



**Town of West Newbury**  
**Select Board**  
**Monday, June 26, 2023 @ 5:30pm**  
 381 Main Street, Town Office Building  
[www.wnewbury.org](http://www.wnewbury.org)  
**AGENDA**

REC'D W. NEWBURY CLERK  
 '23 JUN 22 PM 4:40

**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) 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; Select Board personnel evaluations*).

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.
- Celebration of Life for Mary Dorothy "Dot" Cavanaugh – Tuesday, June 27<sup>th</sup> at 4:30pm, SAGE Center
- Housing Opportunities Initiative/MBTA Communities Design Workshop, Tuesday, June 27<sup>th</sup> at 6pm
- 2023 Summer Bandstand Concert Series – Thursdays at 6:30pm – list of performers located on Town website
- Call for volunteers! FY24 positions on Boards/Commissions/Committees. See [www.wnewbury.org/volunteer](http://www.wnewbury.org/volunteer)
- Reminder to subscribe for emailed Town agendas/news/announcements at [www.wnewbury.org/subscribe](http://www.wnewbury.org/subscribe)

**Regular Business**

- A. Updates since June 5<sup>th</sup> discussion of Ash Street posted speeds / speed limit enforcement
- B. Presentation of updated plan for improvements to Route 113 (Main Street) crosswalk between Page School and Pipestave; and overview of Route 113 ped/bike safety planning process – *TEC Consultants*
- C. Updates regarding research into potential conversion to LED Streetlights – *Energy/Sustainability Comm.*
- D. Update on work to pursue potential creation of new public water source at 31 Dole Place
- E. Review of recommended vendor selection: Page School Conditions Assessment
- F. Request for authorization to apply for MassDOT Small Bridge Grant for Middle Street Bridge
- G. Review of draft LAND grant application for proposed acquisition of Sawmill Brook property
- H. Review of projects approved for ARPA funding, and potential new projects for consideration
- I. Approval and signing of the borrowing paperwork in connection with the Town's \$1,020,000 Bond Anticipation Note dated July 12, 2023, payable July 12, 2024
- J. Request for appointment of Ian Kenneth James as Associate Planning Board member
- K. Consideration of requests for Committee member reappointments for FY24
- L. Review and approval of FY24 Grade/Step Compensation Schedule
- M. Review and approval of FY24 employee wage schedule
- N. Requests for staff reappointments for FY24
- O. Requests for reappointment of Emergency Management Agency representatives/staff for FY24
- P. Acknowledgement of receipt of Ethics Disclosures from Summer Rec program staff and Water Superintendent
- Q. Request for authorization to waive Personnel Policy to allow payment to employee for more than 3 days of required Jury Duty – *Angus Jennings, Town Manager*
- R. Meeting minutes: Feb. 13, 2023; Feb. 27, 2023; March 29, 2023; April 24, 2023; May 22, 2023 & June 6, 2023

**Town Manager Updates**

- S. Summary of Town Counsel review of short-term rental bylaw
- T. Update from Planning Board housing opportunities session held on June 20<sup>th</sup>
- U. Affordable Housing Trust (AHT) work toward creating Small Grant Program; and work toward finalizing sub-grant agreement for AHT use of CPA funds
- V. Procurement updates
- W. Updates on other ongoing/active projects/initiatives
- X. 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: 820 1353 4957  
 Passcode: 035775

Join at: <https://us06web.zoom.us/j/82013534957?pwd=MkxldkVOOQnZlODd4V0NlbnRlbnRQOjRlCOT09>

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 Manager

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**From:** COA  
**Sent:** Wednesday, June 21, 2023 1:42 PM  
**To:** COA  
**Subject:** SAGE Center News - July/August  
**Attachments:** COA Newsletter 07-08 2023 web.pdf

Hello and Happy First Day of Summer!

Attached please find the SAGE Center News for July and August. Our programming will be a little lighter for the summer, but please check out these special events and programs:

- 📅 Luau Themed Dinner on Thursday, July 13 at 4:30 pm
- 📅 Ice Cream Social on Wednesday, July 19 from 12-1 pm
- 📅 Coffee and Conversation with Therapy Dog, Frasier on Thursday, August 10 from 10-11 am
- 📅 Sunray Café Luncheon serving a Sausage & Pepper Sub on Wednesday, August 23 at 11:30 am
- 📅 Learn to Play Cribbage every Monday at 1 pm
- 📅 Cornhole Games every Wednesday from 1-3 pm
- 📅 3B Fitness Class on Mondays and Thursdays at 9 am
- 📅 Yoga on Fridays at 9 am
- 📅 Day Trip to the North Shore Music Theatre for Escape to Margaritaville on Wednesday, August 16 – deadline to sign up and pay is July 13

Please feel free to contact Jen or myself with any questions or to sign up for programs. Follow us on **Facebook** or **Instagram** at **West Newbury Council on Aging** for updates and fun photos! Also, you can always find our newsletters on the Town web site at: [coa\\_newsletter\\_07-08\\_2023\\_web.pdf](https://www.coa-newsletter-07-08-2023-web.pdf) ([wnewbury.org](https://www.wnewbury.org))

Best regards,

**Christine Marshall**

West Newbury Council on Aging Director  
978-363-1104 | [coa@wnewbury.org](mailto:coa@wnewbury.org)



**SAGE CENTER**  
*social | activities | growth | education*



# SAGE CENTER NEWS

*social | activities | growth | education*

**Issue:** July / August 2023

## Hours

Monday-Thursday 8 am-4:30 pm  
Friday 8 am-noon

## Contact

Phone: 978-363-1104  
Fax: 978-363-1826  
Email: [coa@wnewbury.org](mailto:coa@wnewbury.org)  
Mail: 381 Main Street  
West Newbury, MA 01985

## Staff

Christine Marshall, Director  
Jen Vincent, Nutrition Coordinator

## Board Members

Jacqueline Johnston, Chair  
Richard Preble, Vice-Chair  
Marjorie Peterson, Secretary  
Victoria Beaumier  
Gail DiNaro  
Dianne Faulkner  
Jessa Haynes  
Joseph Publicover  
Robert Veator  
Barbara Warne



We wish everyone a safe and happy summer! Our programs will be light for the summer. You will notice some programs on hold until September.

You are always welcome to come to the SAGE Center any time during

regular hours - especially on those hot summer days to cool off in the air conditioning. It's a great place to spend some time with friends. We have games, puzzles, books, magazines, television, newspapers, coffee, and sometimes fresh baked cookies!



## MISSION STATEMENT

The mission of the West Newbury Council on Aging is to provide support services and programs which will enrich the lives of West Newbury citizens ages 60 and over. The Council maintains information, knowledge and interest in the local, state and federal affairs which relate to the welfare of our residents.

## MEMBERSHIP & REGISTRATION

Membership is open to anyone age 60 or over and is not restricted to residents of West Newbury. There is no membership fee. Registration is required for most programs. Please email [coa@wnewbury.org](mailto:coa@wnewbury.org) or call 978-363-1104 to register. If there is a financial hardship preventing you from participating, please contact Christine. Please complete a Membership Form next time you stop by the Center.

## ELECTRONIC NEWSLETTER

If you wish to receive the newsletter electronically via email instead of by mail, please call 978-363-1104 to request this service or email [coa@wnewbury.org](mailto:coa@wnewbury.org) - thank you! The newsletter is also available on the Town web site at: [www.wnewbury.org/sage-center/newsletters](http://www.wnewbury.org/sage-center/newsletters)

## UPCOMING CLOSURE

◆ Tuesday, July 4, 2023





# NUTRITION & RESOURCES

## Meals on Wheels

Call AgeSpan at 1-800-892-0890

Meals on Wheels can be arranged by calling AgeSpan at 1-800-892-0890 and ask for the Intake Department. Access to nutritious food is important for healthy aging. AgeSpan offers a variety of nutrition services designed to help people stay healthy and independent in their community.

## Congregate Lunch

Lunch served each day Monday through Friday at 11:30 am

Congregate lunch for participants age 60 and over is served daily at the Senior Center. Call for a menu, and we will mail one to you. When a special event is planned, the meal served will be the special event meal. Please call 978-363-1104 to sign up at least 2 business days in advance. Suggested donation \$2.

## Foot Care

Pedicure appointments are available two Saturdays per month. Please call Valerie to schedule your appointment at 781-424-7707.

## Medical Equipment Closet

Medical equipment is donated to us, we sanitize the equipment and loan it out to residents in need. Please give us a call to ensure that we have what you need. Equipment is available as long as you need it. If the Center is closed, please call the NON-EMERGENCY Police Number at 978-363-1213.

## Food Pantry

July 5, 18 | August 1, 15, 29 | 9-10:30 am (and by appointment)

If you or someone you know needs a little extra help, please stop by. The pantry is open the 1st, 3rd and 5th Tuesday of every month or call for an appointment. (Open on Wednesday if Tuesday is a holiday.) We accept donations to the food pantry of unexpired food items, toiletries and paper goods. Monetary donations can be made on the Town's web site / click on *Pay Bills* icon / *Donation* or by check payable to "Town of West Newbury." Thank you for your support!

## Need Help With Medicare? SHINE Can Help!

Regional SHINE Office at 978-946-1374

SHINE = **S**erving **H**ealth **I**nsurance **N**eeds of **E**veryone...on or eligible for Medicare. Certified SHINE counselors offer free, unbiased, confidential counseling on all aspects of health insurance to anyone on or eligible for Medicare. Are you turning 65 this year and have questions about Medicare? Call the **Regional SHINE Office at 978-946-1374**. A Shine counselor will return your call within 48 hours.

# HEALTH & FITNESS



## 3B Class - Balance, Bones and Brain

Mondays and Thursdays at 9:00 am

3B incorporates balance exercise to help prevent falls, strength training to improve bone density, and trivia and brain games to help with cognition. All this with great music will keep you motivated and accountable. This class is appropriate for all fitness levels and is run by certified personal trainer, Brian Coyne, who has over 15 years of experience.



*Unfortunately, the Wednesday afternoon class has been cancelled due to low participation.*

**Located in Annex | \$5 suggested donation | Due to summer vacations, there will be no class on July 3, 6, 31, August 3.**

## Yoga

Fridays at 9:00 am

Yoga unites the mind, body and soul in a way that eases tension, reduces inflammation and promotes health and well being. Yoga not only helps improve your body, but also helps with mindfulness and meditation. Focusing on your breath during practice is key to staying in tune with your mind and body. Please wear comfortable clothing and bring a towel or mat.



**Located in Annex | \$5 suggested donation**

## Wellness Check with Courtney

Tuesdays, July 11 & August 8 | 1:00-2:00 pm

Courtney Krigest, Clinical Consultant Pharmacist, will be available for blood pressure readings each month. She can also answer questions about your prescriptions and over-the-counter medications.

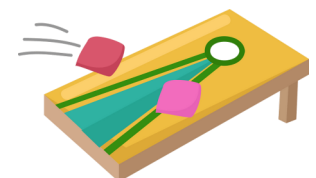
Please stop by to meet her at the SAGE Center, 381 Main Street, Ground Floor. Free



## Cornhole Games on the Lawn

Every Wednesday | 1:00-3:00 pm

Come to SAGE on Wednesday afternoons for fun games of Cornhole. Cornhole is good for our strength, balance, hip mobility, coordination, visual perception and it's so much FUN!! Meet at the SAGE Center to sign in. If it's raining, we will play in the Annex. Drop-in group.



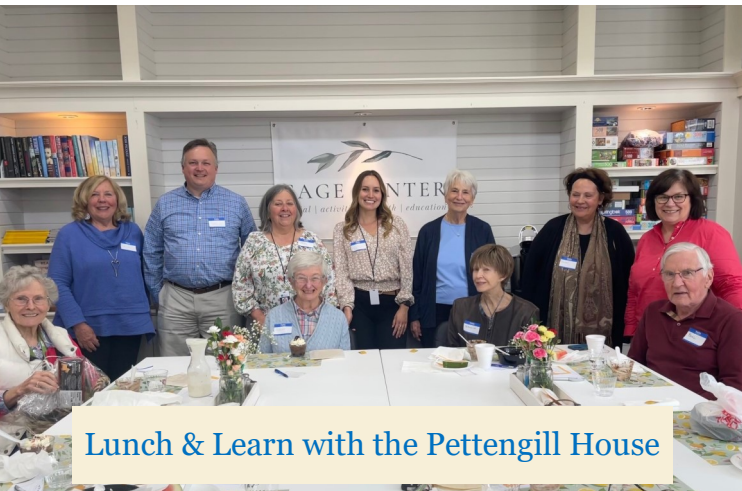
**Location: Lawn behind housing or Annex | FREE**



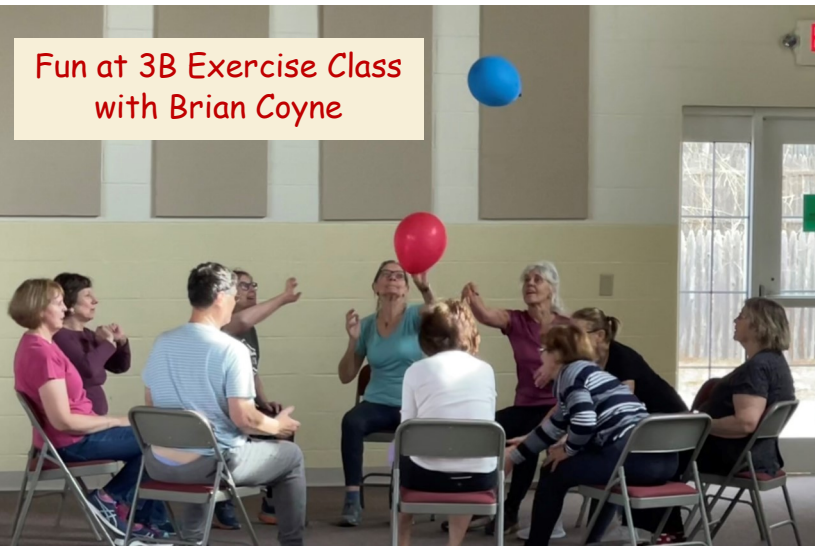
# FUN PHOTOS



Spring Luncheon & Concert with the Page School



Lunch & Learn with the Pettengill House



Fun at 3B Exercise Class with Brian Coyne



# PROGRAMS & EVENTS



## Luau Themed Dinner at SAGE

Thursday, July 13 | 4:30 pm | Luau

Our Luau Dinner will include: pineapple teriyaki pulled pork, Hawaiian fried rice, tropical slaw, sweet Hawaiian rolls, and Hawaiian coconut cake! All of our Dinner events are homemade meals. They are cooked here at the SAGE Center from scratch by our chef Jen. Please call the SAGE Center at 978-363-1104 or email Jen at [mow@wnewbury.org](mailto:mow@wnewbury.org) to register.



**Location: SAGE Center | Suggested donation \$10**

## Ice Cream Social

Wednesday, July 19 | 12-1 pm

Come cool off at the SAGE Center and enjoy an ice cream with us! Drop by any time between 12-1:00 pm. We will be serving vanilla and chocolate ice cream with all the toppings! Bring a friend!



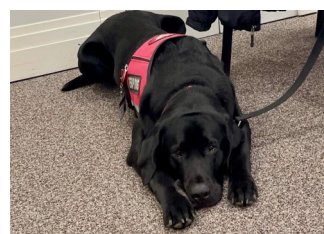
**Location: SAGE Center | FREE**

## Coffee and Conversation with Therapy Dog, Frasier

Thursday, August 10 | 10-11 am

Join our monthly breakfast gathering to socialize with friends and make new ones! This is a drop in event. Coffee and baked goods will be served.

**Location: SAGE Center | FREE**

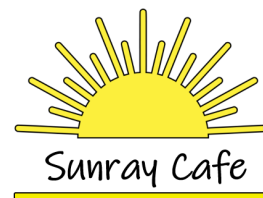


## Sunray Café Luncheon

Wednesday, Aug. 23 | 11:30 am | Sausage & Pepper Sub

Our Sunray Café Luncheons are in-person homemade meals - cooked here at the SAGE Center from scratch by Jen. Please call the SAGE Center at 978-363-1104 or email Jen at [mow@wnewbury.org](mailto:mow@wnewbury.org) to register.

**Location: SAGE Center | Suggested donation \$5**



## Programs on Hold for the Summer - will resume in September

Lunch and Learn Events

Outdoor Adventure Walking Group

Games, Puzzles & Coloring with Pentucket Volunteers

Age-Friendly Discussion Group

Council on Aging Board does not meet in July or August

Craft Corner



# GROUPS & MEETINGS

## Learn to Play Cribbage and other Card Games! Every Monday | 1:00-3:00 pm

This group meets weekly at SAGE; led by volunteer, Vicky Beaumier. Come play, teach others and socialize. This is a drop-in program, and refreshments will be served.



**Location: SAGE Center | FREE**

## Office of Senator Bruce Tarr Mondays, July 17 & August 14 | 9:30-10:30 am

Office hours are in-person and held in the lobby or SAGE Center, 381 Main Street, West Newbury

## State Rep., Adrienne Ramos Wed., July 26 & August 23 | 10:00-11:30 am

Office hours are in-person and held in the lobby or SAGE Center, 381 Main Street, West Newbury

## Veterans' Agent, Karen Tyler Thursdays, July 13 & August 10 | 10-11:00 am

Office hours are in-person and held in the First Floor Hearing Room at Town Offices, 381 Main Street, West Newbury



# FOOD PANTRY WISH LIST

- |                         |                       |                           |
|-------------------------|-----------------------|---------------------------|
| Breakfast Cereal        | Mac & Cheese Boxes    | Laundry Detergent         |
| Instant Oatmeal Packets | Boxes of Pasta        | Small Dish Soap           |
| Individual Apple Sauce  | Pasta / Alfredo Sauce | Spray Cleaner or Wipes    |
| Peanut Butter           | Granola Bars          | Toilet Cleaner            |
| Jelly                   | Individual Crackers   | Paper Towels (individual) |
| Canned Soups            | Individual Cookies    | Toilet Paper (individual) |

*The pantry has a refrigerator and freezer to accommodate fresh or frozen donations. Please no bulk items. Small sizes and individually wrapped items are best for our pantry. Please call Jen Vincent with any questions at 978-363-1100 ext. 134.*

## Donations

The West Newbury Council on Aging (COA) is able to accept donations into the COA Gift Account and the West Newbury Food Pantry Gift Account. Donations can be made on the town web site at [www.wnewbury.org](http://www.wnewbury.org) and clicking on the "Pay Bills" icon. Donations can also be made by check payable to the "Town of West Newbury" and mailed to the SAGE Center. Please note on your check which account your donation is intended for.



# TRANSPORTATION



## NEET (Northern Essex Elder Transport, Inc.)

Call 978-363-1104

We have been partnering with NEET, a non-profit volunteer program providing transportation to medical appointments and errands for residents age 60 and over. Simply complete the application process; and when you have an upcoming appointment, call Christine at SAGE with the details.

Rider applications are available at the SAGE Center, on the town website at [www.wnewbury.org/sage-center/transportation](http://www.wnewbury.org/sage-center/transportation) and on NEET's website at [www.driveforneet.org](http://www.driveforneet.org).



Don't miss an appointment - please contact Christine at 978-363-1104 for more information!

## CareRide Program through AgeSpan

Call 978-651-3118

CareRide is a subsidized transportation service for non-emergency medical appointments for anyone 65 plus who resides in the Greater Haverhill or the Greater Lowell areas. The program uses Lyft to provide transportation. For more information, contact Alexandra Luciano, AgeSpan CareRide Program Coordinator at 978-651-3118.

## Ring & Ride Monday thru Fridays 6 am-6 pm & Saturdays 9 am-6pm

FREE Rides

Call 978-469-6878 press option 3

MVRTA is in the process of rebranding to MeVa! Ring & Ride (now mini MeVa) is a curb-to-curb transportation service provided by the Merrimack Valley Regional Transit Authority (MeVa) for the communities of Amesbury, Andover, Boxford, Georgetown, Groveland, Haverhill, Lawrence, Methuen, Newbury, North Andover, Rowley, Salisbury, West Newbury.

All mini MeVa vans have wheelchair lifts and are handicapped accessible.

This service allows residents to travel anywhere within the MeVa service area. The service also allows you to connect to any of the MeVa fixed route bus systems.

**For reservations call 978-469-6878, press option 3 between 8 am and 4:30 pm Monday through Friday at least one day in advance.**





# SAGE CENTER

social | activities | growth | education

## Calendar for July 2023

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
3 <b>3B Canceled</b> 11:30 Lunch 1:00 Cribbage & other Card Games	4 <b>Closed for the Holiday</b>	5 9:00 Food Pantry 11:30 Lunch 1-3 Cornhole Games	6 <b>3B Canceled</b> 11:30 Lunch	7 9:00 Yoga 11:30 Lunch
10 9:00 3B Exercise 11:30 Lunch 1:00 Cribbage & other Card Games	11 11:30 Lunch 1:00 Wellness Check	12 11:30 Lunch 1-3 Cornhole Games	13 9:00 3B Exercise 10:00 Veterans' Agent 11:30 Lunch 4:30 Luau Theme Dinner at SAGE	14 9:00 Yoga 11:30 Lunch
17 9:00 3B Exercise 9:30 Senator Tarr's Office Hours 11:30 Lunch 1:00 Cribbage & other Card Games	18 9:00 Food Pantry 11:30 Lunch	19 11:30 Lunch 12-1 Ice Cream Social 1-3 Cornhole Games	20 9:00 3B Exercise 11:30 Lunch	21 9:00 Yoga 11:30 Lunch
24 9:00 3B Exercise 11:30 Lunch 1:00 Cribbage & other Card Games	25 11:30 Lunch	26 10:00 Office Hours State Rep. Ramos 11:30 Lunch 1-3 Cornhole Games	27 9:00 3B Exercise 11:30 Lunch	28 9:00 Yoga 11:30 Lunch
31 <b>3B Canceled</b> 11:30 Lunch 1:00 Cribbage & other Card Games				



# SAGE CENTER

social | activities | growth | education

## Calendar for August 2023

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
	1 9:00 Food Pantry 11:30 Lunch	2 11:30 Lunch 1-3 Cornhole Games	3 <b>3B Canceled</b> 11:30 Lunch	4 9:00 Yoga 11:30 Lunch
7 9:00 3B Exercise 11:30 Lunch 1:00 Cribbage & other Card Games	8 11:30 Lunch 1:00 Wellness Check	9 11:30 Lunch 1-3 Cornhole Games	10 9:00 3B Exercise 10:00 Coffee/Conv. 10:00 Veterans' Agent 11:30 Lunch	11 9:00 Yoga 11:30 Lunch
14 9:00 3B Exercise 9:30 Senator Tarr's Office Hours 11:30 Lunch 1:00 Cribbage & other Card Games	15 9:00 Food Pantry 11:30 Lunch	16 Trip to North Shore Music Theatre for Escape to Margaritaville Show 11:30 Lunch 1-3 Cornhole Games	17 9:00 3B Exercise 11:30 Lunch	18 9:00 Yoga 11:30 Lunch
21 9:00 3B Exercise 11:30 Lunch 1:00 Cribbage & other Card Games	22 11:30 Lunch	23 10:00 Office Hours State Rep. Ramos 11:30 Sunray Café Lunch - Sausage & Pepper Sub 1-3 Cornhole Games	24 9:00 3B Exercise 11:30 Lunch	25 9:00 Yoga 11:30 Lunch
28 9:00 3B Exercise 11:30 Lunch 1:00 Cribbage & other Card Games	29 9:00 Food Pantry 11:30 Lunch	30 11:30 Lunch 1-3 Cornhole Games	31 9:00 3B Exercise 11:30 Lunch	



# DAY TRIPS



## Escape to Margaritaville / North Shore Music Theatre

Wednesday, August 16



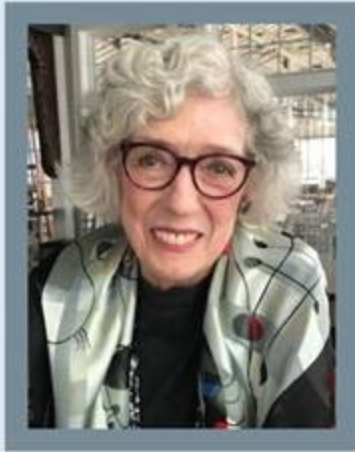
- Lunch at 11:30 am at the SAGE Center - Serving a Cheeseburger in Paradise with a Mocktail Margarita
- Bus transportation leaves SAGE at 12:30 pm - returns around 5:30 pm
- Matinee show starts at 2 pm
- Inner Circle Seats | Cost \$65 | please make check payable to NSMT and submit payment to SAGE by July 13 | seats limited to 20 | Non Refundable
- **Must Register and pay by July 13** - Register at 978-363-1104 or [coa@wnewbury.org](mailto:coa@wnewbury.org)

Be transported to a tropical island getaway in **ESCAPE TO MARGARITAVILLE**. This upbeat and energetic new musical is the story of a part-time bartender, part-time singer, and full-time charmer named Tully who thinks he's got life all figured out, until a beautiful career-minded tourist steals his heart and makes him question everything. *This* hilarious, heartwarming musical comedy features the most-loved Jimmy Buffett classics, including "Cheeseburger in Paradise", "Margaritaville," "It's Five O'Clock Somewhere," "Fins," "Volcano," and many more! This is the party you've been waiting for!



Meeting packet for Select Board on June 26, 2023





*Celebration of Life  
In Loving Memory of*

**MARY DOROTHY "DOT"  
CAVANAUGH**

JUNE  
TUESDAY **27** 4:30 PM

PLEASE JOIN US TO CELEBRATE DOT'S LIFE  
AT THE TOWN OFFICE BUILDING,  
381 MAIN STREET, WEST NEWBURY

# WEST NEWBURY SUMMER CONCERT SERIES

Every Thursday June 22nd-Aug 24th 6:30-8:00pm

RAIN OR SHINE

June 22nd Thomas Machine Works Band

June 29th The Coalboilers Band

July 6th Marjorie Senet and The Broken Home Boys

July 13th Professor Louie and The Crowmatix

July 20th The Nephrock! Allstars

July 27th Freevolt

Aug 3rd Jittery Jack and Amy Griffin

Aug 10th Liz Frame and The Kickers

Aug 17th Live Dead

Aug 24th Merrimack Valley Concert Band

Location: Town Bandstand

381 Main Street, W. Newbury, MA 01985 (behind the Annex Building)

Food and Beverages available for purchase – Rain Shows in Annex Building

**ALL SHOWS ARE FREE!**

For more information visit [www.wnewbury.org](http://www.wnewbury.org)

# West Newbury Housing Opportunities Initiative Please join us for two events!

## June 20th: Community Forum #1

## June 27th: Design Workshop

The June 20th Community Forum will take place virtually at the regularly scheduled Planning Board meeting at 7:00pm. The town's consultants for the project will share the results of their findings in a series of graphics and maps to illustrate existing conditions within town. Participants will discuss their hopes and concerns about housing and will evaluate different areas in town for housing at a density that is higher than is typical for West Newbury to date.

The June 27th Design Workshop will be at 6:00pm at the Town Hall Annex. During this highly interactive workshop, participants will work with the town's consultants to explore design considerations for housing in West Newbury. The workshop will build off the discussion at the June 20 Community Forum.



Zoom link for the JUNE 20 Community Forum:

<https://us06web.zoom.us/j/87511041022?pwd=eENOMDVGtW1iN3FNZkJTcGMzNmItUT09>

Meeting ID: 875 1104 1022

Passcode: 276887

Dial in: 1 309 205 3325



For more information, contact Town Planner,  
Sue Brown: [townplanner@wnewbury.org](mailto:townplanner@wnewbury.org)





# Town of West Newbury Massachusetts

Published on *Town of West Newbury MA* (<https://www.wnewbury.org>)

[Home](#) > Consider Submitting Photos to the Town Clerk's Office!

## Consider Submitting Photos to the Town Clerk's Office!

A Message from the Assistant Clerk

Are you a professional or an amateur photographer? Just passionate about West Newbury and its spaces and places? Have some old photos you're willing to share of West Newbury's buildings, nature, or scenic vistas? The West Newbury Town Clerk's Office is soliciting high resolution photographs for use on the Town website and promotional and informational materials. We are looking in particular for historic sites and structures, photos taken in varying seasons, and, most importantly, photos that don't feature a large number of people. Digital file formats are easiest to open and use.

Please take time to be fully aware of the following conditions before submitting:

1. These photographs become property of the Town of West Newbury for use in promotional media, decoration, and other areas as the Town sees fit
2. Submitters will not receive compensation for their submissions (sorry!)
3. Not all photographs submitted will be used
4. Please make sure these images are of West Newbury only

We hope you'll take advantage of this exciting opportunity- we can't wait to see your snapshots! To submit your images or ask any questions, email [assistantclerk@wnewbury.org](mailto:assistantclerk@wnewbury.org)

**Source URL:** <https://www.wnewbury.org/home/news/consider-submitting-photos-town-clerks-office>





# Town of West Newbury

381 Main Street

West Newbury, Massachusetts 01985

Angus Jennings, Town Manager

978-363-1100, Ext. 111 Fax 978-363-1826

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

TO: Select Board

FROM: Angus Jennings, Town Manager

DATE: April 12, 2023

RE: Summary of active and proposed planning for improved pedestrian/cyclist safety

This is to provide a brief summary of the topic above, with a focus on Main Street (Rte. 113).

