



Town of West Newbury
Select Board
Monday, May 22, 2023 @ 5:30pm
381 Main Street, Town Office Building
www.wnewbury.org
AGENDA

REC'D W. NEWBURY CLERK
23 MAY 18 PM 5:21

Executive Session: 5:30pm in 1910 Building, 381 Main Street: Town Manager's office

- ❖ MGL Ch. 30A §21(a) 6: To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body (*31 Dole Place*);
- ❖ MGL Ch. 30A §21(a) 7: To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements (*Elliot Fund; advice from Town Counsel*);
- ❖ MGL Ch. 30A §21(a) 2: To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel (*FY24 non-union wages; DPW Director hiring process*);
- ❖ MGL Ch. 30A §21(a) 3: To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares (*Opioid litigation*).

The Board may take a brief recess between the Executive Session and the Open Session beginning at 7 PM.

Open Session: 7:00pm by in-person attendance or remote participation (instructions below)

Announcements:

- This meeting is being broadcast on local cable TV and recorded for rebroadcast on the local cable channels and on the internet. Meeting also accessible by remote participation; instructions below.
- Memorial Day Parade – Monday, May 29th at 10:30am, followed by ceremony outside G.A.R. Memorial Library
- Call for volunteers! FY24 positions on Boards/Commissions/Committees. See www.wnewbury.org/volunteer
- Reminder to subscribe for emailed Town agendas/news/announcements at www.wnewbury.org/subscribe

Regular Business

- A. Request for one-day liquor license – Spring Family Festival at 52 Ash Street, June 10th from 11am-3pm – New England Equine Rescue, North
- B. Requests for Special Event Permits
 - a. Charity Bike Ride raising funds for ALS research – June 25th at 8:30am to noon – *ALS Therapy Development Institute* (cont'd from May 9 Select Board mtg)
 - b. Ride to End Alzheimer's – June 3rd – *Alzheimer's Disease & Related Disorders Assn., Inc.*
- C. Preparation for Celebration of Life for Dot Cavanaugh
- D. Acknowledgement of receipt of Short-Term Rental Application; overview of related Bylaw
- E. Request for authorization to prepare and submit Notice of Intent to Conservation Commission for permitting of proposed installation of beaver pond leveler at 33 Main Street
- F. Follow-up discussion from Select Board attendance at Board of Water Commissioners mtg on May 15th incl. designation of Select Board representative for discussions of potential IMA with Newburyport
- G. Request for authorization to pursue LAND grant for "Sawmill Brook" property; proposed designation of Town Manager as project manager
- H. Request for authorization to pursue MassWorks grant (Middle Street Bridge); update re Bridge costs and potential funding sources
- I. Update regarding use of WRAP funds; potential to contract for installation of new guardrail along westerly edge of Farm Lane (adjacent to Middle/High School)
- J. Potential to authorize MOA with Commonwealth to receive "Safe Passage for Bicyclists" signs
- K. Committee "charges" and process/objectives for FY24 appointments/reappointments
- L. Confirmation of Select Board member roles in Memorial Day ceremony
- M. Meeting minutes: May 9, 2023

Town Manager Updates

- N. Update/next steps re DPW Director search process
- O. Fiscal Year-End procedures
- P. Updates on other ongoing/active projects/initiatives
- Q. Follow up meeting assignment; placing items for future agendas

Addendum to Meeting Notice regarding Remote Participation

Public participation in this meeting of the West Newbury Select Board will be available via remote participation. For this meeting, members of the public who wish to listen to the meeting may do so in the following manner:

Zoom Meeting

Phone: (646) 558 8656
Meeting ID: 861 1658 3586
Passcode: 327462

Join at: <https://us06web.zoom.us/j/86116583586?pwd=TTJtWkVaeW0xU0JQRnJleXB1T1k0dz09>

Every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the West Newbury website an audio or video recording of proceedings as soon as practicable after the meeting.

Posted Agenda on 5/18/2023 at the Town Offices and the Town's Official Website www.wnewbury.org



MEMORIAL = DAY =

Remember and Honor

WEST NEWBURY PARADE

Monday, May 29, 2023 at 10:30 am

Please join us to honor the men and women who gave their lives while serving in the U.S. military.



Parade route starts in the Town Square, the intersection of Main and Maple Streets.

Ceremony held at the Training Field, 491 Main Street, in front of the G.A.R. Memorial Library.





**TOWN OF WEST NEWBURY
SELECT BOARD**

A

381 Main Street, West Newbury MA 01985
Phone: 978-363-1100 Fax: 978-363-1117
townclerk@wnewbury.org

APPLICATION FOR APPROVAL OF ONE-DAY LIQUOR LICENSE

Name of applicant: New England Equine Rescue, North
Address of applicant: [REDACTED] West Newbury
Applicant phone number: [REDACTED] Applicant e-mail: [REDACTED]
Name of Event: Spring Family Festival
Address of Event: 52 Ash Street, West Newbury
Date of event: 6/10/23 Rain Date: N/A Hours of event: 11-3
Is the event open to the General Public? Yes No

The entity is:
For profit: _____
Non-profit: (certificate of nonprofit status required)

Application for sale of alcohol:

All alcoholic Beverages (nonprofit only): _____ (\$100)
Wines and Malt Beverages Only (\$50)

Expected Number of people to attend: 500-1000

Please describe the steps that will be taken to prohibit minors from the area alcohol will be served _____

We will cordon on the area that the alcohol will be served as we did last year. _____

There will be TIPS certified servers carding the patrons. _____

MGL, CH. 138, § 14: The Local Licensing Authorities may issue special licenses for the sale of Wine and Malt Beverages to any enterprise; however, Special Licenses for the sale of All Alcoholic Beverages may ONLY be issued to Non-Profit Organizations (proof of non-profit status is required). A caterer must obtain a Special License when arranging for the delivery of alcohol on which they shall make a profit.

One day licensees MUST purchase Alcoholic beverages from an authorized source approved by the Alcoholic Beverages Control Commission (ABCC). Licensees CANNOT accept donations of alcohol from anyone. The purchase of alcoholic beverages from a package store is prohibited. A list of authorized sources can be found [here](#).

The Town of West Newbury requires all applicants to submit liquor liability insurance (\$1M/\$2M), Workers' Compensation Affidavit as required by M.G.L. Chapter 152, and proof of TIPS certification for all individuals who will sell, serve, or dispense alcoholic beverages.

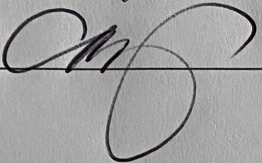
NO PERSON shall be granted a one-day license more than 30 times in a calendar year.

Approved by Select Board on December 19, 2022

TOWN OF WEST NEWBURY LIABILITY DISCLAIMER FOR ONE-DAY LIQUOR LICENSE

By exercising the privileges of this One-day Liquor License in serving persons with alcoholic beverages, the Licensee is potentially exposed to significant liability for injuries and damages to the persons served or to others who are injured or damaged by the persons served. Your acceptance and exercise of this Special One-day License will be deemed to be acknowledgment that you are aware of this potential liability. You are encouraged to discuss the risks associated with exercising your privileges of this One-day License and the appropriate precautions to avoid injuries, damage and liability to others with your legal advisor. The Town of West Newbury and the Select Board as the Local License Authority shall not be liable to the Licensee or to others if injury or damage shall result from the exercise of this One-day Liquor License. By signing this form, the Applicant acknowledges that he/she understands and will comply with all applicable liquor regulations set forth by the Alcoholic Beverages Control Commission and the Licensing Authority of the Town of West Newbury.

I certify under the pains and penalties of perjury that the above information is true and that I will comply with all applicable Alcohol Control Laws of the State of Massachusetts and policies of the Town of West Newbury.

Signature of Applicant:  Date: 3/27/23

FOR INTERNAL USE ONLY- APPROVALS AND CONDITIONS FOR LICENSE

Police Approval: _____

Police Detail Required Yes No

Conditions of Approval: _____

Fire Department Approval: _____

Fire Department Detail Required: Yes No

Board of Health Approval: _____

Approved by a vote of the Select Board: _____ Date: _____

Select Board Conditions of Approval: _____

Attest:

Town Clerk

Approved by Select Board on December 19, 2022

Town Clerk

From: Michael Dwyer <dwyer@westnewburysafety.org>
Sent: Thursday, April 27, 2023 4:28 PM
To: Town Clerk; Paul Sevigny
Subject: Re: Liquor License Application - NEER Spring Family Festival 2023

PD and FD will be present during the event. No concerns.

Thank you,

From: Town Clerk <townclerk@wnewbury.org>
Date: Thursday, April 27, 2023 at 4:11 PM
To: Michael Dwyer <dwyer@westnewburysafety.org>, Paul Sevigny <psevigny@wnewbury.org>
Subject: FW: Liquor License Application - NEER Spring Family Festival 2023

Hello Gentlemen,

If you could take a look at this application and please let me know if you have any comments or conditions. This will be on the board agenda for Tuesday May 9th.

Best,

James RW Blatchford

Town Clerk
Town of West Newbury
Phone 978-363-1100 X 110
Mobile 978-891-0039
www.WNewbury.org



Special Event Application

Organization or Group _____

Person Making Reservation _____

Mailing Address _____

Phone _____ e-mail _____

Event Date: _____ Start Time _____ End _____

Time _____

Reason for Event _____

Number of attendees _____

Check Appropriate Block:

____ Resident ____ Non-resident

____ Fund Raising Group ____ Non-Profit ____ Commercial ____ Other

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

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

1. The location of the event on the property _____

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

3. Features and attractions _____

4. Participant circulation _____

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

6. Any proposed road closures _____

7. Location of trash receptacles and dumpsters_____

8. Location of temporary toilet facilities_____

9. Accessible routes for the disabled or mobility impaired_____

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

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

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

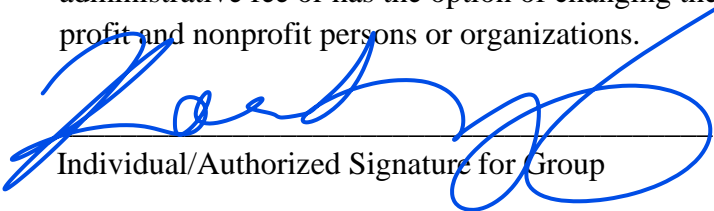
13. If Police Details and/or Firefighters/EMTs will be required, contact the West Newbury Police Department and West Newbury Fire Department to secure services. Only Police Officers may direct traffic on town streets. Evidence that Police and/or Fire Personnel have been secured must be presented before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

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



Name: _____ Event: _____

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

 _____
Individual/Authorized Signature for Group Date

Chief of Police's Signature: _____ Date: _____

Requests and comments:

Fire Chief's Signature: _____ Date: _____

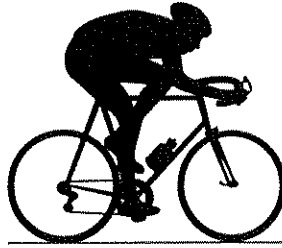
Requests and comments:

Approval granted if signed here by Select Board: _____ Date: _____

Requests and comments:

THE ALS THERAPY DEVELOPMENT INSTITUTE

TRI-STATE TREK



West Newbury, MA
Chief Michael Dwyer
401 Main Street
Public Safety Building,
West Newbury, MA 01985

March 7, 2023

Dear Chief Michael Dwyer,

On Sunday, June 25th, 2023, 350 cyclists will travel through your town for the 21st Annual ALS Therapy Development Institute (ALS TDI) Tri-State Trek. The Tri-State Trek raises funds and spreads awareness of the work ALS TDI is doing to find an effective treatment and cure for a horrific disease. Every 90 minutes, someone is diagnosed with ALS, also known as Lou Gehrig's disease or Motor Neuron Disease (MND). It is a progressive, neurodegenerative disease that causes muscle weakness, difficulty breathing and swallowing, and paralysis while leaving the senses intact. Currently, there is no effective treatment or cure.

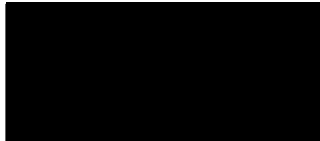
ALS TDI is the world's first and largest nonprofit biotech focused 100 percent on ALS research. Led by people with ALS and drug development experts, we understand the urgent need to slow and stop this disease. You can learn more at www.als.net.

Enclosed is a proposed route with the specific date that we plan to be in your location. Please forward this along to the proper channels. If applicable, we have indicated any rest areas that we are planning to stop at in your town. We have a comprehensive insurance policy for the event that recognizes your town as additionally insured under ALS TDI's insurance. The necessary insurance certificate is attached. You can return these forms via email, fax, or mail addressed to my contact information below.

Thank you so much for your time. If you have any questions or concerns, please contact me.

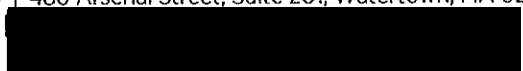
Best regards,

Kevin Sweeney
Events Manager
ALS Therapy Development Institute



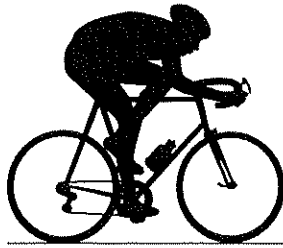
ALS THERAPY DEVELOPMENT
INSTITUTE

ALS Therapy Development Institute (ALS TDI) | 480 Arsenal Street, Suite 201, Watertown, MA 02472
501(c)3 nonprofit: EIN # 04-3462719



THE ALS THERAPY DEVELOPMENT INSTITUTE

**TRI-STATE
TREK**



Town Approval Form

Date: _____

I, _____, acknowledge that the ALS TDI Tri-State Trek will be utilizing our roads between June 25, 2023, for the purpose of a charity bicycle ride, benefiting the ALS Therapy Development Institute. The town of _____ has approved the ALS TDI Tri-State Trek's proposed route.

TOWN: _____

NAME: _____

SIGNATURE: _____

TITLE: _____

DATE: _____

PLEASE FAX THIS FORM TO 617-441-7299 (NO COVER LETTER REQUIRED) OR SCAN AND EMAIL TO

tristatetrek@als.net

ALS THERAPY DEVELOPMENT
INSTITUTE

ALS Therapy Development Institute (ALS TDI) | 480 Arsenal Street, Suite 201, Watertown, MA 02472
501(c)3 nonprofit: EIN # 04-3462719



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
3/10/2023

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

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

PRODUCER Arthur J. Gallagher Risk Management Services, LLC 470 Atlantic Avenue Boston MA 02210	CONTACT NAME: PHONE (A/C No. Ext): [REDACTED] FAX (A/C, No): [REDACTED] E-MAIL ADDRESS:
INSURER(S) AFFORDING COVERAGE	
INSURED ALS Therapy Development Foundation Inc. [REDACTED] Watertown MA 02472	ALSTHER-01 INSURER A: Atlantic Specialty Insurance Company NAIC # 27154 INSURER B: Homeland Insurance Company of New York 34452 INSURER C: INSURER D: INSURER E: INSURER F:

COVERAGES **CERTIFICATE NUMBER: 1430780774** **REVISION NUMBER:**

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

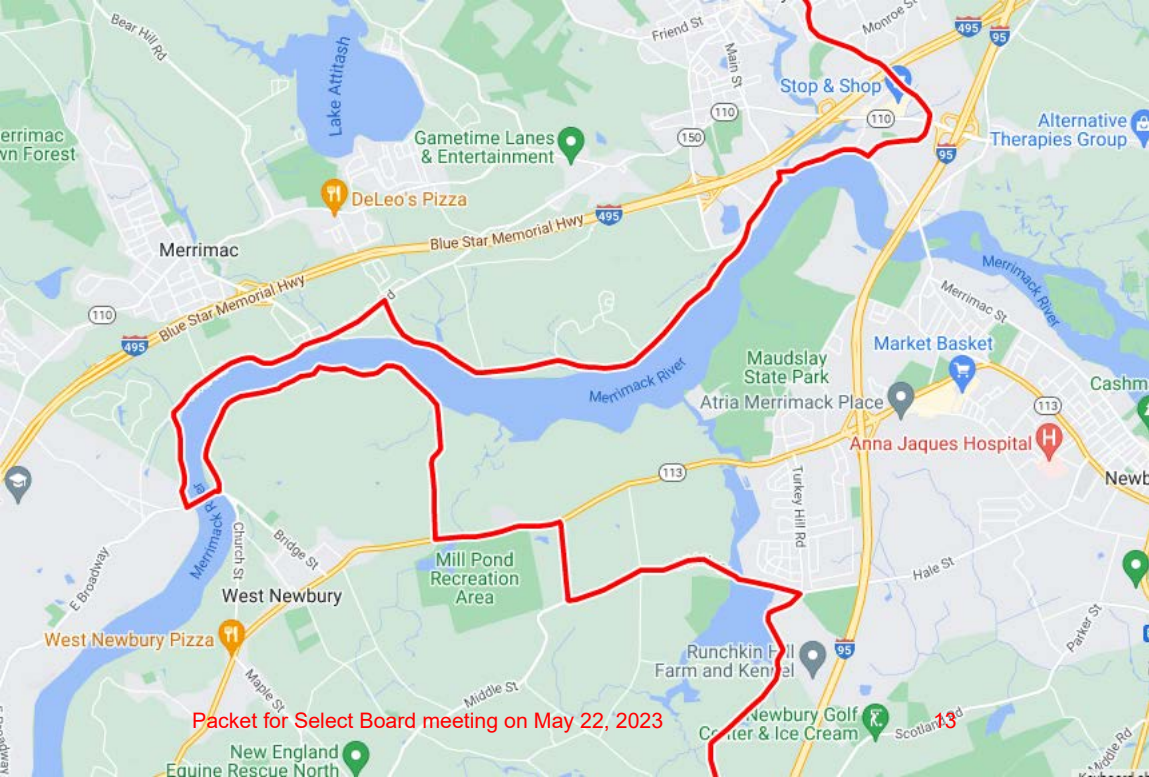
INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	Y	Y	GL0562302	12/12/2022	12/12/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
B	<input type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			EX04917-01	12/12/2022	12/12/2023	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000 \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 Tri-State Trek June 24th and 25th 2023

CERTIFICATE HOLDER West Newbury, MA Michael Dwyer Chief of Police 401 Main Street Public Safety Building West Newbury MA 01985	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
--	---

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Merrimac,MA	Straight		Continue onto River Road	41.8
Haverhill,MA	Continue Straight		Continue onto River Road	43.5
Haverhill,MA	Left		Turn left onto East Main Street	43.7
West Newbury,MA	Turn Left		Turn left onto River Road	43.9
West Newbury,MA	Turn right		Keep right onto Coffin Street	46.1
West Newbury,MA	Right		Turn right onto Main Street, MA 113	47
West Newbury,MA	Turn Right		Turn right onto Chase Street	47.8
West Newbury,MA	Turn Left		Turn left onto Middle Street	48.3
Newburyport, MA	Continue Straight		Continue Straight on Middle Street	49.5
Newburyport, MA	Turn right		Turn sharp right onto Turkey Hill Road	49.9
West Newbury,MA	Continue Straight		Continue Straight on Turkey Hill Road	50.4
West Newbury,MA	Turn right		Turn right onto South Street	52
Newbury, MA	Turn Left		Turn Left onto Main Street	52.7



Packet for Select Board meeting on May 22, 2023

13

Special Event Application

Organization or Group The Alzheimer's Association- Ride to End ALZ NE

Person Making Reservation Roger Mast

Mailing Address [Redacted] Buda, TX 78610

Phone [Redacted] e-mail [Redacted]

Event Date: 6/3/2023 Start Time 0700 End

Time 1800

Reason for Event Charity fundraising bicycle ride

Number of attendees 500

Check Appropriate Block:

Resident Non-resident

Fund Raising Group Non-Profit Commercial Other

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

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

1. The location of the event on the property See attached map

2. For road or walk race, a detailed map of the route Attached map and course detail

3. Features and attractions NA

4. Participant circulation NA

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

6. Any proposed road closures NA

7. Location of trash receptacles and dumpsters _____

NA

8. Location of temporary toilet facilities _____

NA

9. Accessible routes for the disabled or mobility impaired _____

NA

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

NA

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

Route directional signs along the ride 18x24 coro-last with text and graphics

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

NA

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

Yes

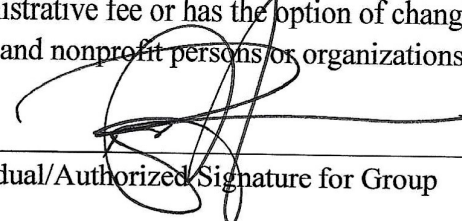
14. Provide a Certificate of Insurance to the Town Manager's Office no later than ten (10) business days before the event. Final Special Event Permits will not be issued without submission of a Certificate of Insurance _____

Yes

Roger Mast
Name: _____

Ride to End AIZ
Event: _____

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



Individual/Authorized Signature for Group

Date 1/4/23

Chief of Police's Signature: _____ Date: _____

Requests and comments:

Fire Chief's Signature: _____ Date: _____

Requests and comments:

Approval granted if signed here by Select Board: _____ Date: _____

Requests and comments:

Town Manager

From: Roger Mast [REDACTED]
Sent: Monday, May 15, 2023 5:09 PM
To: Jeff Durand; Sergeant Jay Johnson; Residents Admin; Town Manager
Subject: ALZ Ride Update
Attachments: Town-of-West-Newbur_Alzheimer's-Dis_2023-24-Walks-&_1-25-2023_887588212_1.pdf; RTE ALZ New England 2023 62 Mile v1 DRAFT.jpg; RTE ALZ New England 2023 30 Mile v1 DRAFT.jpg; RTE ALZ New England 2023 100 Mile v1 DRAFT.jpg; RTE ALZ New England 2023 All Routes v1 DRAFT.jpg; ALZ-NE-23- 62 Mile LEA Posts .pdf; ALZ-NE-23-30 Mile LEA Posts.pdf; ALZ-NE-23- 100 Mile LEA Posts .pdf

Good afternoon,

With the ALZ New England ride fast approaching, I wanted to send some follow up information. Attached you will find the COI. Also, the course logs and updated route maps. Within the course logs the Law Enforcement posts are highlighted in blue. The 100 is the main sheet. The 30 and 62 have a few on their unique sections.

I would love to hire these and further that discussion.

Please advise on any next steps or needs from my side.

Looking forward to an amazing 27th year for the Event,

Roger

Roger M. Mast
Vice President, Technical Operations
Cadence Sports, Inc.





RIDE TO END ALZ[®] NEW ENGLAND

ALZHEIMER'S ASSOCIATION[®]

NEW ENGLAND 100 MILES

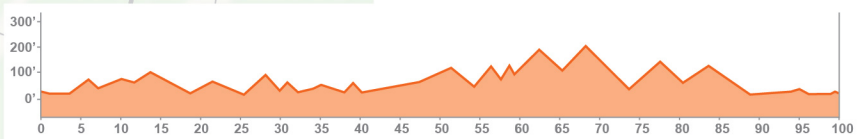


DRAFT

Cartography by
Singletrack Maps
SCADENCE
SPORTS

**Smaller local roads are NOT shown on this map.

100 Mile Profile:



LEGEND

- 100 Miles..... —
- Pit Stop..... ⊕

For various reasons, personal GPS data will NOT match perfectly with this map & profile. All information is approximate & subject to change at any time.



RIDE TO END ALZ[®] NEW ENGLAND

ALZHEIMER'S ASSOCIATION[®]

NEW ENGLAND ALL ROUTES

NEW HAMPSHIRE

MASS.





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

1/25/2023

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

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PRODUCER Inszone Insurance Services 1101 Perimeter Drive, Suite 500 Schaumburg IL 60173	CONTACT NAME: Sandy Crespin	
	PHONE (A/C. No. Ext): [REDACTED]	FAX (A/C. No): [REDACTED]
E-MAIL ADDRESS: [REDACTED]		
INSURER(S) AFFORDING COVERAGE		NAIC #
INSURER A: Philadelphia Indemnity Insurance Company		18058
INSURER B: Twin City Fire Insurance Co		29459
INSURER C:		
INSURER D:		
INSURER E:		
INSURER F:		

INSURED ALZHE-2
 Alzheimer's Disease & Related Disorders Association. Inc.
 [REDACTED]
 Chicago IL 60601

COVERAGES

CERTIFICATE NUMBER: 887588212

REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Sex Abuse/Molest <input checked="" type="checkbox"/> Soc Serv Prof GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			PHPK2389542	3/11/2023	3/11/2024	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 20,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP/OP AGG \$ 3,000,000 \$
A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			PHPK2389542	3/11/2023	3/11/2024	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ UM/UIIM \$ 1,000,000
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 10,000			PHUB806485	3/11/2023	3/11/2024	EACH OCCURRENCE \$ 10,000,000 AGGREGATE \$ 10,000,000 \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> Y/N <input checked="" type="checkbox"/> N/A (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below			83WEBU6934	3/11/2023	3/11/2024	<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
A	D&O, EPLI			PHSD1699565	3/11/2023	3/11/2024	D&O \$50/EPLI \$50K RET
A	PROFESSIONAL LIABILITY			PHPK2389542	3/11/2023	3/11/2024	OCC 1,000,000/AGGR 3,000,000

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

Massachusetts/New Hampshire Chapter
 RE: Ride to End Alzheimer's Event held June 2-3, 2023
 Town of West Newbury is Additional Insured for operations conducted by the insured. Subject to policy terms and conditions.
 **Bounce Houses and other rebounding devices are excluded from any liability coverage on this policy.

