



Town of West Newbury, Massachusetts

Annual and Special Town Meetings

April 29, 2019, 7:00 p.m.

Pentucket Regional High School Auditorium, 24 Main Street



April 29, 2019

Dear Fellow Residents of West Newbury:

Please take the time to review this booklet, which we diligently prepared to help guide you toward making informed decisions on this year's Warrant Articles.

The Articles presented on the Annual Town Meeting Warrant are requests for expenditures in addition to the Town's annual budget for Fiscal Year ending June 30, 2020. The Articles on the Special Town Meeting Warrant are requests to be included in the Town's budget for the Fiscal Year ending June 30, 2019. The Finance Committee has reviewed each of these Articles. This booklet is the report of our recommendation to approve or disapprove each Article, together with our reasons. At the end of this booklet you will find a Glossary of Terms, overview of Finance Committee responsibilities, and spreadsheets of Town fund balances and Town revenues, which you may find helpful.

We began this budget year, as we did last year, with the goal of keeping expenses within our levy limit. Further, we hoped to follow the Board of Selectmen and Town Manager's Fiscal Year Policy Directive by limiting the average single-family tax increase to no more than two percent. We approach each consideration with thoughtful attention to budget line items and prudent use of our Free Cash. The Finance Committee met with many Department Heads, and we thank them for helping us understand their responsibilities and financial needs. We are further grateful to the Town Manager for his efforts, and how he has helped streamline our budget review process.

The Omnibus Budget for Fiscal Year 2020 contains several changes, most notably, those related to shifting department and personnel wages and recognition of responsibilities that occurred within Town government. There are multiple places where there are tax-neutral shifts to provide more appropriate accounting of expenses. Further, there is a new line item, "Special Counsel," which has added to the budget to provide the Town additional flexibility to seek outside counsel on complex or specialized legal issues, if necessary.

Our estimated net revenues available for operating expenses are \$16,280,820, and are comprised primarily of Real Estate Taxes, supplemented with previously approved general overrides, licenses, motor vehicle excise taxes, fees, and receipts from the Commonwealth.

Our operating budget will be \$15,559,396, which is a 4.1% increase over last year. This amount is well within our allowed levy limit. Please note that this incorporates a 2.1% increase in education costs. The prior two years, 2019 and 2018, saw an increase in education costs of 3.8% and 3.2%, respectively. Should this budget pass, the proposed increase is projected to result in a relatively stable tax rate for FY2020, increasing from \$14.57/thousand (FY2019) to approximately \$14.60/thousand (FY2020).

Based on this estimate, the overall effect on your taxes will be proportional to any change in the assessed value of your property: if a home valued at \$500,000 in FY2019 increased in value by 2% in FY2020, even with a relatively stable tax rate that home would see an increase of 2.2%, an increase of approximately \$161.35 per year. The 2019 budget resulted in a comparable projected average increase of \$166.00. Because we don't know the FY2020 valuation of single-family residential property until the fall, and because the Board of Selectmen uses that valuation to set the tax rate, our estimate of next year's tax increase is only that: an estimate.

The Capital Improvement Committee (CIC) has developed and updated a detailed plan to provide guidance for the Town's future capital improvement needs for the next 10 years. This plan, formed in conjunction with the Town Manager and department heads forecasts the replacement costs for all items with a cost of at least \$20,000 and a useful life of at least 5 years, so that the town may adequately save for these capital items. A 2018 review of the Town's financial policies and practices by the Massachusetts Department of Revenue, Division of Local Service (DLS) recommended the Town increase regular contributions to its Capital Stabilization Fund as a 'Best Practice' policy. Based on CIC guidance (see Appendix B) and DLS recommendations, the Town should set aside a minimum of \$500,000 annually to meet these projected future capital costs. The Finance Committee feels strongly, as always, that funding of the Town's Capital Stabilization Fund should be a number one priority in the budgeting process. The FY2020 budget meets this target by providing for a \$500,000 transfer into this fund.

If all of the proposed articles to be funded from Free Cash are passed, \$1,183,985 will remain in that account. If all of the articles proposed to be funded for the Capital Stabilization, School Stabilization, and Pension Stabilizations accounts are passed, those balances will be \$1,518,461, \$1,572,068, and \$216,777, respectively (see pages 49 and 50).

This Town Meeting contains many other points for consideration including, but not limited to, the following items: 1) A request to double the amount of property tax exemption available for eligible senior citizens; 2) A request to begin Phase II of a Historical Commission project to identify historically significant structures in our community; 3) A funding request by the Fire Department to purchase a new vehicle to replace the existing rescue truck; 4) A request to approve the borrowing of funds to be used to build a new middle/high school; 5) A request to raise and appropriate funds to be placed in a school stabilization fund to lessen the impact to taxpayers if the school project is passed; 6) A request by the Water Department for additional funds needed to complete work on a water tower and to construct a chemical building for water treatment; 7) A citizen's petition to reduce the amount of the Community Preservation Act tax from three percent to one-half of one percent. The above items do not reflect the full detail of Articles within the warrants, but do show a vast array of items that will be presented to the Town for vote.

The Finance Committee meets Tuesday evenings at 7:00 p.m. at the 1910 Building, or as otherwise posted. We welcome your participation. We encourage you to review our website for more information, including budget information, prior Town Meeting booklets, and meeting minutes. You can also reach the Finance Committee directly via email at financecommittee@wnewbury.org

The future belongs to those who prepare for it today.
Malcolm X

Gary Roberts Jr., Chairman

The West Newbury Finance Committee

Gary L. Roberts Jr., chair
Forbes C. Durey, vice-chair
Brad Beaudoin, secretary
Nathan Kelly

Jessica Knezek
Jim Sperelakis
Angus Jennings, ex officio

Reading votes for town meeting warrant articles.

Votes for town meeting warrant articles follow the format of **(Yay:Nay:Abstention)** for the given article. For example:

Selectmen Recommendation: **Approve: 2:1:0**

This would read that two selectmen approved the article, one disapproved, no abstentions.

FinCom Recommendation: **Disapprove: 2:3:1**

This would read that two FinCom members approved the article, three disapproved, one abstention.

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

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 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>
Selectman (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.

FY 2020 Omnibus Budget



GENERAL GOVERNMENT

1 MODERATOR

Salary & Wages	-	200	200	-	200	200	200	0	0.0%
Expenses	-	20	20	-	60	60	60	0	0.0%
SUBTOTAL		220	220	-	260	260	260	0	0.0%

2 SELECTMEN

Salary & Wages	66,414	68,564	68,328	236	-	-	-	0	
Professional and Technical Services	565	6,000	4,450	1,550	10,000	13,600	13,600	3,600	36.0%
Expenses	6,394	7,500	5,640	1,860	5,000	7,000	7,000	2,000	40.0%
SUBTOTAL	73,373	82,064	78,418	3,646	15,000	20,600	20,600	5,600	37.3%

3 TOWN MANAGER

Town Manager Salary					145,000	147,900	147,900	2,900	2.0%
Salary & Wages					110,168	77,870	77,870	(32,298)	-29.3%
Technology Expenses					35,744	39,000	39,000	3,256	9.1%
Expenses, Comms (bldg), Dues/Subscr/Cont. Ed					36,517	20,100	20,100	(16,417)	-45.0%
Vehicle Allowance					3,600	3,600	3,600	0	0.0%
SUBTOTAL					331,029	288,470	288,470	(42,559)	-12.9%

4 FINANCE COMMITTEE

Salaries	1,546	1,800	1,800	-	1,800	-	-	(1,800)	-100.0%
Expenses	155	1,000	600	400	1,000	1,500	1,500	500	50.0%
Reserve Fund	15,000	60,000	6,000	54,000	60,000	60,000	60,000	0	0.0%
SUBTOTAL	16,701	62,800	8,400	54,400	62,800	61,500	61,500	(1,300)	-2.1%

5 BOARD OF ASSESSORS

Salary & Wages	115,171	119,455	118,446	1,009	121,844	117,983	125,180	3,336	2.7%
Board of Assessors Salaries					-	-	-	0	
Board and Clerk mileage reimb.						1,500	1,500	1,500	
Expenses & Contracted Services	34,038	38,458	37,553	905	41,900	46,900	46,900	5,000	11.9%
Vehicle Allowance/Mileage/Cellphone	794	1,500	761	739	1,500	2,400	2,400	900	60.0%
SUBTOTAL	150,003	159,413	156,760	2,653	165,244	168,783	175,980	10,736	6.5%



	FY 2017	FY 2018			FY 2019	FY 2020		Change from FY19	
	Expended	Approved Budget	Expended	Turnbacks/ Transfers	Approved Budget	Board of Selectmen	FinCom Proposed	\$	%
6 FINANCE DEPARTMENT									
Salary & Wages	263,854	299,526	298,257	1,269	153,242	183,390	183,390	30,148	19.7%
Annual Audit	18,500	18,500	18,500	-	18,500	20,500	20,500	2,000	10.8%
Tax Title and Foreclosure	536	1,000	525	475	1,000	1,000	1,000	0	0.0%
Technology Expenses	35,744	30,444	29,567	877		-	-	0	
Communication Expense	6,799	8,000	6,502	1,498		-	-	0	
Postage Expense	12,343	13,517	13,517	-		15,000	15,000	15,000	
Mileage		552	552	-		2,200	2,200	2,200	
Finance Dept Expenses	30,621	36,400	36,126	274	31,400	29,100	29,100	(2,300)	-7.3%
SUBTOTAL	368,397	407,939	403,547	4,392	204,142	251,190	251,190	47,048	23.0%
7 SPECIAL COUNSEL									
Legal Fees and Expenses	-	1	-	1	-	15,000	15,000	15,000	
SUBTOTAL	-	1	-	1	-	15,000	15,000	15,000	
8 TOWN CLERK/TOWN COUNSEL									
Salary & Wages	104,920	109,729	106,914	2,815	111,924	116,657	116,657	4,733	4.2%
Operation of Fax/Photo Machine	5,380	5,100	4,992	108	5,500	5,650	5,650	150	2.7%
Town Clerk's Expenses	5,556	9,475	6,452	3,023	9,475	6,450	6,450	(3,025)	-31.9%
SUBTOTAL	115,857	124,304	118,358	5,946	126,899	128,757	128,757	1,858	1.5%
9 BOARD OF REGISTRARS/ELECTIONS									
Town Clerk Compensation	150	150	150	-	150	150	150	0	0.0%
Bd of Registrars Salary & Wages	4,716	2,450	2,023	428	5,400	4,400	4,400	(1,000)	-18.5%
Bd of Registrars Expenses	5,107	6,100	5,463	637	9,025	7,500	7,500	(1,525)	-16.9%
SUBTOTAL	9,972	8,700	7,635	1,065	14,575	12,050	12,050	(2,525)	-17.3%
10 CONSERVATION COMMISSION									
Salary & Wages	25,418	28,615	28,026	589	29,187	29,440	29,440	253	0.9%
Con Com Vehicle Allowance	600	600	600	-	600	600	600	0	0.0%
Conservation Com Expenses	2,311	2,410	2,398	12	2,410	2,410	2,410	0	0.0%
SUBTOTAL	28,328	31,625	31,024	601	32,197	32,450	32,450	253	0.8%
11 PLANNING BOARD									
Salary & Wages	39,917	46,443	46,197	246	47,634	53,536	55,390	7,756	16.3%
Planning Bd Expenses	4,111	3,600	2,197	1,403	3,600	6,600	6,600	3,000	83.3%
MVPC Assessment	1,507	1,546	1,545	1	1,584	1,623	1,623	39	2.5%
SUBTOTAL	45,535	51,589	49,938	1,651	52,818	61,759	63,613	10,795	20.4%
12 BOARD OF APPEALS									
Salary & Wages	1,000	1,000	1,000	-	1,000	1,000	1,000	0	0.0%
ZBA Expenses	169	500	410	90	500	400	400	(100)	-20.0%
SUBTOTAL	1,169	1,500	1,410	90	1,500	1,400	1,400	(100)	-6.7%