### Page/Pipestave/Rte. 113 Crossing

- In Winter/Spring 2022, Town undertook Safety Audit, supported by \$30k earmark in FY22 State Budget. Planning effort resulted in selection of preferred conceptual design from several alternative designs considered.
- In Fall 2022, Town pursued Safe Routes to Schools grant with active community support. Although grant was not funded, Town staff in continuing contact with SRTS program administrators, and will likely pursue modified grant next fall (excluding the work that will already be done by then – more detail below).
- In FY23, secured \$30k State Budget earmark administered through Mass. Office of Tourism. Contracted with TEC (engineering consultant), and work underway to advance the engineering design, survey, and MassDOT permitting process for the proposed Page/Pipestave ped crossing/Rapid Flasher Beacon (RFB). Expected date of completion of current work scope/contract: June 30, 2023.

Right: Preferred concept plan resulting from Page/Pipestave/113 Safety Audit; including pedestrian- and equestrian-activated Rapid-Flasher-Beacon. Engineering and survey for permitting and implementation now underway.



Dr. John C. Page Elementary School  
Main Street (Route 113) at School Access  
West Newbury, Massachusetts

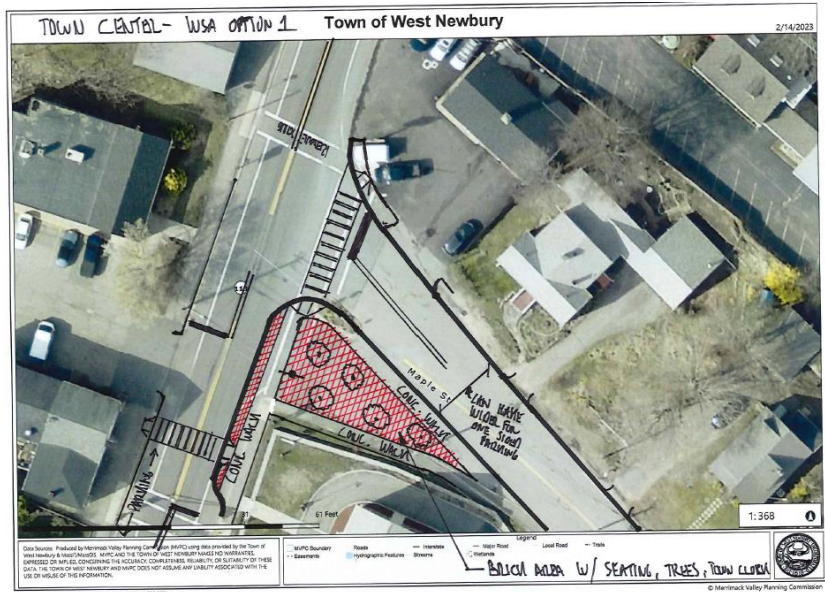
Right: Broader geographic scope of Winter 2022 Safe Routes to Schools application called for new sidewalk along Rte. 113, in addition to improved crossing and RFB at Page/Pipestave.



Town Center Traffic Calming

- DPW Director prepared draft concept sketch, showing traffic calming/pedestrian amenities, in the Town Center area (generally including Main Street from the Church Street intersection, running westerly past Maple Street, and extending through the Food Mart lot frontage).
- Town received \$50k State Budget earmark from Mass. Office of Economic Development.
- Town will prepare scope of services and issue RFQ this spring to engage a transportation engineering firm with landscape architect sub-consultant to create multiple concept plans showing traffic calming/ped & bike safety improvements in the Town Center, and undertake a public process to build consensus around a preferred concept.
- Once a preferred concept is selected, additional engineering work will be needed to get any proposed improvements through the MassDOT permitting process; then, funding will be needed for construction.

Right: One concept sketch for potential traffic calming in the Town Center. During the future planning process for the Town Center, a consultant will be engaged to prepared multiple alternate concepts for public consideration.

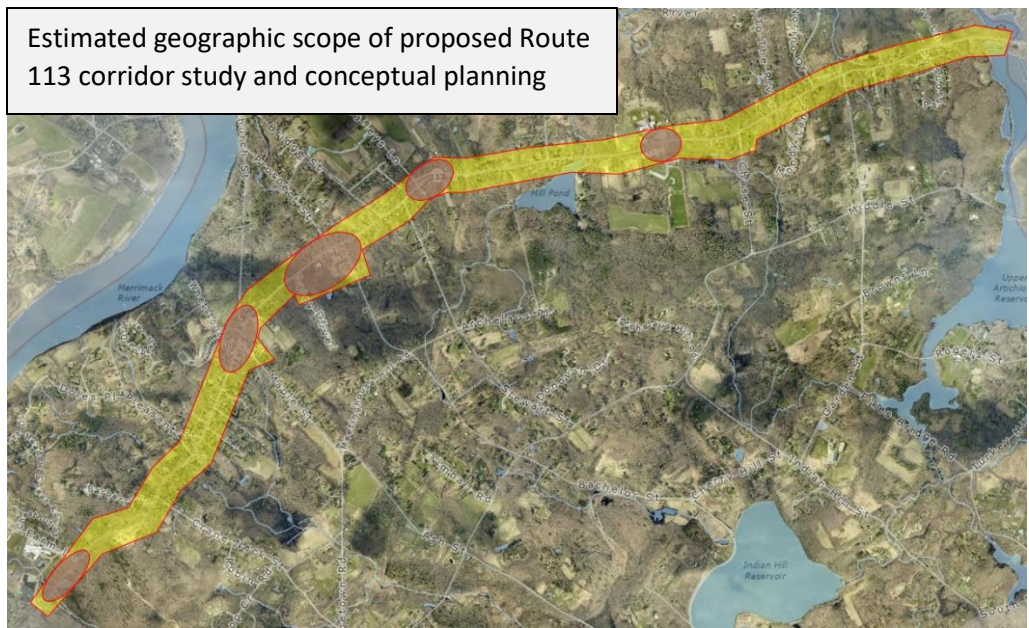


Improved Crosswalks / Signage near Town Offices

- The Town has petitioned MassDOT to install improved signage giving drivers better advance notice of these two crosswalks, and to repaint the crosswalks. MassDOT has committed to install new signage in spring 2023, and to repaint the crosswalks as part of its annual program. As part of the broader corridor study (detailed below), this location will be considered for potential RFBs.

Corridor Study (Proposed)

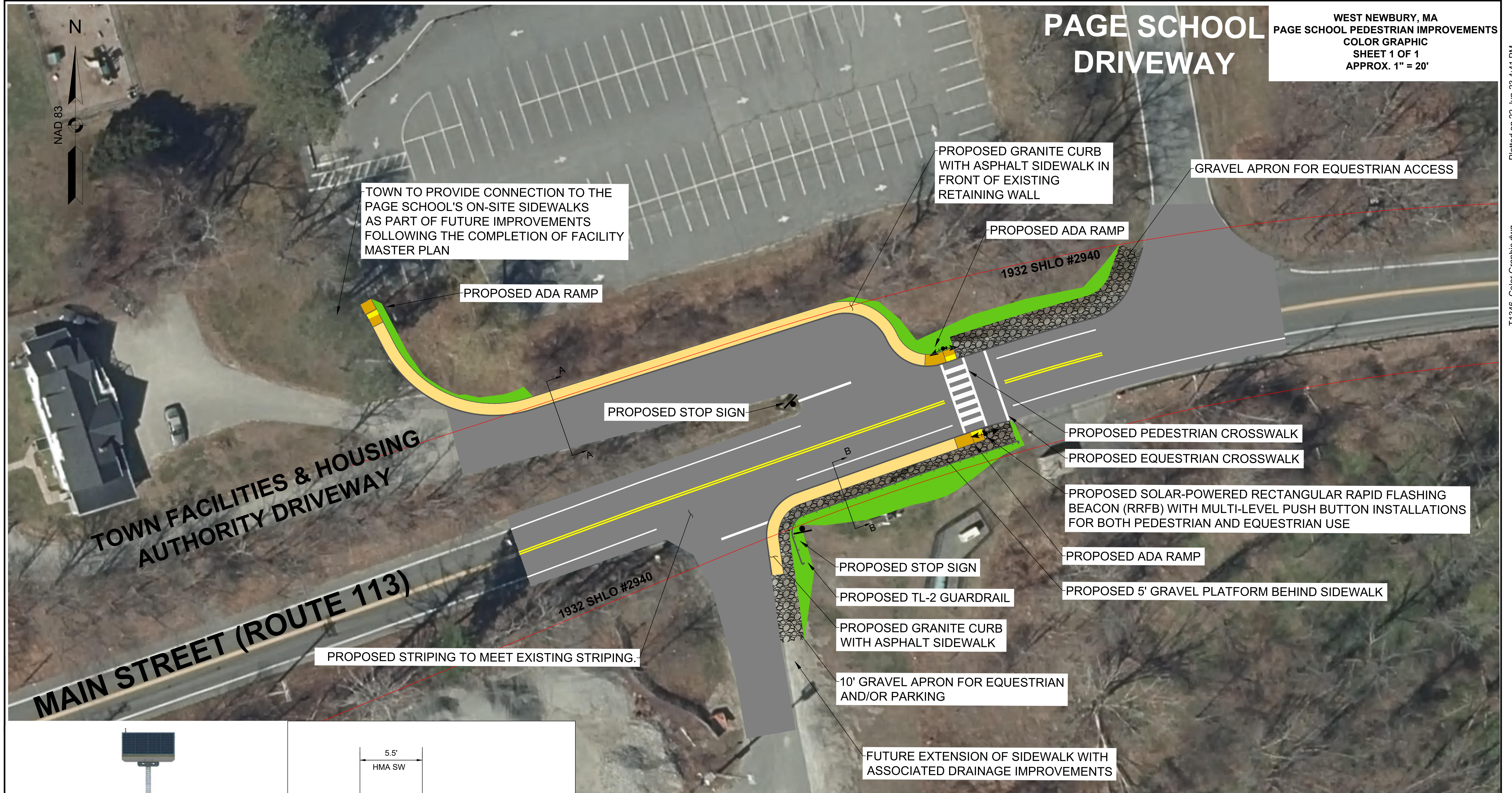
- The Spring (April 24<sup>th</sup>) Town Meeting warrant will include an article proposing funding to initiate a conceptual planning process for the Route 113 corridor, extending (roughly) from Chase Street (easterly edge) running westerly to the Groveland town line. (If supported by project budget, geographic scope will include the entire corridor, with the City of Newburyport border as the easterly boundary). The work scope will include a specific focus on several identified “nodes”, which will receive focused design attention during this public planning process. Design “nodes” to include (but not necessarily be limited to):
  - o Middle/High School vicinity
  - o Town Center vicinity
  - o Town Offices / West Newbury Housing Authority / Soldiers & Sailors Building vicinity
  - o Library and Town Hall / Long Hill Orchard vicinity
  - o Page School / Pipestave / Mill Pond vicinity
- The contract deliverables will include conceptual planning for the corridor, identifying ped & bike safety improvements along the corridor including at specific focus areas.
- This study is expected to result in several proposed ped & bike safety projects that would then – either individually, in segments/phases, or in total – be advanced through the necessary engineering and permitting processes.
- This work is expected to improve the Town’s competitiveness for additional State and Federal funding, for project construction, including through the regional Transportation Improvement Program (TIP) process administered by MVPC as the region’s Metropolitan Planning Organization.





# PAGE SCHOOL DRIVEWAY

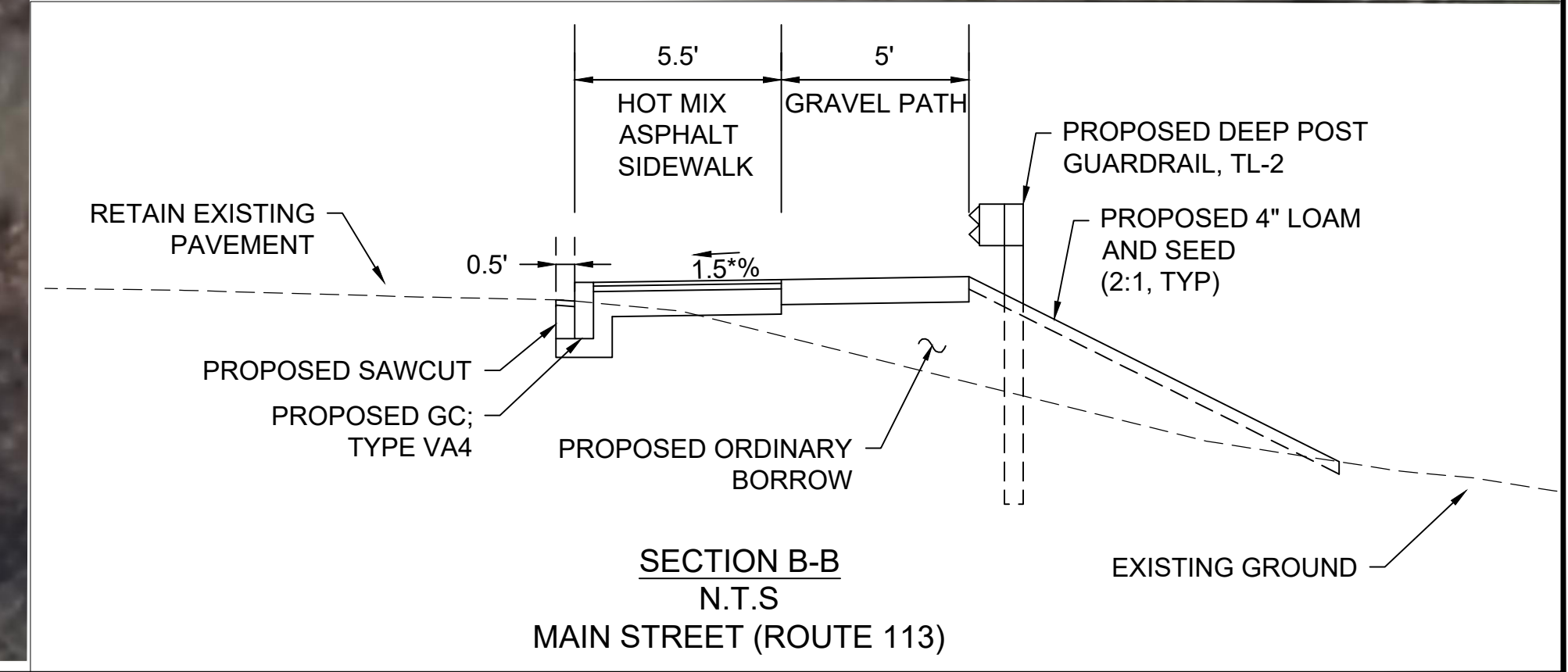
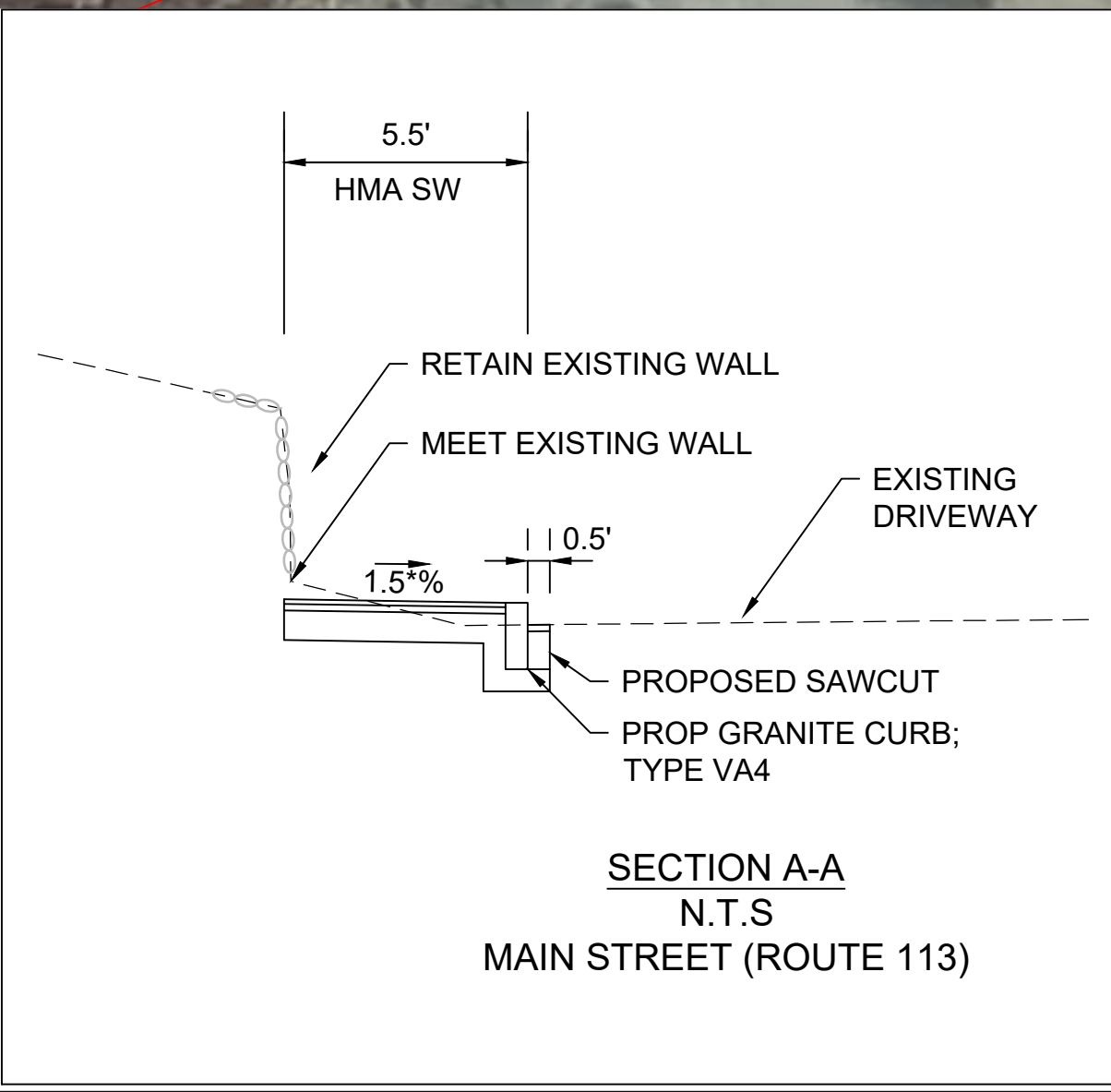
WEST NEWBURY, MA  
PAGE SCHOOL PEDESTRIAN IMPROVEMENTS  
COLOR GRAPHIC  
SHEET 1 OF 1  
APPROX. 1" = 20'



TOWN FACILITIES & HOUSING  
AUTHORITY DRIVEWAY

MAIN STREET (ROUTE 113)

PIPESTAVE  
RECREATION  
AREA DRIVEWAY



Plotted on 22-Jun-23 4:41 PM  
T1346\_Color Graphic.dwg



Town of  
**West Newbury**  
Massachusetts

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# Main Street (Route 113) Corridor Planning and Conceptual Designs



*Above: Estimated geographic scope of proposed Route 113 corridor study and conceptual planning*

## **Route 113 Corridor Study**

The 2023 Spring Town Meeting warrant included an article proposing funding to initiate a conceptual planning process for the Route 113 corridor, extending from the City of Newburyport border (easterly edge) running westerly to the Groveland town line. The work scope includes a specific focus on several identified “nodes”, which will receive focused design attention during this public planning process. Design “nodes” will include (but not necessarily be limited to):

- Page School / Pipestave / Mill Pond vicinity
- Library and Town Hall / Long Hill Orchard vicinity
- Town Center vicinity, Town Offices / West Newbury Housing Authority / Soldiers & Sailors Building vicinity
- Middle/High School vicinity

The contract deliverables include conceptual planning for the corridor, and identifying pedestrian and bicycle safety improvements along the corridor and at specific focus areas. This study is expected to result in several proposed safety projects that would then – either individually, in segments/phases, or in total – be advanced through the necessary engineering and permitting processes. This work is expected to improve the Town’s competitiveness for additional State and Federal funding, for project construction, including through the regional Transportation Improvement Program (TIP) process administered by MVPC as the region’s Metropolitan Planning Organization.

## **Page School/Pipestave/Route 113 Crossing**

In June 2022 the Town completed a Traffic Safety Audit of this key intersection. Town planning efforts resulted in selection of a preferred conceptual design from several alternatives considered. The complete consultant study, including the conceptual design plans shown here, is provided in the links below.

In the Fall of 2022, the Town pursued a Safe Routes to Schools (SRTS) grant with active community support. Although the grant was not funded, Town staff in continuing contact with SRTS program administrators, will likely pursue a modified grant next fall. The full SRTS grant application including all the letters of support is provided in the links below.

In FY23, the Town secured a \$30,000 State Budget earmark administered through the MA Office of Tourism. The Town contracted with TEC (engineering consultant), and work is underway to advance the engineering design, survey, and MassDOT permitting process for the proposed Page / Pipestave pedestrian crossing / Rapid Flasher Beacon (RFB). Expected date of completion of the current work scope/contract is June 30, 2023.



Above: Preferred concept plan resulting from Page/Pipestave/113 Safety Audit; including pedestrian- and equestrian- activated Rapid-Flasher-Beacon. Engineering and survey for permitting and implementation now underway.

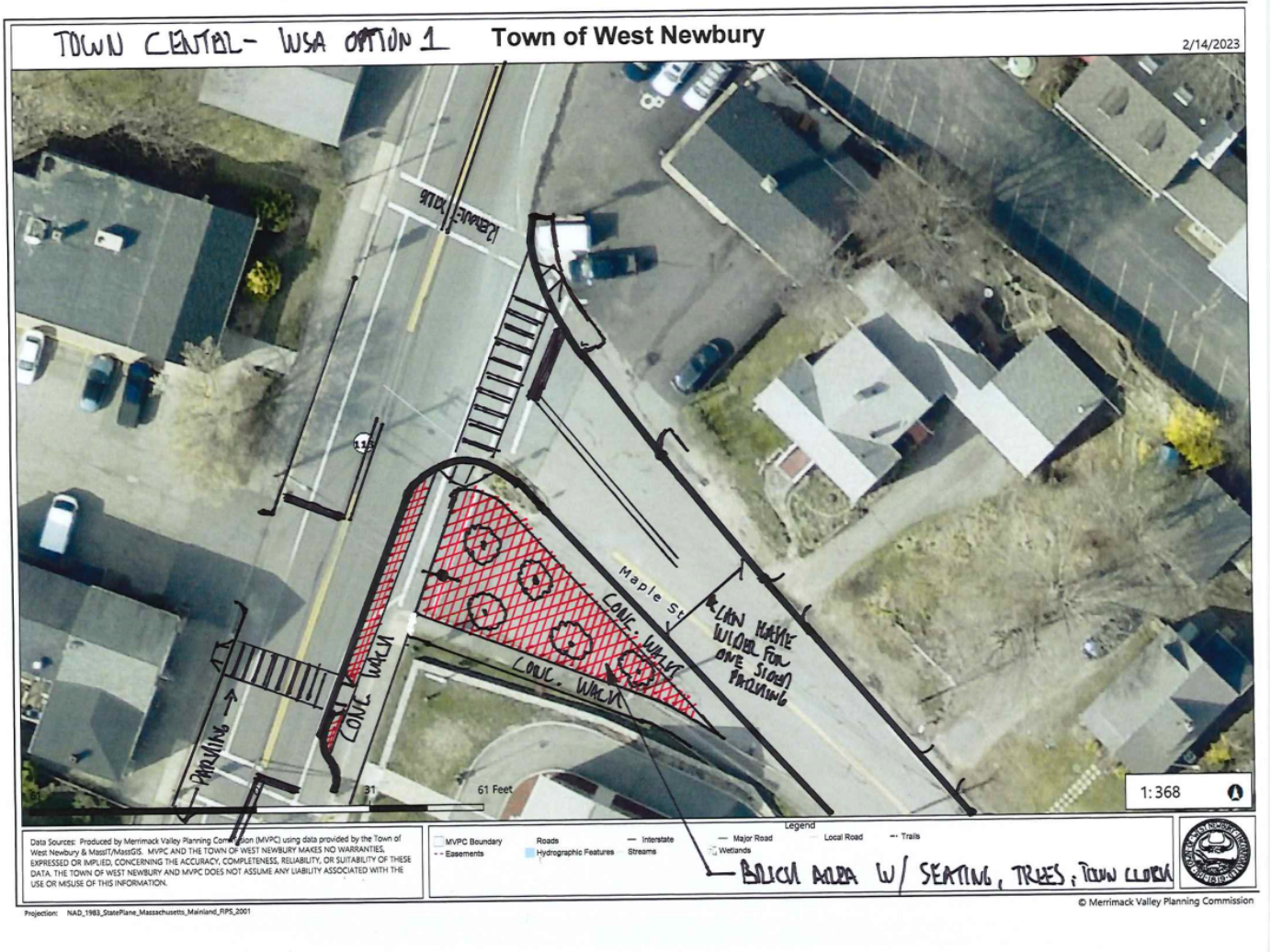


Above: Broader geographic scope of November 2022 Safe Routes to Schools application called for new sidewalk along Route 113, in addition to improved crossing and RFB at Page/Pipestave

### Town Center Traffic Calming

In February 2023, the Town's DPW Director prepared a draft concept sketch, showing traffic calming/pedestrian amenities in the Town Center area (generally including Main Street from the Church Street intersection, running westerly past Maple Street, and extending through the Food Mart lot frontage). The Town has since received a \$50,000 State Budget earmark from the MA Office of Economic Development. The Town will prepare a scope of services and engage a transportation engineering firm with a landscape architect sub-consultant to create multiple concept plans showing traffic calming, pedestrian, and bike safety improvements in the Town Center, and undertake a public process to build consensus around a preferred concept. Once a preferred concept is selected, additional engineering work will be needed to get any proposed improvements through the MassDOT permitting process; then, funding will be needed for construction.





Above: One concept sketch for potential traffic calming in the Town Center. During the future planning process for the Town Center, a consultant will be engaged to prepare multiple alternate concepts for public consideration.

### Improved Crosswalks/Signage near Town Offices

The Town has petitioned MassDOT to install improved signage giving drivers better advance notice of these two crosswalks, and to repaint the crosswalks. MassDOT has committed to install new signage in the Spring of 2023, and to repaint the crosswalks as part of its annual program. As part of the broader corridor study, this location will be considered for potential RFBs.






See the links below for correspondence with MassDOT regarding various crosswalk improvement needs along Route 113.

### Project Contact:

Christine Wallace, P.E., DPW Project Manager

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

(978) 363-1100 x130

Attachment	Size
 Page School/Pipestave/Rte 113 Safe Routes to School Application - Nov 2022	9.94 MB
 Main Street MassDOT Crosswalks Upgrade Request - Aug 2022	149.22 KB
 Page/Pipestave/113 Safety Audit - June 2022	17.88 MB
 MassDOT letter re Route 113 Crosswalks - Feb 2021	178.17 KB
 Main Street Two Schools RFB Request to MassDOT - Feb 2021	112.01 KB

2024 Housing Production Plan

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MBTA Communities - Housing Opportunities Initiative

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Main Street (Route 113) Corridor Planning and Conceptual Designs

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Middle Street/Artichoke Reservoir Bridge

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Page School Conditions Assessment Study

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River Road Climate Change Resiliency

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

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**Town Manager**

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**From:** Brian Murphey [REDACTED]  
**Sent:** Sunday, February 26, 2023 5:44 PM  
**To:** Town Manager; Wendy Reed; Selectboard  
**Subject:** Streetlights; DPW and Page lights

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Angus and the Select Board-

I would like to request your consideration to discuss a change with the Towns streetlights, and also floodlights in use at the DPW/Page School.

The existing streetlights are an old style lamp that may or may not be using an LED bulb. A number of the lights emit a yellowish glare which tells me they may not have been updated and could be sodium vapor bulbs that have been out of favor for years.

Regardless of the actual bulbs we have today, new state of the art cobra head light fixtures provide far better illumination and are shielded to put the light down on the ground, rather than dispersed with a plastic globe cover.

To see the amazing results with new fixtures, I suggest that you visit the new middle/high school at night and stand in the parking areas. Also, drive along Farm Road and look at the lot. You'll note it's lit up, but not full of glare. (By the way, the school still needs to remove old floodlights from some poles along Farm Road, but probably not until field work is finished.)

I know the Town pays a fee to National Grid for our streetlights, but am not clear on how they can be replaced. Perhaps there is a program with NG or maybe a green community grant can help finance replacements that could be done over a period of time.

While LED's use less power, a compelling reason to upgrade the lights is a far better function of their main goal: illumination of the streetscape.

At the DPW shed, there is one large light on the garage near the sand/salt pile that could be shielded, or changed, to reduce the glare for drivers on 113. I understand security needs, and that can be met with a better fixture. The fixtures on the main DPW structure are hidden unless you are in the lot past the riding area. While less obtrusive, they could also benefit with updated shielding. Dark skies are great!

The large fixture on the Page facing 113 is an LED but does not have any shielding on it. There are also old style wall pack units out back that could improve coverage and lessen glare with a change.