CERTIFICATE HOLDER**CANCELLATION**

Town of West Newbury
 381 Main Street
 West Newbury MA 01985

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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Table with columns: Client (RTEA New England-23), Ride (100 Mile), Mileage (100.9), Start (7:00:00 AM), ETA, INCR, FM, ACTION, LOCATION, FROM, LEA, County, Agency, Qty, Time, Hours, Rate/Hr, Total. The table contains a detailed schedule of activities with timestamps and locations.

15:50:15	14:04:12	13:08:52	11:42:48	10:32:06	10:04:26	2.30	70.7	L	Trundlebed Ln	Stmpfield Rd	East Kingston						
15:53:15	14:06:36	13:10:57	11:44:24	10:33:18	10:05:29	0.40	71.1	L	Amesbury Rd	Trundlebed Ln			1	0930-1400	4.5		
15:55:30	14:08:24	13:12:31	11:45:36	10:34:12	10:06:16	0.30	71.4	CS	Amesbury Rd	Osgood Rd	Kensington						
16:00:00	14:12:00	13:15:39	11:48:00	10:36:00	10:07:50	0.60	72	R	N Rd	Amesbury Rd	Kensington						
16:06:45	14:17:24	13:20:21	11:51:36	10:38:42	10:10:10	0.90	72.9	VL	becomes Drinkwater Rd	N Rd	Kensington		1	0945-1445	5		
16:11:15	14:21:00	13:23:29	11:54:00	10:40:30	10:11:44	0.60	73.5	CS	Drinkwater Rd	Kensington / Exeter townline							
16:24:00	14:31:12	13:32:21	12:00:48	10:45:36	10:16:10	1.70	75.2	R	High St / NH 27 / NH 111	Drinkwater Rd	Exeter						
16:28:30	14:34:48	13:35:29	12:03:12	10:47:24	10:17:44	0.60	75.8	CS	High St / Hampton Rd	Hampton Falls Rd	Exeter						
16:29:15	14:35:24	13:36:00	12:03:36	10:47:42	10:18:00	0.10	75.9	RS	RS 4: GL Rogers Co								
16:33:00	14:38:24	13:38:37	12:05:36	10:49:12	10:19:18	0.60	76.4	L	Guinea Rd 30 Mile Route Joins	Hampton Rd	Exeter		2	1000-1645	6.75		
16:34:30	14:39:36	13:39:39	12:06:24	10:49:48	10:19:50	0.20	76.6	CS	Guinea Rd	Exeter Hampton Expwy							
16:35:15	14:40:12	13:40:10	12:06:48	10:50:06	10:20:05	0.10	76.7	RS	RS 4: GL Rogers Co	Academic Way	Stratham		1	1000- 1645			
16:39:00	14:43:12	13:42:47	12:08:48	10:51:36	10:21:23	0.40	77.2	R	Stratham Heights Rd	Guinea Rd	Stratham						
16:48:45	14:51:00	13:49:34	12:14:00	10:55:30	10:24:47	1.30	78.5	R	Bunker Hill Ave	Stratham Heights Rd	Stratham						
16:53:15	14:54:36	13:52:42	12:16:24	10:57:18	10:26:21	0.60	79.1	CS	becomes Lovering Rd	Walnut Ave							
17:03:45	15:03:00	14:00:00	12:22:00	11:01:30	10:30:00	1.40	80.5	L	Post Rd / NH 151	Lovering Rd	North Hampton		1	1015-1715	7		
17:14:15	15:11:24	14:07:18	12:27:36	11:05:42	10:33:39	1.40	81.9	CS	Post Rd / NH 151	Spruce Ln							
17:18:45	15:15:00	14:10:26	12:30:00	11:07:30	10:35:13	0.60	82.5	R	Breakfast Hill Rd	Post Rd	Greenland						
17:31:30	15:25:12	14:19:18	12:36:48	11:12:36	10:39:39	1.70	84.2	CS	becomes Washington Rd	Lafayette Rd / US 1	Greenland		1	1015-1745	7.5		
17:36:45	15:29:24	14:22:57	12:39:36	11:14:42	10:41:29	0.70	84.9	CS	Washington Rd	W Rd							
17:39:45	15:31:48	14:25:03	12:41:12	11:15:54	10:42:31	0.40	85.3	CS	Washington Rd	Whitehorse Rd	Rye						
17:42:00	15:33:36	14:26:37	12:42:24	11:16:48	10:43:18	0.00	85.6	RS	RS 5: Webster at Rye	Central Rd	Rye		1	1030 - 1800	7.5		
17:49:30	15:39:36	14:31:50	12:46:24	11:19:48	10:45:55	1.30	86.6	VL	Wallis Rd	Washington Rd	Rye						
17:57:45	15:46:12	14:37:34	12:50:48	11:23:06	10:48:47	1.10	87.7	CS	Wallis Rd	Sagamore Rd / Long John Rd	Rye						
18:03:00	15:50:24	14:41:13	12:53:36	11:25:12	10:50:37	0.70	88.4	L	Brackett Rd	Wallis Rd	Rye						
18:06:45	15:53:24	14:43:50	12:55:36	11:26:42	10:51:55	0.50	88.9	VR	Brackett Rd	Clark Rd	Rye						
18:08:15	15:54:36	14:44:52	12:56:24	11:27:18	10:52:26	0.20	89.1	R	Parsons Rd	Brackett Rd	Rye						
18:10:30	15:56:24	14:46:26	12:57:36	11:28:12	10:53:13	0.30	89.4	CS	becomes Marsh Rd	Parsons Rd	Rye						
18:12:00	15:57:36	14:47:29	12:58:24	11:28:48	10:53:44	0.20	89.6	R	Ocean Blvd / NH 1A	Marsh Rd	Rye						
18:33:00	16:14:24	15:02:05	13:09:36	11:37:12	11:01:03	2.80	92.4	CS	Ocean Blvd / NH 1A	Harbor Rd	Rye						
18:35:15	16:16:12	15:03:39	13:10:48	11:38:06	11:01:50	0.30	92.7	CS	Ocean Blvd / NH 1A	Locke Rd	Rye						
18:49:30	16:27:36	15:13:34	13:18:24	11:43:48	11:06:47	1.90	94.6	CS	Ocean Blvd / NH 1A	Central Rd	Rye						
18:52:30	16:30:00	15:15:39	13:20:00	11:45:00	11:07:50	0.40	95	CS	Ocean Blvd / NH 1A	Rye / North Hampton townline							
18:58:30	16:34:48	15:19:50	13:23:12	11:47:24	11:09:55	0.80	95.8	CS	Ocean Blvd / NH 1A	Atlantic Ave	North Hampton						
19:06:45	16:41:24	15:25:34	13:27:36	11:50:42	11:12:47	1.10	96.9	CS	Ocean Blvd / NH 1A	N Shore Rd							
19:10:30	16:44:24	15:28:10	13:29:36	11:52:12	11:14:05	0.50	97.4	CS	Ocean Blvd / NH 1A	High St / NH 27	Hampton						
19:18:00	16:50:24	15:33:23	13:33:36	11:55:12	11:16:42	1.00	98.4	CS	Ocean Blvd / NH 1A	Winnacunnet Rd	Hampton						
19:28:30	16:58:48	15:40:42	13:39:12	11:59:24	11:20:21	1.40	99.8	VL	Ashworth Ave	Ocean Blvd	Hampton						
19:34:30	17:03:36	15:44:52	13:42:24	12:01:48	11:22:26	0.80	100.6	L	Hampton Beach State Park entrance	Hampton Beach State Road	Hampton						

Town Manager

From: COA
Sent: Monday, May 15, 2023 2:49 PM
To: Elisa Grammer; Town Manager; Town Clerk; Executive Assistant
Subject: RE: Celebration for Dot Cavanaugh

Thank you Elisa. I am happy and honored to organize Dot's celebration of life. I am also thinking that a dedication of a tree or garden (maybe at the SAGE patio) may be a nice way to remember Dot's contributions to the town (and may be a little quicker to put into action for a June celebration). We did not discuss time of day for this event – I was thinking a 4:30 dedication followed by an hour long reception either at SAGE or in the Annex.

If anyone has more ideas, please share!

Thanks,
 Christine

Christine Marshall

West Newbury Council on Aging Director
 978-363-1104 | coa@wnewbury.org



SAGE CENTER
social | activities | growth | education

From: Elisa Grammer [REDACTED]
Sent: Monday, May 15, 2023 11:52 AM
To: Town Manager <townmanager@wnewbury.org>; Finance Admin <finance.admin@wnewbury.org>; Town Clerk <townclerk@wnewbury.org>
Cc: COA <coa@wnewbury.org>
Subject: Celebration for Dot Cavanaugh

Hi all:

The estimable Christine Marshall (who has professional expertise, panache, and charm when it comes to these things), agreed this morning to organize a celebration of life for Dot Cavanaugh in the COA space or the Annex. She will be checking calendars, etc. I will be happy to fund light refreshments.

Christine also suggested something like a bench in front of Town Offices with a plaque for Dot. The dedication could be part of the event. This, I think, is just brilliant, and again, I'd be happy to fund it.

As an FYI, nothing in Town is named in honor of a woman except for the conference room in the elderly housing, which has a plaque for affordable housing advocate Nancy Barry, and of course the plaque in the library & tree for Ms. Gove.

--

Elisa J. Grammer



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**WEST NEWBURY SPECIAL TOWN MEETING
OCTOBER 24, 2016
FINAL VERSION OF BYLAW AS AMENDED
ARTICLE 14**

CHAPTER XXXIX SHORT TERM RENTALS

SHORT TERM PAYING GUEST IN HOMES

Purpose: The rental of residential premises to short term paying guests, not otherwise expressly licensed for such purpose by the Town of West Newbury or other proper authority, shall be allowed only in properties whose owners have obtained an annual license in accordance with the requirements of this by-law issued from the Board of Selectmen. The licensing process is designed to protect the health and welfare of the short term paying guests, to ensure an orderly and transparent process for operating small-scale rental services, and to protect the tranquility of residential neighborhoods.

Applicability: The rental of residential premises to short term paying guests is allowed in owner-occupied residential premises pursuant to being licensed in accordance with this by-law and consistent with the Town's Zoning By-law. Short term paying guests are those who are staying in a dwelling unit for less than fourteen (14) consecutive nights. The Board may allow short term paying guests provided suitable accommodations exist as determined by the Board in accordance with this by-law.

Process: Every owner of residential premises who offers rentals to short term paying guests must first obtain a license to do so from the Board of Selectmen. Licenses are valid for a calendar year and must be renewed annually. Application for a license can be made at any time but the license shall expire December 31 of the subject year. A completed application will be reviewed and a decision rendered at a public meeting of the Board of Selectmen.

Applications: Application shall be made on a form approved by the Board of Selectmen and shall contain sufficient information to determine the exact nature of the proposed short term rental operation, including location, number of rooms to be rented and whether food will be served to the guests.

By completing the application, applicants will be confirming the following:

1. The property complies with applicable Board of Health regulations and Fire Department safety measures (fire/smoke alarms and CO monitors) and is in compliance with the State Sanitary Code, 105 C.M.R. § 410.00
2. A certificate of occupancy for the property is on file

3. Name of a local authorized agent who can act on behalf of the owner in the absence of the owner in the case of any problems, violations or emergencies should they arise while the owner is not present.
4. Agreement to maintain a guest registry showing the name of each guest and the night(s) of their stay. Said Registry shall include the home address of each guest and the make, model and license number for each automobile used by such guest. The registry shall be made available for review at any time at the request of a West Newbury Police Officer, the Health Agent of the Town of West Newbury and/or Board of Selectmen or any agent designated in Regulations promulgated by the Board of Selectmen.

Application Fee: The Board of Selectmen shall annually set a fee for applying for a Short Term Guest Rental Home License. The fee must be paid at time of application.

The Board of Selectmen may grant licenses to those persons submitting applications in compliance with the requirements of this by-law. A license issued under this by-law shall not be deemed to supersede the application of any other lawful requirements applicable to the use authorized therein, including the necessity of obtaining other licenses or permits.

Owners shall comply with the Regulations that the Selectmen shall promulgate from time to time.

Regulations: The Board of Selectmen shall promulgate Regulations pursuant to this Bylaw and in accordance with any other lawful authority.

COMPLAINTS AND ENFORCEMENT:

1. The Board of Selectmen may designate such Town officials as they deem appropriate to carry out the enforcement duties under this by-law.
2. If the Enforcement Agent, as designated by the Board of Selectmen, concludes that there has been a violation of this by-law or of the conditions of any license issued hereunder, the Enforcement Agent shall send notice to the license holder, by registered mail to the address stated on the initial Application, a notice ordering cessation of the improper activities.
3. If a license holder persists in such violation, the Enforcement Agent may seek enforcement of this bylaw through the mechanisms set forth in Article XVIII of the West Newbury Town By-laws, and the penalty for violations of this by-law shall be a fine of \$300 for each day an offense occurs.
4. In the event that a license holder persists in such violations, the Board may notify the license holder by mail, as above, of a hearing to be held not less than four (4) days thereafter to show cause why said license should not be revoked, and following said hearing, may in its discretion, modify, revoke or amend the license.
5. Upon petition of the property owner and/or license holder, abutters, or upon its own initiative, the Board of Selectmen may hold a hearing to determine whether or not the terms of this by-law, any other applicable state, federal or local law, or the license itself are being complied with, and/or whether or not activities conducted pursuant to a license issued under this bylaw constitute a nuisance or adversely impact the public health, safety or welfare.
6. The Board of Selectmen may, after hearing, mandate licensure, or modify, revoke or suspend a license issued hereunder. In addition, should the Board of Selectmen, after conducting a hearing, determine that a violation has occurred; it may direct the Enforcement Agent to seek enforcement of this by-law as set forth in paragraph 3, above.

Validity: The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof. This bylaw shall go into effect upon the posting of the approval of the Attorney General of Massachusetts of this Bylaw.



TOWN OF WEST NEWBURY

Board of Selectmen

381 Main Street
West Newbury, MA 01985
978-363-1100 ext. 110
978-363-1117 (Fax)
selectmen@wnewbury.org

RECEIVED
MAY 22 2023

SHORT TERM RENTAL APPLICATION

License Fee: \$10.00

New Renewal

Date APRIL 17, 2023

The undersigned hereby applies to the Board of Selectmen for a short term rental license in accordance with the Bylaws of the Town of West Newbury.

Property Address [REDACTED] - Rent Building

Owner Dennis G Unger + Phyllis Unger

Telephone [REDACTED] E-Mail [REDACTED]

24 Hour Emergency Telephone # [REDACTED]

Contact Person Dennis Unger

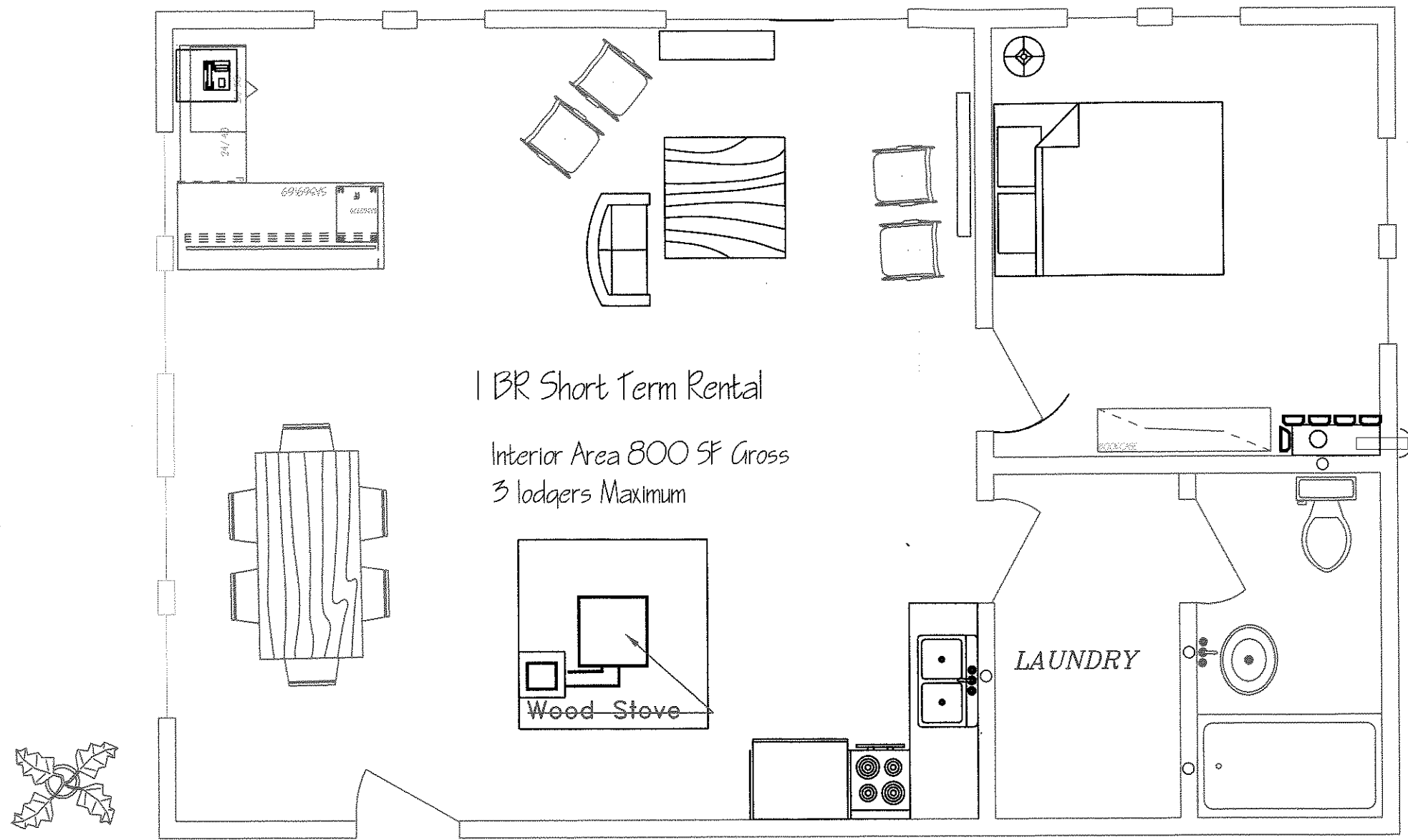
Description of Room(s) to be rented 1 Bedroom 800 SF residential Area with 100 SF patio and parking for two cars
(see APPLICATION PLAN)

Food Served: yes no CONTINENTAL BREAKFAST INCLUDED

By signing this Application, the undersigned hereby certifies that the Property shall be rented in compliance with Chapter XXXIX Short Term Rentals of the Bylaws of the Town of West Newbury.

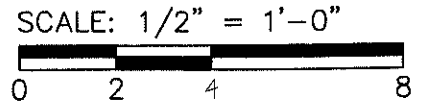
I hereby certify under the pains and penalties of perjury that the above is true and accurate information.

Signature of Applicant [Handwritten Signature]



First Floor Plan

① First Floor Carriage House
 Scale: 1/4" = 1'-0"



SHORT TERM RENTAL
 APPLICATION PLAN

SCALE: 1/4" = 1'-0"

DRAWING TITLE: EXISTING PLAN	DRAWING NUMBER: X1.1
---------------------------------	-------------------------

DATE: 9 APRIL 2023	DWG BY: DGU
--------------------	-------------

Unger Designs

RESIDENTIAL

PRODUCED BY AN AUTODESK STUDENT VERSION

PRODUCED BY AN AUTODESK STUDENT VERSION

Town Manager

From: Town Manager
Sent: Tuesday, May 16, 2023 2:58 PM
To: Conservation; Paul Sevigny; DPW Director
Subject: RE: Beaver deceiver estimates

Michelle,

I briefed the SB at last week's mtg; backup info online, see pp. 78-79 [here](#). I had checked w Paul leading up to it and it made sense to wait to get the SB's ok to submit the NOI once we had a bit more detail.

It looks like both #1136 and #1137 correspond to the site across from the M/H School, right? Would BestWay's scope include whatever support Paul may need to prepare a NOI for submittal?

I'll put this on the May 22nd SB agenda to request their authorization to submit a NOI once it's complete. After that's ok'd I would sign and return the 2 estimates and verify which account this would be paid from.

Thanks,
 Angus

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

From: Conservation <conservation@wnewbury.org>
Sent: Tuesday, May 16, 2023 1:02 PM
To: Town Manager <townmanager@wnewbury.org>; Paul Sevigny <psevigny@wnewbury.org>; DPW Director <dpwdirector@wnewbury.org>
Subject: Beaver deceiver estimates

Hello,

Please see attached for estimates from Chuck at BestWay for beaver deceiver/pond leveling devices. The property for which invoice correlates to is in the shipping address in the top right box on the invoice.

Angus, did the SB authorize you signing as an applicant for the NOI for the one in the beaver pond across from the high school?

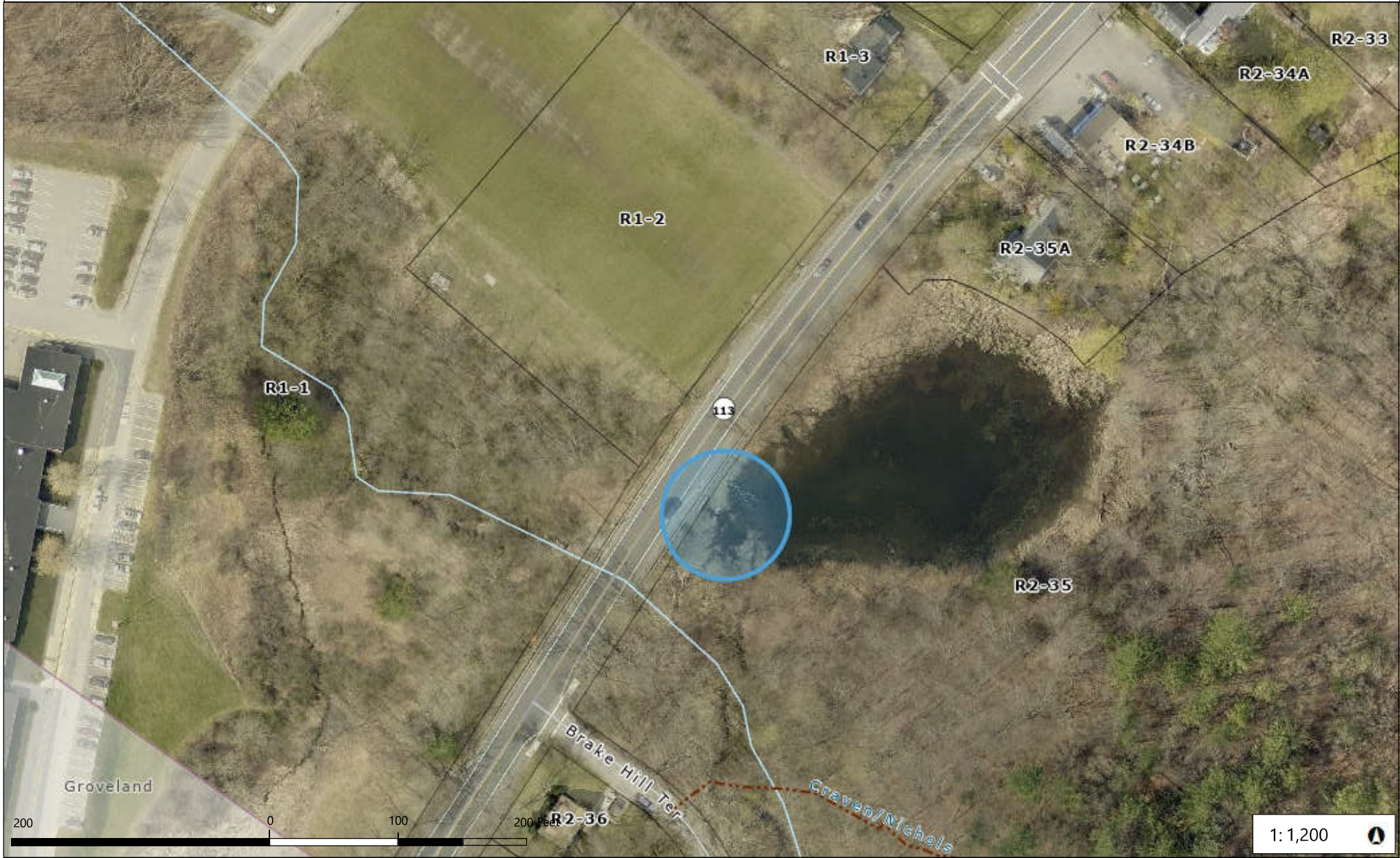
Let me know if anything else is needed from me at this time on this.

Thanks,

Michelle Greene
 Conservation Agent
 Town of West Newbury
 381 Main Street
 West Newbury, MA 01985

Town of West Newbury

4/26/2023



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

Legend					
MVPC Boundary	Parcels	Roads	Interstate	Major Road	Local Road
Trails	Easements	Streams			



Projection: NAD_1983_StatePlane_Massachusetts_Mainland_FIPS_2001

© Merrimack Valley Planning Commission

Town Manager

From: WNWater
Sent: Wednesday, May 17, 2023 2:09 PM
To: Town Manager; Water Superintendent; Bob Janes [redacted] Corcoran, Larry; John Duggan
Cc: Selectboard
Subject: RE: Summary of potential IMA provisions

Hi Angus,

Just so you know Bob said at the meeting Monday that he would be the designated person from the Water Board.

