Board	Y	Y	Y
57	Proposed amendments to Zoning Bylaws: Definitions	n/a	Bldg. Inspector	Y	Y	Y
58	Amendments to PRSD Regional Agreement	n/a	Select Board	Y		Y
59	Dissolve Opioid Settlement Stabilization Account	n/a	Town Acct.	Y	Y	Y
60	Proposed establishment of Capital Stabilization Fund	n/a	Town Manager	Y		Y
61	Acceptance of MGL 59 Sec. 5N re Property Tax Relief for Veterans' who volunteer	no appropriation	Town Clerk	Y	Y	Y
62	<b>Citizen Petition:</b> Mullen and Soldiers & Sailors properties, 40R study/zoning and MBTA Communities zoning	\$ 100,000	Citizen Petition	n/a	Y	Y
63	<b>Citizen Petition:</b> File Home Rule Petition for Commonwealth to reduce voting age to 16	n/a	Citizen Petition	n/a	Y	Y

Notes:

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

Cells shaded in green indicate that the materials have been added to PDF info packet.

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

## Town Manager

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**From:** Rick Parker  
**Sent:** Thursday, February 8, 2024 5:12 PM  
**To:** Angus Jennings  
**Cc:** Town Clerk  
**Subject:** FW: Town Meeting Quorum By-Law - 1977 ATM originating article and/or motion, 2009 STM amending article and/or motion

Angus,

Based on the info Jim provided below, compounding inflation since 2009 yields a multiplier of ~1.43 (43% increase in the buying power of a 2009 dollar). A proportional increase in the 40 voter quorum dollar threshold would yield less than \$29,000. Seems to me that's not enough of a change to justify updating the by-law. Was my error to assume that the threshold originated with the original 1977 by-law. Would like to hear Wendy and Chris's thoughts on this.

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**From:** Town Clerk <townclerk@wnewbury.org>  
**Sent:** Thursday, February 8, 2024 1:44 PM  
**To:** Rick Parker <rparker@wnewbury.org>  
**Subject:** RE: Town Meeting Quorum By-Law - 1977 ATM originating article and/or motion, 2009 STM amending article and/or motion

Hi Rick,

Below is the language adopted in 1977 which was \$5,000, the language adopted in 2009 increase the number to \$20,000:

Article 24. Motion: Chief Berkenbush. Voted 52 to 36, to strike out the Quorum By-Law amended at the adjourned session of the Annual Town Meeting, March 10, 1956, approved by the Attorney General April 4, 1956, and insert in place thereof the following By-Law: "That the quorum for

77  
action on Special Town Meeting Articles with appropriations which do not exceed five thousand dollars, shall be forty legal voters; for all articles with appropriations which exceed five thousand dollars and the Annual Town Meeting, ninety voters shall constitute a quorum."

**James RW Blatchford**

Town Clerk

Town of West Newbury

Phone 978-363-1100 X 110

Mobile 978-891-0039

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



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**From:** Rick Parker <[rparker@wnewbury.org](mailto:rparker@wnewbury.org)>

**Sent:** Thursday, February 8, 2024 1:21 PM

**To:** Town Clerk <[townclerk@wnewbury.org](mailto:townclerk@wnewbury.org)>

**Subject:** Town Meeting Quorum By-Law - 1977 ATM originating article and/or motion, 2009 STM amending article and/or motion

Hi Jim,

At Tuesday night's SB meeting I agreed to modify the existing **XX. TOWN MEETINGS/ELECTIONS** article by adding a change to the dollar threshold in the Quorum By-Law. I've been unable (so far) to find the wording for the originating 1977 ATM article and/or motion for the Quorum By-Law as well as the 2009 STM amending article and/or motion. I'm assuming you have it all at your fingertips - 😊 - and wonder if you could email to me. Just want to fully understand the By-Law's history before completing/submitting the article request form.

Thx - rick

*QUORUM BY-LAW [Adopted at the Annual Town Meeting April 30, 1977. Approved by the Attorney General August 8, 1977, and posted according to law August 15, 1977. Amended at the April 27, 2009 Special Town Meeting, approved by the Attorney General on May 14, 2009 and posted according to law on June 9, 2009]*

That the quorum for action on Special Town Meeting articles with appropriations which do not exceed **twenty thousand dollars**, shall be forty legal voters; for all articles with appropriations which exceed twenty thousand dollars and the Annual Town Meeting, ninety voters shall constitute a quorum.

**VOTES TO BE DECLARED BY MODERATOR BY-LAW**

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



## Town Manager

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**From:** Angus Jennings  
**Sent:** Thursday, February 8, 2024 9:41 AM  
**To:** [REDACTED] Paul Niman; Rick Parker  
**Cc:** Selectboard; Town Clerk; Executive Assistant  
**Subject:** RE: Capital Improvements meeting this Thursday at 7:30pm

CIC,  
 At their meeting on Tuesday night, the Board included on the spring Town Meeting warrant all of the anticipated capital articles that I had previously forwarded. Late yesterday, we posted a complete list of proposed warrant articles, including the article request forms and backup info received. (The backup info for the capital articles already sent to the CIC is the same backup info you've already received). The complete packet is online [here](#). As noted in the packet, the backup info is all hyperlinked from the index on the first two pages, so you can just click on the article and it will jump to the backup.

There are a number of articles that will be of interest to CIC, including some proposals to fund engineering/design/studies for projects that could or will become future proposed capital projects. The link above includes all articles with backup, and this info will be updated as new or updated info is received through the review process.

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:** Angus Jennings  
**Sent:** Tuesday, February 6, 2024 9:40 PM  
**To:** [REDACTED] Rick Parker <rparker@wnewbury.org>  
**Cc:** Selectboard <selectboard@wnewbury.org>; Town Clerk <townclerk@wnewbury.org>; Executive Assistant <exec.assistant@wnewbury.org>  
**Subject:** RE: Capital Improvements meeting this Thursday at 7:30pm

Hi all,  
 I got a bounceback from Judy's email due to the size of the file attached to my earlier email (below) so have posted the file to the Town website ([here](#)) where it can be viewed online and downloaded. Didn't receive any other email bouncebacks but sending to all of you in case you didn't receive the file sent today around 2pm.

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:** Angus Jennings  
**Sent:** Tuesday, February 6, 2024 1:59 PM  
**To:** [REDACTED]

[REDACTED]; Rick Parker  
<[rparker@wnewbury.org](mailto:rparker@wnewbury.org)>

**Cc:** Selectboard <[selectboard@wnewbury.org](mailto:selectboard@wnewbury.org)>; Town Clerk <[townclerk@wnewbury.org](mailto:townclerk@wnewbury.org)>; Executive Assistant <[exec.assistant@wnewbury.org](mailto:exec.assistant@wnewbury.org)>

**Subject:** Capital Improvements meeting this Thursday at 7:30pm

CIC,  
The attached PDF file includes Thursday's agenda, the most recent draft (unapproved) CIC minutes I have on file (from March 2023), the draft CIC annual report Judy had circulated via email a couple of weeks ago, and the article request forms/backup materials for (anticipated) capital articles. With the exception of the addition of a couple of article request forms received yesterday (but for projects that had already been anticipated, with backup included in the materials previously emailed), the attached include primarily materials that have already been circulated to you.  
I find it convenient to put all meeting packet items into one file, so it's clear to all what materials are before the Committee for the meeting, but am aware some members may prefer to receive separate files for each proposed capital project (rather than aggregated into 1 file). Perhaps we can discuss this on Thursday so we can agree to whatever format works best for the Committee to receive/review information.  
As noted in each of my prior emails, the Select Board meets tonight to close the warrant and will refer some number of proposed capital articles to the CIC at that time. If there are any additional articles referred, or of any attached are not referred, we will let you know.

Thanks,  
Angus

p.s. if any of you would like us to print a hard copy of the attached and other CIC materials that may yet be circulated, please let us know -

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:** Angus Jennings  
**Sent:** Monday, February 5, 2024 6:58 PM  
**To:** [REDACTED]

[REDACTED] Rick Parker  
<[rparker@wnewbury.org](mailto:rparker@wnewbury.org)>

**Cc:** Selectboard <[selectboard@wnewbury.org](mailto:selectboard@wnewbury.org)>; Town Clerk <[townclerk@wnewbury.org](mailto:townclerk@wnewbury.org)>; Executive Assistant <[exec.assistant@wnewbury.org](mailto:exec.assistant@wnewbury.org)>

**Subject:** RE: Capital Improvements meeting

CIC,

Please find attached two additional capital article requests for the upcoming Town Meeting cycle. As per prior correspondence, the Select Board will meet tomorrow night and is expected to close the warrant, and refer some number of capital articles to CIC. If any additional capital articles come out of tomorrow night's meeting we will send them along.

The agenda for this Thursday's 7:30pm mtg of the CIC was posted this morning, and is online [here](#).

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:** Angus Jennings

**Sent:** Sunday, February 4, 2024 7:02 PM

**To:** [REDACTED] Rick Parker <[rparker@wnewbury.org](mailto:rparker@wnewbury.org)>

**Cc:** Selectboard <[selectboard@wnewbury.org](mailto:selectboard@wnewbury.org)>; Town Clerk <[townclerk@wnewbury.org](mailto:townclerk@wnewbury.org)>; Executive Assistant <[exec.assistant@wnewbury.org](mailto:exec.assistant@wnewbury.org)>

**Subject:** RE: Capital Improvements meeting

CIC,

Judy is reviewing a draft agenda for the meeting **this Thursday at 7:30pm** and this is expected to be posted tomorrow. Once posted it will be circulated to you as well.

Please find attached support materials for capital article requests received as of this time. Additional materials are expected to be received tomorrow, and these will be circulated to you by the close of business tomorrow.

Please note: the Select Board will meet this Tuesday evening, and is expected to vote to close the Town Meeting warrant at that time. At their meeting, they'll be asked to refer proposed Capital articles to the CIC for review. It is possible that the Board will refer all, some or (unlikely) none of attached; and it is possible they'll refer additional articles for CIC review not included here.

Thanks,  
Angus

p.s. if any of you would like us to print a hard copy of the attached and other CIC materials to be circulated, please let us know -

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:** [REDACTED]  
**Sent:** Tuesday, January 30, 2024 8:30 AM  
**To:** [REDACTED]; Rick Parker <[rparker@wnewbury.org](mailto:rparker@wnewbury.org)>; Angus Jennings <[townmanager@wnewbury.org](mailto:townmanager@wnewbury.org)>  
**Subject:** Capital Improvements meeting

Good morning all.  
Seems like February 8, 2024 at 7:30 is the best date, so please save it.  
Angus, do you have Form Bs you could circulate before then?  
Judy



## TOWN OF WEST NEWBURY

### Proposed Capital Program FY25-FY30+

WORKING DRAFT, February 8, 2024

# of														
Code	Projects	Department	FY21	FY22	FY23	FY24	FY25	FY26	FY27	FY28	FY29	FY30+	Code Total Cost	
DPW	43	Public Works	\$ 230,000	\$ 890,000	\$ 264,400	\$ 172,000	\$ 787,453	\$ 535,000	\$ 682,780	\$ 685,000	\$ 95,000	\$ 128,000	\$ 4,469,633	
FD	14	Fire	\$ -	\$ 35,000	\$ 39,000	\$ 117,000	\$ 550,000	\$ 165,000	\$ 750,000	\$ 500,000	\$ -	\$ 1,515,000	\$ 3,671,000	
PGE	20	Page School	\$ 344,000	\$ 33,000	\$ 85,000	\$ -	\$ 220,000	\$ 1,350,000	\$ 1,041,250	\$ 240,000	\$ 50,000	\$ 535,000	\$ 3,898,250	
PRK	4	Parks & Rec	\$ 465,000	\$ -	\$ -	\$ -	\$ -	\$ 25,000	\$ -	\$ -	\$ 300,000	\$ -	\$ 790,000	
PD	3	Police	\$ -	\$ -	\$ -	\$ -	\$ 120,000	\$ -	\$ -	\$ -	\$ -	\$ 50,000	\$ 170,000	
COA	1	Council on Aging	\$ -	\$ -	\$ -	\$ -	\$ 38,000	\$ 45,000	\$ -	\$ -	\$ -	\$ -	\$ 83,000	
<b>Town Departments</b>			<b>\$ 1,039,000</b>	<b>\$ 958,000</b>	<b>\$ 388,400</b>	<b>\$ 289,000</b>	<b>\$ 1,715,453</b>	<b>\$ 2,120,000</b>	<b>\$ 2,474,030</b>	<b>\$ 1,425,000</b>	<b>\$ 445,000</b>	<b>\$ 2,228,000</b>	<b>\$ 13,081,883</b>	
WTR	34	Water	\$ -	\$ 317,000	\$ 73,700	\$ 2,716,610	\$ 44,000	\$ -	\$ 1,269,600	\$ 832,100	\$ 763,575	\$ 22,323,886	\$ 28,340,471	
<b>Water Department</b>			<b>\$ -</b>	<b>\$ 317,000</b>	<b>\$ 73,700</b>	<b>\$ 2,716,610</b>	<b>\$ 44,000</b>	<b>\$ -</b>	<b>\$ 1,269,600</b>	<b>\$ 832,100</b>	<b>\$ 763,575</b>	<b>\$ 22,323,886</b>	<b>\$ 28,340,471</b>	
Note: Water Dept. total includes development of new water source. Total Capital Projects excluding that initiative total: \$ 14,140,471														
<b>Total Capital Program Cost:</b>			<b>\$ 1,039,000</b>	<b>\$ 1,275,000</b>	<b>\$ 462,100</b>	<b>\$ 3,005,610</b>	<b>\$ 1,759,453</b>	<b>\$ 2,120,000</b>	<b>\$ 3,743,630</b>	<b>\$ 2,257,100</b>	<b>\$ 1,208,575</b>	<b>\$ 24,551,886</b>	<b>\$ 41,422,354</b>	
Note: Water Dept. total includes development of new water source. Total Capital Projects excluding that initiative total: \$ 27,222,354														

**Note:** Funding of costs shown in FY24 was appropriated at 2023 Spring Town Meeting. All other costs and dates are estimated and should be considered interim working drafts of this Capital Program.  
**Note:** Estimated costs for future years (post-FY25) are not inflation-adjusted.

85	Town Projects
34	Water Projects
<b>119</b>	<b>Total Projects</b>

Project Code	Project Title	Dept	FY21	FY22	FY23	FY24	FY25	FY26	FY27	FY28	FY29	FY30+
DPW-001	Purchase Replacement Dump Truck (#6)	DPW	\$ 230,000	\$	\$	\$	\$	\$	\$	\$	\$	\$
DPW-002	Purchase Replacement 1-Ton Dump Truck	DPW	\$	\$	\$ 80,000	\$	\$	\$	\$	\$	\$	\$
DPW-003	Purchase Replacement Backhoe	DPW	\$	\$ 150,000	\$	\$	\$	\$	\$	\$	\$	\$
DPW-004	Purchase Replacement Zero Turn Mower	DPW	\$	\$	\$	\$	\$ 33,500	\$	\$	\$	\$	\$
DPW-005	Purchase Replacement Small Pick-up Truck	DPW	\$	\$	\$ 56,000	\$	\$	\$	\$	\$	\$	\$
DPW-006	Purchase Replacement Compact Tractor	DPW	\$	\$	\$	\$	\$	\$ 65,000	\$	\$	\$	\$
DPW-007	Purchase Replacement Utility Tractor	DPW	\$	\$	\$	\$	\$	\$ 85,000	\$	\$	\$	\$
DPW-008	Purchase Replacement Utility Trailer	DPW	\$	\$	\$	\$	\$	\$ -	\$ 38,000	\$	\$	\$
DPW-009	Purchase Replacement Light Weight Trailer	DPW	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$ 23,000
DPW-010	Purchase Replacement Dump Truck (#2)	DPW	\$	\$	\$	\$	\$ 350,000	\$	\$	\$	\$	\$
DPW-011	Purchase Replacement Sidewalk plow/blower	DPW	\$	\$	\$	\$ 172,000	\$	\$	\$	\$	\$	\$
DPW-012	Purchase Replacement Dump Truck (#1)	DPW	\$	\$	\$	\$	\$	\$	\$	\$ 350,000	\$	\$
DPW-013	Purchase Replacement Zero Turn Mower	DPW	\$	\$	\$	\$	\$	\$	\$ 25,000	\$	\$	\$
DPW-014	Purchase Replacement 1-Ton Dump Truck	DPW	\$	\$	\$	\$	\$	\$ -	\$ 92,000	\$	\$	\$
DPW-015	Purchase Replacement Pick-up Truck	DPW	\$	\$	\$	\$	\$	\$ -	\$ 62,780	\$	\$	\$
DPW-016	Purchase Replacement Woodchipper	DPW	\$	\$	\$	\$	\$	\$	\$ 85,000	\$	\$	\$
DPW-017	Purchase Replacement Loader	DPW	\$	\$	\$	\$	\$	\$	\$	\$ 335,000	\$	\$
DPW-018	Purchase Replacement Roadside Mower	DPW	\$	\$	\$	\$	\$	\$ 85,000	\$	\$ -	\$	\$
DPW-019	Purchase Replacement Ballfield Mower	DPW	\$	\$	\$	\$	\$	\$	\$	\$	\$ 95,000	\$
DPW-020	Purchase Replacement Utility Body Truck	DPW	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$ 55,000
DPW-021	Town Offices & WNHA Septic System Replacement	DPW	\$	\$	\$	\$	\$	\$ 150,000	\$	\$	\$	\$
DPW-022	Town Offices - Interior Painting	DPW	\$	\$	\$	\$	\$	\$	\$ 30,000	\$	\$	\$
DPW-023	Roof Recoating	DPW	\$	\$ 95,000	\$	\$	\$	\$	\$	\$	\$	\$
DPW-024	Public Safety Complex - Interior & Exterior Painting & Improvements	DPW	\$	\$	\$	\$	\$ 75,000	\$	\$	\$	\$	\$
DPW-025	Children's Castle Window Replacement Project	DPW	\$	\$	\$	\$	\$	\$ 50,000	\$	\$	\$	\$
DPW-026	Children's Castle Interior Painting Project	DPW	\$	\$	\$	\$	\$	\$ 35,000	\$	\$	\$	\$
DPW-027	Parks and Recreation Building Demolition	DPW	\$	\$	\$	\$	\$ -	\$ 40,000	\$	\$	\$	\$
DPW-028	DPW Annex / Water Dept Building - Repairs	DPW	\$	\$	\$ 63,400	\$	\$	\$	\$	\$	\$	\$
DPW-029	Town Hall Exterior Painting & Repairs	DPW	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
DPW-030	Town Hall Parking Lot Paving and Drainage	DPW	\$	\$	\$	\$	\$ -	\$	\$	\$	\$	\$
DPW-031	Town Hall Septic System Replacement	DPW	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$ 50,000
DPW-032	Town Offices HVAC System Replacement	DPW	\$	\$	\$	\$	\$	\$ 25,000	\$ 275,000	\$	\$	\$
DPW-033	Library - Adult Room Rug Replacement	DPW	\$	\$ 45,000	\$	\$	\$	\$	\$	\$	\$	\$
DPW-034	Middle Street Bridge Replacement	DPW	\$	\$ 600,000	\$	\$	\$	\$	\$	\$	\$	\$
DPW-035	Town Office and Town Hall Electronic Keying System	DPW	\$	\$	\$	\$	\$ 35,000	\$	\$	\$	\$	\$
DPW-036	DPW Salt Shed - Roof Repairs / coating	DPW	\$	\$	\$	\$	\$	\$	\$ 75,000	\$	\$	\$

Project Code	Project Title	Dept	FY21	FY22	FY23	FY24	FY25	FY26	FY27	FY28	FY29	FY30+
DPW-037	Town Buildings - Phone System Replacement	DPW	\$	\$	\$ 65,000	\$	\$	\$	\$	\$	\$	\$
DPW-038	Town Offices - Generator	DPW	\$	\$	\$	\$	\$ 90,000	\$	\$	\$	\$	\$
DPW-039	Farm Lane Guard Rail Installation Project	DPW	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
DPW-040	Coffin Street Culvert Replacements	DPW	\$	\$	\$	\$	\$ 48,213	\$	\$	\$	\$	\$
DPW-041	Annex flooring replacement	DPW	\$ -	\$ -	\$ -	\$ -	\$ 49,200	\$	\$ -	\$ -	\$ -	\$ -
DPW-042	Boom mower for trackless machine	DPW	\$ -	\$ -	\$ -	\$ -	\$ 41,540	\$	\$ -	\$ -	\$ -	\$ -
DPW-043	Advance warning signage for Rocks Village Bridge	DPW	\$ -	\$ -	\$ -	\$ -	\$ 65,000	\$	\$ -	\$ -	\$ -	\$ -
Annual Total			\$ 230,000	\$ 890,000	\$ 264,400	\$ 172,000	\$ 787,453	\$ 535,000	\$ 682,780	\$ 685,000	\$ 95,000	\$ 128,000
Dept CIP total			\$ 4,469,633									

FD-001	Emergency Communication Upgrade	FD	\$	\$	\$ 39,000	\$	\$	\$	\$	\$	\$	\$
FD-002	Tower / Ladder Truck Replacement (engine 28)	FD	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$ 1,000,000
FD-003	3,000 Gallon Water Tanker Truck Replacement (E25)	FD	\$	\$	\$	\$	\$ 550,000	\$	\$	\$	\$	\$
FD-004	KME Pumper Truck (engine #23) Replacement	FD	\$	\$	\$	\$	\$	\$	\$ 500,000	\$	\$	\$
FD-005	KME Pumper Truck (engine #24) Replacement	FD	\$	\$	\$	\$	\$	\$	\$	\$ 500,000	\$	\$
FD-006	Replace 2001 Pickup Truck (Engine #27)	FD	\$	\$	\$	\$ 117,000	\$	\$	\$	\$	\$	\$
FD-007	Replace 2004 Pickup Truck (Engine #26)	FD	\$	\$	\$	\$ -	\$ -	\$ 90,000	\$	\$	\$	\$
FD-008	Replace Rescue Boat and Trailer	FD	\$	\$	\$	\$	\$	\$ 75,000	\$	\$	\$	\$
FD-009	Replace Rescue Equipment – Jaws of Life	FD	\$	\$ 35,000	\$	\$	\$	\$	\$	\$	\$	\$
FD-010	Replace Rescue Equipment – Fire Fighter Gear	FD	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$ 115,000
FD-011	Replace Rescue Equipment – SCBA Equipment	FD	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$ 50,000
FD-012	Replace Rescue Equipment – Air Packs	FD	\$	\$	\$	\$	\$	\$ 250,000	\$	\$	\$	\$
FD-013	Replacement communications repeater	FD	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$ 50,000
FD-014	Rescue Truck Replacement (Truck #1)	FD	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$ 300,000
Annual Total			\$ -	\$ 35,000	\$ 39,000	\$ 117,000	\$ 550,000	\$ 165,000	\$ 750,000	\$ 500,000	\$ -	\$ 1,515,000
Dept CIP total			\$ 3,671,000									

PGE-001	Page School Fire Alarm System Upgrade	School	\$ 304,000	\$ 33,000	\$	\$	\$	\$	\$	\$	\$	\$
PGE-002	Page School Floor Repairs	School	\$ 40,000	\$	\$	\$ -	\$ 50,000	\$ -	\$ 50,000	\$ -	\$ 50,000	\$ 50,000
PGE-003	Page School Exterior Lintel Repairs / Remedial Masonry Work on Sills	School	\$	\$	\$	\$	\$	\$ -	\$ 266,250	\$	\$	\$
PGE-004	Page School Potable Water Plumbing Replacement	School	\$	\$	\$	\$	\$	\$ -	\$ 290,000	\$	\$	\$
PGE-005	Page School Interior Improvements	School	\$	\$	\$	\$	\$ 75,000	\$ -	\$ 75,000	\$	\$	\$ -
PGE-006	Page School Parking Lot and Lighting Improvements	School	\$	\$	\$	\$	\$	\$	\$ 100,000	\$ 75,000	\$	\$
PGE-007	Page School PA/Clock/Security System	School	\$	\$	\$	\$ -	\$	\$ 305,000	\$	\$	\$	\$
PGE-008	Page School Water Pumps and Control Replacement	School	\$	\$	\$	\$	\$	\$	\$	\$ 165,000	\$	\$
PGE-009	Page School Elevator Replacement Design	School	\$	\$	\$	\$	\$ 65,000	\$ 600,000	\$	\$	\$	\$