	FY 2017	FY 2018			FY 2019	FY 2020		Change from FY19	
	Expended	Approved Budget	Expended	Turnbacks/ Transfers	Approved Budget	Board of Selectmen	FinCom Proposed	\$	%
13 OPEN SPACE COMMITTEE									
Open Space Expenses	836	750	121	629	750	750	750	0	0.0%
SUBTOTAL	836	750	121	629	750	750	750	0	0.0%
14 CABLE ADVISORY COMMITTEE									
Expenses						-	-	0	
SUBTOTAL	-					-	-	0	
TOTAL GENERAL GOVERNMENT:	810,173	930,905	855,830	75,075	1,007,214	1,042,969	1,052,020	44,806	4.4%
PUBLIC SAFETY									
15 POLICE DEPARTMENT									
Salary & Wages	734,385	825,894	782,659	43,235	872,371	902,049	902,049	29,678	3.4%
Police OT Wages	58,217	52,808	46,869	5,939	55,487	55,487	55,487	0	0.0%
School Resource Officer		34,260	20,807	13,453	35,334	65,537	65,537	30,203	85.5%
Police Expenses	93,348	99,379	93,297	6,082	109,359	104,229	104,229	(5,130)	-4.7%
Police Cruiser				-	32,000	37,000	37,000	5,000	15.6%
SUBTOTAL	885,950	1,012,341	943,632	68,709	1,104,551	1,164,302	1,164,302	59,751	5.4%
16 FIRE DEPARTMENT									
Fire Alarm Wages	86,024	85,727	85,727	0	83,948	89,000	89,000	5,052	6.0%
Fire Training/Drills	20,194	25,769	25,337	432	26,284	26,284	26,284	0	0.0%
Fire Dept Other Wages	28,646	29,651	29,651	0	23,086	25,000	25,000	1,914	8.3%
Fire Administration Wages	14,595	18,207	17,771	436	25,730	25,730	25,730	0	0.0%
Fire Dept. Medical Exam	1,401	3,000	1,052	1,948	3,000	5,000	5,000	2,000	66.7%
Hydrant/Fire Protection (to Water Dept)	67,008	68,720	68,720	-	72,156	77,207	77,207	5,051	7.0%
Fire Alarm Communications	7,852	13,237	13,237	0	11,000	11,000	11,000	0	0.0%
Fire Expenses	39,404	36,938	36,758	180	42,600	46,000	46,000	3,400	8.0%
SUBTOTAL	265,123	281,249	278,252	2,997	287,804	305,221	305,221	17,417	6.1%
17 AMBULANCE SERVICE									
Purchase of Services		1		1				-	
SUBTOTAL		1	-	1				-	0
18 INSPECTION DEPARTMENT									
Salary & Wages	108,338	120,284	115,782	4,502	122,690	123,971	125,910	3,220	2.6%
Inspectors Expenses	10,956	9,490	5,475	4,015	9,490	9,270	9,270	(220)	-2.3%
Inspectors' Vehicle Allowances	4,565	4,980	4,980	-	4,980	4,980	4,980	0	0.0%
SUBTOTAL	123,860	134,754	126,238	8,516	137,160	138,221	140,160	3,000	2.2%



	FY 2017	FY 2018			FY 2019	FY 2020		Change from FY19	
	Expended	Approved Budget	Expended	Turnbacks/ Transfers	Approved Budget	Board of Selectmen	FinCom Proposed	\$	%
19 EMERGENCY MANAGEMENT AGENCY									
Salary & Wages	7,381	7,746	7,746	-	7,901	8,059	8,059	158	2.0%
Emergency Mgmt Expenses	2,469	3,265	3,265	-	3,265	3,265	3,265	0	0.0%
SUBTOTAL	9,850	11,011	11,011	-	11,166	11,324	11,324	158	1.4%
20 ANIMAL CONTROL OFFICER									
Animal Control Expenses	20,000	21,500	21,500	-	23,460	24,050	24,050	590	2.5%
SUBTOTAL	20,000	21,500	21,500	-	23,460	24,050	24,050	590	2.5%
21 HARBORMASTER									
Contracted Services		2,000		2,000	3,000	2,000	2,000	(1,000)	-33.3%
Harbormaster Exp		2,000		2,000	3,000	-	-	(3,000)	-100.0%
SUBTOTAL	-	4,000		4,000	6,000	2,000	2,000	(4,000)	-66.7%
22 PUBLIC SAFETY DISPATCH									
Salary & Wages	202,569	247,186	211,414	35,772	256,618	267,006	267,006	10,388	4.0%
Municipal Dispatch OT Wages	23,868	22,700	18,411	4,289	25,520	24,229	24,229	(1,291)	-5.1%
Municipal Dispatch Expenses	21,315	24,910	19,580	5,330	26,370	26,370	26,370	0	0.0%
SUBTOTAL	247,752	294,796	249,405	45,391	308,508	317,605	317,605	9,097	2.9%
TOTAL PUBLIC SAFETY:	1,552,535	1,759,651	1,630,037	129,614	1,878,649	1,962,723	1,964,662	86,013	4.6%
EDUCATION									
23 PENTUCKET									
Pentucket Regional Sch Assessment	6,607,435	6,794,510	6,794,510	-	7,176,348	7,372,813	7,372,813	196,465	2.7%
Pentucket Capital Assessment	55,585	57,860	57,860	-	64,162	58,227	58,227	(5,935)	-9.3%
Pentucket Assessment Page Phase II	531,729	526,060	526,060	-	511,988	509,538	509,538	(2,450)	-0.5%
SUBTOTAL	7,194,749	7,378,430	7,378,430	-	7,752,498	7,940,578	7,940,578	188,080	2.4%
24 WHITTIER									
Whittier Minimum Contribution	298,031	305,615	305,615	-	232,543	225,975	225,975	(6,568)	-2.8%
Whittier Other Assessments	31,377	60,891	60,891	-	49,486	40,443	40,443	(9,043)	-18.3%
Whittier Debt/Capital Assess	13,250	15,056	15,056	-	20,320	21,993	21,993	1,673	8.2%
SUBTOTAL	342,658	381,562	381,562	-	302,349	288,411	288,411	(13,938)	-4.6%
25 ESSEX NORTH SHORE AGRICULTURAL									
Essex North Shore Reg. Voc. Tech	1,724	18,643	17,205	1,438	19,575	17,200	17,200	(2,375)	-12.1%
SUBTOTAL	1,724	18,643	17,205	1,438	19,575	17,200	17,200	(2,375)	-12.1%
TOTAL EDUCATION:	7,539,131	7,778,635	7,777,197	1,438	8,074,422	8,246,189	8,246,189	171,767	2.1%



	FY 2017	FY 2018			FY 2019	FY 2020		Change from FY19	
	Expended	Approved Budget	Expended	Turnbacks/Transfers	Approved Budget	Board of Selectmen	FinCom Proposed	\$	%
DEPARTMENT OF PUBLIC WORKS									
26 DEPARTMENT OF PUBLIC WORKS									
Salary & Wages	412,750	436,253	427,280	8,973	434,243	461,589	461,589	27,346	6.3%
DPW Overtime Wages	6,418	10,612	6,082	4,530	10,404	10,404	10,404	0	0.0%
Snow & Ice Removal	298,822	234,128	234,083	45	150,000	150,000	150,000	0	0.0%
Town Bldgs Operating Expenses	155,499	180,400	196,390	(15,990)	96,400	96,400	96,400	0	0.0%
Town Bldgs Improvements	47,185	51,000	51,000	0	51,000	51,000	51,000	0	0.0%
Street/Paving Repairs	70,000	70,000	70,000	0	70,000	70,000	70,000	0	0.0%
Highway, Sidewalk & Trees	134,733	140,000	140,000	0	140,000	140,000	140,000	0	0.0%
DPW Vehicle Allowance	6,000	6,000	6,000	-	6,000	6,000	6,000	0	0.0%
DPW Expenses	4,164	4,800	4,615	185	4,800	9,132	9,132	4,332	90.3%
Parks Expense	14,708	15,000	14,042	958	15,000	15,000	15,000	0	0.0%
Public Street Lights	3,840	13,000	5,667	7,333	13,000	7,000	7,000	(6,000)	-46.2%
Electricity				-	70,000	70,000	70,000	0	0.0%
Road Machinery Operating Expen	46,647	54,000	51,107	2,894	49,000	49,000	49,000	0	0.0%
Stormwater management						10,000	10,000	10,000	
SUBTOTAL	1,200,766	1,215,193	1,206,266	8,927	1,109,847	1,145,525	1,145,525	35,678	3.2%
TOTAL PUBLIC WORKS:	1,200,766	1,215,193	1,206,266	8,927	1,109,847	1,145,525	1,145,525	35,678	3.2%
HUMAN SERVICES									
27 BOARD OF HEALTH									
Salary & Wages	113,704	115,930	115,057	873	118,393	122,620	122,620	4,227	3.6%
Public Health Nurse	3,631	5,500	3,840	1,660	3,840	3,840	3,840	0	0.0%
Waste Collection & Disposal	291,652	315,640	305,770	9,870	316,680	325,080	325,080	8,400	2.7%
Recycling					50,000	50,000	50,000	0	0.0%
Hazardous Waste Expense	1,048	2,500	2,157	343	2,000	2,000	2,000	0	0.0%
Bd of Health Expenses	11,392	17,915	17,712	203	12,415	6,500	6,500	(5,915)	-47.6%
Steele landfill monitoring		17,915		17,915	30,000	22,646	22,646	(7,354)	-24.5%
SUBTOTAL	421,427	475,400	444,536	30,864	533,328	532,686	532,686	(642)	-0.1%
28 COUNCIL ON AGING									
Salary & Wages	57,466	65,873	63,273	2,600	64,296	70,741	72,950	8,654	13.5%
Council on Aging Expenses	16,934	18,500	17,669	831	18,500	19,500	19,500	1,000	5.4%
SUBTOTAL	74,400	84,373	80,942	3,431	82,796	90,241	92,450	9,654	11.7%
29 COMMUNITY CENTER COMMITTEE									
Salary & Wages	-				3,600	-	-	(3,600)	-100.0%
Community Center Expenses	-	6,000	365	5,635	2,400	-	-	(2,400)	-100.0%
SUBTOTAL	-	6,000	365	5,635	6,000	-	-	(6,000)	-100.0%



	FY 2017	FY 2018			FY 2019	FY 2020		Change from FY19	
	Expended	Approved Budget	Expended	Turnbacks/ Transfers	Approved Budget	Board of Selectmen	FinCom Proposed	\$	%
30 VETERANS									
Rental C.L. Carr Post		1	-	1	1	-	-	(1)	-100.0%
Soldiers Grave Expense	1,890	2,600	2,600	-	2,600	2,600	2,600	0	0.0%
Memorial Day Expense	158	600	600	-	5,000	600	600	(4,400)	-88.0%
Other Assessments-Veterans Services	15,092	18,149	16,929	1,220		-	-	0	
Northern Essex Veterans Services	8,421	9,355	5,320	4,035	27,637	30,357	30,357	2,720	9.8%
SUBTOTAL	25,560	30,705	25,449	5,256	35,238	33,557	33,557	(1,681)	-4.8%
TOTAL HUMAN SERVICES:	521,386	596,478	551,291	45,187	657,362	656,484	658,693	1,331	0.2%
CULTURE & RECREATION									
31 LIBRARY									
Salary & Wages	243,193	250,899	248,016	2,883	255,518	263,813	263,813	8,295	3.2%
Library Expense	32,288	32,500	32,491	9	32,500	33,000	33,000	500	1.5%
Library Books and Periodicals	61,997	66,000	65,999	1	66,000	67,000	67,000	1,000	1.5%
SUBTOTAL	337,478	349,399	346,506	2,893	354,018	363,813	363,813	9,795	2.8%
32 RECREATION									
Salary & Wages	1,281					1,800	1,800	1,800	
Recreation Expenses	7,200	7,344	7,344	-	7,344	5,500	5,500	(1,844)	-25.1%
Action Cove Expenses	-				5,000	3,000	3,000	(2,000)	-40.0%
SUBTOTAL	8,481	7,344	7,344	-	12,344	10,300	10,300	(2,044)	-16.6%
33 MILL POND OPERATING EXPENSES									
Mill Pond Operating Expenses	-	4,450	549	3,901	4,450	2,100	2,100	(2,350)	-52.8%
SUBTOTAL	-	4,450	549	3,901	4,450	2,100	2,100	(2,350)	-52.8%
34 BANDSTAND									
Operating Expenses	4,750	6,000	5,049	951	6,000	6,000	6,000	0	0.0%
SUBTOTAL	4,750	6,000	5,049	951	6,000	6,000	6,000	0	0.0%
35 HISTORICAL COMMISSION									
Historical Commission Expenses		500	302	198	500	500	500	0	0.0%
SUBTOTAL		500	302	198	500	500	500	0	0.0%
36 CULTURAL COUNCIL									
Cultural Council Expense	70	100	76	24	100	100	100	0	0.0%
SUBTOTAL	70	100	76	24	100	100	100	0	0.0%
TOTAL CULTURE & RECREATION:	350,779	367,293	359,525	7,768	376,912	382,313	382,313	5,401	1.4%



