



**Town of West Newbury
Board of Selectmen
Monday, April 1, 2019 @ 6pm
381 Main Street, Town Office Building
www.wnewbury.org**

RECEIVED
TOWN CLERK
WEST NEWBURY, MA
2019 MAR 28 PM 1:13

AGENDA

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

- ❖ MGL Chapter 30A §21(a) 7: To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements;
- ❖ 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 Ch. 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.

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.
- Pentucket High School Tours: Tuesday, April 2nd from 3-4:30pm, Wednesday, April 3rd from 6:15-7:45pm and Thursday, April 4th from 6:15-7:45pm
- Council on Aging Community Shred Day, Saturday April 6th, 9:30am-1:30pm, Bandstand parking lot
- Public Forum on the Pentucket School Building Project on Tuesday, April 9th @ 6pm at the West Newbury Town Offices, First Floor Hearing Room.
- Letters of interest due to the Board of Selectmen by April 12, 2019 for appointment consideration on the Board of Fire Engineers
- Candidates Night, Wednesday, April 24th, 7:30pm in the First Floor Hearing Room
- Earth Day Roadside Cleanup, Saturday, April 27th and Sunday, April 28th, trash bags and gloves available at the Town Offices and Food Mart
- Spring Annual Town Meeting, Monday April 29th, 7pm at the Pentucket High School Auditorium

Regular Business

- A. Request to place sign on training field from West Newbury Garden Club
- B. Request for one day liquor license from Kathy Feehery, West Newbury Riding and Driving Club
- C. Request for Special Event Permits
 - a. Cindy Foote, Myopia Hunt Club (events on May 7, 18 and 28)
 - b. Rich Morrell, Yukon Sports
- D. Request for Street Opening Permits for 46 and 48 Garden Street, Tim Collins
- E. Cont. Board of Selectmen review and recommendations on proposed FY20 Budget and Articles
- F. Signing the Special and Annual Town Meeting Warrants
- G. Review of proposed motions for Special and Annual Town Meeting Articles
- H. Process for review of Town Manager
- I. Board of Selectmen April 2019 Meeting Schedule

Town Manager Updates

- J. Summary of tax abatement programs for senior citizens, veterans and others
- K. Discussion of what constitutes a valid public purpose for Accounts Payable warrants (regarding advance purchase of tickets for events, such as Bicentennial Committee Red Sox day, August 9, 2019)
- L. Notification that Union Dispatch Agreement, 2019-2022 has been executed
- M. Follow up meeting assignments
- N. Placing items for future agendas

COMMUNITY SHRED DAY

PROTECT YOUR PERSONAL INFORMATION

SATURDAY, APRIL 6TH

9:30AM-1:30PM

AT 381 MAIN STREET

BACK PARKING LOT (BY BANDSTAND)

FOR MORE INFORMATION, EMAIL

THERESA AT COA@WNEWBURY.ORG

OR CALL 978-363-1104

THANK YOU TO HAVERHILL BANK FOR
MAKING THIS POSSIBLE!!!!



SUGGESTED DOCUMENTS:

BANK STATEMENTS

CREDIT CARD STATEMENTS

TAX RETURNS (OVER 7 YEARS
OLD)

ATM/CREDIT CARD RECEIPTS

**TUESDAY, APRIL 9TH
@ 6PM**

PENTUCKET SCHOOL BUILDING PROJECT

Public Forum with West Newbury Board of Selectmen; Dr. Justin Bartholomew, Pentucket Superintendent; KC Swallow, Town Moderator; and Angus Jennings, Town Manager.

Informal discussion and resident Q&A on the Middle/High School building project and the impact to West Newbury



Town Office
Building

381 Main Street

West Newbury

First Floor Hearing
Room

Light Refreshments

CALL WITH ANY
QUESTIONS

978-363-1100 X113

March 21, 2019

West Newbury Garden Club
West Newbury, MA 01985

Dear Selectmen,

The West Newbury Garden Club is seeking approval to install our Annual Plant Sale banner on the Training Field from Saturday, 5/4 and removed on Saturday, 5/18.

This location has provided an excellent visible reminder of this well attended event.

The funds raised by the WNGC during this event helps to fund the beautifying of our donations made to local charities and our long standing scholarship given annually to students from West Newbury.

Thank you for consideration.

Respectfully submitted,

Donna Greene and Barbara Butler

NUMBER

2019-04

THE COMMONWEALTH OF MASSACHUSETTS

Town of West Newbury

FEE

This is to certify that

Kathy Feehery

NAME

540 Main Street West Newbury, MA 01985

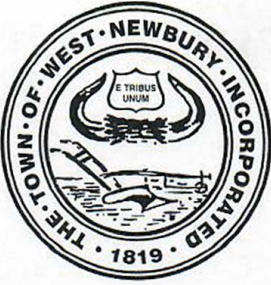
ADDRESS

IS HEREBY GRANTED A LICENSE

For One day liquor license for the West Newbury Riding and Driving Club Potluck Dinner on April 13, 2019 - 6pm - 10pm at the Town Annex, 379 Main Street.

This license is granted in conformity with the Statutes and ordinances relating thereto, and expires April 13, 2019 @ 10:01pm unless sooner suspended or revoked.

20



**TOWN OF WEST NEWBURY
BOARD OF SELECTMEN**

1910 TOWN OFFICE BUILDING
381 Main Street, West Newbury, Mass. 01985
Phone: 978-363-1100, Ext. 115 Fax: 978-363-1117
selectmen@wnewbury.org

APPLICATION FOR APPROVAL OF ONE-DAY LIQUOR LICENSE

Name of person completing the application: Kathy Feehery / WNRDC
Address of applicant: 540 Main St W. Newbury MA 01985
Event: WNRDC Potluck
Date of event: 4/13/2019 Starting and ending time of event: ~~Amex~~ 6-10pm
Location: Town Hall Annex,

Application for sale of: - club provides, not for sale
All Alcoholic Beverages: _____
Wines and Malt Beverages Only: X
Wines Only: _____
Malt Beverages Only: _____

The Activity is:
For profit: _____
Non-profit: X

Signature of Applicant: 
Date: 3/10/2019

Received by: Mary Wingless
Date: 3/12/2019

Date to be reviewed by the Board of Selectmen: 4/1/2019

REQUEST FOR USE OF FACILITIES

C.a.

Organization or Group West Newbury Riding and Driving Club

Person Making Reservation Catherine Marrone

Mailing Address 540 Main St., West Newbury 01985

Phone [REDACTED] e-mail [REDACTED]

Event Date: April 13, 2019 [REDACTED] 8AM End Time 10:00PM

Summary of Event Annual pot luck dinner

Number of Attendees 50 +/-

Event Details: *Please be specific* i.e. alcohol*, music, food – Potluck dinner, beer/wine/soft drinks/water, line dancing.

If alcohol is being served, a Liquor Liability Policy must be provided (\$1,000,000), see page 2.

Check Appropriate Block:

Fund Raising Group Commercial In-Town Resident
 Non-Profit Commercial Out-of-Town Other

Facility Requested:

1910 Bldg Hearing Room (1) Pipestave Equest. Area** Other
 1910 Bldg Hearing Room (2) Athletic Playing Fields*
 Town Hall- (across from Library) Mill Pond Rec Bldg**
 Annex Bandstand

Fee Paid by Check/Cash Fee Waived

TERMS AND CONDITIONS OF USE:

1. Must leave the facility as you found it, place tables and chairs in the storage area and remove all trash and recycling. The town does not have a custodian on staff and other events may be scheduled to use the facility after you. Please contact Dispatch at 978-363-1213, if the town offices are closed, with any problems.
2. No open flames, i.e. candles, torches, etc. (Chafing trays with sternos **are** allowed.)
3. Exits and entrances must be kept clear. Tables must be a minimum of 6' from exits and entrances.
4. All decorations must be fire resistant.
5. No live trees or shrubs allowed, including Christmas trees.
6. No smoking inside buildings; smokers must be outside of the building, 20' from all entrances and exits.
7. If deemed necessary to maintain the safety of the public, a Fire Watch (Fire Dept. representative.) may be required, at the then-current hourly fee.
8. No fog machines or fake smoke machines allowed. No helium balloons allowed in the Annex.
10. Permits are required for temporary signs. No signs are allowed on public property without prior approval by the Board of Selectmen

PLEASE NOTE: IF YOU ARE APPLYING TO OFFER ANY KIND OF CAMP FOR CHILDREN, YOU MUST GET PRIOR APPROVAL FROM THE BOARD OF HEALTH.

978-363-1100, x. 118

RECEIVED

MAR 11 2019

~ Continued on other side ~

Name: West Newbury Riding and Driving Club

Event: Pot luck dinner

Insurance: The organization's representative or the individual requesting the space will be required to sign an indemnification agreement (below) with the Town of West Newbury for a scheduled event. A general liability policy (\$1,000,000 per occurrence/\$3,000,000 aggregate) is required as part of the rental agreement, and a certificate of insurance naming the Town as an additional insured must be provided before the date of the event as proof of said policy. If alcohol is being served, a Liquor Liability Policy must be provided (\$1,000,000) in addition to the general liability coverage.

*** ATHLETIC PLAYING FIELDS RENTAL: Must have prior approval by the Parks and Rec Commissioners.** Payment by check (to: Town of West Newbury) or cash must be received in the Town Manager's Office, and a Certificate of Insurance must be received prior to the date requested to use the fields. (See above for details.)

****MILL POND RECREATION BUILDING AND PIPESTAVE EQUESTRIAN AREA:** Must have prior approval by the Mill Pond Committee.

Indemnification Agreement: I/We, West Newbury Riding and Driving Club (group), agree to pay for any damage to the facility incurred during the term of rental by our organization. I/We understand that I/we must leave the area in the same condition that it was found. Furthermore, I/we hereby agree to save and hold harmless and/or indemnify the said Town of West Newbury against any and all claims or liabilities for personal injury or property damage arising out of use of said property.

Catherine Marrone
Individually/Authorized Signature for Group

3/11/2019
Date

Parks & Rec Committee or Mill Pond Committee

Signature (if applicable): _____

Date: _____

Requests and comments:

Chief of Police
Signature: [Signature]

Date: 5/12/19

Requests and comments: 1 detail officer

Fire Chief
Signature: [Signature]

Date: 3/28/19

Requests and comments: none

Approval granted if signed here by Town Manager:

Date: _____

Requests and comments: Ins. Certificate on file

RECEIVED

MAR 13 2019

BOARD OF SELECTMEN
TOWN OF WEST NEWBURY

Special Event Application

Organization or Group Myopia Hunt
 Person Making Reservation Cindy Foote
 Mailing Address 1 Poorhouse Lane
 Phone [REDACTED] e-mail [REDACTED]
 Event Date: May 7th 2019 Start Time 10:AM End NOON
 Time _____
 Reason for Event fox hunt
 Number of attendees 10-20

Check Appropriate Block:

Resident Non-resident
 Fund Raising Group Non-Profit Commercial Other

Submit your application (with all maps, diagrams and attachments as required).
on file

Provide a Schedule of Events along with a Sketch Plan which addresses:

1. The location of the event on the property Starting @ Maudslay State park
2. For road or walk race, a detailed map of the route see attached
3. Features and attractions n/a hounds follow scent of fox urine spread before ride. Horses + riders follow hounds.
4. Participant circulation n/a
5. Proposed parking including how you will handle overflow parking Maudslay State Park parking lot
6. Any proposed road closures no

7. Location of trash receptacles and dumpsters n/A

8. Location of temporary toilet facilities n/A

9. Accessible routes for the disabled or mobility impaired n/A

10. Locations, size and number of any tents, trailers or temporary structures

15 +/-

11. Location, size, and description of any signage or banners

n/A

12. If food will be served or sold at the event, you must contact the West Newbury Board of Health to discuss Food and Beverage regulations before you submit your application. If required, your food permit must be submitted before final approval of the Special Event.

n/A

13. If Police Details and/or Firefighters/EMTs will be required, contact the West Newbury Police Department and West Newbury Fire Department to secure services. Only Police Officers may direct traffic on town streets. Evidence that Police and/or Fire Personnel have been secured must be presented before the approval of the final Special Event Permit. We will have flag person at street crossings

14. Provide a Certificate of Insurance to the Town Manager's Office no later than ten (10) business days before the event. Final Special Event Permits will not be issued without submission of a Certificate of Insurance Attached

Name: Cindy Foote Event: Myopia Hunt

I/we agree and hold harmless and/or indemnify the said Town of West Newbury against any and all claims or liabilities for personal injury or property damage arising out of use of said property. If the application is submitted less than 60 days before the event, the applicant must pay a \$100 administrative fee or has the option of changing the date. The administrative fee applies to all for profit and nonprofit persons or organizations.

Cynthia Foote 03/13/19
Individual/Authorized Signature for Group Date

Chief of Police's Signature: [Signature] Date: 3/26/19

Requests and comments: Must provide crossing stewards at all road crossings. Must wear OSHA approved traffic vests.

Fire Chief's Signature: [Signature] Date: 3/28/19

Requests and comments: None

Approval granted if signed here by Board of Selectmen: _____ Date: _____

Requests and comments:

in:sent

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Move to Inbox

More

COMPOSE

Myopia Hunt Tuesday

from Maudslay State Park

Inbox (14)

Sent

Sent

Sent

Myopia Hunt Tuesday

Files

Myopia Hunt Tuesday

Myopia Hunt Tuesday

Cindy Foote <cindyfoote50@gmail.com>

to Mary

We will leave Maudslay at 10 am and head town over wooden bridge on Curzon Mill Road. That will take us into the field just before #914 Main Street. Will proceed into 914 Main street driveway (Emery house property) and cross Rte 113 into woods directly across from driveway. Approximate time of crossing should be around: 10:20. Myopia provides a crossing guard who will be wearing a green/yellow vest. We will then proceed through the woods to Middle St coming out of the field just before #406 Middle St (behind Poore's property). Our crossing guard will be there and we will proceed down Middle Street and go into the driveway after #373 Middle Street known as Windy Ledge Lane. We will come out at Poore's Lane and proceed to Browns Lane where we will go back into the woods behind the water dept. from water dept on Rte 113 driveway we will cross Rte 113 and continue to go with the traffic to Emery Lane returning to Maudslay this should put us at water dept around 11:30.

things that could delay time table: trees down, injuries, any other unexpected happenings.

We usually have a turnout of approximately 20 riders and 16 hounds

Before any road crossings it is required of all to "round up and cross as one unit"

I can bring my large map in and you can take a copy of this route as detailed. it shows on the map I provided you but when dispatcher at PD copied it highlighted color did not come through.

Thank you Mary!

[Click here to Reply or Forward](#)

0.06 GB (0% of 15 GB used) [Manage](#)

[Terms - Privacy](#)

Last account activity: 1 hr

Horse Route for Myopia Hunt Club

Date: Tuesday, May 7, 2019 - 10:00 - 12:00 noon



**Trail Map Prepared for
West Newbury Police Department**

Copyright © 2017 Map prepared on Sept 21, 2017 by:





**WEST NEWBURY
OPEN SPACE COMMITTEE**

Visit: www.westnewburyopenspace.net

MAR 13 2019

BOARD OF SELECTMEN
TOWN OF WEST NEWBURY

Special Event Application

Organization or Group Myopia Hunt
 Person Making Reservation Cindy Foote
 Mailing Address [Redacted]  Mrs. Cynthia Foote
 1 Poor House Ln.
 West Newbury, MA 01985 
 Phone [Redacted] e-mail [Redacted]
 Event Date: May 18th 2019 Start Time 8 AM End [Redacted]
 Time 10 AM
 Reason for Event fox hunt
 Number of attendees 10-20

Check Appropriate Block:

Resident Non-resident
 Fund Raising Group Non-Profit Commercial Other

Submit your application (with all maps, diagrams and attachments as required).

Provide a Schedule of Events ^{on file} along with a Sketch Plan which addresses:

1. The location of the event on the property 168 Garden St
2. For road or walk race, a detailed map of the route not yet determined
3. Features and attractions hounds follow previously laid fox scent
horses + riders follow hounds
4. Participant circulation not
5. Proposed parking including how you will handle overflow parking 168 Garden St
6. Any proposed road closures no

7. Location of trash receptacles and dumpsters n/A

8. Location of temporary toilet facilities n/A

9. Accessible routes for the disabled or mobility impaired n/A

10. Locations, size and number of any tents, trailers or temporary structures
15 #1-

11. Location, size, and description of any signage or banners
n/A

12. If food will be served or sold at the event, you must contact the West Newbury Board of Health to discuss Food and Beverage regulations before you submit your application. If required, your food permit must be submitted before final approval of the Special Event.
n/A

13. If Police Details and/or Firefighters/EMTs will be required, contact the West Newbury Police Department and West Newbury Fire Department to secure services. Only Police Officers may direct traffic on town streets. Evidence that Police and/or Fire Personnel have been secured must be presented before the approval of the final Special Event Permit.
Mypia will supply crossing guard @ rd. cross in j.

14. Provide a Certificate of Insurance to the Town Manager's Office no later than ten (10) business days before the event. Final Special Event Permits will not be issued without submission of a Certificate of Insurance Attached!

Name: Cindy Fote Event: Myspia Hunt

I/we agree and hold harmless and/or indemnify the said Town of West Newbury against any and all claims or liabilities for personal injury or property damage arising out of use of said property. If the application is submitted less than 60 days before the event, the applicant must pay a \$100 administrative fee or has the option of changing the date. The administrative fee applies to all for profit and nonprofit persons or organizations.

Cynthia A Fote 03/13/19
Individual/Authorized Signature for Group Date

Chief of Police's Signature: [Signature] Date: 3/26/19

Requests and comments: MUST provide crossing stewards for all crossings. Must wear OSHA approved traffic vests.