Wendy also emailed me earlier and I let her know.

Thank you,
Jodi

From: Town Manager <townmanager@wnewbury.org>
Sent: Wednesday, May 17, 2023 2:02 PM
To: Water Superintendent <water.superintendent@wnewbury.org>; Bob Janes [redacted]; Corcoran, Larry [redacted]; John Duggan [redacted]; WNWater <wnwater@wnewbury.org>
Cc: Selectboard <selectboard@wnewbury.org>
Subject: RE: Summary of potential IMA provisions

BOWC,

Thank you for taking the time on Monday to include the Select Board and me on your meeting agenda.

It seemed from the discussion that the BOWC was in agreement that the attached summary of potential IMA provisions (initially circulated on March 28th) was agreeable.

One addition that came out of the meeting, from Mark’s suggestion, was to ensure that any installation of new sub-surface infrastructure within West Newbury include clear provision for long-term operations and maintenance; the Select Board and I agreed this was a good and important addition (under the “essential/must have” section).

If there are any aspects of the attached memo that do not reflect the BOWC’s initial positions and priorities, it will be important to get this clarified prior to West Newbury engaging in negotiations with Newburyport.

Please confirm whether the BOWC designated a representative to work with my office and a Select Board designee as a negotiating team. If a BOWC rep was not designated, please advise when this is expected to occur.

Thanks,
Angus

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

LAND Grant Task List for Sawmill Brook Conservation Purchase (DUE July 13 th @3pm)	
Task	Lead
Fill out LAND grant application	Greenbelt w/ Town Assistance (Town will need to provide information for some questions)
Municipal CEO's Authorization of Project Manager (e.g. cover letter signed by an authorized signatory for the applicant organization such as Chair of the Board of Selectmen, authorizing the project manager to apply for the grant on behalf of the municipality. See page 19 for template language.)	Town
Project narrative	Greenbelt
Property maps showing the conservation values and resources protected, proximity to other conservation lands, etc. Include maps of NHESP designations, drinking water supply, or other features to support the application.	Greenbelt
Comments from the MA Natural Heritage and Endangered Species Program	Greenbelt
Comments from the MA Historical	Greenbelt
Appraisal report(s)	Greenbelt
Draft Conservation Restriction (if a CR is proposed for purchase with LAND Grant funding)	Greenbelt
Certified Town Meeting Vote authorizing the acquisition for conservation and passive recreation and expenditure of the total project cost	Town
Evidence of how Environmental Justice populations in your community were able to	N/A (Greenbelt will verify that W Newbury has not EJ populations)

<p>participate in the project selection. Please include any flyers, mailings, etc. that were sent and describe where they were distributed and how they were relevant to the population. (For more information see EEA's Environmental Justice Policy online at https://www.mass.gov/service-details/environmental-justice-policy)</p>	
<p>Documentation of good land stewardship on past DCS grant or municipal conservation land. Attach supporting documentation with the application for one or more past LAND/Self-Help grants or municipally-owned conservation land. Documentation should include examples from up to three different activities from the following list: stewardship monitoring report on municipal land, invasive species control, trail building, educational kiosks, recent surveys outlining the conditions of trails or land boundaries, recent baseline documentation reports, and/or forest or land management plans. Applicants can submit documentation of other land stewardship activities. Photos of land stewardship activities are encouraged. If your community does not currently own any conservation land, please describe how your community will steward land subject to this application in the project narrative.</p>	<p style="text-align: center;">Town</p>
<p>Sign Application</p>	<p style="text-align: center;">Town</p>
<p>Facilitate CR approval process w/ EEA, Town</p>	<p style="text-align: center;">Greenbelt</p>
<p>CR Baseline Documentation Report</p>	<p style="text-align: center;">Greenbelt (encourage Town to attend site visit)</p>
<p>CR Closing</p>	<p style="text-align: center;">Greenbelt</p>
<p>Submit for reimbursement from LAND grant</p>	<p style="text-align: center;">Town</p>



Town of West Newbury Select Board

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

Authorization for Application

The undersigned hereby certifies that they are authorized, by the bylaws or charter of **The Town of West Newbury** or otherwise by law, acting in their official capacity as the **Select Board** of said municipality and on behalf of said municipality, to submit the foregoing application for a grant from the Executive Office of Energy & Environmental Affairs, and hereby authorizes the person designated below as project manager to collaborate with the Executive Office of Energy & Environmental Affairs on matters pertaining to the grant application.

Chairperson, Select Board

Date: _____

Authorized project manager:
Name: **Angus Jennings**
Position: **Town Manager**

Town Manager

From: Bulens, Nicholas (SEA) <nicholas.bulens@state.ma.us>
Sent: Tuesday, May 16, 2023 12:58 PM
To: Town Manager; Horne, Marc (SEA)
Cc: DPW Admin; Town Accountant
Subject: RE: Follow-up re West Newbury MassWorks grant re Middle Street Bridge

Good afternoon Angus,

These are received. Thank you!

- RE Reimbursement Request – I swapped the revised pages. Thank you for catching that. I was so busy balancing my own spreadsheet, and looking at the design line item that I missed the variance in the totals. My apologies.
- RE Amendment Request – My Director says that amendment decisions will be reviewed and finalized in either the last week of May or the first week of June. The deadline for One Stop applications is smack dab in the middle of this timeframe. I recommend that the Town error on the side of caution and assume that I won't have a decision before this deadline.

Best

Nicholas Bulens (He/Him)

Executive Office of Housing and Economic Development
 One Ashburton Place, Room 2101
 Boston, MA 02108

From: Town Manager <townmanager@wnewbury.org>
Sent: Monday, May 15, 2023 4:27 PM
To: Bulens, Nicholas (EOHED) <Nicholas.Bulens@mass.gov>; Horne, Marc (EOHED) <Marc.Horne@mass.gov>
Cc: DPW Admin <DPWAdmin@wnewbury.org>; Town Accountant <townaccountant@wnewbury.org>
Subject: RE: Follow-up re West Newbury MassWorks grant re Middle Street Bridge

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Nicholas,

Please find attached West Newbury's request for an extension of our current MassWorks grant, currently due to expire after June 30, 2023. I have attached this in both Word and (signed) PDF versions.

Please note that, in the course of preparing this request, we found an error in our most recent reimbursement request (submitted on April 13, for costs incurred through March). The error did not relate to the amount of the requested reimbursement; rather, it mistakenly showed costs taken from the construction section, and double-counted the cost so resulted in a lower reported balance of remaining funds. The attached reimbursement request is corrected.

As we have previously discussed, in addition to this extension request, we are also working to prepare a new MassWorks grant application for submittal within the FY24 One Stop grant round. This is a contingency, in the event that our extension request is not approved.

Please let us know if we can answer any questions or provide any further information in support of your office's consideration of our request.

Thanks,
Angus

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

From: Bulens, Nicholas (SEA) <nicholas.bulens@state.ma.us>
Sent: Monday, May 8, 2023 4:57 PM
To: Town Manager <townmanager@wnewbury.org>; Horne, Marc (SEA) <marc.horne@state.ma.us>
Cc: DPW Admin <DPWAdmin@wnewbury.org>; Town Accountant <townaccountant@wnewbury.org>
Subject: RE: Follow-up re West Newbury MassWorks grant re Middle Street Bridge

Hi Angus,


Thank you for the ping. I appreciate it. Yes, those are the two options that we discussed. I also made a note to send Katelyn an Amendment Request form for the project. My apologies for dropping that ball.

Attached, please find the project's Amendment Request template. Please review and complete all section, then return the form via email with either an e-signature or scanned signature. Once I have the form, I can make a formal submission to the Director for a final determination. He will consider the factors that you describe, and more: (1) the award's max performance period, i.e., three full FYs, (2) existing funding gaps, (3) the likelihood that the grantee will close these games, and (4) the likelihood that funding will be secured realistically soon, and that construction will be complete by the end of FY24.

Regarding the FY23 One Stop for Growth, the Town can certainly submit an application to the current round, while also requesting an amendment for the current project. These two actions will give you two "bites at the apple."

Please submit the Amendment Request by next Monday, end of business day. I will try my best to get a determination that week. If the Town plans to submit the project in the FY23 One Stop round, I recommend **not** waiting on HED's decision before you starting your application.

Best

Nicholas Bulens (He/Him)
Executive Office of Housing and Economic Development
One Ashburton Place, Room 2101
Boston, MA 02108


From: Town Manager <townmanager@wnewbury.org>

Sent: Monday, May 8, 2023 1:46 PM

To: Bulens, Nicholas (EOHED) <Nicholas.Bulens@mass.gov>; Horne, Marc (EOHED) <Marc.Horne@mass.gov>

Cc: DPW Admin <DPWAdmin@wnewbury.org>; Town Accountant <townaccountant@wnewbury.org>

Subject: Follow-up re West Newbury MassWorks grant re Middle Street Bridge

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hi Nicholas, Marc,

I'd like to follow up on the zoom we had with Wayne Amaral back on April 20th. My understanding from that mtg was that West Newbury would intend to proceed on 2 fronts:

- Seek another extension of our current MassWorks grant, currently due to expire after June 30, 2023; and
- If unsuccessful in receiving grant extension, seek a new MassWorks grant (for the same project) in the upcoming grant round.

Can you confirm that this is the right approach?

It has seemed to me that getting another extension will be a long shot, since a) we already received one 1-year extension, last year; and b) while the project is now "shovel ready" (which it wasn't when we spoke on April 20th), there is still a substantial funding gap that will prevent us from funding full construction of the bridge, until we secure add'l local or non-local funding. (We're actively working on this, but won't have anything concrete in the near term).

Since the deadline for the FY24 One Stop grant (incl. MassWorks) is on June 2nd, I'm thinking we should be working to get an application complete and submitted by that date. Do you agree?

Regarding the current grant, if there is particular paperwork, or a deadline, to submit a written request for extension, please let me know. When we spoke I recall you said you'd have a better idea of this process around mid-May.

Thanks,
Angus

p.s. As you may or may now know, Wayne Amaral's tenure as West Newbury's DPW Director ended on April 27th, as he is now the DPS Director in Newburyport (so will still be involved with the Bridge...). Until we have a new DPW Director on board, please update your project contact information for our current grant to include DPW Business Administrator/Purchasing Assistant Katelyn Bradstreet, copied here. I have also copied our Town Accountant Jennifer Walsh, who with me oversees all of the Town's grants.

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



MassWorks Infrastructure Program

Contract Amendment Request

Submission of this form is required for consideration of a contract amendment to your MassWorks Infrastructure Grant. Grantees may be asked to meet with and/or present information to EOHEd for further review and may be required to provide a letter from their CEO or other authorized signatory confirming the reasons and authorization for this request.

Submission of this form does not constitute approval of any request for amendment, nor is EOHEd under any obligation to approve any such a request.

General Information

Date Prepared	05/15/2023
Public Entity	Town of West Newbury
Project Name	Plummer Spring Road Bridge Replacement Project
Contract ID	19MWIPWestWewburyWes
Current Contract Expiry Date	06/30/2023
Current Contract Max Obligation	\$1,000,000.
Preparer's Name	Angus Jennings, Town Manager
Preparer's Email	townmanager@wnewbury.org
Preparer's Phone	978-363-1100 x115

Amendment Type

Please select the type of amendment requested. (Click all that apply)

- Spending Acceleration:** Reallocate funds *from future* fiscal year(s) *to the current* fiscal year to accommodate an acceleration in the project's schedule
- Drawdown Delay:** Reallocate funds *from the current* fiscal year *to the next* fiscal year to accommodate delays in completing the project's milestones
- Contract Extension:** Extend the contract expiration date and reallocate funds *from the current* fiscal year *to future* fiscal years to accommodate delays in completing the project's milestones
- Scope Revision:** Revise the project's scope and/or limits of work

Completion Status

Please provide the current completion level (%) of the project’s design and construction. **For pre-development projects, enter N/A for Construction Completion.**

Current Completion Status (0-100%)	%
% Design Completion	100
% Construction Completion	1

Project Update

Please briefly describe any design, permitting, planning, scheduling, bidding, and/or construction activities **completed in the last quarter**. “None” or similar answers will not be accepted. **If no activities were performed, you must explain why.**

Since our most recent reimbursement request, covering work through the month of March, the following work was complete:

- The 21-day appeals period for the MassDEP Chapter 91 License passed without appeal.
- Chapter 91 License was granted on May 5, 2023.

The Chapter 91 license was the final authorization needed for this project, so the bridge is now fully permitted and “shovel ready.” This is a major milestone for this project, as it had been in various permitting processes dating back to January 2020.

Site work began in March 2023, with the removal of some high hazard trees that had been identified for removal within the approved plans. This work was completed in-house by the City of Newburyport.

On May 5th, the Town received an updated opinion-of-probable-cost from the project engineer, BSC Group. More detail regarding the updated cost estimate is included in the next section.

Reason(s) for Request

Please indicate **all** factors contributing to this request. Check all that apply.

- Project milestones are ahead of schedule
- Permit requirements substantially differ from original plans
- Design and/or permitting are (or were) behind schedule
- Bidding is (or was) behind schedule
- Bids were unsuccessful
- Additional bidding due change(s) in design, construction, and/or material procurement is (or was) required
- Construction is (or was) behind schedule
- Construction change order is (or was) required
- Site conditions substantially differ from original plans
- Additional match funds were (or will be) required
- Additional public infrastructure improvements are desired and feasible
- Additional reason(s) as explained below

Please elaborate on and explain all selections above.

As discussed in prior MassWorks quarterly reports, project permitting was more extensive than initially expected. Specifically, MassDEP asserted Ch. 91 jurisdiction, despite the Town's petition that a minor review was all that was required. MassDEP's requirement that the project proceed through the full Ch. 91 licensing process ended up extending the overall permitting schedule by approximately 6 months. With the expiration of the Ch. 91 license appeal period (with no appeal filed) on April 28th, and the final granting of the License on May 5, 2023, the Middle Street Bridge was (and is) fully permitted.

On May 5th, the Town received an updated opinion-of-probable-cost from the project engineer, BSC Group. BSC reviewed the construction estimate of quantities and item costs. The estimate was updated to include MassDOT and municipal comments and revisions to date. The unit prices were updated in accordance with MassDOT standards and based on MassDOT current weighted bid averages. The summary sheet for the construction bid items, calculated quantities and unit prices is attached.

Unfortunately – but not unexpectedly – the updated project cost estimate showed a significant increase from the prior cost estimate. This exacerbated what was already known to be a funding shortfall. This project will require additional local and/or non-local (i.e. grant) funding in order for the Town and City to award a construction contract.

Newburyport Mayor Sean Reardon included a proposed \$700,000 in additional local funding as part of his FY24 Capital Budget proposal to the City Council. The availability of this funding will depend on whether it is approved by the Council as part of its overall budget review process (which is ongoing). Even if this funding is approved, and including all remaining MassWorks funds available under this current grant, there would still be an overall funding shortfall of approximately \$1.6M.

The Town of West Newbury and the City of Newburyport have been working together for many months to identify additional State and Federal grant programs that could help fill this funding gap. At present, this research is ongoing, but we have not identified any grant programs for which we see this project as being eligible and competitive. If this current MassWorks grant is extended past the current deadline of June 30, 2023, we would continue our efforts to secure additional non-local funding in order to secure the full amount of appropriations that will be needed in order to put the project out to bid and to award a construction contract.

Due to the uncertainty regarding project funding, it cannot be assured that the bridge would be constructed within FY24. Upon City Council approval of the proposed FY24 City of Newburyport Capital Budget, we will have more certainty regarding the amount of local funding that will be available for this project. Some additional local appropriations may be able to be secured (in addition to the proposed Newburyport \$700,000, and the \$600,000 that West Newbury voters approved for this project in 2020). However, it is highly likely that, in any case, additional non-local (grant) funding will also be necessary to close this gap.

A summary of project costs, available funds, and estimated funding shortfall, is attached.

Middle Street Bridge, Funding Summary, 5/15/23

Project Costs

Notes

Construction costs	\$ 3,315,000
Design/Permitting	\$ 550,000
Construction contingency (10%)	\$ 331,500
Resident Engineer	\$ 110,000
Construction Engineering Services	\$ 60,000
TOTAL project costs (est.)	\$ 4,366,500

Available Funds

MassDOT Small Bridge grant (expended)	\$ 250,000	
MassDOT Small Bridge grant (remaining)	\$ 250,000	
MassWorks (expended)	\$ 255,000	
MassWorks (remaining)	\$ 745,000	
Town Meeting appropriation	\$ 600,000	
Newburyport (pending City Council approval of proposed FY24 Budget)	\$ 700,000	<i>Amount proposed in Mayor Reardon's FY24 Capital Budget</i>
TOTAL funding sources (est.)	\$ 2,800,000	
Est. Shortfall	\$ (1,566,500)	

Source: Angus Jennings, Town Manager

Milestones

Please provide the proposed **Amended Actual and/or Anticipated completion dates** for each milestone listed.

Milestone	Existing Contract MM-YYYY	Amended Actual or Anticipated MM-YYYY
Design, Survey, and Engineering Complete	02-2023	04-2023
Bids Opened	04-2023	N/A
Construction Started	08-2023	N/A
Construction 50% Complete	12-2023	N/A
Construction 100% Complete	05-2024	N/A

Drawdown Schedule

For each quarter, please provide the proposed **Amended Actual and/or Anticipated drawdown amount** of grant funds.

Quarter	Existing Contract Amount	Amended Actual or Anticipated
FY20 Total	\$0.00	\$0.00
FY21 Total	\$150,000.00	\$172,965.21
FY22 Total	\$72,000.00	\$18,798.71

FY23 Total	\$778,000.00	\$62,695.87 (actual through March) \$33,944.21 (est. for April through June)
Q1 (Jul-Sep)	-	\$
Q2 (Oct-Dec)	-	\$
Q3 (Jan-Mar)	-	\$
Q4 (Apr-Jun)	-	\$
FY24 Total	-	\$711,596.00
Grand Total	\$1,000,000.00	\$1,000,000.00

Project Budget

Please complete the budget table below.

Spending Category Line Item	A Existing Contract Budget	B Proposed Amended Budget	C Change = A - B
Design / Engineering / Bidding	\$244,100.00	\$270,000.00	-\$44,304.00
Construction			
Land Takings	\$0.00		
Demolition/Remediation	\$0.00		
Mobilization/Demobilization	\$0.00		
Water/Sewer/Drainage	\$0.00		
Utility Relocation	\$0.00		
Roadways	\$0.00		
Sidewalks/Curbing/Streetscapes	\$0.00		
Electrical/Lighting	\$0.00		
Bridges/Culverts	\$720,900.00	\$676,596.00	\$44,304.00
Security/Traffic Details	\$0.00		
Other:	\$0.00		
Construction Administration	\$35,000.00	\$35,000.00	\$0
Total	\$1,000,000.00	\$1,000,000.00	\$0

Certification:

By signing below, I, **Angus Jennings**, hereby certify that I am authorized to represent and request the contract changes outlined above on behalf of the Grantee, and that all of the information provided on this form and any attached documentation is true and accurate. I further certify that I understand that submission of this form does not constitute an approval or agreement by EOHEd as to the proposed changes, and that the Grantee is expected to continue with the project, as outlined in the current contract, until such time as EOHEd confirms approval of any changes.

Signature: 
 Angus Jennings, Town Manager

Date: May 15, 2023

Submit this form along with any requested attachments via email to your EOHEd contract manager.

After reviews, EOHEd may require a written signature from the Public Entity's CEO or other authorized signatory.

City of Newburyport
FY2024-2028
Capital Improvement
Program



Mayor Sean R. Reardon
Proposed May 8, 2023

FY2024-2028 Project Listing

CIP #	Page	Department	Project Description	FY2024	FY2025	FY2026	FY2027	FY2028	Five-Year Total
IT01	17	Information Technology	Data Center Rebuild	\$935,500	\$0	\$0	\$0	\$0	\$935,500
IT02	18	Information Technology	IT Workstation/Equipment Replacements	\$25,000	\$26,250	\$27,563	\$28,941	\$30,388	\$138,141
Information Technology Total				\$960,500	\$26,250	\$27,563	\$28,941	\$30,388	\$1,073,641
PL01	19	Planning & Development	Central Waterfront Bulkhead Rehabilitation	\$6,000,000	\$0	\$0	\$0	\$0	\$6,000,000
PL02	20	Planning & Development	Market Landing Park Expansion & Rail Trail Extension	\$5,400,000	\$0	\$0	\$1,650,000	\$0	\$7,050,000
PL03	21	Planning & Development	Complete Streets Transportation Projects	\$50,000	\$300,000	\$50,000	\$400,000	\$50,000	\$850,000
PL04	22	Planning & Development	Kent St. @ Merrimac St. Intersection, Pedestrian, & Accessibility Improvements	\$0	\$95,000	\$0	\$0	\$0	\$95,000
PL05	23	Planning & Development	Brown School/Gym Renovations	\$1,800,000	\$0	\$0	\$0	\$0	\$1,800,000
PL06	24	Planning & Development	Braunhardt Bike Trail Master Plan	\$0	\$85,000	\$0	\$0	\$0	\$85,000
PL07	25	Planning & Development	Bicycle & Pedestrian Master Plan	\$0	\$25,000	\$25,000	\$0	\$0	\$50,000
Planning & Development Total				\$13,250,000	\$505,000	\$75,000	\$2,050,000	\$50,000	\$15,930,000
PG01	26	Parking Clerk	Parking Hybrid Vehicle	\$50,000	\$0	\$0	\$0	\$0	\$50,000
Parking Clerk Total				\$50,000	\$0	\$0	\$0	\$0	\$50,000
FD01	27	Fire	Apparatus Floor Drains	\$45,000	\$0	\$0	\$0	\$0	\$45,000
FD02	28	Fire	Fire Alarm Circuit #2	\$0	\$75,000	\$0	\$0	\$0	\$75,000
FD03	29	Fire	Replace/Update Radio Equipment	\$0	\$160,000	\$0	\$0	\$0	\$160,000
FD04	30	Fire	SCBA Replacement	\$500,000	\$0	\$0	\$0	\$0	\$500,000
FD05	31	Fire	Fire Rescue Pumper	\$0	\$0	\$800,000	\$0	\$0	\$800,000
FD06	32	Fire	Renovation of NFD Headquarters Station	\$0	\$0	\$0	\$800,000	\$14,200,000	\$15,000,000
Fire Total				\$545,000	\$235,000	\$800,000	\$800,000	\$14,200,000	\$16,580,000
PD01	33	Police	Dispatch Center Renovation	\$0	\$670,000	\$0	\$0	\$0	\$670,000
PD02	34	Police	Carpet Replacement	\$0	\$0	\$50,000	\$0	\$0	\$50,000
PD03	35	Police	Cruiser/Vehicle Replacements	\$75,000	\$76,875	\$78,797	\$80,767	\$82,786	\$394,225
PD04	36	Police	Thirty Four (34) Taser Replacements	\$0	\$131,094	\$0	\$0	\$0	\$131,094
PD05	37	Police	Cruiser Computers	\$0	\$85,000	\$0	\$0	\$0	\$85,000
PD06	38	Police	Portable Radios	\$0	\$50,000	\$0	\$0	\$0	\$50,000
Police Total				\$75,000	\$1,012,969	\$128,797	\$80,767	\$82,786	\$1,380,319
HM01	39	Harbormaster	Fish Pier Embayment Dredging	\$0	\$0	\$50,000	\$700,000	\$0	\$750,000
HM02	40	Harbormaster	Harbormaster Facility Solar Panels	\$0	\$100,000	\$0	\$0	\$0	\$100,000
HM03	41	Harbormaster	Waterfront Docks	\$0	\$500,000	\$500,000	\$500,000	\$0	\$1,500,000
Harbormaster Total				\$0	\$600,000	\$550,000	\$1,200,000	\$0	\$2,350,000
HW01	42	DPS - Highway	Streets and Sidewalks Improvement Plan	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000	\$10,000,000
HW02	43	DPS - Highway	Traffic/Safety Improvement Projects	\$250,000	\$0	\$0	\$0	\$0	\$250,000
HW03	44	DPS - Highway	Water, Sewer & Highway Downtown Utility Upgrades (Design)	\$200,000	\$1,300,000	\$0	\$0	\$0	\$1,500,000
HW04	45	DPS - Highway	Plummer Spring Bridge Replacement	\$700,000	\$0	\$0	\$0	\$0	\$700,000

PROJECT DETAIL SHEET (HW04)

Plummer Spring Bridge Replacement

Department:	DPS - Highway
Category:	Infrastructure
Request Type (New/Prior Year):	Prior Year
Priority:	Enhancement
Project Cost:	\$700,000
Estimated Useful Life:	75 Years



Description and Justification:

The Plummer Spring Bridge, which supports the road between the Upper and Lower Artichoke Reservoirs and sits on the town line with West Newbury, has been closed due to the collapse of its granite block retaining walls. Both communities are sharing the funding (grants, etc.) and expenses (design/construction costs, bonds, etc.). In 2018, MassDOT granted \$500K for design under their Municipal Small Bridge Improvement Program and in 2019 MassWorks granted West Newbury \$1M to finalize design and begin construction. The estimated total construction cost is \$3M, with no additional funding needed for the design phase. Both communities will share the balance of the bridge cost.