	FY 2017	FY 2018			FY 2019	FY 2020		Change from FY19	
	Expended	Approved Budget	Expended	Turnbacks/Transfers	Approved Budget	Board of Selectmen	FinCom Proposed	\$	%
DEBT SERVICE									
37 DEBT SERVICE									
Principal	682,950	470,000	470,000	-	340,000	350,614	350,614	10,614	3.1%
Interest	54,400	41,000	41,000	-	29,000	22,200	22,200	(6,800)	-23.4%
SUBTOTAL	737,350	511,000	511,000	-	369,000	372,814	372,814	3,814	1.0%
TOTAL DEBT SERVICE:	737,350	511,000	511,000	-	369,000	372,814	372,814	3,814	1.0%
BENEFITS									
38 ESSEX COUNTY RETIREMENT FUND									
Essex Regional Retirement Assess	533,246	563,649	555,396	8,253	641,424	660,171	660,171	18,747	2.9%
SUBTOTAL	533,246	563,649	555,396	8,253	641,424	660,171	660,171	18,747	2.9%
39 UNEMPLOYMENT COMPENSATION									
Unemployment Insurance	-	1	-	-	1	1	1	0	0.0%
SUBTOTAL	-	1	-	-	1	1	1	0	0.0%
40 EMPLOYEES' HEALTH INSURANCE									
Group Insurance	297,635	398,877	378,958	19,919	422,570	465,397	465,397	42,827	10.1%
SUBTOTAL	297,635	398,877	378,958	19,919	422,570	465,397	465,397	42,827	10.1%
41 MEDICARE INSURANCE (FICA)									
FICA Insurance	41,979	43,774	43,774	-	45,525	48,279	48,279	2,754	6.0%
SUBTOTAL	41,979	43,774	43,774	-	45,525	48,279	48,279	2,754	6.0%
42 OPEB									
Other Post Ret Benefits	-	1	-	1	-	1	1	1	
SUBTOTAL	-	1	-	1	-	1	1	1	
43 INSURANCE AND BONDS									
Insurance and Bonds	155,602	167,280	161,365	5,915	170,000	172,832	172,832	2,832	1.7%
SUBTOTAL	155,602	167,280	161,365	5,915	170,000	172,832	172,832	2,832	1.7%
TOTAL BENEFITS:	1,028,462	1,173,582	1,139,493	34,088	1,279,520	1,346,681	1,346,681	67,161	5.2%
TRANSFERS OUT - STABILIZATIONS									
44 Transfers Out - Capital Stabilization					300,000	500,000	500,000	200,000	66.7%
SUBTOTAL	-	-	-	-	300,000	500,000	500,000	200,000	66.7%
GRAND TOTAL OMNIBUS BUDGET	13,740,582	14,333,237	14,030,941	302,296	15,053,426	15,656,197	15,669,396	615,970	4.1%

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.

FinCom Recommendation:
Selectmen Recommendation:

Approve: 6-0-0
Approve: 3-0-0

Rationale: *This Article allows the Town to approve the operating budget of the Water Department. Since the Department is funded entirely from user fees, its budget is not included in the Town's line item budget. The Department's total estimated expenses for FY2020 are \$795,099, broken down by operating accounts as outlined within the Article.*

Funding Source: FY2020 Water Enterprise Fund.

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.

FinCom Recommendation:
Selectmen Recommendation:

Approve: 5-0-1
Approve: 3-0-0

Rationale: *If approved, this Article would allow previously approved funds for a new water tank to also be applied toward construction of a new chemical injection building at the existing Wellfield No. 1, located at 999 Main St. This building project is a necessary water infrastructure improvement. The Finance Committee supports approval of this Article, as it allows funds to be applied to both projects, uses existing borrowed funds to be applied to a project that is ready to begin earlier than the water tank, and best fits with the bond's repayment schedule.*

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.

FinCom Recommendation:
Selectmen Recommendation:

Approve: 5-0-1
Approve: 3-0-0

Rationale: *Approval of this Article provides authorization for additional borrowed funding required to replace the existing Brake Hill water tank, which was built in 1936. Initial funds for this project were previously approved at the 2017 Annual Town Meeting. Issues related to significant upturn in steel costs and high demand for the specialized labor required to complete this project have increased projected costs and forced the Water Commission to seek additional funding to complete this project. The Finance Committee supports the Article as it provides a necessary update to critical water infrastructure for the Town.*

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.

FinCom Recommendation:
Selectmen Recommendation:

Approve: 5-0-0
Approve: 3-0-0

Rationale: *This article authorizes the Town’s share of funding of a new middle/high school. The Finance Committee unanimously supports this authorization because it is a better value for the Town to replace the middle school and high school, rather than to repair the schools. Voting “no” is actually a more costly decision since the estimated cost to repair the two schools is \$114.9 million, while the estimated cost to replace the schools is \$93.2 million. This project should be pursued because the current high school building is past its useful life, is starting to have significant maintenance issues, and has three major systems that are in imminent danger of possible failure. Additionally, the middle school has also surpassed its useful life, has systems at risk of failure, and in need of major repair. In Massachusetts, if the District makes any repair costing more than 30% of the building’s assessed value, then the entire building must be brought up to code. With the failure of one major system, either school would be required to bring the entire building up to code, and would not be eligible for Massachusetts School Building Authority funding. This would be an additional expense related to displacing students while repairs are being completed. If both buildings failed at the same time, even greater costs would be incurred.*

In short, replacing the school is cheaper than repairing the two schools, and provides the District with a better asset. In the near future, the Town will either be repairing the old buildings, or replacing them with new buildings. Replacement is the best financial decision for the Town, the youth, and your tax bill. Those seeking more information on the costs and benefits of the project can visit the Pentucket Regional School District website at: <https://pentucketproject.com> to obtain more information.

Funding source: N/A.

Sunset Date: N/A.

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.

FinCom Recommendation:
Selectmen Recommendation:

Approve: 5-0-0
Approve: 3-0-0

Rationale: *The Finance Committee unanimously supports this Article authorizing the transfer of funds to the Town's School Stabilization Fund to service anticipated future debt and minimize the tax impact of construction and/or renovation costs of the combined Pentucket Regional School District middle and high school buildings. Historically, the Town has voted to set aside monies from retired debt service in preparation to pay for anticipated future building costs. Creation and funding of special purpose Stabilization Funds is viewed by the Massachusetts Department of Revenue, Division of Local Services, as a "Best Practice" method for municipalities like West Newbury to set aside funds for targeted future capital projects.*

Funding source: Raise and appropriate.

Sunset Date: N/A.

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.

FinCom Recommendation:
Selectmen Recommendation:

Approve: 5-0-0
Approve: 3-0-0

Rationale: *This Article authorizes transfer of \$67,000 from Free Cash into the Pension Liability Stabilization Fund. This fund is intended to set aside money to pay for the Town's unfunded pension obligations. The Town has successfully addressed related funding for other obligations, such as healthcare and retirement benefits (OPEB). This will allow the Town to plan and save ahead to meet this obligation when the Town finances permit, thereby avoiding the need for abrupt tax increases.*

Funding source: Free Cash.

Sunset Date: End of FY 2020.

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.

FinCom Recommendation:
Selectmen Recommendation:

Approve: 5-0-0
Approve: 3-0-0

Rationale: *In 2001 the Town enrolled in a twenty-year state-financed program to loan residents money to help them rebuild septic systems that do not conform to Title V. This State program offers 0% loans to communities, which in turn provide low-interest betterment loans to eligible homeowners with failed septic systems through the local Board of Health. The Town loaned money at a rate of 3% (to cover the cost of administration). The homeowners repay the loan money to the Town, which in turn reimburses the State. Neither the Town nor the State profits from this transaction. The Town has been making these payments since 2001 with the amount based on the number of borrowers. This year the amount is \$22,285.65. This program is no longer open to new participants.*

Funding source: Septic Loan Revolving Account

Sunset Date: N/A.

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.

FinCom Recommendation:
Selectmen Recommendation:

Approve: 5-0-0
Approve: 3-0-0

Rationale: *In 2003 the Town purchased the 71-acre Dunn Property for \$3,500,000 with a matching grant from the State (\$1,775,000). The Town bonded its share (\$1,775,000) and established an account dedicated to servicing the debt. Each year the amortized debt service amount is transferred from the “grant” account to the debt service line of the Omnibus Budget. This year the debt service amount to be transferred is \$85,336.16, plus any accrued but un-posted interest, to close out the account. This is the final payment for the purchase of this land.*

Funding source: *Grant Reserve Fund.*

Sunset Date: *N/A.*

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: \$20,583.00

Reserves:

From FY 2020, estimated revenues for Community Housing Reserve: \$41,166.00

From FY 2020, estimated revenues for Historic Resources Reserve: \$41,166.00

From FY 2020, estimated revenues for Open Space & Recreation Reserve: \$41,166.00

From FY 2020, estimated revenues for Budgeted Reserve: \$267,581.00

FinCom Recommendation:
Selectmen Recommendation:

Approve: 5-0-0
Approve: 3-0-0

Rationale: *The Article presents to the Town an annual allocation of Community Preservation Act (CPA) funds, as required under state law. In 2006 the Town adopted the CPA that enables the Town to assess an annual 3% surcharge on resident real estate tax bills. CPA Funds provide for 1) open space/recreational use, 2) community housing, and 3) historical preservation. The Article contains the Community Preservation Committee’s (CPC) recommended distribution, which earmarks the required minimum 10% to each of the three categories plus a maximum of 5% to administration. CPC and Town Meeting must approve spending funds in any of the three CPA areas. Two-thirds of these funds were raised from the CPA surcharge and one-third is from matching state aid, based on a Department of Revenue formula for disbursements to participating cities and towns each year. Additionally, towns such as West Newbury, which have committed to the maximum 3%, receive bonus rounds of funding, if available.*

Funding source: *Community Preservation Annual Fund Revenues
(derived from a 3% surcharge to annual real estate tax bills).*

Sunset Date: *N/A.*

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.

FinCom Recommendation:
Selectmen Recommendation:

Approve: 6-0-0
Approve: 3-0-0

Rationale: The Finance Committee unanimously supports funding of this Article for replacement of the HVAC unit at the Public Safety Complex, an exterior doorframe replacement at the Town Offices COA, and an insulation project at the G.A.R. Memorial Library. The library project will actually help protect town resources in the future, as some library materials have been damaged previously. These projects have been deemed as high priority projects by the Department of Public Works and have been scheduled, reviewed, and approved by the Capital Improvements Committee.

Funding source: Capital Stabilization Fund.

Sunset Date: End of FY 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.

FinCom Recommendation:
Selectmen Recommendation:

Approve: 4-2-0
Approve: 3-0-0

Rationale for Approval: The majority of Finance Committee members supports replacement of an aging 2008 Ford F-250 service vehicle for the Department of Public Works (DPW). The current vehicle is used daily, is the highest mileage vehicle in the DPW fleet, and is showing signs of wear and tear. A like-replacement vehicle will include improvements for the DPW's daily landscaping activities, will be plow-ready, and will have an expected service life of eight to ten years. The proposed vehicle purchase has been scheduled, reviewed, and approved by the Town's Capital Improvements Committee.

Rationale for Disapproval: Acknowledging this vehicle has 70,000 miles on it, some members of the Finance Committee felt a replacement purchase could be put off until a future date. Not replacing the current vehicle also maintains the department's total vehicle count, preventing additional maintenance expense incurred through an additional truck.

Funding source: Capital Stabilization Fund.

Sunset Date: End of FY 2020.

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.

FinCom Recommendation:
Selectmen Recommendation:

Disapprove: 0-6-0
Approve: 2-1-0

Rationale: While the Finance Committee felt the existing 2008 Ford Ranger, lacking four-wheel drive, is not best suited to winter weather conditions, its low mileage (32,000 miles) did not suggest that replacement is warranted at this time. Additionally, the Capital Improvement Committee ranked this capital item as having the lowest priority for capital items proposed in FY2020.