Fire Chief's Signature: [Signature] Date: 3/26/19

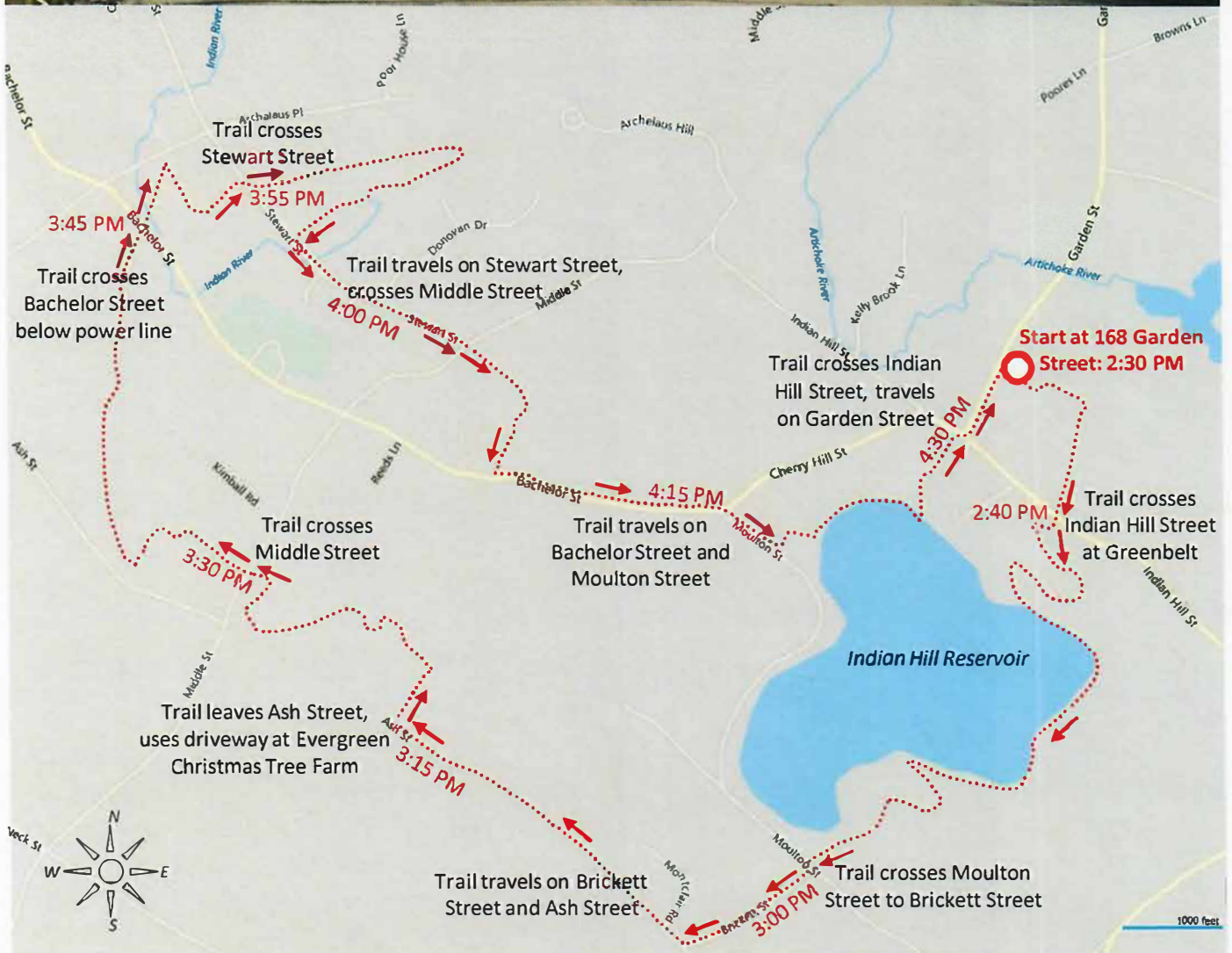
Requests and comments: none

Approval granted if signed here by Board of Selectmen: _____ Date: _____

Requests and comments: _____

Horse Route for Myopia Hunt Club

Date: Saturday, May 18, 2019 - 8:00 am - 10 pm



**Trail Map Prepared for
West Newbury Police Department**

Copyright ©2017 Prepared on Oct 2, 2017 by:
WEST NEWBURY
OPEN SPACE COMMITTEE
Visit: www.westnewburyopenspace.net

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MAR 13 2019

BOARD OF SELECTMEN
TOWN OF WEST NEWBURY

Special Event Application

Organization or Group _____

Person Making Reservation  Mrs. Cynthia Foote  _____

Mailing Address 1 Poor House Ln.
West Newbury, MA 01985 _____

Phone [redacted] e-mail [redacted]@com _____

Event Date: 05/28/19 Start Time 10 AM d _____

Time NOON _____

Reason for Event Fox hunt _____

Number of attendees 15 +/- _____

Check Appropriate Block:

Resident Non-resident

Fund Raising Group Non-Profit Commercial Other

Submit your application (with all maps, diagrams and attachments as required).

Provide a Schedule of Events along with a Sketch Plan which addresses:

1. The location of the event on the property _____

Pipestave parking lot, _____

2. For road or walk race, a detailed map of the route attached _____

3. Features and attractions hounds follow scent, horses & riders follow hounds _____

4. Participant circulation n/a _____

5. Proposed parking including how you will handle overflow parking _____

n/a _____

6. Any proposed road closures no _____

7. Location of trash receptacles and dumpsters n/a

8. Location of temporary toilet facilities n/a

9. Accessible routes for the disabled or mobility impaired n/a

10. Locations, size and number of any tents, trailers or temporary structures
15 +/-

11. Location, size, and description of any signage or banners
n/a

12. If food will be served or sold at the event, you must contact the West Newbury Board of Health to discuss Food and Beverage regulations before you submit your application. If required, your food permit must be submitted before final approval of the Special Event.
n/a

13. If Police Details and/or Firefighters/EMTs will be required, contact the West Newbury Police Department and West Newbury Fire Department to secure services. Only Police Officers may direct traffic on town streets. Evidence that Police and/or Fire Personnel have been secured must be presented before the approval of the final Special Event Permit.
n/a

14. Provide a Certificate of Insurance to the Town Manager's Office no later than ten (10) business days before the event. Final Special Event Permits will not be issued without submission of a Certificate of Insurance attached

Cindy Foote

Name: Myopia Hunt Event: _____

I/we agree and hold harmless and/or indemnify the said Town of West Newbury against any and all claims or liabilities for personal injury or property damage arising out of use of said property. If the application is submitted less than 60 days before the event, the applicant must pay a \$100 administrative fee or has the option of changing the date. The administrative fee applies to all for profit and nonprofit persons or organizations.

Cynthia Foote 03/13/19
Individual/Authorized Signature for Group Date

Chief of Police's Signature: Chf J [Signature] Date: 3/26/19

Requests and comments: Must provide crossing stewarts for all road crossings. Must provide OSHA Approved vests for all stewarts.

Fire Chief's Signature: [Signature] Date: 3/28/19

Requests and comments: none

Approval granted if signed here by Board of Selectmen: _____ Date: _____

Requests and comments:

PIPESTAVE/RIVERBEND RIDE MYOPIA

Approximately 10 horse trailers to park in parking lot at Pipestave rings.

Approximately 15 horses with riders and 12 hounds in a pack to cross over

Rte 113 to solar field at 10:15

Proceed through trails to # 43 Coffin St.(8:30) continue left to driveway at #28 Coffin St.

Proceed through trails to driveway at #36 Coffin St.(11:00) take left onto

Coffin Street and continue down to River Road. Proceed to end of River Road into

Trail along Merrimack River.

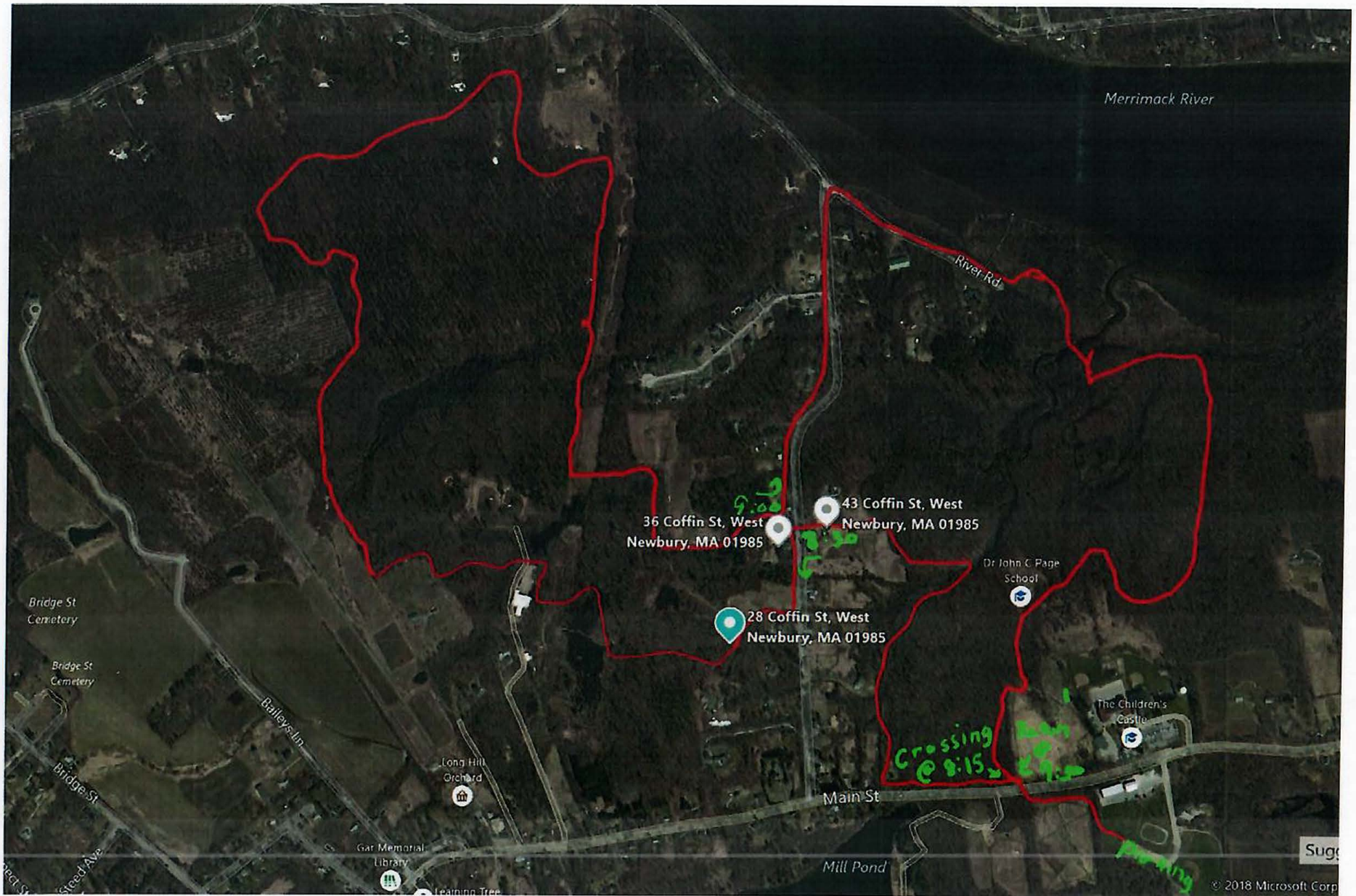
Be back to solar field at approximately 11:30 and cross Rte 113 back into Pipestave.

This is an estimated schedule. Route and times could change due to accidents or trees down.

Cindy foote

[REDACTED]

[REDACTED]



Myopia Fox Hunt - Tuesday, May 28, 2019 10am to 12pm



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
08/07/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Allen Financial Insurance Group The Equestrian Group 12424 N. 32nd St., Suite 101 Phoenix AZ 85032	CONTACT NAME: Brent Allen PHONE (A/C, No. Ext): (602) 992-1570 E-MAIL ADDRESS: brent.allen@eqgroup.com	FAX (A/C, No): (602) 992-8327
	INSURER(S) AFFORDING COVERAGE	
INSURED Myopia Hunt Club Inc 435 Bay Road South Hamilton MA 01982-1922	INSURER A: Capitol Indemnity Corporation	NAIC # 10472
	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	

COVERAGES **CERTIFICATE NUMBER:** CL188741167 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.


INSR LTR	TYPE OF INSURANCE	ADDE INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER	Y		PR02404029	07/01/2018	07/01/2019	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMPIOP AGG \$ 2,000,000 \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E L EACH ACCIDENT \$ E L DISEASE - EA EMPLOYEE \$ E L DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Certificate holder is additional insured as premises owner with respect to the operations of the insured for coverages afforded under this policy.

CERTIFICATE HOLDER

CANCELLATION

Town of West Newbury Pipestave 694 Main Street West Newbury MA 01985-1225	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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FEB -4 2019

BOARD OF SELECTMEN
TOWN OF WEST NEWBURY

Special Event Application

Organization or Group Yukan Sports, LLC

Person Making Reservation Rich Morrell

Mailing Address PO Box 780, Rockport, MA 01966

Phone [REDACTED] e-mail [REDACTED]

Event Date: 10/6/19 Start Time 9am End 12 noon
Time _____

Reason for Event 3rd Annual Parker River Half Marathon

Number of attendees @ 300

Check Appropriate Block:

Resident Non-resident

Fund Raising Group Non-Profit Commercial Other

Submit your application (with all maps, diagrams and attachments as required).

Provide a Schedule of Events along with a Sketch Plan which addresses:

1. The location of the event on the property
Start and finish at Triton High School in Byfield

2. For road or walk race, a detailed map of the route please see attached map

3. Features and attractions _____

4. Participant circulation _____

5. Proposed parking including how you will handle overflow parking _____

6. Any proposed road closures _____

7. Location of trash receptacles and dumpsters _____

8. Location of temporary toilet facilities _____

9. Accessible routes for the disabled or mobility impaired _____

10. Locations, size and number of any tents, trailers or temporary structures

*Water stop for runners on Madton St. (near # 43)
Folding Table + Trash Can*

11. Location, size, and description of any signage or banners

"RACE" arrow signs on telephone poles along route

12. If food will be served or sold at the event, you must contact the West Newbury Board of Health to discuss Food and Beverage regulations before you submit your application. If required, your food permit must be submitted before final approval of the Special Event.

13. If Police Details and/or Firefighters/EMTs will be required, contact the West Newbury Police Department and West Newbury Fire Department to secure services. Only Police Officers may direct traffic on town streets. Evidence that Police and/or Fire Personnel have been secured must be presented before the approval of the final Special Event Permit.

14. Provide a Certificate of Insurance to the Town Manager's Office no later than ten (10) business days before the event. Final Special Event Permits will not be issued without submission of a Certificate of Insurance _____

Name: Rich Morrell Event: 3rd Annual Parker River Half Marathon

I/we agree and hold harmless and/or indemnify the said Town of West Newbury against any and all claims or liabilities for personal injury or property damage arising out of use of said property. If the application is submitted less than 60 days before the event, the applicant must pay a \$100 administrative fee or has the option of changing the date. The administrative fee applies to all for profit and nonprofit persons or organizations.

[Signature] 12/19/19
Individual/Authorized Signature for Group Date

Chief of Police's Signature: [Signature] Date: 2/28/19
Requests and comments: 3 detail officers needed

Fire Chief's Signature: [Signature] Date: 2/8/19

Requests and comments: Contact chief Dwyer for Fire 3 EMS detail Req. Ambulance from Atlantic.

Approval granted if signed here by Board of Selectmen: _____ Date: _____

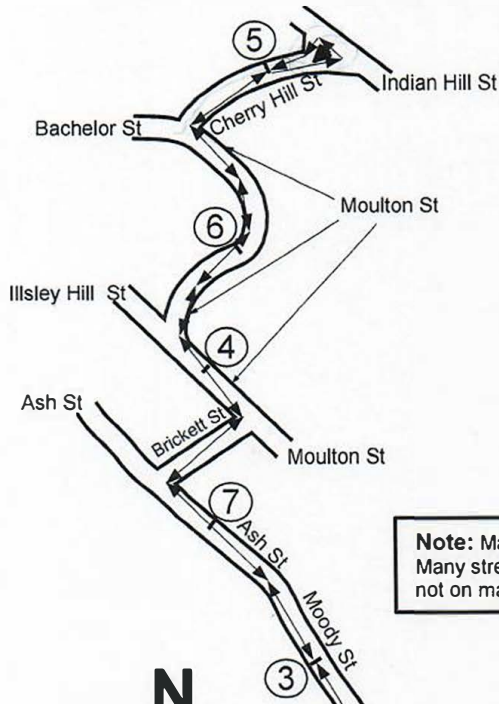
Requests and comments:

Parker River Half Marathon

Byfield, Massachusetts

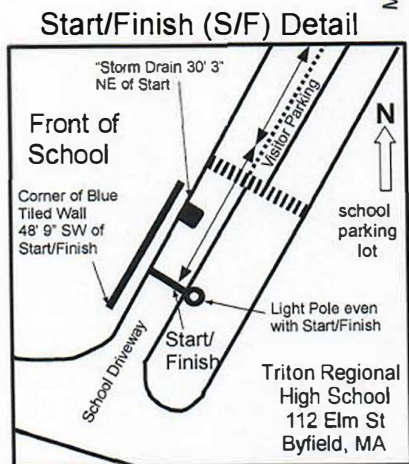


USATF Certificate NH17004BK
Effective June 15, 2017 to December 31, 2027



Note: Map not drawn to scale. Many streets and cross streets not on map.

Restrictions: Runners must stay on the northeast side of Central Ave in both Directions.



Measured June 8, 2017
By Bob Kennedy
Oyster River Running Company
osprey02554@yahoo.com
508-577-4105

Start/Finish & Miles are not marked (UP = Utility Pole).

Start/Finish: On southeast side of Triton Regional High School (112 Elm St, Byfield, MA) driveway in front of school, even with a street light, 30' 3" SW of Storm Drain on opposite side, & 48' 9" NE of the corner to the blue tiled wall of the school bldg on opposite side.

Mile 1: On east side of Central St 5' S of "Fatherland Dr" sign on opposite side.

Mile 2: On northeast side of Central St on bridge over northbound lanes of I-95, 63' NW of expansion joint on southeast side of bridge.

Mile 3: On southwest side of Moody St 60' SE of UP 17, & about 40' SE of driveway for 48 Moody (blue house).