Project Code	Project Title	Dept	FY21	FY22	FY23	FY24	FY25	FY26	FY27	FY28	FY29	FY30+
PGE-010	Page School Exterior Fire Lane Access Roadway	School	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$ 85,000
PGE-011	Page School Gym Entrance Roof Leak Repair	School	\$	\$	\$	\$	\$ -	\$	\$	\$	\$	\$
PGE-012	Page School Standpipe Installation	School	\$	\$	\$	\$	\$ 30,000	\$ 120,000	\$	\$	\$	\$
PGE-013	Main Street Sidewalk to Church Street	School	\$	\$	\$	\$	\$	\$ -	\$ 60,000	\$	\$ -	\$ 400,000
PGE-014	Facility Feasibility Study	School	\$	\$	\$ 85,000	\$	\$	\$	\$	\$	\$	\$
PGE-015	Mortar/Brick Work	School	\$	\$	\$	\$	\$	\$ -	\$	\$	\$	\$
PGE-016	Replace Samsung HVAC Unit serving Office & Entry areas	School	\$	\$	\$	\$ -	\$	\$	\$	\$	\$	\$
PGE-017	E-911 Emergency Communication System Upgrade	School	\$	\$	\$	\$	\$ -	\$	\$	\$	\$	\$
PGE-018	Rear Door Entry Cover Enclosures	School	\$	\$	\$	\$	\$	\$ 25,000	\$	\$	\$	\$
PGE-019	Survey & Repair Interior Plaster, Ceilings, Doorways, Millwork	School	\$	\$	\$	\$	\$	\$ -	\$ 200,000	\$	\$	\$
PGE-020	Internal Bus/Car/Ped Site Circulation Improvements	School	\$	\$	\$	\$	\$ -	\$ 300,000	\$	\$	\$	\$
Annual Total			\$ 344,000	\$ 33,000	\$ 85,000	\$ -	\$ 220,000	\$ 1,350,000	\$ 1,041,250	\$ 240,000	\$ 50,000	\$ 535,000
Dept CIP total			\$ 3,898,250									

PRK-001	Action Cove Playground Replacement	P & R	\$	\$	\$	\$	\$	\$	\$	\$	\$ 300,000	\$
PRK-002	Page School Playground Replacement (approved for CPC funding, not subject to Capital Committee Bylaw).	P & R	\$ 465,000	\$	\$	\$	\$	\$	\$	\$	\$	\$
PRK-003	Cammett Fields Well	P & R	\$	\$	\$	\$	\$	\$ 25,000	\$	\$	\$	\$
PRK-004	Pickleball Courts	P & R	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Annual Total			\$ 465,000	\$ -	\$ -	\$ -	\$ -	\$ 25,000	\$ -	\$ -	\$ 300,000	\$ -
Dept CIP total			\$ 790,000									

PD-001	Emergency Radio Upgrades	PD	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$ 50,000
PD-002	Interior Painting of Public Safety Complex	PD	\$	\$	\$	\$	\$ -	\$	\$	\$	\$	\$
PD-003	Replace Pitched Section of Public Safety Complex Roof	PD	\$	\$	\$	\$	\$ 120,000	\$	\$	\$	\$	\$ -
Annual Total			\$ -	\$ -	\$ -	\$ -	\$ 120,000	\$ -	\$ -	\$ -	\$ -	\$ 50,000
Dept CIP total			\$ 170,000									

COA-001	Purchase replacement COA vehicle	COA	\$	\$	\$	\$	\$	\$ 45,000	\$	\$	\$	\$
COA-002	Replace A/C Unit in Council on Aging / SAGE Center	COA	\$	\$	\$	\$	\$ 38,000	\$	\$	\$	\$	\$
Annual Total			\$ -	\$ -	\$ -	\$ -	\$ 38,000	\$ 45,000	\$ -	\$ -	\$ -	\$ -
Dept CIP total			\$ 83,000									

WTR-001	Church and Propsect Streets Water Main Replacements	Water	\$	\$	\$	\$ 2,700,000	\$	\$	\$	\$	\$	\$
WTR-002	(Formerly Prospect St; combined with WTR-001)	Water	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
WTR-003	Steed Avenue Water Main Improvement	Water	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$ 217,536
WTR-004	Chase Street Water Main Replacement	Water	\$	\$	\$	\$	\$	\$ -	\$ 141,000	\$	\$	\$



Project Code	Project Title	Dept	FY21	FY22	FY23	FY24	FY25	FY26	FY27	FY28	FY29	FY30+
WTR-005	Maple Street Water Main Improvement	Water	\$	\$	\$	\$	\$	\$ -	\$ 943,800	\$	\$	\$
WTR-006	Main Street (phase I) Water Main Improvement	Water	\$	\$	\$	\$	\$	\$	\$	\$ 438,350	\$	\$
WTR-007	Main Street (phase II) Water Main Replacement	Water	\$	\$	\$	\$	\$	\$	\$	\$ 393,750	\$	\$
WTR-008	Whetstone Street Water Main Improvement	Water	\$	\$	\$	\$	\$	\$	\$	\$	\$ 306,225	\$
WTR-009	Sullivan Court Water Main Improvement	Water	\$	\$	\$	\$	\$	\$	\$	\$	\$ 77,550	\$
WTR-010	Harrison Avenue Water Main Replacement	Water	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$ 230,300
WTR-011	Bailey's Lane (phase I) Water Main Improvement	Water	\$	\$	\$	\$	\$	\$	\$	\$	\$ 379,800	\$
WTR-012	Bailey's Lane (phase 2) Water Main Replacement	Water	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$ 337,500
WTR-013	Training Field Road Water Main Replacement	Water	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$ 183,300
WTR-014	Mechanics Street Water Main Replacement	Water	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$ 169,000
WTR-015	Merrill Street (phase I) Water Main Improvement	Water	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$ 130,500
WTR-016	Merrill Street (phase II) Water Main Replacement	Water	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$ 78,000
WTR-017	Crane Neck Street (Phase I) Water Main Replacement	Water	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$ 375,200
WTR-018	Crane Neck Street (Phase II) Water Main Replacement	Water	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$ 1,378,300
WTR-019	Chestnut Hill Water Main Replacement	Water	\$	\$	\$	\$	\$	\$ -	\$ 184,800	\$	\$	\$
WTR-020	Water System Hydraulic Model and Water Distribution System Study	Water	\$	\$	\$ 73,700	\$	\$	\$	\$	\$	\$	\$
WTR-022	Main Street (phase III) Water Main Replacement	Water	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$ 1,068,000
WTR-023	Garden Street Water Main Replacement	Water	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$ 535,500
WTR-024	Main Street (phase IV) Water Main Replacement	Water	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$ 2,494,750
WTR-025	Main Street (phase V) Water Main Replacement	Water	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$ 796,000
WTR-026	Replacement Utility Body Truck (2017)	Water	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$ 70,000
WTR-027	Replacement Pick-up Truck (2022)	Water	\$	\$ 47,000	\$	\$	\$	\$	\$	\$	\$	\$ 60,000
WTR-028a	Dole Place New Water Source; Wellfield and Chemical Feed Facility	Water	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$ 4,500,000
WTR-028b	Dole Place New Water Source; Water Filtration Plant (if needed)	Water	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$ 9,700,000
WTR-029	Pipestave Water Tank Interior & Exterior Maintenance	Water	\$	\$ 270,000	\$	\$	\$	\$	\$	\$	\$	\$
WTR-031	Wellfield #1 Building Exterior Upgrades	Water	\$	\$	\$	\$ 16,610	\$	\$	\$	\$	\$	\$
WTR-032	Air Compressor replacement	Water	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
WTR-033	Replace well pump #1, distribution lines, valves and equipment	Water	\$	\$	\$	\$	\$ 44,000	\$	\$	\$	\$	\$
Annual Total			\$ -	\$ 317,000	\$ 73,700	\$ 2,716,610	\$ 44,000	\$ -	\$ 1,269,600	\$ 832,100	\$ 763,575	\$ 22,323,886
Dept CIP total			\$ 28,340,471									
Dept CIP total (not incl. Dole Place)			\$ 14,140,471									

## Town Manager

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**From:** Angus Jennings  
**Sent:** Wednesday, February 7, 2024 12:46 PM  
**To:** Rick Parker; Water Superintendent; Executive Assistant; Wendy Reed; Chris Wile; Michael Dwyer; Town Clerk; Highway; Paul Sevigny; COA; Town Accountant; DPW Admin  
**Subject:** Re: EMA TRAINING EXERCISE: Local State of emergency declared 10:25am

At 12:40 we were notified that today's Seabrook training exercise was concluded at 12:30pm. EOC is being deactivated relative to this incident. All went well.

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

Sent from my mobile device

> On Feb 7, 2024, at 11:16 AM, Angus Jennings <Townmanager@wnewbury.org> wrote:

>  
 > THIS IS ONLY A DRILL.  
 >  
 > At 11:12 we received notice that the Governor declared a state of emergency at 11:00am.  
 >  
 > If you receive resident inquiries these should be directed to Mass 211 or to local dispatch.  
 >  
 > THIS IS ONLY A DRILL.  
 >  
 > Angus Jennings, Town Manager  
 > Town of West Newbury  
 > Town Office Building  
 > 381 Main Street  
 > West Newbury, MA 01985  
 > (978) 363-1100 x111  
 > townmanager@wnewbury.org

>  
 > Sent from my mobile device

>  
 >> On Feb 7, 2024, at 10:55 AM, Angus Jennings <Townmanager@wnewbury.org> wrote:

>>  
 >> THIS IS ONLY A DRILL.  
 >>  
 >> Seabrook emergency sirens were activated at 10:47am. Precautionary school transfer at 10:00.  
 >>  
 >> Salisbury and Plum Island beaches, and Parker River Wildlife Refuge, closed. Waterways cleared within 10-mile radius of Seabrook. Milk-producing animals to be sheltered and placed on stored feed/water.  
 >>

>> Shelter-in-place directed in Amesbury, Salisbury, Merrimac.

>>

>> Further updates to be provided as available.

>>

>> THIS IS ONLY A DRILL.

>>

>> Angus Jennings, Town Manager

>> Town of West Newbury

>> Town Office Building

>> 381 Main Street

>> West Newbury, MA 01985

>> (978) 363-1100 x111

>> townmanager@wnewbury.org

>>

>> Sent from my mobile device

>>

>>>> On Feb 7, 2024, at 10:42 AM, Angus Jennings <Townmanager@wnewbury.org> wrote:

>>>

>>> TRAINING DRILL: THIS IS ONLY A DRILL

>>>

>>> The EOC was activated at 8:39am and the EOC is fully staffed with personnel from all public safety departments, DPW, Health, Water, COA. FEMA personnel are on site.

>>>

>>> In consultation with Chief Dwyer, I have declared a local state of emergency as of 10:25am. This is in response to an Alert issued to MEMA by Seabrook at 9:38am. At 9:52, we received notice of a site area emergency (FS-1), related to potential loss of any 2 barriers, and a slight release. At 10:28, first responders were advised to ingest potassium iodide.

>>>

>>> In an unrelated incident, first responders are responding to a traffic accident at Rte 113 and Bachelor Street involving a collision of two trucks, with one fatality reported. Due to the accident, road closures have been posted with traffic diverted.

>>>

>>> As of yet, the State has not issued a State of Emergency declaration.

>>>

>>> Further updates will be provided as available.

>>>

>>> THIS IS ONLY AN EXERCISE.

>>>

>>> Thanks,

>>> Angus

>>>

>>>

>>> Angus Jennings, Town Manager

>>> Town of West Newbury

>>> Town Office Building

>>> 381 Main Street

>>> West Newbury, MA 01985

>>> (978) 363-1100 x111

>>> townmanager@wnewbury.org

>>>

>>> Sent from my mobile device



Ce

# Responding to and Investigating Bomb Threats and Swatting Hoaxes

**Presented and Hosted by:**  
FBI Boston and Massachusetts State Police

**For:** Public Safety Dispatchers, Law Enforcement Personnel,  
School Administrators and Decision Makers

**When:** Wednesday February 14th, 2024, at 9 AM (EST), 11 AM(EST), 2 PM(EST) and 4 PM (EST)

**Where:** Virtually through Microsoft Teams. A link will be e-mailed the morning of the training.

**To Register:** [Click Here](#)

This one-hour training provides attendees an overview of the realities of bomb threats and swatting hoaxes and includes a detailed review of statistics and current trends seen across the country. The training will also cover the characteristics of hoax calls, law enforcement best practices for assessment and response, and the decision-making process for evacuation or sheltering in place.

## Town Manager

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**From:** Angus Jennings  
**Sent:** Wednesday, February 7, 2024 1:48 PM  
**To:** Kelley, Samantha (HOU); Shah, Hiram (SEN)  
**Cc:** Ramos, Adrienne - Rep. (HOU); Tarr, Bruce E. (SEN) (Bruce.Tarr@masenate.gov); Selectboard; Executive Assistant; Town Clerk; Highway; DPW Admin; Walsh, Jennifer; Morrison, Micah (mmorrison@bscgroup.com)  
**Subject:** RE: FY25 Budget Priorities - West Newbury  
**Attachments:** ---Ca Memo to City Council re Middle Street Bridge 1-28-24.pdf; --Ca Response to Email to State re Fed funding for Bridge 1-23-24.pdf

Samantha,

Thanks again for reaching out. The Select Board discussed this request at their meeting last night.

While the Board has a number of high priority items, it decided to identify just one item in response to your request, in order to emphasize its level of importance to the Town.

The Board's top priority for the State FY25 budget is the Middle Street Bridge. We have been and continue to make major efforts on many fronts to close the funding gap in order to bring this fully-permitted, shovel-ready project to completion. We have bid docs/construction specs, but cannot put the project out to bid until all estimated construction funding is secured. The attached memo provides the most recent comprehensive update re the project's funding status; and we are in active correspondence with Mayor Reardon's office, the City Council, MassDOT, MVPC, the MA Federal Funds & Infrastructure office, and others.

To date, the State (via MassDOT and the MassWorks program) have been nothing but helpful toward these efforts, and we will continue to work closely with these offices. We are also eager to hear back from the MA Federal Funds & Infrastructure office re whether there may be Federal Bridge Formula Grant funds available for this project.

However, if there remains a funding gap, despite all our efforts, and if this is an area that could potentially be advanced/addressed via the State FY25 budget, this would be the Select Board's top budget priority for West Newbury.

Thanks again for reaching out, and if we can provide further information please let us know.

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:** Angus Jennings  
**Sent:** Saturday, February 3, 2024 1:42 PM  
**To:** 'Kelley, Samantha (HOU)' <Samantha.Kelley@mahouse.gov>; 'Shah, Hiram (SEN)' <Hiram.Shah@masenate.gov>  
**Cc:** 'Ramos, Adrienne - Rep. (HOU)' <Adrienne.Ramos@mahouse.gov>; Tarr, Bruce E. (SEN) (Bruce.Tarr@masenate.gov) <Bruce.Tarr@masenate.gov>; Selectboard <selectboard@wnewbury.org>; Executive Assistant <exec.assistant@wnewbury.org>; Town Clerk <townclerk@wnewbury.org>  
**Subject:** RE: FY25 Budget Priorities - West Newbury

Hi,

Per my earlier email, the Select Board will take up this correspondence at their next meeting (Tuesday evening) and we'll be in touch on Wednesday to communicate the Board's FY25 State budget priorities.

In the meantime, I did want to share the attached legislative priorities of the Small Town Administrators of Massachusetts (STAM), of which I am a member. At their meeting last week, the Board voted 3-0 to endorse STAM's legislative priorities for the upcoming session. These were reviewed among STAM members at a recent meeting at the MMA Annual Conference.

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:** Angus Jennings  
**Sent:** Thursday, February 1, 2024 7:38 PM  
**To:** Kelley, Samantha (HOU) <[Samantha.Kelley@mahouse.gov](mailto:Samantha.Kelley@mahouse.gov)>; Executive Assistant <[exec.assistant@wnewbury.org](mailto:exec.assistant@wnewbury.org)>  
**Cc:** Ramos, Adrienne - Rep. (HOU) <[Adrienne.Ramos@mahouse.gov](mailto:Adrienne.Ramos@mahouse.gov)>; Shah, Hiram (SEN) <[Hiram.Shah@masenate.gov](mailto:Hiram.Shah@masenate.gov)>  
**Subject:** RE: FY25 Budget Priorities - West Newbury

Hello,

Our Select Board will take this up during discussion on their upcoming Feb 6<sup>th</sup> meeting agenda, and we'll get back to you soon afterwards with our priorities.

Thanks for reaching out,  
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:** Kelley, Samantha (HOU) <[Samantha.Kelley@mahouse.gov](mailto:Samantha.Kelley@mahouse.gov)>  
**Sent:** Wednesday, January 31, 2024 3:39 PM  
**To:** Angus Jennings <[townmanager@wnewbury.org](mailto:townmanager@wnewbury.org)>; Executive Assistant <[exec.assistant@wnewbury.org](mailto:exec.assistant@wnewbury.org)>  
**Cc:** Ramos, Adrienne - Rep. (HOU) <[Adrienne.Ramos@mahouse.gov](mailto:Adrienne.Ramos@mahouse.gov)>; Shah, Hiram (SEN) <[Hiram.Shah@masenate.gov](mailto:Hiram.Shah@masenate.gov)>  
**Subject:** FY25 Budget Priorities - West Newbury

Good afternoon,

We hope you are doing well and staying warm. The Governor recently filed her FY25 Budget proposal, and the legislature is getting ready for the new budget season. We are reaching out to ask for the Town's top 2 budget priorities.

We would like to get this information by February 16<sup>th</sup> so we can plan for our budget asks. Please let us know if you have any questions, and we look forward to working together on this.

Best,  
Samantha

**Samantha Kelley**

*Legislative Aide*

Office of State Rep. Adrienne Ramos

State House | Room 21 | Boston, MA 02133

Phone: 617-722-2140 ext [REDACTED]

Pronouns: she/her/hers


## Executive Assistant

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**From:** DPW Projects  
**Sent:** Wednesday, February 7, 2024 11:21 AM  
**To:** Planning & Development; Highway; Brian Richard  
**Subject:** MVPC and Stormwater updates

I attended the monthly MVPC DPW/Stormwater meeting this morning and here are a few updates and other stormwater project items that may be of interest:

- Cece did a high-level overview of the proposed DEP stormwater standards from the same presentation Michelle shared earlier: <https://www.mass.gov/doc/presentation-proposed-stormwater-updates-to-the-massachusetts-wetlands-and-401-regulations/download>. Cece thinks the new standards/handbook will be in effect in about a year.
- New MS4 General Permit will not be out for another year or two. Since it is now past year 5, this year and probably next year will be “administrative” and municipalities will continue to submit annual reports in September as they have in the past. MVPC will again be providing services to complete the report and will reach out to communities soon.
- I attended the DER culvert grant info session a couple weeks ago and the RFR will be coming out any day. There were 130 people on the zoom call, and MVPC even acknowledged it will be very competitive. The catch is that a grant-funded project will need to meet the stream crossing standards.
- The DER transitional culvert grant we applied for in October has not been awarded, and Cece is following up with DER on if/when it will be awarded.
- Question came up with MVPC regarding engineering firms who can do culvert work, and some of the towns were looking for names of firms to contact. I added that we too are looking to add names to our engineering consultant list for a number of types of jobs. Another member suggested even though it isn’t required, you can advertise an RFQ to get the word out on a project to get more candidates to respond for this type of work.
- Also FYI, Horsley Witten is getting a revised scope back to us for stormwater services and we will be scheduling a kick-off meeting with them in the near future to discuss bylaw revisions. I’ll keep you all posted.

Christine Wallace, P.E.  
 DPW Program and Project Manager  
 Town of West Newbury  
 381 Main Street  
 West Newbury, MA 01985  
 978-363-1100 x130  
  
[dpwprojects@wnewbury.org](mailto:dpwprojects@wnewbury.org)



## Town Manager

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**From:** Conservation  
**Sent:** Friday, February 9, 2024 8:53 AM  
**To:** Angus Jennings; Planning & Development  
**Cc:** Selectboard; Town Clerk; Executive Assistant  
**Subject:** RE: DEP Draft Wetlands and Waterways Regulations Comment Extension

Please see below from MA DEP with upcoming office hours on the new regs:

Dear Stakeholder -

MassDEP acknowledges the considerable interest in the proposed regulatory revisions for Wetlands (310 CMR 10.00), 401 Water Quality Certification (310 CMR 9.00), and Waterways (310 CMR 9.00) to address the Commonwealth's pressing resilience challenges. To accommodate thorough stakeholder review, MassDEP has extended the public comment period from March 1 to April 30, 2024 – a 60-day extension. (The comment period extension will be formally noticed in the Massachusetts Register and in newspapers on or before March 1, 2024.)

We appreciate the robust participation in the Department's ten public information sessions and hearings on the proposed regulations over the past several weeks. To provide additional opportunity for stakeholder question and answer, MassDEP will convene three "Office Hours" sessions (schedule below). Stakeholders are encouraged to submit questions about the Wetlands/401WQC regulations, Stormwater Handbook, and/or Waterways regulations in advance of the session(s) you plan to attend. Please visit our website for more information, agendas, and to submit questions. Note that the links below direct you to the three different MassDEP regulations being revised, but information about the Office Hours and the form to submit questions is the same on all three regulations webpages.

- [MassDEP Wetlands Regulations](#)
- [MassDEP 401 Water Quality Certification Regulations](#)
- [MassDEP Waterways Regulations](#)

Please note:

- Questions submitted in advance (preferably at least one week) of an Office Hours session will be prioritized. "Live" questions will be considered, as time permits.
- MassDEP may choose not to address questions at these sessions if not received sufficiently in advance or if the question requires extensive evaluation.
- Please refrain from asking site-specific questions related to projects you may be involved in.

Thank you for your continued interest in these important regulatory updates to promote a more resilient Commonwealth.

Best,  
Stephanie Moura

**Wetlands and Waterways Resilience Regulations "Office Hours" Schedule** All sessions will be conducted virtually via Zoom, advance registration required, registration links and agendas will be available on our website.

- Office Hours #1: Monday February 26, 2024 1:00-3:30pm

- Office Hours #2: Thursday March 14, 2024 1:30-4:00pm
  - Office Hours #3: April date -TBD
- 

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

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

---

**From:** Angus Jennings <[townmanager@wnewbury.org](mailto:townmanager@wnewbury.org)>  
**Sent:** Friday, February 9, 2024 8:51 AM  
**To:** Planning & Development <[PlanningDevWkgGrp@wnewbury.org](mailto:PlanningDevWkgGrp@wnewbury.org)>  
**Cc:** Selectboard <[selectboard@wnewbury.org](mailto:selectboard@wnewbury.org)>; Town Clerk <[townclerk@wnewbury.org](mailto:townclerk@wnewbury.org)>; Executive Assistant <[exec.assistant@wnewbury.org](mailto:exec.assistant@wnewbury.org)>  
**Subject:** FW: DEP Draft Wetlands and Waterways Regulations Comment Extension

FYI

---

**From:** Shah, Hiram (SEN) <[Hiram.Shah@masenate.gov](mailto:Hiram.Shah@masenate.gov)>  
**Sent:** Friday, February 9, 2024 7:36 AM  
**Subject:** DEP Draft Wetlands and Waterways Regulations Comment Extension

Hello All,

Senator Tarr wanted to make sure you knew that the Department of Environmental Protection has extended the comment period by 60 days for the proposed regulatory updates to [wetlands](#) and [waterways](#) regulations. The comment period will now run through April 30, 2024 @ 5pm. The Department will also hold three additional "office hours" sessions for stakeholder question and answers, they will be posting that schedule soon. Thank you and please do not hesitate to reach out with any questions or concerns. Thank you.

Hiram

Hiram Shah  
Deputy Chief of Staff and Legal Counsel  
Office of Senate Minority Leader State Senator Bruce Tarr  
State House, Room 308  
Boston, MA 02133  
617-722-1600 (office)

**MEETING NOTICE**

**BOARD OR COMMITTEE:** Water Commissioners

**DATE:** February 13, 2024

**TIME:** 10:00 A.M.

**PLACE:** Water Department Office

**SIGNED:**  , Admin. Asst.

**Agenda:**

Pre-Construction Meeting for the Church and Prospect Street Water Main Project.