Estimated Project Costs by Fiscal Year	
FY2024	\$700,000
FY2025	\$0
FY2026	\$0
FY2027	\$0
FY2028	\$0
Total Five-Year Cost	\$700,000

Operating Budget Impact*:	\$0
----------------------------------	------------

*Increase = Additional Cost, Decrease = Savings

Anticipated Funding Source(s)	
	General Fund (Debt)
	General Fund (Pay As You Go)
	Enterprise Fund (Debt)
	Enterprise Fund (Pay As You Go)
X	State/Federal Grant
	CPA Grant
	Trust Fund/Local Grant
	Other:

Memo

To: Newburyport City Council
From: Sharif Zeid
Date: April 24th, 2022
Re: FY24 Capital Improvement Plan and Budget Workshop Schedule

Councillors,

Attached, please find the schedule of workshops, hearings, and votes for the FY24 Fiscal Year Capital Improvement Plan and FY24 Budget.

While the process is similar to last year, we are now operating under our updated Charter as set forth by the recent home rule. The most notable change is that the Capital Improvement Plan and Budget are synchronized in terms of their schedule. As such, we will seek to have departments in once to discuss both their CIP request and budget requests together. We will also vote on both in the same night (at a special meeting as we have done in previous years).

- 1) Spread out meetings while adhering to Charter schedule, avoid Council special meetings, when possible
- 2) Put meetings together by theme so that the night has cohesiveness and aligns with City Council Committees
- 3) Do the budget/CIP deliberation and final vote on its own night to avoid other business
- 4) Integrate a conversation about the tax rate into the process

Please note all workshops are expected to run from 6pm to 8pm on the nights they are scheduled.

I would really like to encourage all to submit any questions and informational requests in writing before each workshop, whenever possible. I will be more than happy to facilitate any such requests with the Administration.

As always, your feedback is welcome should have any suggestions on how to improve upon this process or schedule.

Respectfully,
Sharif

FY24 Budget Process and Schedule

- A. Charter/Statutory Deadline
- B. Regular meeting of the City Council
- C. Regular meeting of B&F Committee
- D. Mayor Action
- E. City Council Meeting
- F. City Council Vote
- G. Public Hearing

Schedule (see next page for detail):

Month	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Apr 2023						1	2
	3	4	5	6	7	8	9
	10	11	12	13(c)	14	15	16
	17	18	19	20	21	22	23
	24(b)	25(c)	26	27	28	29	30
May 2023	1	2	3	4	5	6	7
	8 (b) (D) Budget Submitted to City Council	9	10	11 (c) (E) Workshop 1: Budget Overview, Revenue Forecast, General Administration, Finance, Shared Services	12	13	14
	15 (A) Deadline to Submit Mayor's Proposed Budget	16 (A) Advertise Public Hearing on Budget (min. 2 week notice) (E) Workshop 2: General Administration, Shared Services	17	18 (E) Workshop 3: Public Safety (Fire, Police, Harbormaster)	19	20	21
	22 (b)	23 (E) Workshop 4: Social Services, Education	24	25 (c)	26	27	28
	29	30 (E) Workshop 5: Education	31	1 (E) Workshop 6: Planning & Development	2	3	4
Jun 2023	5	6 (E) Workshop 7: Public Safety (Sustainability, Health, Animal Control)	7	8 (E) Workshop 8: Public Services (Highway, Parks)	9	10	11
	12 (b)	13 (E) Workshop 9: Public Services (Water, Sewer)	14	15 (c) (E) Workshop 10: - Tax Rate Discussion - Clean up discussion	16	17	18
	19	20 (G) Public Hearing (Budget and CIP) (F) Special City Council Meeting to Vote on Budget and CIP	21	22 (A) 45 th day from budget submission, last day for Council to act on budget	23	24	25
	26 (b)	27	28	29 (c)	30		

Workshop Detail:

Agenda (all workshops slated to run 6pm to 8pm):

Blue means per department, These are approximate guidelines

Item	Estimated Time
Budget and Finance/COTW meeting opened and roll taken	2 minutes
Department heads of each department offer thoughts and outlook	10 minutes
CIP Review	15 minutes
Line-item Review (Last year's spending, Proposed amounts, etc)	15 minutes
Discussion and Q&A	25 minutes
Information request compilation	5 minutes
Public comment (expands to allow any member of the public an opportunity to speak)	8 minutes
Adjournment	2 minutes

Detailed Breakdown:

Workshop 1: Budget Overview, Revenue Forecast, General Administration, Finance, and Shared Services	<ul style="list-style-type: none"> • Auditor • Assessor • Treasurer/Collector • Retirement System • Debt Service • Mayor's Office <ul style="list-style-type: none"> ○ Legal ○ General Administration ○ Budget Contingency
Workshop 2: General Administration and Shared Services	<ul style="list-style-type: none"> • City Clerk <ul style="list-style-type: none"> ○ City Council ○ Board of Registrars ○ Parking Clerk • Human Resources <ul style="list-style-type: none"> ○ Health Insurance • Information Technology (IT)
Workshop 3: Public Safety	<ul style="list-style-type: none"> • Emergency Management • Fire • Police • Harbormaster
Workshop 4: Social Services and Education	<ul style="list-style-type: none"> • Whittier Regional Vocational Technical High School • Council on Aging • Youth Services • Veteran's Services • Newburyport Public Library
Workshop 5: Education	<ul style="list-style-type: none"> • Essex North Shore Technical High School • Newburyport Public Schools
Workshop 6: Planning and Development	<ul style="list-style-type: none"> • Planning and Development • Building Department
Workshop 7: Public Safety	<ul style="list-style-type: none"> • Health <ul style="list-style-type: none"> ○ Shared Animal Control Services • Sustainability
Workshop 8: Public Services	<ul style="list-style-type: none"> • DPS: Highway Division <ul style="list-style-type: none"> ○ Snow and Ice • DPS: Parks Division
Workshop 9: Public Services	<ul style="list-style-type: none"> • DPS: Water Division • DPS: Sewer Division
Workshop 10: Hearing/Clean-up/Discussion	<ul style="list-style-type: none"> • Public Hearing • Tax Rate Discussion • Open discussion/initial deliberation



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

Angus Jennings, Town Manager
978-363-1100, Ext. 111 Fax 978-363-1826
townmanager@wnewbury.org

TO: Select Board
FROM: Angus Jennings, Town Manager
DATE: May 20, 2023
RE: Farm Lane guardrail

A proposal to add a guardrail along Farm Lane adjacent to the Middle/High School was added to the Capital Improvements Program in 2021. I am working with the DPW Foreman and Procurement Assistant to see if it would be feasible to get this guardrail installed within FY23, which would allow it to be payable from WRAP funds.

West Newbury participated in the recent regional procurement of a guardrail contractor, which was undertaken by MVPC with low bids selected on May 5th. The Procurement Assistant prepared a draft contract with Indus, Inc., which is presently under review by Town Counsel (Atty. Matt Sirigu, who assists us with procurement and contracting matters). I expect to receive advice from Atty. Sirigu in advance of Monday's meeting. We are also in communication with the guardrail contractor, Premier Fence, to see if it would be feasible to get this work done in the next 6 weeks or so.

Because this work would take place within a public right-of-way, the Board's authorization is sought to proceed with this work, subject to funding and vendor availability, and subject to Town Counsel review of the proposed contract terms.

Town of West Newbury Capital Improvement Program - Project Request summary

CIP CODE DPW-039



Date: 7/30/2021, updated July 2022
 Department: DEPARTMENT OF PUBLIC WORKS
 Project Title:
 Contact: DPW DIRECTOR
 Dept. Priority (1 of 3, etc.): 1
 Est. Funding Request: \$125,000
 Est. Useful Life (Years): 40 years

Previously Presented? Yes No If Yes, when? (FY):

Project Type: Check All That Apply -		
Scheduled Replacement	<input type="checkbox"/>	Expanded Service <input type="checkbox"/>
Present Equipment Obsolete	<input type="checkbox"/>	New Operation <input type="checkbox"/>
Replace Worn-out Equipment	<input type="checkbox"/>	Improved Efficiency/Procedures <input type="checkbox"/>
Health and Life Safety	<input checked="" type="checkbox"/>	New Revenue <input type="checkbox"/>
		Deemed Critical by Dept. <input checked="" type="checkbox"/>
		Regulatory Requirement <input type="checkbox"/>
		Other <input type="checkbox"/>

Project Description:
 As a return of major tree clearing and modifications to the slope of the west side of Farm Lane due to the new high school / middle school site work reconstruction, a potential road side safety issue has been created. To resolve this potential safety issue, we recommend 1000 feet in length of a wooden / steel guard rail be installed.



Project Financing:	
Total Project Cost:	\$125,000 Stabilization Funding: \$0
Amount & Type of Other Local Funding (ie. CPC, bond, op. budget):	\$0 Comments:
Amount and Type of Non-Local Funding Sources (ie. Grant):	\$0 Comments:
Future Costs & Operating Expenses:	
Estimated Annual Cost of Operation & Maintenance	\$0 Comments:
Estimated Net Effect on Operating Cost, Revenues, Staffing?	\$0 Comments:

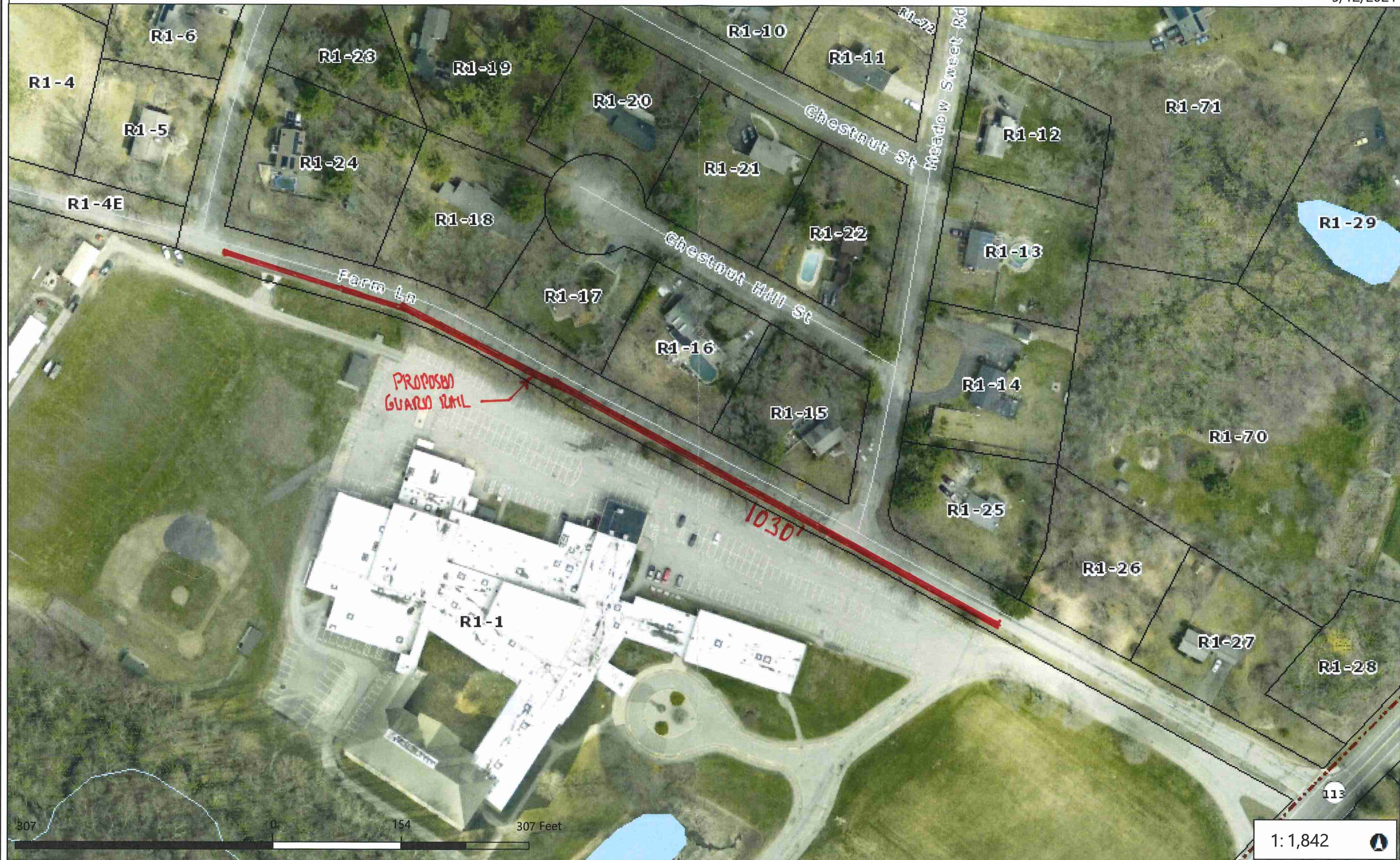
Project Planning:
 Proposed Start Date of Project: **unknown**
 How was estimated cost determined? **Used contract info from 2021 MVPC Road Services Contract**
 Is Funding Necessary for Further Plans/Estimating?
 Can the Project be Phased? If yes, expenditure by year

	FY21	FY22	FY23	FY24	FY25	FY26	FY27	FY28	FY29	FY30+	TOTAL
PROPOSED	\$	\$	\$	\$	\$	\$125,000	\$	\$	\$	\$	\$125,000
CIC RECC.	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
APPROVED	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$

FARM LANE - GUARD RAIL PROPOSAL

Town of West Newbury

5/12/2021



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

- | | | | | | |
|---------------|-----------|-----------------------|------------|------------|------------|
| MVPC Boundary | Parcels | Roads | Interstate | Major Road | Local Road |
| Trails | Easements | Hydrographic Features | Streams | Wetlands | |

5-11-2021
WSA



Projection: NAD_1983_StatePlane_Massachusetts_Mainland_FIPS_2001

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Town Manager

From: Patrick Reed [REDACTED]
Sent: Tuesday, May 16, 2023 12:20 PM
To: Andover - Anthony Reppucci, DPW; Andover - Arthur Martineau, Building Inspector; dpw-highway@andoverma.gov; ccronin@andoverma.gov; Andover - Christopher Cronin, DPW Director; sgerraughty@andoverma.gov; Boxborough - Bryon Clemence, Water Resources Committee; colbrot; rpovenmire@town.boxford.ma.us; brian.kelder@state.ma.us; pdurkee; Rebecca Oldham; rcarroll@grovelandma.com; Haverhill - John Pettis, City Engineer; Haverhill - Paul Jessel, Water Dept; rward@haverhillwater.com; kathryn.glenn@state.ma.us; dlahiff@cityoflawrence.com; ecanela@cityoflawrence.com; Lawrence - Jaime Jorge - Acting Director; mpaglia@masshiremvwb.org; amades@townofmerrimac.com; jsmith@townofmerrimac.com; dpwdir@townofmerrimac.com; tbarry@townofmerrimac.com; Methuen - Felix Garcia ; sjgagnon; Cece Gerstenbacher; Hanna Mogensen; Jerrard Whitten; Jodie Furey; Peter Phippen; Tony Collins; Patrick Reed; NEIWPC - Patricia Chesebrough; highway@townofnewbury.org; johnoconnell.ces@verizon.net; Newbury - Julie O'Brien, Stormwater Team; Planning Board; dgagnon@cityofnewburyport.com; jewwhite@cityofnewburyport.com; Newburyport - Julie Spurr Knight; Nick Federico; Newburyport - Wayne Amaral - DOW Director; amaxner@northandoverma.gov; cjohnson@northandoverma.gov; jstanford@northandoverma.gov; jborgesi@northandoverma.gov; North Andover - Kellie Messer, Staff Engineer; North Andover - Taylor Andrews, Field Inspector; mdorman@plaiستow.com; conservation@townofrowley.org; debbie@townofrowley.org; highway@townofrowley.org; DPW Projects; Town Manager; Paul Sevigny
Cc: ranjit.sivasubra@dot.state.ma.us; Polin, Bonnie S. (DOT)
Subject: Free MassDOT Provided Safe Passage for Bicyclists signs
Attachments: Vulnerable Road User Program - MassDOT Passing Signs Grant Application MOA - FINAL.pdf

Good afternoon, Merrimack Valley Managers and DPW Directors:

MassDOT has a new program to provide free "Motorists Give 4 Ft to Pass Bicyclists" signs to municipalities. Please see the information below the signature line and the attached MOA. If you are interested in obtaining free signs through the program, please complete, sign, and return the Memorandum of Agreement (MOA) attached, including Attachment B, by June 1 to Ranjit Sivasubra (ranjit.sivasubra@dot.state.ma.us). If you have any questions, please reach out to Ranjit directly.

Thank you,
Patrick



Patrick Reed, AICP
 Transportation Program Manager
 Merrimack Valley Planning Commission
 160 Main Street, Haverhill, MA 01830
 Office: [REDACTED]
MVPC.org

“An Act to Reduce fatalities” was signed into law in December 2022. As part of the law, the following was added. “In passing a vulnerable user, the operator of a motor vehicle shall pass at a safe distance of not less than 4 feet and at a reasonable and proper speed. The Massachusetts department of transportation shall erect and maintain signage along public ways necessary to notify operators of motor vehicles of the requirements for passing a vulnerable user from a safe distance as required by this section.” While MassDOT cannot just install signs on municipal roadways, the position has been taken to provide the signage and materials to all cities and towns so that they can be installed on roadways within their own jurisdiction. Guidance on location and installation of the signs is included in the attached MOA.



bike passing - under 35 mph;
 2.0" Radius, 0.5" Border, 0.3" Indent, Black on White;
 "MOTORISTS", C 2K 75% spacing;
 "GIVE 4 FT", C 2K;
 "TO PASS", C 2K;
 Bicycle;



bike passing 35 mph +;
 2.0" Radius, 0.5" Border, 0.3" Indent, Black on White;
 "MOTORISTS", C 2K;
 "GIVE 4 FT", C 2K;
 "TO PASS", C 2K; Bicycle;

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement (“**MOA**”) is made and entered into by and between the Massachusetts Department of Transportation, having offices at 10 Park Plaza, Boston, Massachusetts 02116 (“**MassDOT**”) and the CITY/TOWN of _____, a municipal corporation within the Commonwealth of Massachusetts, having offices at _____ (“**Municipality**”). Municipality and MassDOT may hereafter sometimes be collectively referred to as the “Parties” and individually as the “Party.”

WHEREAS, MassDOT has developed a program by which it provides municipalities with bike passage signage described in Exhibit A (“**Signage**” or “**Signs**”) for installation in *municipally owned public roadways* as a tool to reduce vulnerable road user fatalities; and

WHEREAS, Municipality desires to participate in the program and has requested Signage to install in the municipally owned roadway(s) identified in Exhibit B (the, “**Locations**”); and

WHEREAS, Municipality has agreed to install and maintain the Signage at the Locations in accordance with the terms provided herein (“**Project**”); and

WHEREAS, MassDOT and Municipality seek to confirm their respective rights and obligations in connection with the Project as set forth in this MOA.

NOW, THEREFORE, in consideration of the promises herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. **Signage.**

- (a) MassDOT will provide Municipality with the Signage described in Exhibit A. MassDOT will fund the entire cost of the Signage, including the cost of delivery to Municipality. Title to the Materials will pass to Municipality upon delivery.
- (b) It is understood and agreed that MassDOT’s procurement of the Signage is contingent upon availability and continued appropriation of federal and/or state funds, and if for any reason whatsoever, such funds are terminated or reduced or otherwise become unavailable, MassDOT may terminate this MOA in whole or in part.

2. **Installation.**

- (a) Municipality, at its sole expense, shall install the Signage at the Locations. Aside from

the materials provided by MassDOT, Municipality shall provide all necessary labor, materials, equipment, and other services necessary to install the Signs in accordance with vendor specifications.

- (b) Each Sign must be installed in conformance with the requirements of Section 2 of the *2009 Manual of Uniform Traffic Control Devices (MUTCD)*.
- (c) Municipality is solely responsible for evaluating the specific site constraints for each Location and for providing all necessary traffic control devices and/or police details necessary to safely complete the Project.
- (d) Municipality agrees and acknowledges that the Signage must be installed within the public layout on a municipally owned roadway. Municipality shall obtain, at its sole cost and expense, any and all applicable permits, approvals, including local approvals, and/or clearances required by local and state agencies, commissions, or bodies necessary for the completion of the Project prior to installing the Signage.
- (e) Municipality shall install each Sign within ninety (90) days of its delivery to Municipality. If Municipality cannot complete the installation within the ninety-day period, Municipality shall promptly, at its sole expense, return the uninstalled Signs to MassDOT by delivering the Signage to the location designated by MassDOT.
- (f) Upon the completion of the Project, Municipality shall provide MassDOT with photographic documentation of the installed Signage, along with documentation evidencing the date of installation for each Sign.

3. Future Maintenance.

Municipality shall, at its sole expense, be responsible for the maintenance and upkeep of the Signage used for the Project. Municipality shall maintain the installed Signs in good repair throughout the Signs' useful life. MassDOT shall not be responsible for the replacement of the Signs at the end of their useful life. Notwithstanding anything contained herein to the contrary, Municipality's maintenance obligations shall survive the expiration or termination of this MOA.

4. Term.

This MOA shall be effective as of the date of full execution by Municipality and MassDOT and, unless terminated earlier as provided herein, shall expire on **August 31, 2025.**

5. Termination.

This MOA may be terminated by mutual agreement of the Parties, upon such terms and conditions as the Parties may mutually agree upon. Such termination shall be effective in accordance with a written agreement by the Parties. Termination under this section shall not constitute a waiver of the rights of either Party to damages or other remedies related to this MOA, except to the extent that the mutual agreement terminating this MOA so specifies.

MassDOT may, by written notice to the Municipality, also terminate this MOA if the Municipality neglects or fails to comply with any provision of this MOA in accordance with its terms or within the time specified for performance herein. In the event this MOA is terminated pursuant to this provision or Section 1(b) above, MassDOT shall not be liable to the Municipality for any costs incurred or burdens assumed upon or subsequent to, and associated with, such termination.

6. Compliance with Laws.

Municipality, in meeting its obligations hereunder, shall comply with all applicable federal, state, county, municipal and other governmental statutes, laws, rules, orders, regulations and ordinances.

7. Indemnification.

To the extent permitted by the laws of the Commonwealth, Municipality shall indemnify, defend (at Municipality's sole expense and with counsel reasonably acceptable to MassDOT), and hold harmless MassDOT and all of MassDOT's officers, agents, and employees, from and against any and all suits, claims, proceedings, liabilities, losses damages, penalties, charges and expenses (including attorneys' fees and experts' fees) of every name and nature, based on or arising out of any actual or alleged loss or injury (including death) to persons or damage to real or tangible property that are caused or alleged to be caused, in whole or in part, by, or to arise out of the acts or omissions of, Municipality, or its employees, contractors, subcontractors, or agents, in its performance of the obligations set forth herein. The foregoing indemnification obligations shall survive the expiration of this MOA.

8. Successors and Assigns.

This MOA shall be binding upon and inure to the benefit of the Parties hereto and their permitted successors and assigns. This MOA may not be assigned without the prior written consent of MassDOT.

9. Notice.

Any notices required or permitted to be given hereunder shall be given in writing and shall be delivered (a) in person, (b) by certified or registered mail, postage prepaid, return receipt requested, or (c) by a commercial overnight courier that guarantees next day delivery and provides a receipt. Such notices shall be addressed as follows:

If to MassDOT: Massachusetts Department of Transportation
Highway Division of Traffic & Safety Engineering
10 Park Plaza
Boston, MA 02116
Attention: Neil Boudreau
Assistant Administrator for Traffic & Safety

If to Municipality: _____

Attention: _____

or to such other address as either Party may from time to time specify in writing to the other Party. Any notice shall be effective only upon delivery.

10. Authority.

The individuals executing this MOA represent that they are empowered and duly authorized to so execute this MOA on behalf of the Parties they represent.

11. Miscellaneous.

This MOA represents the entire agreement between the Parties with respect to the subject matter hereof, superseding any prior oral or written agreements or understandings regarding the same, and any modification amendment or change to the terms and conditions hereof shall be binding only when expressed in writing and signed by both Parties hereto. This MOA may be signed in multiple counterparts each of which shall be deemed an original, but all of which when taken together shall constitute one and the same instrument. This MOA shall be governed by and interpreted in accordance with the laws of the Commonwealth of Massachusetts, without regard to its choice of law rules. If any provision or condition of this

MOA shall be deemed invalid or unenforceable, the remaining provisions and conditions shall remain in full force and effect and shall be valid and enforceable to the fullest extent permitted by law.

REMAINDER OF PAGE LEFT INTENTIONALLY BLANK
SIGNATURE PAGE FOLLOWS

IN WITNESS WHEREOF, Municipality and MassDOT have caused this MOA to be executed by their duly authorized officers or representatives as of the date first above written.

MASSACHUSETTS DEPARTMENT OF
TRANSPORTATION

By: _____
Name:
Title:
Date:

MUNICIPALITY

*Please use a digital signature if available to you. If not available, please print and sign the completed form, scan, and email an attachment of the signed copy.