My observations about lighting and the options now available derive from over 30 plus years work in commercial building construction and facility management. I write this as a taxpayer, not a PB member; although the members are always concerned about impacts of lights.

Thank you and I hope some discussion can ensue on this matter.

-----  
Brian R Murphey  
[REDACTED]

## Town Manager

---

**From:** Arthur Wallace [REDACTED]  
**Sent:** Thursday, June 1, 2023 3:18 PM  
**To:** Mary Usovicz  
**Cc:** Town Manager  
**Subject:** Re: West Newbury discussion

Hi Mary,

As a volunteer committee member, I can't authorize the ordering and installation of the sample LED streetlight. But I do hope to meet with the Select Board later this month to discuss your proposal and the benefits of this type of project. After that meeting we can discuss whether and when to take the next step. In the meantime I will contact you separately with some detailed questions that I would like to spare Angus from for now.

Thank you,

Arthur Wallace

Energy and Sustainability Committee  
[REDACTED]

On Wed, May 31, 2023 at 1:44 PM Mary Usovicz [REDACTED] wrote:

Dear Arthur:

I hope you received my earlier email that we have order the attached streetlight as a recommended prototype of the streetlights we recommend for you community. The lights are dimmable so you can adjust the illumination. Please tell me if you like the look at the color range. We plan on installing the light for your review. We can discuss if you do not like the light for any reason and explore alternatives. The cost of the lights is approximately \$295.00 per unit. Then we have the cos of installation. Which we can factor if we decide on the lights. Please feel free to reach out to me if you have any further questions or suggestions.

Mary Usovicz

General Manager



---

**From:** Arthur Wallace [REDACTED] >  
**Sent:** Monday, May 29, 2023 5:40 PM  
**To:** Mary Usovicz [REDACTED]  
**Subject:** West Newbury discussion

Dear Mary:

It was a pleasure to meet you in West Newbury on May 10. Angus forwarded the information you sent and I have volunteered to do some research and planning for an LED streetlight project.

I noticed that in your agreement with Haverhill that MMLD plays a role in purchasing and providing the streetlight materials. Do you have any suggestions about manufacturers or distributors of LED street lamps that West Newbury should be talking to? Whose products are being used in Merrimac, Amesbury, and/or Haverhill?

I believe we want to replace our 50 watt, 100 watt, and other (1x250 watt, 1 x 400 watt) sodium lamps/fixtures with LED products that provide equivalent output in lumens. Also I would say we are leaning toward the 2700K to 3000K color range.

Thanks for any guidance you can provide on this topic.

Regards,

Arthur Wallace

West Newbury Energy & Sustainability Committee



# 31 Dole Place Timeline

**April** - ATM voters approve \$205,000 for wellfield testing

**July** - BOWC initiates negotiation with 31 Dole Place owner

**October** - License agreement with owner for activities in support of wellfield testing

**December** - MassDEP approves location for testing

**April** - ATM articles to authorize purchase and use \$500K CPA funds passed over with no action

**May** - MassDEP approves site as wellfield with 0.98 MGD yield. Permit change would be needed to allow full use of this

**July** - Town requests asking price from owner - owner declines to name price

**August** - SB offers \$1.025 million. Owner rejects offer

**October** - STM voters amend GW Protection Overlay District bylaw to include Dole Place

**January** - Tata and Howard provides final report of estimated costs

**October** - Town offers \$1.99 million for property

**November** - Offer rejected by owner with no counteroffer

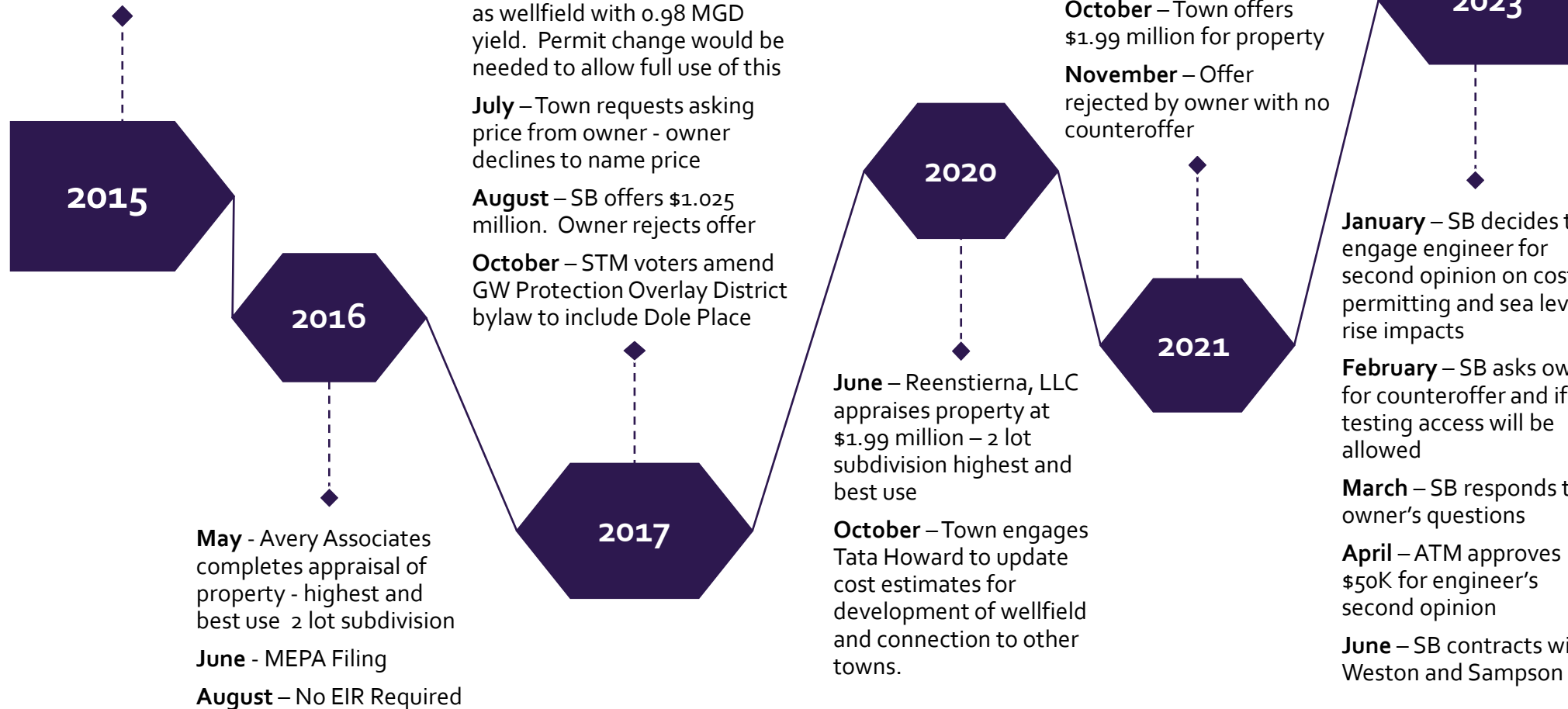
**January** - SB decides to engage engineer for second opinion on costs, permitting and sea level rise impacts

**February** - SB asks owner for counteroffer and if site testing access will be allowed

**March** - SB responds to owner's questions

**April** - ATM approves \$50K for engineer's second opinion

**June** - SB contracts with Weston and Sampson



# 31 Dole Place Development Costs

Description	Estimated Cost*
Wellfield and Chemical Feed Facility Construction	\$4,060,000
Water Filtration Plant Construction (if needed)	\$8,770,000
PFAS Treatment (if needed)	?
System Improvements to sell surplus water to Groveland	\$265,000
System Improvements to sell surplus water to Newburyport	\$799,000
Optional Newburyport Costs (Otherwise supply limited to 350 gpm)	
<ul style="list-style-type: none"> <li>Upgrade existing water main in Route 113 from 8" to 12"</li> </ul>	\$2,288,000
<u>OR</u>	
<ul style="list-style-type: none"> <li>Construct a metering and booster pump station</li> </ul>	\$474,000

\*Tata and Howard – January 2021



# Town of West Newbury

381 Main Street

West Newbury, Massachusetts 01985

Angus Jennings, Town Manager

978-363-1100, Ext. 111 Fax 978-363-1826

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

TO: Select Board

FROM: Angus Jennings, Town Manager

DATE: June 23, 2023

RE: Page School Condition Assessment Study

Having followed the procurement process specified in the RFQ, I present to the Board the recommendation to authorize a contract with Gienapp Architects for an amount of \$85,000. The Town received 3 proposals from 3 firms/teams, each meeting the minimum qualifications in the RFQ. Following review of the written proposals, and interviews with each of the three firms/teams, Gienapp received the highest score. Their reference checks were positive, and resulted in no change to their rated score. As the top-rated firm, their selection is recommended. With the Board's consent, we will work to get a contract in place as soon as possible in order to get this work underway.

Sincere thanks are extended to those residents and staff who participated in the procurement process including vendor interviews, namely: Christine Wallace, Katelyn Bradstreet, Sam Joslin, Elisa Grammer, Rick Parker, and Greg Hadden.



**Consultant Interview Master Scoring Sheet – Draft 6/22/23**

Page School Conditions Assessment RFQ# 2023-WN-001

Wednesday June 7, 9:00am-12:00pm

**Part 2A Scoring by Advisory Group**

	<b>Gienapp</b>	<b>NV5</b>	<b>Arrowstreet</b>
Grammer	55	37	45
Hadden	55	46	48
Joslin	60	55	57
Parker	59	53	46
Wallace	60	49	55
Composite Part 2A (300 pts max)	289	240	251
<b>Average Part 2A (60 pts max)</b>	<b>57.8</b>	<b>48.0</b>	<b>50.2</b>

**Part 2B Scoring Based on References**

The CPO or designee MAY contact and conduct three reference inquiries from the list supplied by the Consultant. Points for each reference range from -10 (negative experience) to +5 (favorable experience).

	<b>Gienapp</b>	<b>NV5</b>	<b>Arrowstreet</b>
Reference 1 (-10 to +5 pts)	+0	N/A	N/A
Reference 2 (-10 to +5 pts)	+0	N/A	N/A
Reference 3 (-10 to +5 pts)	+0	N/A	N/A
<b>Total Part 2B (-30 to +15 pts)</b>	<b>+0</b>	<b>N/A</b>	<b>N/A</b>

**TOTAL SCORE**

	<b>Gienapp</b>	<b>NV5</b>	<b>Arrowstreet</b>
<b>Part 2A (average)</b>	57.8	48.0	50.2
<b>Part 2B</b>	0	0	0
<b>TOTAL SCORE</b>	<b>57.8</b>	<b>48.0</b>	<b>50.2</b>

**First Choice Consultant:**     Gienapp    

**Second Choice Consultant:**     Arrowstreet    

**Third Choice Consultant:**     NV5

# Reference Checks for Gienapp Architects

## Joe Huggins: Town of Reading

### Reading Public Schools – Elementary Schools Assessment & Master Plan

#### **What was firm/team hired to do?**

Gienapp was hired to do an enrollment study for all five elementary schools in the Town of Reading. Gienapp was to study future enrollment projections, space needs, available space in town, and to determine what needed to be done to move forward with the school building project. The enrollment study was for the oldest school in town – the Killiam elementary school – regarding the option to redistrict, build a new school, or renovate. An extensive survey of all buildings was performed. Enrollment study – oldest school K elementary – redistricting, build a new school, renovate.

#### **Were the principal(s) proposed for our project (Page) involved with the work done for the reference?**

#### **What was their experience with the firm generally and the project management team specifically?**

#### **Was the work completed on time and on budget? If not, what were the reasons?**

Huggins stated all work has always been completed on time and within budget. Huggins stated he normally has work that needs to be completed ASAP and Gienapp is always responsive. Huggins stated Dale Gienapp is always aware of the project's timeline and the budget. Gienapp often works with municipalities and will attend Town Meetings to back up their work.

#### **Were they satisfied with the consultant's work product?**

Huggins stated Gienapp has a family-like firm that offers superb attention to detail. Huggins has worked with this firm for 16 years and feels that Gienapp and his staff are an extension of his own Town staff.

#### **If unforeseen issues arise during the project, how did the consultant handle them?**

#### **How was the communication with the consultant during the course of the project?**

Huggins stated communication was always excellent. Dale Gienapp was very hands on and will attend Town meetings to discuss any projects with residents and other Town officials. Huggins stated that Dale will also pull in whatever resources he needs to get the work completed. Huggins stated he was never disappointed in the work or communication from staff at Gienapp.

#### **Would they hire the firm again?**

Huggins stated he has been working with Gienapp for 16 out of the 17 years that he has been employed by the Town of Reading. Huggins suggested the Town of West Newbury operates with Gienapp under a House Doctor contract moving forward to eliminate the basis of RFQ/RFP/Bid processes.

**Ms. Marie Znamierowski, Director of Business Operations  
Essex North Shore Agricultural & Technical School**

**What was firm/team hired to do?**

Gienapp was hired in 2018 to do a south campus building assessment study and secondly as one of their on-call architects in December 2021.

**Were the principal(s) proposed for our project (Page) involved with the work done for the reference?**

Yes

**Was the work completed on time and on budget? If not, what were the reasons?**

The south campus building study was a specific project that was completed on time. Since then, they have been using them for various ongoing projects. Generally, they continue to meet timelines.

**Were they satisfied with the consultant's work product? Yes**

**If unforeseen issues arise during the project, how did the consultant handle them?**

They have had multiple variations of one project due to cost increases in the construction industry. They have been very accommodating and willing to work with the district as needed to get where they want to be.

**How was the communication with the consultant during the course of the project?**

They communicate regularly with the district. They have a process for each meeting and stick to their process. However, they did have a team member change and they did not inform the district. It did take a bit to get that person up to speed.

**Would they hire the firm again?**

They currently have a contract for on call services through 12/31/2025.

**Mr. Ryan Ferrara, Assistant Town Administrator  
Town of Littleton**

"Hello Katelyn, I worked with Gienapp on a few projects many years ago. I enjoyed my experience working with Gienapp but since the projects took place nearly 10 years ago, I don't think I could make any fair statements regarding Gienapp's current capabilities. I sorry that I can't be of more help."

*Qualifications for Architectural Services*

**Town of West Newbury**

**Conditions Assessment for  
Dr. John C. Page Elementary School**

**RFQ #2023-WN-001**

May 19, 2023



20 Conant Street  
Danvers, MA 01923

978.750.9062  
gienapparchitects.com

## Proposal for Architectural Services

### Conditions Assessment for Dr. John C. Page Elementary School West Newbury, MA

DUE DATE:

May 19, 2023

SUBMITTED BY:

Gienapp Architects, LLC  
20 Conant Street  
Danvers, MA 01923

PRINCIPAL IN CHARGE:

Dale Gienapp, AIA, MCPPO  
Telephone: (978) 750-9062  
dgienapp@gienapparchitects.com



- Summary of Qualifications
- Cover Letter
- 1. Team Background
  - 1.1 Firm Profile
  - 1.2 Organization Chart
  - 1.3 Project Team
  - 1.4 Consultants
- 2. Relevant Experience
  - 2.1 Representative Projects
- 3. Work Plan
  - 3.1 Work Plan
  - 3.2 Schedule
- 4. Sample Report
  - 4.1 Assessment Report Example
- 5. Required Forms
  - Financial Statement
  - Certificate of Insurance
- 6. Designer Selection Board Application Form



## Summary of Qualifications

Gienapp Architects is highly qualified for the Town of West Newbury's Page School assessment project. Below is a brief summary of our qualifications. Further information can be found throughout this booklet.

### Building Assessment Experience

Gienapp Architects has conducted many building assessments, including:

- Reading Public Schools—Elementary Schools Assessment and Master Plan
- Essex North Shore Agricultural and Technical School—Campus Buildings Assessment
- Middlesex Community College—Campus Buildings Assessment
- Town of Middleton—Building Use Assessment
- City of Watertown—Municipal Buildings Assessment
- Town of Holden—Municipal Buildings Assessment

### Municipal Experience

In our 23 years we have performed design services for over 400 municipal projects, including work in the last five years at the City of Watertown, including Watertown Public Schools, Town of Reading, including Reading Public Schools, Town of Boxford, Town of Norwood, City of Somerville, and many more. We are well experienced in projects of all sizes, from large to small, and pride ourselves on our personal attention and rapid response time. On average, we bid one project per month under Chapter 149.

Five staff members are MCPPO certified, including three key staff proposed for this project: Principal in Charge Dale Gienapp, Project Manager Imelda Barnhurst, and Project Architect Nicholas Bottari.

### Building Codes and Architectural Access Board Regulations

Gienapp Architects is very knowledgeable about the Massachusetts State Building Code and regulations of the Architectural Access Board (MAAB). Dale Gienapp, Principal-in-Charge, has more than 40 years of experience with design and construction in the state of Massachusetts. Mr. Gienapp and other staff have performed many code reviews, and we are familiar with Building Code rules and regulations. Gienapp Architects has conducted several accessibility evaluations for various buildings, and we have prepared many variance applications and submitted them to the Massachusetts Architectural Access Board (MAAB).

### In-House Staff

Key staff for your project include:

- Imelda Barnhurst, AIA, LEED AP BD+C, MCPPO .....Project Manager
- Dale Gienapp, AIA, MCPPO .....Principal in Charge
- Nicholas Bottari, MCPPO .....Project Architect
- Samantha Kelley ..... Designer/Drafter

## Summary of Qualifications



SUCCESS STARTS WITH  
A STRONG FOUNDATION

**GIENAPP  
ARCHITECTS**  
Begin Here. Finish Well.



### Project Team

The team we have assembled for your project includes the following:

- **Northeast Engineering and Commissioning Services, Inc.**  
*(mechanical, plumbing, and fire protection engineering)*
- **Stony Brook Engineering Services**  
*(electrical engineering)*
- **TLH Consulting, Inc.**  
*(structural engineering)*
- **Environmental and Construction Management Services, Inc.**  
*(hazardous materials consulting)*
- **Gienapp Architects**  
*(code consulting)*
- **Tortora Consulting, Inc.**  
*(cost estimating)*

Should the Town of West Newbury require other consultants during this process, Gienapp Architects will be happy to engage them. We have long-standing relationships with experts in a variety of disciplines. Our team is ready to work on your project. ■

CAPABLE SOLUTIONS TO  
COMPLEX PROBLEMS



**GIENAPP  
ARCHITECTS**  
Begin Here. Finish Well.



Town of West Newbury  
Town Clerk Office, First Floor  
381 Main Street  
West Newbury, MA 01985

**RE: QUALIFICATIONS FOR ARCHITECTURAL SERVICES**  
**Conditions Assessment for Dr. John C. Page Elementary School**

To Whom It May Concern:

Gienapp Architects is pleased to submit our team's qualifications to provide architectural and engineering services for the Town of West Newbury's Page School assessment project.

We have completed several similar projects for other communities. We have done projects similar to yours for 1) Essex North Shore Agricultural and Technical School, to determine what to do with several buildings that were displaced by the construction of a new school; 2) the Town of Holden, to create a Ten-Year Capital Improvement Plan for 18 Town-owned buildings; and 3) the Town of Watertown, also to create a Ten-Year Capital Improvement Plan for 18 Town-owned buildings. We pride ourselves on our ability to hone in and figure out the issues in order to create solutions that work for our clients.

Most recently, we completed a study for the Town of Middleton that included six buildings: the fire station, police station, Memorial Hall (town offices), Old Town Hall (Council on Aging), the DPW, and the library. All of their existing buildings were in various states of repair and code compliance.

For that project, we began with a assessment of their existing buildings to determine the condition of the buildings and review the buildings' ability to meet the Town's needs. Based on that assessment, we developed several master planning options (which is beyond the scope of this RFQ).

For all of these projects we assembled our findings into reports and graphics that could be used by the Town to build awareness and consensus. We will do the same for West Newbury.

We welcome the opportunity to meet with you to review our qualifications and learn more about the project. Please do not hesitate to contact us with any questions or if you require any additional information.

Sincerely,



Dale Gienapp, AIA, MCPPO  
Gienapp Architects, LLC  
20 Conant Street  
Danvers, MA 01923  
dgienapp@gienapparchitects.com



**Gienapp Architects** is a full-service architectural firm serving public and private clients. At Gienapp Architects, we believe that how you begin your project will determine the end result. When you start your project on a strong foundation, you can build a stronger solution. That's why we say—Begin Here, Finish Well.

Our practice is built around understanding our clients' challenges on a fundamental level, with our expert team responding to your needs from start to finish. Our goal is to provide top-quality service custom-tailored to our clients' needs—we work with you to create design solutions that respond to your goals, vision, constraints, and requirements. Dedication to problem-solving and our client-first design approach are what distinguishes Gienapp Architects.

Our project experience demonstrates a commitment to excellence across all areas of the design and construction process. We are experienced with both public and private work, in everything from feasibility studies to project management to building design.

Gienapp Architects' highly qualified staff of 13 includes five registered architects and eight supporting architectural and administrative staff. Our capable and adaptable team has experience in projects both large and small, from master planning to construction administration. Since the firm's founding in 2000, we have steadily gained a reputation for taking on complex and challenging projects.

Our project experience includes a broad range of municipal and private projects. We have successfully completed over 400 municipal projects, including public schools, town halls, fire stations, and other civic buildings. Many of our projects have been on buildings that represent the "character" of a town, or are otherwise civic or historic landmarks. We are experienced in working with municipalities, state agencies, and grant programs, as well as town halls, businesses, educational, justice, and library facilities.

Additional details on the members of Gienapp Architects' team that will be assigned to the Page School assessment project, as well as our skilled team of consultants, can be found in further sections of this qualifications booklet. ■

## 1.1 Firm Profile



SUCCESS STARTS WITH  
A STRONG FOUNDATION

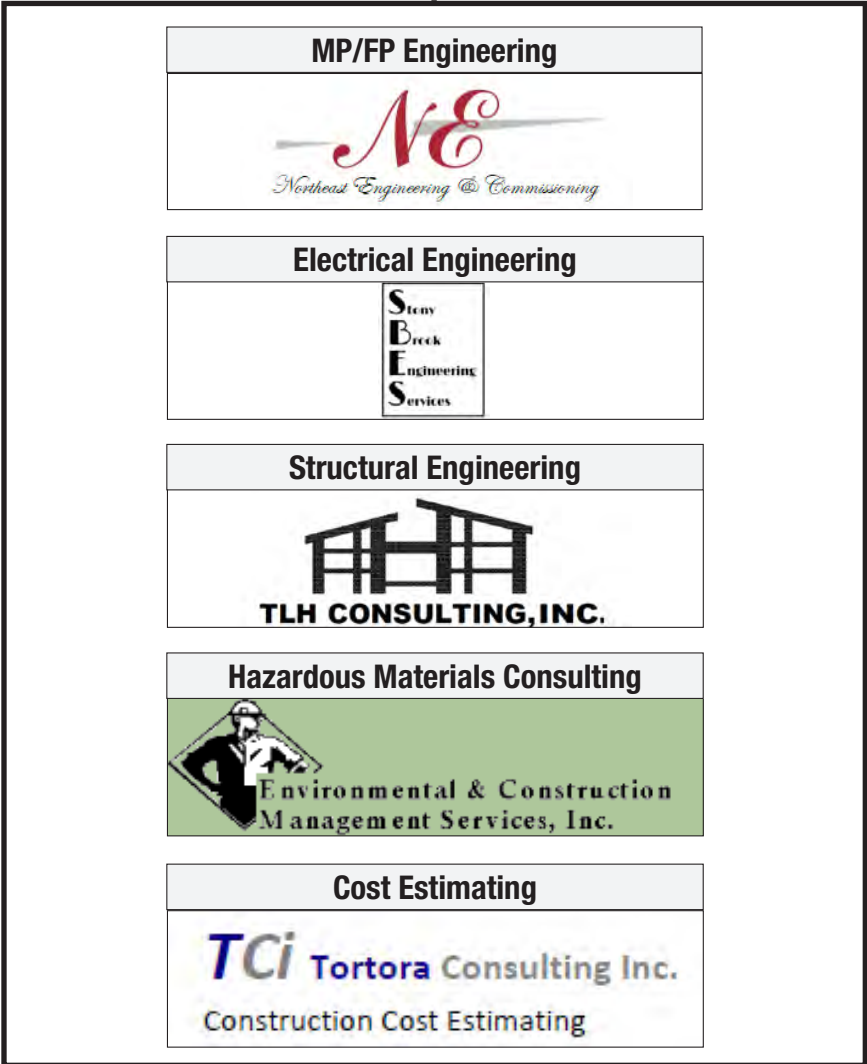
**GIENAPP  
ARCHITECTS**  
Begin Here. Finish Well.



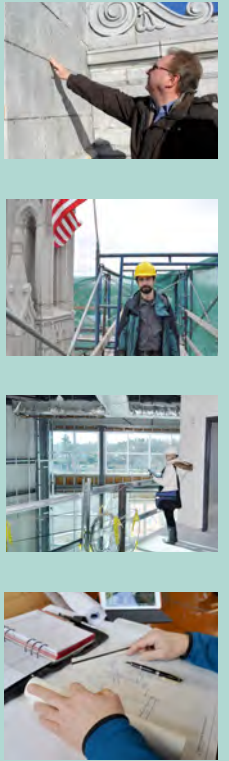
Architecture, Code

**GIENAPP ARCHITECTS**

Begin Here. Finish Well.



1.2 Organization Chart



SUCCESS STARTS WITH  
A STRONG FOUNDATION

**GIENAPP ARCHITECTS**  
Begin Here. Finish Well.

**Gienapp Architects** is a highly cohesive team with diverse knowledge, technical strengths, and design capabilities. Together, our design team has experience with solving difficult issues in every phase of the project life cycle. Our people are resourceful, tenacious, and consistently seeking new industry information in order to deliver the best possible end product for our clients. We have demonstrated our ability to evaluate the critical needs of each project and work as part of the Project Team to determine the most practical and economical solution for your planning challenges.

Our staff is experienced with the tools and software necessary to effectively communicate with our engineering consultants, as well as to produce a variety of media (i.e., presentation boards, 3D models, PowerPoint presentations, etc.) to meet the needs of any audience.

Our Project Team proposed for the Page Elementary School project, both in-house staff and consultants, has worked together on many projects. Gienapp Architects' key staff on your project will be as listed below and our consultants' information is included in Section 1.4: Consultants.

**Imelda Barnhurst, AIA, LEED AP BD+C, MCPPO**  
**Vice President**

*Project Manager*



Imelda Barnhurst will serve as our Project Manager and will know all aspects of the project including tasks, schedule, and all involved parties. She will be the prime person organizing the flow of all information and daily contact between all parties. One of the most critical roles of the Project Manager in our organizational structure is to engage and coordinate the work of our other staff and consultants, to bring the best resources to any given task.

While she is a very capable architect, Ms. Barnhurst will draw upon our firm's and consultants' resources as needed.

**Dale Gienapp, AIA, MCPPO**  
**Principal**

*Principal in Charge*



Dale Gienapp will be the Principal in Charge participating in your project. Mr. Gienapp will actively participate in performing the project evaluations, forming conclusions and making recommendations, with Ms. Barnhurst orchestrating the team. Mr. Gienapp's time is best allocated to the technical evaluation of the building's condition.

## 1.3 Project Team



SUCCESS STARTS WITH  
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**GIENAPP**  
**ARCHITECTS**  
Begin Here. Finish Well.



**Nick Bottari, MCPPO**

***Project Architect***



Nick Bottari is one of Gienapp Architects' staff Project Architects who will assist with technical evaluation and lead the documentation of observations and findings. He is familiar with all aspects of a project, and has the capability and skills to assist in executing your projects.



**Samantha Kelley**

***Designer/Drafter***



Samantha Kelley will participate in organizing and documenting the findings. In her participation, she will visit the building and use her knowledge of the building to be sure the information is reported in a manner that is technically accurate, but will be clear to the non-technical reader.



Gienapp Architects also has an array of qualified support staff who will be available as needed to complete your project smoothly, efficiently, on schedule and budget. Our firm has the capacity to begin work on your project right away. ■

CAPABLE SOLUTIONS TO  
COMPLEX PROBLEMS



**GIENAPP  
ARCHITECTS**  
Begin Here. Finish Well.

**Imelda R. Barnhurst, AIA, LEED AP BD+C, MCPPO**  
**Vice President**

PROFESSIONAL EXPERIENCE	2009-	Gienapp Architects, LLC	Vice President, Project Manager
	2008-09	Wallin/Gomez Associates, LLC	Designer/Drafter
	2007	Sarfatty Associates, LLC	Designer/Drafter
	2005-07	Hill Foley Rossi & Associates, LLC	Designer/Drafter

REGISTRATION/ CERTIFICATIONS	Massachusetts #50999	Maine #ARC5453
	New Hampshire #05031	South Dakota #16063
	LEED AP BD+C Accreditation	MCPPO Certification

EDUCATION	2009	Illinois Institute of Technology	Master of Architecture
	2005	Georgia Institute of Technology	Bachelor of Science Architecture

PROJECT EXPERIENCE	<i>Essex North Shore Agricultural &amp; Technical School</i>		<i>Hathorne, MA</i>
	<i>Building Assessments</i> Evaluation of existing conditions of four school buildings, examination of enrollment projections and proposed curriculum developments, and development of planning options for valid choices that would allow the school to creatively maximize their existing space.		