Funding source: Capital Stabilization Fund.

Sunset Date: End of FY 2020.

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.

FinCom Recommendation:
Selectmen Recommendation:

Approve: 6-0-0
Approve: 3-0-0

Rationale: Approval of this Article will replace the current fire rescue truck, which was purchased in 1993. It is the most used vehicle in the Fire Department fleet, responding to virtually every Department call. The age and condition of the existing vehicle as well as its

outdated technology and safety features are the reasons cited by the Department for needing replacement. The proposed replacement vehicle is a smaller and less expensive type of truck that the Fire Chief feels will be better able to meet the medical and rescue response needs of the Department and the Town. The Finance Committee unanimously supports approval of this Article.

Funding source: Capital Stabilization Fund.

Sunset Date: End of FY 2021.

BYLAWS - 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.

FinCom Recommendation:

Approve: 5-0-0

Selectmen Recommendation:

Approve: 3-0-0

Rationale: *The Finance Committee unanimously supports the Article allowing the Board of Assessors to provide increased property tax exemptions to eligible West Newbury senior citizens. Currently, eligibility requirements for property tax exemptions are restricted to seniors age 70 or older. Approval of this article would reduce the age of eligibility to age 65 (on or before July 1, 2019). The Article would also increase the exemption amount for those eligible from \$500, including cost of living adjustments (COLA), to \$1,000, including COLA.*

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.

FinCom Recommendation:

Approve: 5-0-0

Selectmen Recommendation:

Approve: 3-0-0

Rationale: *Approval of this Article would re-establish a Mill Pond Revolving Account that is used to defer the costs associated with the Mill Pond Recreation Area. The Finance Committee unanimously supports approval of this fund so that the Mill Pond Committee can maintain year-to-year fund balances.*

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.

FinCom Recommendation:
Selectmen Recommendation:

Approve: 5-0-0
Approve: 3-0-0

Rationale: *The Finance Committee unanimously supports this Article as a measure to comply with the State statute simplifying the appropriation for revolving funds. This Article authorizes those departments with revolving funds to use the fees and monies collected, pursuant to our Revolving Fund Bylaw, and up to the limits specified in this Article.*

Funding source: (5.1) User Fees,
(5.2) Library Fines/Receipts,
(5.3) Police Vehicle Detail Receipts,
(5.4) Rental fees and donations

Sunset Date: N/A.

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.¹

FinCom Recommendation:
Selectmen Recommendation:

Approve: 6-0-0
Approve: 3-0-0

Rationale: *This Article streamlines the Town's trench permitting process. Currently, the Town's bylaw states that trench permitting authority must be appointed by the Board of Selectmen to "a board or officer". In many similar communities this authority typically falls to the DPW Director. Approval of this amendment makes the DPW Director the trench permitting authority, eliminating the need for appointment of this authority by 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.²

FinCom Recommendation:
Selectmen Recommendation:

Approve: 6-0-0
Approve: 3-0-0

^{1,2} Please find Annual Town Meeting Warrant Appendix A, pages 22 and 23, respectively.

Rationale: *This Article streamlines the process of obtaining street opening permits by removing the need to bring requests before the Board of Selectmen and instead working directly with the DPW director. The Committee feels street opening permitting authority can be adequately managed by the DPW Director without affecting the integrity or safeguards of the permitting process.*

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.³

FinCom Recommendation:
Selectmen Recommendation:

Approve: 5-0-0
Approve: 3-0-0

Rationale: *The Pentucket Regional School District (PRSD) Committee requested the Superintendent lead an effort to improve contingency planning within the PSRD in the event that any of the District's school buildings become unavailable for a period of time. This Article proposes amendments to the existing PRSD Agreement, specifically referencing the Contingency Plan to ensure that the District has clear authority to take actions it deems necessary to ensure continuity of educational operations, as needed in times of emergency. The proposed changes are supported by the District and all three towns and ensures a contingency plan is in place to address any potential future issues resulting from aging infrastructure.*

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.⁴

FinCom Recommendation:
Selectmen Recommendation:

Approve: 5-0-0
Approve: 3-0-0

Rationale: *The Finance Committee unanimously supports this Article because it updates the Management Plan and makes it consistent with changes approved by 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.⁵

FinCom Recommendation:
Selectmen Recommendation:

Approve: 5-0-0
Approve: 3-0-0

Rationale: *The Finance Committee unanimously supports this Article because it updates the Town Counsel bylaw and makes the Bylaws consistent with changes approved by 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.⁶

FinCom Recommendation:
Selectmen Recommendation:

Approve: 6-0-0
Approve: 2-0-1

Rationale: *The Finance Committee unanimously supports proposed changes to this bylaw because they will help to preserve the rural aesthetic of the Town by further restricting the allowable density of residences in Open Space Preservation Developments.*

^{3,4,5,6} Please find Annual Town Meeting Warrant Appendix A, pages 25,28,29 and, 30, respectively.

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.⁷

FinCom Recommendation:
Selectmen Recommendation:

Approve: 6-0-0
Disapprove: 0-3-0

Rationale: *The Finance Committee unanimously supports proposed changes to this bylaw because the changes provide increased protections to residential abutters of Large-Scale Ground-Mounted Solar Photovoltaic Overlay Districts.*

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.⁸

FinCom Recommendation:
Selectmen Recommendation:

Approve: 5-0-0
Approve: 3-0-0

Rationale: *The Finance Committee unanimously supports the proposed changes to this bylaw because it would bring the Town's bylaw into compliance with the Nonpoint Pollutant Discharge Elimination System Municipal Separate Storm Sewer System Phase II Permit for Massachusetts. Approval of this Article will allow for consistent regulation of all projects that disturb one acre or more.*

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.

FinCom Recommendation:
Selectmen Recommendation:

Split: 3-3-0
Disapprove: 1-2-0

Rationale for Approval: *Community Preservation Act (CPA) funding represents a real and significant additional tax to West Newbury residents. While all Committee members agree with the goals listed for the Fund, several members share the concern that lack of an active plan to direct and manage funds has led to a history of haphazard appropriations for some projects which, while technically meeting CPA requirements, do not live up to the spirit nor the intent of The Act. Reducing the CPA tax rate from 3% to .5% closely matches the Town's yearly average CPA spending over the past five years. Reducing the CPA surcharge would provide a real and significant tax relief for residents and can help offset potential tax increases resulting from other significant capital spending projects residents will be asked to pay for in the near future. West Newbury residents can always vote to re-instate the CPA rate back to 3% once the current fund reserves (currently in excess of \$2,000,000) have been spent and/or a detailed plan for use of the funds has been established.*

Rationale for Disapproval: *The dissenting members of the Finance Committee disagree with a reduction of the percentage of contribution because that will reduce the Town's capacity to fund CPA eligible projects, including opportunities to secure open space. It is clear that the source of State matching is being spread thinner and thinner throughout communities and cities, and matching levels are only predicted to decrease. The Town should continue at the current rate to continue to bolster this fund, and support new ideas for CPA projects. Ideas that could use these funds in a positive way for the Town should continue to be developed and more rigorously pursued.*

^{7,8} Please find Annual Town Meeting Warrant Appendix A, pages 37 and 45, respectively.

**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, 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.

FinCom Recommendation:
Selectmen Recommendation:

Approve: 4-0-1
Approve: 3-0-0

Rationale: The Finance Committee unanimously supports this Article for the second phase of the Historical Commission's effort to identify and inventory historical structures in West Newbury. The first phase of this project was completed in October 2018 and was well received by owners of the properties that were identified. Upon completion of this project, the Town will be eligible for reimbursement of the funds appropriated in this Article through a 50% matching grant from the Massachusetts Historical Commission.

Funding Source: CPA Funds, Historic Resources Reserve.

Sunset Date: N/A.

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

FinCom Recommendation:
Selectmen Recommendation:

Approve: 5-0-0
Approve: 3-0-0

Rationale: Without approval of this article, and the completion of this work, the patio is unavailable for library programming or public access. The Finance Committee unanimously supports this Article.

Funding Source: CPA Funds, Historic Resources Reserve.

Sunset Date: N/A.

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.

FinCom Recommendation:
Selectmen Recommendation:

Approve: 4-1-0
Approve: 3-0-0

Rationale: *This article sets aside Community Preservation Act funds to purchase a development restriction attached to the sale of the Brown Spring Farm property. The intended purchaser is an individual who will actively farm the land. The primary benefit to the Town is an agricultural and conservation restriction that will help maintain the character of the Town.*

Funding Source: CPA Funds, Open Space and Recreation Reserve.

Sunset Date: N/A.

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.

FinCom Recommendation:
Selectmen Recommendation:

Approve: 5-0-0
Approve: 3-0-0

Rationale: *The Finance Committee unanimously supports this Article because the proposed restriction preserves valuable open space for residents, creates public access to walking trails, and other recreational opportunities. The Community Preservation Commission, who approve and manage the Town’s CPA fund balances, unanimously voted in favor of this request.*

Funding Source: CPA Funds, Open Space and Recreation Reserve.

Sunset Date: N/A.

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.

FinCom Recommendation:
Selectmen Recommendation:

Disapprove: 2-3-0
Approve: 3-0-0

Rationale for Approval: A minority of Finance Committee members supports this Article as a “housekeeping” fix to the current FY19 budget. Currently, the approved budget includes only the net cost of funding the Pentucket Regional School District (PRSD) School Resource Officer (SRO). To comply with the recommendation of the Town’s independent auditor, the gross amount of the SRO’s salary should be budgeted for, in conjunction with recognition of budgeted revenue from the PRSD. This is a revenue-neutral fix.

Rationale for Disapproval: The majority of Finance Committee members believe a negotiated agreement between the Pentucket Regional School District (PRSD) and the Town which stipulates a set rate of reimbursement and recognizes the full cost of the School Resource Officer (SRO) position should be in place before the Town accepts responsibility for funding of the full (gross) annual cost of the position within its Omnibus Budget. Without a negotiated rate of reimbursement, the Town cannot accurately predict or budget for the cost of the SRO position from year to year. Unanticipated changes by the PRSD to SRO reimbursement directly affect the Town’s Omnibus Budget and would need to be offset by equal reductions in expenses and/or services in other areas of the budget. Members also feel the FY19 SRO reimbursement rate of \$26,000 does not nearly recognize the full cost of the position (\$110,000) and undershoots the proportion of services for which West Newbury should be reimbursed. The Town deserves to have a fair and predictable rate of reimbursement from PRSD in exchange for accepting the entire cost in its annual budget.

Funding Source: Free Cash.

Sunset Date: End of FY 2019.

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.

FinCom Recommendation:
Selectmen Recommendation:

Approve: 6-0-0
Approve: 3-0-0

Rationale: The Finance Committee unanimously supports this Article to authorize replacement of the Town’s existing ballot tabulator. The twenty-plus year old AccuVote OS was discontinued twelve years ago and has become increasingly expensive to maintain. The risk of limited replacement parts availability could prove catastrophic should the machine fail during an election cycle. With the 2020 Presidential election on the horizon, 2019 is an optimal time to replace an aging machine. The proposed ImageCast Precinct vote tabulator should serve the Town well into the foreseeable future and reduce anticipated maintenance costs.

Funding Source: Free Cash.

Sunset Date: End of FY 2019.

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.

FinCom Recommendation:
Selectmen Recommendation:

Approve: 4-2-0
Approve: 3-0-0

Rationale for Approval: Snow removal is an annual expense that is difficult to budget precisely. The Massachusetts Department of Revenue, Division of Local Services (DLS) cites the Town's current method of declaring snow and ice emergencies and appropriating for any realized deficits at a subsequent Special Town Meeting as a "Best Practice" for financially budgeting and managing snow and ice removal expenditures. This year's Article anticipates a transfer of \$110,00 from Free Cash to cover FY19 snow and ice deficit spending, and is supported by a majority of Finance Committee members.

Rationale for Disapproval: In recognition that snow removal is an annual expense that is difficult to budget precisely, some members of the Finance Committee dissent and believe the Town needs to do a better job of budgeting this expense. Simply put, it is not an emergency if we know it is going to happen. The snow/ice budget line item is continuously and significantly under-funded, and leads to poor budget planning on behalf of the town. Tools like a five-year average, or a five-year low, could be used to more accurately plan for the Town's expenses.

Funding Source: Free Cash.

Sunset Date: August 30, 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.