By: _____
Name:
Title:
Date:

Exhibit A



bike passing - under 35 mph;
 2.0" Radius, 0.5" Border, 0.3" Indent, Black on White;
 "MOTORISTS", C 2K 75% spacing;
 "GIVE 4 FT", C 2K;
 "TO PASS", C 2K;
 Bicycle;



bike passing 35 mph +;
 2.0" Radius, 0.5" Border, 0.3" Indent, Black on White;
 "MOTORISTS", C 2K;
 "GIVE 4 FT", C 2K;
 "TO PASS", C 2K; Bicycle;

Signs shall be mounted on single 2.25 inch by 2.25 inch square tube posts conforming to Subsections 840.60 and M8.18.3 of the MassDOT Standard Specifications. Signs shall be installed in accordance with the requirements and guidance provided in Section 2A.16 and Figure 2A-2 of the MUTCD.

Exhibit B: Sign Delivery Information

Town _____
Total Small Signs _____
Total Large Signs _____

Delivery Point of Contact

Name _____
Phone Number _____
Email Address _____

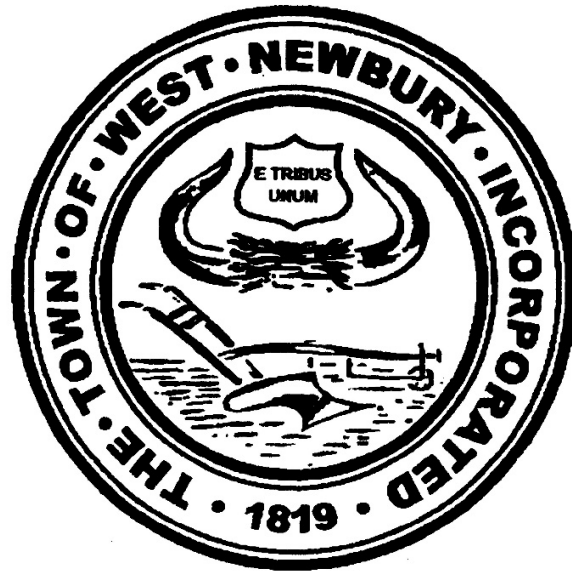
Delivery Location

Address _____
Town _____
Zip code _____

Anticipated Installation Location Street Name List:

1.
2.
3.
4.
5.
6.
7.
8.
9.
10.
11.
12.
13.
14.
15.
16.
17.
18.
19.
20.
21.
22.
23.

**West Newbury Board, Commission, and
Committee Charges**



WORKING DRAFT

Updated Spring 2023

INDEX

Appointed

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

Elected

Board of Assessors
Board of Health
Board of Trustees, G.A.R. Memorial Library
Board of Water Commissioners
Housing Authority
Parks & Recreation Commission
Pentucket School Committee
Planning Board
Select Board

APPOINTED

Affordable Housing Trust

Affordable Housing Trust

Composition: 7 members, appointed

Date of Creation: October 23, 2021

MGL Reference: M.G.L. Ch. 44, §55C

Bylaw Reference: Town Bylaws Title XLII

Charge:

Notwithstanding section 53 or any other general or special law to the contrary, a city or town that accepts this section may establish a trust to be known as the Municipal Affordable Housing Trust Fund, in this section called the trust. The purpose of the trust is to provide for the creation and preservation of affordable housing in municipalities for the benefit of low and moderate income households and for the funding of community housing, as defined in and in accordance with the provisions of chapter 44B. Acceptance shall be by majority vote of the municipal legislative body under section 4 of chapter 4.

(b) There shall be a board of trustees, in this section called the board, which shall include no less than 5 trustees, including the chief executive officer, as defined by section 7 of chapter 4, of the city or town, but where the chief executive officer is a multi-member body, that body shall designate a minimum of 1 of its members to serve on the board. Trustees shall be appointed in a city by the mayor or by the city manager in a Plan D or Plan E municipality, subject in either case, to confirmation by the city council, and in a town by the board of selectmen, shall serve for a term not to exceed 2 years, and are designated as public agents for purposes of the constitution of the commonwealth. Nothing in this subsection shall prevent a board of selectmen from appointing the town manager or town administrator as a member or chair of the board, with or without the power to vote.

(c) The powers of the board, all of which shall be carried on in furtherance of the purposes set forth in this act, shall include the following powers, but a city or town may, by ordinance or by-law, omit or modify any of these powers and may grant to the board additional powers consistent with this section:

(1) to accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the trust in connection with any ordinance or by-law or any general or special law or any other source, including money from chapter 44B; provided, however, that any such money received from chapter 44B shall be used exclusively for community housing and shall remain subject to all the rules, regulations and limitations of that chapter when expended by the trust, and such funds shall be accounted for separately by the trust; and provided further, that at the end of each fiscal year, the trust shall ensure that all expenditures of funds received from said chapter 44B are reported to the

community preservation committee of the city or town for inclusion in the community preservation initiatives report, form CP-3, to the department of revenue;

(2) to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;

(3) to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to trust property as the board deems advisable notwithstanding the length of any such lease or contract;

(4) to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases, grant agreements and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the board engages for the accomplishment of the purposes of the trust;

(5) to employ advisors and agents, such as accountants, appraisers and lawyers as the board deems necessary;

(6) to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the board deems advisable;

(7) to apportion receipts and charges between incomes and principal as the board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;

(8) to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;

(9) to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the board may deem proper and to pay, out of trust property, such portion of expenses and compensation of such committee as the board may deem necessary and appropriate;

(10) to carry property for accounting purposes other than acquisition date values;

(11) to borrow money on such terms and conditions and from such sources as the board deems advisable, to mortgage and pledge trust assets as collateral;

(12) to make distributions or divisions of principal in kind;

(13) to comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the board may deem appropriate;

(14) to manage or improve real property; and to abandon any property which the board determined not to be worth retaining;

(15) to hold all or part of the trust property uninvested for such purposes and for such time as the board may deem appropriate; and

(16) to extend the time for payment of any obligation to the trust.

(d) Notwithstanding any general or special law to the contrary, all moneys paid to the trust in accordance with any zoning ordinance or by-law, exaction fee, or private contributions shall be paid directly into the trust and need not be appropriated or accepted and approved into the trust. General revenues appropriated into the trust become trust property and to be expended these funds need not be further appropriated. All moneys remaining in the trust at the end of any fiscal year, whether or not expended by the board within 1 year of the date they were appropriated into the trust, remain trust property.

(e) The trust is a public employer and the members of the board are public employees for purposes of chapter 258.

(f) The trust shall be deemed a municipal agency and the trustees special municipal employees, for purposes of chapter 268A.

(g) The trust is exempt from chapters 59 and 62, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the commonwealth or any political subdivision thereof.

(h) The books and records of the trust shall be audited annually by an independent auditor in accordance with accepted accounting practices.

(i) The trust is a governmental body for purposes of sections 23A, 23B and 23C of chapter 39.

(j) The trust is a board of the city or town for purposes of chapter 30B and section 15A of chapter 40; but agreements and conveyances between the trust and agencies, boards, commissions, authorities, departments and public instrumentalities of the city or town shall be exempt from said chapter 30B. *M.G.L. Part I, Title VII, Chapter 44, §55C*

Board of Fire Engineers**Board of Fire Engineers**

Composition: 5 members, appointed

Date of Creation: _____

MGL Reference: M.G.L. Ch. 48, §45-49, 51-54, 74-75

Bylaw Reference: N/A

Charge:

Section 45. The selectmen, except as provided in the three preceding sections, may establish a fire department, and thereafter shall annually, in April, appoint a suitable number of engineers, not exceeding twelve, for one year from the following May first, and until others are appointed in their stead; may, for cause, remove an engineer, after seven days' notice to him and a hearing, and shall fill all vacancies.

Section 46. They shall, immediately after such appointment, notify each of said engineers to meet at a time and place designated. At such meeting the engineers shall choose a chief engineer, a clerk and other necessary officers.

Section 47. The engineers, in the extinguishment of fires, shall exercise the powers of firewards and, in the nomination and appointment of such firefighters as necessary therefor, shall exercise the powers and perform the duties of selectmen. They may appoint such men to the engines, hose and hook and ladder carriages, and constitute such companies for securing property endangered by fire, as they deem expedient.

Section 48. Firefighters may organize companies, elect officers and establish such regulations and by-laws as the board of engineers approve; and may annex penalties for the violation thereof, not exceeding ten dollars for each offence, which may be recovered by the clerk to the use of the company.

Section 49. The engineers and all persons appointed by them shall perform the duties, be subject to the liabilities and entitled to the privileges and exemptions of enginemen appointed by selectmen.

Section 51. A town or the engineers thereof violating any provision of the preceding section shall forfeit not less than fifty nor more than five hundred dollars.

Section 51A. Each city, town or district shall equip any fire apparatus operated by it with at least three self-contained breathing apparatus, so-called. Such breathing apparatus shall contain a minimum of 30 minutes of air or oxygen and shall be equipped with an audible alarm to indicate to the wearer thereof and to any other person in the area that there is a specific designated minimum supply of air or oxygen still present and that such wearer should leave a contaminated area. Any such breathing apparatus shall, in addition to the above, meet the requirements of the standards set up by the National Fire Protection Association for self-contained breathing apparatus. The provisions of this section shall not apply to fire apparatus designed solely for extinguishing woods or brush fires.

Section 52. The board of engineers shall have the care and superintendence of fire apparatus and related equipment, buildings, fixtures, and equipment and all pumps, reservoirs for water and apparatus owned by the town and used for extinguishing fires and shall cause the same to be kept in repair or renewed and shall make necessary alterations therein and additions thereto at an expense not exceeding \$1,000 in any one year unless the town has authorized a larger appropriation.

Section 53. They may make regulations as to the carrying of fire, firebrands, lighted matches or other ignited materials openly in the streets or thoroughfares of their town, or of such parts thereof as they may designate, or as to prohibiting owners or occupants of buildings within their town, or such part thereof as they may designate, from maintaining any defective chimney, hearth, oven, stove or stove pipe, fire frame or other fixture, deposit of ashes or whatever may give just cause of alarm or be the means of kindling or spreading fire. Whoever violates any such rule or regulation shall forfeit not more than \$200.

Section 54. They may make regulations, consistent with law, for their own government and for the conduct of citizens at fires, and annex penalties for violation thereof not exceeding \$200 for each offence, to be recovered by the chief engineer and appropriated to the improvement of the fire apparatus of the town; but such regulations shall be approved by the town and published as it may direct.

Section 74. The board of engineers may make and publish rules and regulations as provided in case of fire departments by sections fifty-three and fifty-four. It may appoint and remove enginemen, hosemen and hook and ladder men, and fill vacancies in the companies.

Section 75. Engineers shall have and exercise within their district the powers and authority of firewards of towns relating to the extinguishment of fires and the demolition of buildings; and districts shall be liable in the same manner for acts done by such engineers, or by their orders, as towns for acts done by firewards. *M.G.L. Part I, Title VII, Chapter 48, §45-49, 51-54, 74-75*

Cable Advisory Committee

Cable Advisory Committee

Composition: Variable membership, appointed

Date of Creation: Annual Town Meeting Article 14, April 27, 2015

MGL Reference: M.G.L. Ch. 44, § 53F^{3/4}

Bylaw Reference: N/A

Other References: Cable Television Renewal license, Verizon New England, Inc.
Renewal Cable Television license, Comcast of Massachusetts I, Inc.

Charge:

N/A

Capital Improvements Committee

Capital Improvements Committee

Composition: 7 members incl 1 Select Board designee, 1 Finance Committee designee, 5 at-large

Date of Creation: February 27, 1987 (Amended March 10, 1993)

MGL Reference: N/A

Bylaw Reference: Town Bylaws, Title IV, §1-6

Other Reference: West Newbury Financial Policies, Capital Planning

Charge:

[Adopted at the Special Town Meeting of October 14, 1987, approved by the Attorney General November 24, 1987, and posted according to law February 27, 1988] 8 [Amendment to Capital Improvements Committee Bylaw adopted at the Special Town Meeting of January 25, 1993, approved by the Attorney General March 2, 1993, and posted according to law March 10, 1993, changed the word "Accountant" to "Finance Director" so that it reads References to the Finance Director were replaced with reference to the Town Manager by Article 19 of the Annual Town Meeting held on April 30, 2018 approved by the Attorney General on August 29, 2018 and posted according to law on October 5, 2018] Section 1: The Board of Selectmen shall establish and appoint a committee to be known as the Capital Improvement Planning Committee, composed of one member of the Board of Selectmen, one member of the Finance Committee, and five at-large members. The representative from the Board shall be appointed by the Board for a one-year term. The Finance Committee shall appoint a representative to serve a one-year term. The five at-large members are to serve a three year rotating term. The Town Manager shall be an ex-officio member without the right to vote. The Committee shall choose its own officers. Section 2. {Amended by Article 16 of the Special Town Meeting held on October 16, 2016, which changed the amount of "\$10,000" to "\$20,000" which was approved by the Attorney General on September 7, 2017 and posted according to law on September 19, 2018} The Committee shall study proposed capital projects involving the planning for and the improvement, preservation and creation of tangible assets and projects which 1) have useful life of at least five years; 2) cost over \$20,000 and or 3) for which the town is authorized to borrow funds. Capital projects shall be submitted to the Capital Improvements Committee (CIC) at a date to be established by the Committee for consideration at the following Annual Town Meeting, or four months before a Special Town Meeting, except when emergency financing is necessitated by an accident, fire, judicial order or other similar special circumstances. All officers, Boards and committees, including the Selectmen and School Committee shall give to the CIC, on forms prepared by it, information concerning all anticipated capital projects requiring Town Meeting action during the next fiscal year and five ensuing years. The Committee shall consider the relative need: impact, timing and cost of these expenditures and the effect each will have on the financial position of the town. No appropriation shall be voted for a capital improvements requested by a department, board or commission unless the proposed capital improvement is considered in the Committee's report. The Committee shall not fail to report on any proposal that has been properly submitted. Section 3: The CIC shall prepare an annual report recommending a

Capital Improvement Budget for the next fiscal year, including any items to be funded in the current fiscal year, and a Capital Improvement Program including recommended capital improvements for the following five fiscal years. The report shall be submitted to the Board of Selectmen not later than six weeks prior to the Annual Town Meeting for its consideration and recommendations. The Board shall submit the Capital Budget together with its recommendations to the Annual Town Meeting. 9 Section 4. Such Capital Improvement Program, after its adoption, shall permit the expenditure on projects included therein of sums from departmental budgets for surveys, architectural or engineering advice, options or appraisal; but no such expenditure shall be incurred on projects which have not been so approved by the town through the appropriation of sums in the current year or in prior years, or for preliminary planning for projects to be undertaken more than five years in the future. Section 5. The Committee's report and the Selectmen's recommended Capital Budget shall be published and made available in a manner consistent with the distribution of the Finance Committee report. The Committee shall deposit its original report with the Town Clerk.

Section 6: [Section 6 added at the Annual Town Meeting, second session, on May 6, 2009, approved by the Attorney General on August 11, 2009 and posted according to law on August 20, 2009.] The provisions of Sections 2 through 5 of this Capital Improvements Committee Bylaw shall not apply to capital projects, appropriations, or expenditures made under authority of the Community Preservation Act, Massachusetts General Laws Chapter 44B, or the Community Preservation Committee Bylaw. ***West Newbury Bylaws Chapter IV, §1-6***

Climate Change Resiliency Committee

Climate Change Resiliency Committee

Composition: 9 members, appointed

Date of Creation:(Formed from Municipal Vulnerability Preparedness Working Group)

MGL Reference:

Bylaw Reference:

Mission Statement:

The Climate Change Resiliency Committee's mission is to promote West Newbury's resilience to climate change, addressing preparation for threats, the ability to absorb impacts, and to recover and adapt after disruptive events. This will be accomplished through action and public education. Working with other affected Town departments, boards and committees, the Committee will build on the Town's Municipal Vulnerability Preparedness (MVP) Community status to address our climate change vulnerabilities and take on action items identified in the Massachusetts MVP process completed in 2020. The Committee will seek members on and coordination with boards/commissions/committees such as Open Space, Conservation, Energy and Sustainability, Planning, Aging, Capital Improvements and Water and will seek to coordinate with the Department of Public Works and all other Town departments or organizations affected by climate change.

The Committee will have no more than 9 voting members and a simple majority of existing membership as a quorum. Member reappointment will be annually at the beginning of each fiscal year.

Community Preservation Committee

Community Preservation Committee

Composition: 7 members, appointed

Date of Creation: April 30, 2007

MGL Reference: M.G.L. Ch. 44B

Bylaw Reference: Town Bylaws, Title XXXVI

Charge:

Sec. 1 Establishment a) There is hereby established a Community Preservation Committee, consisting of seven (7) voting members pursuant to MGL Chapter 44B. The composition of the committee, the appointing authority, specific roles, and the term of office for the committee members shall be as follows: b) One member of the Board of Selectmen or their designee, as designated by a majority vote of the entire current membership of the Board of Selectmen for a term of one year and thereafter until a duly appointed successor is named. c) One member of the Open Space Committee as designated by a majority vote of the entire current membership of the Open Space Committee for a term of one year and thereafter until a duly appointed successor is named. 62 d) One member of the Conservation Commission as designated by a majority vote of the entire current membership of the Conservation Commission for a term of one year and thereafter until a duly appointed successor is named. e) One member of the Planning Board as designated by a majority vote by a majority vote of the entire current membership of the Planning Board for a term of one year and thereafter until a duly appointed successor is named. f) One member of the Historical Commission as designated by a majority vote of the entire current membership of the Historical Commission for an initial term of one year and thereafter until a duly appointed successor is named. g) One member of the Parks and Recreation Commission as designated by a majority vote of the entire current membership of the Parks and Recreation Commission for an initial term of one year and thereafter until a duly appointed successor is named. h) One member of the West Newbury Housing Authority as designated by a majority vote of the entire current membership of the Housing Authority for a term of one year and thereafter until a duly appointed successor is named. i) The Town Manager or designee shall serve Ex Officio. j) Each member of the Committee shall serve for the term as set forth above, or until the person no longer serves in the Community Preservation Committee position or on the board or committee as set forth above, whichever is earlier. Any committee shall designate a replacement at its next meeting should a vacancy occur. k) Should any of the Commissions, Boards, Councils or Committees who have appointment authority under this Section be no longer in existence for whatever reason, the absent appointment authority for that Commission, Board, Council, or Committee shall be assumed by the Board of Selectmen, who may appoint a replacement member from the community at-large. l) Any member of the Committee may be removed for cause by their respective authority after hearing. m) The Committee shall elect a Chairman, Vice Chairman, and a Secretary annually from its membership. Sec. 2. Duties a) The Community Preservation Committee shall hold one or more public hearings annually to provide information and solicit written proposals consistent with the Community Preservation Act, as adopted, from Town committees and boards, as 63 well as unaffiliated citizens or groups (ad hoc

committees). Notice of the hearing, or hearings, shall be posted publicly in accordance with the Open Meeting Law, M.G.L Chapter 30A. §20 and published for each of the two weeks preceding a hearing in a newspaper of general circulation in the town as required by M.G.L. chapter 44B. §3(b) (1). b) Additionally the Committee shall meet any number of times in meetings posted in accordance with Open Meeting Law to consult with existing municipal boards, standing committees, or ad hoc committees including, but not limited to, the Conservation Commission, the Historical Commission, the Planning Board, the Board of Parks and Recreation Commissioners, the Housing Authority, the Open Space Committee, the Board of Water Commissioners, and the Workforce Housing Trust or persons acting in those capacities or performing like duties, to determine the needs, possibilities, and resources of the Town regarding community preservation possibilities and resources or to act on submitted proposals. All completed proposals, as determined by the committee, submitted to the Committee shall be voted upon and ranked for possible recommendation to the Town at Town Meeting. A written report of all votes and summary of findings shall be presented at said Town Meeting. c) The Community Preservation Committee shall make recommendations to the legislative body (Town Meeting) for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation, and preservation of land for recreational use; for the acquisition, creation, and preservation of land for natural resources including agriculture, forestry, and conservation purposes; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space, land for recreational use, and community housing that is acquired or created as provided in this section. With respect to community housing, the Community Preservation Committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites. d) The Community Preservation Committee may include in its recommendation to the legislative body (Town Meeting) a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending funds for general purposes that are consistent with community preservation. e) In every fiscal year, the Community Preservation Committee must recommend either that the Town legislative body (Town Meeting) spend, or set aside for later spending, not less than thirty (30) percent of the annual revenues in the Community Preservation Fund consistent with the provisions in M.G.L. Chapter 44B. 64 f) The Community Preservation Committee shall consult with the Finance Committee at a meeting prior to voting recommendations. Sec. 3 Requirement for a quorum and cost estimates The Community Preservation Committee shall comply with the provisions of the Open Meeting Law, M.G.L. Ch. 39, §23B. The committee shall not meet or conduct business without the presence of a majority of the members of the Community Preservation Committee, which shall constitute a quorum. The Community Preservation Committee shall approve its actions by majority vote of members present. Sec. 4. Amendments This bylaw may be amended from time to time by a majority vote of the Town Meeting consistent with the provisions of M.G.L. c. 44B. Sec. 5. Severability In case any section, paragraph, or part of this bylaw is, for any reason, declared invalid or unconstitutional by any court, every other section, paragraph, or part shall continue in full force and effect. Sec. 6. Effective Date Following Town Meeting approval, this bylaw shall take effect immediately upon approval by the Attorney General of the Commonwealth, and after all requirements of the M.G.L. c. 40, §32 have been met. Each appointing authority shall have sixty (60) days after approval by the Attorney General to make

their initial appointments. If any appointing authority shall fail to make appointments as provided in this bylaw, the Board of Selectmen shall send notice of such failure to the appointing authority. *West Newbury Bylaws, Chapter XXXVI, §1-6*

Conservation CommissionConservation Commission

Composition: 5 members, elected

Date of Creation: March 12, 1960

MGL Reference: M.G.L. Ch. 40, Sec. 8C and M.G.L. Ch. 131, Sec. 40

Bylaw Reference: Town Bylaws Title XV

Other Reference: 310 CMR 10:00

Other Reference: Mill Pond / Pipestave Hill Management Plan

Charge:

[Adopted at the adjourned Annual Town Meeting May 11, 1988, approved by the Attorney General July 28, 1988, and posted according to law August 29, 1988.] That the Town of West Newbury adopts the provisions of M.G.L., CH.131, Sec. 40 and 310 CMR 10:00 as the West Newbury Wetlands Protection By-Law. The Conservation Commission may adopt regulations and fees for permits for work within an area subject to the state wetlands protections act and regulations, in addition to the \$25.00 fee for Notices of Intent charged under M.G.L. c.131, sec. 40. Town, county, state and federal projects are exempt from any fees imposed under this By-Law. Any fees imposed under this By-Law will be refunded if a project is denied by the West Newbury Conservation Commission. Permits are valid for three (3) years, as provided under state law. Any determination or decision resulting from the administrative appellate process set forth in M.G.L. c. 131, sec. 40 and 310 CMR 10:05 (7) and/or judicial appeals of the determination or decision of that administrative process pursuant to M.G.L. c.30A will be adopted by the West Newbury Conservation Commission as the Commission's determination or decision under this By-Law after the exhaustion of all the appellate remedies described above.

West Newbury Bylaws Chapter XV**Mission Statement:**

The Conservation Commission is responsible for overseeing and implementing the state's Wetlands Protection Act and Regulations.

Wetlands and their bordering lands are valuable to the community. Among other values they protect the public drinking supply, store flood water and prevent storm damage, filter pollutants and slow erosion, and provide wildlife habitat. Buffer zones extending 100 feet from the edge of wetlands and resource areas extending 200 feet from the edges of rivers and perennial streams are protected for these purposes. The Wetlands Protection Act (G.L. Ch. 131 sec. 40) ("the Act") was enacted in 1972 and regulations under the Act (310 CMR 10.00) were first enacted in 1974. They recognize the values provided by wetlands and their buffer zones and give local Conservation Commissions responsibility for implementation. Despite these efforts, more than half of the original wetlands on the continental United States have been lost to commercial, agricultural and residential development and 1,250 acres have been lost in Massachusetts between 1991 and 2005.

Council on Aging**Council on Aging****Composition:** 11 members, appointed**Date of Creation:** September 10, 1973**MGL Reference:** M.G.L. Ch. 40, §8B**Bylaw Reference:** Town Bylaws Title IV**Charge:**

Section 8B. A city by ordinance or a town by by-law may establish a council on aging for the purpose of coordinating or carrying out programs designed to meet the problems of the aging in coordination with programs of the department of elder affairs. The council shall submit an annual report to the city or town and shall send a copy thereof to the department of elder affairs. Said department shall from time to time review and evaluate such reports and make recommendations as to any required or needed changes in said local programs. The council may appoint such clerks and other employees as it may require. The names, addresses, telephone numbers, or other identifying information about elderly persons in the possession of the council shall not be public records, but the use of these records shall comply with sections 14 to 24, inclusive, of chapter 19A as a condition of receiving a government contract, program grant or other benefit, or as otherwise required by law. *M.G.L. Part I, Title VII, Chapter 40, §8B*

[Adopted September 24, 1973, at a Special Town Meeting, approved by the Attorney General October 26, 1973, and posted according to law February 13, 1974.] Pursuant to Section 8B, Chapter 40 of the General Laws, the town will establish a Council on Aging to co-ordinate and carry out all programs designed to meet the problems of the aging in co-ordination with programs of the Commission on Aging established under Section 73, Chapter 6 of the General Laws; said Council shall be appointed by the Board of Selectmen and shall consist of eleven members, six of whom shall be over 60 years of age; initial appointments shall be made as follows: four members for three years, two of whom shall be over 60 four members for two years, two of whom shall be over 60, and three members for one year, two of whom shall be over 60; subsequent appointments shall be made by the Board of Selectmen for three-year periods. *West Newbury Bylaws Chapter IV*

Cultural CouncilCultural Council

Composition: No more than 9 members, elected

Date of Creation: _____

MGL Reference: M.G.L. Ch. 10, §58

Bylaw Reference:

Charge:

Section 58. Any city or town may establish a local cultural council and any consortium of cities and towns, with the approval of the council, may establish a regional cultural council. Local cultural councils shall consist of at least five and not more than twenty-two members to be appointed by the mayor of a city, the city manager in a city having a Plan D or E form of government, the board of selectmen of a town or the executive officer in a town having a town council form of government.

