



Town of West Newbury
Board of Selectmen
Tuesday, February 19, 2019 @ 6pm
381 Main Street, Town Office Building
www.wnewbury.org

RECEIVED
TOWN CLERK
WEST NEWBURY, MA
2019 FEB 14 PM 3:52

AGENDA

Executive Session: 6pm in the Town Manager's Office

- MGL Chapter 30A §21(a) 2: To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel;
- MGL Chapter 30A §21(a) 3: To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares;
- MGL Chapter 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.

Open Session: 7pm in the First Floor Hearing Room

Announcements: This meeting is being broadcast on local cable TV and recorded for rebroadcast on the local cable channels and on the internet.

- Bicentennial Committee:
 - a. Bicentennial Committee is buying a block of tickets for Red Sox Day at Fenway Park (Date TBD). If interested, please contact the committee via email at wnbirthday@wnewbury.org.
 - b. West Newbury Birthday Party & Birthday cake contest, Feb. 24th 2-6pm at Pentucket Middle School
- 2019 Volunteer Opportunities are still available. Committee openings online at www.wnewbury.org.

Regular Business

- A. Street Opening Permits: 12, 14 and 16 Dole Place
- B. Cont'd review of the Open Space and Recreation Plan – *Open Space Committee*
- C. Correspondence from Open Space Committee re proposed trail in River's Edge development
- D. Update on the Middle/High School Project
- E. Review of proposed revisions to Mill Pond Management Plan as received from Mill Pond Committee, Parks & Recreation Commission, Conservation Commission, and Open Space Committee
- F. Discussion of Parks & Recreation Commission request to consider initiating amendment to Pipestave/ Mill Pond Conservation Restriction to allow potential dog park
- G. Proposed Town Meeting Warrant Articles
- H. Referral of proposed Zoning Bylaw amendments to Planning Board to revise erosion control performance standards (Sec. 7A.11 Performance Standards), in compliance with NPDES (Nonpoint Pollutant Discharge Elimination System) MS4 Phase II stormwater permit
- I. Acceptance of minutes dated November 13, 2018, November 26, 2019 and December 3, 2018

Town Manager Updates

- J. Town Manager proposed FY20 Budget, Budget Message and Departmental and Organizational Structure; and Schedule of Finance Committee budget review meetings
- K. Correspondence from Dept of Housing & Community Development: Drake's Landing Approval of four (4) affordable ownership homes
- L. Correspondence from Personnel Advisory Committee to Dept. Heads and Board/Commission Chairs
- M. Follow up meeting assignments
- N. Placing items for future agendas

Posted Agenda on 2/14/2019 at the Town Offices and the Town's Official Website www.wnewbury.org

JOIN US FOR A PANEL
DISCUSSION ON THE

PENTUCKET SCHOOL BUILDING PROJECT

Panelists will include:

Dr. David W. Archibald, West Newbury
Selectmen

Dr. Justin Bartholomew, Superintendent
Krystelle Griskiewicz, Retired Educator
Angus Jennings, West Newbury Town
Manager

MONDAY, MARCH 11 AT 9:00AM
WEST NEWBURY COUNCIL ON AGING

PLEASE RSVP TO THE COA
(978) 363-1104

Participate in an open question and answer session with our panelists to get factual project information prior to the spring vote.

Sponsored by We Are Pentucket Munciple Ballot Question Committee



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

STREET OPENING PERMIT

Permit No: 2019-05

Date: February 19, 2019

The Board of Selectmen grants permission to Tim Collins for a street opening permit at 14 Dole Place, West Newbury, MA 01985 as shown on the attached plan. Said work to be done within one year from the date of this permit in accordance with the bylaw governing such work to the following conditions:

- Application and Plan to become a part of Permit.
- Application, permit and new plan to be in the possession of contractor at the site at time of construction.
- List all underground utility services and show location on plan.
- This permit does not provide authorization for the removal of trees.

SUPERINTENDENT OF STREETS:

See attached memo for DPW requirements.

WATER DEPARTMENT SUPERINTENDENT:

The water main is located on the opposite side of the road. The 8" water main is under the edge of the road and about 5' deep. Contractor must adhere to the water department specifications.

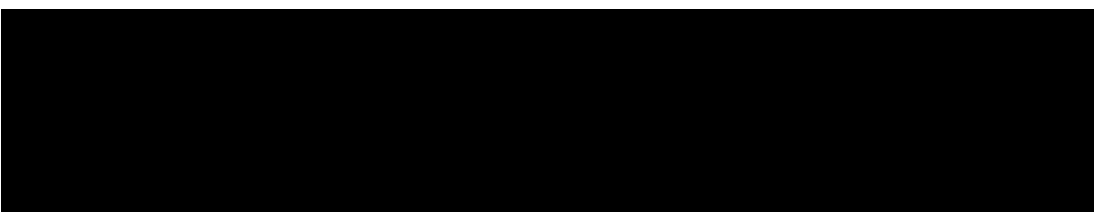
BOARD OF SELECTMEN

Glenn A. Kemper, Chairman

David W. Archibald

Joseph H. Anderson, Jr.

**I hereby certify that I will
adhere to the above conditions:**



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

STREET OPENING PERMIT

Permit No: 2019-06

Date: February 19, 2019

The Board of Selectmen grants permission to Tim Collins for a street opening permit at 12 Dole Place, West Newbury, MA 01985 as shown on the attached plan. Said work to be done within one year from the date of this permit in accordance with the bylaw governing such work to the following conditions:

- Application and Plan to become a part of Permit.
- Application, permit and new plan to be in the possession of contractor at the site at time of construction.
- List all underground utility services and show location on plan.
- This permit does not provide authorization for the removal of trees.

SUPERINTENDENT OF STREETS:

See attached memo for DPW requirements.

WATER DEPARTMENT SUPERINTENDENT:

The water main is located on the opposite side of the road. The 8" water main is under the edge of the road and about 5' deep. Contractor must adhere to the water department specifications.

BOARD OF SELECTMEN

Glenn A. Kemper, Chairman

David W. Archibald

Joseph H. Anderson, Jr.

**I hereby certify that I will
adhere to the above conditions:**



cc: Building Inspector, Highway Superintendent, Water Superintendent

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

STREET OPENING PERMIT

Permit No: 2019-07

Date: February 19, 2019

The Board of Selectmen grants permission to Tim Collins for a street opening permit at 16 Dole Place, West Newbury, MA 01985 as shown on the attached plan. Said work to be done within one year from the date of this permit in accordance with the bylaw governing such work to the following conditions:

- Application and Plan to become a part of Permit.
- Application, permit and new plan to be in the possession of contractor at the site at time of construction.
- List all underground utility services and show location on plan.
- This permit does not provide authorization for the removal of trees.

SUPERINTENDENT OF STREETS:

See attached memo for DPW requirements.

WATER DEPARTMENT SUPERINTENDENT:

The water main is located on the opposite side of the road. The 8" water main is under the edge of the road and about 5' deep. Contractor must adhere to the water department specifications.

BOARD OF SELECTMEN

Glenn A. Kemper, Chairman

David W. Archibald

Joseph H. Anderson, Jr.

**I hereby certify that I will
adhere to the above conditions:**





Town of West Newbury


381 Main Street

West Newbury, Massachusetts 01985

Wayne S. Amaral, Director of Public Works

978-363-1100, Ext. 120

DPWDirector@wnewbury.org

TO: Board of Selectmen
FROM: Wayne S. Amaral, DPW Director 
DATE: February 12, 2019
RE: 12-14-16 Dole Street Place – DPW Street Opening Permit Requirements

Per the above three listed Street Opening Permits request for Dole Place dated February 11, 2019, the following requirements are recommended to be included in said permits from the Department of Public Works.

1. Driveway Proposal.

- a. Excavate a depth of 17-18 inches.
- b. Install / place 12-inches of processed gravel.
- c. Compact in 6-inch lifts.
- d. Pave 3-inch binder course and 2-inch final course of bituminous asphalt from existing edge of roadway to property line for any single-family residential property. Pave 4-inch binder course and 2-inch final course of bituminous asphalt from existing edge of roadway to property line for all other residential and commercial property.

2. Roadway Trench

- a. Suitable excavated material may be placed back into trench no greater than 18-inches from roadway grade. Must be compacted in 6-inch lifts.
- b. Install / place 12-inches of processed gravel from 18-inches below roadway grade to 6-inches below roadway grade. Must be compacted in 6-inch lifts.
- c. Pave 4" binder course and 2" final course of bituminous asphalt.
- d. If not noted on plan, the roadway trench size must be pre-approved on-site by the DPW Director prior to excavating. Please call 978-363-1100 extension #120, 48-hours in advance of work

3. Edge of Roadway – Disturbed Area.

- a. Loam and Seed all disturbed areas at edge of roadway.

4. Tracked Vehicles.

- a. No tracked vehicles shall be on the public roadway without a plywood or mat base.

5. Dig-Safe.

- a. Per State Law, Dig-Safe must be requested by applicant or applicant's agent and copy of Dig-Safe information must be on-site for inspection if requested by DPW Director or designee.

6. Traffic Controls.

- a. Police Details are required for all public roadway excavations. Contact the West Newbury Police Department at 978-363-1212.
- b. MUTCD requirements must be followed on roadway and edge of roadway projects. A police detail is NOT a substitute for proper traffic controls.

7. Roadway Plates.

- a. Roadway plates may not be used unless prior approval from the DPW Director.

8. Contact DPW 72-hours in advance of the commencement of work in the public right-of-way.
9. All worked in the public right of way is warranted by the applicant for 12-months after the acceptance of such work by the DPW Director or designee. Any roadway / trench failures must be corrected within 48 hours of notification and any emergency failures must be made-safe within two-hours of notification by West Newbury Police or town official.



B

Town of West Newbury

Board of Selectmen

381 Main Street, West Newbury, MA 01985 | 978-363-1100, Ext. 115 | selectmen@wnewbury.org

February 19, 2019

Patricia Reeser, Chairperson
Open Space Committee
381 Main Street
West Newbury, MA 01985

Dear Ms. Reeser,

The Board of Selectmen approved the Open Space and Recreation Plan on February 19, 2019 and want to thank the Open Space Committee for their dedication and commitment to provide a 2018 Open Space and Recreation Plan to preserve the town's charm and rural character, protect and manage natural resources and provide accessible passive and active recreation opportunities.

Special thanks to Jocelyne Cosentino, Frank S. Vetere, Patricia Mansfield, Annie Madden and Steve Greason for the photos and art shown throughout the plan. We look forward to working with the Open Space Committee and Parks and Recreation Commissioners to support implementation of the Open Space and Recreation Plan, and in so doing to preserve and enhance the environment and amenities of West Newbury.

Respectfully,

Glenn A. Kemper, Chairman

David W. Archibald

Joseph H. Anderson, Jr.
BOARD OF SELECTMEN

CC: Parks and Recreation Commissioners

memo

C

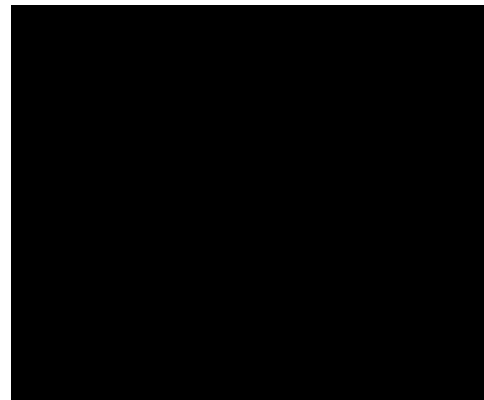
Town of West Newbury

To: Board of Selectmen
From: Open Space Committee
CC: Angus Jennings, Planning Board, Conservation Commission
Date: 2/12/2019
Re: Estate Homes at River's Edge - Trail Update

As a condition of the development approval, Tom Neve for the Estate Homes at River's Edge committed to building a trail on the Town and development property linking Rivermeadow Drive to the cul de sac at the end of Sullivan's Court and a trail along the detention basin to the riverfront on the development property. Also stipulated in the condition is the following:

1. The developer is responsible for completion of the plans and applications required to permit these trails and wetland crossings with the Conservation Commission.
2. The Town (represented by the Open Space Committee) is responsible for filing for and receiving the Order of Conditions.
3. The developer will build the trails in accordance with the Order.
4. The Town will be granted an easement to the trails through the Conservation Commission and will assume responsibility for maintenance of them.

Mr. Neve is ready to begin work on Item #1, so we wanted to make sure you were informed about this process. Any questions or concerns may be addressed to Wendy Reed, who will be coordinating the application process between the Open Space Committee and the Conservation Commission.



January 31, 2019

Lori Lombard, Vice President
 UniBank Fiscal Advisory Services, Inc.
 49 Church Street
 Whitinsville, MA 01588

RE: Pentucket Regional School District Suggested Proceedings – New Middle/High School

Dear Lori:

As requested, I suggest the following form of vote of the District Committee to appropriate funds and authorize a borrowing for the new Middle/High School Project:

“VOTED: That the District appropriates _____ Dollars (\$ _____) for the purpose of the construction of a new Middle/High School to be located at 24 Main Street, West Newbury, including the payment of all costs incidental or related thereto (the “Project”), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the District has applied for a grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended under the direction of the School Building Committee. To meet this appropriation the District is authorized to borrow said amount under and pursuant to Chapter 71, Section 16(d) of the General Laws and the District Agreement, as amended, or pursuant to any other enabling authority. The District acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District; provided further that any grant that the District may receive from the MSBA shall not exceed the lesser of (1) _____ and _____ hundredths percent (____%) of eligible, approved Project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA, and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the District and the MSBA. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in

accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

FURTHER VOTED: That within seven (7) days from the date on which this vote is adopted the Secretary be and hereby is instructed to notify the Board of Selectmen of each of the member towns of this District as to the amount and general purposes of the borrowing herein authorized, as required by Chapter 71, Section 16(d), of the General Laws, and by the District Agreement."