Mile 4: On northeast side (lake side) of Moulton St 113' SE of UP 36 on same side.

Mile 5: On north side of Cherry Hill St across from 33 Cherry Hill & even with UP 9 (covered with poison ivy) on same side.

Mile 6: On northwest side of Moulton St about 40' NE of driveway for 5 Moulton.

Mile 7: On northeast side of Ash St 8' NW of driveway for 208 Ash.

Mile 8: On east side of Main St opposite north side of driveway for 75 Main, & about 40' N of Storm Drain on same side.

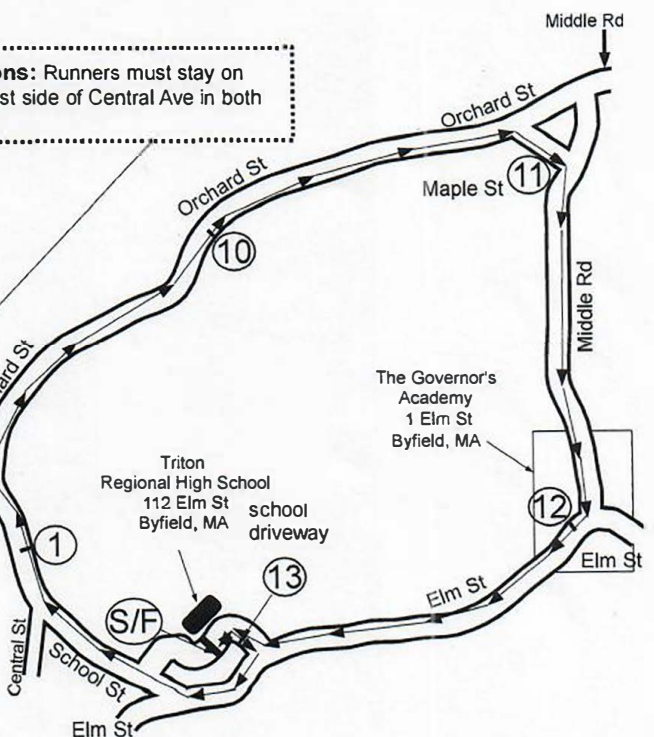
Mile 9: On north side of Central St in middle of driveway for 51 Central.

Mile 10: On southeast side of Orchard St 5' NE of UP 57 & about 100' SW of driveway for 99 Orchard.

Mile 11: On southwest side of Maple St 8' NW of driveway for 8 Maple (a horse farm) on opposite side.

Mile 12: On north side of Elm St about 190' W of intersection of Middle Rd and Elm.

Mile 13: On southwest side of Triton Regional High School driveway across from the pole vault pit in school track, & 22' NW of the "BUSES ONLY WHEN LIGHTS ARE FLASHING" sign on west corner of school parking lot entrance.



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

STREET OPENING PERMIT

Permit No: 2019-09

Date: April 1, 2019

The Board of Selectmen grants permission to Tim Collins for a street opening permit at 46 Garden Street, 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 from DPW Director Wayne Amaral dated March 21, 2019.

WATER DEPARTMENT SUPERINTENDENT:

No town water in that area.


BOARD OF SELECTMEN

Glenn A. Kemper, Chairman

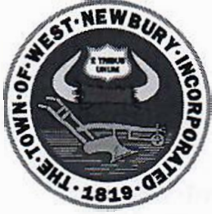
David W. Archibald

Joseph H. Anderson, Jr.

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

Tim Collins


cc: Building Inspector, Highway Superintendent, Water Superintendent



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 *WSA*
DATE: March 21, 2019
RE: 44-46-48 Garden Street – DPW Street Opening Permit Requirements

Per the above three listed Street Opening Permits request for Garden Street dated March 14, 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. Roadway Drainage.
 - a. Contact the DPW Director prior to final grading at edge of roadway to have on-site review of slopes and final grading.
9. Contact DPW 72-hours in advance of the commencement of work in the public right-of-way.
10. 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.

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

STREET OPENING PERMIT

Permit No: 2019-10

Date: April 1, 2019

The Board of Selectmen grants permission to Tim Collins for a street opening permit at 48 Garden Street, 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 from DPW Director Wayne Amaral dated March 21, 2019.

WATER DEPARTMENT SUPERINTENDENT:

No town water in that area.

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:**

Tim Collins


cc: Building Inspector, Highway Superintendent, Water Superintendent



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 *W.S.A.*
DATE: March 21, 2019
RE: 44-46-48 Garden Street – DPW Street Opening Permit Requirements

Per the above three listed Street Opening Permits request for Garden Street dated March 14, 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. Roadway Drainage.
 - a. Contact the DPW Director prior to final grading at edge of roadway to have on-site review of slopes and final grading.
9. Contact DPW 72-hours in advance of the commencement of work in the public right-of-way.
10. 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.

**TOWN OF WEST NEWBURY
COMMONWEALTH OF MASSACHUSETTS
WARRANT – SPECIAL TOWN MEETING
MONDAY, APRIL 29, 2019 @ 7pm**

Essex, ss.

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

In the name of the Commonwealth, you are hereby required to notify and warn all the inhabitants of the Town of West Newbury, who are qualified to vote in the elections and Town affairs, to meet at the Pentucket Regional High School auditorium, 24 Main Street, at 7:00 p.m. on Monday, April 29, 2019 to act upon or take any other action relative to all of the following articles.

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

ARTICLE 2. To see if the town will vote to transfer from Community Preservation Act funds, Historic Resources Reserve, the sum of \$25,000, to conduct a Historic Sites Survey, or take any other action relative thereto. By request of the Community Preservation Committee and the Historical Commission.

ARTICLE 3. To see if the town will vote to transfer from Community Preservation Act funds, Historic Resources Reserve, the sum of \$17,000, for an Americans with Disabilities Act (ADA) compliant access ramp to the outdoor patio at the G.A.R. Library, or to take any other action relative thereto. By request of the Community Preservation Committee and the Director of Public Works.

ARTICLE 4. To see if the Town will vote to raise, transfer and/or appropriate from Community Preservation Act funds, in accordance with the provisions of Massachusetts General Laws Chapter 44B, the sum of \$200,000.00 from the Open Space and Recreation Reserve Account for the purchase of an agricultural preservation restriction and/or conservation restriction on a parcel of land known as “Brown Spring Farm,” which is comprised of 10 acres, more or less, located at 866 Main Street, West Newbury, Assessors Map R28, Lot 150 and shown as “Lot A” on the plan of land entitled “Plan of Land in West Newbury, Mass. owned by Margaret M. Cooney” dated August 12, 1971 and recorded at Plan Book 120 Plan 34 at the Southern Essex Registry of Deeds. Said agricultural preservation restriction and/or conservation restriction is to be conveyed to the Town of West Newbury and to Essex County Greenbelt Association, Inc.; said purchase to be subject to approval of the agricultural preservation restriction and/or conservation restriction by all involved parties, and that the Board of Selectmen is to be authorized to execute, acknowledge and deliver all grants, agreements and such other instruments, including but not limited to the agricultural preservation restriction and/or conservation restriction, in accordance with Massachusetts General Laws Chapter 184 or any other applicable statute or regulation, as may be necessary on behalf of the Town of West Newbury to effectuate the purchase of said agricultural preservation restriction and/or conservation restriction; or to take any other action

relative thereto. By request of the Community Preservation Committee, the Open Space Committee, and Essex County Greenbelt Association.

ARTICLE 5. To see if the Town will vote to raise, transfer and/or appropriate from Community Preservation Act funds, in accordance with the provisions of Massachusetts General Laws Chapter 44B, the sum of \$75,000.00 from the Open Space and Recreation Reserve Account for the purchase of a conservation restriction on two parcels of land located off River Road shown on Assessors' Map R-24 as Parcels 5 and 7, containing approximately 25.3 acres and 6.64 acres of land respectively, which lots are also described in the deed recorded with the Essex South District Registry of Deeds in Book 6668, Page 158; and that the Board of Selectmen be authorized to enter into all agreements and execute all instruments, including but not limited to the conservation restriction, in accordance with Massachusetts General Laws Chapter 184 or any other applicable statute or regulation, as may be necessary on behalf of the Town of West Newbury to effect the purchase of said conservation restriction; or to take any other action relative thereto. By request of the Community Preservation Committee, the Open Space Committee, the River Access Committee and the Essex County Greenbelt Association.

ARTICLE 6. To see if the Town will transfer from available funds the sum of \$26,000 to the Police Department Salary & Wages (SRO) School Resource Officer line item of the FY'19 omnibus budget. By request of the Town Manager.

ARTICLE 7. To see if the Town will transfer from available funds the sum of \$5,500 to purchase a new optical scan ballot tabulator and supplies for town and state elections or to take any other action relative thereto. By request of the Town Clerk.

ARTICLE 8. To see if the Town will vote to transfer from available funds the sum of \$110,000 to fund the snow and ice deficit. By request of the Director of Public Works.

ARTICLE 9. To see if the Town will raise and appropriate and/or transfer from available funds the sum of \$20,000 to fund an Emergency Action Plan (EAP) Study for the Mill Pond Dam as required by the Massachusetts Department of Conservation and Recreation (DCR) per newly enacted state regulations. By request of the DPW Director.

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

LOCATIONS TO POST WARRANT:

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

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

Given under our hands this 1st day of April, 2019.

BOARD OF SELECTMEN:

Glenn A. Kemper, Chairman

David W. Archibald

Joseph H. Anderson, Jr.

A true copy, Attested:

Michael P. McCarron, Town Clerk

Pursuant to the above warrant to me directed, I hereby notify and warn all the inhabitants of the Town of West Newbury who are qualified to vote to meet at said time and place.

Constable, Brian Richard

Date of Posting

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

LOCATIONS TO POST WARRANT:

Town Hall
1910 Town Office Building
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BOARD OF SELECTMEN:

Glenn A. Kemper, Chairman

David W. Archibald

Joseph H. Anderson, Jr.

A true copy, Attested:

Michael P. McCarron, Town Clerk

Pursuant to the above warrant to me directed, I have notified and warned all the inhabitants of the Town of West Newbury who are qualified to vote to meet at said time and place.

Constable, Brian Richard

Date of Posting

**TOWN OF WEST NEWBURY
COMMONWEALTH OF MASSACHUSETTS
WARRANT -- ANNUAL TOWN MEETING
MONDAY, APRIL 29, 2019 @ 7pm**

Essex, ss.

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

In the name of the Commonwealth, you are hereby required to notify and warn all the inhabitants of the Town of West Newbury, who are qualified to vote in the elections and Town affairs, to meet at the Pentucket Regional High School auditorium at 24 Main Street, at 7:00 p.m. on Monday, April 29, 2019 to act upon or take any other action relative to all but the first two of the following articles.

Also, to meet in the Annex at 379 Main Street on Monday, May 6, 2019 to act on Article 1 which calls for the election of Town Officials and to vote on Article 2 which calls for a Proposition 2 ½ Referenda Question. Polls will be open at 7:00 a.m. and will close at 8:00 p.m.

GENERAL GOVERNMENT MATTERS

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

<u>Position</u>	<u>Term</u>
Selectmen (1)	Three Years
Assessor (1)	Three Years
Water Commissioner (1)	Three Years
Pentucket School Committee (1)	Three Years
Library Trustees (3)	Three Years
Planning Board (1)	Five Years
Planning Board (1)	One Year
Park & Recreation Commissioner (1)	Three Years
Board of Health (1)	Three Years
Constable (1)	Three Years
West Newbury Housing Authority (1)	Five Years

ARTICLE 2. Shall the Town of West Newbury 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?

ARTICLE 3. To hear and act upon the reports of Town officers and committees.

ARTICLE 4. To determine what sums of money the Town will raise and appropriate for defraying the expenses of the Town for the ensuing fiscal year and for the payment of Town debt. By request of the Board of Selectmen.

WATER ENTERPRISE FUND

ARTICLE 5. In accordance with the provisions of Chapter 38 of the Acts of 1936, to see what instructions, rules and regulations the town may wish to impose on the Board of Water Commissioners. By request of the Board of Water Commissioners.

ARTICLE 6. To see if the Town will vote to appropriate, in anticipation of Water Department revenue, the sum of \$795,099 of which \$197,603 for Salaries and Wages which include \$1,700 for Water Commissioners stipends, \$34,282 for Insurances, \$395,564 for Expenses, \$101,696 for Debt Service, \$15,000 for Extraordinary and Unforeseen and \$50,954 for Indirect Cost. By request of the Board of Water Commissioners.

ARTICLE 7. To see if the Town will amend the motion, of the Town taken under Article 8 of the 2017 Annual Town Meeting, which appropriated \$1,700,000 for purchasing, constructing and installing a new water tank to replace the original 1936 Standpipe, including all related equipment and payment of costs and expenses incidental or related thereto, and authorized a borrowing therefor, to provide that such appropriation may also be used for upgrading the existing Wellfield No. 1, including the design and construction of a chemical building, or take any other action relative thereto. By request of the Board of Water Commissioners.

ARTICLE 8. To see if the Town will vote to raise and appropriate and/or transfer from available funds and/or borrow by short or long term notes in the sum of \$1,200,000 to pay additional costs of purchasing, constructing and installing a new water tank and upgrading the existing Wellfield No. 1, including the design and construction of a chemical building, which amount shall be expended in addition to any amounts previously appropriated for such projects, and to determine whether this amount shall be raised by borrowing, taxation, transfer from available fund transfers or otherwise provided; or take any other action relative thereto. By request of the Board of Water Commissioners.

APPROPRIATIONS

ARTICLE 9. 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. By request of the Board of Selectmen and Pentucket School Committee.

ARTICLE 10. To see if the Town will vote to raise and appropriate the sum of \$321,800 to be placed in the special purpose municipal stabilization fund established pursuant to MGL Chapter 40 §5B in order to fund future capital expenditures for school related building projects, or take any other action related thereto. By request of the Board of Selectmen.

ARTICLE 11. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$67,000 for the Pension Liability stabilization fund, or take any other action related thereto. By request of the Board of Selectmen.

ARTICLE 12. To see if the Town will vote to transfer the sum of \$22,285.65 from the Septic Loan Revolving Account for the repayment of debt service. By request of the Board of Health.

ARTICLE 13. To see if the Town will vote to transfer from available funds the sum of up to \$90,000.00, to pay the debt service associated with the Dunn Property Acquisition. By request of the Board of Selectmen.

ARTICLE 14. To see if the Town will vote to allocate and/or reserve from the Community Preservation Fund annual revenues, the amounts recommended by the Community Preservation Committee for Community Preservation Projects, Committee Administrative Expenses, and other

expenses in Fiscal Year 2020, with each item to be considered a separate appropriation or take any other action relative thereto. By request of the Community Preservation Committee.

Appropriations:

From FY 2020 estimated revenues for Committee Administrative Expenses: \$20,583

Reserves:

From FY 2020, estimated revenues for Community Housing Reserve: \$41,166

From FY 2020, estimated revenues for Historic Resources Reserve:

\$41,166

From FY 2020, estimated revenues for Open Space & Recreation Reserve: \$41,166

From FY 2020, estimated revenues for Budgeted Reserve: \$267,581

ARTICLE 15. To see if the Town will raise and appropriate and/or transfer from available funds the sum of \$76,000 to fund improvements and repairs to the G.A.R. Library, Public Safety Complex and Town Offices. By request of the DPW Director.

ARTICLE 16. To see if the Town will raise and appropriate and/or transfer from available funds the sum of \$45,000 to purchase a new 4x4 Utility Body Pick-up Truck. By request of the DPW Director.

ARTICLE 17. To see if the Town will raise and appropriate and/or transfer from available funds the sum of \$32,000 to purchase a new 4x4 Pick-up Truck with hard cover. By request of the DPW Director.

ARTICLE 18. To see if the Town will raise and appropriate and/or transfer from available funds the sum of \$230,000 to purchase a Fire Department Rescue Vehicle. By request of the Fire Chief.

BY-LAWS – OTHERS

ARTICLE 19. To see if the Town will vote to increase the senior tax exemption from \$500 to \$1,000 per Massachusetts General Law Chapter 59, Section 5, Clause 41C, such increase to be available for tax years commencing July 1, 2019. By request of the Board of Assessors.

ARTICLE 20. To see if the Town will vote to amend Section XL of the Town Bylaws by adding sections 5.4.1 thru 5.4.5 in order to establish a revolving fund for the care and maintenance of the town owned Pipestave/Mill Pond areas located at 693 Main Street, West Newbury:

5.4.1 Pipestave/Mill Pond Care and Maintenance Revolving Fund.

5.4.2 Department. There shall be a separate fund called the Pipestave/Mill Pond Care and Maintenance Revolving Fund authorized for use by the Mill Pond Committee.

- 5.4.3 Revenues. The town accountant shall establish the Pipestave/Mill Pond Care and Maintenance Revolving Fund as a separate account and credit to the fund all the monies received in connection with past and future rental fees for use of the Mill Pond facilities, donations, and any other source.
- 5.4.4 Purposes and Expenditures. During each fiscal year, the Mill Pond Committee may incur liabilities against and spend monies from the Pipestave/ Mill Pond Care and Maintenance Revolving Fund for the maintenance and improvement to the grounds and facilities located at the Pipestave/Mill Pond areas, 693 Main Street, West Newbury.
- 5.4.5 Fiscal Years. The Pipestave/Mill Pond Care and Maintenance Revolving Fund shall operate for fiscal years that begin on or after July 1, 2019 and shall continue until such time as town meeting votes to eliminate the fund. By request of the Board of Selectmen.

ARTICLE 21. To see if the Town will vote to limit the total amount that may be expended from each revolving fund established pursuant to Section XL of the Bylaws of the Town of West Newbury, to wit:

Section 5.1 Summer Recreation Revolving Fund	\$44,350
Section 5.2 GAR Library Fines and Penalties Revolving Fund	\$10,000
Section 5.3 Police Vehicle Revolving Fund	\$20,000
Section 5.4 Pipestave/Mill Pond Care and Maintenance Revolving Fund	\$ 5,000

By request of the Board of Selectmen.