Regional cultural councils shall consist of an equal number of members to be appointed from each city or town within the consortium in the manner herein described. The regional cultural council may adopt, at its option, a proportional membership consistent with the population of each municipality; provided, however, that each municipality shall have at least one member; and provided, further, that the adoption of such option shall be by a two-thirds vote of the regional cultural council. Notwithstanding any provisions to the contrary, if the council deems it necessary or desirable in order to carry out the purposes of this section and sections fifty-six and fifty-seven, the council may certify for payment in accordance with the provisions of section fifty-six those applications for funds received from any local or regional cultural councils whose composition is determined by the council as not complying with the provisions of this section, provided that upon notice of such noncompliance, such local or regional cultural council, or its appointing authority, as the case may be, either cures such noncompliance or provides certification satisfactory to the council of how and by when such compliance will be achieved.

Members of the local and regional cultural council shall be appointed for staggered terms of three years and any such member shall not be appointed to more than two consecutive terms. Members shall have demonstrated scholarship or creativity in, or distinguished service to, the arts, humanities, or interpretive sciences.

[Fourth paragraph effective until February 8, 2023. For text effective February 8, 2023, see below.]

Upon a vacancy, for any reason, the member's successor, if any, shall be appointed for a term of three years, and shall serve until the qualification of such member's successor. Members shall not be elected public officials. Members shall be considered to be special municipal employees for the purposes of chapter two hundred and sixty-eight A. For purposes of chapter two hundred and sixty-eight A, any local or regional cultural council member who is authorized thereby to make disclosure to such member's city or town clerk or appointing authority, or to request a determination from such member's appointing authority, or to seek approval from the local

legislative body may in lieu thereof, disclose to, or seek such approval from the council, and the council is authorized to receive such disclosure and approve such exemptions. Local and regional cultural council members shall be classified as officers for purposes of section thirteen of chapter two hundred and fifty-eight. Members shall serve without compensation but shall be reimbursed for their expenses actually and necessarily incurred in the discharge of their duties. Local and regional cultural councils shall annually elect a chairman, secretary and treasurer.

[Fourth paragraph as amended by 2022, 266 effective February 8, 2023. For text effective until February 8, 2023, see above.]

Upon a vacancy, for any reason, the member's successor, if any, shall be appointed for a term of three years, and shall serve until the qualification of such member's successor. The mayor of a city, the city manager in a city having a Plan D or E form of government, the board of selectmen of a town or the executive officer in a town having a town council form of government shall not serve as members. Members shall be considered to be special municipal employees for the purposes of chapter two hundred and sixty-eight A. For purposes of chapter two hundred and sixty-eight A, any local or regional cultural council member who is authorized thereby to make disclosure to such member's city or town clerk or appointing authority, or to request a determination from such member's appointing authority, or to seek approval from the local legislative body may in lieu thereof, disclose to, or seek such approval from the council, and the council is authorized to receive such disclosure and approve such exemptions. Local and regional cultural council members shall be classified as officers for purposes of section thirteen of chapter two hundred and fifty-eight. Members shall serve without compensation but shall be reimbursed for their expenses actually and necessarily incurred in the discharge of their duties. Local and regional cultural councils shall annually elect a chairman, secretary and treasurer.

Local and regional cultural councils may establish administrative units, but no such cultural council shall utilize more than five percent of the monies received from the State Arts Lottery Fund for administrative purposes, including member expenses.

Subject to rules, regulations, rulings or guidelines of the council, such local or regional cultural councils may decide the distribution of arts lottery funds or other funds that may be allocable to them, may also conduct other activities to promote and encourage the arts, may enter into contracts, subject to approval of town counsel or city solicitor as to form, and may do and perform any and all acts which may be necessary or desirable to carry out such powers and the purposes of sections fifty-six to fifty-eight, inclusive. Nothing in the provisions of section twenty-seven of chapter ten shall prevent a local or regional cultural council or an arts organization, or their agents or employees, from encouraging the sale of lottery tickets for the arts nor from being licensed as agents to sell lottery tickets for the arts. Notwithstanding the provisions of section fifty-three A of chapter forty-four, local and regional cultural councils may accept grants, contributions, gifts, bequests, devises, and other donations from all sources, including governmental bodies and shall deposit such monies and any other revenues, including revenues derived from local or regional cultural councils activities, in the revolving fund established under the provisions of this section. Funds received from sources other than the arts lottery fund may be disbursed at the discretion of the local or regional cultural council for the same purposes as arts lottery funds, including administrative expenses, provided, however, that the council may by rule, regulation, ruling or guideline establish further clarification of such purposes as well as procedures to assure that such funds are so used.

Notwithstanding the provisions of section fifty-three of chapter forty-four, any city, town or consortium of cities and towns otherwise pursuant to the provisions of section four A of chapter forty, shall establish in the city or town treasury, or in one of the cities or towns in the consortium a revolving account which shall be kept separate and apart from all other monies by the treasurer and in which shall be deposited all receipts from the state arts lottery fund, distributed under the provisions of section fifty-six, and any other receipts or donations to the local or regional cultural council authorized by law. A treasurer of a city, town or regional consortium as custodian may invest such portion of cash as deemed not required until such funds are to be expended and in such investments as are authorized under the provisions of section fifty-five of chapter forty-four. All such funds, including interest earned thereon, may be expended at the direction of the local or regional cultural council, without further appropriation, and such council may establish a subcommittee of no less than two members and may delegate thereto its authority to approve all payrolls, bills, requests for payment, or accounts prior to submission to the accountant, auditor or official performing similar functions; provided, however, that such subcommittee shall make available to such council at its next meeting, a record of such actions of such subcommittee; and provided further, however, that such funds as shall not have been expended twelve months after receipt shall be segregated and subject to further appropriation by the mayor, city council, city manager, board of selectmen or town manager for the purposes provided in sections fifty-six to fifty-eight inclusive. The city auditor, town accountant, or officer having similar duties, shall submit annually a report of said, revolving fund to the mayor, city council, city manager, board of selectmen, or town manager for their review and a copy of said report shall be submitted to the director of the bureau of accounts and the council *M.G.L. Part I, Title II, Chapter 10, §58*

Energy & Sustainability Committee

Energy and Sustainability Committee

Composition: 9 members, appointed

Date of Creation: 2017 (formerly Energy Advisory Committee)

MGL Reference:

Bylaw Reference:

Mission Statement:

The Energy and Sustainability Committee will work to facilitate energy efficiency and renewable energy resources for the Town and its residents, with additional focus to include reducing our contribution to greenhouse gases and promoting environmentally beneficial objectives. Employing a variety of means, the committee’s scope could range from promoting residential rain barrels and various forms of composting to adding new renewable energy generation capacity on Town-owned lands. In acknowledgement of the ongoing electricity supply transition to renewable sources, an area of concentration will be the decarbonization of our energy use through demonstration and implementation of electric alternatives to fossil fuel powered energy consuming equipment.

The Committee will have no more than 9 voting members and a simple majority of existing membership as a quorum. Member reappointment will be annually at the beginning of each fiscal year.

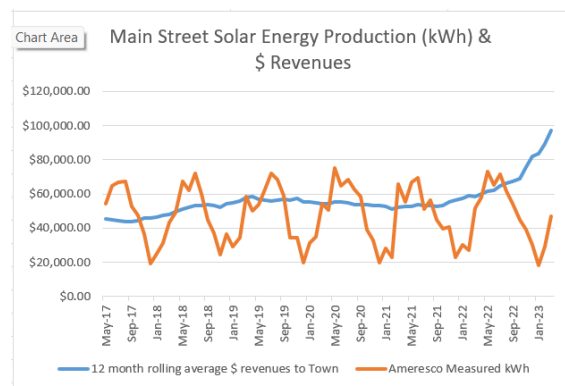
Main Street Solar

The Main Street Solar Project has provided both clean energy to power the Town's municipal needs (excluding schools) and significant revenues offsetting energy costs. As of March 2023, since inception the project provided a cumulative total of over \$385K to the Town, and, on a 12-month rolling average basis, provided the Town \$90,528.21 in net gain, comprising the value of energy production, the Payment in Lieu of Taxes, and lease payments.

Saving Energy and Money

In addition to seeking opportunities for clean energy production, WNEsc looks to increase the Town's energy efficiency and reduce its energy waste through:

- Tracking current expenditures on energy to prioritize improvement opportunities.
- Conducting energy audits to look for leaks, waste and inefficiency, and potential lighting improvements.
- Improving control of heating, ventilation, air conditioning, and lighting.



- Reviewing plans for new facilities and equipment to identify opportunities for enhancing energy efficiency.
- Providing outreach on energy efficiency and renewable energy opportunities to Town residents.

Reducing Town energy consumption and expense will:

- Reduce the effect of energy costs and supply fluctuations on the Town budget.
- Reduce the Town's contribution to air pollution and climate change.
- Encourage Town residents to realize similar benefits by taking similar actions.

West Newbury has been a designated Massachusetts Green Community since December 2013. More information on the Massachusetts Green Community Designation and Program is available at <https://www.mass.gov/orgs/green-communities-division>

Finance Committee

Finance Committee

Composition: 6 members, appointed

Date of Creation: March 4, 1939 (made law November 18, 1963)

MGL Reference: M.G.L. Ch. 39, §16

Bylaw Reference: Town Bylaws Title VIII

Charge:

Section 16. Every town whose valuation for the purpose of apportioning the state tax exceeds one million dollars shall, and any other town may, by by-law provide for the election or the appointment and duties of appropriation, advisory or finance committees, who shall consider any or all municipal questions for the purpose of making reports or recommendations to the town; and such by-laws may provide that committees so appointed or elected may continue in office for terms not exceeding three years from the date of appointment or election.

In every town having a committee appointed under authority of this section, such committee, or the selectmen if authorized by a by-law of the town, and, in any town not having such a committee, the selectmen, shall submit a budget at the annual town meeting. *M.G.L. Part I, Title VII, Chapter 39, §16*

The Finance Committee shall annually elect a chairman and secretary from its membership. The chairman may call meetings whenever he thinks advisable, but shall call meetings at the request of four members of the committee. A quorum for any meeting shall be four members. 22 They shall meet at least ten days prior to the Annual Meeting each year and at least five days prior to any Special Town Meeting to prepare recommendations regarding all articles in the warrant, especially those involving the appropriation of money. The committee shall confer with and advise the Board of Selectmen whenever so requested by the latter. Prior to the Annual Meeting the Selectmen shall submit to this committee the proposed budget for the next ensuing year. *West Newbury Bylaws Chapter VIII*

Harbor Committee

Harbor Committee

Composition: 3 members, appointed

Date of Creation: November 4, 2013

MGL Reference:

Bylaw Reference: Town Bylaws Title XXVI, Ch. VII

Charge:

[Amended at the Special Town Meeting held on November 4, 2013, approved by the Attorney General on February 27, 2014 and posted according to law on March 12, 2014, which changed “registered voters” to “town residents”] A. The Board of Selectmen shall appoint three town residents of West Newbury to serve as a Harbor Committee. Initial appointments shall be for one, two, and three years with each subsequent term to be three years. The Harbor Master shall be an exofficio member of the Committee. B. The Committee is advisory and shall report to the Board of Selectmen from time to time to make recommendations on any and all matters related to marine activity afloat or ashore. Amendment adding Section VI. to the General Harbor Regulations voted at the third session of the 1994 Annual Town Meeting held on June 16, 1994. Approved by the Attorney General on August 26, 1994, and posted according to law on August 31, 1994. Amendment to rescind the original § I-V and adopt the new § I-V voted at the April 24, 2000, Annual Town Meeting, approved by the Attorney General on July 24, 2000, and posted according to law on July 27, 2000. Amendment increasing mooring fees in the to the General Harbor Regulations voted at the second session of the 2005 Annual Town Meeting held on May 5, 2005. Approved by the Attorney General on May 25, 2005, and posted according to law on June 9, 2005. *West Newbury Bylaws Title XXVI, Chapter VII*

Historic District Commission

Historic District Commission

Composition: 7 members, appointed

Date of Creation: September 8, 1976

MGL Reference: M.G.L. Ch. 40C

Bylaw Reference: Town Bylaws Title XI, §5-10

Charge:

SECTION 4. Membership of Historic District Commission The West Newbury Historic District Commission, herein referred to as the District Commission, shall consist of five (5) members and two (2) alternates appointed by the Selectmen.* The membership of the District Commission shall be made up as follows: One (1) member from two (2) nominees submitted by the West Newbury Historical Society. One (1) member, if possible, from two (2) nominees submitted by the Chapter of the American Institute of Architects covering the area. One (1) member, if possible, from two (2) nominees submitted by the Massachusetts Board of Realtors, One (1) member, if possible from two (2) nominees submitted by the West Newbury Planning Board If the membership cannot be appointed as designated above, these positions shall be filled without designation. Two (2) additional members without designation. All nominees shall be residents of the Town of West Newbury. Two (2) or more members shall be residents or owners of real estate in the West Newbury Training Field Historic District When the District commission is first established, two (2) members shall be appointed for one (1) year terms, two (2) members shall be appointed for two (2) year terms, and the remaining members and the two (2) alternates shall be appointed for three (3) year terms, and all members shall serve until a successor is appointed and confirmed. At the expiration of their respective terms, the Selectmen shall appoint successors for three (3) year terms in the manner described in the preceding paragraphs. Vacancies for any unexpired term shall be filled in the same manner as in the original appointment. The District Commission shall elect annually a chairman and vice chairman from its own number and a secretary from within or without its number. Alternates shall have all the powers and duties of regular members when called to serve by the chairman or vice chairman of the Commission. All members and alternates shall serve without compensation. SECTION 5. Administration of Historic Districts. No building or structure within the Historic District shall be constructed, demolished, moved or altered in any way that affects exterior architectural features and no building shall be moved into a Historic District unless the Commission shall first have issued a certificate of appropriateness, a certificate of hardship or a certificate of nonapplicability with respect to such construction, alteration or movement. The building inspector shall not issue a permit within a Historic District unless one of the certificates noted above has first been issued by the District Commission or the proposed improvement is exempted from these provisions by Section 6. SECTION 6. Exemptions to Review The authority of the District Commission is not extended to the review of the following: 1) Temporary structures or signs, subject, however, to such conditions as to duration of use, location, lighting, removal and similar matters as the Commission may reasonably specify. 2) Terraces, or landscaping that does not substantially change the grade level. 3) Storm doors, storm windows, screens, window air-conditioners, T.V.

antennae. 4) Color and type of paint or roofing. SECTION 7. Powers of the District Commission The District Commission shall have all the powers of an Historic Commission as described in Chapter 40C of the Massachusetts General Laws. The Commission shall adopt rules and regulations for the conduct of its business, not inconsistent with Chapter 40C of the General Laws, or with the purpose of this By-Law. The District Commission may receive and accept appropriations, grants and gifts for the furthering of the purpose of the By-Law, to establish an Historic marker program, publish guides, maps and other appropriate publications to illustrate historical and architectural resources of West Newbury and to acquire and maintain historic properties. The District Commission shall serve in an advisory capacity to the Selectmen, the Planning Board, the Massachusetts Historical Commission, and other public agency, on matters pertaining to, or affecting, any historic structures or sites in the West Newbury Historic District. The District Commission shall propose changes in West Newbury Historic District boundaries, as it deems appropriate. Massachusetts General Laws, Chapter 40C, will guide the procedures for these activities. SECTION 8. Duties of the District Commission shall coordinate historic preservation activities, and oversee the preparation and implementation of historic preservation plans of West Newbury. The District Commission shall provide assistance to owners of historic structures on matters pertaining to preservation of those structures in West Newbury. SECTION 9. The District Commission shall adopt rules and regulations for the conduct of its business not inconsistent with Chapter 40C, of the General Laws, or with the purpose of this By-Law. The District Commission shall act at all times with a clear understanding of the need of the residents of a West Newbury Historic District to enjoy the amenities of modern life in the use of their home and properties. SECTION 10. Severability In case any section, paragraph or part of this By-Law be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect. [*Section 4 as Amended at the Annual Town Meeting, April 30, 1977, approved by the Attorney General August 8, 1977, and posted according to law August 15, 1977. By striking out the phrase "subject to confirmation by the Town Meeting."] *West Newbury Bylaws Chapter XI, §5-10*

Historical Commission

Historical Commission

Composition: 5 members, appointed

Date of Creation: June 27, 1972

MGL Reference: M.G.L. Ch. 40, Sec. 8D

Bylaw Reference:

Charge:

Section 8D. A city or town which accepts this section may establish an historical commission, hereinafter called the commission, for the preservation, protection and development of the historical or archeological assets of such city or town. Such commission shall conduct researches for places of historic or archeological value, shall cooperate with the state archeologist in conducting such researches or other surveys, and shall seek to coordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which it deems necessary for its work. For the purpose of protecting and preserving such places, it may make such recommendations as it deems necessary to the city council or the selectmen and, subject to the approval of the city council or the selectmen, to the Massachusetts historical commission, that any such place be certified as an historical or archeological landmark. It shall report to the state archeologist the existence of any archeological, paleontological or historical site or object discovered in accordance with section twenty-seven C of chapter nine, and shall apply for permits necessary pursuant to said section twenty-seven C. Any information received by a local historical commission with respect to the location of sites and specimens, as defined in section twenty-six B of chapter nine, shall not be a public record. The commission may hold hearings, may enter into contracts with individuals, organizations and institutions for services furthering the objectives of the commission's program; may enter into contracts with local or regional associations for cooperative endeavors furthering the commission's program; may accept gifts, contributions and bequests of funds from individuals, foundations and from federal, state or other governmental bodies for the purpose of furthering the commission's program; may make and sign any agreements and may do and perform any and all acts which may be necessary or desirable to carry out the purposes of this section. It shall keep accurate records of its meetings and actions and shall file an annual report which shall be printed in the case of towns in the annual town report. The commission may appoint such clerks and other employees as it may from time to time require. The commission shall consist of not less than three nor more than seven members. In cities the members shall be appointed by the mayor, subject to the provisions of the city charter, except that in cities having a city manager form of government, said appointments shall be by the city manager, subject to the provisions of the charter; and in towns they shall be appointed by the selectmen, excepting towns having a town manager form of government, in which towns appointments shall be made by the town manager, subject to the approval of the selectmen. Alternate members may be appointed in like manner as provided for in this section not exceeding in number the principal members. In the case of the absence or inability to act on the part of a principal member, the place of the principal member shall be taken by an alternate member designated by the chairman. When a

commission is first established, the terms of the members and alternate members shall be for one, two or three years, and so arranged that the terms of approximately one third of the members and alternate members will expire each year, and their successors shall be appointed for terms of three years each. Any member or alternate member of a commission so appointed may, after a public hearing if requested, be removed for cause by the appointing authority. A vacancy occurring otherwise than by expiration of a term shall in a city or town be filled for the unexpired term in the same manner as an original appointment. Said commission may acquire in the name of the city or town by gift, purchase, grant, bequest, devise, lease or otherwise the fee or lesser interest in real or personal property of significant historical value and may manage the same.

M.G.L. Part I, Title VII, Chapter 40, §8D

Investment Policy Committee

Investment Policy Committee

Composition: 5 members, appointed, incl. 1 designee each of Select Board and Finance Committee

Date of Creation: _____

MGL Reference: N/A

Bylaw Reference: N/A

Charge:

Mill Pond Committee

Mill Pond Committee

Composition: 7 members, 3 associate members, appointed

Date of Creation: January 9, 1992 (Amended December 5, 2007)

MGL Reference: N/A

Bylaw Reference: Town Bylaws Title IV, §6

Other Reference: Mill Pond / Pipestave Hill Management Plan

Charge:

[Adopted at the Special Town Meeting of October 22, 1991, approved by the Attorney General January 7, 1992, and posted according to law January 9, 1992. This Bylaw replaces the vote previously adopted under Article 30 of the 1976 Annual Town Meeting] The Town hereby establishes a Mill Pond Committee to plan, coordinate and carry out all projects and general maintenance of the Mill Pond Recreation Area, including any buildings and structures thereon. Said committee shall be appointed by the Board of Selectmen and shall consist of seven voting members and five or more associate members. Each member shall be appointed for a one-year term which shall expire on June 15 of each year. [Second paragraph adopted at the Special Town Meeting of October 22, 2007, approved by the Attorney General on November 13, 2007 and posted according to law on December 5, 2007] Beginning with the June 2008 appointments the Board of Selectmen shall appoint two voting members each to a one year term to expire on June 15, 2009, two voting members each to a two year term to expire on June 15, 2010, and three voting members each to a term to expire on June 15, 2011; thereafter all voting members shall be appointed to three year terms to expire on June 15 of the applicable year. Associate members shall continue to be appointed for one year terms which shall expire on June 15 of each year. In the event of a vacancy caused by the resignation, removal or inability to serve of any voting or associate member, the Board of Selectmen shall appoint a voting or associate member, as the case may be, to serve the balance of any such term. *West Newbury Bylaws Chapter IV, §6*

Open Space Committee**Open Space Committee**

Composition: 9 members, appointed

Date of Creation: July 17, 1997

MGL Reference: N/A

Bylaw Reference: Town Bylaws Title IV, Sec. 7

Charge:

[Adopted at the third session of the Annual Town Meeting held on May 12, 1997, approved by the Attorney General on July 11, 1997, and posted according to law July 17, 1997.] The Town hereby establishes an Open Space Committee to implement the Open Space and Recreation Plan of the Town of West Newbury by maintaining and updating the Plan itself and by managing the implementation of the action plans contained therein. Said committee shall be appointed by the Board of Selectmen and shall consist of seven voting members and two Associate members who shall also be appointed by the Board of Selectmen. Members shall be appointed for one-year terms which shall expire on June 15. [Second paragraph adopted at the Special Town Meeting of October 22, 2007, approved by the Attorney General on November 13, 2007 and posted according to law on December 5, 2007] Beginning with the June 2008 appointments the Board of Selectmen shall appoint two voting members each to a one year term to expire on June 15, 2009, two voting members each to a two year term to expire on June 15, 2010, and three voting members each to a term to expire on June 15, 2011; thereafter all voting members shall be appointed to three year terms to expire on June 15 of the applicable year. Associate members shall continue to be appointed for one year terms which shall expire on June 15 of each year. In the event of a vacancy caused by the resignation, removal or inability to serve of any voting or associate member, the Board of Selectmen shall appoint a voting or associate member, as the case may be, to serve the balance of any such term. *West Newbury Bylaws Chapter IV, §7*

Personnel Advisory Committee

Personnel Advisory Committee

Composition: 3 members, appointed

Date of Creation: 1999

MGL Reference: N/A

Bylaw Reference: West Newbury Personnel Bylaw

Charge:

Section 1 Purpose and Intent The purpose of the personnel bylaw is to establish fair and equitable personnel policies and to establish a system of personnel administration based on merit principles that ensure uniform, efficient application of personnel policies. Section 2 Application All town departments and positions shall be subject to the provisions of this bylaw and policies adopted pursuant to this bylaw, except elected Town officers and employees covered by a collective bargaining agreement (unless such agreement expressly incorporates this Bylaw by reference). Section 3 Responsibility of the Board of Selectmen The Board of Selectmen shall be responsible for the development of a human resources system which meets the needs of the Town. The Board of Selectmen shall appoint a Personnel Advisory Committee to assist in carrying out its responsibility. The Personnel Advisory Committee shall conduct such research and carry out such instructions as the Board of Selectmen shall direct including, but not limited to, review of compensation for employees, benefits, methods of selection of personnel, performance appraisal, and personnel procedures. The Personnel Advisory Committee shall be composed of such a number of members for such periods of time as the Board of Selectmen shall so determine. Members of the Personnel Advisory Committee may be removed upon a majority vote of the Board of Selectmen after notice to the Committee member and a public hearing if so requested. Section 4 Personnel Polices The personnel policies shall establish a personnel system which shall include, but need not be limited to, the following elements: (a) Method of administration. A system which assigns responsibility for the personnel system, including maintaining personnel records, implementing effective recruitment and selection processes, creating and maintaining a 2 compensation plan, monitoring the application of policies and periodic reviews and evaluation of the personnel system. (b) Classification and compensation plan(s), as deemed appropriate. (c) Recruitment and selection policies. (d) Record keeping system. (e) Rights and obligation of employees. (f) Other elements of a personnel system as deemed appropriate or necessary. Section 5 Adoption of Policies The Board of Selectmen is empowered and authorized by this bylaw to adopt personnel policies defining the rights, benefits and obligations of employees subject to this bylaw. Such policies shall become effective in accordance with the following procedure: (a) The Board of Selectmen may propose new, amended or revised policies; any such proposed policy may be proposed at any meeting of the Board of Selectmen. (b) Any proposed new, amended or revised policies shall be posted for a period of at least ten days after being proposed by the Board of Selectmen, during which time comments, information and questions regarding any proposed policy may be provided to the Board of Selectmen. A public hearing shall be held following the ten day posting period. (c) Any new, amended or revised policies shall be come effective upon approval by a unanimous vote of

the Board of Selectmen, unless a specific effective date is provided by the Board. (d) Copies of new or amended policies shall be posted in prominent locations within the Town Office Building. Section 6 Severability 3 The provisions of this bylaw and the policies adopted pursuant to this bylaw are severable. If any bylaw provision or policy is held invalid, the remaining provisions of the bylaw or policy shall not be affected thereby. Section 7 Effective Date This bylaw shall take effect on the date of passage of the Personnel Policy. *West Newbury Personnel Bylaw*

River Access Committee

River Access Committee

Composition: 3 members, appointed

Date of Creation: April 29, 2019

MGL Reference: N/A

Bylaw Reference: N/A

Charge:

Tree Committee**Tree Committee**

Composition: 7 members, appointed

Date of Creation: August 5, 2019

MGL Reference: N/A

Bylaw Reference: N/A

Basic Mission:

The West Newbury Tree Committee shall: Assist in the identification, protection, and preservation of significant and remarkable trees in West Newbury; Provide education to the Town and residents of West Newbury on measures that will help to protect and preserve significant and remarkable trees in West Newbury; Provide information and assistance generally regarding the values, protection, and preservation of the trees and forests in West Newbury.