When the vote has been passed by the Regional School District School Committee, notice of the debt authorization should be mailed by registered mail (return receipt requested) to the board of selectmen of each member town. Under Chapter 71 of the General Laws, the notice must be received by each board not later than seven days after the date of the committee vote. We suggest the following form of notice:

Dear _____:

Pursuant to the agreement establishing the Pentucket Regional School District and the provisions of section 16(d) of Chapter 71 of the General Laws as amended, I hereby notify you that the following is a true copy of the vote passed by the Regional School District Committee at a meeting held _____, 2019:

[insert text of Regional School District Committee vote]

Yours truly,

Secretary
Regional School District School Committee

Pursuant to G.L. c.71, §16(d) as amended and Section XIII(A) of the district agreement, because each member town will bear financial responsibility for the debt, each member town must call a town meeting within sixty days of the date of the Regional School District School Committee's vote, for the purpose of approving or disapproving the authorized borrowing, and the borrowing may not be incurred until the expiration of such sixty day period. A majority vote in favor at town meeting by each member town is needed for approval.

The following forms of article and vote should be used by the member towns for the town meetings:

Article

Article _____. To see if the Town will approve the appropriation and borrowing authorized by the Pentucket Regional School District for the purpose of the construction of a new Middle/High School to be located at 24 Main Street, West Newbury, Massachusetts, including the payment of all costs incidental or related thereto (the "Project"), which school facility shall have an anticipated

useful life as an educational facility for the instruction of school children of at least 50 years and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended at the direction of the School Building Committee. The MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities. Any grant that the District may receive from the MSBA for the Project shall not exceed the lesser of (1) the approved percentage of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; to determine whether the approval of such borrowing will be contingent upon a vote of the Town to exempt its allocable share of the debt service on the borrowing for the Project from the tax limitations of Proposition 2 1/2, so-called; or take any other action relative thereto.

Vote

That the Town approves the appropriation and borrowing authorized by the Pentucket Regional School District of _____Dollars (\$_____) for the purpose of the construction of a new Middle/High School to be located at 24 Main Street, West Newbury, including the payment of all costs incidental or related thereto (the “Project”), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended at the direction of the School Committee; that the Town acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need as determined by the MSBA, and any Project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities; provided further that any grant that the District may receive from the MSBA shall not exceed the lesser of (1) _____ and _____hundredths percent (____%) of eligible, approved Project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; provided that the approval of the District’s borrowing by this vote shall be subject to and contingent upon an affirmative vote of the Town to exempt its allocable share of the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C (Proposition 2 1/2) and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the District and the MSBA. Any premium received upon the sale of any bonds or notes approved by thw vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by the vote in

accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

The warrants for the town meetings at which the member towns are to vote with respect to this borrowing, must, of course, be posted and/or published in accordance with the provisions of the respective town's bylaws relating to the calling of town meetings.

I understand that the member towns will be making the town meeting votes contingent upon the passage of a Proposition 2½ debt exemption vote with respect to such Town's allocable share of the borrowing, and I suggest the following form of ballot question:

Ballot Question

Shall the Town of _____ be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay the Town's allocable share of the bond issued by the Pentucket Regional School District for the purpose of paying costs of the construction of a new Middle/High School to be located at 24 Main Street, West Newbury, Massachusetts, including the payment of all costs incidental or related thereto?

The question must appear in the warrant for the town election at which it is to be considered and such warrant must, of course, be posted and/or published in accordance with the provisions of the respective town's bylaws relating to the calling of town elections.

I note that the forms of proceedings should be submitted to the MSBA for their approval prior to their use by the District or member towns. It would be preferable to have the dollar amount for the project and approved MSBA percentage completed prior to such approval by the MSBA.

In preparing this letter we have relied on (a) the copy of the district agreement of April 30, 1993 as amended July 1, 1997, July 1, 1998, July 1, 1999, July 1, 2005, July 1, 2006, July 1, 2009, July 1, 2012, and July 1, 2014, as appearing on the District's website as of the date hereof, and (b) the District Bylaws adopted December 4, 2007, as appearing on the District's website as of the date hereof.

Please call me if there are any questions about the suggested proceedings.

Yours truly,

/s/ Brenda M. McDonough

Brenda M. McDonough

Cc: Greg Labrecque, District Business Manager

Town Manager

From: We Are Pentucket <info@wearepentucket.org>
Sent: Thursday, February 14, 2019 7:32 AM
To: Town Manager
Subject: (Corrected Version) Project cost drops by over \$9M



Correction: Due to the placement of an errant 'K' in last night's headline, we erroneously led readers to believe that their tax impact would drop by \$200,000.... Oops! The figure should only be \$200. We regret the error and apologize for the confusion.

Project cost drops to \$146M

Average household tax impact drops by over **\$200/year** in each town

	Initial Estimate	New Estimate
	\$155.4	\$146.3
Merrimac	\$1,005/year	\$734/year
Groveland	\$969/year	\$745/year
West Newbury	\$989/year	\$755/year

"We've gotten rid of everything we didn't need so now we have a functional building that will hopefully last a very long time." -- Dr. Bart

Now that schematic designs are complete, the cost for the proposed school building project has dropped by just over \$9M -- from an estimated \$155.4M to just \$146.3M.

This price decrease has been anticipated for quite some time by officials, administrators and close followers of the proposed school building project. The \$155M figure long-associated with the project was just a preliminary estimate, based on conservative construction costs by total square footage.

"There's nothing like saying you owe me 5 dollars and then coming back and saying it's 5.25," said Pentucket Superintendent Dr. Justin Bartholomew at the start of the meeting, explaining that the district used conservative estimates up to this point to avoid the potential for any late-developing increases to project

costs.

The revised cost figures came as the Building Committee -- comprised of School Committee members and town officials from Merrimac, Groveland and West Newbury -- prepared to vote on sending the Schematic Design to the MSBA for approval. (It passed unanimously.) This phase of the project -- which includes building designs, floor plans, materials and the campus site plan -- allowed the district to calculate costs based on actual design plans specific to this project.

The items reduced or removed from the project scope include:

- **District offices**, estimated at \$4.4M, have been removed
- **Materials** selection have been reduced or modified to favor more cost effective options such as brick and linoleum
- **Landscape/hardscape** plans have been reduced or modified

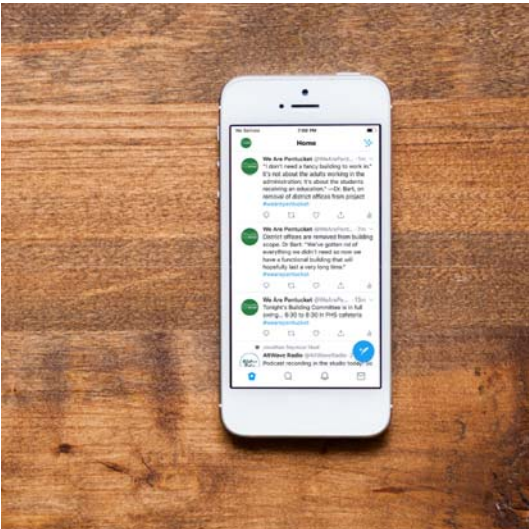
"I do not need a fancy building to work in," said Dr. Bart, addressing early criticism of the inclusion of new district offices with the project. "It's not about the adults working in the administration; It's about the students who are receiving an education."

Even more good news ...

The district has learned that the April 29 vote at Town Meeting only has to pass by a simple majority vote (51 percent) in each town -- not by 2/3. The clarification came in late Wednesday from DLS, the Division of Local Services, a branch of the Massachusetts Department of Revenue.

The general election vote scheduled for May 6 will also need to pass by 51 percent in each of the district's three towns.

Want this news faster?



Follow us on Twitter

We Are Pentucket was live Tweeting this meeting with breaking news and real-time quotes as they happened.

Follow us [@WeArePentucket](https://twitter.com/WeArePentucket) today to follow along with key updates.



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West Newbury, MA 01985-2722

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Pentucket School Building Project

Joint School Committee/Building Committee

February 13, 2019

A. SD Submission Review

- Programming
- Design
- Cost

B. SD Authorization Vote

Objective:

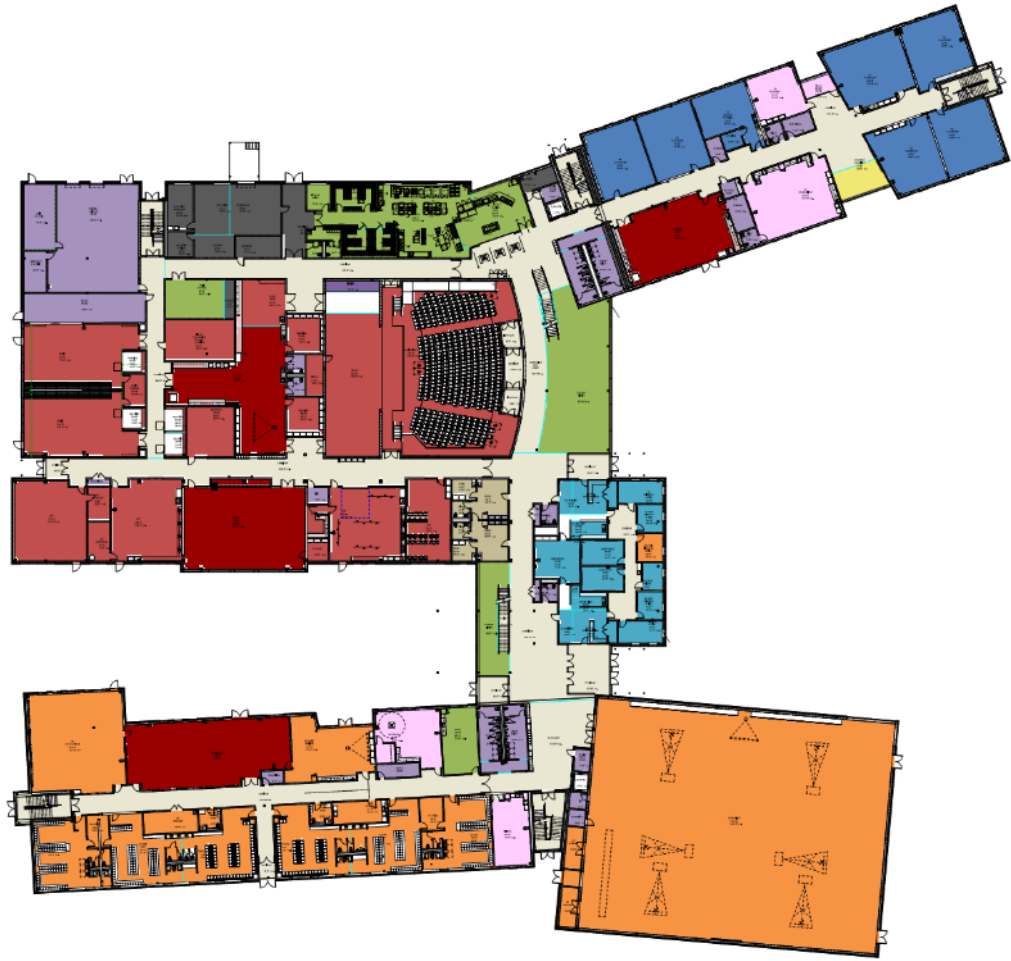
To authorize the submission
of the Schematic Design

	PSR	SD	Ineligible	Eligible
CORE ACADEMIC SPACES	50,190	50,959		
SPECIAL EDUCATION	15,400	15,665		
ART & MUSIC	8,900	8,745	2,045 SF	
VOCATIONS & TECHNOLOGY	9,600	9,522		
HEALTH & PHYSICAL EDUCATION	24,600	24,600	2,996 SF	
MEDIA CENTER	5,931	5,931		
AUDITORIUM / DRAMA	9,324	9,324		
DINING & FOOD SERVICE	8,572	8,572		
MEDICAL	910	910		
ADMINISTRATION & GUIDANCE	4,508	4,508	336 SF	
CUSTODIAL & MAINTENANCE	2,349	2,349		
OTHER	0	0		
<input type="checkbox"/> Total Building Net Floor Area (NFA)	140,284	141,085	5,377 SF X 1.5	
<input type="checkbox"/> Total Building Gross Floor Area (GFA)	210,426	211,700	8,066 SF	203,634 SF

Programming











Design – 3rd



MERTONSET REGIONAL SCHOOL



AUDITORIUM

Goals:

1. All Construction Costs are captured in estimate
2. Identify scope changes and potential VE opportunities
3. SD Estimate to be \leq PSR Estimate

Process:

1. Designer prepares more detailed schematic level drawings
2. Additional site investigations performed (survey, geotechnical)
3. Agree on scope changes and VE opportunities
4. Two independent cost estimators reconcile estimates
5. Reconciled estimate included in MSBA 3011 form

PSR

SD

District Offices

Included

Scope Removed

Baseball Field

Not Included

Scope Added

Replace Main Water Line

Not Included

Scope Added

Additional Site Work

Not Included

Scope Added

Materials Selections

Included

Scope Reduced/Modified

Landscape/Hardscape

Included

Scope Reduced/Modified

Slab/Foundations

Included

Scope Modified

MS Boiler Buyout

Not Included

Scope Added

	PSR Estimate	SD Estimate
Total Project	\$155.4 M	\$146.3 M
Groveland	\$ 969/year	\$ 745/year
Merrimac	\$ 1,005/year	\$ 734/year
West Newbury	\$ 989/year	\$ 755/year

Average Household Impact

Current MSBA Grant* \$ 53.1 M

* Maximum Facilities Grant based on eligible costs



Cost Estimating Assumptions

1. All numbers reflect Millions unless otherwise noted.
2. Costs are escalated to midpoint of construction.
3. District share is calculated with MSBA 3011 form
4. Assumed borrowing is based on 30-yr term at 2.75% fixed an noncallable interest rate.
5. Tax impact based on town-specific contribution percentages.
6. Household tax impact based on average assessed home value by town:

Groveland	\$425,000
Merrimac	\$375,000
West Newbury	\$575,000
8. Variables that may affect household impact include :
 - Changes to assessed value
 - Changes to interest rates
 - Student enrollment per town
 - Changes Total Project Cost



	PSR	SD
	Estimate	Estimate

Total Project	\$155.4 M	\$146.3 M
Groveland	\$ 969/year	\$ 745/year
Merrimac	\$ 1,005/year	\$ 734/year
West Newbury	\$ 989/year	\$ 755/year

Average Household Impact

MSBA Grant* **\$ 53.1 M**

* Maximum Facilities Grant based on eligible costs

School Building Committee Vote
to Authorize OPM to Submit SD

School Committee Vote to
Authorize OPM to Submit SD

- **February 20, 2019 – Submit SD to MSBA**
- **April 10, 2019 – MSBA Board Mtg.**
 - Vote to approve the project and proceed into Module 5
- **April 29th & May 6th, 2019 – Towns' Votes to Fund Project**
- **Spring 2020 – Bidding & Construction Start**
- **Fall 2022 – Occupancy of new building**
- **Fall 2023 – Site work completed**

thank
you

The following notes accompany Slides 11-12 (Cost Estimating & Scope Changes) on the enclosed PRSD presentation:

Cost estimates for the SD were informed by more detailed design documentation.