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

RECEIVED  
 TOWN CLERK  
 WEST NEWBURY, MA  
 2024 FEB - 8 PM 2: 23



# Town of West Newbury

## Select Board

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

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

### Appointed Boards, Commissions and Committees

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



## Board, Commission, Committee Review

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

Name of BCC	Climate Change and Resiliency Committee
Current Membership with Officers noted	<ol style="list-style-type: none"> <li>1. Elisa Grammer, Chair &amp; Clerk</li> <li>2. Elizabeth Callahan</li> <li>3. Richard Parker</li> <li>4. Arthur Wallace</li> <li>5. Nancy Pau</li> <li>6. Michael Dacey</li> </ol>
Length of Terms	As stated on the website, "The Committee will have no more than 9 voting members and a simple majority of existing membership as a quorum. Member reappointment will be annually at the beginning of each fiscal year."
Meeting Schedule	Once a month
Location of Meetings	Town Offices (by Zoom as needed)
Responsibility for Posting Meeting Agenda	Committee Chair
Responsibility for Taking Meeting Minutes	Committee Clerk
Responsibility for Updating Website	Committee Clerk
Town Staff Liaison/Support (if any)	DPW Projects Director, Coordinate with Conservation Agent
BCC Charge (Review attached excerpt from the 2023 BCC Charge document and note any differences with your objectives)	<p>The Climate Change Resiliency Committee's mission is to promote West Newbury's resilience to climate change, addressing preparation for threats, the ability to absorb impacts, and to recover and adapt after disruptive events. This will be accomplished through action and public education. Working with other affected Town departments, boards and committees, the Committee will build on the Town's Municipal Vulnerability Preparedness (MVP) Community status to address our climate change vulnerabilities, seeking and implementing grant funding to take on action items identified in the Town MVP Plan completed in 2020. The Committee will seek members on and coordination with boards/commissions/committees such as Open Space, Conservation, Energy and Sustainability, Planning, Aging, Capital Improvements and Water and will seek to coordinate with the Department of Public Works and all other Town departments or organizations affected by climate change.</p>
Accomplishments since the last Evaluation	Wrote and submitted MVP Action Grant that was awarded in 2023; sponsored Article to address invasive plants and worked on management of invasive plants.



## Board, Commission, Committee Review

Priorities for the Next Year	Engage community on assessment outcomes and increase climate literacy about vulnerabilities in West Newbury. Complete awarded MVP Action Grant, consider additional grant application(s).
Two Year Priorities	Engage community on assessment outcomes and increase climate literacy about vulnerabilities in West Newbury. Take action based on action grant outcomes. Consider additional grant application(s).
Five Year Priorities	Engage community on assessment outcomes and increase climate literacy about vulnerabilities in West Newbury. Consider additional grant application(s). Take action based on action grant outcomes; update MVP issues & priorities per MVP processes.
How can the Select Board/Town Manager better support the work of this BCC?	Continue assistance, support, and coordination on Town-approved grant applications from Town Manager and Select Board. Encourage appropriate Town Staff and BCCs to participate in climate change resiliency workshops and pertinent events. Timely completion of Annual Town Report (most recent info is as of 6/30/2020) would assist us in writing our annual report to the state to retain WN’s MVP status—we need to report what other Town BCCs & departments are doing to support resiliency.
Are there other BCC whose work overlaps with yours?	BCCs whose work relates to planning and regulation re: land use, which in turn impacts resilience; Energy & Sustainability Committee, Open Space, DPW, Planning Board, Water Dept, Conservation Commission, Capital Improvements, Emergency Services, Tree Committee, Council on Aging, School Committee, Health Department, Inspection Department, Assessors Department
Is there other input you wish to provide?	We would like to express thanks for the Town Project and Programs Manager’s time and significant contributions to the work of the Committee.
Completed by	Elisa Grammer
Date	8/17/2023


### MEETING NOTICE

BOARD OR COMMITTEE: Water Commissioners

DATE: February 14, 2024

TIME: 10:00 A.M.

PLACE: Water Department Office

SIGNED:  , Admin. Asst.

Agenda:

Review correspondence, balances and approve minutes from January 10<sup>th</sup>. (May 5, 2020 and August 17, 2021 executive sessions are not being released currently).

- Possible testing sites and funding for drilling.
- FY-25 Budget and Articles
- Discuss increase in Water Rates, Public Meeting in March.
- Discuss posting a notice on Town website for the Public Meeting "save the date" and send out in mail.
- Flyer/Notice to handout at the meeting and to put in April billing with Public Meeting "re-cap"??
- T&H (received 11/8) Water Distribution Study update?
- T & H draft of Rate Study (update?)

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

RECEIVED  
TOWN CLERK  
WEST NEWBURY, MA  
2024 FEB - 7 PM 1:52



# 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)

## FY25 Budget Schedule – Updated (ver. 3, Feb. 7, 2024)

December 4	Select Board review/adopt FY25 Budget Policy Direction
December 12	Budget Package sent to Dept. Heads, Town Officers, Boards, Commissions and Committees (B/C/Cs)
January 11	Requested FY25 Expense Budgets, and proposed FY25 Capital items, for all Dept. Heads or Town Officers due to Town Manager and Town Accountant
January 18	Requested FY25 Expense Budgets, and proposed FY25 Capital items, for all B/C/Cs due to Town Manager and Town Accountant
January (various)	Review by Town Manager and Town Accountant, including budget working meetings. (Depts. and B/C/Cs will be contacted individually to schedule your reviews, if/as needed)
January 30	Pentucket School Committee meeting to review proposed State budget (regarding education) and preview anticipated PRSD school budget
February 6	<b><u>Town Meeting Warrant closes (anticipated). Article requests due to Select Board and Town Clerk.</u></b>
February 8	Capital Improvements Committee meeting to review proposed Capital Program and FY25 projects. <i>Capital Improvements Committee expected to schedule 2 or more add'l meetings in Feb. and/or March as needed.</i>
February 12	Town Manager proposed FY25 budget, with budget message and proposed FY25 departmental and organizational structure, presented to Select Board.
February 12	Select Board referral of proposed FY25 budget to Finance Committee <sup>1</sup>
February 13	School Committee Public Hearing: Proposed Pentucket FY25 Budget
Feb-March	Finance Committee meetings to review proposed budget and articles. Departments and B/C/Cs will be notified regarding timing of meetings related to your proposed article(s) and section(s) of the budget.  Thurs. Feb 15 at 6pm: Joint FinCom and Select Board meeting Tues., Feb. 20 at 6:30pm: Joint FinCom and Select Board meeting Mond., Feb. 26 at 7pm: Joint Select Board and FinCom meeting Wedn., March. 13 at 6pm: Joint FinCom and Select Board meeting Wedn., March. 20 at 6pm: Joint FinCom and Select Board meeting Wedn., March. 27 at 6pm: Finance Committee meeting
February 27	Pentucket School Committee expected to vote School District Assessments
March 18	Capital Improvements Committee report due to Select Board
March 19	Planning Board Public Hearing regarding proposed Zoning Amendments
On/around March 27	Finance Committee Referral of FY25 Budget to Town Meeting ( <i>anticipated</i> )
BY April 15	Posting of Warrants (14 days prior)
BY April 15	Publication of Finance Committee booklet
April 29, 7pm	<b>Annual and Special Town Meetings</b>
May-June	Select Board approval of FY25 Wage/Salary Schedule

<sup>1</sup> Per the Town Manager Act Sec. 4(j): "The [select board] shall review the annual proposed budget prepared by the town manager and make changes as the [select board] deems advisable. The town manager shall present the budget which incorporates the changes of the [select board] to the finance committee and the town meeting." Therefore the budget as proposed to Finance Committee will reflect any changes as may be directed by the Board. The budget as recommended by Finance Committee will be taken up by Town Meeting.



West Newbury Select Board  
381 Main Street, Town Office Building

MEETING NOTICE

Tuesday, February 13, 2024 at 6:00pm

This is posted to provide notice that a quorum of the Select Board is planning to attend the posted meeting of the Pentucket Regional School District School Committee Meeting, to begin on Tuesday, February 13, 2024 at 6:00pm in the Middle School High School Building.

The Select Board will not formally convene, but the individual Board members will listen to, and may participate in, the School Committee meeting. The Board will not take any formal action nor vote within the Committee's meeting.

*Posted Notice on 2/9/2024 at the Town Offices and the Town's Official Website [www.wnewbury.org](http://www.wnewbury.org)*

West Newbury Finance Committee  
381 Main Street, Town Office Building

MEETING NOTICE

Tuesday, February 13, 2024 at 6:00pm

This is posted to provide notice that a quorum of the Finance Committee is planning to attend the posted meeting of the Pentucket Regional School District School Committee Meeting, to begin on Tuesday, February 13, 2024 at 6:00pm in the Middle School High School Building.

The Finance Committee will not formally convene, but the individual Committee members will listen to, and may participate in, the School Committee meeting. The Board will not take any formal action nor vote within the Committee's meeting.

*Posted Notice on 2/9/2024 at the Town Offices and the Town's Official Website [www.wnewbury.org](http://www.wnewbury.org)*

Approved ARPA Requests	Project ID	Budget	Expenditure Category	Sub Category	Total Obligations	Total Expenditures
<b>CLA Consulting Services</b>	ARPA-01	\$ 9,500.00	6-Revenue Replacement	6.1 Provision of Government Services	\$ 9,500.00	\$ -
<i>Project Description: For ARPA Grant Consulting services to support in-house staff efforts to ensure continued program compliance as the Town moves ahead to identify and authorize projects or programs for ARPA funding</i>						
<b>Church and Prospect Street Water Mains</b>	ARPA-02	\$ 625,000.00	6-Revenue Replacement	6.1 Provision of Government Services	\$ 9,000.00	\$ 6,820.00
<i>Project Description: Water main replacement on Church and Prospect Street, incl. up to \$9,000 in engineering/procurement services.</i>						
<b>Page School HVAC Unit Replacement</b>	ARPA-03	\$ 115,000.00	6-Revenue Replacement	6.1 Provision of Government Services	\$ 115,000.00	\$ -
<i>Project Description: To replace the existing broken HVAC system at the Page School</i>						
<b>Page School Sills</b>	ARPA-04	\$ 50,000.00	6-Revenue Replacement	6.1 Provision of Government Services	\$ -	\$ -
<i>Project Description: Page School Remedial Masonry / Sills Repairs</i>						
<b>Highway Garage Roof Replacement</b>	ARPA-05	\$ 45,000.00	6-Revenue Replacement	6.1 Provision of Government Services	\$ -	\$ -
<i>Project Description: Remove and replace asphalt shingles</i>						
<b>Middle Street Bridge permit/bid assistance</b>	ARPA-06	\$ 25,000.00	6-Revenue Replacement	6.1 Provision of Government Services	\$ 25,000.00	\$ -
<i>Project Description: Engage project engineer for as-needed support to execute MassWorks and MDOT Small Bridge grant agreements;</i>						
<b>Sub-Total</b>					<b>\$ 158,500.00</b>	<b>\$ 6,820.00</b>
		<b>Total Funds</b>			<b>\$ 1,409,046.80</b>	
		<b>Unallocated</b>			<b>\$ 539,546.80</b>	

Pending ARPA Requests	Project ID	Budget	Expenditure Category	Sub Category
<b>Sub-Total</b>				
<b>\$ -</b>				

Anticipated/Potential ARPA Requests	Project ID	Budget	Expenditure Category	Sub Category
<b>Coffin Street culverts (engineering &amp; permitting)</b>	TBD	TBD	TBD	TBD
<i>Project Description: Design, engineering, permitting, procurement for 2 failing/failed culverts on Coffin Street. Intent is to get projects permitted and put out to bid timely to propose construction funding at the Spring 2024 Town Meeting. To date, 3 proposals received (low \$23,000 - high \$73,425). Town is re-scoping project to receive "apples to apples" proposals from prospective vendors.</i>				
<b>Middle Street Bridge construction funding</b>	TBD	TBD	TBD	TBD
<i>Project Description: Potential to propose supplemental funding for reconstruction of Middle Street Bridge.</i>				

Source: Angus Jennings, Town Manager, WORKING DRAFT of 2/6/24

## State and Local Fiscal Recovery Funds: Obligation IFR Quick Reference Guide

This Quick Reference Guide provides an overview of the [Obligation Interim Final Rule](#) (Obligation IFR) for informational purposes and is intended as a brief summary.

### **INTRODUCTION**

The Coronavirus State and Local Fiscal Recovery Funds (SLFRF), established by the American Rescue Plan, delivers \$350 billion to state, local, territorial, and Tribal governments to support the response to and recovery from the COVID-19 public health emergency.

In November 2023, Treasury issued the [Obligation IFR](#) to address recipients' questions and comments regarding the definition of obligation. The Obligation IFR revises the definition of "obligation" in Treasury's implementing regulations for the SLFRF program and provides related guidance to give additional flexibility and clarity to recipients to support their use of SLFRF funds.

The [Obligation IFR](#) does not alter the existing SLFRF obligation or expenditure deadlines. Recipients must obligate SLFRF funds by December 31, 2024, and expend obligated funds by December 31, 2026 (with the exception of projects under the Surface Transportation projects and Title I eligible use categories, for which funds must be expended by September 30, 2026). In addition, the Obligation IFR does not alter the eligible use categories described in the [2022 Final Rule](#) and the [2023 Interim Final Rule](#). Recipients seeking information about whether a specific project may be an eligible use of SLFRF funds should reference the rules, along with the [Overview of the 2022 Final Rule](#) and the [Overview of the 2023 Interim Final Rule](#).

Below is a summary of the Obligation IFR. Recipients should refer to the [Obligation IFR](#) for a complete description of the definition of obligation and associated requirements.

### **AMENDMENT TO THE DEFINITION OF "OBLIGATION" AT 31 CFR 35.3**

Under the revised definition of "obligation," the term continues to mean an order placed for property and services and entry into contracts, subawards, and similar transactions that require payment. Under the Obligation IFR, a recipient is also considered to have incurred an obligation by December 31, 2024, with respect to a requirement under federal law or regulation or a provision of the SLFRF award terms and conditions to which the recipient becomes subject as a result of receiving or expending SLFRF funds.

Accordingly, under the second part of the definition of obligation set out above, a recipient may use SLFRF funds to cover costs related to:

1. Reporting and compliance requirements, including subrecipient monitoring
2. Single Audit costs
3. Record retention and internal control requirements
4. Property standards
5. Environmental compliance requirements
6. Civil rights and nondiscrimination requirements

To take advantage of the additional flexibility to cover the costs of meeting these requirements, the Obligation IFR lists the information that a recipient must submit to Treasury regarding estimates of SLFRF funds that it will use to cover administrative and compliance related expenditures. Treasury will update the *SLFRF Compliance and Reporting Guidance* to reflect recipients' additional reporting regarding these estimated amounts.

The Obligation IFR also clarifies that recipients may continue to charge their current negotiated indirect costs rate agreement established with their federal cognizant agency or the de minimis rate of 10 percent of modified total direct costs pursuant to 2 CFR 200.414(f), after December 31, 2024 through December 31, 2026. Additionally, the Obligation IFR states that Treasury considered some recipients' comments to revise the rule to define "costs incurred" by reference to recipient appropriation, budget, or allocation processes, and explains that this approach would not provide a standard that could be applied consistently across recipients.

### **APPLICATION OF OBLIGATION DEADLINE TO SUBRECIPIENTS**

Subrecipients are not subject to the December 31, 2024 obligation deadline. The obligation deadline applies to the recipient of SLFRF funds, and a cost is considered to have been incurred once a recipient enters into a subaward or contract that obligates the recipient to cover that cost. Neither subrecipients nor contractors need to take additional steps to obligate SLFRF funds after entering into a subaward or contract with the recipient.

### **AMENDMENT AND REPLACEMENT OF CONTRACTS AND SUBAWARDS**

In general, recipients cannot re-obligate funds or obligate additional SLFRF funds after the obligation deadline of December 31, 2024. For instance, if a contractor makes a change order request after December 31, 2024, that necessitates a contract amendment, the recipient would not be permitted to obligate additional SLFRF funds to the project because the obligation deadline would have passed. However, after the obligation deadline, recipients are permitted to replace a contract or subaward that was entered into prior to December 31, 2024 under the following circumstances:

1. The recipient terminates the contract or subaward because of the contractor or subrecipient's default, the contractor or subrecipient goes out of business, or the recipient determines that the contractor or subrecipient will not be able to perform under the contract or carry out the subaward.
2. The recipient and contractor or subrecipient mutually agree to terminate the contract or subaward for convenience.
3. The recipient terminates the contract or subaward for convenience if the contract or subaward was not properly awarded (for example, if the contractor was not eligible to receive the contract), there is clear evidence that the contract or subaward was improper, the recipient documents the determination that it was not properly awarded, and the original contract or subaward was entered into by the recipient in good faith.

Treasury will update the [SLFRF Compliance and Reporting Guidance](#) for recipients to report any contract or subaward replacements after the December 31, 2024, obligation deadline.

Annual OR Special Warrant Articles - Spring 2024 Town Meeting		Funding Sources (TOWN MANAGER DRAFT)									SUM
		Free Cash	Raise and Appropriate	Water Ratepayers	Stabilization	School Stabilization	CPA	Water Retained Earnings	Water Stabilization	Other	
#	Article										
(DRAFT)											
1	To give votes to the election of the public offices										\$ -
2	Reports of Town Officers and Committees										\$ -
3	School Stabilization Fund transfer					\$ 200,000					\$ 200,000
4	FY25 Town Operating Budget										\$ -
5	Transfer Free Cash to reduce FY25 tax rate	TBD									\$ -
6	Instructions, Rules and Regulations for Board of Water Commissioners										\$ -
7	FY25 Water operating budget			TBD							\$ -
8	Establish Water Pension Liability Stabilization Fund										\$ -
9	Appropriation from Septic Loan Revolving Fund								\$ 10,364		\$ 10,364
10	Transfer funds to Pension Liability Stabilization Fund	\$ 99,507									\$ 99,507
11	Transfer funds to Other Post-Employment Benefits (OPEB) Stabilization Fund	\$ 21,586									\$ 21,586
12	Appropriation of PEG Reserved Revenues under MGL c.44 s.53F3/4									TBD	\$ -
13	Revolving funds (reauthorize and establish max amounts for FY25)										\$ -
14	<b>CPA Article:</b> Allocate and/or reserve Community Preservation Fund annual revenues						TBD				\$ -
15	<b>CPA Article:</b> Transfer CPA Housing Reserve funds to Affordable Housing Trust - pending favorable review/recommendation by CPC						TBD				\$ -
16	<b>CPA Article:</b> Funding for Pickleball feasibility study - pending favorable review/recommendation by CPC						\$ 22,000				\$ 22,000
17	<b>CPA Article:</b> Sawmill Brook trails, design and permitting - pending favorable review/recommendation by CPC						TBD				\$ -
18	<b>CPA Article:</b> Fund maintenance/clean-up of Town-owned cemeteries - pending favorable review/recommendation by CPC						\$ 4,000				\$ 4,000
19	Extend Sunset Dates for Previous Town Meeting Articles										\$ -
20	Appropriation and/or Debt Authorization for Middle Street Bridge				TBD						\$ -
21	Replace Fire Pumper Tanker				\$ 560,000						\$ 560,000
22	Rocks Village Bridge warning signals				TBD						\$ -
23	Annex flooring replacement				\$ 49,200						\$ 49,200
24	Replace A/C Unit in Council on Aging / SAGE Center				\$ 38,000						\$ 38,000
25	Replace Generator for Town Offices/Annex				\$ 90,000						\$ 90,000
26	Page School flooring repairs				\$ 50,000						\$ 50,000
27	Page School Interior Improvements/Repairs				\$ 75,000						\$ 75,000
28	DPW Plow Truck				\$ 350,000						\$ 350,000
29	Zero-Turn Mower for DPW				\$ 33,500						\$ 33,500
30	Add'l Accessories for DPW Trackless Vehicle				\$ 41,540						\$ 41,540
31	Supplemental funding for telecom upgrades at Town Offices, Public Safety Complex and Library				TBD						\$ -
32	Town Offices Electronic Keying System				\$ 35,000						\$ 35,000
33	Roof replacement, Public Safety Complex				\$ 120,000						\$ 120,000
34	Public Safety Complex, interior/exterior improvements				\$ 75,000						\$ 75,000
35	Replace Water Pump at Wellfield							\$ 44,000			\$ 44,000
36	Engineering funds for Coffin Street culvert replacement	\$ 48,213									\$ 48,213
37	Page School standpipe installation (engineering/design)	\$ 30,000									\$ 30,000
38	Page School: study design/cost to bring elevator into ADA compliance	TBD									\$ -

Annual OR Special Warrant Articles - Spring 2024 Town Meeting		Funding Sources (TOWN MANAGER DRAFT)									
#	Article	Free Cash	Raise and Appropriate	Water Ratepayers	Stabilization	School Stabilization	CPA	Water Retained Earnings	Water Stabilization	Other	SUM
(DRAFT) 39	Page School: engineering/design re internal site circulation, lighting	TBD									\$ -
40	Funds for required testing at Steele Landfill	\$ 22,915									\$ 22,915
41	Funds for removal of dead ash trees along public rights-of-way	\$ 50,000									\$ 50,000
42	Funds to replace retaining wall at 1910 Building (Town Offices)	\$ 12,000									\$ 12,000
43	Unbudgeted Personnel Costs, FY24-25	TBD									\$ -
44	Snow & Ice deficit (amount TBD)	TBD									\$ -
45	Unpaid FY23 Bills	TBD									\$ -
46	Funds for site testing for potential water source(s)	\$ 50,000									\$ 50,000
47	Replace Water tapping machine							\$ 7,995			\$ 7,995
48	Supplemental funding for MBTA Communities consulting (if needed)	TBD									\$ -
49	Proposed Zoning Amendment: Adopt MBTA Communities overlay district										\$ -
50	Proposed adoption of Wetlands Bylaw										\$ -
51	Proposed amendments to Capital Improvements Committee Bylaw										\$ -
52	Proposed amendments to General Harbor Regulations Bylaw										\$ -
53	Proposed amendments to Hunting Bylaw										\$ -
54	Proposed amendments to Animal Bylaw										\$ -
55	Amendments to Finance Committee Bylaw										\$ -
56	Proposed amendments to Town Meetings / Elections Bylaw										\$ -
57	Proposed amendments to Zoning Bylaws: Definitions										\$ -
58	Amendments to PRSD Regional Agreement										\$ -
59	Dissolve Opioid Settlement Stabilization Account										\$ -
60	Proposed establishment of Capital Stabilization Fund										\$ -
61	Acceptance of MGL 59 Sec. 5N re Property Tax Relief for Veterans' who volunteer										\$ -
62	<b>Citizen Petition:</b> Mullen and Soldiers & Sailors properties, 40R study/zoning and MBTA Communities zoning	\$ 100,000									\$ 100,000
63	<b>Citizen Petition:</b> File Home Rule Petition for Commonwealth to reduce voting age to 16										\$ -
<b>Notes:</b>		\$ 434,221	\$ -	\$ -	\$ 1,517,240	\$ 200,000	\$ 26,000	\$ -	\$ 51,995	\$ 10,364	\$ 2,239,820

Numbering does **not** correspond to order or numbering that will appear on Town Meeting warrants.  
 Cells shaded in green indicate that the materials have been added to PDF info packet.  
 Cells shaded in blue are recommended/requested for STM, not ATM.

## The Reason to begin planning for Decarbonization in West Newbury

*Rick Parker, West Newbury Select Board, Feb. 9, 2024*

The First Law of Holes: If you find yourself in a hole, stop digging.

Anthropogenic Climate Change caused by greenhouse warming of the Earth's atmosphere is real, is happening now, and is resultant from humankind's emission of greenhouse gases (GHG). The primary GHG contributors are the carbon containing molecules CO<sub>2</sub> (produced mainly in combustion of fossil fuels and resulting in increasing atmospheric CO<sub>2</sub> concentrations) and leakage of CH<sub>4</sub> (methane, natural gas). Climate Change is often referred to as an existential crisis facing humanity and is the only such risk that can be impacted to any degree by individual, local and societal decisions and action. Even if we were to immediately stop emitting greenhouse gases today, the atmosphere would continue to further heat for many decades to temperatures above those shown by the geologic record as having occurred within the past several hundred thousand years, due to gases already loaded into the atmospheric system. If we choose not to reduce our emissions of GHG, climate science projects that things will be worse, much worse. Environmental indicators and effects of climate change include increasing global and local average temperatures and temperature extremes, increasingly intense storm events (e.g. greater rates of precipitation, stronger winds, more rapid intensification of storms), less fresh water stored annually in snow pack and ice, increased precipitation lost as stormwater run-off instead of percolating into groundwater, increasingly deep and long droughts, rising sea level (greater volume due to thermal expansion of sea water, additional ocean water due to melting ice caps and glaciers), broad ecological changes, etc. An additional impact of CO<sub>2</sub> emissions is seawater acidification, which negatively impacts species that build calcium carbonate structures (e.g. shell fish, coral) as well as certain other sea life, diminishing ocean ecosystems and human food supplies.