<i>Reading Public Schools—Elementary School Master Plan</i>	<i>Reading, MA</i>
Comprehensive ten-year master plan to analyze the use of five existing elementary schools, and account for projected elementary school growth and changes to facilities that may be required.	

<i>City of Watertown Building Assessments</i>	<i>Watertown, MA</i>
Performed assessment of 18 City-owned buildings varying from small (e.g. small office and storage building at the Ridgelawn Cemetery) to large (e.g. the Watertown High School). The project was performed in multiple overlapping phases: on-site investigation of the existing conditions; compilation of data; analysis of the information; development of strategies for addressing required repairs and upgrades; and creation of a report.	

<i>Holden Town &amp; School Building Assessments</i>	<i>Holden, MA</i>
Investigation and evaluation of 18 town buildings, including three public schools; review of roof and structure, heating and cooling, electrical, plumbing, and fire protection systems.	

<i>Middlesex Community College Conditions Assessments</i>	<i>Lowell, MA</i>
Assessment of masonry conditions at two historic late 1800's-era buildings, the Talbot and Derby Buildings. Evaluation to determine extent of damage, urgency of repair, and required repair method. Repairs included rebuilding portions of the brick veneer, repointing extensive areas of mortar, patching the roof, replacing rotten window trim, replacing copper flashing, and resealing windows.	

Ms. Barnhurst and Mr. Gienapp are both consultants to the Massachusetts School Building Authority on numerous projects. They are very knowledgeable about schools, but as consultants to the MSBA are not eligible for school construction projects. This means we can offer you a completely objective evaluation.



**Dale Gienapp, AIA, MCPPO, NCARB**  
**Principal in Charge**

PROFESSIONAL EXPERIENCE	2000-1998-99	Gienapp Architects, LLC	Owner and Principal
	1990-98	CSS Architects, Inc.	Vice President of Operations
	1982-90	DiNisco Design, Inc.	Vice President
	1980-82	Stopfel Associates, Inc.	Associate
		TRO Jung/Brannen (f/k/a Jung/Brannen)	Designer/Draftsman

REGISTRATION/  
 CERTIFICATIONS

Massachusetts #6578  
 New Hampshire #3366  
 MCPPO Certification

EDUCATION	1985	Harvard University Graduate School of Design	Master in Architecture
	1980	Iowa State University College of Design	Bachelor of Science, Architecture
	1975-77	Drake University	Physics Engineering

- EXPERIENCE
- Project Manager for projects \$5,000 - \$40M for all project phases
  - Programming through Construction Administration
  - Project Designer
  - Master Plan and Feasibility Studies
  - Programming

PROJECT EXPERIENCE

Mr. Gienapp oversees all projects, but has particular expertise in masonry repairs and evaluation on both private and public projects. He has been involved in school projects since 1989.

Mr. Gienapp and Ms. Barnhurst are both consultants to the Massachusetts School Building Authority on numerous projects. They are very knowledgeable about schools, but as consultants to the MSBA are not eligible for school construction projects. This means we can offer you a completely objective evaluation.



**Nicholas Bottari, MCPPO**

PROFESSIONAL EXPERIENCE	2017-	Gienapp Architects, LLC	Project Architect
	2016	Gienapp Architects, LLC	Architectural Designer Intern
	2015	Gienapp Architects, LLC	Architectural Designer Intern
	2012-2015	Gordon Conwell Theological Seminary	Facilities Assistant

EDUCATION	2017	Wentworth Institute of Technology	Master of Architecture
	2016	Wentworth Institute of Technology	Bachelor of Architecture

PROJECT EXPERIENCE	<i>City of Watertown—On-Call Services</i>	<i>Watertown, MA</i>
	<i>Including Watertown Public Schools</i>	

Study, design, and construction administration services for multiple projects. Work has included feasibility studies and building assessments including a 10-Year Capital Improvement Plan, MEP/FP improvements, locker room renovations, classroom renovations, and exterior improvements to City-owned buildings.

<i>City of Somerville—On-Call Services</i>	<i>Somerville, MA</i>
<i>Including Somerville Public Schools</i>	

On-call contract for the City of Somerville for architectural design and management projects. Notable projects include building conditions assessment at the Winter Hill School. This included water testing, structural assessments, and masonry repair. At the Cummings School, work was done to assess the state of the building and determine what necessary repairs could be made to ready the former school to be used as “swing space” for City operations.

<i>Reading Public Schools—Elementary School Master Plan</i>	<i>Reading, MA</i>
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As part of an on-call contract, developed documents and planning diagrams for use in determining a 10-year Master Plan to handle projected growth in elementary school enrollment for the Town of Reading. Assisted in the development of a comprehensive report for the Town’s reference and use.

<i>Department of Youth Services—House Doctor Services</i>	<i>Various Locations, MA</i>
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Study, design, and construction administration services for various projects at DYS facilities throughout the state. Work has included HVAC upgrades, roofing replacement, and façade renovations, security and safety improvements, and outdoor recreation areas.

<i>City of Gloucester—Senior Center Generator Study</i>	<i>Gloucester, MA</i>
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Study for the installation of a new emergency backup generator.

<i>Bedford Old Town Hall—Flooring &amp; Exterior Stair</i>	<i>Bedford, MA</i>
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Replacement of exterior wood steps with granite to match existing granite steps, and replacement of interior wood floor in the “Great Room” of the historic Town Hall.





## Samantha Kelley

PROFESSIONAL EXPERIENCE	2021-	Gienapp Architects, LLC	Designer/Draftsperson
	2019	GMT Home Designs	Architectural Intern
	2019-2021	Roger Williams University	Archivist

EDUCATION	2020	Roger Williams University	Master of Architecture
	2019	Roger Williams University	Bachelor of Science, Architecture

PROJECT EXPERIENCE	<i>Norwood Civic Center</i>	<i>Norwood, MA</i>
	Assessment of masonry conditions for water infiltration, and recommendations for repair. Subsequent repairs included restoration of stone façade, limited repairs of brick façade, limited roof replacement, attic replacement, and flood-proofing lower level.	

<i>Watertown Police Station Exterior Repainting</i>	<i>Watertown, MA</i>
Development of existing conditions and construction documents for exterior painting of municipal police station.	

<i>Essex North Shore Agricultural &amp; Technical School Alumni Gym MEP/FP Upgrades</i>	<i>Hathorne, MA</i>
Architectural and engineering services to provide upgraded MEP/FP systems at the gymnasium. The gym had no air conditioning system—only an old ventilation system and an outdated steam/hot water system. This project brought the systems up to date and introduced air conditioning into the building in the most cost-effective way. The electrical and plumbing work was designed to support the new HVAC, and a new automatic smoke detection system and related equipment and fixtures were installed.	

<i>Essex North Shore Agricultural &amp; Technical School Alumni Gym Flooring</i>	<i>Hathorne, MA</i>
Replacement of a wooden gym floor with new resilient multi-sport flooring.	

<i>North Shore Community College—Laboratory Renovation</i>	<i>Lynn, MA</i>
Design of renovations to the Anatomy and Physiology lab, including new mill-work, storage, a drop-off room with cubbies for personal belongings, upgraded lighting and mechanical systems, and ADA-compliant stations integrated into four-person workstations.	

<i>Glen Magna Mansion</i>	<i>Danvers, MA</i>
Code review and conditions assessment at a historic manor house currently in use as an event venue. Several issues had to be assessed and accessibility and other code solutions developed. This project involved careful repairs and improvements conducted in a historic space. Notable work included design for a lift that would match the building’s historical tone.	

<i>Little Red Schoolhouse</i>	<i>Boxford, MA</i>
Development of construction drawings for a renovation to a historic schoolhouse.	



## Consultants

Gienapp Architects works with a range of consultants and has consistently demonstrated our ability to manage and coordinate their work. To best assure a coordinated and communicative team, we collaborate with consultants with whom we have a proven record of success. For your project we have proposed preferred smaller firms where the principal engineer performs the work. We feel this is the best approach to obtain the maximum technical expertise.

Each of the consultants has been selected for their demonstrated performance and for demonstrating capabilities to solve issues similar to those in this project. License and Registration information is included in [Section 7: Designer Selection Board Application Forms](#).

For your project, we are proposing:

- **Northeast Engineering and Commissioning Services, Inc.**  
*(mechanical, plumbing, and fire protection engineering)*
- **Stony Brook Engineering Services**  
*(electrical Engineering)*
- **TLH Consulting, Inc.**  
*(structural engineering)*
- **Environmental and Construction Management Services, Inc.**  
*(hazardous materials consulting)*
- **Gienapp Architects**  
*(code consulting)*
- **Tortora Consulting, Inc.**  
*(cost estimating)*

Should the Town of West Newbury require other consultants during this process, Gienapp Architects will be happy to engage them. ■

## 1.4 Consultants



SUCCESS STARTS WITH  
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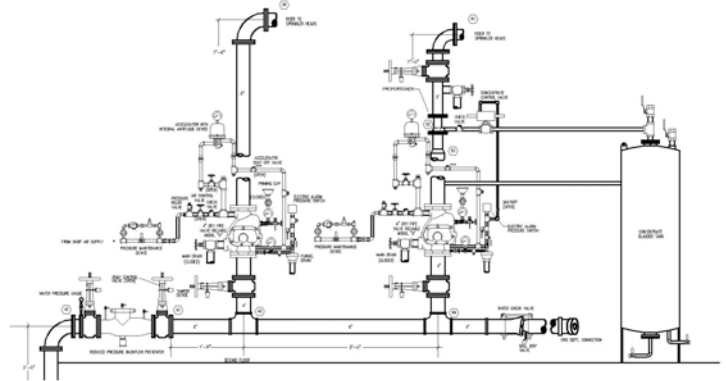
**Northeast Engineering & Commissioning** was formed in 2009 to provide excellence and precision in engineering and commissioning services, while meeting the Client’s needs for a successful project.

***Mission Statement***

Northeast’s mission is to provide top quality engineering & Commissioning services to the construction industry and strives to cultivate close working relationships with our clients and to develop a reputation for excellence, reliability and responsiveness.

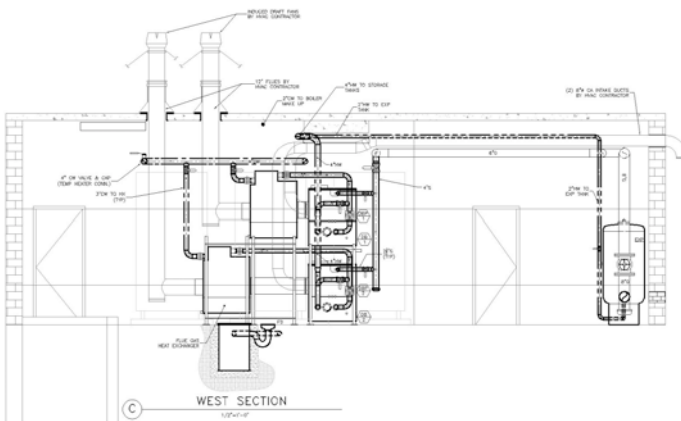
***Engineering Services***

Our Engineering services include due diligence reports, studies, plant master plans, construction plans and specifications, cost estimates and bidding services for all types of projects including commercial, government, educational, industrial, institutional, hospital and laboratory space. We also provide construction administration services, including review of Contractor submittals, inspection of work, and resolution of field issues. Other services include code interpretation and peer design review.



***Commissioning Services***

Northeast’s Commissioning services consist of working side by side with the design engineers and the installing contractors to run the building systems through their normal and emergency sequences to ensure that the building is operating as safely and efficiently as possible.



***Location***

Northeast Engineering & Commissioning has field offices located in Westwood and Brookfield, Massachusetts, as well as Auburn, New Hampshire. This location affords easy access to all of New England.

***Contact Us***

If you have questions or would like more information, please call us at (978) 857-0305, or email us at [JRWEng@Charter.net](mailto:JRWEng@Charter.net)

**NORTHEAST ENGINEERING AND COMMISSIONING SERVICES INC.**

20 Meadowbrook Road, Westwood, MA 02090 (978) 430-0565

**Team Resumes**

**Jeffrey R. White, MS, PE**

**EDUCATION:**           **Worcester Polytechnic Institute, Worcester Massachusetts**  
Bachelor of Science in Mechanical Engineering – May, 1995  
Master of Science in Fire Protection Engineering - May, 2002

**REGISTRATIONS & PROFESSIONAL AFFILIATIONS**

Professional Engineer, Massachusetts, Mechanical, No. 41477  
Professional Engineer, Massachusetts, Fire Protection No. 45668  
Professional Engineer, New Hampshire, Mechanical, No. 10707  
Professional Engineer, Vermont, Mechanical, No. 8049  
Professional Engineer, Connecticut, Mechanical, No. 23559  
Professional Engineer, Rhode Island, Mechanical, No. 7811  
Member, National Fire Protection Association (NFPA)  
Member, The Association of Energy Engineers (AEE)  
Associate, American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE)  
Member, Salamander Honorary Fire Protection Engineering Society  
Certified Firefighter I/II, Massachusetts Dept. of Fire Services #1622

**PROFESSIONAL EXPERIENCE:**

**2009 to PRESENT   Northeast Engineering and Commissioning Services, Inc.**

Partner and project manager for HVAC, Fire Protection and Plumbing systems engineering and design. Duties include client contact; project design and management; specification development; construction administration including site review of system installation and shop drawing review.

**2001 to Present     JRW Engineering, Brookfield, MA**

Mr. White is Owner and Chief Engineer of JRW Engineering with 18 years of experience in the design of mechanical building systems for various size and types of projects including Office, Institutional, Industrial, Educational, Hotel, Medical, Retail, Commercial, Transportation/Airport, Housing, Municipal and State Facilities. Design experience includes MGL Chapter 149 Public Bidding, Design Build and Selective Bid for Private Clients.

**2001 to 2008        CLNW Engineers, LLP., Danvers, MA.**

Founding partner of Cronis, Liston, Nangle & White, LLP (CLN&W). Shares duties with other founding partners including Design, Engineering, Project Management, Construction Administration, Project Scheduling, Job Proposals and Interviewing. Principal in charge for Fire Protection and Plumbing designs, as well as select HVAC projects.

**1997 to 2001        Richard D. Kimball Company, Inc., Andover, MA**

Senior Mechanical Engineer, Project Manager and team co-captain responsible for the design, engineering, project management and construction administration of HVAC systems for industrial, commercial, residential and educational facilities. Project manager for the MEP team and responsible for the mechanical drafting and design team reporting directly to the Principals. Other responsibilities included studies, evaluations, reports and cost estimates.

**1995 to 1997        University of Massachusetts Medical Center, Worcester, MA.**

Facilities Mechanical Engineer. Design, Engineering, and Construction Management responsibilities included study, evaluation and design of HVAC, Plumbing and Fire Protection systems for various renovation projects to the hospital and university, including satellite campuses.

H V A C • P l u m b i n g • F i r e P r o t e c t i o n E n g i n e e r s

**NORTHEAST ENGINEERING AND COMMISSIONING SERVICES INC.**

20 Meadowbrook Road, Westwood, MA 02090 (978) 430-0565

**Team Resumes**

**TODD MASON, PE**

**EDUCATION:** **Northeastern University, Boston, MA**  
Bachelor of Science, Mechanical Engineering

**PROFESSIONAL REGISTRATIONS:**

Massachusetts	Maine	New York	Pennsylvania	Vermont
New Jersey	Virginia	California	Oregon	Washington
Georgia	North Carolina	Ohio	Texas	Connecticut
New Hampshire				

**PROFESSIONAL AFFILIATIONS:**

Member American Society of Heating, Refrigeration and Air Conditioning Engineers  
Member National Fire Protection Association

**ENGINEERING EXPERIENCE:**

**2009 to PRESENT** **Northeast Engineering and Commissioning Services, Inc.**

Partner and project manager for HVAC systems engineering and design. Duties include client contact; project design and management; specification development; construction administration including site review of HVAC system installation and shop drawing review; project construction meetings and working with client , architect and contractors to provide the most cost efficient and performance oriented HVAC systems installations.

**1989 to PRESENT** **MTE Engineering, Westwood, MA.**

More than twenty-two years of mechanical design experience in the engineering field. Responsible for engineering reviews, design and investigations of mechanical systems, HVAC, energy performance based designs and facilities management programs. Provided lead forensic engineering services for over 250 claim investigation cases throughout the northeast for the past eight years. Much of this work involved inspecting loss sites and/or equipment, determining the cause and origin of the loss, preparing reports on the findings and providing expert testimony via depositions and/or trial testimony if the matter proceeds to litigation. Case investigations included: boiler/heating system failures, wet/dry sprinkler/fire protection system failures, plumbing freeze up cases, oil tank spills/leaks, ladder, window and overhead garage door personal injury claims, humidification/dehumidification cases, air-handling units/HVAC system failures and assessments of physical buildings. Performed product defect inspections including: refrigerators, pellet stoves, dishwashers, washing machines, dryers, water heaters, toilets, boilers/burners/furnaces, sump pumps, tow bars and various valve and mechanical/plumbing system components. Designed high efficiency energy performance based replacement mechanical systems. Designed new energy efficiency HVAC controls with new high efficiency equipment including, boilers, pumps and solar water heaters.

H V A C • P l u m b i n g • F i r e P r o t e c t i o n E n g i n e e r s



Stony Brook Engineering  
Services LLC  
69 Stonybrook Rd  
Westford, MA 01886  
978-729-2378

## Mark McCarthy, PE

Electrical Engineer, Principal

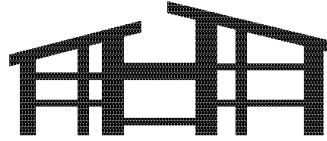
Mr. McCarthy is the Principal and lead Electrical Engineer at Stony Brook Engineering Services LLC. He has 30+ years experience in electrical systems design and construction. The scope of the electrical work includes electric service and power distribution, lighting systems, fire alarm system, low voltage systems (security, data networking, telephones, etc.). Work responsibility includes preliminary development, detailed design, and commissioning. Types of projects include Data Centers, Newspaper Printing, Retail, Commercial, Pharmaceutical Production and Laboratory Spaces, Light Manufacturing, and Office spaces. Specialized skills include electrical fault analysis, emergency and standby generator design, and electric service upgrades.

**Education** BSEE, University of Vermont, Burlington, VT

**Registrations** Massachusetts, New Hampshire, Rhode Island, Maine

**Employment** 1986 thru 1987 – Ringling Brothers and Barnum and Bailey's Circus (Electrician)  
1988 thru 1989 – Jung Brannen Associates  
1989 thru 1990 – Shooshanian Engineering Associates, Boston, Massachusetts  
1990 thru 1992 – Arcadd, Newton, Massachusetts  
1992 thru 1995 – United Engineers and Constructors Inc, Cambridge, Massachusetts  
1995 thru 2000 – Asfour Associates Inc, Milford, Massachusetts  
2000 thru 2003 – Carlson Associates, Inc, Framingham, Massachusetts  
2003 thru 2007 – SPEC Process Engineering and Construction Inc, Burlington, Massachusetts  
2007 thru 2022 – 2020 Engineering, LLC, Natick, Massachusetts  
2022 – Current – Stony Brook Engineering Services

**Sample Project Experience** **Citizens Bank.** 150,000 sf renovation of 3 floors in a 13 story historical bldg. in Philadelphia  
**State Street Corp.** New construction of a 149,000 sf 2N data center in Shrewsbury MA  
**Aspen Aerogels.** Complete renovation of existing 149,000 sf industrial plant in Providence RI  
**Fresenius Kabi.** Complete remodel/reconfiguration of a 50,000 warehouse facility into a drug compounding center and ISO 7 clean room in Canton, MA  
**Acceleron Pharma Inc.** Renovation of an existing 39,000 sf lab and office building into a clinical manufacturing facility and warehouse.  
**Cell Signaling Technology** Renovation of a 3 floor wing of a lab and office bldg. in Beverly MA  
**Biogen Idec** Renovations to the 6<sup>th</sup> floor of building 8 into new labs  
**E-Ink Corp.** Electrical service upgrade for a 32,000 sf manufacturing facility in South Hadley MA while maintaining ongoing 24 hour operations  
**Liberty Mutual.** Electrical reconfiguration of an existing 2N Data Center in Kansas City.  
**EMC Corporation, Hopkinton, MA.** 150,000 sf renovation of existing large bay facility (formerly Caterpillar manufacturing plant) into a Computer testing and office facility.  
**EISAI Laboratories, Andover, MA.** New construction of a 40,000 sf Pilot plant/R&DLaboratory  
**US Government. Naval Undersea Warfare Center, Newport RI.** New construction of 200,000 sf R&D and office facility.  
**Raytheon, Corp.** Relocatable Over the Horizon Radar (ROTHR); Ground Based Radar Installation (GBR-T) Kwajalein Islands; Ballistic Missile Early Warning System (BMEWS) Shemja, AK  
**Daqing Petrochemical Design Institute (DPDI).** Technical advisor for industrial EB Styrene monomer plant in Daqing China.  
**Genzyme Corporation, Allston Landing, MA.** New construction of a 150,000 sf Biopharmaceutical Manufacturing Facility



**TLH CONSULTING, INC.**

**Structural Engineering**

3 Survey Circle, Suite 2

Billerica, MA 01862

(978) 362-1804

**PROFILE:**

After 22 years of experience at various engineering firms, Todd Hedly created his own structural engineering company in August 2008. Currently, we have a staff of 6 engineers, 2 intern engineers, office manager & office assistant. We are licensed in 11 states; Massachusetts, New Hampshire, Connecticut, Rhode Island, New York, Maine, Vermont, Michigan, New Mexico, Georgia and Texas.

**TLH SERVICES:**

- Analysis and design of structural building components including structural steel, reinforced masonry, cold formed metal framing, and wood framing
- Foundation design for pre-engineered metal buildings
- Structural steel connections
- Structural peer reviews
- Site visits and field measurements
- Reports and Affidavits
- Signed and Sealed Drawings & Calculations

**TLH EXPERIENCE:**

Commercial Buildings:

- Design of new retail facilities, supermarkets, office buildings, restaurants, and banks
- Analyze existing structural systems for reuse; reinforce existing systems as required

Residential Buildings:

- Design of structural systems for condominiums, town houses, and single and multi-family house
- Analyze existing structural systems for renovations; reinforce existing systems as required; design new structural components as required

Industrial Buildings:

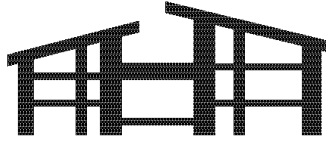
- Design of warehouses, production facilities, and distribution centers
- Design of various platforms for production facilities
- Analyze existing structural systems for specific loading conditions
- Industries include food and beverage, metal recycling, pharmaceutical, and biotechnology

Institutional Facilities:

- Analyze and design existing and new structural systems for various K-12 schools
- Analyze and design existing and new structural systems for various colleges and universities

**AFFILIATIONS:**

- Professional Member, American Institute of Steel Construction (AISC)
- Member, American Society of Civil Engineers (ASCE)
- Chi Epsilon, Civil Engineering Honor Society



### **TLH CONSULTING, INC.**

#### **Structural Engineering**

3 Survey Circle, Suite 2

Billerica, MA 01862

(978) 362-1804

**Todd L. Hedly, P.E.**

#### **PROFILE:**

Todd Hedly, P.E. is the Principal in charge of TLH Consulting, Inc. Todd has over 30 years of experience as a structural engineer. He has worked on a variety of project types including commercial, residential, industrial, and institutional facilities. He has designed and analyzed structures constructed of a variety of materials including structural steel, stainless steel, reinforced concrete, reinforced masonry, wood, and cold formed metal framing. In addition to his engineering experience, Mr. Hedly has two years of experience with a general contractor as an office engineer.

#### **EXPERIENCE:**

##### Commercial Buildings:

- Design of new retail facilities, supermarkets, office buildings, and banks.
- Analyze existing structural systems for reuse; reinforce existing systems as required

##### Residential Buildings:

- Design of structural systems for condominiums, town houses, and single family homes
- Analyze existing structural systems for renovations; reinforce exiting systems as required; design new structural components as required

##### Industrial Buildings:

- Design of warehouses, production facilities, and distribution centers
- Design of various platforms for production facilities
- Analyze existing structural systems for specific loading conditions
- Industries include food and beverage, metal recycling, pharmaceutical, and biotechnology

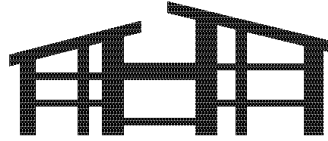
##### Institutional Facilities:

- Analyze and design existing and new structural systems for various K-12 schools
- Analyze and design existing and new structural systems for various colleges and universities

#### **EDUCATION:**

- MS, Structural Engineering, University of Massachusetts, Lowell, MA, 2002
- BS, Civil and Environmental Engineering, University of Rhode Island, Kingston, RI, 1994
- BS, Civil Engineering Technology, Roger Williams University, Bristol, RI, 1988
- AS, Civil Engineering, Wentworth Institute of Technology, Boston, MA, 1986





**TLH CONSULTING, INC.**

**Structural Engineering**

3 Survey Circle, Suite 2

Billerica, MA 01862

(978) 362-1804

**Todd L. Hedly, P.E.**

**AFFILIATIONS:**

- Professional Member, American Institute of Steel Construction (AISC)
- Member, American Society of Civil Engineers (ASCE)
- Chi Epsilon, Civil Engineering Honor Society

**LICENSED REGISTRATIONS:**

- CT, Professional Engineer, Registration Number 27997
- MA, Structural Engineer, Registration Number 41433
- ME, Professional Engineer, Registration Number 12566
- NH, Structural Engineer, Registration Number 11673
- NM, Professional Engineer, Registration Number 23025
- NY, Professional Engineer, Registration Number 5780368
- RI, Professional Engineer, Registration Number 9937
- TX, Professional Engineer, Registration Number 115296
- VT, Professional Engineer, Registration Number 5745
- MI, Professional Engineer, Registration Number 3055307
- GA, Professional Engineer, Registration Number 44438
- National Council of Examiners for Engineering and Surveying (NCEES), Record Number 26432

### *Environmental & Construction Management Services, Inc. Company Introduction*

*Environmental & Construction Management Services, Inc. (ECMS)* is a Boston area environmental and construction consulting firm founded in 2000 to specialize in construction management, asbestos, lead-based paint and environmental/hazardous materials management as it relates to site development and building construction. Its founders have a dedicated perseverance to provide all of our clients with the best possible technical consulting services at a competitive cost. *ECMS* provides consulting services to clients in both the public and private sector. As indicated by our firm's name, we focus our technical expertise on a best management strategy for our clients' construction and environmental concerns. These issues may range from management of demolition and/or construction; environmental liabilities associated with real estate financing; soil and groundwater remediation to health and safety concerns regarding asbestos; indoor air quality or lead-based paint. Regardless of a client's issue, it is *ECMS'* role to assist our clients in addressing their individual concerns in the least burdensome manner. All services are provided out of *ECMS* sole location in Braintree, Massachusetts. *ECMS* employs between five and ten employees.

*ECMS'* commitment is based upon providing the highest quality service to our clients, with each of the firm's Principals get directly involved with our clients with a "hands on" approach and have managed large environmental assessment and remediation projects in the New England area including the Central Artery/Tunnel (CAT) project, Harvard University First Science Project, many local schools, hospitals, colleges and universities, property management companies, commercial and industrial clients. Our resources include Licensed Site Professionals (LSPs); Certified Hazardous Materials Managers; Lead Inspectors; EPA and MADOS Accredited Asbestos Professionals; and other state certified professionals.

*ECMS'* environmental consulting service areas include:

- Asbestos Management
- Lead-Based Paint Management
- Environmental Engineering Services
- Indoor Air Quality and Microbial Management
- Asbestos Training (MADLS License No. AT000070)

### **ECMS Mission Statement**

*ECMS* will offer high quality innovative alternatives for consulting services in construction, asbestos, lead-based paint, indoor air quality and environmental disciplines as it relates specifically to site development and building construction. These services will be offered with an emphasis on providing superior consulting expertise, to balance all applicable regulatory as well as client fiscal objectives. Clients will understand that working with *ECMS* is a more personal, professional, cost effective and less risky alternative to assist them in managing their construction, environmental and hazardous waste issues.

### **ECMS Safety Record**

In business for 22 years, *ECMS* is proud of its "zero incident" safety record.

**STEPHEN T. WEYDT**

***Principal Environmental Scientist***

Stephen has over 34 years of asbestos, lead-based paint and construction management experience. In addition to his fiscal and marketing duties as President of *Environmental & Construction Management Services, Inc. (ECMS)*, he oversees the technical staff, coordinates business and professional development of the Corporation, provides technical QA/QC, and offers specialized technical support in accordance with state and federal regulatory agencies.

Prior to co-founding *ECMS* in 2000, Stephen served as Division Manager for asbestos and lead management services at Hygienetics Environmental Services, Inc. in Boston. As Division Manager, Mr. Weydt was responsible to review all Quality Assurance policies, procedures, instructions, and manuals, as well as perform Quality Assurance review of all outgoing documents.