Two reconciled estimates: Designer cost estimator and Construction Manager

Some of the cost savings in the SD estimates are the result of reductions in scope.

Replace District Offices: PSR assumed a new district office building constructed as a pre-engineered building. The District has reconsidered this approach in favor of executing a renovation to the existing district offices outside the scope of the MSBA school building project.

Baseball field: Prior to the DEP ruling that the retention area was not jurisdictional...AND...prior to the District acquiring the abutting single family property, a baseball field could not be included in the site planning due to simple spatial constraints. The SD submission includes scope to execute a baseball field on the site.

Replace Main Water Line: The PSR assumed all of the existing main water lines on the school district property could be reused. A recent water main break just off the school district property prompted the decision to replace the entire length of some of the main water lines on school district property. It represents scope that was not anticipated in PSR and added to the SD submission.

Additional Earthwork: Once the DEP ruled that the existing retention area was not jurisdictional...AND...once the District purchased the abutting single-family home, the are of site impacted by the project increased, adding additional site work above and beyond what was estimated in the PSR phase.

Materials Selections: The design at the PSR stage was appropriately developed but highly conceptual. The Design Team and its estimator had to make assumptions about what materials would be used in the project and how much of each would be present. Based on more refined and robust design documentation types and quantities are better known, albeit still estimates. In order to reduce total project cost, the Design Team has reduced the scope of certain materials and changed others to more cost effective solutions. For example, these cost savings represent reducing the amount of metal roof edge and switching the base material from cast stone to brick.

Furniture Allocation: The MSBA reimburses for furniture...a cap of \$1200 per student, which is almost never enough to completely cover furnishings for a project of this size or complexity. In the PSR phase, the Design Team carried \$1800/student based on visioning and the desire for flexibility. In the SD submission, however, the Design Team has reduced this to \$1500/student to be more cost conscious.



PO Box 722 · West Newbury, MA 01985

info@wearepentucket.org · 3 Towns 2 Schools 1 Future · www.wearepentucket.org

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

RECEIVED
FEB 13 2019
TOWN MANAGER
TOWN OF WEST NEWBURY

DEAR WEST NEWBURY BOARD OF SELECTMEN,

We Are Pentucket would like to formally request that the Annual Town Meeting scheduled for Monday April 29th, 2019 be relocated to Pentucket Regional High School. With the new school building project on the warrant, we are anticipating larger than normal attendance at Town Meeting. Moving the meeting to a larger venue would allow for the following:

- Increased seating capacity.
- Ability to offer free baby-sitting services on site to parents with small children.
- Ample parking.

The towns of Groveland and Merrimac currently hold their town meetings in their elementary schools. Because of the added space, both locations will have free baby-sitting coordinated by We Are Pentucket available to parents on-site. We would like to be able to offer the same service to West Newbury parents.

[REDACTED] contact me via phone at [REDACTED]

Thank you for taking the time to review our request.

Sincerely,

Ashley Davis

We Are Pentucket – Co-Chair, West Newbury

CC: Michael McCarron, Town Clerk, Town Counsel
Angus Jennings, Town Manager



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

TO: Board of Selectmen
FROM: Angus Jennings, Town Manager
DATE: February 15, 2019
RE: Mill Pond Management Plan

As of last week, comments and suggestions were received from all parties invited to comment: the Mill Pond Committee; Parks & Rec Commission; Conservation Commission; and Open Space Committee. Each of these Committees/Commissions devoted time in one or more meetings toward their review, and the results illustrate the level of attention given.

All but the Parks & Rec Commission offered specific redlined revisions, comments or questions; the attached markup documents this feedback. I built the Mill Pond Committee comments into the document; these edits and comments are generally shown in strikethrough and underline, with red comment balloons. Judy Mizner overlaid the Conservation Commission comments, generally shown in purple redline, along with purple comment balloons. Mary Winglass incorporated the Open Space Committee's handwritten comments, and these edits and notes are generally illustrated in blue comment balloons.

The Parks & Rec Commission did not provide specific recommended edits to the Management Plan, but did submit the Commission's request regarding whether revisions to the Management Plan could have the effect of allowing a potential dog park within the property. The Parks & Rec correspondence is listed as a separate agenda item on Tuesday's Board of Selectmen agenda, since the topic and the various correspondences it has generated are somewhat complicated.

Other than Paragraph A.16, amendments to the Management Plan do not require Town Meeting approval. Therefore, my immediate goal is to resolve the "Paragraph A.16" issue identified in correspondence this past fall, i.e. resolving the fact that this paragraph was thought to have been amended in 2007 but was not officially changed because certain procedural requirements were not met. Toward that end, I have separately submitted a proposed Warrant Article for Board consideration to bring forward to the April Town Meeting.

With regard to the broader set of suggestions, comments and questions reflected in the various comments, I request that the Board provide whatever feedback you see fit at this point. My office can work to prepare a single set of proposed revisions, which can then be circulated to the various parties, with a future meeting scheduled to review and hopefully build consensus around a set of revisions.

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PIPESTAVE HILL/MILL POND AREA MANAGEMENT PLAN

OVERVIEW

The 213 acres of the Pipestave Hill/Mill Pond Area south of Route 113 and the contiguous 9 acres of the Town Forest offer a diversity of areas including open land, forest, a 16 acre pond and wetlands. This area comprises the largest piece of land owned by the Town of West Newbury and is one of its most significant, enduring and treasured assets. The property has, and will continue to have, a variety of uses, both active and passive, by both the public and private sectors. The property provides important wildlife habitat and passive recreation opportunities as well as critical aesthetic and scenic values. The area will be managed to maintain the existing open vistas and forests, to protect and enhance wildlife habitat, protect the watershed and water resources, allow for limited agricultural activities, protect historical resources, maintain public access and allow specific existing uses. The current amounts and ratios of open field to forest will be held constant. Further development of groomed park-like lawns, recreational fields or landscaped areas will be limited.

This Management Plan covers the area which is subject to a Conservation Restriction held by the Essex County Greenbelt Association, Inc. Said area is defined in Exhibit B of the Restriction. The plan is divided into 8 sections to properly cover the diversity of use:

- A. GENERAL MANAGEMENT**
- B. FORESTED AND WETLAND AREAS WITH TRAILS (INCLUDING TOWN FOREST)**
- C. MILL POND AREA (INCLUDING BUILDING)**
- D. OPEN FIELDS**
- E. AGRICULTURAL FIELDS**
- F. ATHLETIC FIELDS**
- G. RIDING RINGS AND WARM-UP AREAS**
- H. ROADWAYS AND PARKING AREAS**

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A. GENERAL MANAGEMENT

1. PEDESTRIAN AND HIKING

Pedestrians are welcome in all fields and on all trails unless an area is specifically closed by the Mill Pond Committee or its successors (hereinafter referred to as the Mill Pond Committee) because of ground conditions or a hazard. All walkers must treat any planted crops with respect and use only the edge of the fields when planted. For safety reasons, the right of way order on any trail or field is: 1st - horses, 2nd - pedestrians, 3rd - bicyclists. Harvesting of protected wildflowers is not permitted.

Commented [MW1]: OSC suggests removal of plant material is prohibited other than with permission and direction of Mill Pond Committee

2. Dog Walking Use

Dogs must be under control at all times, either leashed or under voice control. Physical restraint is required for all aggressive dogs. Dogs must be leashed in all parking areas and roadways and in designated areas according to Section C, Paragraph 9, and Section F, Paragraph 6. Dogs must not be allowed to approach other visitors unless invited to do so, and not chase or harass people, horses, wildlife or other dogs. Please keep dogs out of wetland areas to protect aquatic species. Dog feces must be removed from all designated leash areas including parking areas, roadways, picnic areas, athletic fields, waterfront areas and hiking trails.

Commented [MW2]: OSC suggests this will be posted conspicuously on notice boards and any amendment hereto.

2. HUNTING AND TRAPPING

Hunting or trapping of any kind or discharge of firearms is not allowed anywhere on the property. The only exception will be a specific hunting period for an overpopulated or diseased species by individual permit as issued by the Board of Selectmen with the approval of the Mill Pond Committee.

Commented [JM3]: Should this be Town Manager?

3. AUTOMOBILE ACCESS

Automobiles must remain on gravel roads and park in designated areas unless permission is received from the Mill Pond Committee to drive on the grass areas. The speed limit is 5 mph on all roads within the area and drivers must yield to foot, bicycle and equestrian traffic. Access by autos to the pond area itself may be restricted at certain times of the year if there are soft road conditions. The Mill Pond Committee may install gates and signs as needed to restrict access.

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Commented [MW4]: OSC suggests removing highlighted area and adding at the discretion of the Mill Pond Committee for safety reasons.

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4. AUTOMOBILE PARKING

Autos must park in the gravel lots adjacent to the upper and lower entrances on the south side of Route 113. Parking on the grass areas is not permitted except for special occasions approved by the Mill Pond Committee. Auto parking by the pond area is in designated areas only.

5. OTHER MOTORIZED VEHICLES

ATVs, motorized dirt bikes, golf carts and motorized scooters are not allowed in any part of the area. Snowmobiles are allowed only on specific marked trails and only when there is a minimum of 4" of snow on the ground. Snowmobiles are not allowed on the surface of Mill Pond. Snowmobiles must be registered. Tractors, mowers and other farm equipment are allowed as needed for property maintenance or to farm agricultural fields in accordance with the provisions of Sections E and H. Any other heavy equipment may be allowed with approval of the Mill Pond Committee. For boat restrictions see Section C, Paragraph 8.

Commented [MW5]: OSC suggests adding other than by persons with disabilities after the word scooters

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6. NON-MOTORIZED VEHICLES

Bicycles are permitted but access may be limited if conditions are soft as determined by the Mill Pond Committee. Non-motorized vehicles must yield to foot and equestrian traffic. Signage will notify cyclists if the area is temporarily closed to bicycles.

7. EQUESTRIAN USE

Equestrians are welcome on open fields (see Section D) and on trails unless an area is specifically closed by the Mill Pond Committee or the supervising equestrian organization approved by the Mill Pond Committee because of ground conditions or a hazard. Equestrians are to use only the edge of any planted field and are not to go on areas that are soft. Horses are not allowed on any agricultural or athletic field other than as specified above. Signs are to be posted by Mill Pond Committee or the supervising equestrian organization when the cross-country course (jumps in fields) is closed. Trailers should be parked in the gravel parking lots only. Trailers are not to be cleaned out on the property, nor is hay or manure to be left on the parking areas or roadways. Organized equestrian activities are permitted with approval of the Mill Pond Committee, who will set fees, organize scheduling and establish rules in conjunction with the supervising equestrian organization. Ground conditions may limit uses to particular times of year as determined by the approved supervising equestrian organization. For requirements concerning the equestrian riding rings and warm-up areas refer to Section G, and for the use of jumps see Section D, Paragraph 4. Horse manure must be removed from all parking areas, roadways, wetland resource areas and areas within 100 feet of resource areas, and waterfront areas and hiking trails. Horse manure must also be removed from areas used for organized equestrian activities after an event.

Commented [AJ6]: Suggested edit, Mill Pond Committee

Commented [MW7]: OSC questioned Why delete hiking trails?

8. SIGNAGE

Entrance, directional and educational signs may be placed as needed on the property. These signs are to be kept to a minimum and must be approved by the Mill Pond Committee as to size, design, content and location prior to placement. The trails may also be marked with small signs for direction, again with the prior approval of the Mill Pond Committee.

9. USE OF THE AREA BY OUTSIDE ORGANIZATIONS

All uses of the area other than for non-organized uses permitted in the Conservation Restriction, or athletic activities on the Athletic Fields, must have prior approval from the Mill Pond Committee. The Committee is responsible for approving activities, setting fees, setting rules for activities, scheduling activities to avoid conflicts and ensuring that the activity is appropriate for ground conditions at the particular time of year. The Parks and Recreation Commission are is responsible for the scheduling of activities on the athletic fields as specified in Section F, Paragraph 4. The building at the Mill Pond area and equestrian riding rings may be rented with prior approval for limited activities (refer to Section C, Paragraph 12; Section G paragraph 4 and 5). Rental forms to request use are available at the Town Clerk's Office and must be completed, submitted and approved by the Board of Selectmen Town Manager prior to use.

Commented [AJ8]: Housekeeping edit

Commented [AJ9]: For consistency with approved Town Facilities Rental Policy, amended fall 2018

10. CAMPING

Individual camping is not allowed. Camping by organizational groups is allowed only by approval from the Mill Pond Committee who which is responsible for the rules of use. A waste control/management plan must be submitted to and approved by the Mill Pond Committee prior to use.

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11. FIRES

No fires are allowed without permission from the Mill Pond Committee followed by a permit from the West Newbury Fire Department and then only in areas designated by the Fire Department and/or the Mill Pond Committee. Fires may not be left unattended, and the fire must be fully extinguished and the area restored before leaving.

12. PICNICKING

Picnicking is allowed on the property. All refuse must be removed from the property or placed in barrels if available.

13. OTHER PROHIBITED ACTIVITIES

The use of any weapons, paint guns or bows and arrows for any purpose is strictly prohibited. No work shall be done in the Natural Heritage areas on the property unless authorized by the Wetland Trail Corridor Maintenance Plan approved by the West Newbury Conservation Commission.