It is recognized at all levels of government, including municipalities, states (e.g. Commonwealth of Massachusetts), the U.S. government and other international governments and coalitions (e.g. United Nations - ref. COP28), that humanity needs to eliminate its production of GHG in order to minimize increases in negative and destabilizing social, economic and ecological impacts. Reducing or eliminating emissions of GHG is referred to as decarbonization (sometime used interchangeably with net-zero GHG, but not exactly equivalent), which in most cases will be achieved by converting virtually all GHG emitting equipment (mechanical or electrical devices used to perform processes or work) to electrically powered alternatives. Both Massachusetts and the Federal government are currently targeting 2050 for net-zero GHG. Given the ubiquity with which processes producing GHG have been built into modern human systems, including electrical power production, manufacturing, mining, agriculture, transportation, building operations, and so on, decarbonization is one of the most complex and all-encompassing problems that humanity has ever had to solve. Due to that complexity and the need to change most energy using systems and certain material processes (e.g. manufacture of steel and cement), it is necessary to begin to act sooner (ideally now), when we have time to explore the most technically capable and financially efficient alternatives, not "later" when we imagine it will be more convenient. "Later" will only have been more convenient for those that choose not to act now and instead left the task to following generations, for whom action will be more desperate and expensive and when the already difficult curve toward decarbonization will only be steeper.

So, we're in a hole.



The U.S. Government and Commonwealth of Mass. each have plans to achieve net-zero GHG by 2050, primarily through decarbonization. Other nations, states and numerous cities have similar or analogous decarbonization or net-zero GHG programs on their own timelines, generally no farther out in time than 2050.

West Newbury has a history of making investments for the long term. We have spent considerable taxpayer dollars on ensuring that our children have adequate schools and on preservation of open space. These are investments in the future just as much as they are for our own near-term benefit. Action on climate change and protecting the planet for future generations is a similar investment in the long-term. We are just one small town representing something less than one millionth of Earth's human population, but we, and other communities that choose to be proactive, are in the position to punch above our weight and set an example by planning and then acting to reduce our contribution to climate change.

We should stop digging, at a local level (because that's where we have the most control).

In West Newbury, the current largest contributing sources of atmospheric carbon are vehicles for personal transportation followed by buildings.

Vehicle Decarbonization: Beyond supporting efforts to expand electric vehicle (EV) charging options in town, converting the Town's own small fleet to EVs as soon as practicable, and generally being encouraging of EV adoption, there is little our municipality needs or can do to speed conversion to EVs away from GHG producing vehicles. There is already considerable commitment by the Federal and Massachusetts governments to make the transition to EVs (electric vehicle incentives, EV charging infrastructure subsidies and promotion). Industry is investing heavily in capacity to build and support EVs; auto manufacturers are committing billions of dollars to EV and battery manufacturing capacity with corresponding decreases in new capacity for internal combustion engine vehicles, electric utilities are working to expand both the distribution and transmission portions of the electric grid to support broad adoption of vehicles to electric battery power (as well as to support the wider transition to electrification of all energy consuming equipment). Within the next 10-15 years, nearly all new vehicles manufactured will be EVs and it will likely become difficult or impossible to buy a new internal combustion engine vehicle.

Building Decarbonization: This is the more difficult problem since every existing building, whether residential, commercial, industrial or municipal, has its own unique site characteristics, building envelope and mechanical / electrical systems. Each structure is a one-of-a-kind decarbonization puzzle. There is a known set of solution tools (building insulation, reduction in air infiltration, energy efficient windows, energy efficient roofing systems, heat pumps [air-source, ground-source, hot water], induction stovetops, LED lighting, daylighting, upgrading electrical service, etc.), but exactly how they're most effectively and cost-efficiently combined is unique to each building. Developing the most appropriate decarbonization plan for each building requires knowing enough to adequately characterize the existing conditions and then choosing and properly applying the optimal set of solution tools to achieve a properly functioning, long-lasting and cost-efficient end product. Every time a new GHG producing building or renovation, addition or repair is made, the hole is dug deeper - more cost is sunk in systems that will later need to be corrected and the decarbonization problem becomes a little bit bigger.

This is where the prospect of applying to participate in MassCEC's Pilot Decarbonization Planning BETA Pilot presents the Town with an opportunity to begin to move forward. Individual expert attention

would be applied at no cost to the Town to developing a plan for a subset of municipal (and hopefully Housing Authority) buildings to no longer be GHG producers. We will be able to intelligently implement the plan at a schedule that works best for West Newbury, learning what might be applied elsewhere and setting an example for the town's residents and taxpayers that they may choose to emulate at their discretion. By beginning to plan now, we'll be able to deliberately consider options, ideally upgrading from GHG producing equipment to the most effective and efficient electric alternatives, often at existing equipment's normal end-of-life.

At the 1/29/24 WNSB meeting, it was questioned as to whether there was any point in trying to decarbonize by electrifying our building systems to eliminate direct production of GHG since some portion of our electrical energy currently is supplied by combustion of fossil fuels. On 2/6/24 I received an insert with my monthly electric bill showing the following tabulation of Power Sources (Total) used for National Grid's Basic Service for the period 7/1/22 – 6/30/23:

Biomass	0.3%
Coal	0.1%
Hydro: Large	1.3%
Hydro: Small	22.4%
Imported Power	7.4%
Municipal Trash	3.2%
Natural Gas	32.9%
Nuclear	4.6%
Oil	3.9%
Other Renewables	1.4%
Solar	13.6%
Wind	8.7%

This suggests that during the period listed renewable energy generation supplied something in excess of 45% of our total electrical energy (admittedly, there is very little detail explaining some of the categories). Based on Massachusetts law, our electric utility is mandated to increase the percentage of renewables each year according to a set schedule. Various large new renewable energy supplies are expected to come on-line over the next several years, including off-shore wind, Quebec Hydro, additional small, medium and large solar. There is a strong trend away from GHG producing sources for our electric supply. Further, each of us has multiple energy supply options available as alternatives to National Grid's Basic Service with higher percentages (up to 100%) of renewably generated electrical energy.

Finally, the cost of GHG producing energy sources is expected to increase with time, regardless of what fossil fuel vested interests will claim. Although there will be cost to upgrade the electrical transmission and distribution networks and to expand renewable generating capacity, once that work is complete the substantially lower ongoing cost of operations and secure supply will result in less volatile energy pricing.

## Town Manager

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**From:** Buildings <buildings@masscec.com>  
**Sent:** Thursday, February 8, 2024 3:45 PM  
**To:** Rick Parker  
**Cc:** Buildings  
**Subject:** RE: [EXTERNAL] BETA: Commercial Buildings Pilot

Hi Rick,

Please refer to the answers in red below. Let us know if you have any questions, thanks!

Q. Are you able to say how many buildings have been selected so far? Based on current activity and applications already received, is it reasonable to expect that the program will be fully subscribed in the near future?

A. Four of the fifteen buildings have been selected, there are still eleven spaces left. We don't expect the pilot to be fully subscribed in the near future. We still encourage you to apply. Considering these seem to be municipal buildings, it would be worth considering our [BETA: Non-Profit Pilot](#) as well.

Q. Is that an accurate assessment or is the program able to accept such a model (i.e. multiple buildings with 2 different owners/decision makers)?

A: Multiple owners of the same building can apply, but if there are multiple buildings not connected, we would only select one individual building to participate in the pilot. However, our [BETA: Non-Profit Pilot program](#) does have a portfolio approach which may be more relevant in this case.

Q. "During Phase 2 (Planning), Participants will be asked to support the on-site Decarbonization Assessment and work with the Consultant to discuss resiliency, interventions and system selection, potential opportunities, barriers, financial considerations, and other capital planning considerations. Participants must work with the Consultant to discuss resilience conditions, including vulnerabilities to increased heat, flooding, and other extreme weather, as well as strategies that would make the Project Site more resilient."

Is there any estimate of the time anticipated to accomplish these discussions?

A. The decarbonization assessment should only take a day and the planning is expected to take about three months. We ask that applicants and/or decision makers have enough time within those three months to have discussions with the consultant. Please refer to the [BETA: Commercial program manual](#) for more information on the expected duration of each phase.

Q. Is the lack of serving an EJ community a show-stopper for application acceptance?

A. No, we're also considering buildings not in EJ communities, but we are prioritizing them when possible.

Best,  
Trisha

Trisha Hua (she/her)  
*Building Decarbonization Fellow*



---

**From:** Rick Parker <rpkarker@wnewbury.org>  
**Sent:** Tuesday, February 6, 2024 4:09 PM  
**To:** Buildings <buildings@masscec.com>  
**Subject:** FW: [EXTERNAL] BETA: Commercial Buildings Pilot

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**From:** Rick Parker  
**Sent:** Friday, February 2, 2024 3:44 PM  
**To:** Buildings <[buildings@masscec.com](mailto:buildings@masscec.com)>  
**Subject:** RE: [EXTERNAL] BETA: Commercial Buildings Pilot

Hi Carmiya,

Following up on our email thread below from 3+ weeks ago, at our Select Board meeting this past Monday (1/29/24) I proposed that the Town of West Newbury pursue applying for the MassCEC BETA: Commercial Buildings Pilot. There were a number of questions from my two fellow Select Board members.

Since the rolling application window opened Nov. 1, 2023, it was speculated that all 15 (+?) participating buildings might have already been selected and opportunity no longer exists within the Beta program.

Q. Are you able to say how many buildings have been selected so far? Based on current activity and applications already received, is it reasonable to expect that the program will be fully subscribed in the near future?

It was thought that the building model West Newbury would propose of multiple contiguous/connected buildings under ownership of two separate entities (Town of West Newbury and West Newbury Housing Authority) would likely not meet Mass CEC's goal of replicable example projects and thus applying for the program would not be a good use of Town resources. The buildings would include the Town Office Building (19,239 sf Gross Area, 13,794 sf Finished Area), Housing Authority Senior Housing (14 housing units, 19,212 sf Gross Area, 18,551 sf Finished Area) and Town Annex (event and meeting space).

Q. Is that an accurate assessment or is the program able to accept such a model (i.e. multiple buildings with 2 different owners/decision makers)?

Note: It seems reasonable to expect that the two owners (Town and Housing Authority) could come to agreement on an "over time" implementation approach. An "all at once" approach seems improbable, if only due to each entity's unique financial considerations.

From the solicitation, it's not clear exactly what would be required for Town participation in development of a decarbonization plan, and there is concern about potential demand on limited municipal staff bandwidth to apply and then, if selected, work with the consultant in plan development. This is not to suggest that zero Town staff resources are available, and there is a volunteer Energy and Sustainability Committee that supports this, but the Town is very cautious about committing time of already overtaxed staff. From the Eligibility Requirements:

During Phase 2 (Planning), Participants will be asked to support the on-site Decarbonization Assessment and work with the Consultant to discuss resiliency, interventions and system selection, potential opportunities, barriers, financial considerations, and other capital planning considerations.

Participants must work with the Consultant to discuss resilience conditions, including vulnerabilities to increased heat, flooding, and other extreme weather, as well as strategies that would make the Project Site more resilient.

Q. Is there any estimate of the time anticipated to accomplish these discussions?

Note that the Town does have two volunteer committees (Energy & Sustainability Committee (ESC) and Climate Change Resiliency Committee (CCRC)) that would likely participate in the discussions.

West Newbury is a small town and has no Environmental Justice Communities, although the Housing Authority's Senior Housing serves a vulnerable community.

Q. Is the lack of serving an EJ community a show-stopper for application acceptance?

The West Newbury Select Board meets again next Tuesday, Feb. 6 evening, so if you are able to reply before then it would be greatly appreciated.

Thank you- rick parker

Richard Parker – West Newbury Select Board

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**From:** Buildings <[buildings@masscec.com](mailto:buildings@masscec.com)>  
**Sent:** Friday, January 5, 2024 12:22 AM  
**To:** Rick Parker <[rparker@wnewbury.org](mailto:rparker@wnewbury.org)>  
**Cc:** Buildings <[buildings@masscec.com](mailto:buildings@masscec.com)>  
**Subject:** RE: [EXTERNAL] BETA: Commercial Buildings Pilot

Hi Rick,

Thank you for your interest in MassCEC's BETA: Commercial Buildings Pilot. Based on the information provided, the building you described would be eligible for the pilot, we would just ask that all relevant decision makers are willing to participate if the building is selected.

Best,  
Carmiya Gale

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Carmiya Gale  
Program Coordinator  
Massachusetts Clean Energy Center  
294 Washington Street, Suite 1150  
Boston, MA 02108  
(617) 315-9324



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**From:** Rick Parker <[rparker@wnewbury.org](mailto:rparker@wnewbury.org)>  
**Sent:** Thursday, January 4, 2024 2:10 PM  
**To:** Buildings <[buildings@masscec.com](mailto:buildings@masscec.com)>  
**Subject:** [EXTERNAL] BETA: Commercial Buildings Pilot

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

Referencing the Building Electrification and Transformation Accelerator (BETA): Commercial Buildings Pilot Program Manual, Section 2.1 Minimum Project Site Eligibility Requirements, **under the category “Community buildings** (e.g., non-profits, assembly, or **public service**)”:

Please confirm that the West Newbury Town Office Building with Senior Center (owned by the Town of West Newbury), *possibly* combined with the Senior Housing property separately owned by West Newbury Housing Authority, would be eligible to apply for the “BETA: Commercial Buildings Pilot”.

Thank you,

Richard Parker – West Newbury Select Board member  
and Energy & Sustainability Committee member

# BETA: NON-PROFIT BUILDINGS PILOT



## The Challenge: Decarbonize Small-Medium Buildings Owned by Non-Profit or Public Entities

English



Non-profits and public entities face uniquely complex procurement, financing, and management processes for their building portfolios, which result in additional barriers to implementing already-challenging building decarbonization practices for existing buildings. Given that non-profits and public entities own a sizable portion of the Commonwealth's building stock, and that many of these buildings have the potential to "lead by example," this sector offers a great opportunity to establish practices for the decarbonization of building portfolios. To facilitate these transitions, these building owners often need roadmaps to:

- Initiate planning discussions
- Support decision-makers with capital and budget planning
- Enable procurement pathways
- Identify options for reducing cost, risk, and process challenges in decarbonizing

## **About the Building Electrification and Transformation Accelerator (BETA): Non-Profit Buildings Pilot**

The Building Electrification and Transformation Accelerator (BETA): Non-Profits Pilot is a MassCEC initiative in partnership with PowerOptions with the objective of accelerating the electrification and decarbonization of the building segment owned by non-profits and public entities. This pilot provides non-profit and public-entity building owners with a high-level overview of decarbonization opportunities aligned with building capital needs across their portfolios, with the target of zero-emissions building portfolios by 2050. The pilot provides actionable roadmaps and is intended to enable efficient, effective procurement strategies that address the unique needs of non-profits and public entities.

The BETA: Non-Profits Pilot aligns with the MassCEC High-Performance Buildings strategy, which has as top priorities to 1) the surfacing and demonstration of



building decarbonization approaches and 2) the support of “zero-over-time” planning. This pilot also supports the Commonwealth’s building decarbonization goals expressed in the Clean Energy & Climate Plan for 2030, which calls for a broad and aggressive transition of statewide buildings by 2030, including improving building envelopes and electrifying 300 to 400 million square feet of commercial-scale buildings. The pilot will help establish clear pathways for this sector to align with these building decarbonization goals.

### **Status**

Open

### **Status Details**

- Managed by PowerOptions

### **Award Potential**

Custom electrification and decarbonization plan, including financing analysis

### **Application Deadline**

Rolling, deadline TBD

[Enroll](#)

Questions? [Contact](#)

# **PROJECT TEAM**

MassCEC is pleased to have [PowerOptions](#) under contract as the Lead Technical Consultant. PowerOptions has a proven track record with non-profits and public entities in supporting energy procurement and facilitating energy transition actions. This makes PowerOptions a uniquely qualified partner for MassCEC's building decarbonization programs.

## **PARTICIPANT BENEFITS**

Participants of the BETA: Non-Profit Pilot receive a decarbonization roadmap at a nominal fee per building enrolled. These roadmaps include electrification and decarbonization plans, including financing options and a proposed implementation timeline by building.

The pilot approach consists of four components of services offered to participating entities:

- Capturing and analyzing the carbon footprint of building portfolios using building-level energy usage data
- Evaluating holistic building decarbonization measures (energy efficiency, electrification, on-site renewables, RECs as offsets) based on building-specific data
- Developing high-level multi-year roadmap and implementation plan based on economic and feasibility assessments
- Supporting implementation through procurement and measuring performance

PowerOptions established and is utilizing several key resources to provide these services, including:

- Offering the services of a carbon reduction advisor and data analyst
- Implementing an energy data platform for automation and visualization, a virtual energy efficiency audit tool, and a proprietary building decarbonization model
- Integrating supplier and utility energy data, building topology, HVAC, and other source data available through data licenses, as well as data from the building owners

## **WHO'S ELIGIBLE TO PARTICIPATE?**

Non-profit and public entity building portfolio owners in Massachusetts are eligible to participate in the BETA: Non-Profit Pilot. The buildings in participants' portfolios may represent a wide variety of building use types, typologies, and sizes. Example building types include, but are not limited to, cultural institutions, non-profit healthcare facilities, higher education, public and local housing authorities, non-profit affordable housing, human services facilities, municipal facilities, non-profit private schools, public schools, senior living, religious institutions, and state facilities.

## **WHICH PROGRAM IS RIGHT FOR US?**

MassCEC's Building Electrification and Transformation Accelerator (BETA) has two pilot programs underway:

- BETA: Non-Profit
- BETA: Commercial

Both programs help decarbonize a wide range of buildings across the Commonwealth, but differ in eligibility criteria and services provided. The following table can help you decide which program better fits your needs.

	<b>BETA: Non-Profit</b>	<b>BETA: Commercial</b>
Building Type Eligibility	<ul style="list-style-type: none"> <li>• Cultural institutions</li> <li>• Non-profit healthcare facilities</li> <li>• Higher education</li> <li>• Public and local housing authorities</li> <li>• Non-profit affordable housing</li> <li>• Human services facilities</li> <li>• Municipal facilities</li> <li>• Houses of worship</li> <li>• Non-profit private schools</li> <li>• Public schools</li> <li>• Senior living</li> <li>• State facilities</li> <li>• Other non-profit or public-entity owned buildings</li> </ul>	<ul style="list-style-type: none"> <li>• Big box retail</li> <li>• Commercial office</li> <li>• Community buildings (non-profits, assembly, public service)</li> <li>• Food service</li> <li>• Healthcare facilities (e.g., outpatient, inpatient, community health centers)</li> <li>• Higher education</li> <li>• Hospitality and public amenity spaces</li> <li>• Hotel or dormitory</li> <li>• Houses of worship</li> <li>• Laboratory</li> <li>• Mixed-use retail, strip malls, and large retailers</li> <li>• Multi-family</li> <li>• Retail, service centers, malls</li> <li>• Schools (K-12)</li> <li>• Supermarkets</li> <li>• Warehouses and distribution centers</li> </ul>
Building Eligibility Criteria	<ul style="list-style-type: none"> <li>• Wide variety of building use types, typologies, and sizes</li> </ul>	<ul style="list-style-type: none"> <li>• Commercial buildings (not including large multi-family buildings) must be over 20,000 square feet</li> <li>• Large multifamily units (at least 15 units)</li> <li>• Project Sites must be in a utility territory that contributes to the Massachusetts Renewable Energy Trust (National Grid, Eversource, Until, and municipal light plants that have elected to pay into the Renewable Energy Trust)</li> </ul>
Owner Type	<ul style="list-style-type: none"> <li>• Non-profit-entity building owners</li> <li>• Public-entity building owners</li> </ul>	<ul style="list-style-type: none"> <li>• Any commercial building owners</li> </ul>
Services Provided	<ul style="list-style-type: none"> <li>• Portfolio-level multi-year decarbonization roadmap and implementation plan</li> </ul>	<ul style="list-style-type: none"> <li>• In-person decarbonization assessment</li> <li>• Detailed decarbonization plan</li> <li>• Strategy for decarbonization financing and funding</li> <li>• Connection to Mass Save commercial and industrial incentives</li> <li>• Workshop for buildings owners and managers identifying challenges and opportunities</li> </ul>

# ENROLLMENT PROCESS

Contact [energyteam@poweroptions.org](mailto:energyteam@poweroptions.org) to express your interest in participating in BETA: Non-Profit or to discuss any questions about eligibility.

General questions for MassCEC may be addressed to [buildings@masscec.com](mailto:buildings@masscec.com).

## RESOURCES

### Example Roadmap

[City of Melrose – Decarbonization Roadmap](#)

### Learn About High Performance Buildings

[High Performance Building Procurement Toolkit](#)

[High Performance Building Professionals](#)

# Additional Funding Opportunities

## BETA: Commercial Buildings Pilot

### PROGRAM AREA

High Performance Buildings

### FUNDING TYPE

Grants

### AWARD POTENTIAL

Each participating building will receive an electrification and decarbonization plan, including direction to financing options and a recommended implementation timeline.

### APPLICATION DEADLINE

Rolling, until 15 selected

## EmPower Massachusetts

### PROGRAM AREA

Community Engagement  
Env. Justice/DEI

**FUNDING TYPE**

Grants

**AWARD POTENTIAL**

\$300,000 (Priority Track  
Implementation)

\$150,000 (Non-Priority Track  
Implementation)

\$50,000 (Innovation &  
Capacity Building)

**APPLICATION DEADLINE**

Innovation and Capacity  
Building: Rolling through April 3,  
2024

Implementation: October 18,  
2023 and April 3, 2024

## Embodied Carbon Reduction Challenge

**PROGRAM AREA**

High Performance Buildings

**FUNDING TYPE**

Grants

**AWARD POTENTIAL**

\$10,000 to \$50,000

**APPLICATION DEADLINE**

March 31, 2024

**XII. HUNTING BY-LAW**

HUNTING BY-LAW [Adopted at the Annual Town Meeting, March 12, 1960, Adjourned Session, approved by the Attorney General March 25, 1960, and posted according to law November 18, 1963. Amended on April 27, 2006 at the Annual Town Meeting and posted according to law May 23, 2006.]

SECTION 1. No person shall hunt or fire or discharge any firearms on any private property ~~or property owned or controlled by~~in the Town of West Newbury except with the written consent of the owner or the legal occupant thereof, and such consent shall be carried at all times by any person hunting and upon request shall be shown to any police officer, or officer of the Department of Conservation, or the property owner or his agent. No person shall hunt, fire or discharge any weapon on property owned or controlled by the Town of West Newbury ~~For purposes of this paragraph, the Board of Selectmen shall be deemed to be the owner or legal occupant of any property owned or under the control of the Town of West Newbury.~~

**Commented [WR1]:** Do we want to include bow hunting under this prohibition?

SECTION 2. This By-Law shall not be applied to the lawful defense of life or property or to any law enforcement officer in the defense of his duties.

SECTION 3. Any person violating any provisions of this by-law shall be punished by a fine of not more than ~~twenty~~fifty dollars for each ~~offense.\*offense.\*~~

**Commented [WR2]:** Not sure what fine would be appropriate in comparison to others. \$20 seems too low.

*\*[Section 3 as originally adopted. The Enforcement Bylaw (see XXVIII) adopted at the fourth session of the 1995 Annual Town Meeting, approved by the Attorney General on June 28, 1995 and posted according to law July 10, 1995, established a penalty of \$50.00 for violations of the Hunting By-Law Bylaw]*



## **XII. HUNTING BY-LAW**

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SECTION 2. This By-Law shall not be applied to the lawful defense of life or property or to any law enforcement officer in the defense of his duties.

SECTION 3. Any person violating any provisions of this by-law shall be punished by a fine of not more than twenty dollars for each offense.\*

*\*[Section 3 as originally adopted. The Enforcement Bylaw (see XXVIII) adopted at the fourth session of the 1995 Annual Town Meeting, approved by the Attorney General on June 28, 1995 and posted according to law July 10, 1995, established a penalty of \$50.00 for violations of the Hunting By-Law Bylaw]*

## VI. ANIMAL-DOG BY-LAW

DOG BY-LAW [Adopted at the Annual Town Meeting April 28, 1986, approved by the Attorney General June 12, 1986, and posted according to law June 20, 1986. See also notes on amendments and additions at the end of the Bylaw.]

### Section 1. Dog Licensing

The Office of the Town Clerk shall be responsible for the licensing of dogs within West Newbury. All dogs three months or older must be licensed and tagged. Licenses are to be obtained by April 1 each year and will expire on the following March 31.

### Section 2. License Fees

2.1- License and kennel fees shall be established and revised from time to time by the Town by vote ~~at Town Meeting of the Select Board~~, based upon the recommendation of the Town ~~Fees Committee~~ Clerk and after the Select Board ~~of Selectmen~~ holds a public hearing on the proposed fees. License and kennel fees are intended to be sufficient to fund all related costs of the Animal Control Officer and Town Clerk, and any property damages caused by unidentified dogs within Town boundaries. A notice of the fee hearing shall be published in at least one local newspaper at least two weeks prior to the meeting.