FinCom Recommendation:

Approve: 5-1-0

Selectmen Recommendation:

Approve: 3-0-0

Rationale: The MA State Department of Conservation and Recreation has enacted a new State Regulation, 302 CMR 10.00, to provide regulatory guidelines for the safety of dams and to create a record for public review of the performance of a dam. The Town of West Newbury's only dam is Mill Pond Dam. The DPW Director has investigated engineering firms which specialize in such engineering studies, and has concluded that an engineering assessment will likely cost \$20,000. While the Director is actively pursuing ways to mitigate this expense, the Town must prepare for the full cost of the study to comply with MA State regulations. This study needs to be conducted once and will not be an on-going annual expense.

Funding Source: Free Cash.

Sunset Date: End of FY 2019.

APPENDIX A- 2019 Annual Town Meeting
ATM Article #22
TRENCH EXCAVATION BYLAW

ARTICLE 22. Proposed amendments to Section V of the Town Bylaws, Trench Excavation Bylaw.

Proposed deletions are ~~strikethrough~~

Proposed additions are double underlined

TRENCH EXCAVATION BYLAW [Adopted at the Annual Town Meeting of April 28, 2008,
approved by the Attorney General on June 12, 2008 and posted according to law on June 17, 2008]

1. This Bylaw is intended to provide for the appointment of the DPW Director ~~a board or officer~~ to issue permits for the excavation of trenches as required by Massachusetts General Laws Chapter 82A, Section 2.
2. The Board of Selectmen shall appoint the DPW Director ~~a board or officer~~ to issue permits for the excavation of trenches on privately owned land and for the excavation of any public way in the Town of West Newbury pursuant to the provisions of said Chapter 82A. ~~The Board of Selectmen may from time to time change the appointed board or officer.~~
3. The DPW Director ~~board or officer~~ so appointed shall be known as the “Permitting Authority”.
4. The Permitting Authority shall exercise all of the authority, rights, duties and responsibilities of local Permitting Authorities under said Chapter 82A as the same may be amended and the provisions of the Code of Massachusetts Regulations as the same may be adopted or amended under the authority of said Chapter 82A.
5. The Board of Selectmen may adopt and from time to time, modify, amend, and rescind regulations in conformity with said Chapter 82A or other applicable law relating to the issuance of trench excavation permits hereunder, including, but not by way of limitation, the right and authority to establish and charge reasonable fees to cover the administrative costs of the trench excavation permitting process incurred by the Town in connection with the review and processing of permits.

APPENDIX A- 2019 Annual Town Meeting
ATM Article #23

OPENING OF STREETS BYLAW

ARTICLE 23. Proposed amendments to Section V of the Town Bylaws, Opening of Streets Bylaw.

Proposed deletions are ~~striketrough~~

Proposed additions are double underlined

OPENING OF STREETS BYLAW [Adopted May 18, 1974, at the Annual Town Meeting. Approved by the Attorney General June 19, 1974, and posted according to law August 6, 1974. Section 11 adopted at the Annual Town Meeting May 6, 1987, approved by the Attorney General on August 31, 1987 and posted according to law September 30, 1987. The Enforcement Bylaw (see XXVIII) was adopted at the fourth session of the 1995 Annual Town Meeting, approved by the Attorney General on June 28, 1995 and posted according to law July 10, 1995, established a penalty of \$300 for violations of the Opening of Streets Bylaw]

1. PERMIT REQUIRED. No person, firm, corporation, public utility or agency other than the Selectmen or the Road Commissioner in the lawful performance of their duties or those acting under their orders, except such other persons as are or may be authorized by statute, shall break or excavate the ground in any street or public way in the Town, or dig below the surface thereof, or place any obstruction thereon, or construct a driveway entrance from any street, without first obtaining a written permit therefore from the Department of Public Works (DPW) Director or by the Town Manager in his / her absence. ~~Selectmen.~~ Selectmen approval is also required for any trench greater than 150 linear feet continuous or combined on any street or any trench or roadway resurfacing greater than 2,500 square feet.
2. APPLICATION FOR PERMIT. No such permit shall be issued until after receipt by the DPW Board of Selectmen of a written application therefore made in writing on forms provided by the Town ~~Selectmen~~ and signed by the applicant or his authorized representative.
3. SAFETY REQUIREMENTS. All persons acting under such permit shall adhere to all OSHA rules and regulations relating to roadway construction work. ~~put up and maintain a suitable railing or fence around the part of the street affected so long as the same shall remain unsafe or inconvenient for travelers, and such person shall keep one or more lighted lanterns fixed to such railing or fence, or in some other way exposed, every night from dusk through the entire night.~~
4. SURETY BOND. No such permit shall be issued until after the applicant has deposited with the Town ~~Selectmen~~ a surety bond or security deposit when required by the DPW Director, in form and amount acceptable to the Town Counsel ~~Selectmen~~, guaranteeing that any road surface worked upon thereunder will be restored without cost to the Town.
5. No such permit shall be issued until after the applicant has filed with the Town a certificate of insurance in amounts acceptable to the Selectmen conditioned substantially that the applicant shall indemnify and save harmless the Town of West Newbury and its officers from all suits and actions of every kind brought against said Town and its officers for or on account of any injuries or damages received or sustained by any person in consequence of, or resulting from any work performed by or negligence of said applicant, his servants, agents or employees.
6. FEE FOR PERMIT. The fee for permits issued under this Chapter shall be set from time to time by the Selectmen and may be waived by them in their discretion.

**APPENDIX A- 2019 Annual Town Meeting
ATM Article #23**

OPENING OF STREETS BYLAW

7. ISSUANCE OF PERMIT. Upon the filing of an application and security as aforesaid, and payment of any fee, the Town ~~Selectmen~~ shall cause to be issued, on forms provided by them, a permit specifying the nature and location of the work to be done; the terms and conditions of such work imposed to preserve public safety and convenience, and the time within which such work is to be completed, but such time shall not be longer than 180 days ~~one (1) year~~ from the date of said permit unless extended by the DPW Director for cause shown. Notwithstanding such other conditions as may be imposed, it shall be a condition of each permit issued under this Bylaw that the applicant shall, for a period of one year from the date of issuance of such permit, save harmless the Town of West Newbury from any and all claims for damages arising from or in consequence of any work performed by or any act or omission of the applicant under such permit or of the applicant's servants, agents or employees.

8. EXPIRATION OF PERMIT. Permits issued under the provisions of this Bylaw shall expire as follows: Upon completion of all work specified on the permit, including the restoration of any excavation and the removal of any obstruction, the applicant may present the permit to the Town ~~Board of Selectmen~~ who shall cause the DPW Director ~~Road Commissioner~~ to inspect such work. If the work has been completed to their satisfaction, and in accordance with the terms and conditions of said permit the DPW Director ~~Selectmen~~ shall certify the same and the expiration of the permit thereon.

9. INSPECTION. The DPW Director ~~is~~ ~~Selectmen and the Road Commissioner are~~ authorized to inspect, or cause to have inspected, at any time any or all work performed under a permit issued hereunder. If, in the opinion of the DPW Director ~~Selectmen and/or the Road Commissioner~~ the public safety and welfare so warrant, ~~they or~~ he / she may order the applicant to fill and resurface any excavation or remove any obstruction within 2 (two) ~~12~~ hours of such notice and if such order is not complied with within such time, he or they may cause such work to be done and the applicant shall be responsible for the cost thereof.

10. EXCEPTIONS. (a) Section 4 of this Bylaw shall not apply to public utilities or service companies which elect, in lieu of a bond, to enter into a legally binding agreement with the Town of West Newbury securing said Town as provided therein. (b) Nothing in this Bylaw shall be construed to prevent or unduly delay the making of any necessary excavation or the performance of any work related thereto by any public service company in the event of an emergency, and in such cases such public service company may proceed with such work without regard for the provisions of this Bylaw, provided that within a reasonable period of time after the cessation of such emergency, and not longer than 10 days, all provisions of this Bylaw shall become effective with respect to such work.

11. NON-COMPLIANCE Any person, firm or corporation required to obtain a permit under this by-law who either does not obtain said permit or who fails to comply with the terms of the permit issued shall be subject to a penalty of not more than \$50.00; each day to be considered a separate and distinct offense.*

**[Section 11 as originally adopted. The Enforcement Bylaw (see XXVIII) adopted at the fourth session of the 1995 Annual Town Meeting, approved by the Attorney General on June 28, 1995 and posted according to law July 10, 1995, established a penalty of \$300 for violations of the Opening of Streets Bylaw]*

APPENDIX A- 2019 Annual Town Meeting
ATM Article #24
PRSD REGIONAL AGREEMENT
AMENDMENT

ARTICLE 24. Proposed amendments to the Regional Agreement of the Pentucket Regional School District as most recently amended on July 1, 2014 to incorporate amendments to Section IV LOCATION OF SCHOOLS, to be effective July 1, 2019, as set forth below.

Proposed deletions are ~~strikethrough~~

Proposed additions are double underlined

Section IV. LOCATION OF SCHOOLS

- A. The Regional District secondary school buildings shall be located on sites owned by the District.
- B. There shall be not less than one elementary school in each member town. Students in grades PK – 5 or 6 shall attend schools in their towns of residence, except in cases of emergency as defined by the Regional District School Committee, children attending special education low incidence classes, regional “magnet” classes, or intradistrict school choice. In such instances of emergency, refer to the Pentucket Regional School District “Contingency Plan” as approved by the Pentucket Regional School Committee, and as may be amended from time to time.
- C. Each member town shall retain ownership of all elementary school buildings and related grounds, including any new elementary school buildings constructed in the future. Each member town shall lease each elementary school building and related grounds to the Pentucket Regional School District for the sum of one dollar. Each lease shall be for a term not greater than the term permitted by either general or special State law. The initial term of each lease shall commence on the date that the Regional District School Committee assumes jurisdiction over the pupils in grades PK-12 or as otherwise provided in such lease. Each lease may contain provisions for an extension of the lease term at the option of the Regional District School Committee. Responsibilities for maintenance of elementary school buildings shall be uniform across all District elementary school leases. A lease shall not prevent the use of the elementary school buildings or premises by the respective owner towns with the approval of the School Committee, which shall not withhold such approval unless educationally necessary. If permitted by either general or special State law, a lease may provide that it shall terminate and the leased property shall revert to the member town if the town should no longer be a member of the Pentucket Regional School District or if the Regional District School Committee should determine that the land, with the building and other improvements thereon, is no longer needed for the educational program of the District. Each lease may include such other terms as may be agreed upon by the Board of Selectmen of a member town and the Regional District School Committee. A lease shall be executed by the Board of Selectmen on behalf of the member town and the Regional District School Committee on behalf of the District.

APPENDIX A- 2019 Annual Town Meeting
ATM Article #24
PRSD REGIONAL AGREEMENT
AMENDMENT

- D. Said requirements to lease land and buildings shall not include portions of land and buildings already under separate lease at the time of the effective date of this agreement until such time as the existing lease terms expire.
- E. Payments from present leases and future leases shall be paid to the Regional School District in accordance with the lease agreement by and between the District and the Town.
- F. When necessary to implement due to an emergency as described in Section IV (B), the Pentucket Regional School District “Contingency Plan” will be in place for not more than one year, or until all towns have convened a special town meeting for the purpose of reviewing any amendments as may be proposed to the Regional Agreement, whichever comes first.

And to further amend the Regional Agreement of the Pentucket Regional School District Section XII BUDGET sub-section A as set forth below.

Section XII. BUDGET

- A. ~~There shall be a Regional Finance Advisory Committee, comprised of the following: one Selectmen from each member town annually appointed by each member town Board of Selectmen; the Finance Director, or person holding such position by whichever title it may be known, from each member town; the Regional District School Committee Chair, or his/her designee; and the District Superintendent and/or Business Manager.~~ The Regional Advisory Committee will meet, from time to time, with the Regional District School Committee Chair, the Superintendent and/or Business Manager to discuss matters that may impact the District and/or the towns, including budget calendars and timelines, content and detail of budgets, revenue estimates and other revenue matters, capital budget items and use of Excess and Deficiency funds. ~~The chairmanship of the Advisory Committee shall rotate annually among the members from each of the towns.~~ The Committee shall prepare reports to be read into the School Committee minutes.

And to further amend the Regional Agreement of the Pentucket Regional School District Section XIV AMENDMENTS as set forth below.