Mission Statement:

The West Newbury Tree Committee shall:

- Assist in the identification, protection, and preservation of significant and remarkable trees in West Newbury;
- Provide education to the Town and residents of West Newbury on measures that will help to protect and preserve significant and remarkable trees in West Newbury;
- Provide information and assistance generally regarding the values, protection, and preservation of the trees and forests in West Newbury.

Charge for the Tree Committee:

The West Newbury Tree Committee is established as set forth below:

Long Range Goals

- To maintain a data base inventory of significant and remarkable trees in West Newbury.
- To assist and educate residents of West Newbury on ways to protect the forest of West Newbury in a manner that promotes the goals of a Green Community and that helps to ameliorate the impact of necessary tree removal from the lands of West Newbury.
- To enhance the scenic value of West Newbury and advocate for the maintenance of a healthy and diverse West Newbury forest.
- To help to preserve for future generations the aesthetic, cultural, and historic values associated with significant and remarkable trees in West Newbury and with a healthy and diverse West Newbury forest.

Initial Objectives

- Create for publication a West Newbury website page that contains pertinent information on the mission, goals, and activities of, and information gathered by, the West Newbury Tree Committee.

- Coordinate with the Department of Public Works and the Town Tree Warden with respect to protecting the health and diversity of trees in West Newbury.
- Offer and make available a member or members of the Tree Committee when requested by the Tree Warden for technical advice and assistance.
- Provide information, assistance, and advice on the protection and preservation of West Newbury trees to homeowners in West Newbury, including educational materials and events.
- Provide information, assistance, and advice on West Newbury trees to various town organizations upon their request, including but not limited to the Board of Selectmen, Town Manager, Planning Board, Board of Zoning Appeals, Conservation Commission, and Open Space Committee.
- Create a data base inventory of significant and remarkable trees in West Newbury.
 - Determine preliminary criteria on what would constitute “significant” and “remarkable” trees in West Newbury.
 - Contact State Departments and/or State Foresters to determine what, if any, records exist for West Newbury (e.g., state champion trees by species; designated heritage trees).
 - Create an informational survey to be made available to all residents of West Newbury asking for nominations of trees that would meet the Committee’s criteria for significant and remarkable trees.
 - Contact other resources (i.e., universities and colleges) in the surrounding area to determine who or what might help the Committee with its initial data base effort.
 - Create a data base of significant and remarkable trees in West Newbury.
 - Locate or create other information and educational resources pertinent to the Committee’s data base inventory effort.
 - Refine the criteria for “significant” and ”remarkable” trees as necessary and practical.
- Locate and pursue sources of outside funding to help carry out the mission, objectives, and goals of the Committee.
- Recommend, if and as appropriate and necessary, by-laws, policies, and amendments to same needed to accomplish the mission, objectives, and goals of the Tree Committee.

Funding and Reporting

- The Tree Committee shall be entitled annually to submit a request for budgeted funds to the Town Manager. The Committee shall endeavor to obtain outside funding and grants for activities necessary to carry out its mission.
- The Tree Committee shall report to the Board of Selectmen at least annually on its activities.
- The Tree Committee shall be considered a public body as defined under the Massachusetts open meeting laws.

Composition and Meetings

- Up to 7 members shall be appointed by the Board of Selectmen.
- The Town Tree Warden shall serve as an ex officio, non-voting member of the Tree Committee without term limitation. The Town Tree Warden shall receive notice of all meetings and shall also receive any supporting documents related to matters on each

meeting agenda. Attendance of the Town Tree Warden at meetings of the Tree Committee shall be at the sole discretion of the Town Tree Warden.

- Committee member terms shall not exceed 3 years, but terms may be renewed.
- Members to be appointed shall, to the extent practicable, have some degree of expertise or demonstrated interest, which can include scientific, civic, or other relevant experience.
- The Tree Committee shall establish a meeting schedule necessary to carry out this charge. Upon formation, the Committee shall choose at least a chairperson, vice chairperson, and secretary.

Duration: The Tree Committee shall be a standing committee of the Town of West Newbury unless and until further action is taken by the Board of Selectmen

Whittier School Committee

Composition: _____

Date of Creation: 1968 Annual Town Meeting Article 9

MGL Reference: Chapter 156 of the Acts of 1967

Bylaw Reference:

Charge: _____

Zoning Board of Appeals

Zoning Board of Appeals

Composition: 7 members, appointed

Date of Creation: September 7, 2012

MGL Reference: M.G.L. Ch. 40A, Sec. 12-14; M.G.L. Ch. 40B

Bylaw Reference: Zoning Bylaw §8A1-8A2

Charge:

Section 12. Zoning ordinances or by-laws shall provide for a zoning board of appeals, according to the provisions of this section, unless otherwise provided by charter. The mayor subject to confirmation of the city council, or board of selectmen shall appoint members of the board of appeals within three months of the adoption of the ordinance or by-law. Pending appointment of the members of the board of appeals, the city council or board of selectmen shall act as the board of appeals. Any board of appeals established hereunder shall consist of three or five members who, unless otherwise provided by charter, shall be appointed by the mayor, subject to the confirmation by the city council, or by the selectmen, for terms of such length and so arranged that the term of one member shall expire each year. Each zoning board of appeals shall elect annually a chairman from its own number and a clerk, and may, subject to appropriation, employ experts and clerical and other assistants. Any member may be removed for cause by the appointing authority upon written charges and after a public hearing. Vacancies shall be filled for unexpired terms in the same manner as in the case of original appointments. Zoning ordinances or by-laws may provide for the appointments in like manner of associate members of the board of appeals; and if provision for associate members has been made the chairman of the board may designate any such associate member to sit on the board in case of absence, inability to act or conflict of interest on the part of any member thereof, or in the event of a vacancy on the board until said vacancy is filled in the manner provided in this section.

The board of appeals shall adopt rules, not inconsistent with the provisions of the zoning ordinance or by-law for the conduct of its business and for purposes of this chapter and shall file a copy of said rules with the city or town clerk. In the event that a board of appeals has appointed a zoning administrator in accordance with section thirteen said rules shall set forth the fact of such appointment, the identity of the persons from time to time appointed to such position, the powers and duties delegated to such individual and any limitations thereon.

Section 13. A zoning ordinance or by-law may authorize the appointment of a zoning administrator, who, unless otherwise provided by charter, shall be appointed by the board of appeals, subject to confirmation by the city council or board of selectmen, to serve at the pleasure of the board of appeals pursuant to such qualifications as may be established by the city council or board of selectmen. The board of appeals may delegate to said zoning administrator some of its powers and duties by a concurring vote of all members of the board of appeals consisting of three members, and a concurring vote of all except one member of a board consisting of five members. Any person aggrieved by a decision or order of the zoning administrator, whether or not previously a party to the proceeding, or any municipal office or

board, may appeal to the board of appeals, as provided in section fourteen, within thirty days after the decision of the zoning administrator has been filed in the office of the city or town clerk. Any appeal, application or petition filed with said zoning administrator as to which no decision has issued within thirty-five days from the date of filing shall be deemed denied and shall be subject to appeal to the board of appeals as provided in section eight.

Section 14. A board of appeals shall have the following powers:—

- (1) To hear and decide appeals in accordance with section eight.
- (2) To hear and decide applications for special permits upon which the board is empowered to act under said ordinance or by-laws.
- (3) To hear and decide petitions for variances as set forth in section ten.
- (4) To hear and decide appeals from decisions of a zoning administrator, if any, in accordance with section thirteen and this section.

In exercising the powers granted by this section, a board of appeals may, in conformity with the provisions of this chapter, make orders or decisions, reverse or affirm in whole or in part, or modify any order or decision, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit. *M.G.L. Part I, Title VII, Chapter 40 A, §12-14*

[Revised by Amendments effective October 25, 2010 by vote of Special Town Meeting and approved by the Attorney General on February 22, 2011 and posted according to law on February 22, 2011] 8.A.1. BOARD OF APPEALS 8.A.1.a. Establishment 1) There is hereby established a Board of Appeals, which shall be appointed by the Board of Selectmen in accordance with the provisions of M.G.L. Chapter 40A, §12, as amended. 2) The Board of Appeals established hereunder shall consist of five (5) members, residents of West Newbury, each member to serve a five year term, with the term of one member to expire each year. 3) Associate Members: There are also established two Associate Members to the Board of Appeals. i. The Chairman of the Board of Appeals may designate any such Associate Member to sit as a member of the board in case of absence, inability to act or conflict of interest on the part of any member thereof; or in the event of a vacancy on the board until said vacancy is filled in the manner provided in this section. ii. Vacancies shall be filled for the unexpired terms in the same manner as in the case of the original appointment. iii. Said Associate Members shall be appointed by the Board of Selectmen to serve a one year term. 8.A.1.b. Powers 1) The Board of Appeals shall have the following powers: i. to hear and decide Appeals in accordance with M.G.L. Chapter 40A, §8 and §15, as amended. ii. to hear and decide petitions for Variances in accordance with M.G.L. Chapter 40A, §10, 11, 15, 16, as amended. iii. to grant permits to change, alter and/or extend a pre-existing, non-conforming use or structure following determination of a Finding in accordance with M.G.L. Chapter 40A, §6, as amended, and as provided in Section 4.0. iv. to hear and decide Special Permits in accordance with M.G.L. Chapter 40A, §1A and §9, as amended. 2) In exercising the powers granted by Section 8.A.1.b.1), the Board of Appeals: i. shall act in accordance with the provisions of M.G.L. Chapter 40A, §11, 14,15 and 16. ii. shall give due consideration to promoting the public health, safety, convenience and welfare, shall encourage the most appropriate use of land, and shall not

permit structures or uses which may be injurious, noxious, offensive, or detrimental to the neighborhood. 68 iii. may impose or prescribe appropriate conditions, safeguards and limitations, as it may deem reasonably appropriate to protect the neighborhood or otherwise serve the purpose of this Bylaw. 8.A.1.c. Board of Appeals Rules and Regulations and Fees 1) The Board of Appeals shall adopt, and from time to time amend, Rules and Regulations to effectuate the purposes and intent of the provisions of this Bylaw section, as authorized in M.G.L. Chapter 40A, §12. 2) Such Rules and Regulations shall prescribe at a minimum the size, form, contents, style, number of copies of plans and specifications, and procedure for submittal and materials required, Public Hearing requirements, Fee Schedule, and the town boards or agencies from which the Board of Appeals shall request written reports. 8.A.1.d. Procedure for Filing Applications for Appeal, Variance, and Extension or Alteration of Pre-Existing Non-Conforming Uses or Structures 1) A written Application, prepared in compliance with the Rules and Regulations of the Board, shall be submitted by delivery or by Certified Mail, with return receipt requested, to the Town Clerk, who shall transmit it to the Board of Appeals. 2) The Town Clerk shall time and date stamp copies of the submittal, and shall retain a copy of the submittal for office files. 3) The submittal shall include a Certified List of Abutters from Assessor's Office which lists all abutters within three hundred feet (300') of the locus. 4) Notice of the Public Hearing shall be made in compliance with the requirements of M.G.L. Chapter 40A, §11, as amended. 5) The Board shall hold a Public Hearing with regard to any such Application within sixty-five (65) days of the filing thereof. 6) The Board of Appeals shall supply a copy of a Legal Notice to the Applicant. In accordance M.G.L. c. 40 §11, the Applicant shall send a copy of the Legal Notice to all parties in interest by Certified Mail, Return Receipt Requested. 7) Return Receipt Requested (USPS) cards for each abutter listed on the Certified List of Abutters and all parties in interest shall be submitted to Board of Appeals at the commencement of the hearing. 8.A.1.e. Procedure for Filing Applications for Special Permit See Sections 8.A.1.d.1) through 7) for filing requirements. 8.A.1.f. Filing and Plan Requirements An application for a Variance, Extension or Alteration of Pre-Existing Non-Conforming Uses or Structures, Special Permit, or an Appeal shall be submitted in accordance with the Rules and Regulations of the Board of Appeals. 8.A.1.g. Findings of the Board of Appeals 1) In Granting a Variance (M.G.L. Chapter 40A, §10) i. The Board of Appeals must find that due to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a 69 literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and ii. that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or bylaw. 2) In Granting Approval of Extension or Alteration of Pre-Existing Non-Conforming Uses or Structures (M.G.L. Chapter 40A, §6). 3) The Board of Appeals must find that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. 4) In granting a Special Permit 5) The Board of Appeals must make Findings as listed in Section 8.A.2.f. below. 8.A.1.h. Decisions 1) Decisions on an Appeal, a Variance, or Pre-Existing Non-Conforming Use or Structure made pursuant to Section 8.A.1.b.1) i., ii., and iii of this Bylaw Section. i. The Board of Appeals shall make its decision within one hundred (100) days from the date of the filing of the appeal, application or petition with the Town Clerk. ii. The Board of Appeals shall file its decision with the Town Clerk in accordance with the provisions of M.G.L. c. 40A §15. 2) Decisions on a Special Permit pursuant to Section 8.A.1.b.1) iv. of this Bylaw

section. The Board of Appeals shall file its decision with the Town Clerk within ninety (90) days from the close of the Public Hearing on such application. 3) The Applicant may request, and the Board of Appeals may grant by majority vote, an extension of the time limits set forth herein. Notice of an Extension must be filed forthwith with the Town Clerk. 8.A.1.i. Other Provisions The provisions and requirements outlined in Section 8.A.2.g., i., and j. below shall apply to Decisions under this Bylaw section. 8.A.1.j. Lapse of Approval 1) For a Variance (M.G.L. Chapter 40A, §10) i. If the rights authorized by a variance are not exercised within one year of the date of grant of such variance such rights shall lapse; provided, however, that the Board of Appeals in its discretion and upon written application by the grantee of such rights may extend the time for exercise of such rights for a period not to exceed six months; and provided, further, that the application for such extension is filed with the Board of Appeals prior to the expiration of such one year period. ii. If the Board of Appeals does not grant such extension within thirty days of the date of application therefore, and upon the expiration of the original one year period, such rights may be reestablished only after notice and a new hearing pursuant to the provisions of M.G.L. Chapter 40A, §11. 2) For an Extension or Alteration of Pre-Existing Non-Conforming Uses or Structures (M.G.L. Chapter 40A, §6) i. Construction or operations under a building or special permit shall conform to any subsequent amendment of the ordinance or by-law unless the use or construction is commenced within a period of not more than six months after the issuance of the permit and, ii. In cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable. 3) For a Special Permit (M.G.L. Chapter 40A, §9). See Section 8.A.2.h. below. 8.A.2. PLANNING BOARD ACTING AS SPECIAL PERMIT GRANTING AUTHORITY 8.A.2.a. Authority The Planning Board shall hear and decide Applications for Special Permits in accordance with the provisions of M.G.L. Chapter 40A, §9, as amended, and the Zoning Bylaw. 8.A.2.b. Associate Member There is hereby established a position of Associate Member to the Planning Board when acting as a Special Permit Granting Authority, in accordance with the provisions of M.G.L. Chapter 40A, §9, as amended. 1) The Associate Member so established, a resident of West Newbury, shall be appointed by the Board of Selectmen for a term not to exceed one year or upon a vacancy. 2) An Associate Member may be appointed for consecutive terms. 3) The Planning Board shall provide the Board of Selectmen with a nomination list of no less than two names at least thirty days prior to an appointment. 8.A.2.c. Planning Board Regulations 1) The Planning Board shall adopt, and from time to time amend, Regulations to effectuate the purposes and intent of the provisions of this Bylaw section, as authorized in M.G.L. Chapter 40A, §12. 2) Such Regulations shall prescribe at a minimum the size, form, contents, style, number of copies of plans and specifications, and procedure for submittal and materials required, Public Hearing requirements, Fee Schedule, and the town boards or agencies from which the Board of Appeals shall request written reports. 8.A.2.d. Application An Application shall be filed in accordance with the Planning Board Regulations Governing Special Permits. 8.A.2.e. Timelines and Requests for Extension 1) The timelines for hearing and decision requirements shall comply with the requirements of M.G.L. Chapter 40A, §9 and 11. 2) The applicant may request, and the Planning Board may grant by majority vote, an extension of the time limits set forth herein. Notice of an Extension shall be filed forthwith with the Town Clerk. 8.A.2.f. Findings of the Planning Board In granting any Special Permit the Planning Board shall find that: 1) The specific site is an appropriate location for the use or structure. 2) The use developed will not adversely affect the neighborhood. 3) There will not be an undue nuisance or serious hazard to vehicles or pedestrians, and adequate and appropriate facilities will be provided to ensure the proper

operation of the proposed use, structure or condition. 4) The proposed use or structure will be in harmony with the general purpose of this Bylaw. 5) The requested use will not overload any public water, drainage, or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the town will be unduly subjected to hazards affecting health, safety or the general welfare. 8.A.2.g. Decision of the Special Permit Granting Authority (SPGA), Planning Board or Board of Appeals 1) The SPGA may make a Decision as follows: i. Approval as Submitted - Approval based on a determination that the Application complies with the criteria and Findings set forth in this Bylaw. ii. Approval with Conditions - Approval of the Application subject to any conditions, modifications, and restrictions the SPGA may deem necessary to ensure the health, safety, and general welfare of the community. The Planning Board may impose such conditions, safeguards and limitations, both of time and use, as it may deem reasonably appropriate to protect the neighborhood or otherwise serve the purpose of this Bylaw. iii. Disapproval - A disapproval of the Application for the reasons of an incomplete Application, non-compliance with the Zoning Bylaw, or a negative Finding of the criteria. 2) Distribution of Decisions i. The SPGA shall file its Decisions with the Town Clerk in accordance with M.G.L. Chapter 40A, §9. ii. A notice of the Decision shall be mailed to the petitioner; to all parties to whom notice of the hearings was mailed; to every person present at the hearing who requested that notice be sent to him and who stated the address to which such notice was to be sent; to the Inspector of Buildings; and where applicable, to the Board of Health, the Conservation Commission, and other Town boards or departments. 3) Decision Date i. The Board's decision becomes final when the Decision is filed with the Town Clerk and duly recorded with accompanying documents at the Registry of Deeds. ii. It is the responsibility of the Applicant to record all documents, and to provide the SPGA with a recorded copy. 4) Modifications All modifications to an approved Special Permit made after issuance of the Special Permit require review by the SPGA or its Agent as follows: i. Minor Modifications – The SPGA or its Agent may allow minor modifications of construction or Site Plan details, provided that they do not alter the intent or the Conditions of the Approval. ii. Major Modifications – The Applicant will be required to file an amended Special Permit application. 5) Withdrawal of Application Any application or petition may be withdrawn without prejudice by notice in writing to the SPGA prior to the publication of the notice of hearing, but thereafter, may be withdrawn without prejudice only with the approval of the SPGA. 8.A.2.h. Lapse of Approval Any approval which has been granted by the SPGA shall lapse within two (2) years from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause. 8.A.2.i. Compliance with other Requirements 1) A Building Permit, where applicable, is required for all uses approved by a Special Permit. 2) A proposal must comply with all other applicable Town Bylaws, and the applicable rules, regulations, and requirements of all departments, boards, and commissions. 8.A.2.j. Performance Guarantee 1) The SPGA may require that the Applicant file with the Board, as a condition of approval, a bond or other such surety acceptable in form and amount. This surety is to cover costs of non-building construction, including, but not limited to: streets, utilities, drainage, erosion control measures, and off-site environmental impacts. 2) A Performance Guarantee between the Applicant and the Board will specify the manner in which the on or off-site improvements will be completed and the specific manner and time frame in which the surety will be released. ***West Newbury Zoning Bylaw §8A1-8A2***

ELECTED

Board of Assessors

Composition: 3 members, elected

Date of Creation: July 17, 1985

MGL Reference: _____

Bylaw Reference: Town Bylaws Ch. IV

Charge:

Section 24. There shall be one, three, five, seven or nine assessors in every city and one, three or five assessors in every town. The assessors in every city and town shall be elected or appointed as otherwise provided by law; but as nearly one third of their number as may be shall be elected or appointed annually, each to hold office for three years and thereafter until his successor is duly elected or appointed. As soon as may be after such annual election or appointment, the assessors of every city and town shall organize by choosing one of their number as chairman and another as secretary or clerk of their board. None of the foregoing provisions shall apply to the city of Boston. In no city or town, including Boston, shall an assessor hold the office of collector of taxes or deputy collector of taxes, whether said deputy is appointed under the provisions of section thirty-seven of this chapter or section ninety-two of chapter sixty. *M.G.L. Part I, Title VII, §24*

AMENDMENT TO APPOINTMENT OF BOARD MEMBERS BYLAW [Adopted at the Annual Town Meeting of 1985, approved by the Attorney General July 17, 1985, and posted according to law March 26, 1986.] By motion brought under Article 9 of the 1985 Annual Town Meeting Warrant it was voted unanimously to amend the "Appointment of Board Members" by-law to authorize the Planning Board to appoint a member of their Board to serve as Secretary to the Board. *West Newbury Bylaws Chapter IV*

Mission Statement:

It is the mission of the Assessing Department to continue to be responsible for administering all of the Massachusetts General Laws relating to valuation and taxation in a fair and equitable manner throughout the community. As well as, deliver excellent service to the community in the most fiscally responsible manner.

Board of Health

Composition: 3 members, elected

Date of Creation: _____

MGL Reference: M.G.L. Ch. 111, §31

Bylaw Reference:

Charge:

Section 26. In each city, except as hereinafter provided, the board of health shall consist of three persons, one of whom shall be a physician. No one of them shall be a member of the city council. One member shall be appointed in January of each year for three years from the first Monday of the following February. Unless otherwise provided in the city charter, the members shall be appointed by the mayor, subject to confirmation by the board of aldermen, and may be removed by the mayor for cause, and vacancies shall be filled by appointment for the residue of the unexpired term. Members of the board shall receive such compensation as the city council may determine. Boards of health in towns shall be chosen as provided in chapter forty-one. This section shall not apply to any city in which a different type of organization is authorized by special legislative act or by the acceptance of sections twenty-six A to twenty-six E, inclusive.

Section 27. Every such board shall organize annually by the choice of one of its number as chairman. It may make rules and regulations for its own government and for the government of its officers, agents and assistants. It may appoint a physician to the board, who shall hold his office during its pleasure, may choose a clerk, who in a city shall not be a member of the board, and may employ the necessary officers, agents and assistants to execute the health laws and its regulations. It may fix the salary or other compensation of such physician and its clerk and other agents and assistants. *M.G.L., Part I, Title XVI, Chapter 111, §26-27*

Section 31. Boards of health may make reasonable health regulations. A summary which shall describe the substance of any regulation made by a board of health under this chapter shall be published once in a newspaper of general circulation in the city or town, and such publication shall be notice to all persons. No regulation or amendment thereto which relates to the minimum requirements for subsurface disposal of sanitary sewage as provided by the state environmental code shall be adopted until such time as the board of health shall hold a public hearing thereon, notice of the time, place and subject matter of which, sufficient for identification, shall be given by publishing in a newspaper of general circulation in the city or town once in each of two successive weeks, the first publication to be not less than fourteen days prior to the date set for such hearing, or if there is no such newspaper in such city or town, then by posting notice in a conspicuous place in the city or town hall for a period of not less than fourteen days prior to the date set for such hearing. Prior to the adoption of any such regulation or amendment which exceeds the minimum requirements for subsurface disposal of sanitary sewage as provided by the state environmental code, a board of health shall state at said public hearing the local conditions which exist or reasons for exceeding such minimum requirements. Whoever, himself or by his servant or agent, or as the servant or agent of any other person or any firm or corporation, violates any reasonable health regulation, made under authority of this section, for which no penalty by way of fine or imprisonment, or both, is provided by law, shall be punished by a fine of not more than one thousand dollars.