2.2 -Any license or kennel fee due on April 1 but remaining unpaid on May 1 ~~shall~~ may be subject to a supplemental fine of \$10.00 per dog; an additional fine of \$10.00 per dog shall ~~may be charged if the fee remains unpaid on June 1, and likewise, an additional fine of \$10.00 per dog on July 1 and August 1.~~

### Section 3. Animal Control Officer's Duties

3.1. The Animal Control Officer shall perform assigned duties in accordance with Chapter 140 of the General Laws of the Commonwealth of Massachusetts, and any other appropriate statutes relative hereto. The Animal Control Officer shall attend to all complaints and any other matters pertaining to dogs and shall take whatever action deemed necessary.

3.2 If the Animal Control Officer determines that a female dog in heat, even if confined, is attracting other animals, thus causing a disturbance or damage to neighboring property or public areas, the owner or keeper may be required to keep said animal, while in heat, in a kennel or to remove it from the area so that the nuisance is abated.

3.3 The Animal Control Officer ~~may~~ will require dog owners or keepers to restrain their dogs with a fixed, physical leash on their dogs from running at large all Town owned buildings and property, and in-on schools, school playgrounds, parks, trails ~~or and~~ recreational areas.

~~3.34 .1- If the Animal Control Office determines that a dog's behavior is causing a nuisance or is dangerous, they will require the owner to prevent such behavior. Dangerous or nuisance dog behavior, or other domesticated animals causing a nuisance.~~ For the purpose of this Bylaw, dog behavior which is dangerous or a nuisance includes, but is not limited to, the following: molesting pedestrian passers-by or passing vehicles, including bicycles, attacking persons or

domestic animals; or damaging public or private property. If the dog's behavior continues, it will be considered a violation of Section 6 – Restraint of Dogs – and the owner will be subject to the fines and fees set forth therein.

~~3.3.2.: No person owning, harboring, or having custody and/or control of 4 or more dogs shall permit such dogs to run at large in the Town of West Newbury at any time. A dog shall be deemed running at large when it is both off the premises of the owner or such person in custody or control of, and is not on a leash, or electronic leash collar (also known as an electric leash). Any violation of this Section shall be considered a violation of Restraining of Dogs and subject to the fines and fees set forth therein~~

### 3.5 Penalties:

A person who owns or keeps a dog ~~, or other domesticated animal,~~ shall be responsible for the following fees which require the service of the Animal Control Officer ~~in connection with any such dog or domesticated animal.~~

First Offense	Warning
Second Offense within twelve months	\$ <del>25</del> <u>50</u> .00
Third Offense, and any subsequent within twelve months of the first offense	\$ <del>75</del> <u>100</u> .00

Service of the Animal Control Officer is the response of the officer to a specific location, and requiring the removal, restraining or impounding of the dog or domesticated animal, whether occasioned by the request of a citizen, town official or otherwise. Fees shall be paid to the Town of West Newbury.

3.6. If the owner or keeper of a dog fails to comply with the order of the Animal Control Officer and does not appeal to the Select Board ~~of Selectmen~~, as provided in the next section, the Animal Control Officer shall proceed to enforce said order as provided by law.

3.7. The Animal Control Officer having custody of a confined dog shall be allowed the sum of eight dollars ~~per~~ WRI per day for the care of such dog, payable by the owner or keeper thereof, if known, otherwise from the dog fund.

### Section 4. Appeal of Animal Control Officer Ruling

4.1. The owner or keeper of a dog, about which the Animal Control Officer issued an order under the above sections of this By-Law, may appeal said order in writing to the Select Board ~~of Selectmen~~ within ten days of the issuance of the order.

4.2. The Select Board ~~of Selectmen~~ shall hold a public hearing on the ruling and accept testimony from any and all interested parties, including the Animal Control Officer, after which the Board may overrule the Animal Control Officer, reach an agreement with the appellant, or instruct the Animal Control Officer to proceed with enforcement procedures as prescribed in Chapter 140, Section 173A of the General Laws.

### Section 5. Applicability of Other Statutes

Notwithstanding the provisions of this By-Law, all other aspects of Chapter 140, Sections 136A through 175 shall still be in effect.

**Section 6. Restraint of Dogs**

No person owning, harboring or having custody or control of a dog shall permit such dog to be at large in the Town of West Newbury at any time, elsewhere than on the premises of the owner, except if such dog be on the premises of another person with the knowledge and consent of such person. Any dog which is not held firmly on a fixed, physical leash ~~or under the immediate control of such owner or keeper~~, may be fined and taken into custody of the Animal Control Officer. The owner shall be subject to:

1. A fine for violation of the Restraint Bylaw
2. Boarding fees for the number of days the animal is in the custody of the Animal Control Officer
3. Any necessary veterinary charges while the animal is in the custody of the Animal Control Officer

Fines:

First Offense	\$ <del>50.00</del> <u>25.00</u>
Second Offense	\$ <del>50</del> <u>100</u> .00
Third Offense and Subsequent Offenses	\$ <del>100</del> <u>200</u> .00

All town fees, fines, and charges shall be paid before the animal is returned to the owner or keeper.

This § shall be included within the scope of the provisions of Massachusetts General Laws, Chapter 40, § 21D, adopted at the fourth session of the 1995 Annual Town Meeting held on May 15, 1995, as § XXVIII, Enforcement of Town Bylaws. In addition to police officers, the Animal Control Officer shall also be an enforcing person for this section.

Dog License Fees

<del>Neutered Male Dogs</del>	<del>_____</del> <u>\$15.00</u>
<del>Spayed Female Dogs</del>	<del>_____</del> <u>\$15.00</u>
<del>Male &amp; Female Dogs</del>	<del>_____</del> <u>\$25.00</u>
<del>Kennel:</del>	<del>_____</del>
<del>Not more than 4 dogs</del>	<del>_____</del> <u>\$35.00</u>
<del>Not more than 10 dogs</del>	<del>_____</del> <u>\$50.00</u>
<del>Over 10 dogs</del>	<del>_____</del> <u>\$100.00</u>

**Section 7. Disposal of Waste**

7.1. Duty to dispose. It shall be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by ~~his~~their dog on any sidewalk, street, park, public way, public area or any private property of another. A copy of this section shall be given to every dog owner when licensing ~~his~~their dog.

7.2. Duty to possess means of removal. No person who owns, possesses or controls a dog shall appear with such dog on any sidewalk, street, park, public area, or private property of another without the means of removing any feces left by such dog.

7.3. Method of removal. For the purpose of this section, the means of removal shall be any tool, implement or other device carried for the purpose of picking up and containing such feces which provides protection to the person and/or the public.

7.4. Method of disposal. Disposal shall be accomplished by transporting such feces to a suitable place for placement in a designated waste receptacle, or other suitable container which is regularly emptied by a refuse collector.

7.5. Exemption. This section shall not apply to service dogs accompanying any person physically incapable of collecting said waste.

7.6. Enforcement and fines. Violations of this section will result in a fine of \$50.00 for the first offense, and \$50.00 for the second and subsequent offenses within twelve months of a previous offense. This section may be enforced pursuant to the noncriminal disposition procedure of MGL Chapter 40, § 21 D and the Town Bylaws Section XXVIII, Enforcement of Town Bylaws. In addition to police officers, the Animal Control Officer shall also be an enforcing person for this section.

*[Amendment Adding Section 3.5 to the Dog By-Law voted at the October 22, 1991, Special Town Meeting, Approved by the Attorney General on January 7, 1992, and posted according to law on January 9, 1992.]*

*[Amendment changing Section VI. "Dog Bylaw" to read "Animal By-Law" and the amendment to add Section 3.3.1. to the Animal Bylaw voted at the third session of the 1994 Annual Town Meeting held on June 16, 1994. Approved by the Attorney General on August 26, 1994, and posted according to law on August 31, 1994.]*

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*[Amendment to add the section entitled "Restraint of Dogs" voted on May 3, 2001, at the second session of the 2001 Annual Town Meeting, and posted according to law on September 6, 2001. Fines were increased by an amendment voted on May 6, 2009 at the second session of the 2009 Annual Town Meeting, approved by the Attorney General on August 11, 2009 and posted according to law on August 20, 2009]*

*[Dog License Fees adopted under Article 20 of the 1986 Annual Town Meeting and approved by the Attorney General. Amendment voted at the 1990 Annual Town Meeting under Article 25, approved by the Attorney General on September 5, 1990, and posted according to law on October 22, 1990. Amendment voted at the 2003 Annual Town Meeting under Article 16,*

*approved by the Attorney General on July 30, 2003 and posted according to law on August 11, 2003]*

*[Amendment to add Section 3.3.2 was adopted at the Annual Town Meeting of April 27, 2015, approved by the Attorney General on May 26, 2015 and posted according to law on May 27, 2015]*

*[Amendment to add Section 7 was adopted at the Annual Town Meeting of May 23 2021, as Article 20, which was approved by the Attorney General on October 28, 2021 and posted according to law on November 3, 2021.]*

## VI. ANIMAL BY-LAW

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2.2 Any license or kennel fee due on April 1 but remaining unpaid on May 1 shall be subject to a supplemental fine of \$10.00 per dog; an additional fine of \$10.00 per dog shall be charged if the fee remains unpaid on June 1, and likewise, an additional fine of \$10.00 per dog on July 1 and August 1.

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3.2 If the Animal Control Officer determines that a female dog in heat, even if confined, is attracting other animals, thus causing a disturbance or damage to neighboring property or public areas, the owner or keeper may be required to keep said animal, while in heat, in a kennel or to remove it from the area so that the nuisance is abated.

3.3 The Animal Control Officer may require dog owners or keepers to restrain their dogs from running at large in schools, school playgrounds, parks or recreational area. Owners

and keepers may be required to restrain their dogs from running at large when the Animal Control Officer determines that any such dog is an annoyance, is dangerous or is known to cause damage in the neighborhood.

3.3.1. Dangerous or nuisance dog behavior, or other domesticated animals causing a nuisance. For the purpose of this Bylaw, dog behavior which is dangerous or a nuisance includes, but is not limited to, the following: molesting pedestrian passers-by or passing vehicles, including bicycles, attacking persons or domestic animals; or damaging public or private property.

3.3.2.: No person owning, harboring, or having custody and/or control of 4 or more dogs shall permit such dogs to run at-large in the Town of West Newbury at any time. A dog shall be deemed running at-large when it is both off the premises of the owner or such person in custody or control of, and is not on a leash, or electronic leash collar (also known as an electric leash). Any violation of this Section shall be considered a violation of Restraining of Dogs and subject to the fines and fees set forth therein

Penalties:

A person who owns or keeps a dog, or other domesticated animal, shall be responsible for the following fees which require the service of the Animal Control Officer in connection with any such dog or domesticated animal.

First Offense	Warning
Second Offense within twelve months	\$ 25.00
Third Offense, and any subsequent within twelve months of the first offense	\$ 75.00

Service of the Animal Control Officer is the response of the officer to a specific location, and requiring the removal, restraining or impounding of the dog or domesticated animal, whether occasioned by the request of a citizen, town official or otherwise. Fees shall be paid to the Town of West Newbury.

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4.2. The Board of Selectmen shall hold a public hearing on the ruling and accept testimony from any and all interested parties, including the Animal Control Officer, after which the Board may overrule the Animal Control Officer, reach an agreement with the appellant, or instruct the Animal Control Officer to proceed with enforcement procedures as prescribed in Chapter 140, Section 173A of the General Laws.

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Fines:

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Kennel:	
Not more than 4 dogs	\$35.00
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- 7.3. Method of removal. For the purpose of this section, the means of removal shall be any tool, implement or other device carried for the purpose of picking up and containing such feces which provides protection to the person and/or the public.
- 7.4. Method of disposal. Disposal shall be accomplished by transporting such feces to a suitable place for placement in a designated waste receptacle, or other suitable container which is regularly emptied by a refuse collector.
- 7.5. Exemption. This section shall not apply to service dogs accompanying any person physically incapable of collecting said waste.
- 7.6. Enforcement and fines. Violations of this section will result in a fine of \$50.00 for the first offense, and \$50.00 for the second and subsequent offenses within twelve months of a previous offense. This section may be enforced pursuant to the noncriminal disposition procedure of MGL Chapter 40, § 21 D and the Town Bylaws Section XXVIII, Enforcement of Town Bylaws. In addition to police officers, the Animal Control Officer shall also be an enforcing person for this section.

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## Policies of the West Newbury Select Board - PROPOSED DRAFT NEW POLICY

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**Policy # TBA: Livery operation letter**

This policy is in regards to obtaining a letter from the Town of West Newbury in order to operate commercial ground transportation service to and from Massachusetts Port Authority properties (i.e. airports and other public terminals) as required by the Authority's application. The Select Board grants the Town Clerk the authority to set forth a process for a resident to obtain a letter from the Town of West Newbury in order to operate commercial ground transportation service to and from Massachusetts Port Authority properties.

*Proposed: 2/8/2024*



**Town of West Newbury**  
**Select Board Meeting**  
 Monday, November 20, 2023 @ 7:00pm  
 381 Main Street, Town Office Building  
[www.wnewbury.org](http://www.wnewbury.org)  
**Meeting Minutes**

**Open Session:** Chairwoman Reed opened the session at 7:02pm.

**Participation at the Meeting:**

- Rick Parker, Wendy Reed, Chris Wile- Select Board
- Angus Jennings- Town Manager
- Jim Blatchford- Town Clerk
- Christian Kuhn- Chief Assessor
- Arthur “Chip” Wallace- Energy and Sustainability Committee representative
- Rob Phillips- Finance Committee representative
- Jack Duggan, Robert Janes, Mark Marlowe- Water Commissioners/Department
- Chip O’Connor- WRVTHS School Committee representative
- Douglas Mead- Park and Rec. Commissioner
- John Butler- National Grid representative
- Ursula Smith- Cultural Council applicant
- Tony Roselli- CPA
- Tom Banks- B2Q representative

**Announcements:**

- **This meeting is being broadcast on local cable TV and recorded for rebroadcast on the local cable channels and on the internet. Meeting also accessible by remote participation; instructions below.**
- **Justice Assistance Grant awarded to the West Newbury Police Department**
- **Annual Holiday Tree Lighting Thursday, November 30<sup>th</sup> at 6:30pm on the Training Field**
- **SAGE Center will be hosting the Page School Musical Performance and Luncheon December 7<sup>th</sup> at 11:30 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.wnewbmy.org/subscribe](http://www.wnewbmy.org/subscribe)**

**Regular Business:**

- A. Application for appointment to Cultural Council: Ursula Smith**  
 See Exhibit A, p. 8. Parker motioned to appoint Smith to the Cultural Council. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).
- B. Application for appointment to Tree Committee and review of Committee charge: Cynthia Coburn**  
 See Exhibit B, p. 9. Jennings stated that the Committee was seeking an Associate Member, which was not allowed under the Committee’s Charter. He suggested expanding the size to seven members since there was enough interest in the community, and Reed agreed. The Item was tabled for a future meeting.
- C. Request for utility pole petition approval, 119 Middle Street: John Butler, National Grid**  
 See Exhibit C, p. 10-18. Parker motioned to open the public hearing on the Middle Street pole petition. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). No public comment was made. John Butler rose on behalf of the petitioners to explain the reasoning behind the petition (to provide service to a new property under construction). Butler explained that “JO” poles meant “Jointly-Owned”- between National Grid and another entity. Wile asked why the pole was on the side of the street it was. Butler explained that it was a move designed to keep costs low, and would minimize pruning. Wile followed up by asking if it made sense to install the lines underground, and Butler replied that subdivisions would be receiving underground lines, but it would not occur when considering freestanding homes. Wile confirmed that there would be no impact to the West Newbury roadway. Parker motioned to approve the installation of the utility poles. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Parker motioned to close the open hearing. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).
- D. FY24 Tax Classification Hearing: Christian Kuhn, Chief Assessor**  
 See Exhibit D, p. 19-32. The Chief Assessor provided a snapshot of his work in preparation for setting the FY24 Tax Rates as well as statistics related to the local housing market and home values in West Newbury, property classes, and other metrics. Kuhn pointed out that the excess levy capacity in West Newbury is \$274,731, which is on the smaller side. He assured the Board that things would improve with increasing construction in Town in the coming year. Kuhn said that they have typically utilized a single tax rate, with most of the burden placed on home and property owners. He pointed out some exemptions other communities are utilizing for West Newbury to potentially consider in the future, namely the Open Space Discount, the Small Commercial Exemption, and the Residential Exemption. Wile asked if neighborhood codes were still in use, and Kuhn said they were but care was being taken to prevent unequal assessments based on the code. After listening to the presentation, Parker motioned to accept the single rate of \$10.82. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Wile motioned not to accept the Open Space Discount, the Small Commercial Exemption, or the Residential Exception. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).

Select Board Open Session Meeting November 20, 2023.

Minutes approved December 18, 2023.

Posted Agenda on November 16, 2023 at the Town’s Offices and the Town’s Official Website [www.wnewbury.org](http://www.wnewbury.org)

- E. Select Board review of Committees' charge/function: Energy and Sustainability Committee**  
**See Exhibit E, p. 33-35. Item Q was discussed during this time as Wallace and Parker were both able to speak to the contents of this item.** Firstly, Reed checked to see if her colleagues had any questions on the materials the Committee submitted. Wile brought up the Committee's desire to promote composting and urged them to educate the curious public on it. Reed brought up rain barrels, and asked Wallace if the Committee would be promoting their usage in Town. Wallace said they were not actively promoting them, adding that the Mission Statement (which included text on rain barrels) was simply amended by the present Committee from the preexisting text. He said the Committee welcomed feedback if there was community interest in any one thing. Blatchford said the rain barrels had previously been available for purchase through West Newbury Wild and Native in Summer 2023. The Committee suggested lowering permitting fees for solar and geothermal construction to aid in affordability for residents. Reed asked if the Board had any control over that process, and the Town Manager said that fee structure was always subject to Board review. Parker suggested a comprehensive review to promote ecofriendly activities. Prior to turning to Item Q, Jennings mentioned the annual reporting for the Green Communities Act should be transferred to staff (versus volunteers). This prompted discussion about the reporting. On **Item Q** Parker and Wallace had diverging opinions. Wallace felt the price was fine as it was (or could be increased). He felt that people were not closely examining the cost per kilowatt hour of charging their vehicles on Town property. Parker said he felt the opposite. Parker listed off myriad local charge rates and opined West Newbury was higher than surrounding sources in public garages, dealerships, and other locations. Incentivizing use of the chargepoints was a priority for Parker. Wile felt that discounting the rate would not draw in further users, as did Reed. Parker said that research into rates in other communities at the time of installation determined the 35-cent rate, and it was not intended to be a money-making operation. Funds from usage were intended to cover costs of maintaining the units. **No motion was made at this time.**
- F. Presentation of the FY23 Audit - Tony Roselli, Roselli, Clark & Associates CPAs**  
**See Exhibit F, p. 36-118.** Roselli informed the Board of the positive state of the Town's finances, and lauded the Town Treasurer, Accountant, and Manager's work and standards. The Audit was finished in record time. Roselli pointed out that unassigned fund balances were leveling off, meeting Town goals, and further, that the community has a levy capacity of \$1.9m and robust stabilization balances. The Select Board raised questions about how quickly the bond rating for West Newbury would change with major expenses related to capital projects (for example, Page School, water infrastructure), and Roselli suggested that the overall rating would be determined to a large degree by examination of the reserves West Newbury has. Roselli later highlighted three future challenges to West Newbury's finances in the form of increasing interest rates, wage inflation, and worker shortages. Jennings spoke to the need of the Water Department being covered for pension liability through their own, or through Town's funds. **No motion was made at this time.**
- G. FY23 OPEB Actuarial Report**  
**See Exhibit G, p. 119-171.** Jennings purposefully placed the Report in this meeting for the Select Board's consideration so that it could be in "conversation" with the Auditor's Report. **No motion was made at this time.**
- H. Request for approval of supplemental funding for Page School HVAC replacement: Tom Banks, B2Q**  
**See Exhibit H, p. 172-183.** The Town is planning to use \$115,000 in ARPA funds to replace said components because previous heating and cooling units had failed. B2Q had been tasked to design the system in order to solicit estimated costs for the project, and Banks had been invited to answer questions about the higher-than-expected expenses. Banks offered an explanation of the process to-date, with a target start date of February school vacation with weekend dates to close out the work if needed. Banks hypothesized that the increased expenses was due to the taking off and putting back on of the drop ceiling in the administration area. Jennings asked for more details on determining who would be the best to perform the work. Banks told the Board he solicited recommendations for contractors through their local Mitsubishi representative. Two of four contractors solicited responded to B2Q and were within 10% of one another on proposed cost. Charts showing the proposed modifications to the Page HVAC were then shared. Wile asked if there were any particular drivers for the costs, suggesting the foreshortened timeframe could have posed a problem, but it was largely the materials/workspace that led to the figure, according to Banks. After discussing the project further, it was decided to allocate additional funds to the HVAC replacement. **Wile motioned to authorize the use of \$81,063 from the Pentucket construction project and an additional \$10,000 in ARPA funds on the HVAC. The motion was properly seconded.** Before the final vote, Jennings told the room if the lower bid proved ideal, that B2Q could accept it and hire that contractor. Banks said that the lower bidder had already done a site walk, so to the Board, too, it seemed logical to hire that party. The conversation prompted Wile to amend his motion.<sup>1</sup> **Wile motioned to use the leftover Pentucket residual funds based on the new information, using the low bidder and accounting for the \$28,000 incentive. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

**Item J was taken out of order at this time.**

- I. ARPA funds: authorized uses to date, pending applications, anticipated/potential future uses**  
**See Exhibit I, p. 184.** Jennings provided the Board with information on ongoing ARPA-funded projects across the Town. Parker reiterated his desire to preserve ARPA funds to put the Middle Street Bridge back into service, but also said that he would like to use ARPA funds to install/run an additional solar array. **No motion was made at this time.**
- J. Review of proposed scope/contract for study of sites with potential as public water source**  
**See Exhibit J, p. 185-196.** Reed opened by explaining scope/contract had been pared down from what had been approved at Town Meeting. Reed asked the Water Department if under the study they would be interested in exploring bedrock, as had been proposed by the contractor. Duggan informed the Board that much of what was included in the study scope had already done in past by West Newbury. Duggan told the Board about the Department's efforts

<sup>1</sup> Board's note: No ARPA funds were required to do the HVAC project. Per Page 5 of the B2Q proposal dated 11/18/23 the net project cost after credits, which includes the higher of the two bids at \$179,920, is \$193,450. The Town will be using the lower bidder who has done a site-walk so no cost for unforeseen events required. The lower bid was \$164,000. Thus, from the total cost for the project (\$193,450) the Town can subtract cost savings between the bids (\$15,920) and previous funding allotted for the work (\$115,000), leaving the Town with a balance (\$62,530). The unused Pentucket residual funds of \$81,063 cover the unfunded balance.  
*Select Board Open Session Meeting November 20, 2023. Minutes approved December 18, 2023.*

*Posted Agenda on November 16, 2023 at the Town's Offices and the Town's Official Website www.wnewbury.org*

searching for water in the soil/bedrock over the decades. The search process has been shaped by the availability of land for drilling, pollution levels, and the locations of high-pressure water mains. He suggested looking back at previously considered properties in West Newbury for potential wells and that the contractors approach the overall task in phases. Reed raised concern again about the cost, and Wile suggested that time and materials cost not exceed \$40,000 in the final version. The idea of cutting out the expenses for meetings with the contractors was also bandied about. The Board planned to submit a revised contract to Weston and Sampson before settling on a final version at a future date. **No motion was made at this time.**

**K. Request for authorization to pursue Massachusetts Automated External Defibrillator Equipment Program Grant - Chief Dwyer**

**See Exhibit K, p. 197. Wile motioned to allow the Chief to pursue the Grant. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

**L. Consideration of draft letter and potential town-wide mailing re proposed Whittier Tech MSBA project**

**See Exhibit L, p. 198-206.** Reed said the Board planned to identify the points they wanted to make at this evening's meeting, and she would draft the final letter. Reed suggested that instead of simply pointing everything wrong with the project/proposal, they should suggest what they would like to see. Wile and Reed wanted to see the project scaled back in a future iteration. Parker pointed out that the payment amounts would ramp up slowly, giving the Town some time to find the funding in future budgets, though Reed said that it was still impacting communities because it had not been taken into account in five-year plans. They discussed the content on some of the letters received, including the content of the letter from Mayor Gove of Amesbury, who suggested asking the state if there were additional funding sources available for the Whittier building project, but the Board felt that even with their letter added to the pile, it may have no impact on the trajectory. Parker thought it would be useful to have a meeting specifically with municipal leaders and the School District with pre-submitted questions to control the conversation. Discussion continued on election timing, if any delay was to be enacted and solicited remarks from Chip O'Connor, the School District rep. for Whittier from West Newbury. It was decided that the Chair would draft a letter addressing the Board's thoughts and concerns for circulation to the Whittier Superintendent Maureen Lynch and other member communities. **No motion was made at this time.**

**Item S was taken out of order at this time.**

**M. Designation of Select Board member to PRSD Regional Agreement working group**

**Parker motioned to appoint Wile as a member of the working group. The motion was properly seconded. The motion passed. (2 Yes, 0 No, Wile Abstaining).**

**N. Notification of recent and anticipated requests for authorization of hunting on town-owned land**

**See Exhibit N, p. 207-222.** A specific request had been made of the Town to be allowed to hunt on land near the Page School. Jennings put it on the Agenda to establish a firmer policy with the Board. Wile said that he suspected the majority of residents would oppose expanding hunting grounds. Hunters already operate across the community legally and illegally, making things dangerous for residents using recreation spaces. **Parker motioned to deny the request. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

**O. Update on preparation of updated Capital Improvements Program**

Jennings said that he was still hammering out the CIP, with further discussion to be held at the December 4<sup>th</sup> Select Board Meeting. **No motion was made at this time.**

**P. Update on Middle Street Bridge: recent grant awards; status of project funding**

**See Exhibit P, p. 223-234.** Jennings said he wanted to be very specific with the City of Newburyport to encourage their assistance in funding the project, with an MOU, to push the issue. He did say West Newbury had had good talks with the City Council previously, with a goal of getting monies in the City budget to get someone under contract by June 1, 2024. **No motion was made at this time.**

**Q. Discussion concerning the electricity rate/charge for EV charging stations 1910 Building & Page School**

**See Exhibit Q, p. 227-234. See Item E.**

**R. Discussion of potential new Select Board policy re posting on town boards (cont'd from 10/16/23)**

**See Exhibit R, p. 235.** Reed presented this policy to the Library Board of Trustees who agreed to use it to guide their postings. The Trustees asked them to strike the last sentence from the policy as it appeared to be making a value judgement. Wile suggested having an appeals process through the Select Board if there were objections to decisions made, but Jennings felt that it wasn't necessary. **Parker motioned to accept the policy as presented. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

**S. Discussion of pickleball**

Reed briefed the room on the history of pickleball courts in West Newbury to date. At present, usage of the municipal basketball courts for pickleball has caused concern from an abutter. As the courts are under Park and Rec. jurisdiction, Reed felt the Board could only advise on the situation. Wile said that two days (Tuesdays and Friday from 9 to 11 am) had been allotted for the pickleball, and said the noise was not dramatic to him when he attended a game. Mead, speaking as a resident and not the Park and Rec. chair, pointed out that the courts were a temporary solution, and worried that if an appropriate solution to the placement of courts was not found the basketball courts would become a permanent home for the sport. He voiced concern about increased usage if it was permanent. Wile felt that the popularity of the sport would continue, and that a permanent solution would need to be found. Jennings opined that a study of a future site was in the best interest of the Town, with oversight from a relevant and appropriate BCC. The

Board discussed who would be asked to provide input to the process. How to enforce usage of the space was discussed. It was determined that Park & Rec. was responsible for enforcing rules on their property. **No motion was made at this time.**

- T. Select Board liaison updates regarding recent or near-term Board/ Commission/ Committee activities**  
See Exhibit T, p. 236. Parker talked with Energy and Sustainability Committee about solar array installations and options related thereto. **No motion was made at this time.**
- U. Meeting minutes: October 30, 2023**  
See Exhibit U, p. 237. Wile motioned to approve the Minutes as amended. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).