14. HOURS OF USE

The area is open from dawn to dusk every day. The gates at the lower entrance may be locked by the Mill Pond Committee or the West Newbury Police Department if necessary to prevent access in the evening hours or because of hazardous conditions. The West Newbury Police Department has the authority to patrol the roadways at any hour. The quiet period is from 9 PM to 8 AM daily for permitted evening uses (refer to Section C, Paragraphs 12 and 16).

15. PROCEDURES FOR APPROVALS AND ARBITRATION

Throughout this Management Plan, particular committees and organizations are specified as having responsibilities and control over different aspects of management. These committees/organizations will not unreasonably withhold approval as long as the proposed action meets the terms and conditions of this Management Plan and the Conservation Restriction. Except where some other procedure is provided by law, should a disagreement arise between two committees or organizations or between a committee or organization and a private party, the Selectmen shall act as arbitrators. Should ~~the a~~ Selectman be a party to any dispute, an independent arbitrator acceptable to all parties will resolve the dispute.

Commented [JM10]: Should this be Town Manager?

16. REVIEW AND AMENDMENT OF MANAGEMENT PLAN

All organizational groups and committees of the Grantor involved in this Management Plan or the Conservation Restriction will submit implementation plans for the year to be reviewed at an annual meeting. All organizational groups and boards, committees and commissions of the Grantor involved in this Management Plan or the Conservation Restriction will meet at least every two (2) years to review and amend the plan as needed. Any change to the Management Plan must be consistent with the terms and conditions of the Conservation Restriction. The Management Plan may be amended as needed, by a two-thirds (2/3rds) vote of process involving the Board of Selectmen, Mill Pond Committee, the Parks and Recreation Commission, the Conservation Commission, and any other elected or duly appointed municipal board, committee, or commission group and/or organization recognized by the Grantor as charged with effectuating this Management Plan or the Conservation Restriction. Each board, committee, or commission organization or group will have one vote. Any amendment must be approved by a two-thirds (2/3rds) vote of the participating municipal boards, committees or commissions. The Grantee must approve any change to the

Commented [MW11]: OSC suggests adding Open Space Committee

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Management plan before it goes into effect. The approval of the Grantee shall not be unreasonably withheld. Any change to the terms of this paragraph must be approved by a two-thirds vote of Town Meeting as well as by the Grantee.

Commented [MW12]: OSC questioned Why not notify them of proposed amendment before considering it?

Commented [AJ13]: These changes revert this paragraph back to the original 2001 language. Because the changes in 2007 were not acted upon by the Grantee or by Town Meeting, the 2001 language remains in effect.

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B. FORESTED AND WETLAND AREAS

1. DESCRIPTION OF FORESTED AREAS

Forested areas have an enclosed canopy of native hardwood and softwood trees, often with some growth of understory shrubs and woody vines. The forested areas also include the Town Forest, which is adjacent to the Mill Pond/Pipestave Hill area and is also owned by the Town of West Newbury (refer to Exhibits Band D). Forest will be maintained primarily for wildlife habitat with minimal disturbance except as necessary to maintain or improve trails, reduce fire hazards and remove or contain non-native invasive species.

2. FOREST MANAGEMENT PLAN

The forested areas will be managed only in accordance with a forest management plan developed by a professional forest manager, adopted by the Mill Pond Committee and incorporated into this Management Plan. A long term program of removal and containment of non-native invasive species around wetlands will be developed by the Mill Pond Committee in conjunction with the Conservation Commission in accordance with existing state and federal law and regulations.

Commented [JM14]: Should this be a separate paragraph as wetlands are not necessarily forested areas or under a forest management plan? Perhaps it should be moved to section B.4 below as a separate paragraph at the end of that section?

3. DESCRIPTION OF WETLAND AREAS

Wetlands include ponds, lakes, rivers, streams and areas of bordering wetlands vegetation associated with them. They include various areas, including bogs, swamps, wet meadows, marshes, where water is at or near the surface for a significant part of the growing season and supports particular types of vegetation. They also include vernal pools (depressions which generally hold water for two months in spring or summer and are breeding habitat for certain amphibians and invertebrates). Among other things, wetlands contribute to the protection of public and private water supply and groundwater supply, flood control, the prevention of storm damage and pollution, and the protection of fisheries and wildlife habitat. Natural succession will be allowed to continue without interruption. Active management may include the removal or control of non-native invasive species and action to mitigate siltation from trails and nutrient loading, with prior approval from the Conservation Commission.

4. MAINTENANCE OF WETLAND AREAS

Native wetland vegetation will be left undisturbed except for authorized removal of non-native invasive species. Wetland vegetation may become threatened by siltation from trails or agricultural activities as well as by invasion of non-native species and these processes may require authorized remedial action. Wetlands will be protected from siltation and trampling by growth of vegetated borders. Any proposed work in a wetlands resource area or within approximately 100 feet (30m) of a wetlands resource area will require permitting through the Conservation Commission unless otherwise authorized by the approved Wetland Trail Corridor Maintenance Plan.

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5. TRAILS

All existing trails are to be maintained in their present condition and/or improved only ~~under the supervision of~~ upon advance notice to and approval by the Mill Pond Committee. New trails may be cut under their authorization only. Maintenance includes removal of branches, brush, trees and rocks as needed to keep the trail clear for all trail users. Excess natural materials from Mill Pond/Pipestave Hill trail maintenance activities may be placed in woods adjacent to trails. Trail maintenance in, or within 100 feet of, wetland resource areas must be done in accordance with a maintenance plan approved by the Conservation Commission. Improvements may include the construction and maintenance of small bridges and walkways as needed over wet areas with the prior approval of the Conservation Commission. All bridges and walkways are to be constructed to allow equestrians to use them or to pass around them. Trail signage is permitted under the supervision of the Mill Pond Committee. A trail map will be available at strategic entrance points to the trails as determined by the Mill Pond Committee.

Commented [AJ15]: Suggested edit, Mill Pond Committee

Commented [JM16]: Should improvements be in a separate paragraph from maintenance in this section as there are different requirements?

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C. MILL POND AREA

See also Section A as many of the policies for the General Management apply here also.

1. DESCRIPTION OF THE MILL POND AREA

The Mill Pond Area is the area of the 16 acre pond itself and the adjacent open areas which include a picnic area, grassy areas, sediment basins for the pond and a small building. The Mill Pond is a man-made pond and was dredged in 2000 to improve its depth and maintain it as a functioning pond rather than allowing it to become a vegetative wetland. Two maintainable sediment forebays control the amount of sediment that enters the pond from its two main sources (see Paragraph 4 below).

2. DAM INSPECTION, MAINTENANCE AND REPAIR

The Department of Public Works is responsible for the inspection, maintenance, repair or replacement if needed of the Mill Pond Dam. The dam was replaced in 1996 and has removable stops to control the flow of water out of the pond. The control of the water level is the responsibility of the Department of Public Works in consultation with and prior approval of the Mill Pond Committee and Conservation ~~Committee~~ Commission.

3. WATER AND FISH MANAGEMENT PLAN

The Mill Pond Committee is responsible for establishing and carrying out a water quality testing and management program and has the authority under the supervision of the proper state and local authorities to mitigate problems found. Water quality testing and management protocols shall be established in consultation with a recognized subject matter expert, and may be periodically reviewed and revised by the Mill Pond Committee in consultation with an appropriate expert. Stocking and fish management activities will be undertaken by the Mill Pond Committee in consultation with the State Division of Fisheries and Wildlife.

Commented [MW17]: OSC suggests – how about requiring testing not less often than annually

Commented [JM18]: If consultation is required to establish the protocols should it not also be required for revisions?

Commented [AJ19]: This is intended to reflect the discussion at the October 30, 2018 Mill Pond Committee meeting.

4. POND AND POND PERIMETER MAINTENANCE

The pond will continue to require regular maintenance to maintain its vitality. The sediment forebays will require periodic cleanouts, which is best accomplished in the summer months when the conditions are the driest. The Mill Pond Committee is responsible for this work in consultation with the Conservation Commission. The Mill Pond Committee shall consult with the Conservation Commission in the spring of each year to assess the need for forebay cleanout. The Mill Pond Committee is responsible for maintaining the quality of the pond and its surrounding area including possible dredging. The Committee is also responsible for controlling and/or eradicating invasive plant or animal species in or around the pond as allowed by law and regulation. The Department of Public Works will repair roads, culverts, and bridges.

5. MAINTAINING MOWED AREAS

The Mill Pond Committee will maintain the grassy areas at a height that allows public use. The Committee may ask the Department of Public Works to perform the maintenance or may hire or appoint private parties to perform the mowing and/or other work needed, but only under ~~their~~ its direct supervision. Tractors and other farm equipment are allowed as needed for property maintenance, but are subject to policies stated in Section H, Paragraph 6.

6. BEAVER/BEAVER DAM REMOVAL

The removal of beavers and/or their dams to allow the pond to flow properly is permitted as allowed by law and regulation.

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7. ALLOWABLE ACTIVITIES

The following activities are welcomed in and around the pond area: walking, jogging, dog walking, birding, wildlife observation, bicycling, picnicking, skating, sledding, cross-country skiing, snowshoeing, boating, fishing, and equestrian use on paths only. Refer to Section A for more details.

8. **PROHIBITED ACTIVITIES**

Boats with gas motors, swimming and individual camping are not allowed.

Commented [AJ20]: No change to content, other than to break "prohibited activities" out in a separate paragraph, in favor of including them under the "allowable activities" heading.

9. BOATING

Non-motorized vessels are permitted on the Mill Pond. Gas motors of any kind are not allowed on boats; electric trolling motors are permitted. Boats driven in must be launched and removed from the pond only at the boat launch area in front of the Mill Pond building. Residents of homes directly abutting the pond may launch their boats from the water frontage abutting their property. Vessels may not be left unattended.

10. DOGS

All dogs must be leashed in all parking areas, roadways, picnic areas, dock, and boat ramp/launch area and in and around the Mill Pond Building. Please pick up after your dog in all areas. Dogs must not be allowed to approach other visitors unless invited to do so, and not chase or harass people, horses, wildlife or other dogs. Please keep dogs out of wetland resource areas to protect aquatic species. Dog owners are prohibited from wading or swimming their dogs in the pond in the boat ramp area adjacent to the dock. Dogs shall not be washed or bathed in the pond.

Commented [MW21]: OSC: "All dog waste to be removed from Mill Pond by owner"

Commented [MW22]: OSC: consolidate with 2001 rules

11. HORSES

Do not leave any manure or hay in the parking areas. Manure must be removed from the waterfront/dock area, roadways, picnic areas, trails, and around the Mill Pond Building. Horses owners are prohibited from wading or swimming their horses in the pond in the boat ramp area adjacent to the dock. Horses shall not be washed or bathed in the pond.

Commented [MW23]: OSC: replace or with and

Commented [MW24]: OSC: insert "must be removed from" the parking areas.

Commented [JM25]: Is this consistent with the proposed change on p.3?

Commented [MW26]: OSC: consolidate with 2001 rules

12. DOCK

The dock is intended for use by the general public. The Mill Pond Committee is responsible for its maintenance, and removing and installing it seasonally if needed. The Department of Public Works will assist upon request.

Commented [MW27]: OSC: questioned/clarification

13. BUILDING RULES AND MAINTENANCE

The Mill Pond building is a wooden structure adjacent to the pond. It contains one large room with a woodstove, two bathrooms, a kitchen, a septic system and a wraparound porch. The maintenance of the building and utilities are the responsibility of the Department of Public Works. The building may be used for a specific function by permit from the Mill Pond Committee, ~~who~~ which sets fees for use and updates the rules in this paragraph as needed. There is no smoking in the building or on the porches. No alcohol is permitted within the building without permission from the Town of West Newbury. Pellet stove use is only allowed with permission of the Mill Pond Committee and it must be completely cooled prior to departure. A security deposit may be requested prior to use. The building must be left in its original condition after use or the security deposit may be forfeited. Quiet time is from 9 PM to 8 AM and sound carries over the water, so users are required to refrain from loud music at

Commented [MW28]: OSC: who? Selectmen??

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any time.

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14. PICNIC AREA AND TRASH

Picnic tables and benches are available at the edge of the pond for public use. All users are required to clean the area when they are finished and are encouraged to remove their own trash rather than use the trash barrels as even the short-term presence of refuse attracts wild animals. Trash barrels are currently supplied at the picnic area in the summer season. The Mill Pond Committee will determine if their continued use is reasonable and is responsible for their upkeep. The Department of Public Works is responsible for maintaining both the picnic area and the trash barrels.

Commented [MW29]: OSC: change in 2001 which allows trash in receptacles

Commented [MW30]: OSC: Are they a party?

15. PARKING

Parking is in designated parking areas only and not on grass areas. If the road leading to the Mill Pond is closed due to soft conditions, users may park in the designated gravel area near the entrance and walk down. Vehicles are never allowed beyond the gate past the pond. For more information, refer to Sections A and H.

16. FIRES

Fires are only allowed according to the policies of Section A, Paragraph 11.

17. WITHDRAWAL_OF_WATER

No water in excess of 10 gallons shall be withdrawn from the Mill Pond or its tributaries ~~in excess of 10 gallons~~ without prior permission from the Mill Pond Committee.

Commented [MW31]: OSC: (1) why not prohibit it altogether except by fire department or permission of Mill Pond Committee (2) 10 gallons per day? hour??

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D. OPEN FIELDS

1. DESCRIPTION OF OPEN FIELDS

Open Fields are non-agricultural and non-athletic fields currently naturally growing a mix of native grasses, wildflowers and other vegetation with existing mowed paths in them. They are home and nesting habitat for many species of grassland and migrating birds, including grouse, bobwhites and bobolinks, and are the habitat for many small mammals, insects and a substantial number of rare butterflies. There are currently two Open Fields on the property; the Middle Field and the Lower Field (refer to Exhibit B). If any of the Agricultural Fields are no longer used for that purpose, they would then automatically come into this category, subject to exceptions listed in Section E, Paragraph 1. If an Agricultural Field has become an Open Field for any period of time, it may also revert back to an Agricultural Field, in accordance with the provisions in Section E. The fields will be delineated with permanent markers and may not be enlarged. The field borders may be trimmed and trees and brush cut as needed to maintain the current size.