Section XIV. AMENDMENTS

- A. Amendments to the agreement must receive a majority vote of approval by each member town at a Town Meeting. Amendments may be initiated by the Regional District School Committee or by the Board of Selectmen of any one of the member towns.

APPENDIX A- 2019 Annual Town Meeting
ATM Article #24
PRSD REGIONAL AGREEMENT
AMENDMENT

- B. No such amendment shall be made which shall substantially impair the rights of the holders of any of the District's bonds or notes of the District then outstanding or the rights of the District to procure the means for payment thereof.
- C. This agreement ~~will~~ shall be reviewed every three years by a group comprised of the Chief Financial Officer of each town (or person holding such position by whichever title it may be known), the PRSD Business Manager, and the PRSD Superintendent, the members of the Regional Finance Advisory Board, as described in Section XII. A who will jointly make recommendations for changes to the member Town's Board of Selectmen. Each town's Chief Financial Officer shall participate on behalf of their respective Board of Selectmen, and shall be responsible to keep their Board apprised of communications and related meetings, and to provide their respective Board regular opportunities to initiate any potential amendments to this agreement or respond to any amendments as may be initiated by others. At any time the Towns may also appoint a task force to review the Regional Agreement. This task force will be made up of a member from each Town's Board of Selectmen, the member town's Finance Directors, the Chairman of the School Committee, the Superintendent and a citizen from each member town.
- D. All amendments are subject to the approval of the Commissioner of Elementary and Secondary Education.

APPENDIX A- 2019 Annual Town Meeting
ATM Article #25
MILL POND MANAGEMENT PLAN

ARTICLE 25. Proposed amendments to the 2001 Mill Pond Management Plan paragraph A.16 in order to modify the amendment process.

Proposed deletions are ~~strikethrough~~

Proposed additions are double underlined

A.16. Review and Amendment of Management Plan.

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

APPENDIX A- 2019 Annual Town Meeting
ATM Article #26
TOWN COUNCIL BYLAW

ARTICLE 26. Proposed amendments to Section XIX of the Town Bylaws, Town Counsel Bylaw to revise the process to engage Town Counsel.

Proposed deletions are ~~striketrough~~

Proposed additions are double underlined

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

APPENDIX A- 2019 Annual Town Meeting
ATM Article #27
OPEN SPACE PRESERVATION
DEVELOPMENT BYLAW

ARTICLE 27. Proposed amendments to the West Newbury Zoning Bylaw Section 6.B.8 Open Space Preservation Development (OSPD).

Proposed deletions are ~~striketrough~~

Proposed additions are double underlined

SECTION 6.B. OPEN SPACE PRESERVATION DEVELOPMENT

6.B.8. Basic Maximum Number and Yield Plan

[Subsection 6.B.8. amended October 26, 2015 by vote of Annual Town Meeting, Article 9, approved by the Attorney General on February 8, 2016 and posted according to law on March 21, 2016]

- i) The Yield Plan shall show the maximum number of single family dwelling units that would be deemed buildable upon the site under a conventional development plan process according to a reasonable application of the Rules and Regulations Governing the Subdivision of Land in the Town of West Newbury and all other applicable state and local land use regulations. At a minimum, the Yield Plan shall show the proposed land use, lot configuration, street layout, building envelopes, setbacks, conceptual grading, wetland resource areas and the general location of all drainage and utility systems.
- ii) The applicant shall provide information related to the proposed yield, including but not limited to, an approved wetland resource area delineation or soil testing reports and one (1) deep observation hole or one (1) percolation test report per single family dwelling unit in accordance with Title 5 requirements. The Board may also request review of the Yield Plan from the Board of Health and/or Conservation Commission prior to determining the maximum number of lots or dwelling units that could be placed upon the site.
- iii) The Planning Board will determine the Basic Maximum Number based upon information provided under Sections 6.B.8.i. & 6.B.8.ii. above ~~from the Yield Plan as specified herein.~~

And to further amend the West Newbury Zoning Bylaw Section 6.B.9 as set forth below.

- 6.B.9. ~~Reduction of Dimensional Requirements. The Planning Board encourages applicants to modify lot size, shape, and other dimensional requirements for lots within an OSPD~~**
Lot size, shape and other dimensional requirements for lots within an OSPD may be modified from the requirements of Section 6.A, subject to the following limitations:

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- a. Lots having reduced area or frontage shall not have frontage on a street other than a street created by the OSPD; provided, however, that the Planning Board may waive this requirement where it is determined that such reduced lot(s) will further the goals of this Bylaw.
- b. At least fifty percent (50%) of the required setbacks for the district shall be maintained on lots within the OSPD unless a reduction is otherwise authorized by the Planning Board, except that no building may be built within ten (10) feet of the front lot line.

And to further amend the West Newbury Zoning Bylaw Section 6.B.10 OSPD Open Space Requirements sub-section a.ii. as set forth below.

6.B. 10. Open Space Requirements.

- a. Protected Open Space. A minimum of sixty percent (60%) of the tract shown on the development plan shall be designated protected open space. Any proposed protected open space, unless conveyed to the Town or its Conservation Commission for conservation purposes, shall be subject to a recorded restriction enforceable by the Town, providing that such land shall be perpetually kept in an open state, that it shall be preserved exclusively for the purposes set forth herein, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.
 - i) The percentage of the protected open space that is wetlands shall not exceed the percentage of the tract which is wetlands at the time of application; provided, however, that the Board may allow a greater percentage of wetlands in the protected open space upon a demonstration that such inclusion promotes the purposes of this Bylaw.
 - ii) The protected open space shall be contiguous and may be considered contiguous ~~and shall be greater than 5,000 SF in area. Contiguous shall be defined as being connected. If greater than 5,000 SF in area, protected open space will still be considered connected~~ if it is separated by a roadway or an accessory amenity. The Planning Board may waive this requirement for all or part of the required open space where it is determined that allowing non-contiguous open space will promote the goals of this Bylaw and/or protect identified primary and secondary conservation areas.

And to further amend the West Newbury Zoning Bylaw Section 6.B.11 OSPD Design Standards sub-section b. as set forth below.

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6.B.11. Design Standards. The following Generic and Site Specific Design Standards shall apply to all OSPDs and shall govern the development and design process.

b. Site Specific Design Standards.

- i) Mix of Housing Types. The OSPD may consist of any combination of single family, two-family, or multi-family residential structures. Except for congregate care or age-restricted developments (restricted to occupants over the age of fifty-five (55) years), a multifamily structure shall contain not more than four dwelling units. In congregate care or age-restricted buildings, the Planning Board may permit more units per structure where it is determined that allowing a larger structure will promote the goals of this Bylaw and/or protect the identified primary and secondary conservation areas. To the maximum extent feasible, all residential structures shall be oriented toward the street serving the premises and not the required parking area.
- ii) Parking. Unless waived by the Planning Board due to a reduced parking demand as demonstrated through a detailed traffic impact study, each dwelling unit shall be served by two (2) off-street parking spaces. Parking spaces in front of garages may count in the computation. All parking areas with greater than four (4) spaces shall be screened from view.
- iii) Buffer Areas. Vegetation in the buffer areas described below shall not be disturbed, destroyed or removed, except for normal maintenance of structures and landscapes approved as part of the project. The buffer area may be included in the calculation of protected open space. All driveways necessary for access and egress to and from the tract may cross such buffer areas but shall not be included in the calculation of protected open space. The Planning Board may waive the buffer requirement in these locations when it determines that a smaller buffer (or no buffer) will suffice to accomplish the objective set forth herein.

Except for access, utilities and drainage systems, ~~a~~ buffer areas of twenty (20) feet shall be provided at the following locations as follows:

- a) ~~At the perimeter of the property: where it abuts residentially zoned and occupied properties:~~

<u>Zoning District</u>	<u>Minimum Buffer</u>
<u>Residence A</u>	<u>100 feet</u>
<u>Residence B</u>	<u>75 feet</u>
<u>Residence C</u>	<u>50 feet</u>

- b) ~~Along~~ Certain resource areas on or adjacent to the tract like ponds, wetlands, streams and riverfront areas, rock outcrops, ledge, agricultural or recreational fields, and land held for conservation purposes shall have a minimum buffer area of twenty (20) twenty-five (25) feet. Said b ~~Buffer areas as described in this~~

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~~section shall be used for Planning Board determinations only and shall not affect determinations or requirements of other authorities. All driveways necessary for access and egress to and from the tract may cross such buffer areas. No vegetation in this buffer area will be disturbed, destroyed or removed, except for normal maintenance of structures and landscapes approved as part of the project. The Planning Board may waive the buffer requirement in these locations when it determines that a smaller buffer (or no buffer) will suffice to accomplish the objective set forth herein.~~

- i) Distance between residential buildings shall be no less than 20 feet.
- ~~iv)~~ Drainage. The Planning Board shall encourage the use of "soft" (non structural) stormwater management techniques (such as swales) and other drainage techniques that reduce impervious surface and enable infiltration where appropriate.
- vi) Common/Shared Driveway. A common or shared driveway may serve a maximum of three dwelling units.
- viii) Screening and Landscaping. All areas within the site that are designated on the plan for screening or landscaping shall be accompanied by a stamped landscape plan prepared by a Registered Landscape Architect.
- viii) On-site Pedestrian and Bicycle Circulation. Walkways and bicycle paths shall be provided to link residences with parking areas, recreation facilities (including parkland and open space) and adjacent land uses where appropriate.

And to further amend the West Newbury Zoning Bylaw Section 6.B.12 Decision of the Planning Board to correct the second sub-letter marked “e” to instead read sub-letter “g”.

- 6.B.12. Decision of the Planning Board. The Planning Board may grant a special permit for an OSPD if it determines that the proposed OSPD has less detrimental impact on the tract than a conventional development proposed for the tract, after considering the following factors:
- a. Whether the OSPD achieves greater flexibility and creativity in the design of residential developments than a conventional development plan;
 - b. Whether the OSPD promotes permanent preservation of open space, agricultural land forestry land, other natural resources including waterbodies and wetlands, and historical and archeological resources;
 - c. Whether the OSPD promotes a less sprawling and more efficient form of development that consumes less open land and conforms to existing topography and natural features better than a conventional development plan;

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- d. Whether the OSPD reduces the total amount of disturbance on the site compared to a conventional development plan;
- e. Whether the OSPD furthers the goals and policies of the Open Space Plan and/or the Comprehensive Plan;
- f. Whether the OSPD facilitates the construction and maintenance of streets, utilities and public service in a more economical and efficient manner;
- ge. Whether the OSPD Plan and its supporting narrative documentation complies with all sections of this Zoning Bylaw.

And to further amend the West Newbury Zoning Bylaw Section 6.B.13 OSPD Increases in Permissible Density sub-section d. as set forth below.

6.B. 13. Increases in Permissible Density. After reviewing the design standards listed in subsection 6.B.11 and the factors listed in subsection 6.B.12, the Planning Board may award a density bonus to increase the number of dwelling units beyond the Basic Maximum Number. Any density bonus units approved under this section shall also comply with the Town's Inclusionary Zoning Bylaw.

The density bonus for the OSPD shall not, in the aggregate, exceed fifty percent (50%) of the Basic Maximum Number. Computations shall be rounded to the lowest number. A density bonus may be awarded by the Planning Board in each of the following circumstances:

- a. Protected Open Space: For each additional five percent (5%) of the site (over and above the required sixty percent (60%) set aside as open space, a bonus of one (1) lot or unit may be awarded; provided, however, that this density bonus shall not exceed twenty percent (20%) of the Basic Maximum Number.
- b. Detached Single Family Cottage Units: For every detached single family dwelling unit that has less than 1,500 SF in finished gross floor area with up to three-bedrooms, one (1) dwelling unit may be added as a density bonus; provided, however, that this density bonus shall not exceed twenty percent (20%) of the Basic Maximum Number.
- c. Accessory Dwelling Units: For every one (1) accessory dwelling units that has no more than 1,000 SF in finished gross floor area with up to two bedrooms, two (2) dwelling units may be added as a density bonus; provided, however, that this density bonus shall not exceed twenty percent (20%) of the Basic Maximum Number. Accessory dwelling units may be permitted within accessory structures such as upper floors of garages, carriage houses or barns as well as within a two-family or multi-family structures.