#### **Town Manager Updates**

- V. Updates from recent Town Projects Fair & Forum events held on November 9<sup>th</sup> and November 15<sup>th</sup>**  
Jennings rated the event a tremendous success, and wanted to replicate it in the future. Wile suggested utilizing the posters around the Town Offices and creating postcards with the contents. **No motion was made at this time.**
- W. Update on draft Water Distribution Study**  
See Exhibit W, p. 238. Jennings reached out to Bob Janes and Mark Marlowe to meet about the study and identify areas of further improvement and exploration. **No motion was made at this time.**
- X. Update regarding anticipated timeline and financing for Church & Prospect water main replacements**  
See Exhibit X, p. 239-243. **No motion was made at this time.**
- Y. Upcoming webinar re Congressionally funded projects**  
See Exhibit Y, p. 244. Jennings and Parker discussed attending the in-person meeting at the Topsfield Fairgrounds (not a webinar as Agenda had specified). Jennings thought the meeting was focused on shovel-ready projects that could use federal dollars. **No motion was made at this time.**
- Z. Management training starting Tuesday, November 21<sup>st</sup> with some Department Heads/staff**  
See Exhibit Z, p. 245. **No motion was made at this time.**
- AA. Follow up meeting assignment; placing items for future agendas**  
Parker wanted to talk about finding ways to engage with the public more effectively, suggesting a ten minute brainstorm at some point on the topic.

**Wile motioned to adjourn the Session. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). The Session adjourned at 11:18pm.**

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

<https://www.youtube.com/watch?v=o3aWWTZrIEQ>





**Town of West Newbury  
Select Board Meeting  
January 29, 2024 @ 7:00pm  
381 Main Street, Town Office Building  
www.wnewbury.org  
Meeting Minutes**

**Open Session:** Chairwoman Reed opened the session at 7:00pm.

**Participation at the Meeting:**

- Rick Parker, Wendy Reed, Chris Wile- Select Board
- Angus Jennings- Town Manager
- Jim Blatchford- Town Clerk
- Rob Phillips- Finance Committee representative
- Doug Mead, Wendy Willis- Park and Rec Commissioners
- Elisa Grammer- Historical Commission representative
- Paul Niman- Park and Rec applicant
- Casey Fallon- Park and Rec applicant

**Announcements:**

- This meeting is being broadcast on local cable TV and recorded for rebroadcast on the local cable channels and on the internet. Meeting also accessible by remote participation; instructions below.
- Nomination papers available for local office- contact the Town Clerk's Office!
- 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. Public Comment. Limited to 2 minutes per resident on any topic. Please note that the Board will not discuss or take action at this meeting.  
No comment was made at this time.**

**B. Consent agenda - Request to approve the following:**

**a. Request to Designate Kayla Provencher as Animal Control Officer**

See Exhibit Ba, p. 3-4. Wile asked if there was any information to review with regard to Provencher's performance, but Jennings explained that the approval was more of a formality as requested annually by the state. The Intermunicipal Agreement with Newburyport, and the review that would accompany it, would not be up until 2025.

**b. Request for authorization to submit Department of Fire Services FY24 Senior SAFE grant application  
See Exhibit Bb, p. 5-7.** Wile wondered what the money was to be used for and who would be administering the grant. Reed asked Jennings if the Town Offices would be the administrator of the grant and affiliated paperwork, and he replied that the Finance Department would be able to capably handle the administrative work. Reed and Wile debated the merits of delaying authorization to find out more about the grant and its management. Jennings felt that the documentation submitted by Public Safety personnel was just as adequate as it had been in the past for Select Board sign off. Parker wondered if a standardized grant-approval request procedure should be implemented, though suggested it might create more bureaucracy. Jennings said that if there were any issues in a contract issued as part of a grant, the Town Manager's Office would make sure to address those before getting final sign-off.

**c. Select Board meeting minutes: January 8, 2024**

See Exhibit Bc, p. 8-10.

**Reed motioned to approve all items on the Consent Agenda. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

**C. Town Manager Updates**

**a. Pending submittal to MassWorks re Middle Street Bridge grant; financing update**

See Exhibit Ca, p. 11-30. Jennings said that the Town had to submit materials to the State by 1/31, which had been done. The activities in question made it possible to accept a million-dollar grant for the Bridge project awarded to West Newbury. Jennings had made a major push to crystallize a financing strategy, with overtures made to Newburyport to establish a new Intermunicipal Agreement with regard to the Bridge. Jennings also spoke on a communication received from the Commonwealth's Federal Infrastructure Office, set up to help municipalities navigate federal funding. Parker had dug into a bridge funding formula program to bring federal monies to the project.

**b. Telecom RFP; update; potential to seek funds for wiring updates/installation and replacements**

See Exhibit Cb, p. 31-36. The RFP had been issued and a site-walk conducted. Jennings provided a heads-up from Jake Soucy (IT management) recommended replacing phone and IT cables in Public Safety, Town Offices, and the GAR Library, though this expense would not be covered in what was allotted for the project. Jennings said conversations had been ongoing in the potential of bringing expert assistance to pinpoint how much cable would be needed, where it would be, etc. This information would be included in an addendum to the original RFP, with the deadline for proposals extended a month. Soucy suggested that at Town Offices all cables would be routed to the basement, with potential for cybersecurity grant money helping to defray costs.

**c. Page School Conditions Assessment, draft study**

Steady work was continuing on the Assessment.

**d. MMA Annual Conference update on information received**

Jennings said he received presentation materials from the Conference he would share with the Board.

- e. **Outgoing communication re Mullen property**  
See Exhibit Ce, p. 37-38. Reed emphasized that the Town was not undertaking any active discussions or activities on the Mullen property at this time. A citizen petition had come in asking for the land to be employed for a specific purpose.
- f. **Updated Highway Union CBA executed**  
Jennings wanted to make the public aware that the CBA was now in place after fall revisions and the West Newbury DPW restructuring.
- g. **Updates on other ongoing/active projects/initiatives**  
See Exhibit Cg, p. 39-40. The Town received a “clean bill of health” from a workplace safety audit recently conducted.

Item F was taken out of order at this time.

#### D. Department Updates/Discussion

- a. **Whittier Election Results, Town Clerk**  
See Exhibit Da, p. 41-42. Blatchford offered up statistics and a brief recap of the Whittier Tech election in January. He lauded the high turnout (1000+ voters versus 200-300 voters in a typical local election). Wile reminded the group of an upcoming Whittier-sponsored meeting as they plan their next steps after their failed attempt at the ballot box to get a new school building funded. Wile suggested that redoing the Regional Agreement should be a priority to allow for easier modification of it, and Reed suggested boosting enrollment should be considered too. Parker stated he would attend the meeting via Zoom, and Wile planned to attend in person.
- b. **Receipt of Citizen Petition article, Town Clerk**  
See Exhibit Db, p. 43-46. Blatchford said he received a Petition regarding the Mullen property. Another petition Blatchford said, which would lower the minimum voting age at local Town Meeting/elections with state approval, was expected to come across his desk in the coming days. He said that a Citizen Petition required 10 certified voter signatures to be considered at Annual Town Meeting.
- c. **Town Planner’s Report (Not on Agenda)**  
See Exhibit Dc, p. 47-48. Jennings said that maintenance issues at Drake’s landing had caused flooding and other problems, and the Planner and other Town agents had been involved in investigating the issue.

#### E. Board/Commission/Committee Updates/Discussion (and Select Board liaison updates):

- a. **Historical Commission presentation of completed Phase 3 Historic Property Survey**  
See Exhibit Ea, p. 49-58. Elisa Grammer recapped the Survey results and subsequent report which was published in three phases over the last four years. The Survey encompasses cemeteries, homes, outbuildings, and a bridge. She relayed that as the project has gone along properties listed in the Survey have already been modified or destroyed. The Survey offers recommendation to the property owners to pursue historical designation should they so choose. The document recommends three potential (and one existing) historic districts (Manufacturer’s Row, Training Field, Maple Street, and Way to the River). Jennings asked the Commission if they had spoken with the Historic District Commission with regard to restoring the Training Field’s foliage to more manageable and “authentic” dimensions- a concern of both Commissions and the West Newbury Garden Club. Discussions had been ongoing about how best to pursue the trimming/removal of the plants (Town labor, volunteers, plans for the removed bushes, etc.)

Item Fb was taken out of order at this time.

- b. **Finalized Water Distribution System Study received January 22, 2024**  
See Exhibit Eb, p. 59-115. Reed asked Jennings if the changes he wanted had been included, and it was deemed they had. The next step would be for the Board of Water Commissioners to approve it prior to public circulation. The Finance Committee and Select Board also viewed the final report. Jennings recapped some of the provisions that had been set out clearly at the start of the process, but had not been taken into account by Tata and Howard. Namely, Jennings found that the report did not include analysis of capital needs, one of the main things that the Town would like to know.
- c. **CPA funding and eligibility applications submitted to CPC as of January 26, 2024**  
See Exhibit Ec, p. 116-126. Two of the applications received were sponsored by the Select Board: a feasibility study for a pickleball court, and Saw Mill Brook trail design and planning. The Historical Commission submitted another application- this one for historic cemetery cleanup. Jennings stated that with regard to the pickleball study, eventually stakeholders would need to be brought in to help determine the final location.
- d. **PSRD Regional Agreement (Not on Agenda)**  
See Exhibit Ed, p. 129-131. Jennings mentioned that Wile would be attending a PRSD RA meeting, but said that he did not want to get too deep into conversation on it since it was not formally on the Agenda.

#### F. Action Items

- a. **Joint meeting with Parks & Recreation Commission to consider applications for appointment to fill vacant Commissioner position until the next Town election (applicants Casey Fallon and Paul Niman)**  
See Exhibit Fa, p. 132-134. The Commission obtained a quorum and their meeting was declared open. The chosen applicant, explained Reed, would serve the balance of the outgoing Commissioner’s term before being eligible to run for the seat during the local election in May if they so chose. Opening the proceedings, Wendy Willis thanked Fallon for throwing his hat in the ring and asked what caused him to apply. He spoke to his interest in helping “West Newbury recreation”. Parker asked if Fallon intended to run for the open position in May, and he said he would. Then, Willis noted Niman’s advocacy for pickleball, and wondered what he could bring to the table. He spoke to his experience with youth sports

and adult activities, and his work with CoA. He also touched on his robust experience in local and state government fields, and in grant writing. Niman stated he wanted more activities to benefit a broader cross-section of people. Reed asked the Park and Recreation Commission to make the Motion on the appointment. **Mead motioned to appoint Fallon to the vacancy. Under the appointment rules, the Select Board joined with the Commission in voting as a body. The motion was properly seconded. The motion passed (4 Yes, Wile No, 0 Abstain).** After the vote, Parker spoke to Niman encouraging him to apply for other positions, and requested permission to call him to discuss this.

Item D was taken up at this time.

- b. Request for approval of proposed 2024 Summer Recreation program budget and staffing structure**  
**See Exhibit Fb, p. 135-138.** The Board looked over the final version of the documents and asked questions. Wile queried first, clarifying the tuition for the program was \$160/wk. for 6 weeks. Jennings said that a pre-registration period for West Newbury residents only was being thought about for the future. No Assistant Director had yet to be hired, but the salary range the Board was to vote on this evening would be covered either way. **Wile motioned to approve the staffing and the budget. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

Item Eb was taken up at this time.

- c. Request for authorization to submit Ash Street Road Management Plan to NHESP**  
**See Exhibit Fc, p. 139-145.** Jennings brought up the map of byway in question including markups of signage and the Board looked it over. Reed stated that Conservation Agent Greene wanted generic warnings of animal crossings to be put in place to caution motorists. **Reed motioned to authorize submittal of the Plan with amendments by Greene. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**
- d. Request to withdraw Notice of intent re Whetstone Trail**  
**See Exhibit Fd, p. 146. Wile motioned to withdraw the Notice of Intent without prejudice. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**
- e. Request to consider forming an Advisory Council re Right to Farm Bylaw**  
**See Exhibit Fe, p. 147-152.** The Select Board received a draft charter, and Reed suggested that the Board vote to appoint the residents who created the charter to be a steering committee (which would then work to get the Bylaw before Town Meeting voters). Reed said that an Agriculture Committee would build community between residents and agriculturalists, which lead to discussion on the value of forming an informal committee to promote pro-agriculture activities (i.e. supporting relevant legislation, establishing a farmer's market, etc.) An informal Committee would avoid some of the bureaucratic requirements of a formal one. Reed stated that the Committee members would be appointed by the Select Board. Jennings suggested that any persons on the Committee should be made aware of resources and present legislation/regulations/ongoing initiatives in West Newbury.
- f. Request for endorsement of the (Small Town Administrators of MA) STAM legislative priorities**  
**See Exhibit Ff, p. 153.** Jennings provided background on STAM and a document containing legislative priorities from the caucus which Jennings could support with the Select Board's approval. Jennings touched on each of the bullet points and provided background as he was able, explaining their direct relevance to West Newbury if there was (such as advocating for changing the Commonwealth's school funding formulas). The Board and Manager also looked into the Office of Rural Affairs recently created by the Governor since support for this Office was included among the priorities. **Wile motioned to authorize Jennings to sign the legislative priorities letter. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**
- g. Authorization to sign ECCF letter of support re NOAA grant**  
**See Exhibit Fg, p. 154-157.** The Essex County Community Foundation requested support in receiving an NOAA grant which would focus on climate change resiliency planning, but the Board felt they were not prepared enough to make a formal sign-off, but did fully support the mission of the grant.

## G. General Discussion Items

- a. Potential participation in Commercial Building Pilot program**  
**See Exhibit Ga, p. 158-168.** Parker explained that the program would develop a set of standardized methodologies in bringing buildings to carbon-neutral status through selection of 15 buildings across Massachusetts. Parker felt West Newbury would be a good candidate in his mind for this pilot program as the community attempts to go carbon free, with the community selecting municipally-owned structures to transition to carbon neutrality over a certain timeframe with assistance from an appropriate contractor or entity. Reed wondered if any applicants had been accepted yet, but Parker said he was not sure. Reed wanted to determine if it was worth the amount of work involved given the small number of Towns and Cities to be accepted to the pilot program. Parker responded by saying that the Energy and Sustainability Committee would be able to get most of the work done without Town administrative help. Reed asked if the Town was selected, who would develop a carbon neutrality plan and carry out the transition during Phase 2 of the program. Parker said a chosen contractor by the Energy and Sustainability Committee would do that work. The Board discussed the idea at length. Jennings felt that the buildings being targeted by program were not around in West Newbury (strip malls, multifamily buildings, etc.) Parker opted to return to the matter on February 6<sup>th</sup>'s Board meeting after seeing how many communities had been selected to date.
- b. Designate representative and schedule Town Manager and Town Accountant personnel evaluations**  
**See Exhibit Gb, p. 169-176.** Reed confirmed with Jennings if he would like to use the updated evaluation forms recently created. He suggested a pre-Town Meeting evaluation date for himself and Jenny Walsh, the Accountant. March was determined to be a good option.

## H. Correspondence, including:

Select Board Open Session Meeting January 29, 2024.

Minutes approved XXXX

Posted Agenda on January 26, 2024 at the Town's Offices and the Town's Official Website [www.wnewbury.org](http://www.wnewbury.org)

- a. **Deed acceptance for Sawmill Brook property**  
See Exhibit Ha, p. 177-181.
- b. **Attorney General approval received for zoning bylaw amendments**  
See Exhibit Hb, p. 182-186. Blatchford alerted the Board that the State had approved two amendments adopted by Special Town Meeting in Fall '23, and that he had provided updates to impacted Town departments.
- c. **MIA 0% rate change (property/casualty/workers comp insurance) FY25**  
See Exhibit Hc, p. 187. The Town was rewarded for low usage of property/casualty/worker's comp. payouts by seeing no rate change for Fiscal Year 2025.

**I. Future Agenda Items / Meeting follow-up assignments**

There were no future Items. The group confirmed the upcoming Board (and Finance Committee) meeting dates. These are Feb 15<sup>th</sup>, Feb 20<sup>th</sup>, Feb. 26<sup>th</sup>, March 13<sup>th</sup>, March 20<sup>th</sup>, and March 27<sup>th</sup>.

**Reed motioned to adjourn the Session. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). The Session adjourned at 9:34pm.**

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

<https://www.youtube.com/watch?v=bfnbM-pfwlg>

DRAFT

## Project Meeting Agenda

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

Date: January 31<sup>st</sup>, 2024

Time: 11:00 AM

GEI Project Number: 2303934

#### Invited Participants:

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

#### AGENDA

- **Welcome**
- **Culverts Update**
  - Draft memo
  - Model update
  - Next steps
- **Existing Conditions of Shoreline Update**
  - Draft memo
  - Next Steps
- **Vulnerability Analysis Update**
- **Community Events**
  - Community Science Update
  - Planning Forward Workshop
- **Next Project Meeting**
  - *TBD – Last Tuesday of every month?*
- **Adjourn**

*Note: This meeting may be recorded and/or transcribed*

## Town Manager

---

**From:** Angus Jennings  
**Sent:** Thursday, February 8, 2024 6:03 PM  
**To:** Wendy Reed; Rick Parker; Chris Wile  
**Cc:** Town Clerk; Executive Assistant  
**Subject:** River Road draft studies (Resiliency Study / MVP Action Grant)  
**Attachments:** MEMO\_3D Drone Model Links\_2024-01-31.pdf

Board: One of the items you'll see on the Feb 12 posted agenda is:

- a. Acknowledge receipt of draft consultant reports regarding River Road Resiliency Study; review of process/timeline for further consideration and timely provision of comments on draft reports

The consultants' draft reports were received late last week and have been undergoing initial review by key staff, MVP grant working group members, and have more recently been circulated to the full Climate Change Resiliency Committee.

In order to maintain the project schedule dictated by the MVP Action Grant (which, as you'll recall, was compressed to a 10-month process rather than the 2-year process the Town had proposed), the consultants have asked to receive the Town's comments – ideally, consolidated into a single set – prior to the next (monthly) grant working group team meeting to be held on Feb 28<sup>th</sup>. This topic, incl. the draft reports, will be discussed at next Wednesday's [5:30pm meeting of the CCRC](#).

Due to the file size of the two primary reports (one is 32MB and the other 56MB), they are too large for email, so the consultant posted them to their site as follows:

DRAFT Shoreline Evaluation Memo 2024-01-31  
[WestNewbury - OneDrive \(sharepoint.com\)](#)

DRAFT River Road Vulnerability Assessment - Culvert Survey Memo\_2024-01-30  
[WestNewbury - OneDrive \(sharepoint.com\)](#)

There is a third document, as well, which is the footage from the aerial drone survey of the shoreline. Info to access this is below, and included in the attached memo:

The website for viewing the drone footage in 2D and 3D mode is here:  
<http://tinyurl.com/WestNewburyDrone>

Due to the volume of information now available, it is not assumed that the Select Board will have comments coming out of the upcoming Feb 12 meeting, but the goal of Monday's meeting (on this topic) will be to set out a schedule/division of labor to ensure that the Board (as a Board, or its members) can timely provide comments on these draft work products. I have talked this over with involved staff, and with Wendy, and anticipate that – once finalized – the consultants' reports will be agenda'd for public presentation later this winter/spring.

Thanks,  
Angus

Angus Jennings, Town Manager  
Town of West Newbury

## Technical Memo

**To:** Ms. Christine Wallace, P.E. DPW Program and Project Manager  
Town of West Newbury

**From:** Steve Hennessy, UAS Pilot, John Gareau, UAS Pilot, Leila Pike, P.E. (ME),  
GEI Consultants, Inc.

**c:** Mr. Angus Jennings, Town Manager  
Town of West Newbury

**Date:** January 31, 2024

**Re:** Instructions for Viewing/Navigating Drone Data using DroneDeploy 3D  
River Road: Evaluating Vulnerabilities and Options to Promote Resiliency  
West Newbury, Massachusetts  
GEI Project No. 2303934

---

GEI Consultants, Inc. presents this Technical Memo to provide instruction on how to view the drone footage using the Drone Deploy 3D platform (DroneDeploy, 2024). This memo is meant to accompany a link to view the drone footage through the online Drone Deploy 3D platform. GEI performed a drone flight of the shoreline along River Road (Fig. 1 attached) on December 6, 2023 based on our proposal dated September 9, 2023. This project was funded with a Municipal Vulnerability Preparedness (MVP) Action Grant awarded to the Town in 2023.