ARTICLE 22. To see if the town will vote to amend Section V of the Town Bylaws, Trench Excavation Bylaw in order to transfer the authority from the Board of Selectmen to the DPW Director as the Permitting Authority and other related amendments. By request of the Board of Selectmen.

ARTICLE 23. To see if the town will vote to amend Section V of the Town Bylaws, Opening of Streets Bylaw in order to transfer the authority from the Board of Selectmen to the DPW Director to approve street opening permits and amend safety requirements, surety bond, inspections and other related provisions. By request of the Board of Selectmen.

ARTICLE 24. To see if the Town will vote to amend the Pentucket Regional School District (PRSD) Regional Agreement in order to revise the designation, composition and activities of the Regional Finance Advisory Board, and to incorporate by cross-reference the Pentucket Regional School District Contingency Plan as approved and as may be amended from time to time by the Pentucket Regional School District. By request of the Board of Selectmen.

ARTICLE 25. To see if the Town will vote to amend the 2001 Mill Pond Management Plan paragraph A.16 in order to modify the amendment process. By request of the Board of Selectmen.

ARTICLE 26. To see if the Town will vote to amend Section XIX of the Town Bylaws, Town Counsel Bylaw to revise the process to engage Town Counsel. By request of the Board of Selectmen.

ARTICLE 27. To see if the Town will vote to amend Section 6.B.8 Open Space Preservation Development (OSPD) of the West Newbury Zoning Bylaw regarding basic maximum number, dimensional requirements, contiguity of open space, buffer areas, density bonuses & affordable housing units, and minimum distance between buildings.
By request of the Planning Board.

ARTICLE 28. To see if the Town will vote to amend Section 5.G. Large-Scale Ground-Mounted Solar Photovoltaic Installations (LGSPI) Overlay District of the West Newbury Zoning Bylaw regarding dimensional requirements, submission requirements, design standards, hiring consultants, abandonment, decommissioning & financial surety. By request of the Planning Board.

ARTICLE 29. To see if the Town will vote to amend Section 7.A.11 Erosion Control Performance Standards of the West Newbury Zoning Bylaw in compliance with the NPDES (Nonpoint Pollutant Discharge Elimination System) MS4 Phase II Stormwater Permit for Massachusetts. By request of the Board of Selectmen and the Planning Board.

ARTICLE 30. To see if the Town will vote to reduce the amount of the surcharge of the annual real estate tax levy against real property assessed pursuant to Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, from three (3.0%) percent to one half (0.5%) percent. Said change to be implemented in Fiscal Year 2020 or as soon as possible thereafter.
By citizens' petition.

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

LOCATIONS TO POST WARRANT:

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

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

Given under our hands this 1st day of April, 2019.

BOARD OF SELECTMEN

Glenn A. Kemper, Chairman

David W. Archibald

Joseph H. Anderson, Jr.

A true copy, attested:

Michael P. McCarron, Town Clerk

Pursuant to the above warrant to me directed, I hereby notify and warn all the inhabitants of the Town of West Newbury who are qualified to vote to meet at said time and place.

Constable, Brian Richard

Date of Posting

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Constable, Brian Richard

Date of Posting

Town Manager

From: Leah Zambarnardi
Sent: Thursday, March 28, 2019 1:10 PM
To: Town Manager
Cc: Ann Bardeen ([REDACTED]); b [REDACTED]
Subject: Update - Article on Proposed Amendment to LGSPI Bylaw

Hello Angus:

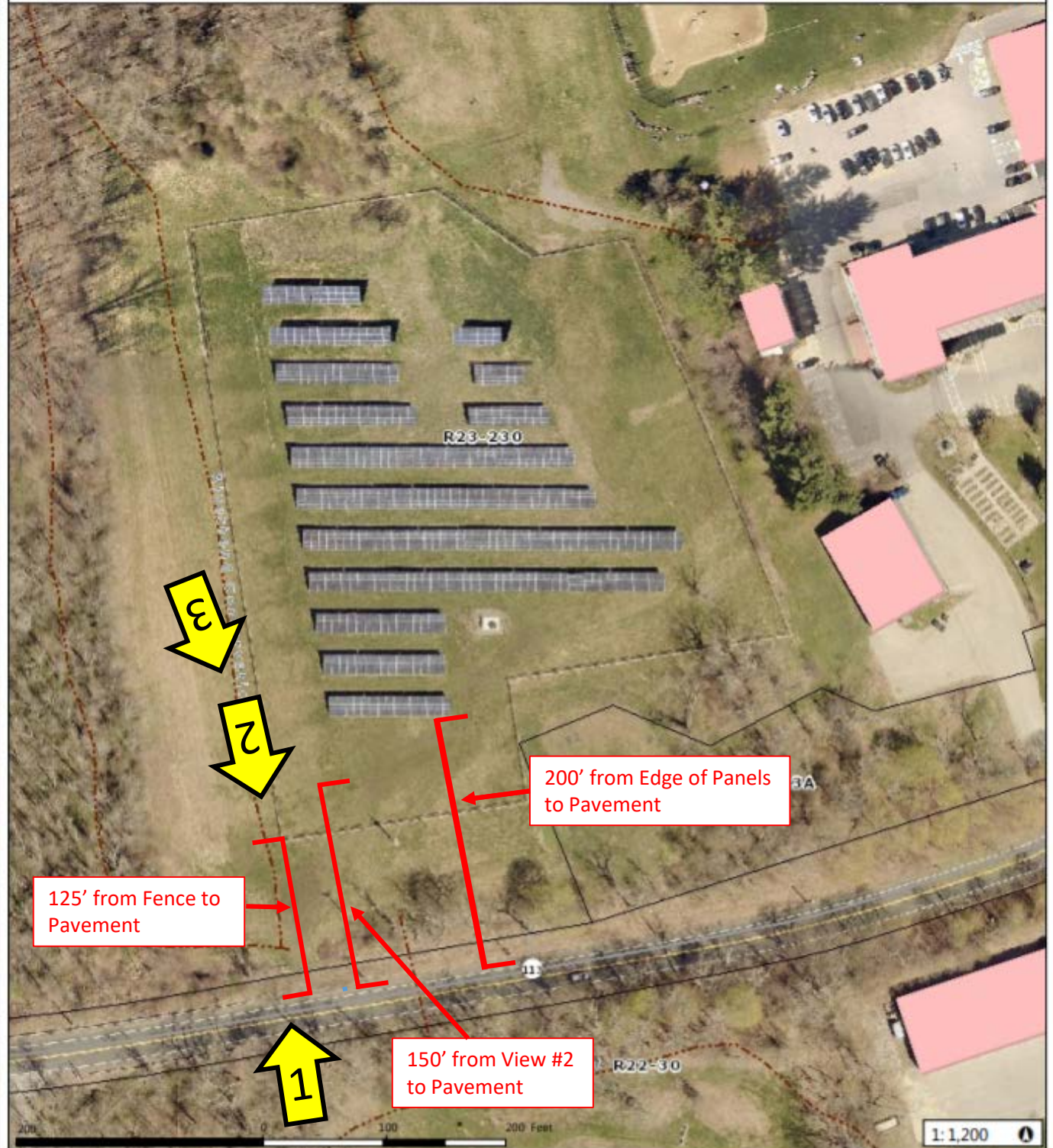
You recently informed us that on Monday night the Board of Selectmen voted 3-0 to not recommend the proposed changes to the solar bylaw. Their stated reason was the prospect that the setbacks as presented and reviewed in the Planning Board public hearing may yet change. Since receiving that email I have discussed the matter with Chair Ann Bardeen and Vice Chair Brian Murphey. They concur that the Board is solid in its current proposal and ask that the Selectmen reconsider its vote and focus upon the Article request currently before them. To further clarify my March 18, 2019 email to you and the Selectmen, the Board is willing to entertain Rick Parker's study. If it's found by the Board that changes are in order the Chair and Vice Chair will advocate for pulling the Article rather than introducing an amendment.

Thank you.

Leah J. Zambarnardi, AICP
Town Planner
Town of West Newbury Planning Office
381 Main Street
West Newbury, MA 01985
1-978-363-1100 ext. 125

Planning Office Hours: Monday, Tuesday and Thursday from 9:30 a.m. to 2:30 p.m.

It has been determined by the Commonwealth of Massachusetts Office of the Secretary of State that emails are a public record. Please keep this in mind when writing or responding to this email.



Data Source: Produced by Merrimack Valley Planning Commission (MVPC) using data provided by the Town of West Newbury & MassGIS. MVPC AND THE TOWN OF WEST NEWBURY MAKE NO WARRANTIES, EXPRESS OR IMPLIED, CONCERNING THE ACCURACY, COMPLETENESS, RELIABILITY, OR SUITABILITY OF THESE DATA. THE TOWN OF WEST NEWBURY AND MVPC DOES NOT ASSUME ANY LIABILITY ASSOCIATED WITH THE USE OR MISUSE OF THIS INFORMATION.

Legend

- MVPC Boundary
- Parcel
- Roads
- Interstate
- Major Road
- Local Road
- Hydrographic Features
- Streams
- Wetlands

Scale: 1:1,200

© Merrimack Valley Planning Commission

Setback Analysis Solar Field at Page School



View 1



View 2



View 3

View 1: 125' from pavement to edge of fence
 View 2: 150' to edge of pavement
 View 3: 200' to edge of pavement

WEST NEWBURY PLANNING BOARD
PUBLIC HEARINGS ON ZONING BYLAW AMENDMENTS
MARCH 5, 2019

- Large Scale Ground Mounted Solar Photovoltaic Installations Over Lay District
- Open Space Preservation Development
- Stormwater Management & Erosion Control

Large Scale Ground Mounted Solar Photovoltaic Installations Overlay District

West Newbury Land Use Characteristics

West Newbury Land Use by Parcel, 2017

Use Type	Number of Parcels	% of Land
Single-Family	1,362	74%
Two- or More Family	69	4%
Condominiums	98	5%
Apartments	0	0%
Commercial Parcels	13	0.7%
Other non-residential uses	295	16%
Total	1,837	100%

Source: DOR Municipal Databank, Parcel Counts by Usage Code 2017

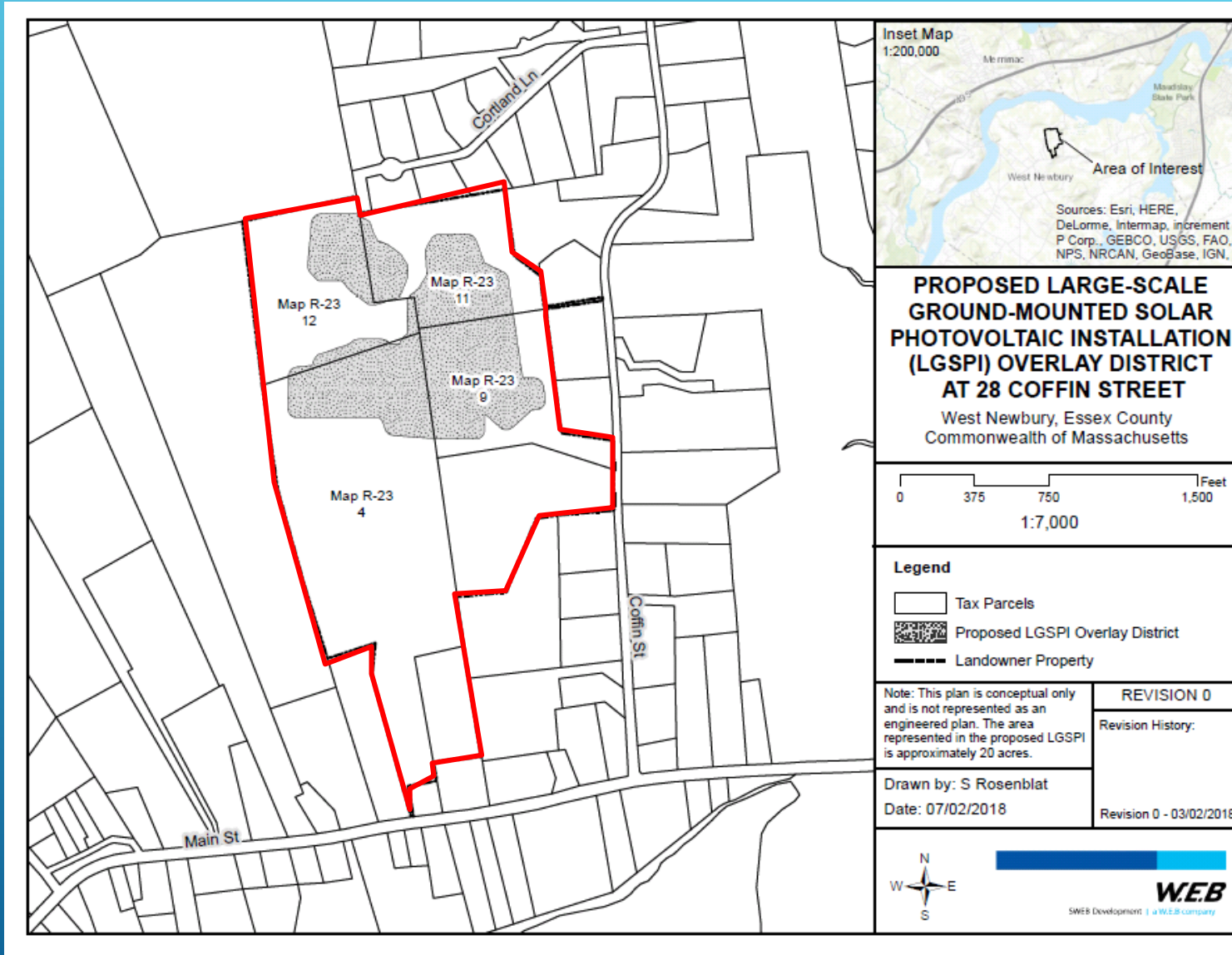
West Newbury Planning Board
March 5, 2019

Large Scale Ground Mounted Solar Photovoltaic Installations Overlay District

Current Zoning Framework

LGSPI Overlay District – Zoning Overlay District which may be placed over an existing zoning district by a Town Meeting vote. If approved, LGSPI becomes an allowed use in addition to those uses already allowed in underlying zoning district. An LGSPI project is subject to limited review by the Town in the form of Site Plan Review.

Recent Projects: Coffin Street – 72 acres



Large Scale Ground Mounted Solar Photovoltaic Installations Over Lay District

Concerns With Existing Framework & Coffin Street Project

Concern: Approval of an LGSPI Overlay District at Town Meeting permits the use of the property as an LGSPI. It does not guarantee that the LGSPI described at Town Meeting would be built. If an LGSPI Overlay District were approved at Town Meeting, any LGSPI proposed in that district that met the dimensional and performance standards of the LGSPI Overlay District Bylaw would be permitted with limited review by the Town.

Concern: That the Bylaw inadequately protected residential abutters' quality of life and property values.

Concern: The Bylaw did not protect the Town in terms of ensuring safe operation during the life of the LGSPI and proper decommissioning at the conclusion of operations.

Large Scale Ground Mounted Solar Photovoltaic Installations Over Lay District

Objective

Create additional protections to minimize impacts of Large Scale Ground Mounted Solar Photovoltaic Installations (LGSPI) on residential property and neighborhoods and the Town overall while continuing to encourage construction of such installations.

Proposal

1. Exemptions
2. Dimensional Requirements
3. Submission Requirements
4. Design Standards
5. Hiring Consultants
6. Abandonment
7. Decommissioning
8. Financial Surety

Large Scale Ground Mounted Solar Photovoltaic Installations Over Lay District

Proposal

1. Exemptions

5.G.3. Bylaw does not regulate systems that are consumptive power systems where all power that is generated is utilized on site.

Examples:

- Residence with 200 s.f. of solar panels on roof providing power to the residence;
- Business with a 2-acre solar array that provides power solely to the operation on site.

Note: As it stands now, any installation that has a nameplate capacity less than 250 kW DC (approximately ¼ acre of surface area) is not subject to the Bylaw.

Large Scale Ground Mounted Solar Photovoltaic Installations Over Lay District

Proposal

2. Dimensional Requirements

- 5.G.2. & 5.G.5 Clarify boundaries and increase minimum distance from boundary to array;
 - Require that LGSPI Overlay District boundary correspond to parcel boundaries;
 - Increase the minimum setback from 50-feet/40 feet to 150-feet between the LGSPI/appurtenant structures and the property boundary;
 - Allow a setback of less than 150-feet for LGSPI/appurtenant structures by special permit for projects meeting pre-determined criteria (5.G.6).

- 5.G.2. & 5.G.5. Add surface area requirements;
 - Add definition for LGSPI surface area;
 - Limit the surface area of LGSPI to 160,000 square feet (approximately 1 Megawatt);
 - Allow an LGSPI surface area of greater than 160,000 square feet by special permit;

- 5.G.5. Reduce the maximum height of Appurtenant Structures from 35-feet to 15-feet.



Data Source: Produced by Merrimack Valley Planning Commission (MVPC) using data provided by the Town of West Newbury & MassDOT. MVPC AND THE TOWN OF WEST NEWBURY MAKE NO WARRANTIES, EXPRESS OR IMPLIED, CONCERNING THE ACCURACY, COMPLETENESS, RELIABILITY, OR SUITABILITY OF THESE DATA. THE TOWN OF WEST NEWBURY AND MVPC DOES NOT ASSUME ANY LIABILITY ASSOCIATED WITH THE USE OR MISUSE OF THIS INFORMATION.

Legend

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- Parcel
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 - Major Road
 - Local Road
- Hydrographic Features
 - Streams
 - Wetlands

Scale: 1:1,200

Setback Analysis Solar Field at Page School



View 1



View 2



View 3

View 1: 125' from pavement to edge of fence
 View 2: 150' to edge of pavement
 View 3: 200' to edge of pavement

Large Scale Ground Mounted Solar Photovoltaic Installations Over Lay District

Proposal

3. Submission Requirements

5.G.4. Add new submission requirements for Site Plan Review Applications;

- Utility company notification - Documents that the utility company has been informed of Owner's intent to install an interconnected LGSPI.
- Operation & maintenance – Plan with measures for maintaining safe access, storm water controls, and general procedures for operational maintenance of the installation.
- Landscaping plan – Details changes to the landscape such as roads, driveways, grading, vegetation clearing, planting, screening vegetation, and/or fences/walls, and lighting.
- Visualizations – Sight line view graphics including pre-construction photographs and post-construction simulations(e.g. superimpositions of the Solar Energy Facility onto photographs of existing views). Includes all buildings and tree coverage that will remain or are proposed.