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- d. Affordable Housing Units: ~~Excluding all units under the Inclusionary Zoning Bylaw,~~
- i. The number of Affordable Housing Units required under Section 5.F.4. shall be derived by taking the number of new housing units of Section 5.F.4. as equal to the Basic Maximum Number determined by the Planning Board under Section 6.B.8.
- ii. ~~for every one (1) dwelling unit restricted to occupancy for a period of not less than thirty (30) years by persons or families who qualify as low or moderate income, as those terms are defined for the area by the Commonwealth's Department of Housing and Community Development (DHCD), and that shall be eligible for inclusion in and count toward the Town's "Subsidized Housing Inventory," as maintained by DHCD or any successor agency~~ For each Affordable Housing Unit in excess of those required by Section 5.F.4 and meeting the definition of an Affordable Housing Unit per Section 5.F.2.b), the Planning Board may award a density bonus of three (3) similarly designed dwelling units; provided, however, that this density bonus shall not exceed fifty percent (50%) of the Basic Maximum Number.

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Examples of Bonus Unit Calculations										
	Division of the Basic Maximum Number (Each line in this section always adds up to the BMN.)			Market Rate Bonus Units (from 6.B.13) (The total in this section is limited to 50% of the					Total for Development	(The maximum total number of units is limited to 150% of the BMN.)
	Market Rate Units	Affordable Units Required by 5.F.4*	Detached Single Family Cottage Units	Accessory Dwelling Units	Affordable Units in Excess of Those Required	Historic Preservation	From Detached Single Family Cottage Units	From Accessory Dwelling Units	From Affordable Units in Excess of Those Required	From Historic Preservation
Limits (% of BMN) → Density Bonus per Provided Unit →			20% 1	20% 2	50% 3	10% 1	20% 1:1	20% 2:1	50% 3:1	10% 1:1
No Bonus Units	20	2	0	0	0	0	0	0	0	0
Three Additional Affordable	17	2	0	0	3	0	0	0	9	0
Three Accessory Units	17	2	0	3	0	0	0	6	0	0
Two Add'l Affordable + Two Accessory	16	2	0	2	2	0	0	4	6	0
Various Bonus Units to Maximum 1.5Q(22) = 33	14	2	2	1	2	1	2	2	6	1
No Bonus Units	27	3	0	0	0	0	0	0	0	0
Two Additional Affordable	25	3	0	0	2	0	0	0	6	0
Two Cottage Units	25	3	2	0	0	0	2	0	0	0
Two Add'l Affordable + Two Cottage	23	3	2	0	2	0	2	0	6	0
Various Bonus Units to Maximum 1.5Q(30) = 45	19	3	2	1	3	2	2	2	9	2
*The number of affordable units required by Bylaw Section 5.F.4 = 10% of the BMN and these units are included as part of (not in addition to) the BMN. See Bylaw Section 5.F.6.a for										

Example: BMN = 22

Example: BMN = 30

APPENDIX A- 2019 Annual Town Meeting
ATM Article #28
LARGE-SCALE GROUND-MOUNTED
SOLAR PHOTOVOLTAIC INSTALLATION
OVERLAY DISTRICT BYLAW

ARTICLE 28. Proposed amendments to the West Newbury Zoning Bylaw Section 5.G. Large-Scale Ground-Mounted Solar Photovoltaic Installations (LGSPI) Overlay District.

Proposed deletions are ~~striketrough~~

Proposed additions are double underlined

Section 5.G. LARGE-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS OVERLAY DISTRICT

[Section 5.G. adopted by Amendment effective May 3, 2012 by vote of Annual Town Meeting, Article 18, and approved by the Attorney General on August 30, 2012, and posted according to law on September 7, 2012]

5.G.1. Purpose

The purpose of this Bylaw is to regulate Large-Scale Ground-Mounted Solar Photovoltaic Installations (LGSPI) in an established district(s) where they are allowed. The Bylaw provides standards for the placement, design, ~~and construction,~~ and eventual decommissioning and removal of such installations. The standards aim to address public safety, and minimize impacts on scenic, natural, and historic resources and residential property and neighborhoods.

5.G.2. Definitions

Large-Scale Ground-Mounted Solar Photovoltaic Installation (LGSPI): A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC.

Large-Scale Ground-Mounted Solar Photovoltaic Installation (LGSPI) Overlay District: LGSPI Overlay District boundaries shall correspond to parcel boundaries. The location[s] designated by a Town Meeting vote in accordance with Massachusetts General Laws Chapter 40A, §5., where LGSPI are a permitted use. Any designated location[s] [is/are] shown on the Town of West Newbury Zoning Map pursuant to Massachusetts General Laws Chapter 40A §4. A plan of an approved Overlay District delineated by metes and bounds shall be recorded at the Southern Essex Registry of Deeds. These plans shall also be filed in the Office of the Town Clerk.

Large-Scale Ground-Mounted Solar Photovoltaic Installation (LGSPI) Surface Area: The surface area of an LGSPI shall be the smallest rectangle or other shape which encompasses the entirety of the Solar Photovoltaic Array and appurtenant structures, fencing, parking, and internal access ways.

On-Site Solar Photovoltaic Installation: A solar photovoltaic installation that is constructed at a location where other uses of the underlying property occur.

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Rated Nameplate Capacity: The nominal rated output of electric power production of the Photovoltaic system in Direct Current (DC).

Solar Photovoltaic Array: an arrangement of solar photovoltaic panels.

5.G.3. Applicability

This Section applies to LGSPI proposed to be constructed after the effective date of this Section. This Section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment. The provisions set forth in this Section shall apply to the construction, operation, and/or repair of an LGSPI.

This Bylaw is not intended to regulate systems that are consumptive power systems where all power that is generated is intended to be utilized primarily on site.

5.G.4. General Requirements for all Large Scale Ground-Mounted Solar Photovoltaic Installations

The following requirements are common to all LGSPI to be sited in designated locations:

- a. Compliance with Laws, Ordinances and Regulations. The construction and operation of all LGSPI shall be consistent with all applicable local, state and federal requirements, including all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code.
- b. Building Permit and Building Inspection. A Building Permit is required for construction, installation, or modification of LGSPI as provided in this Section. An Application for a Building Permit for LGSPI must be submitted with all documents required by the Building Inspector's Office and the requirements of the Site Plan Review Decision.
- c. Site Plan Review. LGSPI are subject to Site Plan Review, Zoning Bylaw Section 8.B., by the Planning Board prior to construction, installation or modification as provided in this Section. In addition to the requirements of Section 8.B., Site Plan Review, and Planning Board Regulations, the Applicant shall submit the following:
 - i. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property Owners, if any
 - ii. The name, address, contact information and signature of any agents representing the project proponent, and

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SOLAR PHOTOVOLTAIC INSTALLATION
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- iii. Documentation of actual or prospective access and control of the project site. The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation
- iv. Documentation that the utility company operating the electrical grid where the LGSPI is to be located has been informed of the Owner or Operator's intent to install an interconnected LGSPI.
- v. An Operation and Maintenance Plan, which includes measures for maintaining safe access to the installation, storm water controls, and general procedures for operational maintenance of the installation.
- vi. ~~iv.~~ The Zoning district designation for the parcel(s) of land comprising the project site, Street Address, Assessors' Map and Lot Number, North Arrow, and Locus Map
- vii. ~~v.~~ An aerial photograph showing the existing property and structures, abutting properties, structures and streets. The proposed LGSPI, appurtenant structures, driveways and other proposed improvements shall be superimposed upon the aerial photograph.
- viii. ~~vi.~~ Blueprints or drawings of the solar photovoltaic installation signed by a Registered Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures.
- ix. ~~vii.~~ A description of the type of mounting system.
- x. Landscaping plan detailing all proposed changes to the landscape of the site, including temporary or permanent roads or driveways, grading, vegetation clearing, planting, screening vegetation, and/or fences/walls, and lighting.
- xi. Visualizations. The Planning Board may select up to six sight lines, including from the nearest building with a view of the LGSPI for pre- and post-construction view representations. Sight lines for the view representations shall be selected from populated areas proximate to the proposed LGSPI. View representations shall be in color and shall include actual pre-construction photographs and accurate post-construction simulations of the height and breadth of the Solar Energy Facility (e.g. superimpositions of the Solar Energy Facility onto photographs of existing views). Sight line view representations shall include all buildings and tree coverage that will remain or are proposed.

Waiver Authority. The Planning Board may waive documentary requirements of Site Plan Review as it deems appropriate.

5.G.5. Dimensional Requirements for all Large Scale Ground-Mounted Solar Photovoltaic Installations.

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ATM Article #28
LARGE-SCALE GROUND-MOUNTED
SOLAR PHOTOVOLTAIC INSTALLATION
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- ~~a. All LGSPI and Appurtenant Structures shall conform with the Table of Dimensional Control below.~~
- a. LGSPI Surface Area. The LGSPI Surface Area shall occupy no more than 160,000 square feet of surface area. The Planning Board may permit an LGSPI Surface Area that is greater than 160,000 square feet by Special Permit pursuant to Section 8.A.2. of the Zoning Bylaw.
- b. Minimum distance from the LGSPI Overlay District boundary to the Solar Photovoltaic Array and appurtenant structures, fencing, parking, and internal access ways shall be 150 linear feet. The Planning Board may permit a reduction of the minimum distance by Special Permit pursuant to Section 8.A.2. of the Zoning Bylaw and upon finding that a reduction in the minimum distance will result in better compliance with Section 5.G.6. Design Standards.
- c. Maximum height of the Solar Photovoltaic Array shall be 20 feet. Maximum height of an appurtenant structure shall be 15 feet. The Planning Board may permit an increase in the maximum height by Special Permit pursuant to Section 8.A.2. of the Zoning Bylaw and upon finding that a reduction in the minimum distance will result in better compliance with Section 5.G.6. Design Standards.

Table of Dimensional Control for Large-Scale Ground-Mounted Solar Photovoltaic Installations Overlay District

Structures	Minimum Lot Area In feet	Lot Frontage In feet	Percent of Required Lot area as Contiguous and Buildable (6.A.2)	Distance from Overlay District Boundary In feet	Maximum Lot Coverage %	Maximum Building Coverage %	Maximum Height in feet (6.A.3.)
PV Array	n/a	n/a	n/a	50	n/a	n/a	15
Appurtenant Structures	n/a	n/a	n/a	40	n/a	n/a	35

- ~~b. Appurtenant Structures. All appurtenant structures, including equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be screened from view by vegetation and/or fencing, and/or joined or clustered to avoid adverse visual impacts.~~

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5.G.6. Design Standards

- a. 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.
- b. Landscaping and 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.
- c. Appurtenant Structures. All appurtenant structures, including equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Appurtenant structures shall be screened from abutting properties and roadways by vegetation and/or fencing, and/or joined or clustered to avoid adverse visual impacts.
- ~~da.~~ Lighting. Lighting of ~~the solar photovoltaic installations~~ LGSPI shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. ~~Where feasible, lighting of the solar photovoltaic installation~~ LGSPI shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.
- ~~eb.~~ Signage. Signs on LGSPI shall comply with Section 7.C. of the Zoning Bylaw. A sign consistent with the Zoning Bylaw shall be required to identify the Owner and provide a 24-hour emergency contact phone number. Reasonable identification of the manufacturer or Operator of the ~~solar photovoltaic installation~~ LGSPI may be provided.
- ~~Solar photovoltaic installations~~ LGSPI shall not be used for displaying any advertising.

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~~fe.~~ Utility Connections. Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the ~~Solar photovoltaic installations~~ LGSPI underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

~~gd.~~ Safety and Security. Appropriate measures shall be proposed to secure the facility from unauthorized entry.

5.G.7. Environmental Standards

a. Wetlands. ~~LSGPI~~ LGSPI shall comply with the requirements of M.G.L. Chapter 130, as amended.

b. Stormwater Management. Stormwater Management shall comply with Department of Environmental Protection Stormwater Management Policy, as amended.

c. Noise. ~~LSGPI~~ LGSPI and equipment shall comply with Section 7.A.4. of the Zoning Bylaw, and the provisions of the Department of Environmental Protection's Division of Air Quality Noise Regulations, (310 CMR 7.10., as amended).

d. Land Clearing, Soil Erosion and Habitat Impacts. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the facility or otherwise prescribed by applicable laws, regulations, and bylaws.

5.G.8. Technical Review

The Planning Board may require a Technical Review Fee pursuant to M.G.L. Chapter 44, s. 53G to hire a consultant to assist in the review of the proposed development.