In addition, Stephen served as Project Manager for all asbestos and lead-based paint activities associated with the \$14 billion dollar Massachusetts Central Artery/Tunnel Project.

Prior to joining Hygienetics Environmental, he served as senior project manager at a national environmental consulting firm on hundreds of asbestos and lead projects including lead testing, abatement design, and clearance testing for many Boston area and National clients.

In 1990, Stephen became one of the first twenty people in the State of Massachusetts to be licensed by the Massachusetts Department of Public Health as a Master Lead Inspector. Since 1990, he has performed thousands of inspections for the presence of lead-based paint in both residential and commercial settings. In addition, as a Master Lead Inspector, Stephen has trained dozens of Provisional Lead Inspectors.

Some of his recent accomplishments include:

- Through CDM Smith, served as Project Manager during the removal of asbestos-containing materials for a multi-million-dollar upgrade at a water treatment facility.
- Through CDM Smith, served as Project Manager during the inspection, design and removal of asbestos-containing materials, materials coated with lead-based paint for the demolition of several abandoned housing structures.
- Through CDM Smith, served as Project Manager during the testing, excavation and removal of 10s of thousands of cubic yards of urban fill material for the construction of a large science facility.

***Technical Specialties:***

Lead-Based Paint Survey and Abatement

Asbestos Survey and Abatement

Asbestos Training

Environmental Site Assessment

Regulatory Compliance

Construction Management

Structural Demolition & Painting

***Education:***

B.A., Philosophy/History,  
St. John's Seminary College, 1989

***Certifications:***

Former Master Lead Paint Inspector (MA License No. M1200)

EPA/AHERA Accredited Asbestos Inspector (Massachusetts DOS AI000018)

EPA/AHERA Accredited Asbestos Management Planner (Massachusetts DOS AP000030)

EPA/AHERA Accredited Asbestos Project Designer

Former Lead Paint Abatement Supervisor (MA License No. DS00474)

# Hazardous Materials Consulting Qualifications

## *Environmental & Construction Management Services, Inc. Corporate Resume*

**KEVIN J. KAVANAUGH, L.S.P., CHMM**

*Principal Environmental Engineer*

Kevin has over 36 years of engineering/hydrogeological consulting, environmental site assessment and site remediation experience. In addition to his fiscal and marketing duties as a Principal at *Environmental & Construction Management Services, Inc. (ECMS)*, he oversees the environmental staff, coordinates business and professional development of staff, provides technical QA/QC, and offers specialized corporate technical support in accordance with state and federal regulatory agencies.

Prior to co-founding *ECMS*, Kevin was the National Accounts Director for Hygienetics Environmental Services, Inc. (Hygienetics) in Boston, Massachusetts. As the National Account Director he managed the nationwide environmental due diligence and consulting services for Hygienetics National Accounts including GE Capital Real Estate, Archon Group LP, Finova Realty Capital, American General Realty Advisors, Metropolitan Life Insurance and State Teachers Retirement System of Ohio for all of Hygienetics 14 Offices throughout the Continental United States.

Kevin is a Massachusetts Licensed Site Professional (LSP) since May 1994 and Certified Hazardous Materials Manager (CHMM) since 1998 with extensive experience with preparation and submission of every aspect of the Massachusetts Contingency Plan (MCP) 310 CMR 40.0000 including; Phase I through Phase V reports, Downgradient Property Status (DPS), Activity and Use Limitations (AULs), Method 1 and 3 Risk Characterizations, Class A, B and C Response Action Outcome (RAO) and Permanent Solutions, Numerical Site Ranking, Immediate Response Action (IRA) Plans and Release Abatement Measure (RAM) Plans, status and completion reports, Tier I Permit Applications and Major Permit Modifications. He also provided LSP technical report review and provided cost estimates for various lending institutions, insurance companies, law offices and other property acquisition/development corporations. In addition to his extensive experience in Massachusetts, he has personally performed either environmental site assessments and/or site remediation in New Hampshire, Georgia, Rhode Island, New Jersey, Texas, Kansas, California, Florida, Michigan and Pennsylvania.

Prior to joining Hygienetics in 1996, Kevin worked as a Site Operation's Manager/Senior Environmental Engineer responsible for all technical and business activities for a 13-person branch office for Groundwater & Environmental Services, Inc. (a full-service environmental consulting/remediation firm).

Some of his accomplishments include:

- Performed all phases of environmental project development and management including: groundwater modeling, hydrogeologic studies, physical and chemical interpretation of field data, preparation and review of initial and complex site assessments, and remedial action reports in accordance with MGL21E, MCP, RCRA and other regulations.

### ***Technical Specialties:***

Phase I and II Environmental Site Assessments

Soil and Groundwater Investigations

Risk-Based Closure Assessments

UST Management/Closure

Soil and Groundwater Remediation

### ***Education:***

B.S., Civil Engineering, University of Maine at Orono, 1985

### ***Certifications:***

Massachusetts Licensed Site Professional (LSP) License No. 7610

Certified Hazardous Materials Manager (CHMM) License No. 9287

OSHA Standard 29 CFR 1920 and SARA Section 126(d) (HAZWOPER)

### ***Professional Affiliations:***

Massachusetts Licensed Site Professionals Association (LSPA)

National Groundwater Association

Boston Chamber of Commerce

## Company Introduction

TCi is a consulting, cost and management firm started here in Massachusetts. It is built on years of hands on construction planning and management experience at renowned firms. The challenges of planning, repositioning, constructing, and managing public, institutional and private projects are not new to us. Our focus in planning, cost estimating and management offer value to clients who need to make informed and intelligent decisions regarding the economic and cultural future of their properties.

We offer services with the following principles

- Dependable service, predictable outcome. We offer a dependable and cost effective outsourcing with predictable outcome, no surprises.
- Guaranteed unconditional representation. Our services are offered with unconditional dedication and commitment to your business needs. We are a third party consultant seeking no benefits from your project expenditures. This releases us from any incentives that may conflict with quality and outcome.
- Experience, expertise, Principal involvement. Our construction expertise and experience is provided with 100% principal involvement

## Services

### Cost Estimating

Our professional staff prepares detailed cost estimates utilizing in-house pricing database for current market conditions. We provide complete cost estimates from division 1 –16 in CSI format and or elemental. We perform a complete quantity take-off for all estimates including material and labor pricing. Estimates are provided at conceptual, schematic, design and contract phases of the project. On occasion, we will contact specialty contractors to verify pricing.

We provide the following when we are estimating:

- Accuracy of quantities and pricing
- Understand the scope of work
- Understand the design team's intent
- Be aware of the current market conditions

### Cost Control

As a component of our estimating service, we are prepared to make recommendations when appropriate for identifying and pricing alternate material and or systems for potential cost savings. Part of this process includes a value engineering cost and approval tracking sheet that follows the savings through the design phases and keeps accountability in place.

### Change and Scope Review

We provide general construction consulting including change order review, plan review, and final documents scope review prior to bidding.

## **TCi** Tortora Consulting Inc.

Construction Cost Estimating

### Resumes

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#### **Gerry Tortora - Lead Cost Estimator**

Gerry has over 29 years of experience managing and estimating public and private building construction projects. Over his years of experience he has been in the field running projects, estimating for construction management-and-project management consulting firms. For the last ten years, his strength as a cost estimator and project manager has been in pre-construction and cost consulting.

#### **Prior Experience**

- Director of Project Management and Estimating - Construction Cost Management Inc.
- Sr. Construction Project Manager Cost Estimator - Daedalus Projects Inc.
- Sr. Estimator - Kennedy & Rossi Inc.
- Chief estimator/project manager – All Interiors Inc.

#### **Education**

Wentworth Institute of Technology, Boston MA

#### **Licenses**

Unrestricted Massachusetts Builders License

#### **Associations**

Society of Professional Estimators

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#### **Jeff Harding – Mechanical Cost Estimator**

Jeff has over 33 years of experience as a mechanical estimator. Through professional associations with consulting engineering firms, both in the design office and the field, as well working in contracting as an estimator and project manager. In addition, he has considerable estimating experience, ranging from conceptual design through construction.

#### **Prior Experience**

- Sr. Mechanical Cost Estimator - Construction Cost Systems, Inc
- Mechanical Cost Consultant – j Harding
- Construction Manager - Schneider Electric, Inc.
- Sr. Mechanical Cost Estimator - Walsh Brothers, Inc

#### **Education**

University of Massachusetts Bachelor of Science Degree

Northeastern University - Certificate for Mechanical Engineering / Construction Estimating

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#### **Michael R. Mainella, P.E. - Electrical Cost Estimator**

Michael has over 31 years of experience as a registered Electrical Engineer. Through professional associations with consulting engineering firms, both in the design office and the field, as well working in contracting as an estimator and project manager, he has acquired skills in insurance inspections and claims work, and forensic engineering. In addition, he has considerable estimating experience, ranging from conceptual design through construction. Licensed Professional Engineer - New York State

#### **Prior Experience**

- Electrical estimator - Boston based consulting firm
- Electrical estimator/Project Manager - NYC General Contracting Firm
- Project engineer - NYC Consulting Firm

#### **Education**

Bachelor of Science, Electrical Engineering, State University of New York at Buffalo

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**Gienapp Architects** has performed numerous projects with direct relevance to the scope of services required for West Newbury's Page Elementary School assessment. Example projects and references are mentioned below and on the following pages. ■

### City of Watertown, including Watertown Public Schools

- **City Building Assessments**  
For a ten-year Capital Improvement and Maintenance Plan, evaluation of 18 City-owned facilities, including **five schools**, for maintenance needs and development of cost estimates for proposed work.

### Town of Holden, including Holden Public Schools

- **Town Building Assessments**  
Investigation and evaluation of 18 town buildings, including **three schools**; review of envelope and building systems; and recommendations for repairs, priorities, and cost estimates.

### Essex North Shore Agricultural & Technical School

- **Building Assessments & Master Plan**  
Evaluation of existing conditions of **four school buildings**, examination of enrollment projections and proposed curriculum developments, and development of planning options for valid choices that would allow the school to creatively maximize their existing space.

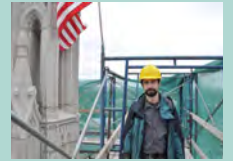
### Reading Public Schools

- **Building Assessments & Master Plan**  
Comprehensive ten-year master plan to analyze the use of **five elementary schools**, and account for projected elementary school growth and changes to facilities that may be required.

### Town of Middleton

- **Town Building Assessments**  
The assessment included evaluation of all of the non-school Town-owned buildings. We performed a detailed conditions assessment for the Town Hall, fire station, police station, and senior center with a cursory review of the Department of Public Works and town library. The assessment included the buildings' physical conditions, evaluation of space needs, site assessments, and documentation of the town's projected staff growth.
- **Public Safety Complex Study**  
Evaluation to determine the feasibility of building a new Fire and Police Department on their existing site, or whether they should be relocated to a larger parcel.

## 2.1 Representative Projects



SUCCESS STARTS WITH  
A STRONG FOUNDATION

**GIENAPP  
ARCHITECTS**  
Begin Here. Finish Well.



### Town of Weston

- **Brook School Apartments Feasibility Study**

Site evaluation and preliminary design studies for locating fifteen additional elderly housing units on the Brook School Apartments site. This study involved assessing the impact of construction on the site, defining environmental concerns, and looking at ways to minimize disruption to residents and to the Town. This is a Town affordable senior housing project, but is not a state-funded DHCD housing project.



CAPABLE SOLUTIONS TO  
COMPLEX PROBLEMS



**GIENAPP  
ARCHITECTS**  
Begin Here. Finish Well.



# READING PUBLIC SCHOOLS—ELEMENTARY SCHOOLS ASSESSMENT AND MASTER PLAN

Reading, MA

As part of our On-Call contract with the Town of Reading, the Gienapp Architects team was asked to develop an Elementary Schools Master Plan for the Town's future use. As a fast-growing municipality with a significant projected population influx in the next ten years, the Town of Reading was concerned about their ability to accommodate an additional number of students in their school system, particularly in the elementary schools, most of which were built prior to the last 20 years.

Our team worked with the New England School Development Council, or NESDEC, to assess the actual numbers of proposed growth to understand the numbers the Town needed to plan for. In addition to this, we conducted a series of assessments at all of the Town's elementary schools, including taking detailed measurements of all relevant spaces and interviewing staff and teachers. We then compared this data with the guidelines as established by the Massachusetts School Building Authority to assess how each school met the needs of its users.

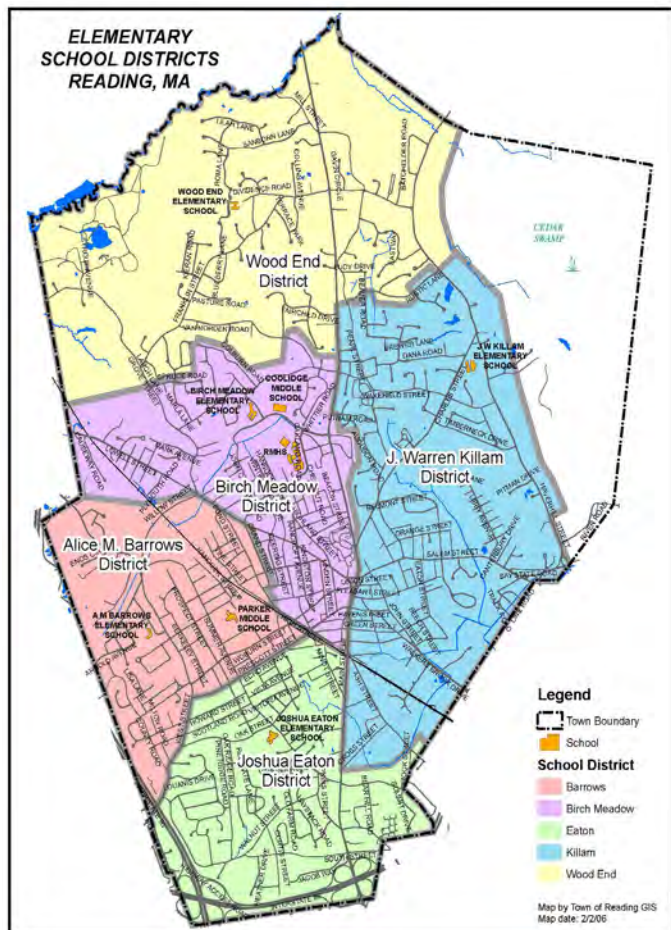
One of the issues the Town faced was the fact it had five extant elementary schools. This greater number of buildings meant higher maintenance and staffing costs, as well as additional logistical headaches for town administration. Several of the schools, as they currently existed, could not easily accommodate additional classroom and student space, due to either site or structural limitations. The Town was not interested in pursuing modulars or "portable" classrooms as a long-term item at the schools, and wanted a more permanent solution.

Following this data-gathering phase, our team got together to collaborate, share information, and develop a report containing recommendations to the Town that detailed potential planning options and solutions. Factors considered, in addition to the above, included busing distance for students, examining the particular areas in Town that would see population growth, and doing our best to minimize possible re-districting. One of the concerns of the Town was how elementary school catchment areas compared with middle-school areas, in order to minimize the number of children who would go to elementary school together and then be split for middle school.

Our team developed this comprehensive report, including cost assessments and long-term recommendations, to the Town and to all relevant parties. The Town is currently in the process of pursuing one of the report's Preferred Options. ■



Two of the Town's Existing Elementary Schools  
Birch Meadows (top) and Joshua Eaton (bottom)



School district map.



## READING PUBLIC SCHOOLS—ELEMENTARY SCHOOLS ASSESSMENT AND MASTER PLAN

Reading, MA

Various locations town-wide.

### **Client Contact:**

Mr. Joseph Huggins, Director of Facilities  
Town of Reading  
62 Oakland Road, Reading, MA 01867  
jhuggins@ci.reading.ma.us  
(781) 670-2824

**Contract Value:** \$157,000

**Completion Date:** November 2019

### **Further action:**

Reading Public Schools is currently in the process of seeking funds to replace Killam Elementary School. ■



## WATERTOWN CITY-WIDE BUILDING ASSESSMENTS

Watertown, MA

As part of their effort to generate a ten-year Capital Improvement and Maintenance Plan, the City of Watertown hired Gienapp Architects and our engineering consultant to review 18 of its City-owned facilities. This included the police station, three fire stations (one main fire station and two branch stations), the library, City Hall, six schools including the high school, the DPW, the Senior Center, and four other buildings. The final product was a single, long report including item descriptions, recommended projects, and estimated costs.

The project began with an in-depth walkthrough by several of our staff and MEP/FP engineers. We identified all the building systems, and determined the condition and age. In addition to our observations, we collected input from the facilities caretakers and users. The information was consolidated into a database for analysis.

Each item was reviewed to determine if they were individual items or symptoms of other problems. Items were given priorities depending on the urgency of the issue and categorized by type of work and overall system (i.e. MEP, site, interior). Once this was complete, each item was evaluated to determine if they needed to be addressed in the short term (1 – 3 years), medium term (3 – 7 years), or long term (8 – 10 years). This depended on both the priority and relation to other work. For example, if windows needed to be replaced (high priority) and the sills needed to be repainted (low priority), they were assigned to the same time period since they were related.

We also developed cost estimates for the work, which included escalation to the determined time period. The cost estimates included direct cost, estimated construction cost (which included other contractor costs such as general conditions and bonds), and estimated project budgets (which included soft costs, such as design fees). Once this information was ascertained, we were able to determine if other work (i.e. accessibility, sprinklers) would be triggered, and if so, we included this in the estimates.

All of this information was combined into a report and presented to the City, who is currently using it as a guide for what projects and buildings need attention. ■



*Watertown Free Public Library.*



*Department of Public Works.*



*Watertown City Hall.*



## **WATERTOWN CITY-WIDE BUILDING ASSESSMENTS**

Watertown, MA

Various locations city-wide.

### **Client Contact:**

Mr. James Kane, Director of Public Buildings  
City of Watertown Department of Public Buildings  
309 Main Street Rear, Watertown, MA 02472  
james.kane@watertown.k12.ma.us  
(617) 924-0402

**Contract Value:** \$150,000

**Completion Date:** November 2016

### **Further action:**

This study has provided the City with a tool for capital planning and prioritizing projects. ■



## HOLDEN TOWN-WIDE BUILDING ASSESSMENTS

Holden, MA

Gienapp Architects performed an assessment of 18 existing town and school facilities to determine deficiencies and recommend improvements. The Town sought to understand the condition of the buildings and establish a planning-level scope of work and budget of capital repairs and capital improvements for a five- to ten-year period. To this end, we performed the following work:

1. Assessed the overall condition of the buildings. This included an evaluation of the exterior envelope, building systems (i.e. HVAC, plumbing, electrical, fire protection, fire alarm), accessibility, structural elements (visual inspection by architect of exposed structure), and other Code-required components.
2. Developed recommendations for required repairs, upgrades, or improvements. This included a general cost estimate for the recommended work.
3. Developed cost estimates for recommended improvements and correlated Project Budget.
4. Developed phased improvement priorities based on recommendations.
5. Identified and summarized “code thresholds” for facility repairs, such as handicapped accessibility/ADA compliance, egress issues, emergency notification compliance and seismic standards. ■



*Davis Hill Elementary School.*



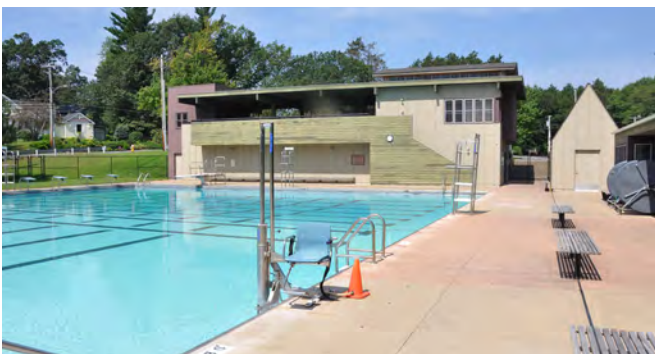
*Town Hall.*



*Gale Free Library.*



*Starbard Administration Building.*



*Dawson Pool Complex.*



*Municipal Light Department.*



## **HOLDEN TOWN-WIDE BUILDING ASSESSMENTS**

Holden, MA

Various locations town-wide.

### **Client Contact:**

Mr. John Woodsmall, Director  
Town of Holden Department of Public Works  
1196 Main Street, Holden, MA 01520  
jwoodsmall@holdenma.gov  
(508) 210-5550

**Contract Value:** \$163,000

**Completion Date:** January 2019

### **Further action:**

This provided the Town with a means to estimate and prioritize capital planning expenditures. ■



**ESSEX NORTH SHORE AGRICULTURAL & TECHNICAL SCHOOL—BUILDING ASSESSMENTS & MASTER PLAN**

Hathorne, MA

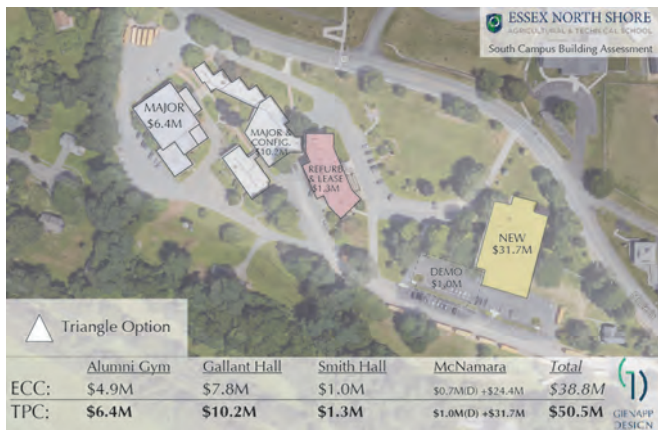
Gienapp Architects was hired by Essex North Shore Agricultural and Technical School of Hathorne, MA, to evaluate the buildings on the school’s South Campus. The school is growing rapidly, and was looking for ways to expand school buildings to deal with increased enrollment.

Our firm performed a thorough assessment of all buildings on the school’s South Campus, an area mainly used for administrative and assembly functions. Many spaces were underutilized and some were in poor condition.

We began by conducting a thorough conditions assessment of all relevant South Campus buildings. Working with our team of engineers, we examined each building for capital maintenance needs, systems status, structural condition, and utility to the school. Following this process, we developed multiple planning options for the school, and developed feasible ways to implement them. Our recommendations were designed to allow the school to plan for desired work in phases, over a period of time. ■



*South Campus.*



*Planning options, above and right.*



## ESSEX NORTH SHORE AGRICULTURAL & TECHNICAL SCHOOL—BUILDING ASSESSMENTS & MASTER PLAN

Hathorne, MA

565 Maple Street

Hathorne, MA 01923

### **Client Contact:**

Ms. Marie Znamierowski, Director of Business Operations

Essex North Shore Agricultural & Technical School

565 Maple Street, Hathorne, MA 01923

mznamierowski@essextech.net

(978) 304-4700 x 7201

**Contract Value:** \$65,000

**Completion Date:** December 2018

### **Further action:**

This study helped the School prioritize capital expenditures, which are currently being implemented. ■





## MIDDLETON TOWN BUILDING ASSESSMENTS

Middleton, MA

Gienapp Architects performed a planning study for the Town of Middleton. This project consisted of developing a master plan for six Town-owned buildings. The key element of this project was to determine the space needs program for four of the buildings (senior center, Town Hall, police station, and fire station) and reviewing potential Town-owned and privately owned sites (available for purchase) to locate a new building for each of these four programs.

The analysis also included review of two additional Town-owned buildings (Library and DPW) to determine if the reallocation of programs between buildings would provide operating efficiency and/or reduce the amount of construction that is required. This project included developing and evaluating an array of planning options for presentation to the Select Board and ultimately for Town Meeting presentation.

Planning options included separate sites for each building and a potential combined Public Safety Building (Police and Fire). We also explored the purchase of a large site allowing for the long-term development of a new Town Center for all four of the new buildings.

The scope of services included:

1. Evaluation of each of the six buildings.
2. Development of a space needs program for the four main buildings (Senior Center, Town Hall, Police, and Fire).
3. Development and evaluation of an array of planning options.
4. Developed conceptual cost estimates for each planning option.
5. Development of materials for presentation to the Select Board and ultimately Town Meeting.
6. Development of a Final Report for public distribution and a guide as the Master Plan is implemented over the next several years. ■



*Middleton Senior Center.*



*Middleton Town Hall.*



*Middleton Fire Department.*



*Middleton Police Department.*



## MIDDLETON TOWN BUILDING ASSESSMENTS

Middleton, MA

48 Main Street  
Middleton, MA 01949

### **Client Contact:**

Mr. Ryan Ferrara, Assistant Town Administrator  
Town of Littleton  
37 Shattuck Street, Littleton, MA 01460  
rferrara@littletonma.gov  
(978) 540-2463

Mr. Ferrara was previously Assistant Town Administrator for the Town of Middleton, and we worked directly with him on this project.

**Contract Value:** \$9,900

**Completion Date:** May 2019

### **Further action:**

This assessment assisted the Town with determining the long-term value of assets and was a precursor to proceeding with planning for significantly different Municipal buildings. ■



## MIDDLETON PUBLIC SAFETY COMPLEX FEASIBILITY STUDY

Middleton, MA

For the Town of Middleton, Gienapp Architects evaluated the existing Town-owned Memorial Hall site at 48 Main Street for site fit options and to determine if the site would accommodate a new fire station or combined fire station/police station Public Safety Complex. The 7.2-acre site, while large enough for the proposed Public Safety Complex, was restricted by wetlands, grade issues, and a limited area for public and restricted vehicle access which decreased the buildable area.

Additionally, we evaluated the site to determine if a larger site was required for separate fire station and police station buildings. To this end we developed a preliminary program for the Public Safety Complex, along with site fit diagrams and an Opinion of Probable Cost. Working with the Town, the Fire Department, and the Police Department, Gienapp Architects analyzed the programmatic requirements based on staffing, Fire, Police, and EMS calls and projected future needs.

The program was refined based on additional research of new fire stations, police stations, and public safety complexes in comparable towns (population and area) and review by

our public safety consultants. We developed the preliminary program to maximize the efficiency of the required area and minimize the site area required for the Public Safety Complex.

To minimize the building footprint on the site and provide for construction of the fire station and police station in separate phases, a shared space was added to the program which would include the public lobby, elevator, a local emergency services dispatch, fitness room, and building support. Additionally, a moderately sized combined training/meeting room is included in the shared space which would support both Fire and Police training needs as well as other Town meetings and functions.

The program was further tested with concept diagrams that allowed Gienapp Architects to determine that the proposed Public Safety Complex could be built as a two-story structure on the existing Town-owned land and with the addition of one or two adjacent lots site circulation and functionality could be improved while providing additional buildable area for a new Town Hall building. ■



Public Safety Complex Site Fit Diagram



## **MIDDLETON PUBLIC SAFETY COMPLEX FEASIBILITY STUDY**

Middleton, MA

48 Main Street

Middleton, MA 01949

### **Client Contact:**

Mr. Ryan Ferrara, Assistant Town Administrator

Town of Littleton

37 Shattuck Street, Littleton, MA 01460

rferrara@littletonma.gov

(978) 540-2463

Mr. Ferrara was previously Assistant Town Administrator for the Town of Middleton, and we worked directly with him on this project.

**Contract Value:** \$325,000

**Completion Date:** March 2018

### **Further action:**

This study provided the Town with sufficient information to proceed with purchase of the land and commence planning and design of this new Town Center Complex. ■



**BROOK SCHOOL APARTMENTS FEASIBILITY STUDY**

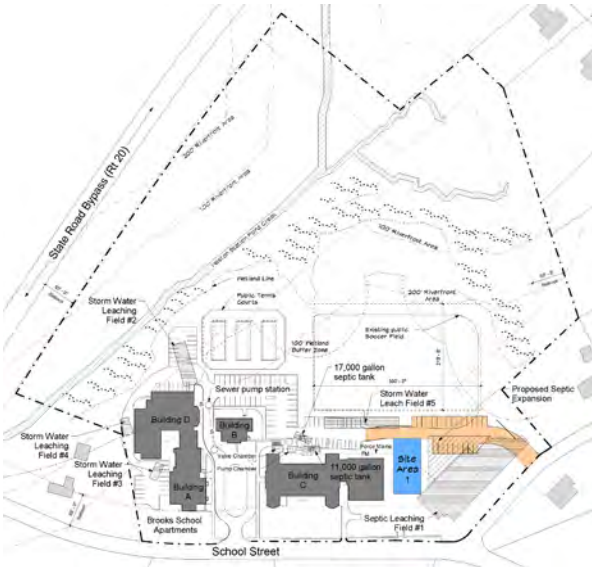
Weston, MA

Under our House Doctor “On-Call” contract with the Town of Weston, Gienapp Architects provided a design study to potentially add additional affordable housing units on the former Brook School Compound.