Large Scale Ground Mounted Solar Photovoltaic Installations Over Lay District

Proposal

4. Design Standards

5.G.6. Add new Design Standards:

- Siting criteria - "LGSPI shall be located with consideration for:
 - i. Visual/aesthetic: LGSPI shall, where possible, be sited off ridgelines to locations where their visual impact is least detrimental to valuable historic and scenic and established residential areas;
 - ii. General health, safety, and welfare of residents;
 - iii. Natural habitats, forests and wetlands;
 - iv. Lands with prime agricultural soils;
 - v. Glare from the solar panels onto any abutting or nearby properties;
 - vi. Potential vehicular traffic conflicts."

- Landscaping & Screening: "LGSPI shall be screened from abutting properties and roadways by staggered and grouped plantings of shrubs and small trees. Such plantings shall use native plants and a mix of deciduous and evergreen species and may be located within the setback area. The species mix and depth of screening shall be determined by the Planning Board during Site Plan Review based on site specific conditions with existing natural vegetation being used to the greatest extent possible."


West Newbury Planning Board
March 5, 2019

Large Scale Ground Mounted Solar Photovoltaic Installations Over Lay District

Proposal

5. Hiring Consultants

5.G.8. Allows that the Planning Board hire consultants to assist in project review at the expense of Applicants.



Large Scale Ground Mounted Solar Photovoltaic Installations Over Lay District

Proposal

6. Abandonment & Decommissioning

5.G.11. Establish new provisions for abandonment and decommissioning;

a. Removal requirements. Any LGSPI which has reached the end of its useful life or has been abandoned shall be removed. When the LGSPI is scheduled to be decommissioned, the Owner or Operator shall notify the Town by certified mail of the proposed date of discontinued operations and plans for removal. The Owner or Operator shall physically remove the LGSPI no more than 150 days after the date of discontinued operations. At the time of removal, the LGSPI site shall be restored in accordance with the decommissioning requirements specified below.

- i. Physical removal of all LGSPI, including structures, equipment, security barriers and transmission lines from the site;
- ii. Any utility connections shall be disconnected to the satisfaction of the Fire Department and Building Inspector.
- iii. Disposal of all solid and hazardous waste in accordance with local and state waste disposal regulations and standards; and
- iv. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the Owner or Operator to leave landscaping or any designated below-grade foundations in order to minimize erosion and disruption to vegetation."

Large Scale Ground Mounted Solar Photovoltaic Installations Over Lay District

Proposal

6. Abandonment & Decommissioning

5.G.11. Establish new provisions for abandonment and decommissioning;

“b. Abandonment. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, a LGSPI shall be considered abandoned when it ceases to operate for more than twelve (12) months, without written consent of the Building Inspector. “Cease to operate” is defined as not performing the normal functions associated with the LGSPI and its equipment on a continuous and ongoing basis. The Building Inspector shall provide written notification of abandonment to the Owner and Operator.

If the Owner or Operator fails to remove the LGSPI in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town shall have the authority to enter the property, to the extent it is duly authorized by law, and physically remove the LGSPI pursuant to the decommissioning requirements, Section 5.G.12.a.”

Large Scale Ground Mounted Solar Photovoltaic Installations Over Lay District

Proposal

7. Financial Surety

5.G.12. Establish new requirements for Applicant's to provide financial surety;

" The Applicant shall provide a form of surety to cover the cost of removal in the event the town must remove the installation and remediate the landscape, in an amount not to exceed 150% of the current estimated cost.

The applicant may choose to provide the surety in the form of a bond or escrow account. Such surety is not required for Municipal LGSPI. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The surety shall include a mechanism for calculating increased removal costs due to inflation.

Nothing herein shall diminish the Town's rights to recover costs associated with Abandonment and Decommissioning, Section 5.G.11. that is above and beyond the posted surety."

**TOWN OF WEST NEWBURY
COMMONWEALTH OF MASSACHUSETTS
WARRANT – SPECIAL TOWN MEETING
MONDAY, APRIL 29, 2019 @ 7pm**

Essex, ss.

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

In the name of the Commonwealth, you are hereby required to notify and warn all the inhabitants of the Town of West Newbury, who are qualified to vote in the elections and Town affairs, to meet at the Pentucket Regional High School auditorium, 24 Main Street, at 7:00 p.m. on Monday, April 29, 2019 to act upon or take any other action relative to all of the following articles.

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

No motion: pursuant to custom, this Article is left open throughout the meeting.

ARTICLE 2. To see if the town will vote to transfer from Community Preservation Act funds, Historic Resources Reserve, the sum of \$25,000, to conduct a Historic Sites Survey, or take any other action relative thereto. By request of the Community Preservation Committee and the Historical Commission.

MOTION: I move to transfer from Community Preservation Act funds the sum of \$25,000 from CPA Historic Resources Reserve to conduct an Inventory of Historical Properties in the Town of West Newbury, in conformity with the Application of the Historical Commission filed with and approved by the Community Preservation Committee, and subject to the condition that the total amount of the appropriation authorized by this vote shall be reduced by any grant funds received for this purpose. Any remaining funds will be closed out to the Community Preservation Act Funds Unrestricted Fund Balance at the close of Fiscal Year 2021.

ARTICLE 3. To see if the town will vote to transfer from Community Preservation Act funds, Historic Resources Reserve, the sum of \$17,000, for an Americans with Disabilities Act (ADA) compliant access ramp to the outdoor patio at the G.A.R. Library, or to take any other action relative thereto. By request of the Community Preservation Committee and the Director of Public Works.

MOTION: I move to transfer from Community Preservation Act funds the sum of \$17,000 from CPA Historic Resources Reserve for the purchase and installation of an Americans with Disabilities Act (ADA) compliant access ramp to the outdoor patio at the G.A.R. Library, in conformity with the Application of the DPW Director of the Town of West Newbury filed with and approved by the Community Preservation Committee, Any remaining funds will be closed out to the Community Preservation Act Funds Unrestricted Fund Balance at the close of Fiscal Year 2021.

ARTICLE 4. To see if the Town will vote to raise, transfer and/or appropriate from Community Preservation Act funds, in accordance with the provisions of Massachusetts General Laws Chapter 44B, the sum of \$200,000.00 from the Open Space and Recreation Reserve Account for the purchase of an agricultural preservation restriction and/or conservation restriction on a parcel of land known as “Brown Spring Farm,” which is comprised of 10 acres, more or less, located at 866 Main Street, West Newbury, Assessors Map R28, Lot 150 and shown as “Lot A” on the plan of land entitled “Plan of Land in West Newbury, Mass. owned by Margaret M. Cooney” dated August 12, 1971 and recorded at Plan Book 120 Plan 34 at the Southern Essex Registry of Deeds. Said agricultural preservation restriction and/or conservation restriction is to be conveyed to the Town of West Newbury and to Essex County Greenbelt Association, Inc.; said purchase to be subject to approval of the agricultural preservation restriction and/or conservation restriction by all involved parties, and that the Board of Selectmen is to be authorized to execute, acknowledge and deliver all grants, agreements and such other instruments, including but not limited to the agricultural preservation restriction and/or conservation restriction, in accordance with Massachusetts General Laws Chapter 184 or any other applicable statute or regulation, as may be necessary on behalf of the Town of West Newbury to effectuate the purchase of said agricultural preservation restriction and/or conservation restriction; or to take any other action relative thereto. By request of the Community Preservation Committee, the Open Space Committee, and Essex County Greenbelt Association.

MOTION: I move to transfer from Community Preservation Act funds, the sum of \$200,000.00 from the Open Space and Recreation Reserve Account for the purchase of an agricultural preservation restriction and/or conservation restriction on a parcel of land known as “Brown Spring Farm,” which is comprised of 10 acres, more or less, located at 866 Main Street, West Newbury, Assessors Map R28, Lot 150 and shown as “Lot A” on the plan of land entitled “Plan of Land in West Newbury, Mass. owned by Margaret M. Cooney” dated August 12, 1971 and recorded at Plan Book 120 Plan 34 at the Southern Essex Registry of Deeds. Said agricultural preservation restriction and/or conservation restriction is to be conveyed to the Town of West Newbury and to Essex County Greenbelt Association, Inc.; said purchase to be subject to approval of the agricultural preservation restriction and/or conservation restriction by all involved parties, and that the Board of Selectmen is to be authorized to execute, acknowledge and deliver all grants, agreements and such other instruments, including but not limited to the agricultural preservation restriction and/or conservation restriction, in accordance with Massachusetts General Laws Chapter 184 or any other applicable statute or regulation, as may be necessary on behalf of the Town of West Newbury to effectuate the purchase of said agricultural preservation restriction and/or conservation restriction.

ARTICLE 5. To see if the Town will vote to raise, transfer and/or appropriate from Community Preservation Act funds, in accordance with the provisions of Massachusetts General Laws Chapter 44B, the sum of \$75,000.00 from the Open Space and Recreation Reserve Account for the purchase of a conservation restriction on two parcels of land located off River Road shown on Assessors’ Map R-24 as Parcels 5 and 7, containing approximately 25.3 acres and 6.64 acres of land respectively, which lots are also described in the deed recorded with the Essex South District Registry of Deeds in Book 6668, Page 158; and that the Board of Selectmen be authorized to enter into all agreements and execute all instruments, including but not limited to

the conservation restriction, in accordance with Massachusetts General Laws Chapter 184 or any other applicable statute or regulation, as may be necessary on behalf of the Town of West Newbury to effect the purchase of said conservation restriction; or to take any other action relative thereto. By request of the Community Preservation Committee, the Open Space Committee, the River Access Committee and the Essex County Greenbelt Association.

MOTION: I move to transfer from Community Preservation Act funds the sum of \$75,000.00 from the Open Space and Recreation Reserve Account for the purchase of a conservation restriction on two parcels of land located off River Road shown on Assessors' Map R-24 as Parcels 5 and 7, containing approximately 25.3 acres and 6.64 acres of land respectively, which lots are also described in the deed recorded with the Essex South District Registry of Deeds in Book 6668, Page 158; and that the Board of Selectmen be authorized to enter into all agreements and execute all instruments, including but not limited to the conservation restriction, in accordance with Massachusetts General Laws Chapter 184 or any other applicable statute or regulation, as may be necessary on behalf of the Town of West Newbury to effect the purchase of said conservation restriction.

ARTICLE 6. To see if the Town will transfer from available funds the sum of \$26,000 to the Police Department Salary & Wages School Resource Officer (SRO) line item of the FY'19 omnibus budget. By request of the Town Manager.

MOTION: I move that the Town transfer from free cash the sum of \$26,000 to the Police Department Salary & Wages (SRO) (Student Resource Officer) line item in the Fiscal Year 19 omnibus budget.

ARTICLE 7. To see if the Town will transfer from available funds the sum of \$5,500 to purchase a new optical scan ballot tabulator and supplies for town and state elections or to take any other action relative thereto. By request of the Town Clerk.

MOTION: I move to transfer from free cash the sum of \$5,500 to purchase a new optical scan ballot tabulator and supplies for town and state elections. Any remaining funds will be closed out to the undesignated fund balance at the close of Fiscal Year 2020.

ARTICLE 8. To see if the Town will vote to transfer from available funds the sum of \$110,000 to fund the snow and ice deficit. By request of the Director of Public Works.

MOTION: I move to transfer from free cash the sum of \$_____ to fund the Snow and Ice deficit. Any remaining funds will be closed out to the undesignated fund balance at the close of Fiscal Year 2019.

ARTICLE 9. To see if the Town will raise and appropriate and/or transfer from available funds the sum of \$20,000 to fund an Emergency Action Plan (EAP) Study for the Mill Pond Dam as required by the Massachusetts Department of Conservation and Recreation (DCR) per newly enacted state regulations. By request of the DPW Director.

MOTION: I move to transfer from free cash the sum of \$20,000 to fund an Emergency Action Plan (EAP) Study for the Mill Pond Dam as required by the Massachusetts Department of Conservation and Recreation (DCR). Any remaining funds will be closed out to the undesignated fund balance at the close of Fiscal Year 2020.

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

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

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

Given under our hands this 1st day of April, 2019.

BOARD OF SELECTMEN:

Glenn A. Kemper, Chairman

David W. Archibald

Joseph H. Anderson, Jr.

A true copy, Attested:

Michael P. McCarron, Town Clerk

Pursuant to the above warrant to me directed, I hereby notify and warn all the inhabitants of the Town of West Newbury who are qualified to vote to meet at said time and place.

Constable, Brian Richard

Date of Posting

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Constable, Brian Richard

Date of Posting

**TOWN OF WEST NEWBURY
COMMONWEALTH OF MASSACHUSETTS
WARRANT -- ANNUAL TOWN MEETING
MONDAY, APRIL 29, 2019 @ 7pm**

Essex, ss.

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

In the name of the Commonwealth, you are hereby required to notify and warn all the inhabitants of the Town of West Newbury, who are qualified to vote in the elections and Town affairs, to meet at the Pentucket Regional High School auditorium at 24 Main Street, at 7:00 p.m. on Monday, April 29, 2019 to act upon or take any other action relative to all but the first two of the following articles.

Also, to meet in the Annex at 379 Main Street on Monday, May 6, 2019 to act on Article 1 which calls for the election of Town Officials and to vote on Article 2 which calls for a Proposition 2 ½ Referenda Question. Polls will be open at 7:00 a.m. and will close at 8:00 p.m.

GENERAL GOVERNMENT MATTERS

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

<u>Position</u>	<u>Term</u>
Selectmen (1)	Three Years
Assessor (1)	Three Years
Water Commissioner (1)	Three Years
Pentucket School Committee (1)	Three Years
Library Trustees (3)	Three Years
Planning Board (1)	Five Years
Planning Board (1)	One Year
Park & Recreation Commissioner (1)	Three Years
Board of Health (1)	Three Years
Constable (1)	Three Years
West Newbury Housing Authority (1)	Five Years

ARTICLE 2. Shall the Town of West Newbury 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?

ARTICLE 3. To hear and act upon the reports of Town officers and committees.

No motion: Pursuant to custom, this Article was left open throughout the meeting.

ARTICLE 4. To determine what sums of money the Town will raise and appropriate for defraying the expenses of the Town for the ensuing fiscal year and for the payment of Town debt. By request of the Board of Selectmen.

MOTION: I move to adopt the Line Item Budget (as amended).

WATER ENTERPRISE FUND

ARTICLE 5. In accordance with the provisions of Chapter 38 of the Acts of 1936, to see what instructions, rules and regulations the town may wish to impose on the Board of Water Commissioners. By request of the Board of Water Commissioners.

No Motion.

ARTICLE 6. To see if the Town will vote to appropriate, in anticipation of Water Department revenue, the sum of \$795,099 of which \$197,603 for Salaries and Wages which include \$1,700 for Water Commissioners stipends, \$34,282 for Insurances, \$395,564 for Expenses, \$101,696 for Debt Service, \$15,000 for Extraordinary and Unforeseen and \$50,954 for Indirect Cost. By request of the Board of Water Commissioners.

MOTION: I move to appropriate, in anticipation of Water Department revenue, the sum of \$795,099 of which \$197,603 for Salaries and Wages which include \$1,700 for Water Commissioners stipends, \$34,282 for Insurances, \$395,564 for Expenses, \$101,696 for Debt Service, \$15,000 for Extraordinary and Unforeseen and \$50,954 for Indirect Cost.

ARTICLE 7. To see if the Town will amend the motion of the Town taken under Article 8 of the 2017 Annual Town Meeting, which appropriated \$1,700,000 for purchasing, constructing and installing a new water tank to replace the original 1936 Standpipe, including all related equipment and payment of costs and expenses incidental or related thereto, and authorized a borrowing therefor, to provide that such appropriation may also be used for upgrading the existing Wellfield No. 1, including the design and construction of a chemical building, or take any other action relative thereto. By request of the Board of Water Commissioners.

MOTION: I move to amend the motion of the Town taken under Article 8 of the 2017 Annual Town Meeting, which appropriated \$1,700,000 for purchasing, constructing and

installing a new water tank to replace the original 1936 Standpipe, including all related equipment and payment of costs and expenses incidental or related thereto, and authorized a borrowing therefor, to provide that such appropriation may also be used for upgrading the existing Wellfield No. 1, including the design and construction of a chemical building.

Final language to be approved by Bond Counsel

ARTICLE 8. To see if the Town will vote to raise and appropriate and/or transfer from available funds and/or borrow by short or long term notes in the sum of \$1,200,000 to pay additional costs of purchasing, constructing and installing a new water tank and upgrading the existing Wellfield No. 1, including the design and construction of a chemical building, which amount shall be expended in addition to any amounts previously appropriated for such projects, and to determine whether this amount shall be raised by borrowing, taxation, transfer from available fund transfers or otherwise provided; or take any other action relative thereto. By request of the Board of Water Commissioners.

MOTION: I move to raise and appropriate the sum of \$1,200,000.00 for purchasing, constructing and installing a new water tank to replace the original 1936 Standpipe, including all related equipment and payment of costs and expenses incidental or related thereto and the upgrading the existing Wellfield No. 1, including the design and construction of a chemical building; and that to meet this appropriation, the Treasurer with the approval of the Board of Selectmen is authorized to borrow said amount under Chapter 44 of the General Laws or any other enabling authority; and that the Board of Water Commissioners is authorized to take any other action necessary or convenient to carry out this project. Although any bonds or notes issued under this vote will be general obligations of the town, it is the intent of the town that such bonds or notes be paid from Water Enterprise Fund revenues. Any premium received by the town 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.

Final language to be approved by Bond Counsel

APPROPRIATIONS

ARTICLE 9. 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. By request of the Board of Selectmen and Pentucket School Committee.