### **Access to 3D Models (Drone Deploy)**

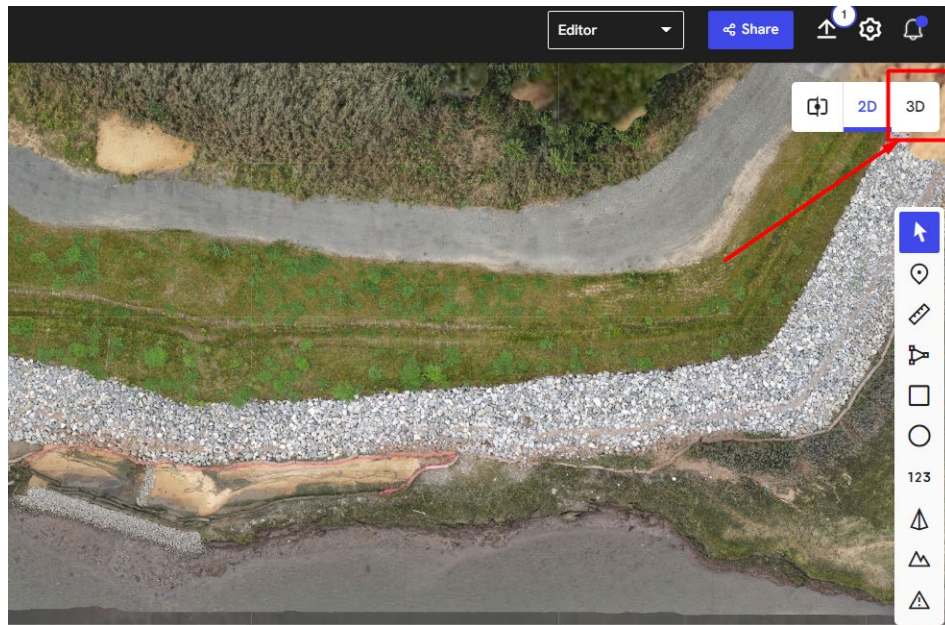
Access to the 3D Models in the online Drone Deploy platform will be provided by a link shared via email. It is likely that the viewer will be required to make a free account for viewing the data.

### ***Drone Deploy 3D Model Navigation***

Instruction for how to navigate through the 3D Drone Deploy model is provided below. Please note that the website will require sufficient time to load the data in order for the viewer to see the data in full resolution.

Navigation Instructions:

- In order to view the data in 3D, select the cube icon in the top right of the screen (Fig. 2).



**Fig. 2: 3D Icon Location**

- To rotate: Hold left mouse button down and drag the screen.
- To zoom: Use scroll wheel to zoom in and out.
- To pan: Hold right mouse button down and drag to pan. Sometimes this causes the online application to move slowly. If this happens, click “reset view” icon at the top right of screen (Fig. 3). Viewers should use button to get back to start if they lose track of where they are.



**Fig. 3: Reset View Locations**



- To view the high-resolution aerial for a particular location, use the 2D icon at the top right which will bring the viewer back to 2D mode (Fig. 4). The same mouse navigation tools apply to the map (2D) as the 3D model.



**Fig. 4: 2D Icon Location**

## Limitations

This Technical Memo summarizes access and instructions for using the Drone Deploy 3D platform as of the date of this memo. We provide these instructions to accompany a link to the drone data collected as part of our field efforts under our contract with the Town of West Newbury. These instructions may not be applicable to other data accessed using the Drone Deploy 3D platform web application.

Reuse of this memo for any purposes, in part or in whole, is at the sole risk of the user.

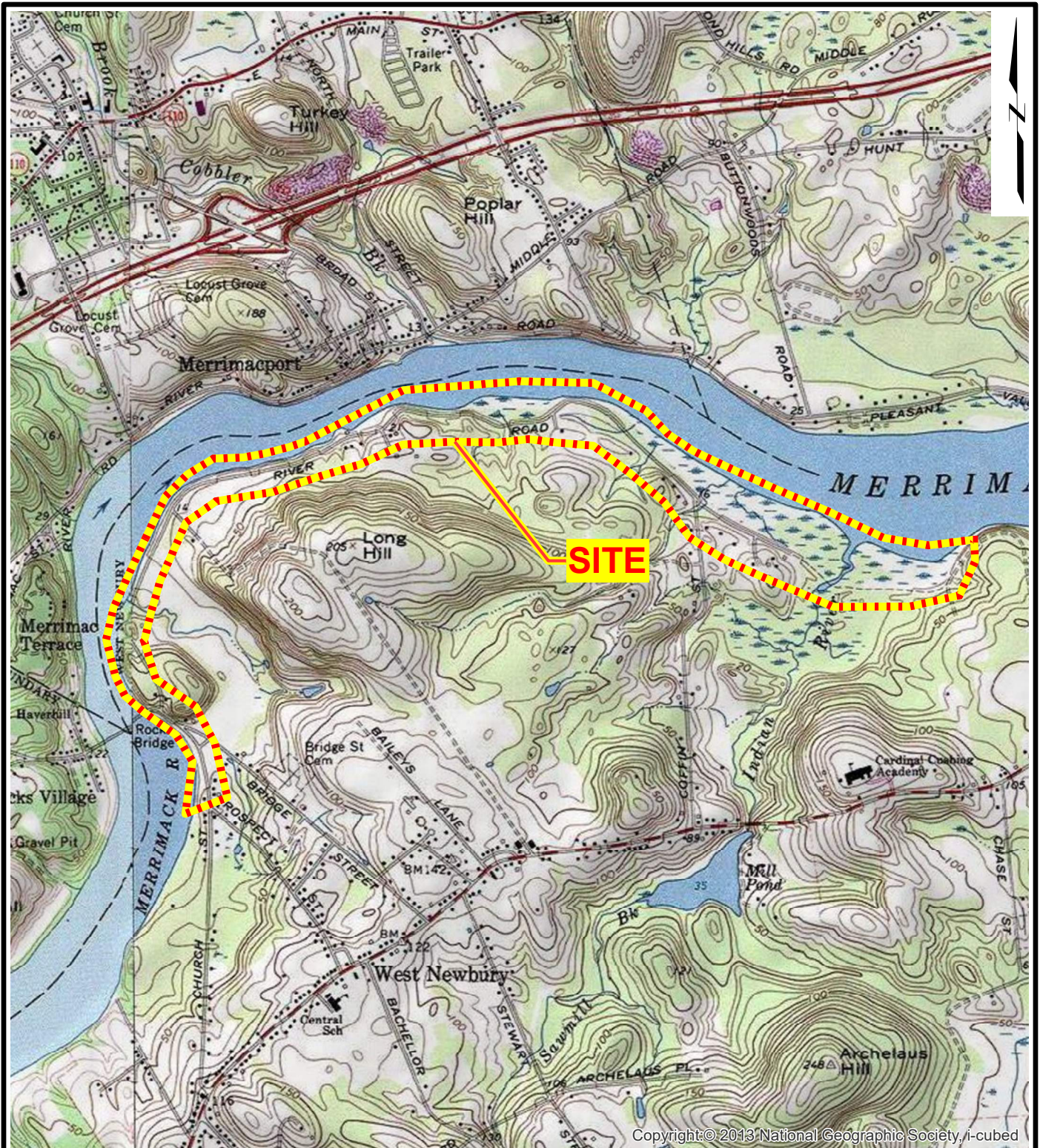
## References

DroneDeploy (2024). *DroneDeploy Map* [Web Application] <https://dronedeploy.com>.

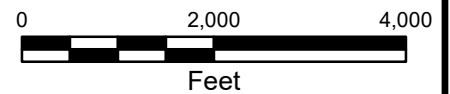
**Attachment:** Fig. 1 – Site Location Map

[LAP:bdp]

\\geiconsultants.com\data\Data\_Storage\Working\WEST NEWBURY, TOWN OF\2303934 River Rd Vulnerability Assessment\Working\Task 3.2 Drone Viewing Memo\MEMO\_3D Drone Model Links\_2024-01-31.docx



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River Road: Evaluating Vulnerabilities and Options to Promote Resiliency



SITE LOCATION MAP

Town of West Newbury  
West Newbury, Massachusetts

Project 2303934

January 2024

Fig. 1

EDITOR'S PICK

## Whittier leader, local officials look at next steps

By Jim Sullivan | jsullivan@newburyportnews.com  
Feb 7, 2024



Area officials traveled to Haverhill to learn more about what Whittier Tech officials, including Superintendent Maureen Lynch, center, will do next.  
Whittier Tech/  
Courtesy photo

[f](#) [in](#) [p](#) [@](#)



**HAVERTHILL** — Municipal leaders from across the region met with Whittier Regional Vocational Technical High School officials on Tuesday to discuss how to move forward with addressing the building’s many problems.

The meeting comes two weeks after voters trounced plans to build a new \$444.6 million Whittier Regional Vocational Technical High School during a districtwide special election that saw only 27% of residents in the 11 communities that send students there vote in favor. A week later, the Whittier School Building Committee disbanded.

On Tuesday, Whittier Superintendent Maureen Lynch held a meeting with district municipal officials, including Newburyport Mayor Sean Reardon, Amesbury Mayor Cassandra Gove, Haverhill Mayor Melinda Barrett, Salisbury Town Manager Neil Harrington and West Newbury Town Administrator Angus Jennings, among others.

The meeting went over how best to move forward with a building plan that meets the needs of students and their communities.

Gove said in a text message the municipal leaders engaged in “a meaningful and respectful conversation” about the ballot question and next steps.

“The superintendent asked for our honest feedback about why the ballot question failed and there was general consensus on a number of items,” she said. “She also touched on her plans to move forward by addressing short-term issues that impact the building and its operations on a day-to-day basis.”

Reardon, who called the meeting helpful, said everyone had a chance to speak.

“They got a lot of good feedback today and constructive criticism about their handling of the vote, the plan, the rollout, the lack of transparency and communication,” he said. “So, they got a lot of good feedback and now it’s about how we work together to move forward.”

Jennings said he was glad to see the Whittier administration reaching out to its sending communities.

“I thought it was a constructive and frank discussion,” he said. “They asked for the community’s insights into the results of the recent vote and I think, for the most part, everybody was very respectful.”

Lynch, in a press release, acknowledged her administration and community leaders need to work together in the best interests of the school’s students, both today and in the future.

“It’s imperative that we find a path forward, and today’s meeting was an excellent step toward that,” she said.

Lynch added the municipal leaders expressed their strong support for career technical education and shared a number of challenges in funding large-scale projects, such as; seeking Proposition 2½ overrides in the current economic climate; the low state reimbursement rate for technical school projects; improved long-term planning with district communities that more clearly outlines Whittier’s capital needs; and the need to improve communications between Whittier, its school committee and the sending communities.

Municipal officials also expressed their concerns about Whittier’s regional agreement, which distributes capital costs based on total numbers of K-12 students, per community, rather than the number of students who attend the school.

Jennings agreed many of the communities represented shared similar concerns during the meeting.

“Learning through our town clerk that there would be a potential district-wide election last August was a big moment in time,” he said. “Another big moment was learning the costs and allocation of those. A lot of the other communities shared those concerns and I think the Whittier administration heard all of that clearly.”

Since the January special election vote failed, Whittier has been left with two choices. The first means holding a second vote on the same project no later than April 11. The second involves withdraw its statement of interest with the Massachusetts School Building Authority and the Whittier Regional School Committee will next meet to discuss next steps on Feb. 13.

The Whittier press release also outlined several capital projects which will require immediate attention at the Haverhill-based school, including wastewater, electrical and HVAC systems concerns.

Whittier will soon create a strategic plan to address maintenance issues in a triage order, beginning with the building’s most serious problems which added the process will require a thorough evaluation of all systems, as well as careful prioritization of the next steps for replacement and/or rehabilitation.

Whittier has plenty of work to do, according to Jennings.

“One clear take away is the foundation of the regional agreement between the municipalities and the school is something that I would say is almost a universal concern,” he said. “It wasn’t unanimous but just about everybody in the room clearly feels that that needs to be looked at really closely.”

Reardon agreed the regional agreement needs revising.

“I think, for the most part, we would all say that,” he said. “But we’re also interested in the next steps and this was a cordial conversation.”

Jennings added they’re also seems to be agreement that any further discussions about the regional agreement will need serious engagement from state Legislative officials.

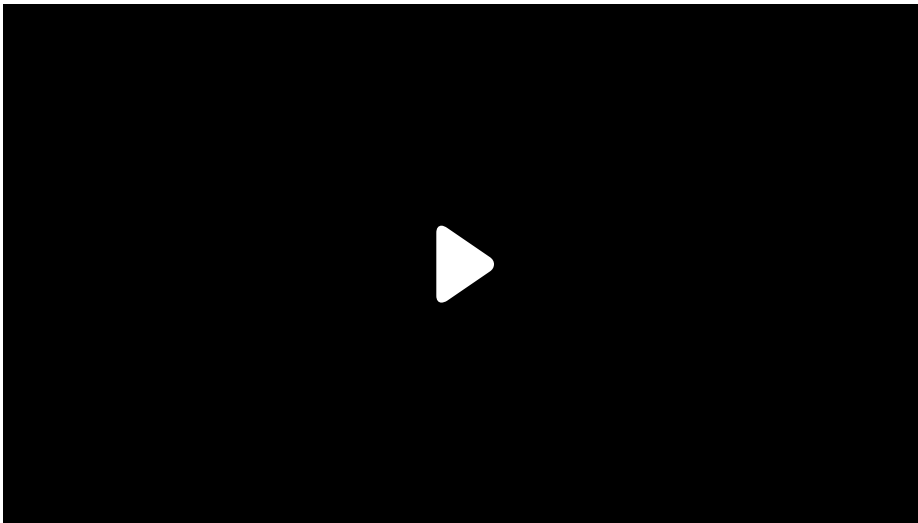
“We’re all prepared to update the agreement but we recognize that legislative action will be needed,” he said.

Staff writer Jim Sullivan covers Newburyport for The Daily News. He can be reached via email at [jsullivan@newburyportnews.com](mailto:jsullivan@newburyportnews.com) or by phone at 978-961-3145. Follow him on Twitter @ndnsully.

*Staff writer Jim Sullivan covers Newburyport for The Daily News. He can be reached via email at [jsullivan@newburyportnews.com](mailto:jsullivan@newburyportnews.com) or by phone at 978-961-3145. Follow him on Twitter @ndnsully.*

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#### Trending Video



Loading...



# Whittier Regional Vocational Technical High School

115 Amesbury Line Road  
Haverhill, MA 01830-1898  
978-373-4101  
Fax: 978-521-0260  
www.whittiertech.org

Garry T. James  
Chairperson  
School Committee

February 6, 2024

Maureen A. Lynch  
Superintendent

## Whittier Regional Vocational Technical High School Committee Meeting

Date: Tuesday, February 13, 2024

Time: 6:30 P.M.

Place: Whittier Regional Vocational Technical High School  
115 Amesbury Line Road, Haverhill, MA

### ORDER OF BUSINESS

- I. Call to Order
  - A. Pledge of Allegiance
  - B. Public Comment
  
- II. Approval of Minutes
  - A. January 10, 2024 – Minutes of the Regular School Committee Meeting – **VOTE**
  - B. Treasurer Report (January) – Kevin Mahoney – **VOTE**
  
- III. Old Business
  - A. No Old Business Posted
  
- IV. Reports and Communications
  - A. Student Representative Report - Dawensky Gustave
  
  - B. Superintendent Report – Maureen Lynch
    1. Personnel Action
      - a. Hires
        1. CAD/Drafting Instructor
        2. Interim Transportation Coordinator
        3. Maintenance Mechanic
        4. Route Bus Driver
        5. ELL Instructor to Provide SEI Training
      - b. Resignations
        1. Electrical Instructor LTS

2. Budget Update
  3. MCAS Update
  4. School Building Update
    - a. WT School Building Project/MSBA Discussion on Options
  5. Superintendent's Update
- C. Principal/Asst. Superintendent – Chris Laganas
1. Principal's Update
- D. Business Manager – Kara Kosmes
1. No Business Manager Report posted
- E. Committee Chairperson – Garry James
1. March Annual Agenda Items
    - a. School Committee Self-Evaluation
    - b. Budget Review
- F. Subcommittee Reports
1. Executive – Garry James
    - a. Minutes of January 10, 2024 - **VOTE**
  2. Instructional/Personnel – Johanna True
  3. Plant Operations – Brett Murphy
  4. Salary & Negotiations – Richard Early
    - a. Minutes of January 30, 2024 - **VOTE**
  5. Policy – Dave Irving
- G. Meeting Dates
1. Budget Workshop
    - a. Wednesday, March 13, 2024 at 5:30 P.M.
  2. Regular School Committee Meeting
    - a. Wednesday, March 13, 2024 at 6:30 P.M.
- H. New Business
1. No New Business Posted

- I. Executive Session - **VOTE**
  - 1. To Conduct Strategy Sessions in Preparation for Negotiations with Non-Union Personnel- Route Bus Drivers
  
- J. Adjournment

A handwritten signature in black ink, reading "Gary J. Jones". The signature is written in a cursive style with a large, stylized initial "G".



# Reardon: Whittier task force would help fix pact

- [By Jim Sullivan | jsullivan@newburyportnews.com](mailto:jsullivan@newburyportnews.com)

NEWBURYPORT — Dissatisfied with the regional agreement that binds the city and 10 other communities to Whittier Tech, Mayor Sean Reardon is pitching the idea of a new task force to take a deep dive into the pact.

A districtwide special election was held Jan. 23 to see if voters would approve building a new, \$444.6 million Whittier Regional Vocational Technical High School in Haverhill. The plan did not, however, pass, leaving the Whittier administration looking for new ways to deal with a number of infrastructure problems, such as electrical, wastewater and HVAC system concerns.

Whittier Superintendent Maureen Lynch hosted a meeting Tuesday morning for municipal leaders in the 11 cities and towns that comprise the Whittier district to look at where to go from here.

Reardon was at the meeting and while there proposed forming the task force.

“The intention is to have officials from each of the 11 communities working on a new, amended agreement,” he said.

Reardon was a vocal critic of the new building proposal and has been working with Boston-based Law firm Pierce Atwood to determine if the regional agreement could be amended.

He stressed that looking at the agreement is separate from looking at the school itself and he believes it will be a lengthy process.

“We don’t believe this will be done by the end of the year,” he said. “We’ve already engaged with Pierce Atwood and they’re helping us on our end. But eventually, it will be that task force group, working together on what that looks like. Hopefully the end product of this, whatever it is, is a new Whittier agreement that will then go to all 11 cities in towns to ratify.”

Reardon said he spoke with municipal leaders in all 11 communities and doesn’t see the school itself involved in the task force. The agreement that locks in sender communities was finalized in 1967, almost 57 years ago.

“None of this is set in stone yet but I envision mayors and town administrators partnering with someone like their selectboard presidents or city council chairs, whatever that may be,” he said. “Because, at the end of the day, they’re the ones that are going to have to vote on this. That’s why they need to be involved.”

Amesbury Mayor Kassandra Gove said she would be amenable to such a collaboration.

“Earlier this week, Sean introduced the idea of having group discussions with the 11 sending communities regarding the Whittier agreement. There were topics related to this document that came to the surface as the whole vote process transpired. I think it’s a good approach as we move forward, and I plan to participate in these discussions with Amesbury’s best interest in mind,” she said in a text message.

West Newbury Town Manager Angus Jennings said while the idea sounds good in theory, he questioned whether it would get off the ground.

“The way it’s written, you need 11 out of 11 of the communities to agree to amend it,” he said. “I also don’t know what the mechanism is to do that. What Reardon is saying is nice but I don’t know how practical it is. That’s why I speculate that we may need to get some involvement with the state Legislature, when it comes to the agreement.”

Jennings added that any work on the regional agreement should be left to cities and towns, as the funding agencies of the school, rather than school administration.

“Obviously, we want them involved and aware but it’s really the same dynamic when it comes to the (Pentucket Regional School District),” he said. “There, you have the local leadership in West Newbury, Groveland and Merrimac that works on the regional agreement. Pentucket attends but it’s not their agreement, it’s the towns’ agreement. So that’s the same dynamic.”

The mayor said he and his fellow municipal leaders formed a close working relationship leading up to last month's vote and forming a task force would be a continuation of that bond.

“For the most part, I think we all agree the regional agreement should be looked at, moving forward,” he said. “But we also want to look into next steps. I believe Tuesday's meeting was a cordial conversation and I think the Whittier administration took a lot of constructive criticism of their handling of the vote, the plan, the rollout, the lack of transparency and communication. Now, it's more about how we work together to move forward.”

An estimated \$180 million of the proposed new building project's \$444.6 million price tag was expected to come from Massachusetts School Building Authority grants, federal incentives and state rebates which would have left a projected district share of about \$267 million.

Reardon said he would also like to take a closer look at the MSBA pipeline, which he said is broken, when it comes to vocational schools.

“I think it's ridiculous that they look at building an elementary school the same way they do a vocational technical high school because it's a much more expensive undertaking,” he said. “So, we're hoping we can work with the MSBA to kind of change some of their processes.”

Staff writer Jim Sullivan covers Newburyport for The Daily News. He can be reached via email at [jsullivan@newburyportnews.com](mailto:jsullivan@newburyportnews.com) or by phone at 978-961-3145. Follow him on Twitter @ndnsully.

2024 FEB - 5 PM 2: 43

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

February 3, 20

Re: Artichoke River Dam Dispute with the Office of Dam Safety

Dear Manager Jennings:

I live at 84 Curzon's Mill Road in Newburyport which is the old grist mill (Curzon's Mill) at the end of Curzon's Mill Road. We own property in and live on the border of the Town of West Newbury. For tax purposes, Curzon's Mill belongs to the Judith Bliss Welch Realty Trust, Judith Bliss Welch (my wife) as trustee. Perhaps you – as many members of the public do – have strolled or jogged past my home on the public way (Emery Lane) and crossed the bridge from West Newbury into Newburyport. To orient you, our home is just down Curzon's Mill Road from the Maudsley State Park and across the bridge at the termination of Emery Lane. We also own the concrete spillway portion of the dam which is located under the public bridge. The City of Newburyport and the Town of West Newbury own the rest of the "dam" (i.e. the roadway, the bridge, the retaining walls, etc.).

Recently an important issue has arisen concerning the ownership of: the dam of the Artichoke River at this location, the bridge connecting Newburyport to West Newbury at this location, and the roadway which comprises Emery Lane and Curzon's Mill Road. Yesterday I send a copy my letter (along with various other correspondence) to the Office of Dam Safety, part of the Department of Conservation and Recreation, to the Select Board of West Newbury. **This matter is important to the Town because the Office of Dam Safety (as can be seen from my letter to the Office of Dam Safety) now claims that the Artichoke River dam, which includes – under the regulation's expansive definition – the public roadways of Curzon's Mill Road and Emery Lane, the public bridge (completed at considerable public expense around the year 2000), and all road and bridge abutments and retaining walls, belong solely to my wife as trustee. In other words, this land, the roadway, the bridge, etc. are our private property according to the Office of Dam Safety.** This is, of course, nonsense. The Office of Dam Safety, assuming that we privately own the entire dam, bridge, abutments, retaining wall, and roadway, insist that we register as the sole owners of the dam and repair all aspects of the dam (including the bridge abutments, the roadway retaining wall, etc.). Needless to say, I have informed the Office of Dam Safety (since at least 2009) that my wife and I only own the concrete spillway of the dam and that the City and Town of West Newbury own the other portions of the "dam", as defined by DCR's regulations. Nevertheless, like an Orwellian nightmare, the Office of Dam Safety continues to insist that we own the entirety of the dam, including the roadway and bridge. As a result, the Office threatens to assess fines on a daily basis.

For over two centuries, the citizens of West Newbury have enjoyed walking and riding over Emery Lane and the bridge and (more recently) up to Maudsley State Park. I believe the citizens and the Town would be upset and concerned if this way is suddenly considered private property and the access denied. In addition, as you probably know, the Town of West Newbury has spent considerable time and resources repairing the retaining wall along Emery Lane (next to the bridge) and the gate and posts at the end of Emery Lane. Of course, the plain fact is that Emery Lane is a public way owned by the Town, as is at least half of the bridge, the abutments and retaining wall. This has been true for centuries. Could some Town official make this clear to the Office of Dam Safety? Could some Town official urge the Office of Dam Safety to utilize the Office's discretion and declare that this very small dam to be not within the Office's jurisdiction (as detailed in my letters to the Office of Dam Safety)?

Needless to say, as a West Newbury taxpayer, I am concerned. Please do not hesitate to contact me to discuss this important matter further.