2. PLANTING AND ANNUAL MOWING GUIDELINES

These fields are currently naturally growing a mix of native grasses, wildflowers and other vegetation. If planting is needed at any time to repair an area, the selection of seed must include materials that are similar to the existing mix and conducive to continuing habitat for butterflies, birds and small mammals. A complete mowing of these fields will occur each fall to prevent the fields from becoming overgrown. The Mill Pond Committee is responsible for mowing, but it may make arrangements for another party to perform the work.

Commented [MW32]: OSC remove each and add "only in the"

Commented [MW33]: OSC add "in order"

Commented [MW34]: OSC suggests adding No mowing will occur during periods when grassland birds and bobolinks may be nesting.

3. PATHS

There are currently paths ranging from 10' to 25' wide in both the Middle and Lower fields. Since these fields are only fully mowed in the fall, paths are mowed at other times to allow walking and equestrian access (see Paragraph 4 below) to these fields. The supervising equestrian organization is responsible for maintaining paths used for equestrian activities. Paths will be mowed to keep the grass at a height of 8" or less at all times. If there is no supervising equestrian authority, the Mill Pond Committee will assume responsibility. The Mill Pond Committee may ask the Department of Public Works to perform the maintenance or may hire or appoint private parties to perform the mowing and/or other work needed, but only under ~~their~~its direct supervision.

4. EQUESTRIAN USE

Riding is permitted in all Open Fields subject to restrictions listed in Section A, Paragraph 7. The open fields currently have equestrian jumps in them. This use is permitted to continue and maintenance of these jumps and the footings around them is the responsibility of the approved supervising equestrian organization. This organization may add or remove jumps, or change paths in the Middle Field as needed. ~~They~~It may add or remove jumps, or change paths in the Lower Field with prior approval from the Mill Pond Committee. The supervising equestrian organization may also plant shrubs around these jumps and is responsible for their maintenance. This organization will bear the financial and physical responsibility for all these activities. The supervising equestrian organization will submit a plan for improvements to the Mill Pond Committee for its review at the beginning of each season.

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E. AGRICULTURAL FIELDS

1. DESCRIPTION OF FIELDS

There is currently one agricultural field on the property, the Back Field, which is currently in hay (refer to map). If any of the Back Field is no longer used for that purpose, then it would then come into the category of an Open Field and be subject to the policies of Section D. These fields may also revert back to Agricultural Fields if they have become Open Fields for any period of time, in accordance with the provisions of this Section. The fields will be delineated with permanent markers and they may not be enlarged or reduced. The field borders may be trimmed and trees and brush cut as needed to maintain the current size. The path and equestrian jumps on the border of the Back Field will remain undisturbed.

Commented [MW35]: OSC "Not true now"

2. LEASE PROCEDURES

The agricultural fields may be leased to qualified farmers only for the specific purposes stated below. Lessee(s) will be subject to the policies stated in the entire Management Plan. To receive approval, the Lessee(s) must submit an Agricultural Plan for farming the field(s) consistent with the policies stated in this Plan (see Paragraph 3 below). The lease must be in writing and contain a specific lease term, a description of the field(s) to be leased, renewal policies, termination procedures, fees, and must incorporate the policies listed in this Management Plan. The lease must incorporate the Lessee's approved agricultural plan. Lessee(s) will be selected by the Selectmen after consulting with the Mill Pond Committee. The Lessee(s) will also submit a Certificate of Liability Insurance, in an amount determined by the Selectmen. The lease will signed by the Selectmen and the chair of the Mill Pond Committee. Any substantial deviation from the terms of the lease and the approved Agricultural Plan without prior approval of the Lessor may be grounds for termination of the lease.

3. AGRICULTURAL MANAGEMENT PLAN AND PRACTICES

The Agricultural Plan submitted by the Lessee(s) must comply with the following criteria: a) to protect the watershed area and the Mill Pond, all agricultural fields must be farmed in accordance with best management practices as specified by the Natural Resources Conservation Service; b) in order to control run-off and siltation into the watershed and pond, allowable crops are those that have extensive root systems and do not allow the soil or roots to remain exposed. They include the following crops and other specifically approved, in writing, by written permission of the Mill Pond Committee and the Selectmen:

Commented [JM36]: Should this be Town Manager?

- Grass crops such as timothy and grass hays intended for harvesting that would allow the root systems to remain after harvesting.
- Legume crops such as alfalfa that would allow the root systems to remain after harvesting.

A plan for fertilization and pesticide use must be submitted in writing to and approved by the Mill Pond Committee and the Selectmen. Grading of the fields and any drainage systems around them must minimize siltation and run-off into the watershed area, adjoining trails and the pond.

Commented [JM37]: Should this be Town Manager?

Commented [MW38]: OSC suggests adding "No mowing during nesting season of bobolink and other grassland birds"

Working **DRAFT** of potential revisions to FEBRUARY 2007 Mgmt Plan

4. ACCESS

The Lessee(s) will have access to the field(s) during the normal open hours of the area (from dawn to dusk) every day, with the exception of days when specific events are scheduled that would cause a conflict of use. The Mill Pond Committee will submit a list of known dates (which are generally weekend dates) to the Lessee by April 1st, and supplemental dates will be submitted as soon as known. Farming equipment is permitted access to all roadways and parking areas, with the restrictions as listed in Section H, Paragraph 6, and roadways may be closed by the Mill Pond Committee if conditions are such that use would damage the roadways. The Committee will notify the Lessee(s) if roadways are closed. The perimeter of all agricultural fields must be maintained in a condition to allow reasonable foot and equestrian access at all times.

5. LIVESTOCK

Livestock grazing may be carried out on agricultural lands only with the approval of the Mill Pond Committee, the Selectmen, the Animal Control Officer, and where ~~appropriate~~ within, or within 100 feet of, a wetland resource area, the Conservation Commission. A specific plan detailing the species, quantity, fencing, rotation, schedule, water access, storage requirements and manure management must be submitted for approval to all of the above. The purpose of allowing grazing is to maintain open land and to continue the agricultural tradition of farm lands. Land will be available for grazing only on a rotational basis and will be managed to enhance vegetation species diversity, minimize soil compacting and erosion, and control woody vines and shrubs in fields and meadow borders.

Commented [JM39]: Should this be Town Manager?

Working DRAFT of potential revisions to FEBRUARY 2007 Mgmt Plan

F. ATHLETIC FIELDS

1. DESCRIPTION OF ATHLETIC FIELDS

The existing athletic fields are located in the eastern section of the Side Field and consist of one soccer field partially overlaid by one Babe Ruth baseball field including a backstop and three general purpose fields (refer to Exhibits B and C). These fields will not have any additional permanent structures such as backstops or concession stands. Gravel roadways and parking areas have been added for safety and handicapped access, but must be kept to a minimum (refer to Section H). All existing and additional fields must have a pedestrian and equestrian access around the outside perimeter of the fields. This access must be at least 20' wide and made of gravel or grass with a firm base. The drainage of the athletic fields must not compromise the quality of these paths. Repair or renovation of any field must have a drainage plan designed to minimize impact on the watershed.

2. PROTECTION OF WATERSHED

To protect the watershed area, a Turf Management Plan will be developed by a professional turf management engineer, and will specify surface medium, seed type, and installation procedures. It will also provide a long term plan of mowing and maintenance procedures as well as fertilizer, pesticide and irrigation use specifying types, quantities, timing and other best management practices to protect the watershed. This professional plan will be submitted to and must be approved by both the Parks and Recreation Commission and the Mill Pond Committee. The Department of Public Works bears the financial and physical responsibility of implementation of this Plan only as it applies to athletic fields.

Commented [AJ40]: This item is flagged for review, based on discussion with the Mill Pond Committee. In practice, this has not been submitted to Mill Pond Committee for review. This should either be modified, or adhered to. There has been discussion regarding whether a different entity may be better positioned to do this review.

3. MAINTENANCE AND IMPROVEMENT OF ATHLETIC FIELDS

The maintenance and improvement of existing or future athletic fields, including adherence to the Turf Management Plan, is the financial and physical responsibility of the Department of Public Works. The Department of Public Works may hire or appoint private parties to perform work needed, but only under its direct supervision. This includes mowing, fertilizing, irrigation (if applicable) and repairs of the athletic fields and the grass areas around them; and maintenance and repair of the existing backstop. An annual maintenance and improvement plan must be submitted to the Selectmen and the Mill Pond Committee at the beginning of each season for their review and must comply with the policies stated in the entire Conservation Restriction and this Management Plan.

Commented [JM41]: Should this be Town Manager?

Commented [MW42]: OSC by the DPW?

Commented [AJ43]: This item is flagged for review, based on discussion with the Mill Pond Committee. In practice, this has not been submitted to Mill Pond Committee for review. This should either be modified, or adhered to. There has been discussion regarding whether a different entity may be better positioned to do this review.

4. MANAGEMENT AND SCHEDULING OF USE OF ATHLETIC FIELDS

The management and scheduling of use of existing or future athletic fields is the responsibility of the Parks and Recreation Committee. The Parks and Recreation Committee may hire or appoint private parties to accomplish this, but only under its direct supervision. This includes the scheduling of games and practices in a manner which minimizes the traffic impact. A copy of the season's schedule must be submitted in advance to the Mill Pond Committee for its reference and to minimize other possible conflicts.

Commented [MW44]: OSC by Park and Recreation

Commented [MW45]: OSC in advance of what?

....

FEBRUARY 2007

5. TRASH DISPOSAL AND PORTABLE TOILETS

The Department of Public Works is responsible for trash collection and removal for the Athletic Field area, including the surrounding perimeter and natural seating areas. Portable toilets may be used under the jurisdiction of the Parks and Recreation Committee during the playing season, but must be pumped regularly and sited in a location approved by the Mill Pond Committee and the Board of Health. Recycling is to be encouraged.

6. DOGS

All dogs must be leashed in all parking areas, roadways, and on and around the athletic fields. Please pick up after your dog in all areas. Dogs must not be allowed to approach other visitors unless invited to do so, and not chase or harass people, horses, wildlife or other dogs.

Commented [MW46]: OSC: Separate containers for recyclable plastic and compostable items will be maintained during sports activities

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Commented [MW47]: OSC: All dog waste must be removed from Mill Pond area by owners

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FEBRUARY 2007

G. RIDING RINGS AND WARM-UP AREAS

Other equestrian facilities and uses are also described in Section A, Paragraph 7 and Section D, Paragraph 4.

1. DESCRIPTION OF RIDING RINGS, WARM-UP AREAS AND EQUESTRIAN FACILITIES

The two existing riding rings, approximately 120' x 220' each, both bounded with vinyl or wood fencing, with two adjacent grass warm-up areas are in the Top Field (refer to Exhibit B) and may be used by the equestrian public during the open hours of the area. Warm-up areas are flat, well-drained grassy areas of approximately 100' x 200' in the vicinity of the rings for use during events for preparation to enter the competition. The Top Field also contains permanent jumps and trails connecting to the Middle, Lower and Side Fields. If the rings are no longer used for equestrian purposes as described in Paragraph 4 below, then the area comes into the category of Open Fields. These fields may also revert back to equestrian use if they have become Open Fields for any period of time, in accordance with the provisions of this Section.

2. MAINTENANCE OF RIDING RINGS

The approved equestrian supervising organization is financially and physically responsible for the maintenance and upkeep of the fencing and footing in the rings. An annual maintenance and improvement plan must be submitted to the Selectmen and the Mill Pond Committee at the beginning of each season for their review and must comply with the policies stated in the entire Conservation Restriction and this Management Plan.

Commented [JM48]: Should this be Town Manager?

3. MOWING OF AREA

The Department of Public Works is responsible for mowing the Top Field, warm-up areas and adjacent to the rings, but it may make arrangements for another private party to perform the work. ~~They-It~~ may hire or appoint private parties to perform work needed, but only under ~~their-~~ its direct supervision. The approved equestrian organization may perform additional mowing in consultation with the Department of Public Works and/or the Mill Pond Committee. Mowing will begin in the spring when the conditions are firm enough and continue until the last equestrian event in October. The area will be mowed to keep the grass at a height of 8" or less at all times and the spring cut may be harvested.

4. ALLOWABLE ACTIVITIES

Equestrian uses permitted are riding in the rings, fields and trails (refer to Section A, Paragraph 7; Section D, Paragraph 4), carriage driving, jumping (when fields are not posted closed), trail riding. Areas may be closed because of soft conditions and equestrians must observe all posted restrictions. Specific equestrian events may be run in accordance with Paragraph 5 below. No overnight camping with horses is permitted.

FEBRUARY 2007

5. EVENTS

Any equestrian organization may submit a request to run an event (for example: horse show, gymkhana, combined test, three phase) specifying the date, nature of the event and which of the equestrian facilities are desired, and plans for food service, portable toilets, parking and trash management to the Mill Pond Committee. After consultation with the supervising equestrian organization, the Mill Pond Committee will determine whether and under what conditions an event will be held and what fees will be charged according to section A, Paragraph 9. The sponsoring organization is responsible for all pre-event set-up, and post event clean-up including all trash removal and removal of all manure and hay from roadways, ~~and parking areas, and wetland resource areas and areas within 100 feet of resource areas.~~

Commented [MW49]: OSC: Add - Recyclable containers to be available for plastic bottles at all events

6. ROADWAYS AND TRAILER PARKING

Roadway use and parking use will be done in accordance with Section A, Paragraph 7. With prior approval of the Mill Pond Committee, event parking may be extended to specified grass areas.

FEBRUARY 2007

H. PARKING AND ROADWAYS

Refer to Section A. General Management for vehicle restrictions, etc.

1. DIRT OR GRAVEL ROADWAY/PARKING AREA MAINTENANCE

All roadways and parking areas are to be surfaced with appropriate dirt or gravel to minimize mud, dust and erosion. Drainage systems may be employed to minimize erosion. All roadways and parking areas are to be regraded and/or filled at regular intervals by the Department of Public Works to maintain as smooth a road/parking surface as possible.