MOTION: I move to vote that the Town approves the appropriation and borrowing authorized by the Pentucket Regional School District of ONE HUNDRED FORTY-SIX MILLION, THREE HUNDRED THIRTY-TWO THOUSAND, THREE HUNDRED TWENTY-EIGHT Dollars (\$146,332,328.00) 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) 57 and 63 hundredths percent (57.63%) 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 the 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.

ARTICLE 10. To see if the Town will vote to raise and appropriate the sum of \$321,800 to be placed in the special purpose municipal stabilization fund established pursuant to MGL Chapter 40 §5B in order to fund future capital expenditures for school related building projects, or take any other action related thereto. By request of the Board of Selectmen.

MOTION: I move to raise and appropriate the sum of \$321,800 to be placed in the special purpose municipal stabilization fund established pursuant to Massachusetts General Laws c. 40 §5B in order to fund future capital expenditures for school related building projects.

ARTICLE 11. To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$67,000 for the Pension Liability stabilization fund, or take any other action related thereto. By request of the Board of Selectmen.

MOTION: I move to transfer the sum of \$67,000 from FREE CASH to the pension liability stabilization fund established pursuant to Massachusetts General Laws c.40 §5B in order to fund pension and postemployment benefits.

ARTICLE 12. To see if the Town will vote to transfer the sum of \$22,285.65 from the Septic Loan Revolving Account for the repayment of debt service. By request of the Board of Health.

MOTION: I move to transfer the sum of \$22,285.65 from the Septic Loan Revolving Account for the repayment of debt service.

ARTICLE 13. To see if the Town will vote to transfer from available funds the sum of up to \$90,000.00. to pay the debt service associated with the Dunn Property Acquisition. By request of the Board of Selectmen.

MOTION: I move to transfer the sum of up to \$90,000.00 from the Receipts Reserved for Dunn Debt Account to pay the debt service associated with the Dunn Property Acquisition.

ARTICLE 14. To see if the Town will vote to allocate and/or reserve from the Community Preservation Fund annual revenues, the amounts recommended by the Community Preservation Committee for Community Preservation Projects, Committee Administrative Expenses, and other expenses in Fiscal Year 2020, with each item to be considered a separate appropriation or take any other action relative thereto. By request of the Community Preservation Committee.

Appropriations:

From FY 2020 estimated revenues for Committee Administrative Expenses: \$20,583

Reserves:

From FY 2020, estimated revenues for Community Housing Reserve: \$41,166

From FY 2020, estimated revenues for Historic Resources Reserve: \$41,166

From FY 2020, estimated revenues for Open Space & Recreation Reserve: \$41,166

From FY 2020, estimated revenues for Budgeted Reserve: \$267,581

MOTION: I move to allocate and/or reserve from the Community Preservation Fund annual revenues, the amounts recommended by the Community Preservation Committee for Community Preservation Projects, Committee Administrative Expenses, and other expenses in Fiscal Year 2020, with each item to be considered a separate appropriation.

Appropriations:

From FY 2020 estimated revenues for Committee Administrative Expenses: \$20,583

Reserves:

From FY 2020, estimated revenues for Community Housing Reserve: \$41,166

From FY 2020, estimated revenues for Historic Resources Reserve: \$41,166

From FY 2020, estimated revenues for Open Space & Recreation Reserve: \$41,166

From FY 2020, estimated revenues for Budgeted Reserve: \$267,581

ARTICLE 15. To see if the Town will raise and appropriate and/or transfer from available funds the sum of \$76,000 to fund improvements and repairs to the G.A.R. Library, Public Safety Complex and Town Offices. By request of the DPW Director.

MOTION: I move to transfer from the stabilization fund the sum of \$76,000 to fund improvements and repairs to the G.A.R. Library, Public Safety Complex and Town Offices. Any remaining funds will be closed out to the undesignated fund balance at the close of Fiscal Year 2021.

ARTICLE 16. To see if the Town will raise and appropriate and/or transfer from available funds the sum of \$45,000 to purchase a new 4x4 Utility Body Pick-up Truck. By request of the DPW Director.

MOTION: I move to transfer from the stabilization fund the sum of \$45,000 to purchase a new 4x4 Utility Body Pick-up Truck. Any remaining funds will be closed out to the undesignated fund balance at the close of Fiscal Year 2021.

ARTICLE 17. To see if the Town will raise and appropriate and/or transfer from available funds the sum of \$32,000 to purchase a new 4x4 Pick-up Truck with hard cover. By request of the DPW Director.

MOTION: I move to transfer from the stabilization fund the sum of \$32,000 to purchase a new 4x4 Pick-up Truck with hard cover. Any remaining funds will be closed out to the undesignated fund balance at the close of Fiscal Year 2021.

ARTICLE 18. To see if the Town will raise and appropriate and/or transfer from available funds the sum of \$230,000 to purchase a Fire Department Rescue Vehicle. By request of the Fire Chief.

MOTION: I move to transfer from the stabilization fund the sum of \$230,000 to purchase a Fire Department Rescue Vehicle. Any remaining funds will be closed out to the undesignated fund balance at the close of Fiscal Year 2021.

BY-LAWS – OTHERS

ARTICLE 19. To see if the Town will vote to increase the senior tax exemption from \$500 to \$1,000 per Massachusetts General Law Chapter 59, Section 5, Clause 41C, such increase to be available for tax years commencing July 1, 2019. By request of the Board of Assessors.

MOTION: I move that the Town accept the provisions of Massachusetts General Law Chapter 59, Section 5, Clause 41C in order to increase the senior tax exemption from \$500 to \$1,000.

ARTICLE 20. To see if the Town will vote to amend Section XL of the Town Bylaws by adding sections 5.4.1 thru 5.4.5 in order to establish a revolving fund for the care and maintenance of the town owned Pipestave/Mill Pond areas located at 693 Main Street, West Newbury:

5.4.1 Pipestave/Mill Pond Care and Maintenance Revolving Fund.

5.4.2 Department. There shall be a separate fund called the Pipestave/Mill Pond Care and Maintenance Revolving Fund authorized for use by the Mill Pond Committee.

5.4.3 Revenues. The town accountant shall establish the Pipestave/Mill Pond Care and Maintenance Revolving Fund as a separate account and credit to the fund all the monies received in connection with past and future rental fees for use of the Mill Pond facilities, donations, and any other source.

5.4.4 Purposes and Expenditures. During each fiscal year, the Mill Pond Committee may incur liabilities against and spend monies from the Pipestave/ Mill Pond Care and Maintenance Revolving Fund for the maintenance and improvement to the grounds and facilities located at the Pipestave/Mill Pond areas, 693 Main Street, West Newbury.

5.4.5 Fiscal Years. The Pipestave/Mill Pond Care and Maintenance Revolving Fund shall operate for fiscal years that begin on or after July 1, 2019 and shall continue until such time as town meeting votes to eliminate the fund. By request of the Board of Selectmen.

MOTION: I move that the Town amend Section XL of the Town Bylaws by adding sections 5.4.1 thru 5.4.5 as follows:

5.4.1 Pipestave/Mill Pond Care and Maintenance Revolving Fund.

5.4.2 Department. There shall be a separate fund called the Pipestave/Mill Pond Care and Maintenance Revolving Fund authorized for use by the Mill Pond Committee.

5.4.3 Revenues. The town accountant shall establish the Pipestave/Mill Pond Care and Maintenance Revolving Fund as a separate account and credit to the fund all the

monies received in connection with past and future rental fees for use of the Mill Pond facilities, donations, and any other source.

5.4.4 Purposes and Expenditures. During each fiscal year, the Mill Pond Committee may incur liabilities against and spend monies from the Pipestave/ Mill Pond Care and Maintenance Revolving Fund for the maintenance and improvement to the grounds and facilities located at the Pipestave/Mill Pond areas, 693 Main Street, West Newbury.

5.4.5 Fiscal Years. The Pipestave/Mill Pond Care and Maintenance Revolving Fund shall operate for fiscal years that begin on or after July 1, 2019 and shall continue until such time as town meeting votes to eliminate the fund

ARTICLE 21. To see if the Town will vote to limit the total amount that may be expended from each revolving fund established pursuant to Section XL of the Bylaws of the Town of West Newbury, to wit:

Section 5.1 Summer Recreation Revolving Fund	\$44,350
Section 5.2 GAR Library Fines and Penalties Revolving Fund	\$10,000
Section 5.3 Police Vehicle Revolving Fund	\$20,000
Section 5.4 Pipestave/Mill Pond Care and Maintenance Revolving Fund	\$ 5,000

By request of the Board of Selectmen.

MOTION: I move to see if the town will vote to fix the maximum amount that may be spent during Fiscal Year 2020 from the revolving funds pursuant to Section XL of the Bylaws of the Town of West Newbury:

Section 5.1 Summer Recreation Revolving Fund	\$44,350
Section 5.2 GAR Library Fines and Penalties Revolving Fund	\$10,000
Section 5.3 Police Vehicle Revolving Fund	\$20,000
Section 5.4 Pipestave/Mill Pond Care and Maintenance Revolving Fund	\$ 5,000

ARTICLE 22. To see if the town will vote to amend Section V of the Town Bylaws, Trench Excavation Bylaw in order to transfer the authority from the Board of Selectmen to the DPW Director as the Permitting Authority and other related amendments. By request of the Board of Selectmen.

MOTION: I move that the Town amend Section V of the Town Bylaws, Trench Excavation Bylaw in order to transfer the authority from the Board of Selectmen to the DPW Director as the Permitting Authority as set forth in Appendix of the West Newbury Finance Committee Report dated April , 2019 pp. .

ARTICLE 23. To see if the town will vote to amend Section V of the Town Bylaws, Opening of Streets Bylaw in order to transfer the authority from the Board of Selectmen to the DPW Director to approve street opening permits and amend safety requirements, surety bond, inspections and other related provisions. By request of the Board of Selectmen.

MOTION: I move that the Town amend Section V of the Town Bylaws, Opening of Streets Bylaw in order to transfer the authority from the Board of Selectmen to the DPW Director to approve street opening permits and amend safety requirements, surety bond, inspections and other related provisions, all as set forth in Appendix of the West Newbury Finance Committee Report dated April , 2019 pp.

ARTICLE 24. To see if the Town will vote to amend the Pentucket Regional School District (PRSD) Regional Agreement in order to revise the designation, composition and activities of the Regional Finance Advisory Board, and to incorporate by cross-reference the Pentucket Regional School District Contingency Plan as approved and as may be amended from time to time by the Pentucket Regional School District. By request of the Board of Selectmen.

MOTION: I move that the Town amend the Regional Agreement of the Pentucket Regional School District to replace the Regional Agreement as most recently amended on July 1, 2014 and replace it with the document entitled “Pentucket Regional School District Regional Agreement, PK-12 Regional Agreement of April 29, 2019” as set forth in the document entitled “Final Draft Pentucket Regional School District Regional Agreement PK-12 Regional Agreement of April , 2019,.” In Appendix of the West Newbury Finance Committee Report dated April , 2019, pp.

ARTICLE 25. To see if the Town will vote to amend the 2001 Mill Pond Management Plan paragraph A.16 in order to modify the amendment process. By request of the Board of Selectmen.

MOTION: I move that the Town amend the 2001 Mill Pond Management Plan paragraph A.16 “Review and Amendment of Management Plan” by deleting the paragraph A.16 in its entirety and replacing it with paragraph A.16 as set forth in Appendix of the West Newbury Finance Committee Report, dated April , 2019 p. , with said changes shown as follows (proposed additions shown with double-underline, proposed deletions shown in strikethrough):

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 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.~~

ARTICLE 26. To see if the Town will vote to amend Section XIX of the Town Bylaws, Town Counsel Bylaw to revise the process to engage Town Counsel. By request of the Board of Selectmen.

MOTION: I move that the Town amend Section XIX of the Town Bylaws, XIX. Town Counsel Bylaw as follows (proposed additions shown with double-underline, proposed deletions shown in strikethrough):

TOWN COUNSEL BY-LAW *[Adopted at the Annual Town Meeting of March 3, 1958. Approved by the Attorney General April 1, 1958, and posted according to law November 18, 1963.]*

That the ~~Selectmen appoint a~~ services of Town Counsel, ~~and that the services of said counsel shall be available as follows:~~

- 1) To any elected board by majority vote of said board, upon approval by the Chairman of the Board of Selectmen or, if the Chairman is unavailable, by another member of the Board of Selectmen.
- 2) To any elected single office holder, upon approval by the Chairman of the Board of Selectmen or, if the Chairman is unavailable, by another member of the Board of Selectmen.
- 3) To any appointed office holder, board or committee upon majority vote of the appointing authority, upon approval by the Chairman of the Board of Selectmen or, if the Chairman is unavailable, by another member of the Board of Selectmen or upon written consent of the moderator.
- 4) To any Department Head, upon approval by the Town Manager.

The salary of said counsel shall be established annually.

ARTICLE 27. To see if the Town will vote to amend Section 6.B.8 Open Space Preservation Development (OSPD) of the West Newbury Zoning Bylaw regarding basic maximum number, dimensional requirements, contiguity of open space, buffer areas, density bonuses & affordable housing units, and minimum distance between buildings. By request of the Planning Board.

MOTION: I move that the Town amend Section 6.B.8 Open Space Preservation Development (OSPD) of the West Newbury Zoning Bylaws by incorporating the modifications and changes as set forth in Appendix of the West Newbury Finance Committee Report dated April , 2019, pp

ARTICLE 28. To see if the Town will vote to amend Section 5.G. Large-Scale Ground-Mounted Solar Photovoltaic Installations (LGSPI) Overlay District of the West Newbury Zoning Bylaw regarding dimensional requirements, submission requirements, design standards, hiring consultants, abandonment, decommissioning & financial surety. By request of the Planning Board.

MOTION: I move that the Town amend Section 5.G. Large-Scale Ground-Mounted Solar Photovoltaic Installation (LGSPI) Overlay District of the West Newbury Zoning Bylaws by incorporating the modifications and changes as set forth in Appendix of the West Newbury Finance Committee Report dated April , 2019, pp

ARTICLE 29. To see if the Town will vote to amend Section 7.A.11 Erosion Control Performance Standards of the West Newbury Zoning Bylaw in compliance with the NPDES (Nonpoint Pollutant Discharge Elimination System) MS4 Phase II Stormwater Permit for Massachusetts. By request of the Board of Selectmen and the Planning Board.

MOTION: I move that the Town amend Section 7.A.11 Erosion Control Performance Standards of the West Newbury Zoning Bylaws by deleting the existing Section 7.A.11 in its entirety and replacing it with the following:

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).

ARTICLE 30. To see if the Town will vote to reduce the amount of the surcharge of the annual real estate tax levy against real property assessed pursuant to Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, from three (3.0%) percent to one half (0.5%) percent. Said change to be implemented in Fiscal Year 2020 or as soon as possible thereafter. By citizens' petition.

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

LOCATIONS TO POST WARRANT:

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

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

Given under our hands this 1st day of April, 2019.

BOARD OF SELECTMEN

Glenn A. Kemper, Chairman

David W. Archibald

Joseph H. Anderson, Jr.

A true copy, attested:

Michael P. McCarron, Town Clerk

Pursuant to the above warrant to me directed, I hereby notify and warn all the inhabitants of the Town of West Newbury who are qualified to vote to meet at said time and place.

Constable, Brian Richard

Date of Posting

You are hereby directed to serve this warrant by posting attested copies thereof at least 14 days before the date of the Annual Town Meeting, as provided within the Town By-Laws

LOCATIONS TO POST WARRANT:

Town Hall
1910 Town Office Building
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BOARD OF SELECTMEN

Glenn A. Kemper, Chairman

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Joseph H. Anderson, Jr.

A true copy, attested:

Michael P. McCarron, Town Clerk

Pursuant to the above warrant to me directed, I have notified and warned all the inhabitants of the Town of West Newbury who are qualified to vote to meet at said time and place.

Constable, Brian Richard

Date of Posting



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: March 29, 2019
RE: Town Manager performance review and evaluation

My employment contract provides that the Board of Selectmen “shall review and evaluate the performance of the Town Manager at least once annually in advance of the adoption of the annual operating budget.”

This item was brought to the Board in early January but postponed due to the many number of items then before the Board. At this time I recommend that the Board discuss and agree to how you wish for this review and evaluation to take place. I have penciled in for the second April Board meeting the actual completion of the review and evaluation.

Fact Sheet on Taxes for Senior Citizens in the Pentucket School District

J

Some seniors in the Pentucket School District may be wondering how they can manage higher taxes, given their fixed incomes. What follows are six opportunities for seniors to cut or even eliminate their taxes.

All of the major property tax credit programs listed below are subject to income, asset, and ownership requirements; the Veteran's exemption is prorated based on disability.

1. **Senior 'circuit breaker' refundable tax credit**—for people 70 years or older, whose tax bills are more than 10% of their income. In 2017 the exemption was up to \$1080.
2. **DLS Taxpayer's Guide to Local Property Tax Exemptions, Clause 41A, B, C and C1/2** offers a basic credit for people 65+. The base level is \$500, which, according to Clause 41C1/2, can be raised to \$1000 by town vote. Clause 41A allows seniors to defer tax obligations until the property is sold or the owner passes away, meaning a tax lien would be placed on their house and paid upon sale. If a house has appreciated in value over the years, this seems to make sense. Clause 41C - \$500 the first year and up to \$1000 second and subsequent years (already accepted at town meeting). Article pending for April 2019 West Newbury Town Meeting to increase first year to \$1000 and up to \$2000 second and subsequent years.
3. **DLS Guide, Clause 17D** offers seniors, surviving spouses and minor children of deceased parents up to \$175 the first year and up to \$350 second and subsequent years (already accepted at West Newbury Town Meeting).
4. **DLS Clause 22** offers Veterans (who have war-related injuries and have been honourably discharged) and their spouses up to \$1000, full exemption in some cases. The amount is pro-rated based on disability. Disabled 10% or more from war related injuries - \$400 up to \$1000 the first year and potentially double the second and subsequent years (already accepted at West Newbury Town Meeting).
5. **DLS Clause 37a** offers up to \$500 for legally blind persons the first year, and up to \$1000 the second and subsequent years (already accepted at West Newbury Town Meeting).
6. Each of the three Pentucket towns offers a **property tax work-off program**. Seniors can apply for volunteer positions in the town to receive an abatement of up to \$1500. Groveland supports up to ten volunteers. Merrimac residents can find information at [this site](#). Local applications can be found at these sites: [Groveland](#); [Merrimac](#); [West Newbury](#). West Newbury residents can apply through the Council on Aging. More details can be found here: (<https://www.wnewbury.org/assessors>)

****The [AARP foundation](#) has free help available for seniors and even non-seniors who are lower income.**

There are also fact sheets on the Massachusetts Department of Revenue website and the Town of West Newbury Assessors' Department website that can help.