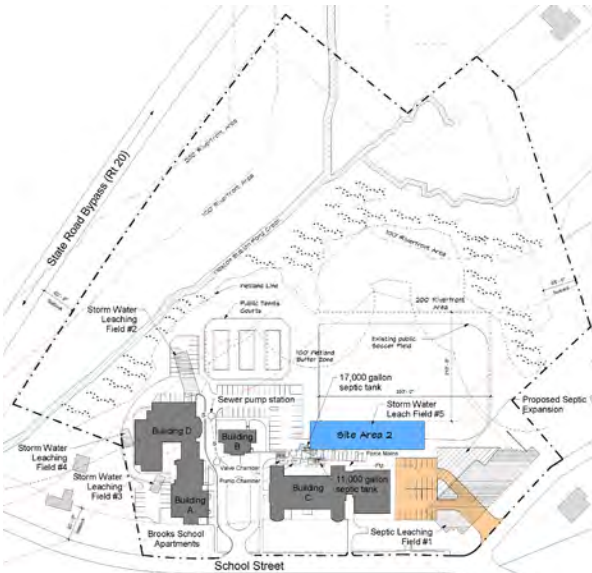
The Brook School Apartments currently consist of 75 units located in three separate buildings. The Town is seeking to add as many as 30 additional units to accommodate demand. Gienapp Architects’ study includes evaluation of the extensive environmental concerns related to the site, including the need for compliance with the Rivers Act and local wetlands protection laws (this was especially necessary in context of the project’s septic system needs).

In addition to the housing units, the site also has a soccer field and tennis courts that are used by the Town at large. These uses, particularly the soccer, add additional peak hour parking demands.

It is anticipated that following completion of study report that the project will proceed into design of a building addition, or new building that will provide 15-20 additional housing units on the site. ■



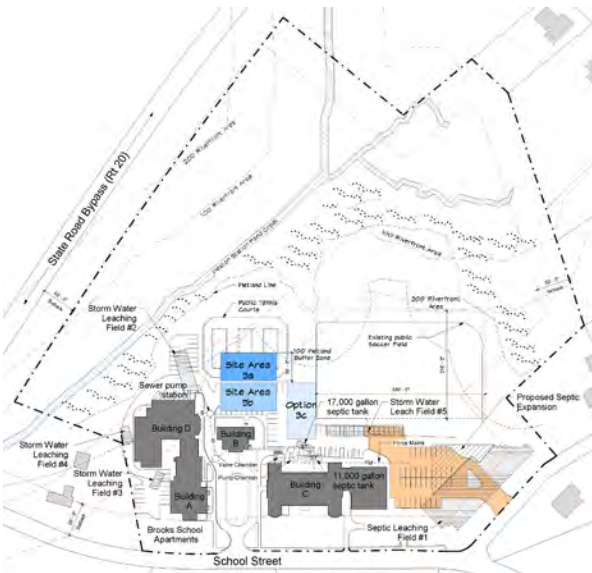
Site Plan Option 1.



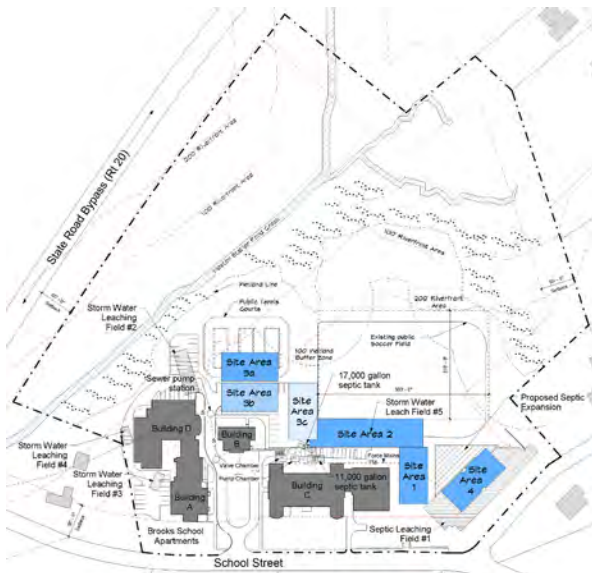
Site Plan Option 2.



View of existing campus.



Site Plan Option 3.



Existing Site Plan.



## **BROOK SCHOOL APARTMENTS FEASIBILITY STUDY**

Weston, MA

44 School Street  
Weston, MA 02493

### **Client Contact:**

Mr. Gary Jarobski, Facilities Director  
Town of Weston  
11 Town House Road, Weston, MA 02493  
jarobskig@weston.org  
(781) 786-5270

**Contract Value:** \$23,500

**Completion Date:** May 2019

### **Further action:**

This assisted the Town with determining whether to construct additional units and the scope/cost of new infrastructure that would be needed, most notably a sewer treatment plant. ■



**Gienapp Architects** will approach the project in several specific steps that are described in this section. While each of the steps are important and are designed to address a specific aspect of the project, the basic approach to the project can be summarized as follows:

1. **Review background information** to become acclimated to the building.
2. **On-site observations** by our experienced Architectural and Engineering team.
3. **Compile the observations** in a concise and organized manner.
4. **Analyze the observations** to recommend and prioritize the required capital improvements.
5. **Prepare a cost estimate.**
6. **Compile a final report.**

These basic steps are further elaborated below.

## PROJECT APPROACH

### Acclimate to Buildings

Gienapp Architects' first step will be to organize and review any available information on the existing building. We understand that you have assembled information and one or two of our staff will review it and brief the rest of our team in advance of the actual inspections.

This step is so the architects and engineers doing the on-site inspection know as much as possible about the building before arriving at the site. This is essential in order to maximize the learning opportunity from on-site observations and minimize disruption to the building occupants.

### On-Site Assessment

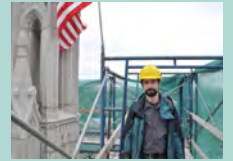
For the site assessments we will identify at least two or three zones. We will schedule our site assessments for six-hour days. Based on our experience, longer periods have a diminishing rate of return. Even the best and most diligent personnel can only observe and download so much information in one day. Site visits may be scheduled two or three days apart.

The evaluation team will use a standardized chart/checklist to provide consistent recording of all aspects of the building. The benefit of a checklist is obvious.

We will schedule the individual visit in two parts: an initial walkthrough of the building by all (or most) of the entire team. The team will then split into groups to allow investigation of the specific disciplines. There are usually three groups: 1) architectural; 2) HVAC, plumbing, and fire protection; and 3) electrical.

It is valuable to have time, either at the visit or subsequent day, to review the building with your facilities staff that have knowledge about the building that is not physically visible. Your team did such an excellent job at the walkthrough,

## 3.1 Work Plan



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and it is clear that your team has intimate knowledge of the building. They are a great resource to use to the advantage of the project.

### Compiling and Analysis of Data

The data will likely be compiled in a database program (Access, Filemaker, or Sequel) rather than spreadsheets. This allows much greater flexibility in analyzing the data and running alternative reports. This is particularly valuable when exploring potential “packaging” of multiple items that would be repaired together, in one project. The database also allows running many different reports based on specific criteria: e.g., all items with an estimated useful life of more than two but less than five years.



A database also allows tracking many different aspects of a particular item together, from serial numbers to expected remaining life. This is a useful tool in analysis of the data, but will also be a useful tool for the Town after the project. In [Section 4: Sample Report](#) is an excerpt from our Holden assessments, and you can see the advantages of the use of a database.

As part of the evaluation we will establish an evaluation method for identifying priorities. This may include the following, which Gienapp Architects used on other projects.



- a. **Does Not Meet Current Building Type Standards.** Conditions that do not meet the current standards and impact regular building functions.
- b. **Does Not Meet Desired Functions.** Conditions that result in an inability to provide certain services. For example, insufficient wifi access points.
- c. **Current Critical.** Conditions require immediate action to: correct a cited safety hazard; stop accelerated deterioration; correct an environmental hazard.
- d. **Potential Critical.** Conditions, if not corrected expeditiously, will become critical within a short period, including: intermittent operations; rapid deterioration; potential life safety hazards; environmental non-compliance.
- e. **Necessary—Not Yet Critical.** Conditions require appropriate attention to preclude predictable deterioration or potential downtime and the associated damage or higher costs if deferred further.
- f. **Recommended.** Conditions in this category include items that represent a sensible improvement to existing conditions. These are not required for the most basic function of the facility, but will improve overall usability and/or reduce long-term maintenance cost. Since West Newbury is seeking only an assessment rather than planning options, this may not be applicable to your project.
- g. **Does Not Meet Current Codes/Standards.** “Grandfathered” conditions in this category include items that do not conform to existing codes, but are grandfathered in their condition. No action is required at this time, but should substantial work be undertaken in contiguous

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areas, certain existing conditions may require correction.

This is a critical item to an assessment. Missing this item is often the “failure” of cost estimates, not because the estimated value is incorrect, but because not all collateral work is included in the scope of work.

Perhaps the best example is budgeting the cost to install a fire protection system, but not recognizing that other work will be required, such as a new fire alarm system, or removal of ceilings to install sprinklers in concealed combustible spaces. Using a database system allows keying/connecting items so they are captured in the cost estimate of the “parent” issue.

- h. **Noted for Information—No Work.** Condition noted in the file for information only. No work is required.
3. Determine urgencies based on time frames, which may include the following:
- a. “Urgent Items” (1 to 3 years)
  - b. “Short Term Items” (4 to 7 years)
  - c. “Long Term Items” (8 to 10 years)

### Cost Estimate

To the greatest extent possible, cost estimates will be developed on a quantity take-off basis rather than “allowances.” In particular, roof areas, HVAC tonnage, and other definable attributes will be used. Estimates will be developed on a Unifomat or “systems” basis, or will be collected into systems, rather than presented only in CSI breakout. For example, “boiler replacement” rather than having the boiler cost identified but the associated fire protection and electrical work that are necessitated by the boiler work being tracked elsewhere.

### Final Report

We anticipate reporting a minimum of a three-stage process:

- 1. Verbal report on general findings and anticipated information to be contained in Report.
- 2. Draft Report for the Town’s review and input.
- 3. Final Report.

The Draft Report will be generated as the work progresses. We will establish the Table of Contents and layout of all sections of the Report. As a building zone is reviewed, the observations will be documented in the forms and manner that will be contained in the report. This is the most efficient, but also allows the information to be recorded while it is fresh in our minds.

We will prepare materials and attend public meetings as required. ■



**Gienapp Architects** proposes the schedule outlined below. However, there is more than adequate time for our office to perform this project, and we are happy to work with you to accomplish any milestones that may be important to the Town.

We specifically generated the schedule for site visits to be when students are not in the building, and hopefully avoiding the pre-opening maintenance rush (e.g. floor waxing).

Acclimate .....	July 3 - July 21
On-Site Assessment (three visits).....	July 25, August 1, August 15
Compiling and Analysis .....	July 26 - August 31
Cost Estimate .....	September 5 - October 6
Draft Report.....	August 15 - November 17
Town Comments to Gienapp Architects .....	December 1
Final Report .....	December 15

## 3.2 Schedule



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**Gienapp Architects** (then known as Gienapp Design) performed a facilities assessment of 18 Town buildings for the Town of Holden. We compiled our findings, analysis, and recommendations into a 450-page report. Excerpts from the report are on the following pages. Short explanations of each of the sample pages are below.

- Excerpt Page 1: **Cover Sheet**

- Excerpt Page 5: **Preface**

The report contents will be similar to your project, with a preface, acknowledgments, executive summary that includes explanations about how the assessment was performed and how values were calculated, building summaries, recommended projects, and appendices with charts.

- Excerpt Page 9-12: **Executive Summary**

This summary gives an overview of the study process, including a summary of existing conditions, system categories, and project types.

- Excerpt Page 17 and F.1-2: **Cost Estimate**

Cost estimates are prevalent in several sections of the report. One of the reasons for using a database for documentation is that it easily facilitates organizing and subtotaling the costs in several different ways.

For instance, we can determine the total cost by 1) building (not applicable to West Newbury, but could be done by floor or wing); 2) project type (e.g. all HVAC); 3) reason (e.g. life safety, efficiency, water infiltration); 4) by years (e.g. 1-2, 3-5, 5-10); or 5) other as applicable to the project.

- Excerpt Page 22: **Summary Matrix**

This chart shows in short form all needs for all buildings.

- Excerpt Page 87: **Summary for a Specific Building**

This summary outlines existing conditions.

- Excerpt Page F.1-2: **Cost per Year Chart for a Specific Building**

This chart shows all issues and suggested actions with project costs.

- Excerpt Page F.3-28 - F.3-30: **Issues Photos**

This is an excerpt from a second volume where a photo is included to illustrate the issue. This was a separate volume to have more manageable file and booklet sizes. ■

## 4.1 Assessment Report Example



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## Middle Street/ Artichoke Reservoir Bridge

### Call for resident support letters for MassDOT Small Bridge Grant

POSTED ON: JUNE 21, 2023 - 10:08AM

The Town of West Newbury is working to prepare another grant application for submittal during the current MassDOT Small Bridge Grant round. That grant application, for up to \$500,000, is due by June 30th. We are asking all town residents to help increase our chances of being awarded the grant by submitting a letter of support for this project. Please submit all letters of support to [townmanager@wnewbury.org](mailto:townmanager@wnewbury.org) **by noon on Tuesday, June 27, 2023.**

We will continue to provide updates on the Town website as new information becomes available <https://www.wnewbury.org/home/town-projects/pages/middle-streetartichoke-reservoir-bridge>

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

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Local Acquisitions for Natural Diversity (LAND) Grant Program APPLICATION FORM – FY 2024

Instructions:

- An application must be submitted through this online form. The Applicant will be asked to enter all of the information below directly into the form.
• The application can be saved while working on it. Click "Save and Resume Later" at the bottom of the form and then click on "Save and Get Link." A link to the application will be provided which must be copied and saved in order to return to the application. A good way to avoid losing the link is to email it to yourself.
• Please note that attachments can not be saved with the application until it is ready to submit. The files should be uploaded just prior to submitting the application. If documents are uploaded to the application and the user navigates away from the site without submitting, the files will need to be uploaded again.
• Total size of all documents attached to the online form cannot exceed 25 MB.
• Please upload files as PDFs to the extent possible unless otherwise specified.
• Please label all files as follows: [Municipality]\_[Shorthand of project title]\_[Name of attachment]\_LAND.

I. APPLICANT INFORMATION

Project name: \_\_\_\_\_

Municipality: \_\_\_\_\_

(Applications with land in more than one municipality should average demographic metrics. Project quality will be based on the whole project).

Municipal project manager:

This is the person who will be the day-to-day contact for the project and who will represent the municipality in communication with DCS. Attach authorization from the Chief Executive Officer identifying the individual named below.

Name: \_\_\_\_\_

Affiliation with Municipality: \_\_\_\_\_

Address at City or Town Hall: \_\_\_\_\_

\_\_\_\_\_

Phone Number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

2. PROJECT DETAILS

Municipality:

Population 2020: \_\_\_\_\_ Population 2010: \_\_\_\_\_

Seasonal population (including student population): \_\_\_\_\_ Source of data: \_\_\_\_\_

Describe seasonal population: \_\_\_\_\_

Housing Choice Initiative

Has your community been designated a Housing Choice Community? For more information please visit https://www.mass.gov/housingchoice.

Yes

No

**Property:** (Provide this information directly from the appraisal report)

Acres: \_\_\_\_\_ Number of parcels: \_\_\_\_\_

Upland Acreage: \_\_\_\_\_

Interest municipality will acquire:

Fee

Conservation Restriction (CR)

Both fee and CR

If both, explain: \_\_\_\_\_  
\_\_\_\_\_

**Parcel information:**

County: \_\_\_\_\_

Assessor's map/lot number: \_\_\_\_\_

Current owner(s) \_\_\_\_\_

**Access:**

Does property have frontage on a street?

Yes

No

If yes, list street(s): \_\_\_\_\_

\_\_\_\_\_ If no,  
If no, describe how the public can access the property through adjacent landholdings. Grant funds are for purchase of land for conservation and public passive recreational use. Properties that do not have suitable public access will not be funded.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Zoning:** \_\_\_\_\_  
\_\_\_\_\_

**Past use(s):** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Present use(s):** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Proposed use(s):** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Enhanced Outreach to Environmental Justice Populations:**

Describe how Environmental Justice populations in your community (or neighboring communities) were able to participate in the project selection. Please include any flyers, mailings, etc. that were distributed to the community and describe here how and where they were distributed.

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**Is the acquisition consistent with any nearby State Priority Development or Preservation Areas as shown on the South Coast Rail Corridor Plan or the 495/MetroWest Development Compact Plan, or any other regional plan?** *If yes, please name the plan and describe its relevance.*  
 Yes  No

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**Are there buildings or structures on the property?**  Yes  No  
If yes, list each and indicate current and planned use. The LAND Grant Program is intended to preserve undeveloped land, not to purchase buildings. Buildings are ineligible for funding. Any buildings proposed to be kept must serve a legitimate conservation, outdoor education, or public passive recreational use.

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Will this project involve the removal of structures?  Yes  No

**3. ACQUISITION AND FUNDING DETAILS**

<u>Appraisal Report #1</u>	<u>Appraisal Report #2 (if needed)</u>
Valuation: \$ _____	Valuation: \$ _____
Appraiser: _____	Appraiser: _____
Valuation _____	Valuation _____
Date: _____	Date: _____

**Acquisition details:**

Do you have a Purchase & Sales Agreement?  Yes  No

If yes, amount of negotiated sale: \$ 705,000

Has a title search been conducted?  Yes  No

Is an eminent domain taking anticipated?  Yes  No

If yes, proposed pro tanto award amount: \$ \_\_\_\_\_

\*A certificate of clear title is required for reimbursement. If clear title is not available, the applicant may decide to acquire the property by a friendly taking (eminent domain) process to clear title. Please notify DCS of any title problems as soon as possible since this can complicate the acquisition process.

Can this project be completed next Fiscal Year, FY 2025? (July 1, 2024 – June 30, 2025)  
 Yes, if necessary  Yes, FY 25 Preferred  No

**Funding request:**

Recipients of LAND grant funding are reimbursed *after* they have expended the total project cost and submitted proof of payment. Only costs incurred during a grant recipient’s contract period will be reimbursed. The reimbursement rate is 52-70%, based upon a municipality’s Equalized Valuation Per

Capita. The rate for joint applications will be the average of the municipalities' reimbursement rates. See the DCS website for a list of rates.

List your anticipated expenditures and requested grant amount below.

Reimbursement rate: \_\_\_\_\_%

Item	Cost	Grant request
Property acquisition*	\$	\$
Recording fees	\$	\$
Title certification	\$	\$
Survey / Other:	\$	\$
<b>Total</b>	\$	\$

\*Grant award amount is based upon the appraised value or agreed upon purchase price, whichever is less.

Will funds from the Community Preservation Act (CPA) be used?  Yes  No

Will funds from the Cape Cod Land Bank be used?  Yes  No

*Use of CPA or Land Bank funds require the conveyance of a permanent Conservation Restriction (CR), within the meaning of Ch. 184, to an eligible non-profit organization.*

Have you identified an organization willing to hold the CR?

*If the CR will be co-held between a Conservation Commission and another party, the Conservation Commission must be designated as the primary CR holder.*

Yes  No

Name of organization: \_\_\_\_\_

Are you using or seeking funds from other sources or partners? Please list:

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Are you using or seeking funds from the Conservation Land Tax Credit program? Please describe:

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#### 4. PROJECT NARRATIVE

Please include a 1-2 page narrative that describes the following as applicable:

- The property characteristics including habitat, recreational, historical, educational, forestry or agricultural values.
- The development threat to the property.
- Purpose of acquisition and proposed uses; how acquisition of the property will protect or enhance outdoor recreation opportunities, promote existing forestry or agricultural management, conserve natural resources and open space, or address climate change.
- Plans for property stewardship and demonstrated capacity to achieve stewardship; does the applicant presently manage similar existing properties or have existing stewardship arrangements with partners?
- If footpaths, bridges, signage or other infrastructure are proposed for the property, whether local wood will be used.
- How the proposed project enhances other protected open space and/or whether the proposed project will catalyze the conservation of additional acreage through landowner or other agreements (provide evidence such as ownership information and/or agreements with landowner).
- How the project furthers the goals identified in the community Open Space & Recreation Plan,



Statewide Comprehensive Outdoor Recreation Plan and/or those of the Municipal Vulnerability Preparedness Plan.

- Whether the property provides flood and stormwater risk mitigation, or protection for drinking water supply.

An outline of the project schedule; please address any existing agreements with project partners.

### 5. PROJECT QUALITY

#### Landscape preservation

How much permanently protected conservation land does this project abut? \_\_\_\_\_ acres

Does protection of this land catalyze the conservation of additional, adjacent lands through any existing agreements?      Yes ( \_\_acres)                      No

Describe the risk of potential development (e.g. developable land?) and allowable uses (e.g. zoning\_ or scale of development if known:

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#### Recreational opportunities:

#### Municipal Open Space and Recreation Plan (OSRP):

To apply for this grant, the municipality must have an approved OSRP or have submitted a draft OSRP by the grant application deadline and have completed the public participation process.

List the goals, objectives, or action plan items in your current or draft OSRP this project serves. Attach the relevant pages (**not the whole plan**).

	<b>Goal, objective, or action plan item from current OSRP</b>	<b>Page no.</b>
1		
2		
3		
4		
5		
6		
7		

What public recreational opportunities will the project provide?  
*(Recreational opportunities will be verified by DCS staff during the site visit.)*

- Wilderness-based activities (e.g. camping, hunting)
- Trail-based activities (e.g. hiking, Nordic skiing, biking, horseback riding)
- Water-based activities (e.g. canoeing, swimming, fishing, skating)
- Historic, cultural, or environmental education
- Community gardening or other community agriculture

Additional description (as needed): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Biodiversity and resource protection:**

How much of the project area is designated 'Core Habitat' or Critical Natural Landscape' as defined by the MA Natural Heritage and Endangered Species Program BioMap designated areas (Include a map showing designated areas as applicable):

Core Habitat: \_\_\_\_\_ acres

Critical Natural Landscape: \_\_\_\_\_ acres

Does the project protect a landscape, wetland or aquatic habitat or contain vernal pools or rare species designated as Local or Regional Significance in BioMap? (If yes, include a map showing designated areas.)

Yes Type of Resource: \_\_\_\_\_ No

What is the project location's average climate resilience score as defined by The Nature Conservancy's Resilient Land map - <http://maps.tnc.org/resilientland/> ? Include documentation.

SD: \_\_\_\_\_ Category: \_\_\_\_\_ (e.g. "above average", "slightly below average")

**Working lands:**

Is the property currently managed for active forestry or agriculture?  Yes  No

Is active forest management or agriculture proposed for the property after the acquisition?  
 (Note: agriculture and forestry activities must be compatible with conservation and public use of the property.)

If yes, describe planned forestry or farming:  Yes  No

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Water resources:**

What portion of the property is within an existing public drinking water supply area (Zone I/II or A/B), OR over a medium- or high-yield aquifer:

- None
- 1-24%
- 25-50%
- >51%

**Bonus Points:**

**Community Compact**

Has your community signed a Community Compact?

- Yes                       No

If “yes”, please list the Sustainable Development and Land Protection Best Practices included in it.

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**Municipal Vulnerability Program**

Is your community an MVP Community?

- Yes                       No

If “yes”, please list the priority implementation project(s) relevant to land conservation, such as tree planting or land acquisitions in floodplains.

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**6. MUNICIPAL AUTHORIZATION:**

Does this project have town meeting/city council approval?                       Yes                       No

If not, what is the scheduled date for the vote? \_\_\_\_\_

Attach a certified copy of the Town Meeting or City Council vote, or draft language. Vote must conform to sample vote language criteria, available as Attachment D to this application and be submitted to DCS for review.

If selected for LAND funding, the Applicant will be required to execute the following forms in order to complete a contract:

- LAND Grant Program Project Agreement
- Commonwealth Standard Contract
- Commonwealth Standard Terms & Conditions
- Contractor Authorized Signatory Listing

## 7. Local Approvals

Attach municipality's legal authority to apply for the grant, and the Chief Executive Officer's legal authorization to execute contracts. This is a resolution, motion or similar action that has been duly adopted or passed as an official act of the community's governing body that authorizes the filing of the application, including all understandings and assurances contained therein. Please submit with a letter affirming authorization for the Application.

### **Authorization for Application**

The undersigned hereby certifies that they are authorized, by the bylaws or charter of \_\_\_\_\_ or otherwise by law, acting in their official capacity as the \_\_\_\_\_ 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.

\_\_\_\_\_  
Chief Executive Officer Printed Name Date: \_\_\_\_\_

Authorized project manager:

Name: \_\_\_\_\_

Position: \_\_\_\_\_

The undersigned, chair of the Conservation Commission of \_\_\_\_\_, hereby certifies that at a meeting on \_\_\_\_\_, 2023, the Conservation Commission voted to approve the foregoing application.

\_\_\_\_\_  
Chair, Conservation Commission Printed Name Date: \_\_\_\_\_

### **APPLICATION ATTACHMENTS – use this as a checklist.**

1. Municipal CEO's Authorization of Project Manager
2. Project narrative
3. Map(s) showing protected resource values, proximity to other conservation lands
4. Letter from MA Natural Heritage and Endangered Species Program commenting on presence of rare species
5. Letter from MA Historical Commission commenting on historic resources
6. Appraisal report(s) – *please send via email or file share platform*
7. Draft Conservation Restriction (if applicable)
8. Certified Town Meeting Vote (or draft language, if vote is pending)
9. Statement and supporting evidence of how Environmental Justice populations in your community were able to participate in the project selection. Please compile any flyers, mailings, etc.

that were sent. The statement should 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>)

10. Compiled documentation of good land stewardship on past DCS grant or municipal conservation land. Supporting documentation may be compiled for one or more past LAND/Self-Help grants or municipally-owned conservation properties. You may 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.

## Project Narrative

### Summary

The Town's acquisition of the two parcels of land comprising the Sawmill Brook Conservation Project will permanently preserve 32 acres of important open space and wildlife habitat on the western side of one of the Town's centerpiece public conservation areas. At the April 24, 2023 Town Meeting, voters overwhelmingly approved acquiring the property for \$705,000, with \$350,000 coming from Community Preservation Act funds. The Town is partnering with Essex County Greenbelt Association (Greenbelt), which is facilitating the real estate portion of the transaction, including holding the Purchase & Sale Agreement, and conducting and paying for due diligence (appraisal, title exam, and environmental site assessment) and recording. Greenbelt has agreed to hold the conservation restriction on the property. The acquisition would be for passive recreational use, expanding the Town's adjacent Pipestave Hill and Mill Pond Conservation Areas, while allowing for trail expansion and the opportunity to improve public access.

### Conservation Values

The property has tremendous ecological and recreational benefits.

#### *Ecological Values:*

- BioMap3: Sawmill Brook Conservation Acquisition is almost entirely within an area mapped for both Core Habitat and Critical Natural Landscape. Core Habitat elements are for Rare Species and Wetland Core. Critical Natural Landscape is for Wetland Core Buffers. In addition, the property is mapped for Local Landscapes, and for both Local and Regional Rare Species.
- Prime Forest Land: The property is primarily Prime 1, with some Prime 2, 3, and 3W.
- CAPS: The majority of the property is within the top 50% of areas of highest ecological integrity in the Commonwealth.
- Sawmill Brook and Associated Wetlands: The acquisition would protect Sawmill Brook and associated wetlands. Sawmill Brook is a perennial stream that flows into Mill Pond, which is on the Town's adjacent conservation area of the same name, and then onward to the Merrimack River. Intact forests help filter pollutants out of water, and slow the surface flow of rainfall to reduce erosion and flooding. Preserving these 32 acres of forest will therefore further protect the water quality of Sawmill Brook, Mill Pond, and ultimately the Merrimack River.
- Landscape Connectivity: The property shares a boundary with the Town-owned Mill Pond and Pipestave Hill Conservation Areas, on which Greenbelt holds a conservation restriction, and will also connect to 2,600 square feet of public trail easements on adjacent land on the western side of the Sawmill Brook property.

#### *Recreational & Historic Values:*

The currently unimproved Poor House Lane, the public way on which the Sawmill Brook property fronts, connects Archelaus Place road to trails on the Mill Pond Conservation Area. Poor House Lane has long been frequented by walkers, runners, and equestrians coming from Archelaus Place. Protecting this land along Poor House Lane - which is currently no more than a woods road - will preserve visitors' views from and experience of untouched woodlands and stone walls along Poor House Lane, as well as an historic cemetery recently restored by the local historic commission. The purchase will allow the Town to expand the trail system to the western side of Poor House Lane, which is currently privately-owned and not open to the public, and to connect to public trail easements on an adjacent property. Owning this land will allow the Town to improve public access to Pipestave Hill/ Mill Pond from Archelaus Place.

Last year, the West Newbury Historic Commission restored the Almshouse Cemetery, which is on the Mill Pond Conservation Area side of Poor House Lane. The Sawmill Brook Conservation Project faces this historic cemetery with peaceful woodlands; an appropriate setting for people whose passing was never properly honored. Development of two estate homesites off of Poor House Lane (see below) would not offer the same respite.

### **Development Threat**

A recorded 1985 agreement between the Town and the current landowners allows the owners to improve the southern third of Poor House Lane as a road for the purpose of developing two estate homesites. The development pattern of the neighborhood is for large homes with expansive lawns. While still a public way, the road would no longer be a quiet woods road on which to walk. Development would preclude trail expansion on the premises; the public would solely be allowed on Poor House Lane. Water quality would be threatened by lawns and chemicals associated with lawn maintenance (fertilizers, herbicides, pesticides), which would flow into and pollute Sawmill Brook, Mill Pond, and ultimately the Merrimack River. Rare species habitat would be irrevocably destroyed.