2. LIMITING ROADWAYS AND PARKING AREAS

Existing roadways and parking areas are to remain but additional roadways and parking areas are not permitted, with the exception of the possible creation of a small parking area in the pond area and as allowed in Section A and Section F, Paragraph 1.

3. PAVING OR OILING OF ROADWAYS AND PARKING AREAS

Roadways and parking areas are not to be paved except within 100 feet of Route 113 entrances. The use of petroleum-based products on the roadways and parking areas are prohibited.

4. PLOWING

All roadways and parking areas are to be plowed by the Department of Public Works at the request of the Mill Pond Committee who will decide which roads should be plowed for the winter. To protect the watershed and the pond, the use of salt or sand/salt mixtures is prohibited.

5. CREATION OF TEMPORARY ROADS AND/OR PARKING AREAS

Temporary gravel roads may be created with permission of the Mill Pond Committee, and, if within, or within 100 feet of, a wetland resource area with the permission of the Conservation Commission, for periodic pond maintenance or dredging, or forest management. All roads created must be returned to their original condition after the completion of the project.

6. ROADWAYS USED BY AGRICULTURAL EQUIPMENT

Persons leasing any part of the area for agricultural use may drive the necessary equipment on the gravel or dirt roads. If the equipment causes damage to the roadways or parking areas, it is the Lessees' responsibility to repair the roadway to the satisfaction of the Mill Pond Committee (refer to Section E).



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

TO: Board of Selectmen
FROM: Angus Jennings, Town Manager
DATE: February 15, 2019
RE: Parks & Rec Commission correspondence re potential dog park

Please find enclosed a series of correspondences regarding the named topic, including a document summarizing the concept which is updated from a similar document provided in late 2017.

In summary:

- If the Town wished to initiate a dog park on the Mill Pond property, both Town Counsel and Greenbelt agree that an amendment to the Conservation Restriction would be required.
- Greenbelt's Director of Land Conservation has set out a general process by which any such amendment could be considered, which would require agreement between the Grantor (Town) and Grantee (Greenbelt), along with State approval of the Division of Conservation Services.

Our correspondences with Greenbelt have stated clearly that our requests for clarification of various questions are exploratory only, and that the Board has not taken a position on (nor even taken up the question, to my knowledge) whether it wishes to pursue a dog park in this location.

I would advise that, if the Board wishes to entertain this question, that public input including from the various parties to the Management Plan be solicited to ensure that, whatever decision is made, it takes into account various perspectives.

Town Manager



Hi Angus,

Thank you. Please ask Mike McCarron to review the CR to see if a case can be made and we can discuss at a BOS meeting as well.

Best,

Bill

On December 11, 2018 at 5:16 PM Town Manager <townmanager@wnewbury.org> wrote:

Bill,

This is to let you know that I did speak with Dave Rimmer yesterday on this matter. On behalf of Greenbelt, he expressed openness to a continued dialogue about whether a dog park could be allowable under the language of the CR. Their prior opinion, as expressed in their 2/8/18 letter, has not changed, and Dave cautioned that the language cited in that letter is quite limiting.

In order to get “back to the table,” his advice was to review the language of the CR, and make a specific case – based on that language – of whether and how such a use could be allowed. He said Greenbelt will consider any such assertion the Town may make, although he did not commit to a specific outcome. He and I discussed potential use of natural building materials, etc., but he said that this issue wasn’t central – the issue is the strict prohibition of “active recreation activities...” in the CR. The path, then, is to credibly define such a use in a way that doesn’t fit into that category. I suggested that updates to the Mill Pond Management Plan could be a vehicle to clarify this issue, and he agreed, provided that any such language cannot (of course) be inconsistent w the CR.

Please let me know how you’d like to proceed, whether for P&R to undertake this, or if you’d like to get this in front of the BoS. And/or, Mike McCarron could re-review the CR to see if he sees a case to be made. I expect the Board will discuss the Mill Pond Management Plan on one of their January agendas (1/7 or 1/22), so perhaps this issue could be added alongside.

Let me know, 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



Hi Angus, Thank you for your continued support. Best, Bill

On December 4, 2018 at 11:01 AM Town Manager <townmanager@wnewbury.org> wrote:

Bill,

As it turned out, Tom F. was in the office Friday on another matter and in addition to your email he helped clarify the intent.

We know that both P&R and BoS are totally in favor of trying to find a way to make this happen, so I suggest that instead of putting this on a near-term BoS agenda that, at a staff level, we work with Greenbelt to try to figure out a way this could be accommodated that is not inconsistent with the terms of the Conservation Restriction. I spoke with Dave Rimmer last week on another matter, and he emphasized the importance of the relationship between Greenbelt and the Town, and I'd like to think this could get done. I'll reach out to Dave next week; he is out on medical leave this week, expected back on Monday.

Re the Mill Pond Management Plan, we have now heard from Mill Pond Comm and P&R; ConsComm has met to review and will discuss again at their 12/17 mtg, and OSC

will discuss at their 12/12 mtg. Therefore I still expect to have all parties initial comments by the end of the month, so the BoS can put this on an agenda in January in order that everyone can review the various suggested edits. Mill Pond Comm provided specific language changes. For P&R, your intent is clear, and I can work w Dave Rimmer on whether there's language to help get there – or if you'd like to propose specific language that's of course fine too.

Will let you know what comes from conversation w Dave next week -

Thanks,

Angus

Angus Jennings, Town Manager

Town of West Newbury

Town Office Building

381 Main Street

West Newbury, MA 01985

(978) 363-1100 x111

townmanager@wnewbury.org



Hi Angus,

Thank you.

P&R would like the following Commission looking at revisions to the Mill Pond

Management Plan as a potential way to codify an interpretation of the CR that would accommodate a dog park in the Lower Mill Pond Area. On January 10, 2018, Mill Pond Committee voted 5-2 "be open to seeing a formal proposal for a Dog Park for the area adjacent to the lower field and Rt. 113/Main Street." Essex County ." I went to Essex County for their approval to move forward and received the denial letter.

Where we want to put the Dog Park is an excellent location at the Lower Mill Pond?

Please let me know if you would like to see it with me some time next week.

Best,
Bill

On November 30, 2018 at 8:39 AM Town Manager
<townmanager@wnewbury.org> wrote:

Bill,

I want to be sure I understand the request. Is the Commission's request for the dog park proposal, as may be further refined, to be considered anew by the BoS, Greenbelt, both? Is the thinking that an updated vision may change Greenbelt's opinion as to the CR's allowance for this use?

And/or, is the Commission looking at revisions to the Mill Pond Management Plan as a potential way to codify an interpretation of the CR that would accommodate a dog park?

Will be happy to introduce whatever proposal/idea for consideration, by whichever process makes the most sense based on whatever which parties are being asked to consider.

Thanks,

Angus

Angus Jennings, Town Manager

Town of West Newbury

Town Office Building

381 Main Street

West Newbury, MA 01985

(978) 363-1100 x111



I hope all is well.

P&R met last night and discussed possible updates to the Mill Pond/Pipestave Management Plan.

P&R would like to review the Essex County Greenbelt Association Denial Request for putting a Retreat Dog Park in Lower Mill Pond.

We have attached the Denial Request Letter from Dave Rimmer and the Preliminary Vision of the Retreat Dog Park write-up that was sent to Essex County Greenbelt Association - January 2018. We would be happy to update the Preliminary Vision if it makes sense.

Thank you again for all your help and support.

Best,

Bill

<DogParkDenial2018 (002).pdf>

<MillPondDocument_01302017.pdf>

February 8, 2018

Mr. William Bachrach
Commissioner - Parks and Recreation Committee
West Newbury Town Hall
381 Main Street
West, Newbury, MA 01985



Dear Bill,

I am writing in response to the report you shared with me titled Parks and Recreation Committee – Preliminary Vision of a Dog Park Retreat at the Mill Pond/Pipestave Location – January 2018. As you know, the town of West Newbury granted to the Essex County Greenbelt Association (Greenbelt) a conservation restriction (CR) on approximately 209 acres of land at the Pipestave Hill/Mill Pond site in West Newbury. This CR was recorded on 12/25/2001 at the Southern Essex Registry of Deeds (Book 18101, Page 228).

A review of the CR by Greenbelt has led to our conclusion that a dog park at this site is not consistent with the purposes and terms of this CR. Specifically, paragraph A.9 on page 3 prohibits “Active recreation activities (defined by the need for fixed facilities), including the creation and maintenance of playgrounds, soccer fields, ball parks, football fields, or active recreation facilities of any kind.”. It is our conclusion that a dog park retreat as described in your report falls within the definition of activities prohibited by this language.

In the absence of any other reserved right in the CR allowing such an activity, and based on our interpretation of the entire CR, Greenbelt has no other option than to communicate to you that we would not be able to approve a dog park retreat as proposed at the Pipestave Hill/Mill Pond site.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "David Rimmer".

David Rimmer
Director of Stewardship

Conserving local farmland, wildlife habitat, and scenic landscapes since 1961.



Town Manager

To: [REDACTED]
Cc: [REDACTED]
Subject: Re: Pipestave CR
Attachments: PastedGraphic-1.tiff

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Angus,

Thank you for taking the time to outline Town Counsel's position on this matter.

Greenbelt has always held that amendments to Conservation Restrictions follow the process by which the CRs were originally approved. That process, laid out in MGL Ch 184 ss31-33, includes review and approval by the Secretary of EEA. It is that process by which the instrument is made perpetual.

The last sentence of Section P, Amendment, says, in part, "...nor shall any amendment affect its perpetual duration." In discussions with staff at the Division of Conservation Services, they believe, and we agree, that the requirement of perpetuity extends, necessarily, to any amendment - and that therefore the Secretary's review and approval would be required.

I'll leave it to the town at this juncture to determine whether the Selectmen, rather than Town Meeting, would have the authority to amend. It's a good question, and not one I've researched.

I would be happy to have further discussion on this matter, and to make connections to staff at the Division of Conservation Services, if that should become useful.

Best,
Chris

Christopher B. LaPointe
Director of Land Conservation
Greenbelt | Essex County's Land Trust
82 Eastern Avenue
Essex, MA 01929
chris@ecga.org
(978) 768-7241 x18



On Jan 30, 2019, at 5:06pm, Town Manager <townmanager@wnewbury.org> wrote:

Chris,

Thanks for your time on the phone. As we discussed, Town Counsel Mike McCarron reads the CR to allow for amendment, by mutual agreement of the Grantor and Grantee, provided that any such amendment is not inconsistent with Article 97.

He references the following language as authority:

P. Amendment

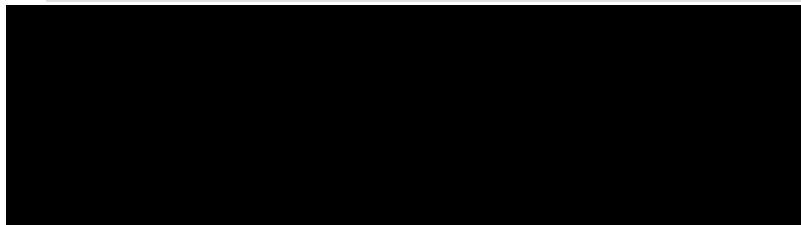
*The Grantor and the Grantee may by mutual consent amend **any term or provision** thereof provided that any amendment complies with the applicable provisions of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, MGL c. 184 sections 31-33, Internal Revenue Code of 1986 section 170(h), all as from time to time amended....*

He advises that an “enclosed dog park” is considered “Active Outdoor Recreation” pursuant to 301 CMR 5.02, and that such a use would be eligible under both Art. 97 and one of the reasons for which the CR was dedicated (“...the Premises provides opportunities for passive and active recreational activities by the general public...”). He further advises that, since the Board of Selectmen was the signatory to the Conservation Restriction, it would be the Board and Greenbelt who would have to sign off on the Amendment; and that, since Town Meeting gave the Board of Selectmen the authority to execute a Conservation Restriction with an amendment provision, it follows that the Board has the authority to execute such an amendment.

Please review and advise as to what process Greenbelt sees would be required *if* an amendment to the CR was to be proposed. As we discussed – but to be crystal clear – the Town (via the BoS, nor otherwise) has taken a position on whether it wishes to pursue any amendment for this or any other purpose.

Thanks in advance,
Angus

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



Angus,

I briefed Chris Lapointe, Greenbelt’s director of land conservation, on the conversation you and I had yesterday. Feel free to contact him to discuss it further. He is at Ext 18.

He did confirm 100% that, should the grantor and grantee agree to move forward with a CR amendment, local (concom, selectmen and town meeting) and state approvals would be required.

Thanks, Dave

Dave Rimmer
Director of Land Stewardship
Greenbelt | Essex County's Land Trust
82 Eastern Avenue
Essex, MA 01929
dwr@ecga.org
(978) 768-7241 x14

<image001.png>

Town Manager

From: Michael McCarron
Sent: Thursday, February 7, 2019 10:58 AM
To: Town Manager
Subject: RE: Pipestave CR

As I indicated on my last correspondence, I can see where the signature of the Secretary of EEA would be part of this process, and therefore agree to this rather than arguing about something for which there is no precedent.

I take it that they would agree to the following process. Greenbelt and the Board of Selectmen will draft and assent to an amendment to the CR incorporating the use of a dog, detailed in the same manner of the Athletic fields or the horse rinks, once that is signed by the parties, it will be submitted to the state for signature.

Before we commence discussions with Greenbelt, it behooves us to have all the stakeholders in Pipestave/Mill Pond assenting to the plan, prior to discussing the details with Greenbelt.

This is what I would recommend for the process:

1. Greenbelt agrees that a dog park is something that can be permitted in the CR. I am not suggesting that they give a blank check, but we need an assent to the concept because it would be wasteful to have the parties hash out a detailed plan only to be told that Greenbelt will not entertain the idea.
2. The stakeholders at Pipestave/Mill pond should meet to craft a plan that is endorsed by all (or at least a majority since no one should have veto power over this process)
3. The Town proposes an amendment with all the particulars to Greenbelt. Once the BOS and Greenbelt agree, execute an amendment
4. Sent the signed amendment to EEA for endorsement.