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: March 29, 2019
 RE: Bicentennial Committee Red Sox event on August 9, 2019

Last week, we ran into a challenging problem related to the Committee's sponsorship of a trip to Fenway Park to see the Red Sox play the Angels on August 9, 2019. The purchase price of the tickets was due on March 27th, more than four months prior to the event, and the intent was that the tickets would sold at-cost with the funds fully reimbursed to the Town.

The Town Accountant and I viewed the expense as problematic. Under State law the Town cannot lawfully pay for goods and services before they are provided. And, by law we cannot pay for goods and services that are not actually received. Paying for tickets in advance is problematic in itself, but doing so without a guarantee that all tickets will be sold (and therefore the costs fully reimbursed) creates the potential that the Town purchases tickets that are not used (i.e. the purchased goods/services are never provided).

Last Friday we reviewed this issue with our local rep from MassDOR Division of Local Services. She agreed with our concern, and advised that we could not pay the bill. At her suggestion, we followed up with the DOR Attorney of the Day, but he came to the same conclusion. This type of restriction on Towns' ability to expend funds is precisely why some towns have affiliated not-for-profit groups, such as our own Friends of the West Newbury Library, which are not subject to the same constraints.

Obviously, the Red Sox event is a terrific initiative, and we absolutely did not want this hurdle to cause cancellation of the event, so it was agreed that Bicentennial Committee Co-Chairman Steve Swallow, Mike McCarron and I would split the cost three ways, then we will get personally reimbursed as the tickets are sold and the proceeds are provided to the Town.

Based on Mike McCarron's separate outreach to MassDOR (summary enclosed), there is still the chance the MassDOR will come back with a different opinion given the specific legislation under which the Bicentennial Committee operates. If so, the three of us can be reimbursed more quickly; however, knowing that this follow-up DOR opinion will take some time to receive, we did not wish to take the chance of authorizing the expenditure.

Since resolving this matter on Tuesday, I was able to connect with our Auditor by phone and he agreed with our resolution, noting that he would have been concerned if we had paid the bill with Town funds. I have advised the Bicentennial Committee of the importance that the Red Sox tickets be equally available to every West Newbury resident. Event marketing should be broad, and tickets should be sold on a first-come, first-served basis. The Committee couldn't agree more, and is proceeding accordingly.

Town Manager

From: Town Manager
Sent: Friday, March 22, 2019 11:55 AM
To: 'dlslaw@dor.state.ma.us'
Cc: Laurie Zywiak; Colburn, Bobbi J. (DOR)
Subject: Question to DLS Law
Attachments: Red Sox Invoice and Bill Schedule.pdf

Importance: High

Hi,

This is to follow up the voicemail I left with the Attorney of the Day a few minutes ago, and provides additional detail regarding our question.

This is West Newbury's bicentennial year, and the Town Bicentennial Committee has been working to organize a Fenway Park trip next summer. The Committee reserved 110 tickets, with the expectation that they would sell the tickets to local residents in order to fully recoup the cost. They have represented to us that, so far, they've received ~55-60 commitments to purchase tickets. The Committee, without my office's knowledge, committed to this purchase, and recently submitted the attached invoice for payment; payment is due next week. (The Committee does have a revolving fund set up, with a substantial balance.)

We (the Town Accountant and I) have advised the Committee that the Town cannot pay for goods and services before they are provided, and we cannot pay for goods and services that are not actually received. Paying for tickets in advance is problematic in itself, but doing so without a guarantee that all tickets will be sold (and therefore the costs fully reimbursed) creates the potential that the Town purchases tickets that are not used (i.e. the purchased goods/services are never provided).

We have further advised that, unless the agreement with the Red Sox provides for a refund for any unsold tickets (it does not), we would need a guarantee of reimbursement from some other source in order to pay for the tickets before ticket sale proceeds are received.

The Committee is distraught at the prospect of either a) paying for the tickets up front themselves, and therefore bearing the risk in the event not all the tickets are sold; or b) cancelling the event, which they have been working on for some months. We told them we would consult with DOR to see if there is some ability for the Town to assist; we spoke with our local rep Bobbi-Jo Colburn and she generally agreed with our take on this, but she advised that we consult with your office as well. If there is an option to assist, we would like to do so, but we also recognize the laws and regulations that constrain our options.

Please respond at your first convenience. I'll be reachable at the number below until 12:30 and then again after 3pm into the early evening.

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

Town Manager

From: Town Manager
Sent: Friday, March 22, 2019 4:46 PM
To: KC Swallow (kc.swallow@comcast.net); Stephen Swallow (drswallow@comcast.net)
Cc: Judith Doble Gregg (jdgregg1@verizon.net); Laurie Zywiak
Subject: Correspondence w DOR

KC, Steve,

Since our conversation this morning, Laurie and I spoke with our Division of Local Services (DLS) rep from MassDOR. She agreed with us that the Town is not able to pay the bill, but advised that we contact the DOR Attorney of the Day to be sure there is not an option we were collectively overlooking. We spoke with that office, and got the same advice, then followed up again an hour later with a variation on the question: what if the Town's intent, in the event that tickets were purchased but not resold, was to donate such tickets to a charity or to underprivileged kids. This scenario did not change the attorney's advice.

In short, both offices advised that it would not be lawful for the Town to prepay for the Red Sox tickets. The attorney directed us to the following statute (emphasis added):

Chapter 41: Section 56. Warrants for payment of bills

Section 56. The selectmen and all boards, committees, heads of departments and officers authorized to expend money shall approve and transmit to the town accountant as often as once each month all bills, drafts, orders and pay rolls chargeable to the respective appropriations of which they have the expenditure. For purposes of this section, the board of selectmen and any other board, committee or head of department consisting of more than 1 member authorized to expend money, may designate any 1 of its members to approve all bills, drafts, orders and payrolls; provided, however, that the member shall make available to the board, committee or other department head, at the first meeting following such action, a record of such actions. This provision shall not limit the responsibility of each member of the board in the event of a noncompliance with this section. **Such approval shall be given only after an examination to determine that the charges are correct and that the goods, materials or services charged for were ordered and that such goods and materials were delivered and that the services were actually rendered to or for the town as the case may be;** provided, however, that such approval may be given to any bill received from a state agency for the town's share of the costs of a federal urban planning assistance program, established under the provisions of section 701 of Public Law 83-560, as amended, before any goods, materials or services ordered or to be ordered under such a program have been delivered or actually rendered, as the case may be. The town accountant shall examine all such bills, drafts, orders and pay rolls, and, if found correct and approved as herein provided, shall draw a warrant upon the treasury for the payment of the same, and the treasurer shall pay no money from the treasury except upon such warrant approved by the selectmen. If there is a failure to elect or a vacancy occurs in the office of selectman, the remaining selectman or selectmen, together with the town clerk, may approve such warrant. The town accountant may disallow and refuse to approve for payment, in whole or in part, any claim as fraudulent, unlawful or excessive, and in such case he shall file with the town treasurer a written statement of the reasons for such refusal. The treasurer shall not pay any claim or bill so disallowed by the town accountant. So far as apt this section shall apply to cities.

The attorney advised that DOR has approved town prepayment of costs in only very limited instances: leases; magazine subscriptions; placing a deposit on a fire truck that needs to be custom built. Laurie and I have various DOR guidance, presentations etc. that elaborate on this restriction, but the statute above is the primary source underpinning this advice.

In our discussion, they advised (as we had discussed with you) that this limitation on expenditure of public money is part of why non-profits are sometimes established in coordination with town actions to handle aspects of event planning and funding that the town is not able to do. In Hampden, for instance, we had a Hampden Children's Day

Committee that was a 501c3, not a town entity, that ran an annual boat raffle to raise funds for the event because the town was legally prohibited from running a raffle.

So, my advice remains the same: the only way I see the bill getting timely paid is if some individual or number of individuals front the expense, to be reimbursed from ticket sale proceeds. In the interest of seeing this event go forward I would personally offer a \$1,000 loan toward this effort, but this would leave the balance to be taken on by others. Obviously there is not a lot of time to line up such commitments.

I have been keeping the BoS apprised of this situation. I'll be here at the office for several hours if you want to talk it over tonight. My availability Monday is quite limited due to Chief interviews but we continue to be available for a call Monday at 11:45am, if there is anything to talk about.

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

Town Manager

From: Michael McCarron
Sent: Monday, March 25, 2019 2:46 PM
To: Town Manager; Laurie Zywiak; Steve and KC Swallow (Drswallow@comcast.net)
Subject: Discussion with Division of Local Services

Had a conversation with Ken Woodland of DLS regarding the questions of municipal finance. My question was the impact of MGL c. 44 sec 54I on town sponsored projects. Since the statute contemplates "events for the benefit, enjoyment and edification of its residents and visitors" it would permit the expenditure of funds for such purposes. Since the statute also mentions "admission charges" and proceeds from the sale of commemorative items, there is implied a process to create the event or item for which there will be a charge.

What he promised to do was ask the rest of the legal team at their next meeting to get the consensus of the DLS in this matter. He promised an answer by the beginning of next week.

Section 53I. A city or town, for the celebration of the two hundredth, two hundred and fiftieth, three hundredth and three hundred and fiftieth anniversary of its settlement or incorporation, and for the celebration of any semicentennial anniversary occurring thereafter, or for other special celebrations or events sponsored by the city or town for the benefit, enjoyment and edification of its residents and visitors, may appropriate money annually during the 5 years preceding such anniversary or special event. Notwithstanding the provisions of section 53 or any other general or special law to the contrary, such city or town may establish in its treasury a special fund in which shall be deposited such sums as may be appropriated by it under this section, and any and all sums received from the sale of commemorative items, admission charges or other monies received in connection with the anniversary or special event. Any and all such sums received by the treasurer shall be kept separate from other moneys, funds or property of such city or town and the principal and interest thereof may, from time to time upon the authorization of the mayor or city manager, as the case may be, the board of selectmen or the majority of any special committee established to plan such celebration or special event, be expended for the purposes of said celebration or special event in the year of such celebration or special event and in the year preceding or succeeding the same. Any surplus remaining in said special fund after such celebration or special event is concluded, shall be transferred by such treasurer into the treasury of such city or town.

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

Town Manager

From: Town Manager
Sent: Tuesday, March 26, 2019 4:12 PM
To: Dr. Stephen Swallow
Cc: Michael McCarron; kc.swallow@comcast.net
Subject: Re: ticket payment

Steve,

We have not heard back from MassDOR but per Mike's note yesterday we thought this may be a week before they respond again. I also haven't heard back from the Auditor.

I think the approach we agreed is the best course in the near term, and will send Gennifer payment for 1/3 of the invoice later tonight; and send you confirmation once this is done. If DOR comes back with a different opinion, we can all be made whole in the near term; if not this will create an incentive to sell tickets and receive payments to allow full reimbursement.

I'll review the list of future Bicentennial events and anticipated expenses with Laurie this week and provide the guidance you request. Some budget related items came out of last night's BoS mtg which have triggered a number of unanticipated meetings today and the rest of this 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

On Mar 26, 2019, at 3:48 PM, Dr. Stephen Swallow <drswallow@comcast.net> wrote:

Hi Angus and Mike,

Thank you for the meeting. The WNBC will much appreciate exact guidelines from the Town of West Newbury on expenditure restrictions on the monies appropriated by the people of West Newbury at their town meetings for their celebration of its 200th anniversary of incorporation as a Town in the Commonwealth.

We will cooperate in every way imaginable; please tell us what you need and we will provide the information to you. This may include all planned events and their costs. Please understand that even now some of this is a work in progress with issues such as parking; coordination with other events and costs of renting necessary equipment and their deposits

looming ever larger. Some of our vendors respect a Municipalities ability and guarantee of payment, but others simply need their money now.

For our part, we are going to make West Newbury Day at Fenway work. I have attached the invoice which represents (only) 110 tickets to Boston Red Sox game, August 9, 2019 vs. LAA. The cost is \$6655. Divided by 3 it is \$2218.33 each. Mike, if you would rather write a check, write it to me and I will put double on my credit card.

Thank you both for making West Newbury's 200th anniversary of incorporation celebration the best that the Commonwealth has experienced to date.

Gennifer Davidson's # at Fenway is (617) 226-6285; her cell phone # is [REDACTED] I have two calls in but have not contacted her as of yet.

Angus,

Have you had anymore communication with the Commonwealth?

Warm regards,

Steve

Stephen T. Swallow, DDS

Diplomate, American Board of Oral Implantology
Honored Fellow, American Academy of Implant Dentistry
Past President, Alabama Implant Study Group

<West Newbury Bicentennial Committee 2019 Sox tickets.pdf>

Town Manager

From: Town Manager
Sent: Friday, March 29, 2019 8:06 PM
To: 'Dr. Stephen Swallow'; Michael McCarron
Cc: KC Swallow (kc.swallow@comcast.net); Laurie Zywiak
Subject: RE: Thank you for your order

Hi Steve,

Good to know, thanks!

I was able to catch up with our Auditor by phone. He agreed with our approach to this (i.e. agreed with the MassDOR opinion), and would have been concerned if the Town had paid the expense, for the reasons previously discussed (most notably, the potential – as unlikely as it may be – that any number of tickets were to go unsold). He thought that the three of us fronting the cost was generous and asked me how we would settle matters if there is a shortfall; I said we'd have a fistfight 😊

To give you a glimpse of the level of financial scrutiny we're expected to apply, the Auditor cautioned that it could be improper if any of us earned credit card points through the purchase. He said this could be reasonably offset by the likelihood that if someone paid by credit, they would likely accrue personal interest costs, and that this could be reasonably seen as a wash. However this should be reflected in Laurie's record-keeping, and I have so advised her of this. I paid by debit card, so it's a non-issue for me personally.

The Auditor echoed what we have already spoken about regarding the imperative that the Red Sox tickets be equally available to every West Newbury resident. Event marketing should be broad, and tickets should be sold on a first-come, first-served basis. Toward that end, I've added the event (and all of the Bicentennial events I am aware of) to the online calendar on the Town website. The posts I put up are essentially placeholders; they just have the date, not times and details. But this can all be added. At least when people look at the online calendar now they'll see the Bicentennial events! And, I've now got administrator rights to the Town social media accounts, so perhaps can help build visibility; if so I'd like to do so with the Committee's specific direction re content and tone.

One more note: one of the Selectmen asked for an update on "proper public expenditures" to be added to Monday's BoS agenda so we added this and will provide an update, along with some background docs from MassDOR. No need for Bicentennial to attend, though of course you're always welcome, but I wanted to make you aware that this topic is agenda'd toward the end of the evening.

I did meet with Laurie yesterday to review the future Bicentennial events known to us, and will provide the guidance you requested re any potential tripwires; we don't see any at this point, but will go through with a fine tooth comb to be sure we're thinking everything through. If you and/or KC and/or Judy as Treasurer want to meet with us in the next week or two to go through the events together, we'd be happy to do so.

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

From: Dr. Stephen Swallow <drswallow@comcast.net>
Sent: Thursday, March 28, 2019 3:06 PM

To: Michael McCarron <mmccarron@wnewbury.org>; Town Manager <townmanager@wnewbury.org>
Subject: FW: Thank you for your order

We got it done

Stephen T. Swallow, DDS

Diplomate, American Board of Oral Implantology
Honored Fellow, American Academy of Implant Dentistry
Past President, Alabama Implant Study Group

From: Red Sox Ticket Office [<mailto:ticketoffice@redsox.com>]

Sent: Thursday, March 28, 2019 12:06 PM

To: drswallow@comcast.net

Subject: Thank you for your order

Town Manager

From: Laurie Zywiak
Sent: Thursday, March 28, 2019 12:26 PM
To: Town Manager
Subject: Library Passes

Angus

I hope this provides clarification regarding the Library's purchase of "Tickets". Two invoices were presented to the town from the library to pay, one to the Museum of Science and the other the Museum of Fine Arts. The invoices are for membership fees to these museums. Along with the benefits of magazines and educational and informational material provided to the Library, the two museums provided discount passes to the library that can be given out to patrons. They are discount passes or coupons for entry into the Museum, they are not full value tickets. For example: The Museum of Science offers 362 family passes with our membership, which are available to all members of our community through the Library's website on a first come first serve basis. Each family pass or coupon allows a family to only pay a \$10 admission charge per person instead of paying the full adult or child admission price of \$28 or \$23, respectively. A group of 2 adults and 2 children would only pay \$40 instead of \$102.

The town pays for only two of the thirteen memberships the Library has which offer passes, the Friends of Library pays for 11. The membership costs to these museums are also allowable costs which are included in the State Aid calculations which determined what the Library will receive in State Aid. It should also be noted that all of the surrounding libraries (Newbury, Merrimack, Groveland, and Newburyport) offer the same benefits to the patrons in their communities.

Please let me know if more information is required.

Laurie Zywiak
Town Accountant
Town of West Newbury
381 Main Street
West Newbury, MA 01985
978-363-1100 ext. 112

Municipal Expenditures: Proper Public Purposes

Mary Mitchell, Esq. (retired) - Municipal Finance Law Bureau

The following article, originally published in the February, 2006 edition of City & Town, is being republished⁽¹⁾ due to ongoing interest in the subject.

Increasingly over the past few years, DLS legal and accounting staffs are asked if certain expenditures made by cities and towns are allowable. Many of these issues arise as the municipal accounting officer reviews departmental bills for payment. This article discusses the rules regarding the expenditure of public funds and makes recommendations for ensuring proper payment.