Sincerely,



Richard E. Welch III

84 Curzon's Mill Road

Newburyport, MA 01950

Email: [curzonmill@aol.com](mailto:curzonmill@aol.com)

Cell: 978-933-1673

William C. Salomma  
Director of Dam Safety  
Department of Conservation and Recreation  
Commonwealth of Massachusetts  
180 Beaman Street  
West Boylston, MA 01583

RECEIVED  
TOWN CLERK  
WEST NEWBURY, MA  
2024 FEB - 5 PM 2:43

February 2, 2024

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

**Re: Artichoke River Dam, Newburyport, ID No. MA01600**

Dear Director Salomaa:

I write on behalf of my wife, Judith Bliss Welch, as trustee of the Judith Bliss Welch Trust, in response to your letter dated January 26, 2024 and its enclosures. In that letter you assert that my wife is the “legal owner of the Artichoke River Dam ... located in Newburyport, MA.” In that letter, you also demand that she file a Dam Registration Form within 30 days of the letter or face “penalties of up to \$5,000” for each day after the thirty-day deadline. As you detail in your letter, the Dam Registration Form forces my wife to acknowledge ownership of the entire dam and accept all responsibilities for repair and inspection of the dam. You enclose a letter from an attorney Robert J. Spencer of Amherst, MA, dated June 21, 2021, (which you never provided to us before) that asserts that a title review shows that my wife, as trustee of the Judith Bliss Welch Trust, “is the owner of the dam” *which includes not only the dam spillway, but the entire road, bridge, abutments, and retaining wall to the same*. Attorney Spencer opines: “it is clear that the City did not intend to reserve any interest in the dam or appurtenant structures. In addition, the description of the land actually includes the bridge over the river. There was no retained ownership or easement rights by the City whatsoever. It conveyed all interests.” As I will detail below, this is an extraordinary assertion which is bound to surprise both the City of Newburyport and the Town of West Newbury which has maintained a public way and a bridge over this area for at least the last two centuries.

As I have previously informed you, my wife and I want to comply fully with the law, but we refuse to file any form that falsely states that we own the entire dam. As I have detailed to you previously (in a series of letters starting in 2006), we only own the concrete spillway of the dam while the City of Newburyport and the Town of West Newbury own the public way, bridge and abutments, and retaining wall to the dam. Attorney Spencer’s letter is simply wrong, or there was a mutual mistake in the drafting of the deed from the City of Newburyport and our predecessors in title, or the City and Town now own the bridge, abutments and retaining wall by adverse possession. Whatever the legal reasoning, it is undeniable that the City and Town have consistently maintained a public way, together with a bridge and the necessary retaining walls

and abutments over this portion of the Artichoke River for centuries. The roadway, abutments and retaining wall are part of the dam according to your regulations. All of these pieces of property were built and maintained by both the City of Newburyport and the Town of West Newbury with public funds. Indeed, you enclose an inspection report (from the firm of Tighe & Bond) with a cover photo which shows the West Newbury retaining wall (which the Town has maintained and repaired since it was built by the Town) and the public bridge and its abutments. Most of the "inspection deficiencies" concern the retaining wall and the bridge abutments which are owned by the City of Newburyport and (mostly) by the Town of West Newbury. Despite the undeniable fact that the Commonwealth of Massachusetts built the current bridge and its abutments (in approximately 1999) and the City and Town have maintained the public way, named Curzon's Mill Road (on the Newburyport side) and Emery Lane (on the West Newbury side), your office continues to assert (despite your personal visit to the site on March 5, 2009 and abundant evidence submitted of a three part ownership) that my wife (or previously the two of us) are the sole owners of the dam. ***I respectfully request that you suspend this matter immediately while you consult with the appropriate authorities in the City of Newburyport and the Town of West Newbury.*** I am certain that those authorities will confirm that the bridge, abutments, retaining wall, and the public way are the property of both the City of Newburyport and the Town of West Newbury. Thus, the City and Town are partial owners of the "dam" as defined by your regulations.

A major reason for the inconsistency between your title report (by Attorney Spencer) and reality may be the expansive legal definition of "dam" according to your regulations. It may be that the parties to the deed which conveyed the dam from the City to our predecessors in interest only considered the "dam" to be the concrete spillway. Indeed, the plan that is attached to the deed that conveyed the "dam" from the City to my grandfather specifies it as the "Concrete Dam" and "Control Gate." See letter to Office of Dam Safety of January 29, 2009 attached. Attorney Spencer seems to have overlooked this fact. The concrete spillway, after all, is an understandable definition of a small dam in everyday parlance.

The ownership of the Artichoke River dam is an issue which can be entirely avoided by your Department. As I wrote to you on February 12, 2009, "*I urge your office to short circuit this entire matter by doing a most sensible thing: namely, utilizing your discretion, pursuant to 302 C.M.R. 10.03(2) to declare that this small, low hazard dam does not fall within the jurisdiction of the Department of Conservation and Recreation.*" I attach the February 12, 2009 letter that details why this is the proper and appropriate course. If you wisely utilize your discretion and declare that this small dam does not fall within the Department's jurisdiction, then the City, Town, and we can continue along the same course we have taken for decades.



I hope that this matter can be resolved quickly. After all, neither of us is getting younger and this matter of ownership has lingered for well over a decade. If it cannot be resolved, then I will take your contractor's advice and remove my portion of the dam, the concrete spillway. I look forward to communicating with you soon on this important matter.

Sincerely,



Richard E. Welch III

On behalf of Judith Bliss Welch, trustee of the Judith Bliss Realty Trust

84 Curzon's Mill Road

Newburyport, MA 01950

Email: [curzonmill@aol.com](mailto:curzonmill@aol.com)

Cell: 978-933-1673

Enclosures: Letters to William C. Saloma dated Nov. 18 and Feb, 12, 2009 and Letter to Office of Dam Safety dated January 29, 2009

cc. Sean Reardon, Mayor of the City of Newburyport

✓Town Selectmen, Town of West Newbury

Massachusetts Representative Dawne Shand

Massachusetts Representative Adrienne Pusateri Ramos

84 Curzon's Mill Road  
Newburyport, MA 01950

January 29, 2009

Thomas Famulari  
Department of Conversation and Recreation  
Office of Dam Safety  
251 Causeway Street  
Suite 800  
Boston, MA 02114

RE: Ownership of Artichoke River Dam, Newburyport, MA  
National Id No: MA01600

Dear Mr. Famulari:

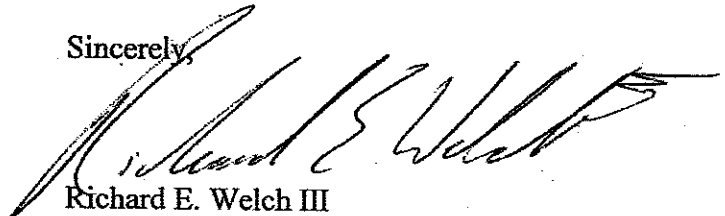
Thank you for your phone call of last week. As we discussed, there is a very significant question as to the ownership of the Artichoke River Dam. In November, your office sent me a letter ordering that I conduct a Dam Safety Dam I Inspection on the Artichoke River Dam. Your office lists me as the owner of the Dam. This is erroneous. As I explained to you on the phone, the majority of the Dam is owned by the City of Newburyport and the Town of West Newbury. Your agency lists the Artichoke River Dam as being "a 160 foot long, 10 foot high, reinforced embankment structure with a concrete spillway...". The earthen embankment, and the retaining walls, are public property. Indeed, a public road designated as Curzon's Mill Road in Newburyport and Emery's Lane in West Newbury cross over this embankment and take up the entire embankment. There is a public bridge between Curzon's Mill Road and Emery's Lane. This bridge and its abutments was reconstructed by the Massachusetts Department of Highway (at great public expense) approximately eight years ago. This entire area is a public way. I only own the spillway portion of the Dam (i.e., approximately 40 feet of concrete located directly below the bridge). This spillway portion is a small percentage of the entire Dam.

This information is set forth and confirmed by the attached documents and deed. Just last year, Hayes Engineering, Inc., reviewed these various deeds and resurveyed this area. As you can see from the attached documents, the deed in question is known as "parcel 3" and its most recent description can be found in the Essex South Registry of Deeds at Book 6018, Page 144-145. I attach a copy of that deed (my name is not on the deed as I have since inherited this parcel). I also attach the plan for that parcel which confirms that I do not own the entire Dam. Indeed, the only portion of the "Dam" that I own is what is listed "Concrete Dam" and "Control Gate". This "Concrete Dam" is merely the spillway of the Dam. As you can see from the Plan of Land, I do not own the public ways and the retaining walls that constitute the rest of the Dam. These are public property. I also own small portions of land bordering the Artichoke River and waters (designated by Forebay) and flowage rights; but these do not have any relevance to the Dam itself. Thus, what we have here is

a situation where three parties own a single Dam. The City of Newburyport owns approximately 1/3 of the Dam, I own 1/3 of the Dam (meaning the spillway) and the Town of West Newbury owns the remaining 1/3 of the Dam. The Water Commission for the City of Newburyport, undoubtedly laboring under the same pressures as every town in Massachusetts, declined to pay for a share of the dam inspection. Therefore, I need a resolution by your office. Because I do not own the entire Dam, I cannot be forced to inspect the Dam or to pay for that expensive inspection. Instead, what seems fair is for your office to send out an amended order requiring the City of Newburyport, the Town of West Newbury, and myself to be equally responsible for conducting a Phase I Inspection and to split the cost in equal proportions.

This matter is of significant importance to me. The cost of a Dam Inspection appears prohibitive and is simply unfair given the fact that I do not own the entire Dam. Because your order requires that the inspection be completed by August 31, 2009, your prompt attention to this matter would be greatly appreciated. I can be reached at my office (978) 465-2784. If I am not there, there is an answering machine. If you have any questions in regards to this matter, or if any of your staff have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard E. Welch III", written over a horizontal line.

Richard E. Welch III

REWIII/maf  
Enclosures

cc: City of Newburyport (Water Department)  
Town of West Newbury

84 Curzon's Mill Road  
Newburyport, MA 01950

February 12, 2009

William C. Salomaa  
Director  
Office of Dam Safety  
Department of Conservation and Recreation  
180 Beeman Street  
W. Boylston, MA 01583

Thomas Famulari  
Department of Conservation and Recreation  
Office of Dam Safety  
251 Causeway Street; Suite 800  
Boston, MA 02114

RE: Non-Jurisdictional Designation for Artichoke River Dam, Newburyport, MA  
National ID# MA01600

Dear Messrs. Salomaa and Famulari:

Your agency erroneously lists me as the owner of Artichoke River Dam located in Newburyport, Massachusetts. In my letter of January 29, 2009, I explained and documented that I am only a 1/3 owner of the Artichoke River Dam. I requested, given the indisputable evidence, that you promptly send Phase I Dam inspection orders to the other two owners of the Dam, namely the City of Newburyport and the Town of West Newbury. I recognize that your legal staff may need to review the deeds and maps which I have forwarded to you. Please ask your legal staff to expedite this process given your order that a Phase I inspection be completed by August.

**While this is being done, I urge your office to short circuit this entire matter by doing a most sensible thing: namely, utilizing your discretion, pursuant to 302 C.M.R. 10.03(2) to declare that this small, low hazard dam does not fall within the jurisdiction of the Department of Conservation and Recreation.**

The structural height to the Artichoke River Dam, when inspected by your department in the past, has been determined to be between seven feet (in the year 2000) and thirteen feet (in the year 2006). The different appraisals of the height of the dam are mysterious, but essentially irrelevant. What is important is that this small dam certainly does not qualify as a "dam" under your jurisdiction for purpose of 302 C.M.R. 10.03(2), in that it is not "25 feet or more in height".

In addition, the Artichoke River does not have an "impounding capacity at maximum water storage elevation of 50 acre feet or more". This small dam holds back only a small portion

of the Artichoke River (there are other dams a short distance upriver). The only portion of the Artichoke River applicable to the "impounding capacity" is what might be termed the "lower" Artichoke River. This lower area is essentially a mill pond that winds approximately 400 yards at a maximum width of fifty yards. This is a small and shallow mill pond. The maximum depth of this pond is 4 feet. The vast majority of the pond is in the 2 foot depth range. The pond cannot exceed this level due to the elevation of the spillway. At most, the pond takes up approximately 15 acres. Thus, given an average depth of less than 3 feet, the maximum impounding capacity is approximately 45 acre feet. This is below the 50 acre feet set forth in the regulation. This information is confirmed by your Department's inspection of the dam in 2000. I attach a copy of that inspection report. In 2006, your department hired a consultant who erroneously listed the maximum impoundment size as over 120 acre feet. This is an impossibility. The purpose of this letter, however, is not to argue water measurements. I welcome any of the Office of Dam Safety engineers to visit the site and confirm the fact that this dam is very small and poses no hazard to human safety or property.

The most important fact is that the breaching of this dam – if it was ever to occur – could not possibly "endanger property or safety" as set forth in your regulations. This, of course, is the most significant determination in exercising your discretion whether to exert jurisdiction over this small dam. 302 C.M.R. 10.03(2) gives discretion to the Department to determine whether to exercise jurisdiction over small dams (below 25 feet in height) based on whether "the breaching of which could endanger property or safety..." How is it that I can be so certain that the Artichoke River dam poses absolutely no danger to property or safety? The reason is, not only the small size of the dam and the mill pond behind, but also the fact that the current cement spillway replaced a wooden mill dam which was intentionally designed to "breach" twice a day. Let me explain. The original dam was designed to power Curzon's Mill (built in 1678 and which still stands adjacent to the dam). The Mill was powered by trapping the tide (from the extremely nearby Merrimack River). Once the high tide was trapped and the tide fell, creating a "head" of water behind the wooden dam, the wooden dam would be opened and the water would rush underneath the Mill turning the water wheel. Thus, the contents of the mill pond would empty twice daily (there are two low tides each day). This is the exact same thing which would occur if the present concrete dam was in some way breached. The water from the mill pond would simply flow into the Merrimack River and be absorbed by that much larger body of water. Such an occurrence, in all likelihood, would not raise the water level of the Merrimack to any measurable degree. There are no structures or buildings down stream of the Artichoke River dam before it runs into the Merrimack River.

Given the very small size of the dam and, most importantly, the fact that it poses no hazard to the safety of the public, your office certainly should exercise its discretion and rule that this dam does not fall within the jurisdiction of your department. This ruling would avoid dealing with the difficult issue of a dam which is owned by three parties (a town, a city and a private citizen). It would also avoid the completely unnecessary, but significant, expense of complying with a Phase I inspection report and other unnecessary matters.

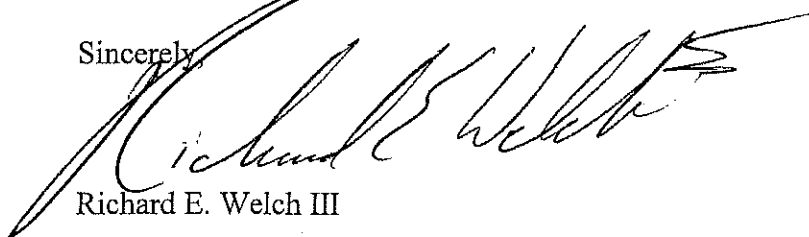
This small, unique dam exists now solely for esthetic and historical purposes. The mill pond created by the dam has existed since 1678 when Curzon's Mill was built. From 1678 until

1912 (when the concrete spillway was installed), the contents of the mill pond were released twice a day into the Merrimack River. This is not the type of dam that the Legislature intended to regulate pursuant to General Laws Chapter 253, Sections 44-50. Nor is it a structure in which your Department has any significant interest. I urge you to exercise your discretion and rule that this dam need not fall under the Department's jurisdiction.

I have written a series of letters to you detailing the unique and small nature of this dam (see particularly my letters of December 19, 2008 and January 29, 2009). This matter, of course, is of significant interest to me. You have ordered that I complete a so-called Phase I Inspection by August, 2009. I wish to comply with the law. The fact is, however, that I do not own the entire dam. Thus, I cannot inspect (never mind repair) portions of the dam that I do not own.

More importantly, this small, unique dam should be determined to fall in a "non jurisdictional" category. Please consider these jurisdictional arguments fully. I look forward to your reply. I can be reached at work at (978) 462-4474 or (978) 465-2784. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard E. Welch III", written over a horizontal line.

Richard E. Welch III

Enclosure

cc: Richard K. Sullivan, Jr., Commissioner,  
Department of Conservation and Recreation (no enclosure)  
Ian A. Bowles, Secretary, Executive Office of Environmental Affairs (no enclosure)  
Senator Steven A. Baddour (no enclosure)  
State Representative Michael A. Costello (no enclosure)

84 Curzon's Mill Road  
Newburyport, MA 01950

November 18, 2009

William C. Salomaa  
Director  
Office of Dam Safety  
Department of Conservation and Recreation  
251 Causeway Street; Suite 600  
Boston, MA 02114-2119

RE: Artichoke River Dam, Certificate No: MA01600-R1

Dear Mr. Salomaa:

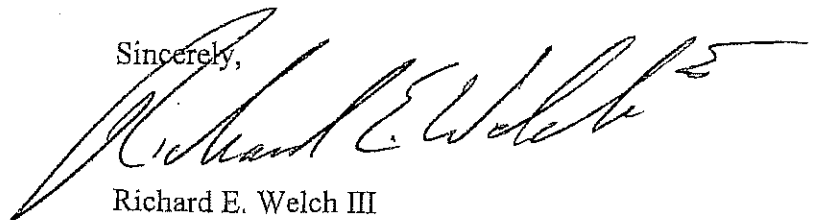
I received yesterday your letter of November 4, 2009 which enclosed a Certificate of Registration for the Artichoke River Dam. In that letter, you request that I record this certificate with the Registry of Deeds. The Dam Registration Certificate lists me as the "owner of the dam."

I am afraid that this Registration Certificate has been issued in error. As you know, from your personal visit to the site this winter, there is a very significant issue as to who owns the Artichoke River Dam. I own only the concrete spillway to the dam; the City of Newburyport owns half of the embankment that comprises the Dam, while the Town of West Newbury owns the other half of the embankment. Last winter I supplied your office with the deeds and maps that establish this three-part ownership. If you will recall, your office is in the process of attempting to verify this three part ownership situation. For that reason, you have suspended any requirement that the Dam be inspected solely at my expense.

As I am sure you can understand, I refuse to file any document with the Registry of Deeds which states that I am the owner of the dam. Such a filing would be erroneous, if not fraudulent. I recognize that your office supervises a large number of dams throughout the Commonwealth and that these certificates are sent out in a bulk fashion. This particular certificate, however, has been sent out in error. Please have someone on your staff rectify the situation. If you have any questions, I can be contacted at my office at (978) 687-7463 x378.

Thank you very much for your attention to this serious matter.

Sincerely,



Richard E. Welch III

REWIII/maf

cc: Department of Conservation and Recreation  
Office of Safety-Registration  
180 Beaman Street  
West Boylston, MA 01583

February 9, 2024

**Robin Stein**  
rstein@k-plaw.com

Department of Energy Resources  
Green Communities Division  
100 Cambridge Street, 9<sup>th</sup> floor  
Boston, MA 02114

Re: Town of West Newbury – Green Communities Update

To Whom It May Concern:

Please be advised that this office serves as Town Counsel to the Town of West Newbury (the “Town”). This letter is being provided on behalf of the Town in response to a request from your Department for an update regarding the Town’s continued compliance with the requirements set forth in the Guidance documents issued by the Department regarding Criterion 1, As-of-Right Siting, and Criterion 2, Expedited Permitting, in light of recent amendments to the Town’s Zoning Bylaw regarding Large-Scale Ground-Mounted Solar Photovoltaic Installations (“LGSPI”).

**CRITERION #1:** *Provide for the as-of-right siting of renewable or alternative energy generating facilities, renewable or alternative energy research and development facilities, or renewable or alternative energy manufacturing facilities in designated locations.*

The Town recently amended the Town of West Newbury Zoning Bylaw (the “Zoning Bylaw”) to eliminate an existing solar overlay district and to allow, by right, subject to Site Plan Review, LGSPI in all Zoning Districts in the Town, subject to the requirements set forth in Section 8.3 of the Zoning Bylaw. It is my understanding that the Town Planner has analyzed the application of Section 8.3 and confirmed that the Town has land available for as-of-right LGSPI siting.

The Zoning Bylaw, in Section 8.3.2 defines LGSPI as “[a] solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC.”. A copy of Section 8.3 and of Section 11.3 (Site Plan Review), in effect as of the date of this letter, are attached hereto as Exhibit A. A copy of the current Zoning Map is attached hereto as Exhibit B.

Based on these provisions of the Zoning Bylaw, it is my opinion that the Town meets the criteria for as-of-right-zoning of renewable or alternative energy generating facilities.



Department of Energy Resources  
Green Communities Division  
February 9, 2024  
Page 2

**CRITERION #2:** *Adopt an expedited application and permitting process under which these energy facilities may be sited within the municipality and which shall not exceed 1 year from the date of initial application to the date of final approval.*

I have reviewed the Town's General Bylaws and Zoning Bylaw to determine whether there is any provision that would preclude the issuance of a permitting decision regarding an application for a LGSPI within one year from the date of application. In my opinion, nothing within the above documents would preclude issuance of a requisite permit for a ground mounted solar photovoltaic system within one year of application. Further, I am not aware of any other potentially preclusive by-law, rule or regulation.

Very truly yours,



Robin Stein

RS/  
Enc.  
cc: Town Manager

903935/WNEW/0001

RECEIVED  
TOWN CLERK  
WEST NEWBURY, MA



February 7, 2024

2024 FEB -8 AM 11: 22

Via UPS

Board of Selectmen  
Town of West Newbury  
381 Main Street  
West Newbury, MA 01985

**Re: Form 500 & Annual Notice Filing**

Dear Members of the Board:

Pursuant to G.L. Ch. 166A, Section 10, Comcast is pleased to provide a copy of the Form 500-YE2023. The Form 500 contains information on customer video service-related issues in your community and how Comcast responded, including the time taken to resolve these complaints. For the Form 500, the Massachusetts Department of Telecommunications and Cable defines a complaint as:

*Any written or verbal contact with a cable operator in connection with subscription in which a person expresses dissatisfaction with an act, omission, product or service that is (1) within the operator's control, and (2) requires a corrective measure on the part of the operator.*

Also, per Massachusetts cable regulations (207 CMR 10.01(2) and 10.02(6)), enclosed is a copy of Comcast's policies and procedures, sample subscriber bill, work order and rate & channel line-up information for your community.

Comcast has also provided a copy of the above information to the Department of Telecommunications and Cable.

Lastly, we wanted to share with you again the steps for emergency/trouble reporting procedure in the event a **municipal building** experiences problems with downed cable drops, signal transport issues with I-NET or Video Return Lines, Public, Education and Government (PEG) Access channels or to have our technical or construction staff on-site during an emergency.

**MUNICIPAL - EMERGENCY/TROUBLE REPORTING PROCEDURES**

**(Please note the XOC telephone number listed below IS NOT for public dissemination)**

- **STEP 1** Call 1-877-359-1821 (24/7 – XOC)
- **STEP 2** Select Option # 1 - Municipalities, Utilities, Police & Fire
- **STEP 3** Prompted for Reason for call:
  - Option # 1 - Down Wires (will be prompted to enter zip code)
  - Option # 2 – Pole hits, pole transfers or all other Municipal Issues
- **STEP 4** Speak with Rep. and obtain job reference #

These steps will put you in touch with our Excellence Operations Center (XOC), 24-hours a day, and seven days a week.

Please do not hesitate to contact me should you have any questions at [kerry\\_morris@comcast.com](mailto:kerry_morris@comcast.com).

Sincerely,

*Kerry Morris*

Kerry Morris, Sr. Manager  
Government & Regulatory Affairs

Enclosures<sup>1</sup>

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<sup>1</sup> Enclosures maybe double sided.

# Form 500 Complaint Data

**Code Key: Avg. Resolution Time**

<1> Less than 1 Day   <2> 1-3 Days   <3> 4-7 Days   <4> 8-14 Days  
 <5> 15-30 Days   <6> >30 Days

**Code Key: Manner of Resolution**

A. Resolved to the satisfaction of both parties.  
 B. Resolved, customer dissatisfied. C. Not Resolved.

Town	Year	Subscribers	Total Complaints	Avg Resolution Time (see code above)	Manner of Resolution (see code key above for the manner represented by the letters below) The number below each letter indicates the number of complaints resolved in that manner.		
					A.	B.	C.
WEST NEWBURY	2023	601					
Advertising/Marketing			0	1			
Appointment Service Call			0	1			
Billing			0	1			
Customer Service			0	1			
Equipment			0	1			
Installation			0	1			
Other: Damage	Damage		0	1			
Other: Programming	Programming		0	1			
Reception			0	1			
Service Interruption			0	1			

# Form 500 Service Interruption Data

Code Key: Duration of Service Interruption

<1> Less than 1 Day <2> 1-3 Days <3> 4-7 Days <4> 8-14 Days <5> 15-30 Days <6> >30 Days

Town

West Newbury

Year

2023

Subscribers

601

Date of Service Interruption

Duration of Service Interruption (see Code Key above)

West Newbury	1/13/2023	1
West Newbury	11/2/2023	1
West Newbury	1/20/2023	1
West Newbury	8/9/2023	2
West Newbury	1/20/2023	2
West Newbury	1/13/2023	2
West Newbury	11/2/2023	2
West Newbury	8/9/2023	1