In a municipality with a municipal agricultural commission established pursuant to section 8L of chapter 40, the board of health shall, prior to enacting any regulation that impacts: (i) farmers markets as defined in department regulations; (ii) farms as defined in section 1A of chapter 128; (iii) the non-commercial keeping of poultry, livestock or bees; or (iv) the non-commercial production of fruit, vegetables or horticultural plants, provide the municipal agricultural commission with a copy of the proposed regulation. The municipal agricultural commission shall have a 45-day review period during which the commission may hold a public meeting and may provide written comments and recommendations to the board of health relative to the

proposed regulation. Upon a majority vote of the members, the agricultural commission may waive the 45-day review period,

If the board of health determines that an emergency exists, the board or its authorized agent, acting in accordance with section 30 of chapter 111, may, without notice of hearing, issue an order reciting the existence of the emergency and requiring that such action be taken as the board of health deems necessary to address the emergency. The board of health shall comply with the local enforcement emergency procedures set forth in department regulations, as amended from time to time.

Boards of health shall file with the department of environmental protection, attested copies of sanitary codes, and all rules, regulations and standards which have been adopted, and any amendments and additions thereto, for the maintenance of a central register pursuant to section eight of chapter twenty-one A. *M.G.L., Part I, Title XVI, Chapter 111, §31*

Board of Library Trustees, G.A.R Memorial Library

Composition: 9 members, elected

Date of Creation: _____

MGL Reference: M.G.L. Ch. 78, §10-12

Bylaw Reference:

Charge:

Section 10. A town which raises or appropriates money for the support of a free public library, or free public library and reading room, owned by the town, shall, unless the same has been acquired entirely or in part through some gift or bequest which contains other conditions or provisions for the election of its trustees, or for its care and management, which have been accepted by the town, elect by ballot at a meeting a board of trustees consisting of any number of persons, male or female, divisible by three, which the town determines to elect. When such board is first chosen, one third thereof shall be elected for one year, one third for two years and one third for three years, and thereafter one third shall be elected annually for a term of three years. The board shall, from its own number, annually choose a chairman and secretary and, if the town so votes, a treasurer, who shall give a bond similar to that given by the town treasurer, in an amount and with sureties to the satisfaction of the selectmen. Until the town otherwise directs the town treasurer shall act as treasurer of the board of trustees.

Section 11. The board shall have the custody and management of the library and reading room and of all property owned by the town relating thereto. All money raised or appropriated by the town for its support and maintenance shall be expended by the board, and all money or property which the town may receive by gift or bequest for said library and reading room shall be administered by the board in accordance with the provisions of such gift or bequest. The board of any library, for the purpose of improving the services of said library, may enter into an agreement with the board or boards of any neighboring library or libraries, to pay for services in common, or to manage a facility to be operated jointly by more than one municipality, such payments to be shared in accordance with terms of such agreement.

Section 12. The board shall make an annual report to the town of its receipts and expenditures and of the property in its custody, with a statement of any unexpended balance of money and of any gifts or bequests which it holds in behalf of the town, with its recommendations. ***M.G.L. Part I, Title XII, Chapter 78, §10-12***

Board of Water Commissioners

Composition: 3 members, elected

Date of Creation: January 21, 1937

MGL Reference: Chapter 38 of the Acts of 1936

Bylaw Reference:

Charge:

Section 4. In any city or town which accepts the provisions of this chapter, there is hereby created a body politic and corporate and political subdivision of the commonwealth to be known as the water and sewer commission of the municipality. The commission is hereby constituted an independent public instrumentality and the exercise by the commission of the powers conferred by this chapter shall be deemed and held to be the performance of an essential public function. The commission shall not be subject to the supervision of the municipality or of any department, commission, board, bureau or agency of the municipality except to the extent and in the manner provided in this chapter.

Except as otherwise provided in this chapter, the powers of the commission shall be exercised by a board of three members, each of whom shall be a resident of the municipality. These members shall be appointed by the local appointing authority in accordance with the municipal charter. The members shall include one member with extensive experience in the field of administration or business, and one member with extensive experience in the field of finance or accounting. Of the members first appointed, one shall serve in office for a term expiring on June thirtieth in the year following the acceptance of this chapter, and one for a term expiring on June thirtieth, in the second year following the acceptance of this chapter and one for a term expiring on June thirtieth, in the third year following the acceptance of this chapter. Thereafter, the local appointing authority shall appoint successors for a term of three years or, in the case of an appointment to fill a vacancy, for the unexpired term, and until his successor is appointed and qualified. Any member of the commission shall be eligible for reappointment. Any member of the commission may be removed at any time for cause in accordance with the removal procedures then in effect in the municipality. No vacancy in the membership of the commission shall impair the right of a quorum to exercise the powers of the commission. Two members of the commission shall constitute a quorum and the affirmative vote of two members shall be necessary for any action taken by vote of the commission. Any such action shall take effect immediately unless otherwise provided and need not be published or posted.

The commission shall annually elect one of its members as chair. The commission may establish, with the approval of the local appointing authority a reasonable per diem compensation for its members for attendance upon the business of the commission. Such amount may be payable to each member for one day in each month and for any additional days as may be approved by the local appointing authority. In addition, each member may be reimbursed for all reasonable and necessary expenses incurred in the discharge of official duties as approved by the commission. In accordance with chapter two hundred and sixty-eight A, the commission shall be deemed to be a municipal agency and the members of the commission shall be deemed to be special municipal employees.

The provisions of sections twenty-three A to twenty-three C, inclusive, of chapter thirty-nine shall apply to all meetings of the commission and section ten of chapter sixty-six relating to the availability of public records as defined in clause twenty-sixth of section seven of chapter four shall apply to the commission.

The commission shall be deemed to be a public employer within the meaning of chapter two hundred and fifty-eight. The members, officers and employees of the commission shall be deemed to be public employees within the meaning of chapter two hundred and fifty-eight. The commission shall be liable in tort for defects in a public way to the same extent as the municipality under chapter eighty-four.

The commission and its employees shall be subject to the provisions of chapter one hundred and fifty E, to the extent said provisions are applicable, and for purposes of said chapter, the commission shall be considered an "employer" or "public employer" as defined therein. The commission may designate a representative to act in its interest in dealing with employees of the commission and the term "legislative body" as used in chapter one hundred and fifty E shall mean the commission.

The commission shall be deemed a district for purposes of chapter thirty-two B. The commission and the municipality may enter into such arrangements as they deem suitable for provision of insurance benefits jointly for employees of the commission and employees of the municipality under said chapter thirty-two B.

The commission may be self-insured for the purpose of workers' compensation under chapter one hundred and fifty-two.

Section 5. The commission may appoint, employ and determine the compensation, duties and conditions of employment of an executive director and such other officers as the commission shall deem necessary, who shall not be members of the commission and who shall serve at the pleasure of the commission; provided, however, that the commission may bind itself by contract to employ an executive director, and such other officers, but no such contract may be for a period of more than five years. The executive director shall be the chief executive officer of the commission and shall administer and direct its affairs as authorized or approved by the commission and shall have such of the powers and perform such of the duties of the commission as the commission may from time to time have delegated to him and not recalled. The executive director or his designee as approved by the commission shall be the secretary of the commission and shall keep a record of the proceedings of the commission and shall be custodian of all books, documents and papers filed with the commission, the minute book or journal of the commission and its official seal. The executive director and any other officer designated by the commission for this purpose, each alone, may cause copies to be made of all minutes and other records and documents of the commission and may give certificates under its official seal to the effect that such copies are true copies, and all persons dealing with the commission may rely upon such certificates. Before the issuance of any bonds under the provisions of this chapter the executive director and any other member or officer of the commission charged with responsibility for the issuance thereof, shall each execute a surety bond in the sum of one hundred thousand dollars payable to the commission, or in lieu thereof the commission shall obtain a blanket position bond covering the executive director and any other member or officer of the commission charged with responsibility for the issuance of any bonds to be conditioned upon the faithful performance of

the duties of their offices, to be executed by a surety company authorized to transact business in the commonwealth as surety and approved by the commission.

The commission may from time to time hire, transfer or otherwise appoint or employ legal counsel, financial advisors and such other experts, engineers, agents, accountants, clerks, and other consultants and employees as it deems necessary and determine their duties.

The commission may purchase insurance on behalf of itself and any of its members, officers, employees or agents against any liability arising out of his status as such, whether or not the commission would have the power to indemnify him against such liability.

The commission shall operate on a fiscal year commencing July first unless otherwise provided by the commission.

All officers or employees hired, transferred or otherwise appointed by the commission, other than a person transferring to or hired by the commission from employment with the municipality who is not subject to a residency requirement under the laws of the municipality prior to transfer, shall be subject to any residency requirements which apply to persons employed by the municipality. ***M.G.L. Part I, Title VII, Chapter 40N, §4-5***

Parks and Recreation Commission

Composition: 3 members, elected

Date of Creation: December 13, 1954

MGL Reference: M.G.L. Ch. 45, Sec. 5

Bylaw Reference:

Other Reference: Mill Pond / Pipestave Hill Management Plan

Charge:

M.G.L. Ch. 45, Sec. 5: Powers and duties of boards of park commissioners

Section 5. Such boards may lay out and improve public parks, make rules for their use and government, appoint all necessary engineers, surveyors, clerks and other officers, including a police force to act in such parks, define their powers and duties and fix their compensation and do all acts needful for the proper execution of their powers and duties. They shall have the authority given to the mayor, aldermen, selectmen, road commissioners and tree warden respectively by section seven of chapter eighty-four and by chapter eighty-seven, in places under their jurisdiction. Subject to appropriation, such boards shall also have the power to conduct park programs and recreation activities at places other than such public parks.

Mission Statement:

The Board of Park and Recreation is responsible for the planning and administration of public playgrounds and recreational areas in town, specifically Action Cove Playground/Bachelor Street Fields, Pipestave Fields, Ferry Lane Park and the Page School Softball Field. The Board is also responsible for the administration and promotion of the Summer Recreational Program at the Page School.

Planning Board

Composition: 5 members, elected; 1 associate member, appointed

Date of Creation: February 20, 1953

MGL Reference: M.G.L. Ch. 41, Sec. 81K-81Y

Bylaw Reference: Zoning Bylaw; Town Bylaw Title XLI, Stormwater Management

Other Reference: West Newbury Subdivision Regulations

Charge:

[The Planning Board] shall make careful studies of the resources, possibilities and needs of the town, particularly with respect to conditions injurious to the public health or otherwise in and about rented dwellings, and make plans for the development of the municipality, with special reference to proper housing of its inhabitants. In cities the said board shall be appointed by the mayor, subject to confirmation by the council, and in towns shall be elected at the annual town meeting or be appointed in such manner as an annual town meeting may determine. *M.G.L. Part I, Title VII, Chapter 41, §70*

Memorial Day Ceremony
In front of G.A.R. Memorial Library
May 29, 2023

Welcome by **Select Board Chair/Member** _____

Select Board member _____ to introduce reader for *In Flanders Fields* by Lt. Col. John McCrae.

Select Board member _____ to introduce reader for *We Shall Keep the Faith* by Moina Michael

Introduction of Grand Marshal **Select Board member** _____

Ask for Veterans to please stand **Select Board member** _____

Read list of names of those deceased in 2022 **Select Board member(s)**_____

Thank you to everyone for attending_____



**Town of West Newbury
Select Board
Tuesday, May 9, 2023
381 Main Street, Town Office Building
www.wnewbury.org
Meeting Minutes**

Open Session: The open session was called to order at 7:07pm by Chairman Parker.

Participation at the meeting:

- Richard Parker, Wendy Reed, Chris Wile- Select Board Members
- Angus Jennings- Town Manager
- Michelle Greene- Conservation Agent, appearing remotely
- Mike Mansir- Network Administrator, C-10 Research and Education Foundation Inc.
- Pat Skibbee- West Newbury resident, President of C-10 Board
- Jack Rau and family- Eagle Scout

Announcements:

- This meeting is being broadcast on local cable TV and recorded for rebroadcast on the local cable channels and the internet. Meeting also accessible by remote participation; see Agenda.
- Memorial Day Parade-- Monday, May 29th at 10:30am, followed by ceremony outside G.A.R. Memorial Library.
- Municipal Vulnerability Preparedness (MVP) Action Grant application submitted.
- Call for volunteers! FY24 positions on Boards/Commissions/Committees. See www.wnewbury.org/volunteer
- The passing of Dot Cavanaugh
- Reminder to subscribe for emailed Town agendas/news/announcements at www.wnewbury.org/subscribe

Regular Business

A. Select Board reorganization and election of officers

(See Exhibit A, p. 4). **Parker motioned to elect Reed as Chair of the Select Board. Wile seconded the motion. The motion passed (2 Yes, 0 No, with Reed abstaining). Wile motioned to elect Parker as Vice Chair of the Select Board. Reed seconded. The motion passed (2 Yes, 0 No, with Parker abstaining). Parker motioned to elect Wile as Clerk of the Select Board. Reed seconded. The motion passed unanimously (3 Yes, 0 No, 0 Abstain).** The Board agreed to delay assigning themselves to various Committees, Commissions, and Boards to an unspecified later date.

B. Request for permission to undertake Eagle Scout trail maintenance project (cont'd)

(See Exhibit B, p. 5-9). Continued discussion of Eagle Scout Jack Rau's trail maintenance project at the Riverbend Conservation Area focusing on standardization, repair, and repainting of trail markers which Rau explained would be completed by summer 2023, with Parker inquiring about the creation of more trail maps. Michelle Greene stated that various stakeholders in the community have been discussing enhanced uniform trail signage across the Town. **Reed made a motion to approve the project under supervision of the Conservation Agent. Parker seconded. The motion unanimously passed (3 Yes, 0 No, 0 Abstain).**

C. Requests for Special Event Permits

a. "Fox Hunts" – May 23rd and May 30th from 10am-noon – Myopia Hunt Club

(See Exhibit Ca, p. 10-17). The Board and Town Manager confirmed the logistics of the event. Parker stated he would like the Hunt Club to submit maps including more information about the Club's route. **Parker moved that the permit be approved but on the condition that a more complete route map and certificates of insurance be submitted with future applications. Wile seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

b. Charity Bike Ride raising funds for ALS research – June 25th at 8:30am to noon – ALS Therapy Development Institute.

Select Board Open Session Meeting May 9, 2023.

Posted Agenda on May 5, 2023 at the Town's Offices and the Town's Official Website www.wnewbury.org

Minutes approved XXXX

(See Exhibit Cb, p.18-26). Wile asked about the need for a police detail and its size, since the Police Chief had recommended a single officer be on duty. He also questioned whether the Therapy Development Institute would need to get state approval to use a state road (Rte. 113). His final question related to whether the insurance certificate was typical of what the Town required. **No motion was taken at this time.**

Item G was taken out of order at this time. See item G below for details.

D. Discussion of Select Board operations and logistics

Town Manager Jennings used this item to discuss operating procedures and workflows for the benefit of new Select Board members, particularly with regard to restructuring the dissemination of information to the public. **No motion was taken at this time.**

E. Discussion of process for Board/Commission/Committee member reappointments for FY24

(See Exhibit E, p. 27-28). The Board discussed the need to formally establish charges and compositions for Boards/Commissions/Committees. The need to stagger appointment scheduling was brought up by Wile, especially for larger committees. **No motion was taken at this time.**

F. Confirm participants on Page School Study, consultant selection advisory group

(See Exhibit F, p. 30-31). The Select Board discussed potential candidates to serve on the consultant selection advisory group. Parker reaffirmed his interest and participation in the advisory group going forward. Elisa Grammer and Nate Kelly were floated as potential Town resident members of the group, and the Select Board and Town Manager decided to add the Building Inspector as well. **No motion was taken at this time.**

G. Request for permission to modify electric power source for existing roof-mounted monitoring equipment at Page School – C-10 Research & Education Foundation, Inc.

(See Exhibit G, p. 29-38). Mike Mansir's presentation on the C-10 Research and Education Foundation's project to mount radiological monitoring equipment on the School, which Mansir stated would not require a building permit for installation, and could be done discreetly with no visual impact. Parker asked if the data generated by the equipment would be publicly viewable, and Mansir said that it would be available if the Town requested it. Jennings stated that the Page School Principal approved of the project, but the School Board would need to also approve it. **Parker motioned the Select Board approve the project. The motion unanimously passed. (Yes 3, No 0, Abstain 0).**

H. Consideration of appointment of temporary Chief Procurement Officer

(See Exhibit H, p. 39-41). **Select Board Member Parker moved to appoint Town Manager Jennings as the Temporary Chief Procurement Officer. Reed seconded. The motion passed unanimously (3 Yes, 0 No, 0 Abstain).**

I. Review of letter from Board of Water Commissioners dated April 24, 2023; review dates for joint Select Board/BOWC mtg

(See Exhibit I, p. 42-48). Reed brought up concerns of the Water Commissioners. Subsequent discussion leads to the Board stating their intention to have a late-May meeting with the Board of Water Commissioners to improve communication between the two entities and establish common goals. **No motion was taken at this time.**

J. Consideration of proposal to join National Rural Water Association PFAS Contamination lawsuit (cont'd)

(See Exhibit J, p. 49-58). Town Manager Jennings stated that local response to joining the lawsuit was not robust though he affirmed the Board of Water Commissioners' interest. Parker stated that it would be in the Town's best interest to continue to pursue joining on the advice of the Town Counsel. Wile asked about whether the Board of Water Commissioners would need to be involved in the lawsuit, and Jennings stated

that the Select Board would be solely responsible for managing West Newbury's role in the suit. **Motion will be delayed until future meeting.**

K. Debrief/follow-up from Annual and Special Town Meetings on April 24, 2023

(See Exhibit K, p.59-70). Reed stated that she felt there was still confusion regarding who would read Motions at Town Meeting and urged clarification of the process. Wile suggested that reading of the Motions could default to the Select Board if necessary. Additionally, Reed stated that she received resident feedback that check-in took too long. The Town Manager and Select Board discussed the need to take on or delegate Town Meeting-adopted mandates to establish a procurement and other policies. **No motion was taken at this time.**

L. Review/confirmation of financing schedule for Bond Anticipation Notes (BANs)

(See Exhibit L, p. 71-72). Town Manager Jennings alerted the Board that the reissue of BANS will take place June 26th, 2023 and to communicate this information as necessary. **No motion was taken at this time.**

M. Review/confirm dates for upcoming Select Board meetings

(See Exhibit M, p. 73). The Select Board confirmed and agreed to upcoming Board meeting dates. **No motion was taken at this time.**

N. Meeting minutes: January 30, 2023

(See Exhibit N, p. 74-76). Clerical errors were noted for correction. **Reed motioned to accept the meeting minutes. Parker seconded. The motion unanimously passed. (Yes 3, No 0, Abstain 0).**

Town Manager Updates

O. Update/next steps re DPW Director search process

The Town Manager informed the Committee that nine applications were received and five interviews had been conducted, with a list of second round interviews forthcoming. **No motion was taken at this time.**

P. Various project updates:

(See Exhibit P, p. 77-79; Exhibit Pa, p. 80-98; Exhibit Pe, p. 99-103; Exhibit Pf and Pg, p. 104-106; Exhibit Ph, p.107-109, Exhibit Pi p. 110-114; Pj p. 115-117; Pk.118). The Select Board and Town Manager had discussion on the following items:

- a) **Middle/High School MassDEP site visit:** Jennings stated the DEP representative was heartened to see the amount of documentation and serious discussion by contractors of the issue
- b) **Paving Contracts and WRAP Funding:** Wile asked about the status of the WRAP funding. Jennings responded that the funding was acquired as part of a regional fund, and that the Town would need to submit individual, Town-based contract to eventually utilize the funds.
- c) **Middle St. Bridge:** Town Manager Jennings stated that an extension of the current MassWorks Grant should be pursued and the Town should apply for a new one. Jennings stated that Town Planner Sue Brown is handling the application. Jennings outlined difficulties faced by the Town with respect to grant management without a DPW Director.
- d) **Beavers:** Wile inquired about what beaver mitigation projects were being undertaken. Jennings stated this agenda item was in specific reference to beaver activity across from the High School, as well as the site visit of a consultant to address the issue.
- e) **Town Hall painting bids received:** Reed confirmed with the Town Manager that CPA funds would be available even after the sunseting if a contract had been signed.

Q. Grants under active management.

(See Exhibit Q, p. 119-120). Town Manager Jennings stated that the Town is working on a master spreadsheet for grant-related dates and information as a ready reference. **No motion was taken at this time.**

R. Town Planner report

(See Exhibit R, p. 121-122). **No motion was taken at this time.**

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S. Updates on other ongoing/active projects/initiatives
(See Exhibit S, p. 123-129). **No motion was taken at this time.**

T. Follow up meeting assignment; placing items for future agendas
No motion was taken at this time.

Parker motioned to adjourn. Wile seconded. Motion unanimously passed (3 Yes, 0, No, 0 Abstain). Session adjourned 10pm.

Addendum to Meeting Notice regarding Remote Participation

Public participation in this meeting of the West Newbury Select Board will be available via remote participation. For this meeting, members of the public who wish to listen to the meeting may do so in the following manner:

Zoom Meeting

Phone: (646) 558 8656

Meeting ID: 860 3100 1203

Passcode: 218817

Join at: <https://us06web.zoom.us/j/86031001203?pwd=UzNFMXIIRTdDN285eU1xTWhtYlIDZz09>

Every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the West Newbury website an audio or video recording of proceedings as soon as practicable after the meeting.



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



Jennifer Walsh, Town Accountant

TO: All Departments
 FROM: Jennifer Walsh, Town Accountant *Jennifer Walsh*
 DATE: May 15, 2023
 RE: FY23 Year-End Procedures

Please note the following key deadlines, procedures, and dates for fiscal year-end close processes related to payroll, accounts payable and purchasing.

Payroll

Payroll warrants at year-end:

Warrant Number	Check Dated	Pay Period	Due to Accounting
23-27*	7/5/2023*	6/16/2023 ~ 6/29/2023	Thursday, June 29, 2023
23-28*	7/19/2023*	6/30/2023	Monday, July 3, 2023; <i>Split Payroll</i>

*PW 23-27 with a check date of 7/5/2023 will be posted with a 6/30/2023 date.

*PW 23-28 with a check date of 7/19/2023 will be posted with a 6/30/2023 date.

Warrant Number	Check Dated	Pay Period	Due to Accounting
24-03	7/19/2023	7/1/2023 ~ 7/13/2023	Thursday, July 13, 2023; <i>Split Payroll</i>

Please note that there will be a split payroll for the week ending July 13, 2023. In order to capture the split, employees will need to submit two separate time sheets as follows.

- FY23 timesheet for hours worked on 6/30/2023. Due to Accounting on Monday, July 3, 2023.
- FY24 timesheet for hours worked from 7/1/2023 through 7/13/2023. Due to Accounting on Thursday, July 13, 2023.

Hours for the period of June 30 through July 13, 2023 will be paid on July 19, 2023. Please ensure you are using the correct payrates per fiscal year.

Any FY23 hours still owed employees after week ending July 13, 2023 payroll is processed will need approval at the fall Special Town Meeting. **This is not best practice and we should avoid unpaid wages.**

Accounts Payable

Accounts payable warrants at year-end:

Warrant Number	Check Dated	Post Date	Due to Accounting
23-49	7/5/2023	6/30/2023	Monday, July 3, 2023
23-50*	7/14/2023	6/30/2023	Wednesday, July 12, 2023

*Final vendor warrant for FY23.

In order to charge invoices to the FY23 budget, invoices should indicate that the service has been performed or supplies have been ordered prior to June 30, 2023. Please be sure that invoices are submitted for payment along with all appropriate account numbers and signatures.

All FY23 invoices to be paid after June 30, 2023 must be received by 4:00 p.m. on Wednesday, July 12, 2023. Invoices received after that date that have not been encumbered must be paid as unpaid bills with funds appropriated at the fall Special Town Meeting. **This is not best practice and we should avoid unpaid bills.**

If you have not received all of your FY23 invoices by July 1, 2023 please contact vendors for final invoices.

Please ensure that your **invoices are clearly marked as to which fiscal year the funds will be paid from** to avoid any errors.

Encumbrance Requests

An encumbrance is defined as a legal commitment made by the Town. This can be in the form of goods that have been ordered but the invoice has not been received by year-end or a contract that has been signed by all parties, is underway, but the project has not been completed.

If you have ordered an item or are having a service performed before June 30, 2023 and the item hasn't been received and/or work not complete, we will need to reserve the FY23 funds to pay the invoice later. Please ensure you let me know by 10:00 a.m. on Friday, June 28, 2023.

Chapter 90 and Grant Reimbursement Requests

Please submit all requests for Chapter 90 and grant reimbursements to the appropriate agency as soon as possible to prevent any fiscal year-end deficits and reduce certified free cash. **Please copy me on all such requests.**

Line-Item Transfers

The Select Board and Finance Committee must approve all line-item transfer requests. The transfer request form can be found on the Finance Committee webpage <https://www.wnewbury.org/finance-committee/pages/transfer-request-forms> . Please ensure that all requests have been submitted before the week of July 3, 2023 to allow the Finance Committee enough time to schedule a meeting to address all final FY23 transfer requests. You will be notified of the date and time of the Finance Committee and Select Board consideration of such requests.

Accrual Update

The sick, vacation and personal day accruals will be updated and reports sent out once the last FY23 payroll is complete. All departments should audit accrual usage for their employees and send any corrections for FY23 to the Finance Department no later than July 5, 2023.

Year-End Closing

In order to facilitate a smooth year-end closing, no FY23 general ledger adjustments will be made after July 14, 2023. The annual independent audit has been scheduled for September 18, 2023 through September 22, 2023.

Please do not hesitate to reach out to me if you have any questions. Thank you for your cooperation.