Authority to Spend

The authority for cities and towns to spend money arises under Section 5 of MGL c. 40. That section provides that:

"[a] town may at any town meeting appropriate money for the exercise of any of its corporate powers; provided, however, that a town shall not appropriate or expend money for any purpose, on any terms, or under any conditions inconsistent with any applicable provision of any general or special law."⁽²⁾

Cities and towns are free to exercise any power or function, except those denied to them by their own charters or reserved to the State, that the Legislature has the power to confer on them, as long as the exercise of these powers is not inconsistent with the Constitution or laws enacted by the Legislature.⁽³⁾ In general, the properties and purposes for which cities and towns are authorized to spend are not specified, but rather they include any necessary expenditures arising from the exercise of their powers or functions.

Public Purpose Limitation

Cities and towns can spend only for public purposes. Public funds cannot be used for private purposes. Thus, cities and towns have the right to spend money for any purpose where the public good will be served but not where the expenditure of money is directly for the private benefit of certain individuals. This principle is expressed in the Massachusetts constitution and in numerous cases.⁽⁴⁾

In some situations, however, the expenditure of public funds advances both public and private interests. In those situations, if the dominant motive for the expenditure is a public one, incidental private benefits will not invalidate the expenditure.⁽⁵⁾ If, however, the dominant motive is to promote a private purpose, the expenditure will be invalid even if incidentally some public purpose also is served.⁽⁶⁾

Prohibitions Against Certain Expenditures

In addition to the general prohibitions against spending money for any purpose or under any conditions inconsistent with any general or special law, there are two other prohibitions on municipal spending.

1.) Anti-Aid Amendment

The first is a prohibition against the giving of money or property by a city or town to or in aid of any individual, association or corporation embarking upon any private enterprise. This prohibition is referred to as the Anti-Aid Amendment.⁽⁷⁾ It provides in pertinent part:

"No grant, appropriation or use of public money or property or loan of credit shall be made or authorized by the Commonwealth or any political subdivision thereof for the purpose of founding, maintaining or aiding any infirmary, hospital, institution, primary or secondary school, or charitable or religious undertaking which is not publicly owned and under the exclusive control, order and supervision of public officers or public agents authorized by the Commonwealth."

This amendment prohibits the use of public money or property by cities and towns for the purpose of maintaining or aiding any institution or charitable or religious undertaking that is not publicly owned. The kinds of expenditures barred by the amendment are those that directly and substantially benefit or "aid" private organizations in a way that is unfair, economically or politically.⁽⁸⁾

The prohibition against using public funds for private organizations includes any grants, contributions or donations made by a city or town to an organization for the specific purpose of directly supporting or assisting its operations. However, the Anti-Aid Amendment does not preclude a city or town from purchasing specific services from private organizations in order to carry out a public purpose.⁽⁹⁾ Further, as with the public purpose limitation discussed above, if an expenditure is for a public purpose but also incidentally benefits a private organization, the expenditure generally will not violate the Anti-Aid Amendment.⁽¹⁰⁾

2.) Wines, Liquors, Cigars

In addition to the prohibition against the use of public funds for private organizations, there is also a prohibition against the use of public funds to purchase alcohol and tobacco under Section 58 of MGL c. 44.

What Constitutes a Public Purpose?

The question of what constitutes a permissible "public purpose" has been discussed in many cases.⁽¹¹⁾ The cases "do not, however, establish any universal test."⁽¹²⁾ Instead, they generally stress the certainty of benefits to the community.⁽¹³⁾ Thus, the basic test is whether the expenditure is required for the general good of the inhabitants of the city

or town.⁽¹⁴⁾

Generally speaking, local government spending for the following purposes satisfies the public purpose test:

- **Wages and Benefits** - Cities and towns have the right to spend reasonable amounts to execute their powers and duties.⁽¹⁵⁾ This right includes the right to compensate people for services rendered.⁽¹⁶⁾ Compensation for services may include sick leave and vacations.⁽¹⁷⁾ Cities and towns also have the right to settle employment or other claims that may be made upon them arising out of their administration of their municipal affairs.⁽¹⁸⁾
- **Merit Awards** - Cities and towns may spend reasonable amounts on awards for students.⁽¹⁹⁾ Cities and towns may also spend reasonable amounts on retirement gifts, plaques, merit service payments, and other similar awards for municipal employees and officials. The expenditure of public money in recognition of services rendered, even though such expenditure of money is directly for the private benefit of certain individuals, is a public purpose where the benefit is conferred as an appropriate recognition of distinguished and exceptional service, such that the public welfare will be enhanced or the loyalty and productivity of the other employees will be promoted.⁽²⁰⁾

By contrast, local government spending for these purposes does not satisfy the public purpose test:

- **Gifts and Gratuities** - Since public money can only be expended for public purposes, cities and towns have no power to appropriate money for gifts or gratuities to persons whose situations may appeal to public sympathy.⁽²¹⁾
- **Lobbying** - Cities and towns cannot spend money to influence elections.⁽²²⁾

Frequently Asked Questions

We are asked frequently whether the following expenditures are for public purposes and may be paid:

- **Alcohol purchased by a department to be served at a fundraiser or for compliance testing**

The language of MGL c. 44, s. 58 is prohibitive. It reflects an explicit Legislative disapproval of spending municipal resources for alcoholic beverages and cigarettes. We have advised, however, that they can be purchased for the limited purpose of compliance testing for law enforcement or public health purposes. For example, local officials may stage purchases of alcohol or cigarettes by minors from local stores using money for anti-smoking or underage drinking campaigns. We think those expenditures

would not be prohibited because they are not for consumption but to ensure compliance with local regulations and state statutes.

- **Floral arrangements for funerals of municipal employees**

Funeral flowers, sympathy cards and other expenses for the customary expression of sentiments that are incidental to the social relationships that employees develop during work are not expenses made for public purposes. Those expenses are not within a municipal department's budget simply because the relationships developed in conjunction with the conduct of departmental business. Therefore, it is not appropriate to pay for funeral flowers or sympathy cards out of municipal funds. They should be covered from private donations.

- **Plaques and gifts awarded to persons retiring from municipal government or to current employees for outstanding performance during the year**

Retirement gifts, plaques, merit payments and other similar awards given to retirees or employees may be considered a proper purpose for the expenditure of municipal funds if they are not excessive and are used to (i) encourage continuity of service or to (ii) enhance efficiency and loyalty or to (iii) promote productive performance. Similarly, appreciation gifts to volunteers and unpaid interns may also be considered a proper municipal expenditure if the purpose is to promote volunteerism and they are in token amounts. The expense of holding a retirement party should be covered from private donations because it is mostly an expression of support and appreciation from colleagues. However, paying for the cost of dinner for the retiree would be appropriate. By contrast, paying for the dinners, gifts or party expenses for any attendees other than the retiree would generally be considered a mere gratuity and not for a proper municipal purpose.

- **Refreshments at public functions, such as a ribbon cutting ceremony, an opening day, a reception or banquet, or a presentation**

Refreshments and meals may be served at legitimate public functions such as ribbon-cutting ceremonies, opening day events, receptions or banquets, presentations, and the like so long as they are modest and served to provide a benefit for the city or town by helping to keep the participants alert and receptive. The public function must be a department sponsored public event for authorized persons and related to the public purpose of the department sponsoring it. If the function is open only to select groups or individuals, or spouses are in attendance, it is more likely to be considered a private celebration of primarily a social character.

- **Refreshments served to employees, such as coffee made available at a staff meeting or light refreshments provided to election workers or lunch served at an all-day training program or planning meeting**

Refreshments and meals may be served to officers or employees of the city or town or persons doing business with the municipality at official meetings or official events so long as they are modest and benefit the city or town by helping to keep the participants alert and receptive or by enhancing efficiency by avoiding loss of time and disruption if participants leave the premises. The official meeting or event must be a department or municipal sponsored meeting or event for authorized persons and related to the public purpose of the sponsor.

- **Reimbursement of a department head for attending retirement or department dinners or parties or for attending other events not sponsored by the department or municipality**

Employees and officials may be reimbursed for the expenses of attending functions that relate to their public duties. The function must relate to and further the public purpose of the department sponsoring it. If a department head incurs an expense in the performance of official duties in the representation of his or her department, the expense is reimbursable. Thus, the cost of a department head's attendance at a retirement dinner or department party at which he or she is the official presenter of token gifts or awards, as a representative of his or her department, would be a legitimate municipal expense. If the event is arranged and funded by department employees or others, and attendance is optional, then the event would seem to be social and for private purposes rather than for public ones. In addition, if the event is outside of the municipality and not related to the department or the community, the use of municipal funds would not be appropriate.

- **Reimbursement of purchases or expenses incurred during authorized travel or while engaged in authorized business**

Employees who are out of town or working late on business or attending training programs or conferences on behalf of a city or town may be reimbursed for out-of-pocket costs of travel, meals, and other purchases incurred in furtherance of that objective and as a term or condition of employment. These types of expenses are permissible municipal expenses, provided that attendance is authorized by the municipal official or board with the authority to expend department funds. Included within the realm of reimbursable expenses are: (i) registration charges, including late fees; (ii) local surcharges and taxes on car rentals; (iii) taxes and tips on meals, and (iv) taxes on petty cash purchases, so long as these expenses are reasonable and not in conflict with the reimbursement policies of the city or town. Late registration fees are considered to be part of the contract price for the training program or conference. Similarly, surcharges, taxes and tips are a necessary and customary part of legitimate expenses incurred by employees in the course of their employment.

- **Payment of expenses associated with fundraising for departments, e.g., mailings seeking donations or door prizes and refreshments at a fundraising event.**

Municipal departments, like the Parks and Recreation Department, the Library, the Historic Commission, or the schools, may want to raise money for a particular departmental project. Generally, solicitations for donations or financial support from private individuals or businesses must be conducted in accordance with MGL c. 268A, the Conflict of Interest law. In that regard, the State Ethics Commission has issued Advisory Opinion EC-COI-12-1, which provides guidance on fundraising by municipal employees. We suggest that you consult with your municipal counsel for advice before proceeding with fundraising.

Fundraising activities that go beyond applying for grants or soliciting contributions and involve expending municipal funds or receiving funds in exchange for goods are more problematic. For example, if the Recreation Department wants to sell T-shirts as a fundraiser, then it would need an appropriation from which to purchase the T-shirts⁽²³⁾ and proceeds from their sale would be general fund revenue, which could not be spent without an appropriation.⁽²⁴⁾ Arguably, such a transaction is more in the nature of a profit on a business transaction than a donation. We believe the better practice in such a case is to have a private entity, such as a "friends" group, sponsor and conduct the fundraising event and turn over the net proceeds to the municipal department as a grant or gift under MGL c. 40, s. 53A. Under section 53A, the funds are held by the treasurer in a separate gift account and may be spent by the department for the purposes of the gift without appropriation upon the approval of the board of selectmen, or the city manager and city council, or the mayor and city council, as appropriate.

An additional issue arises when municipal resources are used to assist a private group's fundraising activities even if the activities will benefit the municipality. Pursuant to the Anti-aid Amendment, public funds may not be used to assist a private organization's fundraising activities, no matter how worthy or related the cause. For example, the school department cannot pay to print and mail a flyer by the Parent-Teachers Organization to promote a car wash it is holding to raise monies for the schools.

Sharing the expenses of a community event co-sponsored by a municipal department and a private organization also raises Anti-Aid Amendment issues because the event is not under the exclusive control of public officers.

Conclusion

DLS strongly recommends that municipalities develop clear, written policies or guidelines, preferably by bylaw or ordinance, about allowable expenditures. For example, to ensure the municipality receives the maximum benefit from its sales tax exemption, there should be clear standards about when department employees can purchase necessary supplies or materials and be reimbursed. Travel expenses are often set out in collective bargaining agreements, but the municipality should also adopt a policy to cover travel expenses for nonunion employees. DLS also recommends that standards be established for merit awards, food or fundraising expenses. Finally, DLS recommends that accounting officers advise managers and employees at the beginning of each fiscal year of the municipality's policies. This will help to avoid uncertainty or disagreements about whether certain expenditures are permissible and payable.

- 1.) With appropriate updating.
- 2.) MGL c. 40, s. 5 applies to cities under MGL c. 40, s. 1.
- 3.) See art. 2 of the Amendments to the Massachusetts Constitution, as appearing in art. 89, sec. 6, 7 and 8.
- 4.) Mass. Const.; Art. XI, c. 2, s. 1 and Art. IV, c. 1, s. 1; *Lowell v. City of Boston*, 111 Mass. 454, (1873); *Matthews v. Inhabitants of Westborough*, 131 Mass. 521 (1881); *Mead v. Acton*, 139 Mass. 341 (1885); *In re Opinion of Justices*, 190 Mass. 611 (1906); *Whittaker v. Salem*, 216 Mass. 483 (1914); *In re Opinion of Justices*, 240 Mass. 616 (1922); *Jones v. Inhabitants of Town of Natick*, 267 Mass. 567 (1929); *D.N. Kelley & Son, Inc. v. Selectmen of Fairhaven*, 294 Mass. 570 (1936); *Quinlan v. City of Cambridge*, 320 Mass. 124 (1946); *Eisenstadt v. County of Suffolk*, 331 Mass. 570 (1954).
- 5.) See e.g., *Opinion of the Justices*, 313 Mass. 779 (1943) ("The fact that the owner of a way may profit by expenditures 'for the removal of snow and ice'...does not invalidate expenditures...where the primary purpose of such removal is the benefit of the public to whose use the way is open.").
- 6.) See e.g., *Salisbury Land & Improvement, Co. v. Commonwealth*, 215 Mass. 371 (1913) (act was unconstitutional where it authorized the condemnation of lands for a public beach and the sale or leasing to private parties of any portion not needed for the public beach).
- 7.) The Anti-Aid Amendment is contained in Section 2 of Article 46 of the Amendments to the Massachusetts Constitution (as amended in 1974 by Art. 103 of the Amendments).
- 8.) See *Commonwealth v. School Committee of Springfield*, 382 Mass. 665 (1981); *Helmes v. Commonwealth*, 406 Mass. 873 (1990).
- 9.) See e.g., *Commonwealth v. School Committee of Springfield*, 382 Mass. 665 (1981) (court held that the purchase of services by the school committee from private schools to meet the needs of special education students did not run counter to the anti-aid amendment because the purpose was to fulfill the obligation of the public school system which had chosen not to provide the services in its own schools).
- 10.) See e.g., *Benevolent & Protective Order of Elks, Lodge No. 65 v. Planning Board of Lawrence*, 403 Mass. 531 (1988) (the taking of property for urban renewal project did not violate the Anti-Aid Amendment because the taking had a public purpose to eliminate a blighted open area and any benefit to college was incidental to that purpose).
- 11.) See *Eisenstadt v. Suffolk County*, 331 Mass. 570, 573 (1954) and cases cited.
- 12.) *Allydonn Realty Corp. v. Holyoke Housing Authority*, 304 Mass. 288, 292 (1939).
- 13.) See e.g., *Opinion of the Justices*, 313 Mass. 779, 784-85 (1943) (expenditures for snow removal from private ways that were open to public were for the public purpose of accommodating the public as to means of travel and transportation); *McLean v. Boston*, 327 Mass. 118 (1951) (expenditure of money for the development of housing for residents made homeless by tunnel expansion was for the public purpose of addressing a local emergency caused by a public improvement); *Opinion of the Justices*, 349 Mass. 794 (1965) (payments by city for retirement of certain alcoholic beverage licenses was for the public purpose of cleaning up of the city).
- 14.) See *Opinion of the Justices*, 337 Mass. 777, 781 (1958).
- 15.) See e.g., M.G.L. c. 40, s. 4 ("A city or town may make contracts for the exercise of its corporate powers..."); *Leonard v. Middleborough*, 198 Mass. 221 (1908).
- 16.) See e.g., *Curran v. Holliston*, 130 Mass. 272 (1881); *Attorney General v. Woburn*, 317 Mass. 465

(1945).

17.) See e.g., *Quinlan v. City of Cambridge*, 320 Mass. 124 (1946); *Wood v. Haverill*, 174 Mass. 578 (1899).

18.) See *Matthews v. Westborough*, 131 Mass. 521 (1881); *Jones v. Natick*, 267 Mass. 567 (1929); *George A. Fuller Co. v. Commonwealth*, 303 Mass. 216 (1939).

19.) See e.g., M.G.L. c. 71, s. 47 (specifically authorizes the expenditure of municipal funds for student prizes).

20.) See e.g., *Eisenstadt v. County of Suffolk*, 331 Mass. 570 (1954); *In re Opinion of Justices*, 190 Mass. 611 (1906); see also *In re Opinion of Justices*, 240 Mass. 616 (1922).

21.) See e.g., *Matthews v. Westborough*, 131 Mass. 521, 522 (1881); *Whittaker v. Salem*, 216 Mass. 483 (1914); *Jones v. Inhabitants of Town of Natick*, 267 Mass. 567 (1929).

22.) See e.g., *Anderson v. Boston*, 376 Mass. 178 (1978), *appeal dismissed*, 439 U.S. 1060, 99 S. Ct. 822 (1979).

23.) MGL c. 44, sec. 31.

24.) MGL c. 44, sec. 53.



Town of West Newbury
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Angus Jennings, Town Manager
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TO: Board of Selectmen
FROM: Angus Jennings, Town Manager
DATE: March 29, 2019
RE: Disclosure of execution of Public Safety Dispatch Union Contract

As you know, the Massachusetts Open Meeting Law (OML) allows for the Board to meet in Executive Session “To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel.”

The Attorney General’s Guide to the OML states that “a public body may approve final terms and execute a collective bargaining agreement in executive session, but should promptly disclose the agreement in open session following its execution.”

Therefore, whereas the contract between Teamsters Union Local 170 and the Town of West Newbury was recently executed, this is to serve as disclosure that this agreement is now in effect.

The Union contract covers Fiscal Years 2019, 2020 and 2021. Because the effective date of the contract is retroactive to July 1, 2018, retro pay has been provided to Dispatch Union personnel based on the agreed terms.