### **Purpose of Acquisition & Proposed Use**

The purpose of the acquisition is for passive public recreation, to buffer the Town's adjacent conservation areas, and expand landscape connectivity of protected areas and trails. Trails that are currently on private land without secure public access would be opened for public use. The Town can expand trails on the property to create a broader trail system, including connecting to trails mandated on an adjacent new residential development. Preserving intact forests on these 32 acres will enhance climate resilience by allowing these forests to cool air and water, and slow water flow to water bodies. Maintaining intact, healthy wetlands and forests will help mitigate the risks of floods and stormwater during the increased high rainfall events associated with climate change.

### **Property Stewardship**

The property will be owned and stewarded by the Town of West Newbury, as are the adjacent Mill Pond and Pipestave Hill Conservation and Recreation Areas. The Town manages and maintains numerous other Town open space lands for passive recreation: Riverbend, Withers, and Brake Hill Conservation Areas, River Meadow & Whetstone Greenway, Mullen Woods, and Ferry Land Park. Greenbelt will assist the Town with boundary marking and signage at Sawmill Brook. Town trails have historically been maintained in partnership with the Open Space Committee, the Mill Pond Committee, Essex County Trails Association, the Riding & Driving Club, and community volunteers. The Town's Conservation Agent, who will be full-time starting in July, will be the lead for land management, including trail development, for Sawmill Brook.

Two years ago, the Town undertook a comprehensive assessment of accessibility of its recreational facilities, including passive recreational lands. It is in the process of implementing the recommendations from that assessment, including clearly labeling accessible parking, signage for the vision-impaired, and evaluating properties for all-access trails. The Town is committed to ensuring as much of its facilities as possible are accessible to as many people with varying abilities as possible.

### **Furthering Goals of SCORP, OSRP, and MVP**

The Town's acquisition of Sawmill Brook for conservation purposes is consistent with the Town's 2018 Open Space and Recreation Plan. The two parcels comprising this acquisition are listed as "Unprotected Parcels of Interest" in the plan. Protecting them furthers the following overarching OSRP goals:

- To preserve the rural character, charm, and sense of community;
- To protect and manage natural resource areas, including water resources and large, contiguous tracts of undeveloped land.

The ownership and preservation of Sawmill Brook by the Town will also further the Open Space Preservation goal of the 2020 Municipal Vulnerability Plan, specifically by implementing the Open Space and Recreation Plan and encouraging open space preservation. The acquisition furthers the Massachusetts Statewide Comprehensive Outdoor Recreation Plan Goal 2 to Support the Statewide Trail Initiative. Acquiring Sawmill Brook will allow the town to open trails formerly closed to the public, and expand the trail system from existing conservation areas onto this new property.

### **Flood & Stormwater Risk Reduction**

Sawmill Brook, a perennial stream, traverses the property, meandering through woodlands and wetlands before entering Mill Pond. Protecting intact forests and wetlands along the stream corridor is important for slowing floodwater during major storm events. Further, these forests and wetlands serve to help filter pollutants from water.

### **Project Schedule**

December 2022: Purchase & Sale Agreement signed between Greenbelt & landowners

March 2023: Title Exam & Appraisal completed

April 2023: Town Meeting authorizes acquisition of Sawmill Brook Conservation Project, using up to \$350,000 in CPA funds

July 2023: Submit LAND grant

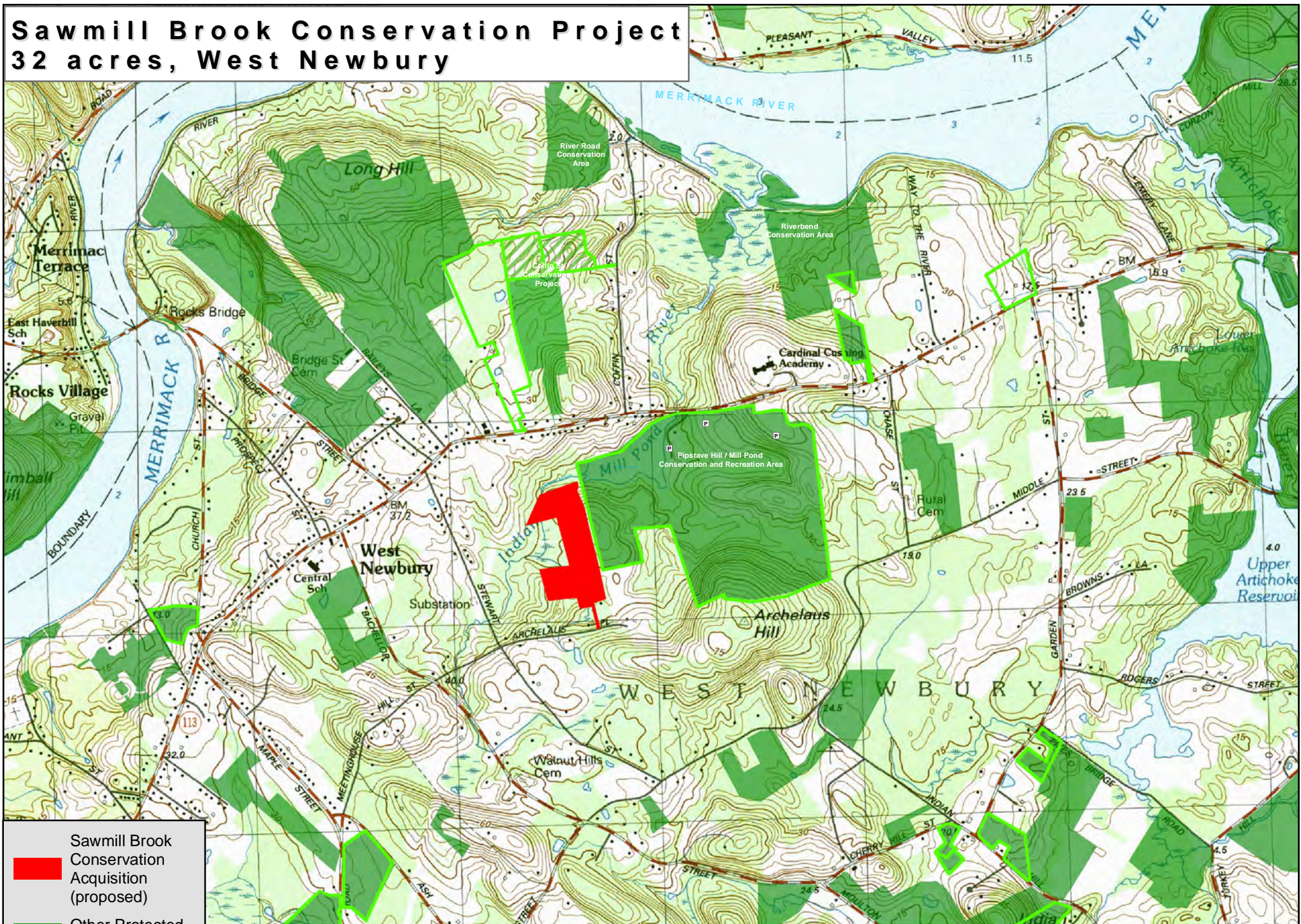
Summer 2023: Greenbelt fundraising for balance of acquisition funds needed




December 2023: Current Acquisition Deadline\*

**\* Greenbelt has offered to pre-acquire and hold the property as unprotected land for the Town if closing later – including in FY 25 - is necessary for LAND grant funding.**



# Sawmill Brook Conservation Project 32 acres, West Newbury



-  Sawmill Brook Conservation Acquisition (proposed)
-  Other Protected Open Space
-  Greenbelt CR

0 2,000 4,000 Feet

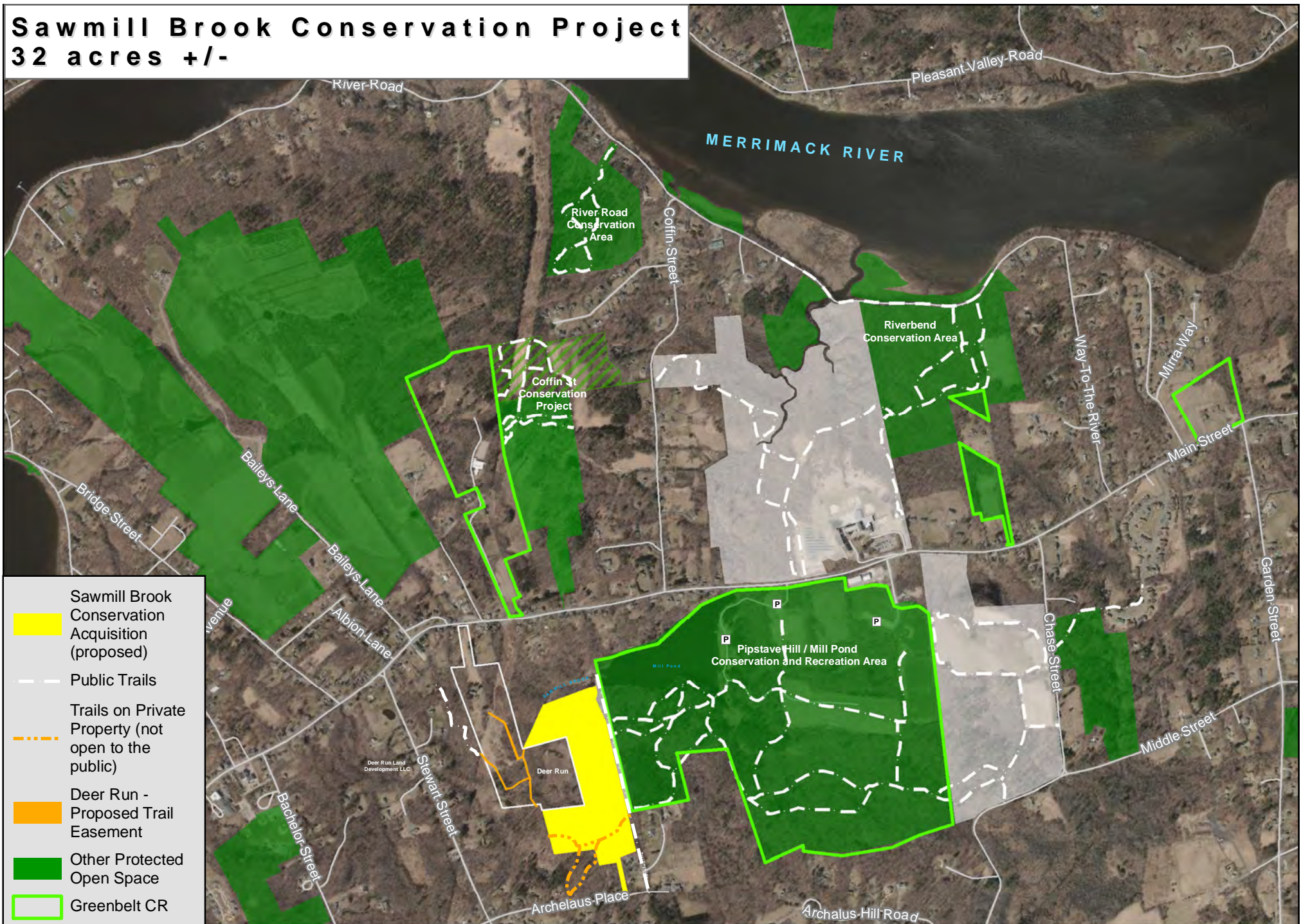


Map for illustrative purposes only. Boundaries are approximate and based on most currently-available assessor's data. 2019 Orthophotos; 1:5,000. All data other than Greenbelt properties from MassGIS. Map by Greenbelt, dated 12/29/22



# Sawmill Brook Conservation Project

## 32 acres +/-



- Sawmill Brook Conservation Acquisition (proposed)
- Public Trails
- Trails on Private Property (not open to the public)
- Deer Run - Proposed Trail Easement
- Other Protected Open Space
- Greenbelt CR
- Other Municipal Land (not Article 97 protected)

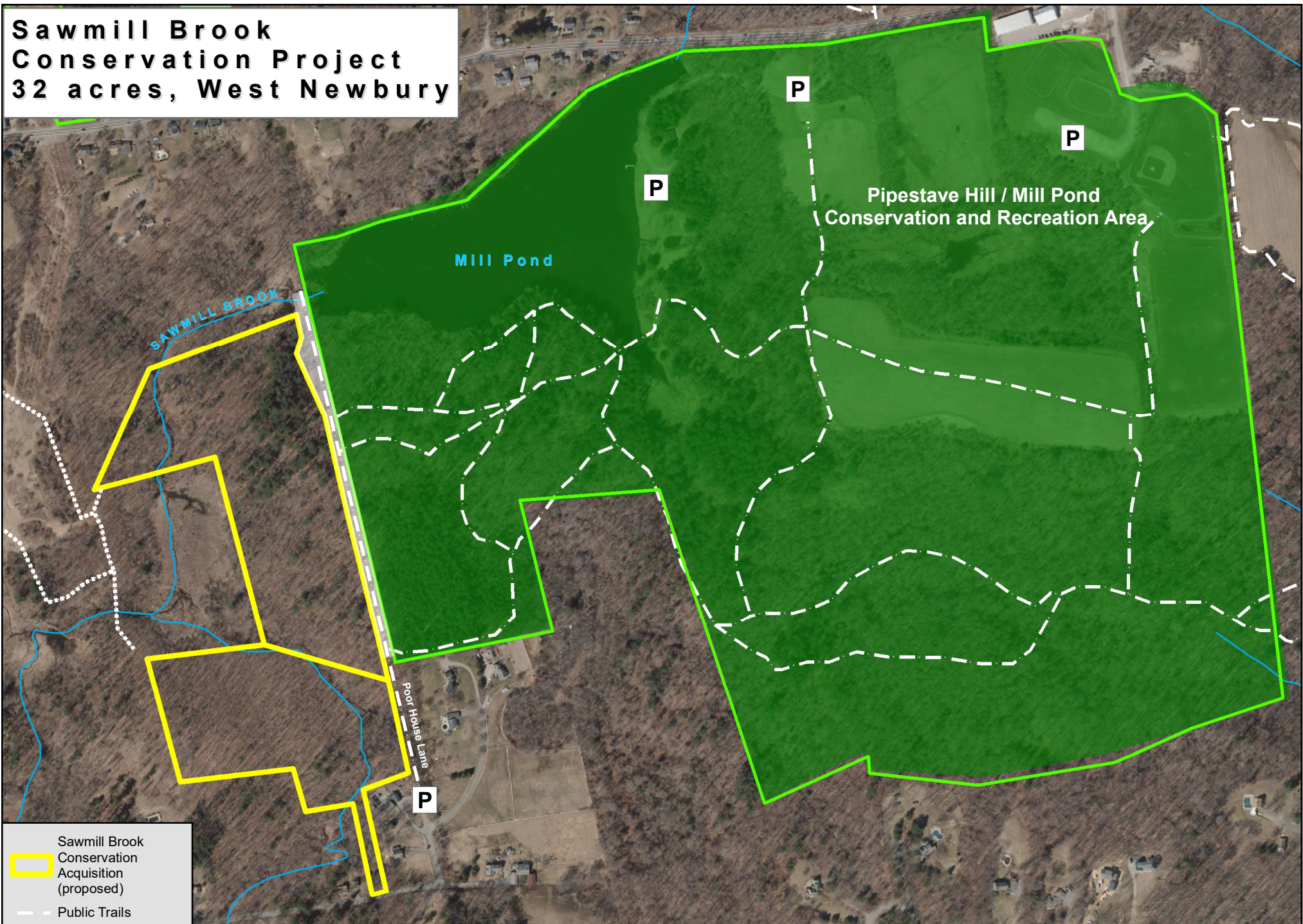






Map for illustrative purposes only. Boundaries are approximate and based on most currently-available assessor's data. 2019 Orthophotos; 1:5,000. All data other than Greenbelt properties from MassGIS. Map by Greenbelt, dated 12/29/22



# Sawmill Brook Conservation Project

32 acres, West Newbury



-  Sawmill Brook Conservation Acquisition (proposed)
-  Public Trails
-  Greenbelt CR
-  Municipal Conservation Land

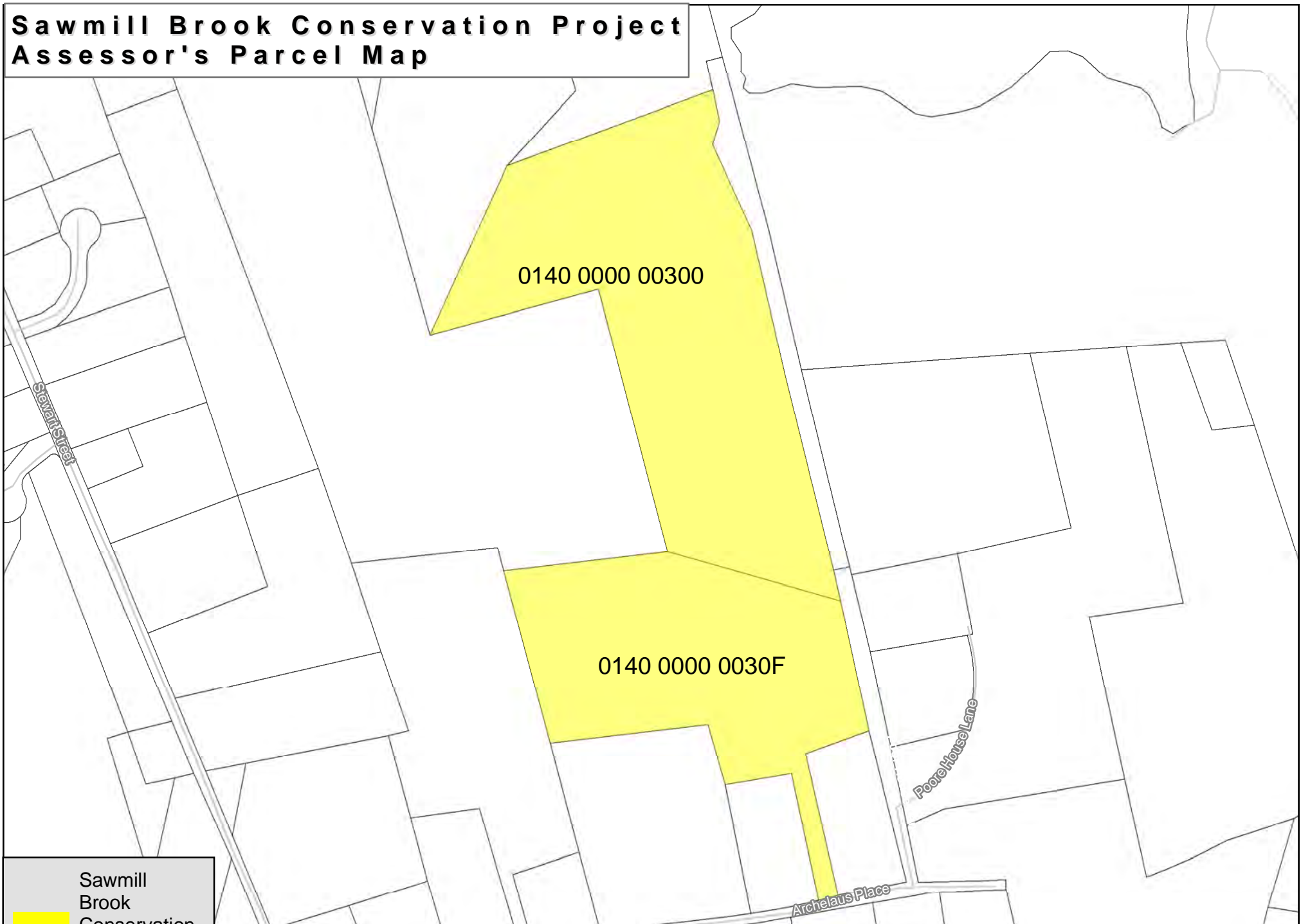
0 500 1,000 Feet




Map for illustrative purposes only. Boundaries are approximate and based on most currently-available assessor's data. 2019 Orthophotos; 1:5,000. All data other than Greenbelt properties from MassGIS. Map by Greenbelt, dated 6/9/23



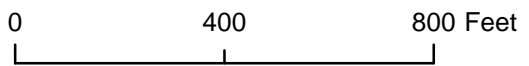
# Sawmill Brook Conservation Project Assessor's Parcel Map



Sawmill  
Brook  
Conservation  
Project  
(proposed)



Meeting packet for Select Board on June 26, 2023

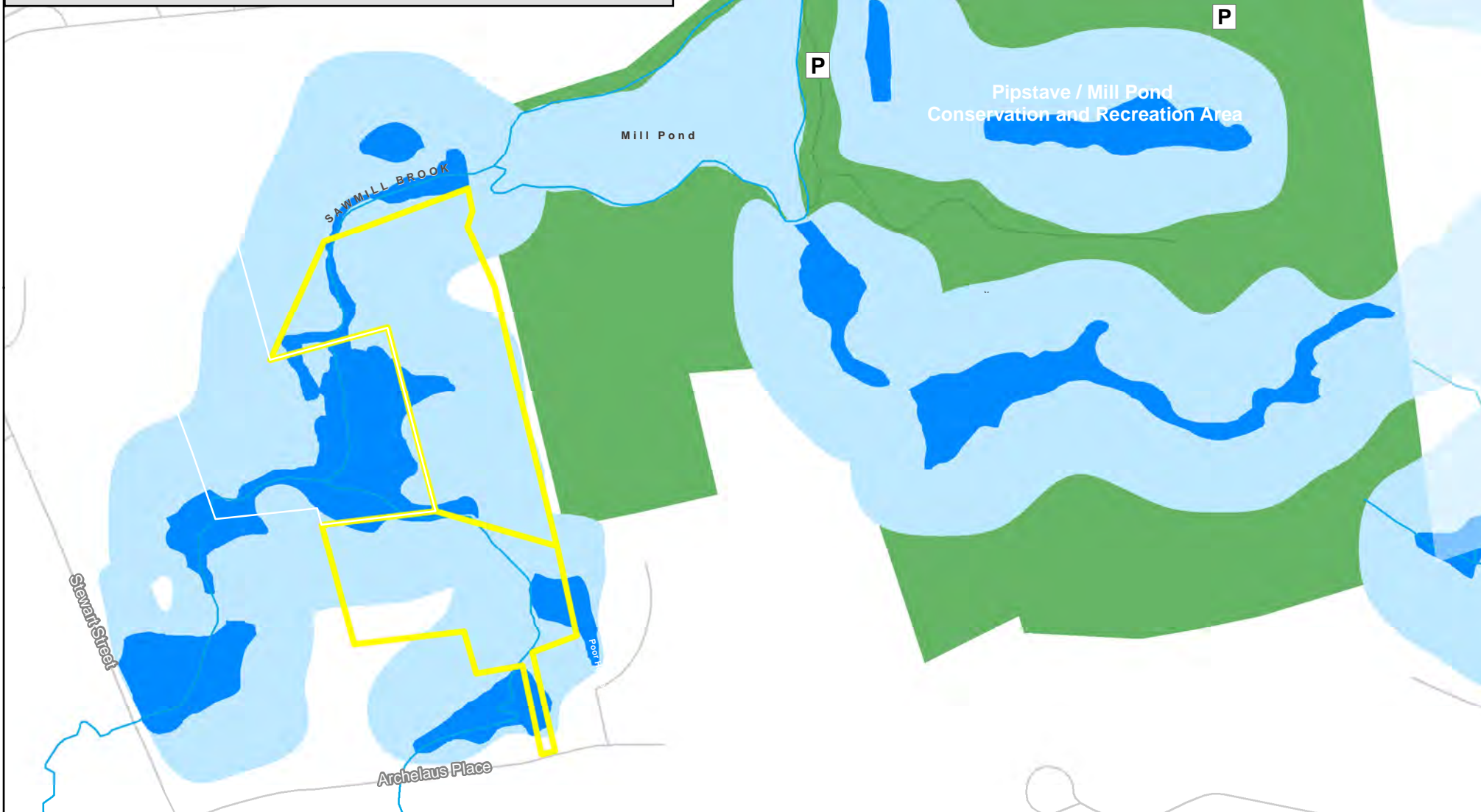


Map for illustrative purposes only. Boundaries are approximate and based on most currently-available assessor's data. 2019 Orthophotos; 1:5,000. All data other than Greenbelt properties from MassGIS. Map by Greenbelt, dated 12.28.22



# Massachusetts BioMap Critical Natural Landscape

- Wetland Core Buffers
- Wetland Core Habitat
- Sawmill Brook Conservation Acquisition (proposed)
- Protected Open Space
- Other Municipal Land



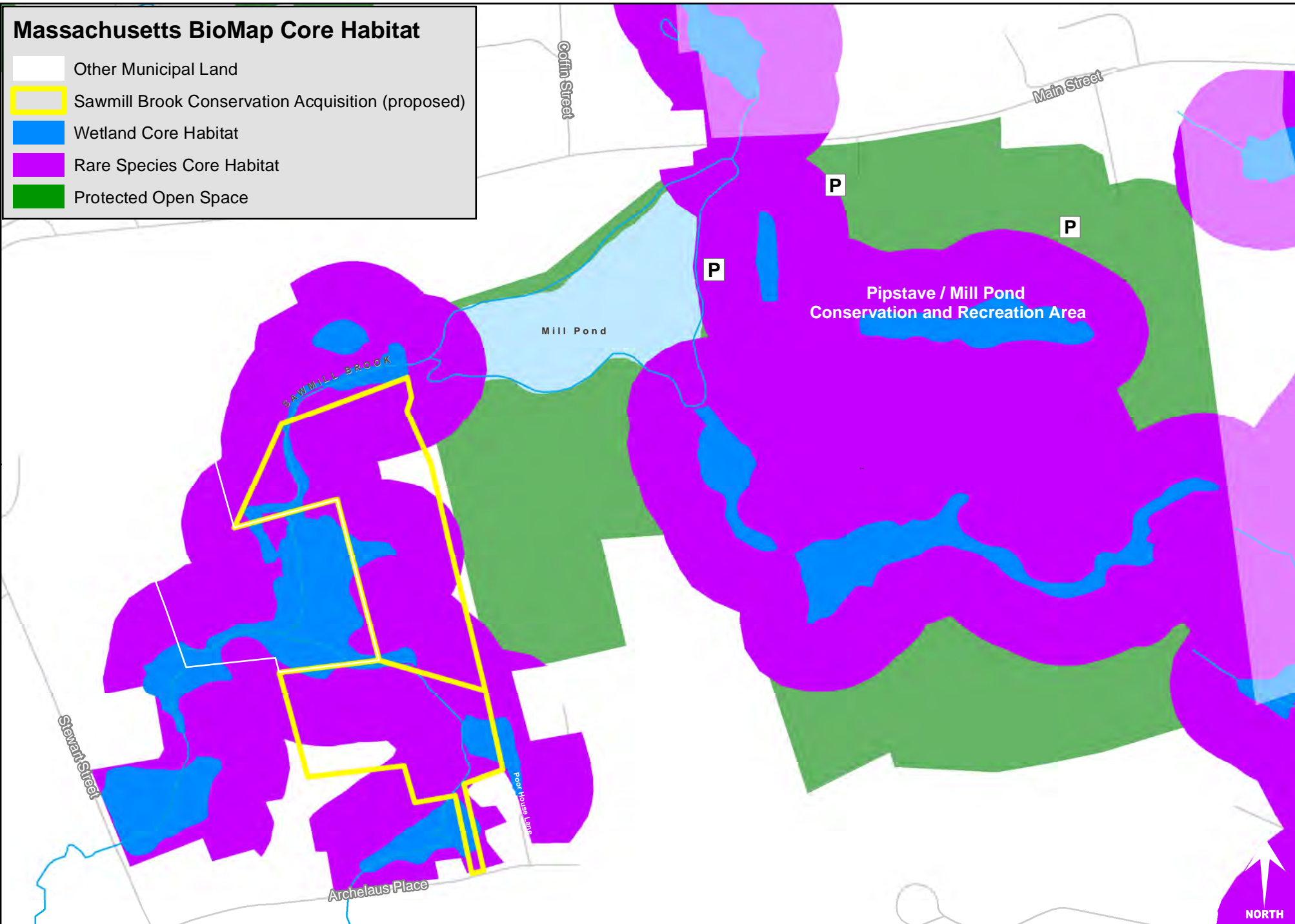
## Sawmill Brook Conservation Project 32 acres +/-

Meeting packet for Select Board on June 26, 2023

0 500 1,000 Feet

Map for illustrative purposes only. Boundaries are approximate and based on most currently-available assessor's data. 2019 Orthophotos; 1:5,000. All data other than Greenbelt properties from MassGIS. Map by Greenbelt, dated 12/22