Michael P. McCarron
West Newbury Town Clerk
381 Main Street
West Newbury, MA 01985
Phone: 978-363-1100 ext 110
Fax: 978-363-1826

From: Town Manager
Sent: Thursday, February 07, 2019 9:18 AM
To: Michael McCarron
Subject: FW: Pipestave CR

Please see below.

If you agree with Chris' opinion, then I think it will be important to get clear with the Board and others what local vote(s) would be needed if the Town were to pursue a CR amendment.

If you don't agree, I also think this should be brought to the Board regarding whether to assent to this opinion or somehow contest it.

Please advise, thanks,
Angus

ARTICLE REQUEST FORM

H

ARTICLE: To see if the Town will vote to revise the erosion control performance standards (Zoning Bylaw Section 7.A.11 Performance Standards), in compliance with the NPDES (Nonpoint Pollutant Discharge Elimination System) MS4 Phase II stormwater permit for Massachusetts. The attached Memorandum dated February 13, 2019 from Ellie Baker of Horsley Witten Group to Angus Jennings, West Newbury Town Manager provides further information on the Article Request.

AMOUNT REQUESTED: Not Applicable

CONTACT PERSON: Angus Jennings, Town Manager

PHONE NUMBER: 978-363-1100 x111

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

No purchase is requested.

What factors affect the timing of this purchase? Not applicable

When should this Article be sunsetted--how long will the project take? Not applicable

What ancillary costs do you anticipate? (Maintenance, Insurance, Training, etc.) Not applicable

Does this Article involve improvement, preservation or creation of tangible Town-owned assets and projects which 1) have useful life of at least five years; 2) cost over \$20,000 and or 3) for which the Town is authorized to borrow funds? If so, please confirm that this item is on the Capital Improvements Committee Schedule for future capital investments. Not Applicable

Please attach additional pages or other supporting documentation. See Attached Memorandum dated February 13, 2019 from Ellie Baker, referenced above.



MEMORANDUM

To: Mr. Angus Jennings, West Newbury Town Manager
From: Ellie Baker, AICP, Senior Environmental Planner
Date: February 13, 2019
Re: Recommended Zoning Change for NPDES MS4 Phase II Compliance
cc: Ms. Leah Zambenardi, West Newbury Town Planner
Ms. Karen Conard, Executive Director, Merrimack Valley Planning Commission

Horsley Witten Group, Inc. (HW) reviewed the existing Zoning Bylaw, General Bylaws, Subdivision Rules and Regulations and Planning Board Regulations of the Town of West Newbury to develop, to the extent possible, a recommendation for a simple revision to bring the municipal code into compliance with the 2003 Nonpoint Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Phase II Permit for Massachusetts. Specifically, we were asked to look at the permit minimum control measures 4 and 5 pertaining to a regulatory mechanism to require sediment and erosion controls on construction sites and a regulatory mechanism to require stormwater management for new development and redevelopment projects above an acre of disturbance. Such regulatory controls are currently in place only for projects that go through the wetland permit process and the subdivision approval process in West Newbury.

HW drafted recommended language, presented below, to establish consistent regulatory requirements for all other projects that disturb one acre or more, including those that go through the Site Plan Review or Special Permit approval processes. This language would replace the existing language in Section 7.A.11 of the Performance Standards Section of the West Newbury Zoning Code with new language.

Existing Zoning Code:

7.A.11. Erosion control. Whenever the existing contours of the land are altered, the land shall be left in a usable condition, graded in a manner to prevent the erosion of soil and the alteration of the runoff of water to or from abutting properties, and shall be suitably landscaped. No building permit may be issued for any development that would cause land-disturbing activity, as determined by the Inspector of Buildings, without an Erosion Control Plan approved by the Conservation Commission.

Proposed Revised Code:

7.A.11. Erosion control and stormwater management. Whenever the existing contours of the land are altered, the land shall be left in a usable condition, graded in a manner to prevent the erosion of soil and the alteration of the runoff of water to or from abutting properties, and shall be suitably landscaped. No building permit may be issued for any development that would cause disturbance of more than 1 acre, as determined by the Inspector of Buildings, without a Construction Phase Erosion and Sediment Control Plan and a Stormwater Management Plan that demonstrate compliance with the Massachusetts Stormwater Standards (2008 or as further updated) and the Massachusetts Stormwater Handbook (2008 or as further updated).

Please note that the current 2016 NPDES MS4 Phase II permit includes certain requirements that may require additional changes to the West Newbury code in the coming years. HW does not provide legal services; as such, we recommend that your Town Counsel review any proposed code revisions.

Please feel free to contact me at ebaker@horsleywitten.com with any questions or comments.



Town of West Newbury Board of Selectmen

Tuesday, November 13, 2018 @ 6pm
381 Main Street, Town Office Building
www.wnewbury.org

I

Open Session Meeting Minutes

Chairman Kemper called the meeting to order at 6:03pm. Selectmen in attendance were Glenn A. Kemper, Chairman, Joseph H. Anderson Jr., and David W. Archibald.

Others in attendance were Town Manager Angus Jennings and Town Counsel Michael McCarron.

Chairman Kemper moved to go into Executive Session under MGL Chapter 30A §21(a) 3: To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares.

MGL Chapter 30A §21(a) 2: To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel; Executive Session Minutes dated October 15, 2018. Second by Selectman Anderson with a unanimous roll call vote: Anderson – aye, Archibald – aye, Kemper – aye.

Chairman Kemper called the open session back to order at 7:15pm and read the following announcements:

- This meeting is being broadcast on local cable TV and recorded for rebroadcast on the local cable channels and on the internet.
- Council on Aging and Board of Assessors hosting an information session November 14th at 12pm and November 5th at 5:30pm
- Rural Policy Advisory Committee Listening Session, Nov. 14th from 6-8pm at the Newbury Town Offices, 12 Kent Way, Newbury, MA
- Town Offices will be closed on November 22nd and November 23rd for the Thanksgiving holiday
- Holiday Tree Lighting, Thursday, November 29th starting at 6:30 on the Training Field
- Marine Corp. Toys for Tots: New, unused, unwrapped toys may be dropped off at the Public Safety Complex at 401 Main Street starting November 1st through December 3rd

Regular Business

A. Requests for appointment to Cultural Council: Susan Dougherty, and Dot Cavanaugh

Susan Dougherty and Dot Cavanaugh were present to answer any questions from the Selectmen. Selectman Anderson asked for confirmation that the candidates have not exceed the two consecutive three-year appointments. Susan Dougherty past membership dates (not all are included) are 2009-2012; 2013-2016. Dot Cavanaugh past membership dates (not all are included) are 2011-2014 and 2015-2018. Town Counsel confirmed that the word “consecutive” in this statute would allow both candidates to be appointed tonight.

Selectman Anderson moved to appoint Susan Dougherty and Dot Cavanaugh to the Cultural Council for three-years through June 30, 2021. Second by Chairman Kemper with a unanimous vote.

Documentation: Application for Appointment from Susan Dougherty and Dot Cavanaugh

B. Jon Shikes, Pack 26 Cubmaster Re: Use of town facilities more than six times per year

Mr. Shikes, Cubmaster was present to request the use of town facilities more than six times per year for the Scouts, West Newbury's Pack 26. The pack has seen an increase of 25% of new scouts over the last year therefore holding the meetings in a larger area is much more desirable.

Selectman Anderson moved, subject to availability, to approve the use of the Annex or the Town Hall with no need to come back in for approval unless there is a drastic change to the membership. Second by Chairman Kemper with a unanimous vote.

Documentation: Email from Mr. Jon Shikes, Cubmaster dated November 7, 2018

C. Public Hearing with Board of Assessors: FY2019 Tax Classification Hearing

Chairman Kemper opened the public hearing, second by Selectman Archibald with a unanimous vote.

Chief Assessor Meredith Stone and member of the Board of Assessors Richard Baker were in attendance and explained the new growth evaluations has been approved and the Board of Assessors are recommending a single tax rate. It has been the practice in town to approve a single tax rate as residential property makes up 97% of the town. The Board discussed that setting a commercial tax rate would be inconsequential as an offset to residential property therefore not recommended.

Selectman Archibald questioned if the town has any properties filing a personal property tax. Chief Assessor Stone responded that predominantly the Town of West Newbury are not secondary homes and she could put out a survey but most residents return the sales questionnaires and respond that it is their domicile.

The Board of Assessors and Chief Assessor recommend the tax levy of \$13,789,329.16 which would put the tax rate at \$14.57, an increase of \$.01 over last year. Property values increased therefore tax bills did as well which was clarified by Chairman Kemper. Single family home assessments increased by more than \$30,000 with an average tax bills increase of \$450.00. Every year assessors must make interim adjustments to be at 100% fair market value, certified by Mass. Department of Revenue.

Selectman Archibald motioned to adopt the single tax rate, not adopt the open space discount, not to adopt the residential exemption and not to adopt the small commercial exemption. Second by Selectman Anderson with a unanimous vote.

Chairman Kemper motioned to close the public hearing. Second by Selectman Archibald with a unanimous vote.

Documentation: Memo from Town Manager dated November 9, 2018 and informational packet from Chief Assessor Meredith Stone

D. Discussion of CPA surcharge and opportunity to discontinue – *request of Tom Atwood*

Resident Tom Atwood was present and discussed the Community Preservation Act and the opportunity to reduce or discontinue this tax. Discussion took place on the history of CPA funds voted in 2006 with votes put forth to change the percentage at town meeting in the past and the vote was close and this year would be beneficial due to the anticipated large turnout due to the school vote. Mr. Atwood is disappointed the majority of funding has gone to the Page School and is time to revisit the Community Preservation Act to either eliminate or reduce the 3% tax. Mr. Atwood requested support from the Board of a citizen's petition for the spring town meeting regarding the CPA tax.

Selectman Anderson responded that he feels that Mr. Atwood made some very valid points with the votes very close on either side. Selectman Archibald discussed the matching funds and how this has decreased over time with many more towns approving CPA locally.

Bill Bachrach, Park and Recreation Commission and Chairman to the Community Preservation Committee added to the discussion and handed out an accounting of the CPA funds with an approximate \$2.2 million balance with 63.6% for the Page School, 21% for historic preservation, 2.4 for Open Space, 2.2% for Park and Recreation and 10.8% for Community Housing. Mr. Bachrach discussed the need for a long-term plan for the CPA funds with two things of concern; for residents to know where CPA funds come from and is there a better use of these funds.

Chairman Kemper added this is not new, these concerns have existed for some time and agreed to educating the residents. Town Clerk Michael McCarron added that the Secretary of the State suggested a process for changing CPA funds, there should be a Town Meeting vote and then an election. The problem is that in order to put a ballot question at Town Meeting it must be done at least 35 days prior to town election. This is the Secretary of State's interpretation and would only be clarified if challenged.

Town Manager Angus Jennings added that the Community Preservation Committee plan is to be updated yearly, is currently being addressed by the committee and allows input on the plan.

Brad Beaudoin offered a way to better explain where CPC funds are coming from when articles are voted upon, funded by CPA, the wording of the article in his opinion was not clear as it references CPA revenues and recommends referencing it as a 3% real estate surcharge. Therefore, an uninformed citizen would be aware of this surcharge and how it is being used and more clearly explains where the funds are coming from.

Documentation: Email from Tom Atwood dated October 23, 2018 and CPC information from Bill Bachrach

E. Historical Commission, request for authorization to submit grant re: Survey & Planning Matching Grants

Mr. Robert Janes was present to discuss an application to the Massachusetts Historic Commission for a second round of historic inventory 50% matching grant application and requesting approval to proceed. Funding for this project is \$25,000 of which \$12,500 will be coming from CPA funds. Town Manager Jennings added that Jeff Clewley helped considerably with the paperwork for this grant on it's first round and is no longer on the commission and asked who is leading the charge on the paperwork. Mr. Janes responded that would be him and the paperwork has already been completed; Mr. Jennings referred to the close out of the grant and accounting reported to the State. Mr. Janes responded that he will do the best to complete this task.

Selectman Archibald questioned what work is to be done. Mr. Janes responded the first inventory completed was for Main Street and a few other roads amounting to about 1/3 of the properties with approximately a total of 300 homes that fall under the category of 100+ years old. This second round will address another 1/3 of the town's historic properties.

Selectman Anderson moved to approve the Historic Commission request for a historic site agreement. Second by Chairman Kemper with a unanimous vote.

Documentation: Memo from Bob Janes dated November 7, 2018

F. Discussion of FY'20 budget and capital planning priorities with members of the Finance Committee and Capital Improvements Committee

Present were members of the Finance Committee and the Chair of the Capital Improvements Committee

Selectman Anderson started the discussion with the Selectmen's budget message and calendar and tonight is a listening and discussion from all parties. Town Manager Jennings asked for clarity on how the change to the form of government from a Finance Director to Town Manager can be expected to affect departments/committees and commissions and the process for the budget calendar. Jennings added that with budgets submitted to the Town Manager and preparing an overall budget to the Finance Committee, it is important to define the calendar to match that sequence. Jennings requested clarification on budget preparation and the role of the Finance Committee and Board of Selectmen relative to what was done last year.

Selectman Anderson stated that the only change is that instead of the Finance Director preparing the budget it will now be done by the Town Manager vetting the budget with some discussions with the Board of Selectmen. To then hold a joint meeting with the Finance Committee to approve the budget.

Selectman Archibald discussed the budget message to give direction to departments and Town Manager regarding budget limitations. The Board discussed having the Town Manager come up with a proposed budget calendar for the Selectmen to review at a future meeting.

Town Manager Jennings discussed his process by meeting with department heads and vetting the budget and bring to the Finance Committee the Town Manager's budget which may or may not be what was proposed by the department head.

Forbes Durey, member of the Finance Committee requested a more staged budget, less likely to shift as happened last year. Town Manager Jennings responded that his plan is to give the Finance Committee his final numbers with no change's forthcoming. Selectman Anderson recapped that what the Town Manager gives to the Finance Committee will be more flushed out therefore later than in the past would work well.

Tom Atwood asked for guidance to standardize the process for Board members would be helpful, i.e. Board of Assessors, Conservation Commission and whether Boards need to individually vote on their budget.

The budget message and calendar will be discussed and finalized at the next meeting. Selectman Anderson asked to include future budget projections and reducing free cash.