5.G.89. Monitoring and Maintenance.

The Large-Scale Ground–Mounted Solar Photovoltaic Installation Owner or Operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures.

5.G.910. Modifications

The Building Inspector shall determine if a proposed Modification to an LGSPI made after issuance of the required Building Permit shall require the filing and approval of a new Site Plan and Application with the Planning Board.

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5.G.11. 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.

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.

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5.G.12. 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.

**APPENDIX A- 2019 Annual Town Meeting
ATM Article #29
WEST NEWBURY ZONING BYLAW**

ARTICLE 29. Proposed amendments to the West Newbury Zoning Bylaw Section 7.A.11 Erosion Control Performance Standards.

Proposed deletions are ~~strikethrough~~

Proposed additions are double underlined

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 ~~land-disturbing activity~~ disturbance of more than 1 acre, as determined by the Inspector of Buildings, without ~~an Erosion Control Plan approved by the Conservation Commission~~ a Construction Phase Erosion and Sediment Control Plan and a Stormwater Management Plan that demonstrates compliance with the Massachusetts Stormwater Standards (2008 or as further updated) and the Massachusetts Stormwater Handbook (2008 or as further updated).

**APPENDIX B- 2019 Annual Town Meeting
Capital Improvements Committee
CIC FY20 CAPITAL PROJECT RANKINGS
& 10 YEAR CAPITAL FUNDS FORECAST**

Capital Improvement Committee rankings of priority and value to the town

Article #	Description	Ranking
ATM #18	Fire Department Rescue Vehicle	1
ATM #7,8	Amend Article 8 of the 2017 Annual Town Meeting, Additional borrowing to fund the deficits in the Break Hill Water Tank and Chemical Injection plant projects.	2
ATM #15 STM #3	Improvements and Repairs to G.A.R. Library, Public Safety Complex and Town Offices	3
ATM #16	Department of Public Works F250 4x4	4
ATM #17	Department of Public Works F150 4x4	5

Capital Improvement Asset Replacement 10-Year Forecast

	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
TOTAL ASSET REPLACEMENTS	\$715,000	\$400,000	\$1,863,000	\$894,000	\$782,000	\$155,000	\$520,000	\$510,000	\$400,000	\$500,000	\$1,150,000	\$0
ANNUAL APPROPRIATION	\$300,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000
STABILIZATION FUND TOTAL	\$1,401,461	\$1,501,461	\$138,461	-\$255,539	-\$537,539	-\$192,539	-\$212,539	-\$222,539	-\$122,539	-\$122,539	-\$772,539	-\$272,539

Role of the Finance Committee: The Finance Committee is an appointed, standing committee consisting of six qualified voters. The Finance Committee is specifically chartered with the following responsibilities:

- Prepare recommendations regarding all Articles in the warrant, especially those involving the appropriation of money.
- Consider all municipal questions affecting the revenue, indebtedness or expenditures of the funds of the Town, and for this purpose the committee shall have access to all books and records of the Town.
- Present the Annual Budget to the Town.
- Confer with and advise the Board of Selectmen whenever so requested.
- One member of the Finance Committee shall be a member of the advisory Capital Improvements Committee. One member shall be a member of the Investment Policy Committee.
- Authorize transfers from the Reserve Fund.
- Authorize year-end budget line item transfers.
- Declare a Snow Emergency to allow deficit spending of the Snow Removal budget.

In addition to these statutory responsibilities, the Finance Committee serves as your investigative agent to make sure that all proposed expenditures are thoroughly vetted before they come before the Town.

GLOSSARY

1. **Article:** The topic to be considered and voted at Town Meeting.
2. **Assessment:** The Board of Assessors judgment of the value of a property.
3. **Bond:** A means to raise money through the issuance of debt. The Town (borrower) promises in writing to repay a specified sum of money, alternately referred to as face value, par value or bond principal, to the buyer of the bond on a specified future date (maturity date), together with periodic interest at a specified rate. The term of a bond is always greater than one year.
4. **Capital Expenditure:** An expense for a tangible asset or project that costs at least \$10,000 and has a useful life of at least 5 years.
5. **Chapter 70:** The Chapter of Massachusetts law that governs the funding of the schools. The formula is designed to distribute state aid to help establish educational equity among municipal and regional school districts. It is also the name for the largest part of state funding to schools.
6. **Chapter 90:** The Chapter of Massachusetts law that governs the funding of roads and highway improvements. It is also the common name for the largest part of state funding to highways.
7. **Cherry Sheet:** State aid to the Town, so called as they used to be printed on red paper.
8. **Credit Rating:** The evaluation given by lenders indicating the Town's ability to repay a Loan or Bond. A good credit rating allows the Town to borrow at a lower interest rate.
9. **Free Cash:** Funds remaining from the operations of a previous fiscal year (June 30) which may be appropriated after they have been certified by the Massachusetts Department of Revenue. These include unspent appropriations and revenue collected in excess of estimates.

10. **Levy:** The revenue the Town can raise through real and personal property tax and motor vehicle excise taxes.
11. **Levy Limit:** The maximum tax amount the Town can levy in a given year. The limit can grow 2 ½% of the prior year's levy limit plus new growth and any overrides.
12. **New growth:** The taxing capacity and thereby revenue added by new construction and other increases in the property tax base.
13. **Operating Expenses:** The budget for routine, recurring expenses during the fiscal year starting on July 1 through June 30. It includes all labor and expenses. Typical examples are Police and Fire Department salaries, the Town's assessment from the Pentucket Regional School District, road repairs, snow removal and the solid waste pickup (trash) contract.
14. **Override:** Proposition 2 ½ allows a Town to increase the Town's taxes greater than 2 ½% by one of 3 methods, if approved by the voters:
 - a. Capital Outlay Expenditure Override– allows override of Prop 2 ½, only for a one-time purchase.
 - b. Debt Exclusion Override–allows over-ride of Prop 2 ½ only for the term of the debt repayment schedule.
 - c. General Override–increases the total tax beyond 2 ½% permanently.
15. **Pension Obligations:** Contributions to the Essex Regional Retirement Board and to the Other Post-Employment Benefits (OPEB) for eligible Town employees to pay for negotiated benefits.
16. **Pentucket Regional School District (PRSD) Assessment:** What the Town must pay to the PRSD each year for the schools. It includes:
 - a. Minimum contribution established by the Massachusetts Department of Education based on Town demographics, real estate values, and income.
 - b. Other Assessment. Remainder of operating budget of the PRSD, which is calculated based on the number of West Newbury pupils in the district.
 - c. Capital assessment is the district wide debt service on borrowing also apportioned based on the number of West Newbury pupils in the district and some Green Repair town specific debt and reimbursements.
17. **Proposition 2 ½:** The state law that limits the amount of increase in total real estate taxes, which the Town may assess, to a maximum of 2 ½% per year on existing properties. It does not include taxes that may be levied on new construction or additions (so called new growth).
18. **Raise and Appropriate:** Town Meeting authorization to expend a certain amount of money for a specific purpose by raising that amount of taxes to pay for that expenditure.
19. **Sources of Revenue:** Local receipts collected by the Town such as boat and auto excise tax taxes, fines and interest, real estate property taxes, state aid and grants.
20. **Stabilization Account:** A general or special purpose savings account deposited into or withdrawn from at Town Meetings with a 2/3 vote. The town uses the account to save for capital expenditures.
21. **Sunset Provision/Clause:** A clause attached to a town appropriation that is part of the motion to provide a specific expiration date for allocated funds, unless additional legislative action is taken. After the specified date, funds not used for the established purpose of the article are returned to the town's general operating fund.

TOWN MEETING IMPACTS ON TOWN ACCOUNTS

Balances Report		Estimated				Estimated		Unreserved: Available for Appropriation				
		Town Stabilization	Pension Stabilization	School Stabilization	Town Free Cash	Water Stabilization	Water Free Cash	CPA Comm Housing	CPA Historical	CPA Open Space	CPA Undesig	CPA Reserve
7/1/2018		1,401,461	149,777	1,250,268	1,718,985	8,072	389,468	239,813	178,390	382,142	1,274,645	259,987
10/2018 STM	Art #											
BoH landfill monitoring	2				(30,000)							
BoH recycling costs	3				(50,000)							
CCC architectural svcs	4				(4,000)							
Selectmen temp pay	6				(2,500)							
Reduce Tax Rate	7				(220,000)							
Balances after STM		1,401,461	149,777	1,250,268	1,412,485	8,072	389,468	239,813	178,390	382,142	1,274,645	259,987
4/2019 STM	Art #											
CPC Historic Sites phase 2	2								(25,000)			
CPC ADA ramp for Library	3								(17,000)			
CPC Brown Spring Farm CR	4									(200,000)		
CPC River Road parcel CR	5									(75,000)		
SRO budget amendment	6				(26,000)							
Town Clerk ballot scanners	7				(5,500)							
Snow & Ice Deficit	8				(110,000)							
Mill Pond Dam Emer. Act. Plan	9				(20,000)							
Balances after STM		1,401,461	149,777	1,250,268	1,250,985	8,072	389,468	239,813	136,390	107,142	1,274,645	259,987
CPA FY2019 Closeout												
Closeout to CPA Undesignated	N/A										259,987	(259,987)
											1,534,632	0
4/2019 ATM	Art #											
Omnibus Budget	4	500,000										
School Stabilization Fund	10			321,800								
Pension Liability Stabilization	11		67,000		(67,000)							
CPC Estimated Receipts	14							41,166	41,166	41,166	(20,583)	267,581
Building Improvements	15	(76,000)										
DPW 4x4 Truck	16	(45,000)										
DPW Bldgs & Grounds Truck	17	(32,000)										
Fire Dept Rescue Vehicle	18	(230,000)										
Balances after ATM		1,518,461	216,777	1,572,068	1,183,985	8,072	389,468	280,979	177,556	148,308	1,514,049	267,581

REVENUES

4/10/2019							
Revenues:	Actual FY 2015	Actual FY 2016	Actual FY 2017	Actual FY 2018	In Process FY 2019	Projected FY 2020	Comments
Prior fiscal year levy limit	11,301,050	11,712,003	12,193,084	12,784,193	13,212,301	13,653,481	MassDOR levy limit, FY14 to FY19
Amended Prior Year Growth							
Tax Limit 2.5	282,526	292,800	304,827	319,605	330,308	341,337	Increase from FY19 levy limit allowed by prop 2 1/2
New Growth	128,427	188,281	286,282	108,503	110,872	164,473	All but FY20 is actual. FY20 est based on 5 year average
General Overrides							
Debt Exclusions	828,009	818,328	710,860	696,417	624,548	627,864	FY20 net excluded debt service per debt schedule
Capital Exclusion							
Cherry Sheet Revenues	354,836	357,488	362,274	377,379	382,276	384,998	FY20 est. based on MADOR Prelim Cherry Sheet estimates
Local Receipts	1,158,874	1,226,336	1,255,806	1,305,148	1,120,432	1,331,400	All but FY19 and FY20 is actual. FY19 was estimated in FY19 tax rate recap. FY20 forecast by Town Manager
Total Revenues	14,053,722	14,595,236	15,113,133	15,591,245	15,780,737	16,503,553	
Reserve for Abatements/Receivables	-123,799	-153,480	-130,863	-135,165	-138,279	-135,000	Assessors generally recommend a number
Tax Title Purposes	0	-1,000	-1,000	-2,500	-1,000	-1,000	Set aside of tax title purposes
Cherry Sheet Charges	-71,942	-73,061	-77,444	-74,255	-77,954	-79,291	Charges for services thru state and other agencies & Charter schools; FY20 est. based on Governor's proposed FY20 Budget
Total Offsets	-195,741	-227,541	-209,307	-211,920	-217,233	-215,291	
Revenue-Less Offsets	13,857,981	14,367,695	14,903,826	15,379,325	15,563,504	16,288,262	
Less Direct to Library	-7,735	-7,588	-7,953	-7,659	-7,378	-7,442	Goes directly to library
Net to Revenues to General Fund	13,850,246	14,360,107	14,895,873	15,371,666	15,556,126	16,280,820	
Less Prior Year Snow & Ice Deficit	0	0	0	0	0	0	
Less Prior Year Other Deficits	0	0	0	0	0	0	
Net Available for Operating Expenses	13,850,246	14,360,107	14,895,873	15,371,666	15,556,126	16,280,820	