The Capital Improvements Plan was discussed and Town Manager Jennings has met with the Chair of the Capital Improvements and department heads to better understand the need of the town and his work from here forward is to mesh all this information into a good, clear format.

Next steps: Town Manager Jennings will prepare a budget calendar to be reviewed and discussed by the board at their next meeting. The board will work on preparing a budget message and bring to the table thoughts from each board member. Forbes Durey asked for expenditures to be more inline with the budget, not to exceed the 2.5% and to work toward fully funding the stabilization accounts for targeted usage to include funding source.

Documentation: Memo and reports from Town Manager Jennings dated November 9, 2018

G. Discussion of composition and activities of the Personnel Committee

Town Manager explained that the Personnel Committee has an important role under the Personnel Bylaw and the legislation requires that he oversees the personnel policies. The committee has not met for a number of years and he is looking to reinvigorate the committee to work on a few items. Currently there are three members appointed to the committee with one-member position filled by a Selectman Representative. Jennings respectfully suggests that the Selectman Representative be replaced by a non-selectman representative for a couple of reasons.

Chairman Kemper stated that by removing a member of the Selectmen from the committee would then allow for the committee to submit their findings and recommendations to the board. Jennings added that the committee is responsible for addressing labor law and having a committee independent of the organization is helpful. Secondly the appeal process is through the Selectmen therefore having independence from the Personnel Committee is important to allow validity through the process. The board had no issue with removing the selectman representative on the committee and the town will advertise for openings on the committee.

Documentation: Memo from Town Manager Jennings dated November 9, 2018 and Personnel Bylaw

H. Acceptance of Meeting minutes dated October 15, 2018

Selectman Anderson moved to approve the minutes dated October 15, 2018. Second by Chairman Kemper with a unanimous vote.

Documentation: October 15, 2018 draft meeting minutes

Town Manager Updates

I. Discussion of existing town finance policies, Community Compact recommendations and forecasting tool

Town Manager Jennings recommends taking the existing town finance policies and use that as a vehicle to add the community compact recommendations with a goal of arriving at a set of financial policies under one cover that is internally cohesive. Finance Committee member Brad Beaudoin is onboard with moving forward with the Town Manager's recommendation. Finance Committee member Forbes Durey questioned why we would use outdated policies when the town has recommended up-to-date policies.

Selectman Anderson agreed with Forbes and to use the community compact policies as a baseline and merge the town policies. The board has gone through the policies and made mark-ups and they are ready to go and Selectman Anderson recommends putting the policies side-by-side and get it done.

Selectman Kemper discussed the deadlines facing the Town Manager and how and what are we to get it all done in the time allowed before town meeting.

Discussion took place on how to get the community compact policies ready for town meeting approval. The board has made adjustments but that does not merge the current town policies therefore missing that step. The new chart of accounts is a large step that needs to happen now according to Town Manager Jennings and is time consuming.

Chairman Kemper responded that the board set out what they want to accomplish and we need the Town Manager to give us a timeline on what we want to accomplish for he is on the frontlines.

Town Manager Jennings discussed his top priorities as the chart of accounts for the FY'20 budget and to integrate the new software but in order to do that it is going to take a lot of time now. Asking departments to put together the budget in that format we need to be ready to implement. Maximum efficiency of the Finance Department is priority number two.

The board discussed having a meeting in December to review policies and Chairman Kemper asked the Finance Committee if they know of policies that can be done now then to let them know.

Documentation: Memo from Town Manager Jennings dated November 9, 2018

J. Proposed review and evaluation of Town Offices' layout, administrative needs and staffing

Town Manager Jennings addressed his proposal and is looking for the board's blessing on the town office layout, administrative needs and staffing changes with the Finance and Selectmen's Office. Selectman Anderson feels that this needs more discussion on this topic.

Town Manager Jennings outlined his goal with this proposal is to give boards/committees/commissions a dedicated staff member to handle support and communications. Goals set out by the board in June is to review employee job descriptions as to what works, what does not and how it can be improved. How to maximize time and productivity and this is in response to that directive. Administrative capacity is enormously important to an organization and Jennings stated that he has a good sense of what is going on with researching what is set out in his memo.

Selectman Archibald motioned to support what is driven in the Town Manager's memo. Second by Chairman Kemper. Selectman Anderson added that he is aware that some staff is not carrying out what was set out to them earlier this year which has created an issue. Selectman Archibald added that one of the Town Manager's charges is to figure out what works and what does not work and we are not here all the time. **Vote: Chairman Kemper – aye, Selectman Archibald – aye, Selectman Anderson – no; 2-1-0.**

Documentation: Memo from Town Manager Jennings dated November 9, 2018

K. Project updates:

- a. Recent meeting with PSRD Superintendent, Business Mgr. and representatives from Groveland and Merrimac regarding the Pentucket Regional School District Regional Agreement

Town Manager Jennings discussed the focus on a contingency planning in the event a facility was to become unavailable from a structural failure or system failure. By directive of the School Committee, the Superintendent is pushing this forward and they are early in the process and each town will be involved with policy discussion.

Documentation: Memo from Town Manager Jennings dated November 9, 2018 and PRSD Regional Agreement

- b. Middle Street Bridge, update on design process and anticipated timeline

Town Manager Jennings stated the current status is the conceptual designs are due in early January and plan to hold a public hearing and a mailing to all that are interested. Bi-weekly conferences are taking place and the new DPW Director will be brought on board and fully appraised.

Documentation: Memo from Town Manager Jennings date November 9, 2018

- c. Bids received for water building, and next steps

Town Manager Jennings gave a next step on the bids received for the chemical building. The bids came in at double of the estimated cost so the Water Commissioners have set the direction for the engineer to retool the project to get it down to the available budget. It is likely they will bring to Town Meeting a request for additional funding for the chemical building project. The bid went out today for the water tank so that is a wait and see.

No documentation

- d. Page School Generator, project update

Town Manager Jennings reported the project is due to be complete this month and is on budget.

Documentation: Memo from Town Manager Jennings date November 9, 2018

- e. OSHA trainings and work toward compliance by effective date of Feb. 1, 2019

Town Manager Jennings gave an update on OSHA training and work toward compliance.

Documentation: Memo from Town Manager Jennings date November 9, 2018

- f. Update on meetings with Mill Pond Committee and Conservation Commission regarding process for amending Mill Pond Management Plan and Pipestave/Mill Pond Conservation Restriction boundary

Town Manager updated the Board on the plan which has gone out to all departments for input and recommendations. The board agreed to wait until all recommendations are in before meeting further on the plan.

Chairman Kemper asked the Town Manager and Town Counsel to look into see if the town can reverse a conservation restriction.

Documentation: Memo from Town Manager Jennings date November 9, 2018 and email correspondence from Dave Rimmer, Greenbelt

- g. Overall project management framework

Town Manager Jennings discussed there are issues that need additional discussion.

Documentation: Memo from Town Manager Jennings date September 27, 2018

L. Follow up meeting assignments

- Budget message and calendar
- Financial Policy review in December on an off week

M. Placing items for future agendas

- Planning Board resignation from John Sarkis. Planning Board was unable to attend tonight and will need to vote by quorum to fill that position.
- School building assessment to agree on a strategy
- Formally invite members to the black-tie event held by the Bicentennial Committee
- Update from the River Access and Harbor Committees
- Discussion of traffic safety from Tom Atwood

Chairman Kemper motioned to adjourn at 9:35pm. Second by Selectman Anderson with a unanimous vote.

Respectfully Submitted,

Mary Winglass, Executive Administrator

Town of West Newbury Finance Committee FY20 Budget Meeting Schedule

*All meetings will be in the 1910 Building
381 Main Street, West Newbury, MA
Hearing Room 1*

<u>Date/Time</u>	<u>Departments/Topics To Be Reviewed</u>	
Tuesday, Feb. 26th 7pm	Revenue Projections DPW Water Library	Town Clerk/Town Counsel Board of Registrars/Elections Planning Board Board of Appeals
Tuesday, March 5 th 7pm	Board of Health Board of Assessors Inspectional Services Council on Aging Finance Committee Conservation Commission	Harbormaster Historical Commission Moderator Cultural Council Cable Advisory Committee Community Center Committee
Tuesday, March 12 th 7pm	Police Department Dispatch Fire Department Animal Control Officer	Emergency Management Agency Ambulance Open Space Committee Community Preservation Comm
Tuesday, March 19 th 7pm	Education Debt Service Transfers to Stabilization Town Manager Finance Department Selectmen Special Counsel Veterans' Services	Recreation Commission Mill Pond Committee Insurance and Bonds Essex County Retirement Health Insurance COLA Medicare (FICA) Unemployment Compensation

Please note: *The order that topics are listed are not necessarily the order they will be reviewed. The Finance Committee Chairman reserves the right to take up items out of order.*

The Committee will consider proposed Town Meeting warrant articles at the time that the article sponsor(s) appear before the Committee for review of proposed operating budgets.



Commonwealth of Massachusetts
DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT

Charles D. Baker, Governor ♦ Karyn E. Polito, Lt. Governor ♦ Janelle L. Chan, Undersecretary

K

February 1, 2019

Glen A. Kemper, Chairman
Board of Selectmen
Town Office Building
381 Main Street
West Newbury, MA 01985



RE: Local Initiative Program LAU Approval – Drake's Landing

Dear Chairman Kemper:

We are pleased to inform you that the Town's application has been approved for Local Action Unit designation of four (4) affordable ownership homes of 34 total units located on Main Street in West Newbury..

The Local Initiative Program staff has reviewed your application and determined that:

1. The units will serve households with incomes at or below 80% of the area median income.
2. The Town has taken action to aid in the development of the units.
3. The affordable units are restricted, ensuring they will remain affordable in perpetuity.
4. The units are subject to an affirmative and fair marketing plan.

The Department of Housing and Community Development has received documentation supporting these findings. The Town will be responsible for monitoring the units on a yearly basis to certify their compliance with all occupancy restrictions as outlined in the LIP deed rider and ownership Regulatory Agreement.

Please refer to the enclosed instructions describing the documentation to be submitted by your community to DHCD to have the unit added to the Subsidized Housing Inventory.

At least two weeks prior to the sale of each affordable unit, DHCD must receive the Purchase and Sale Agreement, loan commitment letter, and closing attorney contact information for the buyer. These items are used to prepare the documents for the closing and should be sent directly to Rieko Hayashi. Please call her at 617-573-1426 with any questions.

We congratulate you on your continued efforts to bring affordable housing to West Newbury. If you have any questions please feel free to contact Rieko. We look forward to working with you again.

Sincerely,

Catherine Racer
Associate Director

Enc.

cc: Angus Jennings, Town Manager
Leah Zambarnardi, Town Planner
Michael McCarron, Town Counsel



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

TO: Board of Selectmen
FROM: Angus Jennings, Town Manager
DATE: February 14, 2019
RE: Correspondence from Personnel Advisory Committee

This is to make you aware that variations of the enclosed letter (based on named recipients) were recently sent to all Department Heads, and to the Chairs of Boards/Commissions who oversee Departments. Each letter included all currently staffed non-union job descriptions for the Department. The following Department Heads or Chairs received the letter: Assessing, Board of Selectmen (chair), Town Clerk/Counsel, Council on Aging, Conservation Commission (chair), Community Preservation Committee, DPW, Health (chair), Inspectional Services, Library (chair), Planning (chair), Town Accountant, Treasurer, Water. In instances where the letter was sent to Chairs, it was also copied to the lead department personnel.

The Personnel Advisory Committee will review the responses to their letters at their next scheduled meeting on Thursday, March 7th at 7:30 PM in the second-floor hearing room. I anticipated that their review of this information, and their work on this initiative, will take place over the course of a couple of months.



Town of West Newbury Personnel Committee

381 Main Street
West Newbury, Massachusetts 01985

Judith Mizner, Chair
personnel@wnewbury.org

February 8, 2019

[DEPARTMENT]

[RECIPIENT]

Dear [RECIPIENT],

As you know, the Town's Personnel Advisory Committee (PAC) was reconvened by the Board of Selectmen in late 2018. The Committee has met three times, and will be meeting on a periodic and as-needed basis going forward. All meetings are public, and staff participation is welcomed.

Under the West Newbury Personnel Bylaw, the PAC is charged with assisting the Board of Selectmen in meeting its responsibilities under the Bylaw. The PAC's work may include, but is not necessarily limited to, "review of compensation for employees, benefits, methods of selection of personnel, performance appraisal, and personnel procedures."

The Committee is working in close consultation with the Town Manager who, under special legislation enacted in 2017, is responsible to "oversee the Town's personnel system and staff in accordance with Town By-laws and shall oversee personnel evaluation policies and practices, employee benefit programs, enforcement of labor contracts, labor relations, collective bargaining, state and Federal equal opportunities law compliance in the town and such other human resource obligations as designated by the Board of Selectmen."

One of the PAC's initial work items is to review the employment classification (i.e. grade) of Town staff positions, in order that we may be in a position to offer informed recommendations regarding the Town's compensation plan. In order to do so, it is important that the job descriptions for each position be accurate, to allow a fair assessment of whether each position is properly classified relative to other positions that perform similar (or comparable) functions.

Toward that end, the PAC therefore respectfully requests that you review all job descriptions for current non-union positions in your Department. Please include input from personnel in your department. Copies of the latest job description(s) on file in the Town Manager's office are enclosed for your reference.

Please suggest any changes necessary to fully align the job description(s) with the work being performed. In some cases, you may recommend eliminating written responsibilities that are no longer applicable. In others, you may recommend adding current responsibilities that have been taken on since the most recent revision, and are not currently reflected in the description. Your review should also reflect any new responsibilities that have recently taken effect, or that are expected to take effect in the near future, due to new local, state, and/or Federal policies.

Upon request, the Town Manager will provide you copies of the job description(s) in your Department in editable Word format. If you prefer to mark up a copy by hand, or write separate notes, that works well too.

Responses should be sent to the PAC at the email address above or you can leave them in our box at the Town Office Building. We ask that you provide your response on or before Thursday, March 7th.

Thank you in advance for your assistance in this matter, and please do not hesitate to contact the PAC with any questions or concerns.

Best regards,

Judith Mizner

Chair