# Sawmill Brook Conservation Project

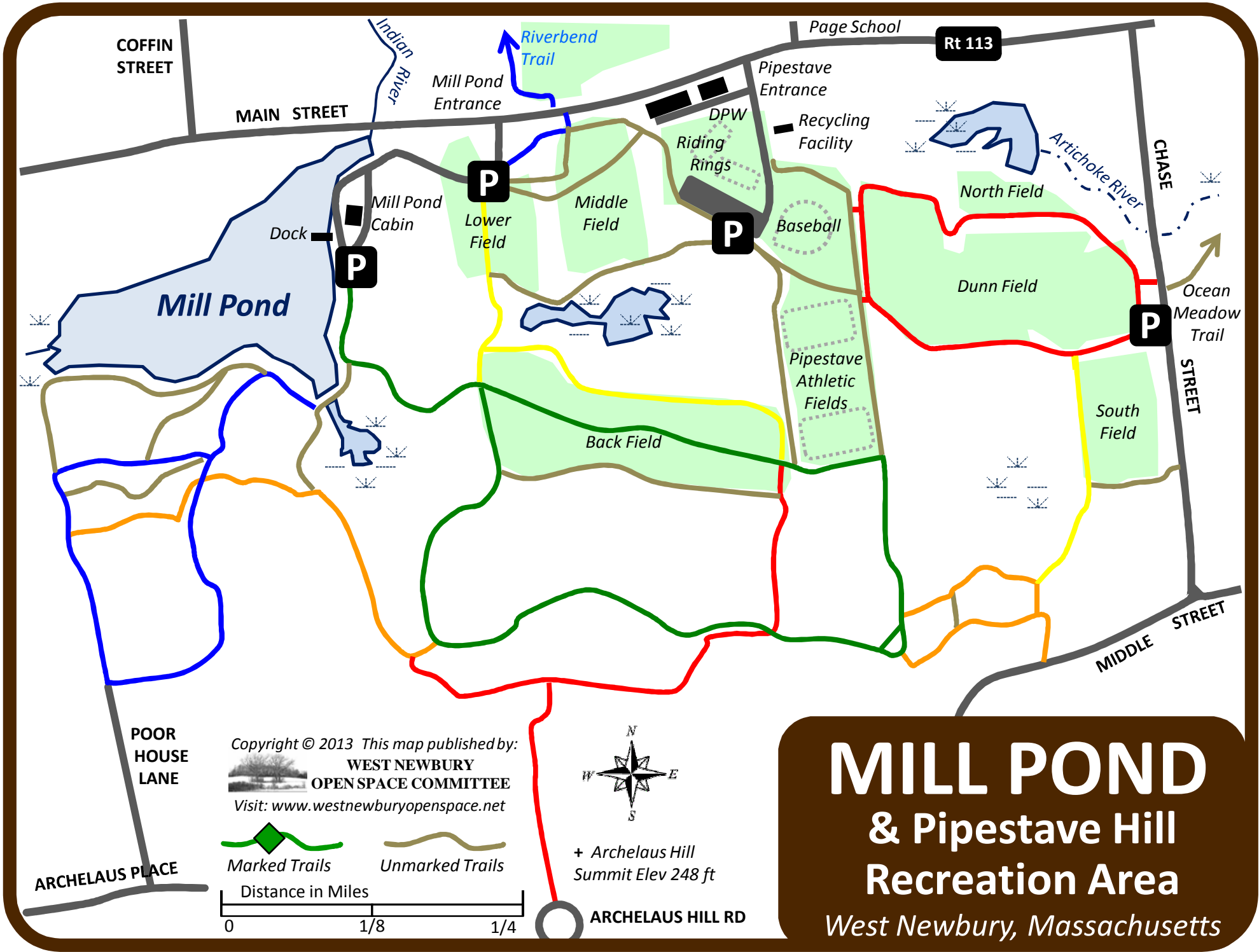
## 32 acres +/-

Meeting packet for Select Board on June 26, 2023

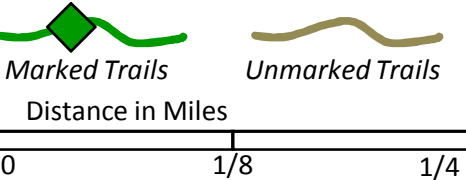
0 500 1,000 Feet

Map for illustrative purposes only. Boundaries are approximate and based on most currently-available assessor's data. 2019 Orthophotos; 1:5,000. All data other than Greenbelt properties from MassGIS. Map by Greenbelt, dated 12/9/22





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**WEST NEWBURY  
 OPEN SPACE COMMITTEE**  
 Visit: [www.westnewburyopenspace.net](http://www.westnewburyopenspace.net)



+ Archelaus Hill  
 Summit Elev 248 ft

ARCHELAUS HILL RD

# MILL POND & Pipestave Hill Recreation Area

*West Newbury, Massachusetts*



MASSWILDLIFE

## DIVISION OF FISHERIES & WILDLIFE

1 Rabbit Hill Road, Westborough, MA 01581

p: (508) 389-6300 | f: (508) 389-7890

[MASS.GOV/MASSWILDLIFE](https://www.mass.gov/masswildlife)

May 18, 2023

Vanessa Johnson-Hall  
Greenbelt Essex County's Land Trust  
82 Eastern Avenue  
West Newbury, Massachusetts 01985

RE: Comments for Grant Proposal  
Site Name: LAND grant - Sawmill Brook Conservation Project  
Town: West Newbury  
Heritage Hub Form ID: IR-55165

Dear Applicant,

Thank you for contacting the Natural Heritage and Endangered Species Program (NHESP) of the MA Division of Fisheries & Wildlife (the "Division") for the presence / absence of state-listed species protected under the Massachusetts Endangered Species Act (MESA) (M.G.L. c. 131A) at your grant application site.

Currently, the NHESP has documented habitat of 1 Endangered Dragonfly / Damselfly species in the vicinity of the subject property.

This evaluation is based on the most recent information available in the NHESP database, which is constantly being expanded and updated through ongoing research and inventory.

For any additional questions regarding this letter, please contact (508) 389-6360.

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MASSWILDLIFE

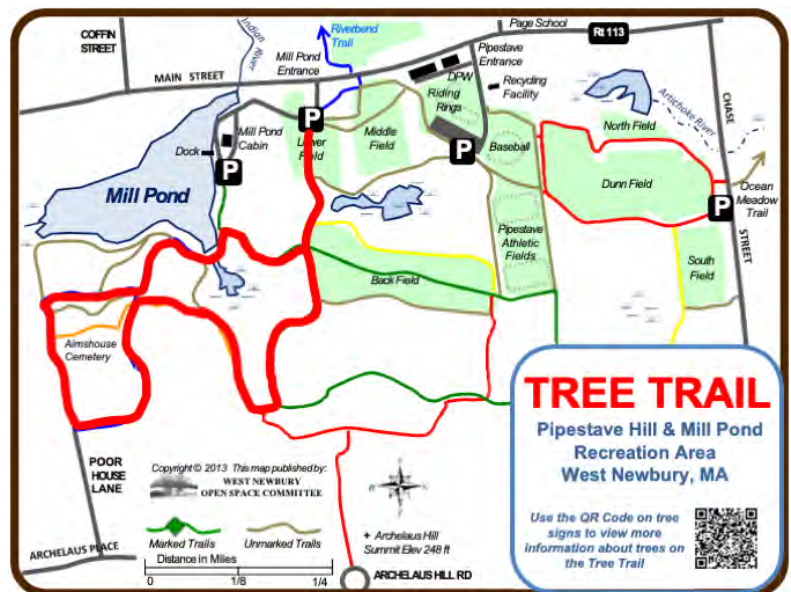


## Stewardship Activities on Town Owned Land in West Newbury

The Town of West Newbury takes a very active role in management of town owned open space properties and properties protected through conservation restrictions held by the town. Some notable stewardship activities include the following:

- Creation of a Pipestave/Mill Pond Management Plan (adopted in 2001, updated in 2007 and 2019), incorporated by reference into the Pipestave/Mill Pond Conservation Restriction. Established a Mill Pond Committee tasked, along with other local entities, with overseeing the town owned Mill Pond and Pipestave Hill Conservation Area, comprising multiple parcels totaling 213 acres, owned by the Town of West Newbury and conserved for open space, active, and passive recreation through a conservation restriction held by Essex County Greenbelt Association. This land abuts the Sawmill Brook parcels the town seeks to purchase with a combination of funding from the proposed LAND grant, CPA funding (authorized by Town Meeting in April 2023), and Essex County Greenbelt Association funding. More information on the Mill Pond Committee and the management plan can be viewed here: <http://www.wnewbury.org/mill-pond-committee>

- Installation of a Tree Trail by the West Newbury Tree Committee along existing trails at Mill Pond and Poor House Lane, the abandoned town right of way abutting the Sawmill Brook parcels the town seeks to purchase. The Tree Trail consists of small placards affixed to 26 native trees along the trail with the tree species name and a QR code to scan and learn more information about the tree. More information on the Tree Trail can be found here: <https://tinyurl.com/3h2rp9rn>



*Tree Trail Map provided by the West Newbury Tree Committee*

- Hosting annual hikes led by the West Newbury Open Space Committee, offering residents and non-residents the opportunity to explore and learn more about the protected open spaces in town. In Fall 2022 the annual hike was held at River Road Reservation, an open space parcel owned by Essex Country Greenbelt Association with a conservation restriction held by the West Newbury Conservation Commission. The hike at this location included educating the public on identification of invasive plant species; an oral presentation about the Native Americans who once lived on the land; and background

about the Coffin Stream Assemblage, a compilation of archaeological artifacts discovered on the site in the early 1900s presented by historian Kristine Malpica. An article written in the Newburyport Daily News about the Fall 2022 hike can be found here: <https://tinyurl.com/4drvp43d>

- Clearing overgrown vegetation and debris and locating and marking unmarked graves at the Almshouse Cemetery. This work was led by the West Newbury Historical Commission in cooperation with an Eagle Scout candidate and the West Newbury Department of Public Works. The Almshouse Cemetery is located on the Mill Pond Conservation Land along the abandoned town right of way for Poor House Lane, and abuts the Sawmill Brook parcels the town seeks to purchase. Info on the Almshouse Cemetery and the efforts of the Historical Commission can be found here:



*Above: Members of the West Newbury Historical Commission at the Almshouse Cemetery before cleanup in November 2020. Photo Credit: WN Historical Commission*



*Above: The Almshouse Cemetery post cleanup in Fall 2022. Note the green pin flags marking the recently located gravesites.*

- Expanding the role of the Town's Conservation Agent to include a Land Agent role tasked with managing and overseeing town-owned open space. The Land Agent role was created 2021 as a 5-hour a week add-on to the part time Conservation Agent position, which prior to that time had been budgeted for 20 hours/week. As of July 1, 2023 the Conservation Agent role will expand to a full time, 40-hour/week position, providing the Agent with more time to dedicate to the responsibilities of Land Agent. These expanded responsibilities include baseline monitoring of town owned properties and properties with town held conservation restrictions; managing and caring for existing trails, including coordinating the efforts of other resources including DPW and volunteers; providing leadership and coordination on the creation of new trails; overseeing invasive plant

management; and acting as a liaison between the various town and community committees and groups engaged with open space protection and land management.

- Engaging a professional wildlife management company to design a pond leveler device for Macey's Pond, a beaver pond located on the town owned land known as Brake Hill. A Notice of Intent has been filed with the Conservation Commission to permit the installation of the device with hopes that the pond leveler will be a solution to allow for peaceful coexistence with the beaver population in this pond as beaver activity has previously threatened to compromise the sidewalk and roadway of Main Street (State-owned Rte. 113) which runs along the pond.
- Working with local land partners including Essex Country Greenbelt Association and Essex Country Trails Association to acquire open space, implement conservation restrictions to permanently preserve open space, manage existing trails, create new trails, and construct signage and parking at trail heads.



*Newly created parking area, trail head, and signage at River Road Reservation, January 2022. Photo Credit: Greenbelt*

- Creation of a River Access Committee to explore options to create river access for launching cartop canoes and kayaks into the Merrimack River from parcels owned by the town or held in a conservation restriction by the town. Increasing river access was identified as a community need in West Newbury's 2018 Open Space and Recreation Plan. The 2018 OSRP can be viewed online here: <https://tinyurl.com/bdd2w6tj>
- Development and funding of an invasive plant program to map and manage terrestrial invasive plant species on town owned land:
  - In Summer 2022 two paid interns were hired under the supervision of the Conservation Agent, with funding allocated by Town Meeting, to map invasive plant populations on town owned land using the Early Detection & Distribution Mapping System (EDDMapS). Community members including representatives

from the town's Open Space Committee, Climate Change Resiliency Committee, and members of the independent committee West Newbury Wild and Native along with the Conservation Agent assisted in training and mentoring the interns.

- In 2022, two work days were hosted at the town owned Cherry Hill Conservation Land where a group of volunteers under supervision of the Conservation Agent worked to pull and cut back invasives from the field edges of this parcel to prevent further encroachment of invasive plants into a meadow which is being conservatively mowed to manage the site as pollinator habitat.
- Town Meeting approved additional funding to support the invasive species internship for Summer 2023, and two interns have been hired with a start date of June 12, 2023. The new interns will continue mapping, and begin management by hand (hand pulling and cutting with hand tools) invasive plants on town owned land.
- In spring 2023 the West Newbury Fire Department assisted in the management efforts at the Cherry Hill Conservation Land by conducting a prescribed burn to dispose of brush piles created during the volunteer work days, and to further manage the field edges.
- In Summer 2023 the efforts of the invasive plant interns are being supplemented by professional invasive plant management (chemical and mechanical management), supported by Town Meeting approval (in April 2023) \$20,000 in funding to hire a contractor specializing in this work. Proposals received for this work are currently being reviewed, and we expect to enter a contract for services later this month.



THE TOWN OF WEST NEWBURY SEEKS VOLUNTEERS FOR

## INVASIVE PLANT REMOVAL

**SUNDAY NOVEMBER 6 FROM 1 PM TO 3 PM  
1 CHERRY HILL STREET WEST NEWBURY, MA**

- Volunteers should dress appropriately for the weather, rough terrain, and possible exposure to poison ivy, thorns, and ticks
- Volunteers are asked to bring their own gloves, loppers, clippers, and other plant removal tools
- Volunteer spots are limited and advance sign up is required

**SIGN UPS & MORE INFO:**  
[www.tinyurl.com/2p8sv25y](http://www.tinyurl.com/2p8sv25y)

**Questions can be directed to:**  
Michelle Greene | [conservation@wnewbury.org](mailto:conservation@wnewbury.org)

*Flyer for second work day at Cherry Hill Conservation Land seeking volunteer for invasive plant removal*



*West Newbury firefighters conducting a prescribed burn in May 2023 at Cherry Hill Conservation Land.*

2018

# Open Space & Recreation Plan



Town of West Newbury, Massachusetts

Prepared by the West Newbury Open Space Committee

## SECTION 8 • GOALS AND OBJECTIVES



John Dodge photo

Pike's Mill Bridge gives year 'round access to trails. Wetland crossings like this can be created with Community Preservation Act funding in response to Open Space Committee requests.

The over-arching goals of West Newbury's 2018 Open Space and Recreation Plan are:

- To preserve the rural character, charm and sense of community;
- To protect and manage natural resource areas, including water resources and large, contiguous tracts of undeveloped land; and
- To provide accessible passive and active recreational activities for a diverse resident population of all ages and abilities.

The Goals and Objectives were developed based on priorities identified through responses to the 2016 Open Space and Recreation deliberations, as well as consultations with the PRCOM and other town boards and committees. A moderated, well-attended community forum in September 2018 produced realistic issues for the OSC and PRCOM to address. The anticipated suggestions to better maintain trails and add youth recreational programs took a welcome directional turn, with heartfelt discussions of more intrinsically important issues for West Newbury. There was an expressed concern about achieving climate change resilience, in spite of the generous diversity of natural resources

enjoyed in this community. “Create a locally sustainable community,” someone offered, to which many heads nodded in general agreement. Not an unrealistic goal, given West Newbury’s farmland and the open space that could support community gardens. The future vision holds promise, if we proceed proactively.

FIGURE 13: A Proactive Approach to the Pressures of Change		
GOAL	OBJECTIVE	POSSIBLE FUNDING SOURCES
<b>1.</b> Preserve the natural and historic “rural character” of West Newbury, while managing challenges caused by change.	Protect properties that epitomize West Newbury’s character, including working farms, scenic vistas, and places of historic and/or architectural significance.	Town Appropriation Grant Land Trust Volunteers
	Encourage “sensitive” development: <ul style="list-style-type: none"> <li>• Promote development in keeping with the scale &amp; style of surrounding structures</li> <li>• Support development of diverse housing sizes &amp; affordability</li> <li>• Advocate for trail opportunities through proposed residential developments</li> <li>• Preserve open spaces and vistas (including fields and forests ), stone walls and existing trees</li> </ul>	Town Appropriation Grant Land Trust Volunteers
<b>2.</b> Protect and manage natural resource areas that include water and large, undeveloped contiguous areas,	Continue to create stewardship opportunities and manage trails and other open spaces.	Town Appropriation Grant Volunteers
	Support protection of surface & deep water resources.	Town Appropriation Volunteers
	Identify and protect wildlife corridors.	Volunteers
	Improve climate resiliency	Town Appropriation Grant Volunteers
<b>3.</b> Provide accessible recreational opportunities, both passive and active, for residents of diverse age groups, interests and abilities.	Pursue better access to the Merrimack River for active and passive recreational uses.	Town Appropriation Grant Land Trust Volunteers
	Develop a maintenance plan for recreational amenities.	Town Appropriation Volunteers
	Identify trails and open space suitable for people with limited mobility. Work with other Town entities to make open space adaptations consistent with ADA regulations in order to enable access for all people.	Town Appropriation Grant Volunteers
	Expand and improve youth programs in keeping with demand.	Town Appropriation Grant Volunteers

2018 West Newbury Open Space and Recreation Plan



# Town of West Newbury

381 Main Street

West Newbury, Massachusetts 01985

Angus Jennings, Town Manager

978-363-1100, Ext. 111 Fax 978-363-1826

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

TO: Select Board  
 FROM: Angus Jennings, Town Manager  
 DATE: June 23, 2023  
 RE: ARPA funding

The Town’s total allocation of ARPA funds is \$1,409,046.80.

To date, the Town (through the Select Board) has authorized a total of \$749,500 of ARPA funding for the following projects/initiatives:

Project ID	Authorized Amt.	ARPA Sub-Category	Description
ARPA-01	\$9,500	61-Provision of Government Services	For ARPA Grant Consulting services to support in-house staff efforts to ensure continued program compliance as the Town moves ahead to identify and authorize projects or programs for ARPA funding
ARPA-02	\$625,000	61-Provision of Government Services	Water main pipe replacement on Church and Prospect Street
ARPA-03	\$115,000	61-Provision of Government Services	To replace the existing broken HVAC system at the Page School

This topic is agenda’d for the June 26<sup>th</sup> Select Board meeting in order to continue the Board’s consideration of how the remaining funding (\$659,546.80) may best be allocated. (Additional ARPA funds may be available if any of the funded projects, above, are completed for less than the authorized amount). Prior Board packets have included the complete U.S. Dept. of Treasury guidance, but the more succinct KP Law summary of eligible uses is enclosed. The Board has previously agreed that uses of the funds for discrete, 1-time uses, such as capital projects or equipment, is preferred, and that fewer, larger projects will entail less administrative overhead than would more, smaller projects.

All ARPA funds must be fully committed by December 31, 2024, and fully expended prior to December 31, 2026.



# SLFRF Compliance Report - MA0324 - P&E Report - 2023

## Report Period : Annual March 2023

---

### Recipient Profile

#### Recipient Information

Recipient UEI	TPZ2LNEAU696
Recipient TIN	046001351
Recipient Legal Entity Name	West Newbury, MA
Recipient Type	Metro City or County
FAIN	
CFDA No./Assistance Listing	
Recipient Address	381 Main Street
Recipient Address 2	
Recipient Address 3	
Recipient City	West Newbury
Recipient State/Territory	MA
Recipient Zip5	01985
Recipient Zip+4	1450
Recipient Reporting Tier	Tier 5. Metropolitan cities and counties with a population below 250,000 residents that are allocated less than \$10 million in SLFRF funding, and NEUs that are allocated less than \$10 million in SLFRF funding
Base Year Fiscal Year End Date	6/30/2023
Discrepancies Explanation	
Is the Recipient Registered in SAM.Gov?	Yes

## Project Overview

Does your jurisdiction have projects to report as of this reporting period?	My jurisdiction has projects to report
---	--

### Project Name: CLA Consulting Services

Project Identification Number	ARPA-01
Project Expenditure Category	6-Revenue Replacement
Project Expenditure Subcategory	6.1-Provision of Government Services
Status To Completion	
Adopted Budget	\$9,500.00
Program Income Earned	\$0.00
Program Income Expended	\$0.00
Total Cumulative Obligations	\$0.00
Total Cumulative Expenditures	\$0.00
Current Period Obligations	\$0.00
Current Period Expenditures	\$0.00
Project Description	For ARPA Grant Consulting services, to support in-house staff efforts to ensure continued program compliance as the Town moves ahead to identify and authorize projects/programs for ARPA funding.

### Project Name: Church and Prospect Street Water Main Project - Phase I

Project Identification Number	ARPA-02
Project Expenditure Category	6-Revenue Replacement
Project Expenditure Subcategory	6.1-Provision of Government Services
Status To Completion	
Adopted Budget	\$625,000.00
Program Income Earned	\$0.00
Program Income Expended	\$0.00
Total Cumulative Obligations	\$0.00
Total Cumulative Expenditures	\$0.00
Current Period Obligations	\$0.00
Current Period Expenditures	\$0.00
Project Description	Water main pipe replacement on Church and Prospect Street.

### Project Name: Page School HVAC Unit Replacement

Project Identification Number	ARPA-03
Project Expenditure Category	6-Revenue Replacement
Project Expenditure Subcategory	6.1-Provision of Government Services

Status To Completion	
Adopted Budget	\$115,000.00
Program Income Earned	\$0.00
Program Income Expended	\$0.00
Total Cumulative Obligations	\$0.00
Total Cumulative Expenditures	\$0.00
Current Period Obligations	\$0.00
Current Period Expenditures	\$0.00
Project Description	To replace the existing broken HVAC system at the Page School.

# Report

## Revenue Replacement

Is your jurisdiction electing to use the standard allowance of up to \$10 million, not to exceed your total award allocation, for identifying revenue loss?	Yes
Revenue Loss Due to Covid-19 Public Health Emergency	\$1,409,046.80
Were Fiscal Recovery Funds used to make a deposit into a pension fund?	No
Please provide an explanation of how revenue replacement funds were allocated to government services	As of this date, no funds have been expended.

## Overview

Total Obligations	\$0.00
Total Expenditures	\$0.00
Total Adopted Budget	\$749,500.00
Total Number of Projects	3
Total Number of Subawards	0
Total Number of Expenditures	0

## Certification

Authorized Representative Name	Angus Jennings
Authorized Representative Telephone	(978) 363-1100 ext. 111
Authorized Representative Title	Town Manager
Authorized Representative Email	<a href="mailto:townmanager@wnewbury.org">townmanager@wnewbury.org</a>
Submission Date	4/28/2023 10:59 AM

## American Rescue Plan Act Funded Projects and Expenses Treasury Department Issues Final Rule Governing Use of ARPA Funds

Original: November 15, 2021; Updated March 9, 2022

### Regulatory History and Issuance of the Final Rule

The U.S. Treasury Department has released its Final Rule governing the use of State and Local Fiscal Recovery Funds (SLFR Funds), made available to state and local governments through the American Rescue Plan Act (ARPA). Since passage of ARPA in March 2021 and the distribution of the first tranche of ARPA funds in or around May 2021, communities have been planning for and spending ARPA funds under the regulatory guidance provided pursuant to the U.S. Treasury Department's Interim Final Rule, which we explained in detail in our November 15, 2021 eUpdate. On January 6, 2022, the Treasury Department issued its Final Rule governing state and local governments' use of SLFR Funds, the text of which is available [here](#).

While substantially similar to the Interim Final Rule, the Final Rule includes some important changes to the Interim Final Rule that are based upon comments submitted during the notice and comment period for the Interim Final Rule. Here, we have updated our November 15, 2021 eUpdate with a summary of the significant changes incorporated into the Final Rule. The discussion in the original, November 15, 2021 eUpdate of all eligible uses has been retained and follows the overview of the Final Rule immediately below.<sup>1</sup>

- I. **Lost Revenue – \$10 Million Standard Allowance**: SLFR Funds may be used for the provision of “government services” in an amount equal to the reduction in the recipient’s lost revenue in fiscal years 2020 to 2023. To determine a community’s lost revenue, Treasury created a somewhat complex formula in the Interim Final Rule that involved comparing actual annual revenue to estimated revenue based on average revenue growth over the past three fiscal years. Treasury received many comments that the calculation was too complex and did not take into account all revenue streams, and responded by incorporating the so-called “standard allowance” into the Final Rule. Final Rule, §35.6(d)(1). **Now, any recipient can elect to take a standard allowance of up to \$10 million, which will be deemed the funding recipients lost revenue for the entire period of performance (March 3, 2021 to December 31, 2024).** This is a one-time election, and once made a recipient cannot elect to calculate and cover actual lost revenue with ARPA funds later. For many smaller communities, this means all of their SLFR Funds may be allocated for the provision of “government services.”

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<sup>1</sup> All of the eligible uses contained in the Interim Final Rule, described in Section V, below, remain in the Final Rule. The Final Rule has only clarified or expanded the requirements or scope of existing eligible uses. Therefore, the information contained in Sections I-IV of this eUpdate supplements, but does not replace, the information contained in Section V.

- II. Premium Pay – Presumptive Eligibility for Employees Not Exempt from FLSA Overtime Provisions:** ARPA funds may be used to provide premium pay that “responds to eligible workers performing essential work.” Treasury has defined each of those three elements. All municipal employees are “eligible workers,” and “essential work” is any work performed in-person (i.e. not from home) and that involves regular interaction with the public or the regular handling of items handled by the public. Under the Interim Final Rule, premium pay would presumptively “respond to” such workers if it were provided to low- and moderate-income workers, meaning those whose income is at or below 150% of the mean state or county income (whichever is greater). After receiving comments that this threshold was too restrictive and administratively burdensome, **Treasury expanded the types of employees presumptively eligible for premium pay to include employees not exempt from the overtime provisions of the FLSA. Final Rule, §35.6(c)(2).** It is important to note, however, that this is merely a presumption for purposes of satisfying the “responds to” component of a premium pay program; ARPA recipients may still provide premium pay to higher income workers that are exempt from the FLSA’s overtime provisions if it provides written justification for such pay to Treasury.
- III. Eligible Water and Sewer Infrastructure Investments Expanded:** ARPA funds may be used to make necessary investments in water, sewer, and broadband infrastructure. With respect to water and sewer infrastructure projects, the Interim Final Rule incorporated the requirements of the EPA’s Clean Water State Revolving Fund (CWSRF) and Drinking Water State Revolving Fund (DWSRF) programs. However, Treasury received many comments requesting additional flexibility to use ARPA funds for water and sewer projects local officials deem necessary, and the Final Rule now provides that additional flexibility.
- a. **Sewer Projects:** Under the Final Rule, ARPA funds may be used for sewer projects regardless of their impact on the drinking water supply (a critical component of stormwater project eligibility under the CWSRF), so long as the project otherwise complies with certain provisions of the Federal Water Pollution Control Act. Final Rule, §35.6(e)(1)(ii).
  - b. **Drinking Water Projects:** Treasury has expanded the types of projects that are eligible for those serviced by private wells. While projects connecting homes serviced by private wells to a public water supply system and those addressing installation, repair, and replacement of private septic systems were already eligible under the Interim Final Rule, communities may now use ARPA funds for rehabilitation, testing, and treatment and remediation for private wells. Final Rule, §35.6(e)(1)(vii).
  - c. **Population Growth:** The Final Rule permits ARPA funds to be used for water projects needed to serve anticipated population growth, with certain conditions, Final Rule, §35.6(e)(1)(v), contrary to the DWSRF requirement that projects eligible for that program be designed to serve the existing population (i.e. not be based on anticipated future growth.)
- IV. Public Health and Negative Economic Impact Measures:** Recipients may use ARPA funds for capital expenditures, programs to improve public health services, and to address the negative economic impacts of the COVID-19 pandemic. Under the Interim Final Rule, one negative economic impact that could be addressed with ARPA funds were those resulting in public sector layoffs, and therefore one eligible use of ARPA funds was payroll and associated costs to support the public sector workforce by hiring or rehiring staff to fill

budgeted positions that existed on January 27, 2020. Treasury received comments concerning historic underinvestment in the public sector workforce and the need to hire above previous levels, and now **recipients may use ARPA funds to increase the number of budgeted, full-time employees above the number that existed as of January 27, 2020.** This increase is limited to the difference between full time employees as of January 27, 2020 multiplied by 1.075 and full-time employees as of March 3, 2021. Final Rule, §35.6(b)(3)(ii)(E)(2)(ii). However, recipients must elect to use ARPA funds either to hire and rehire up to past levels, or to increase staffing as noted; recipients cannot use ARPA funds for both purposes.

Finally, Treasury clarified and expanded the types of capital expenditures recipients could make with SLFR Funds to support those impacted by COVID-19. Recipients may use ARPA funds for capital expenditures that serve “impacted” or “disproportionately impacted” households and businesses, and the Final Rule expands the set of households presumed to be “impacted” by the pandemic to include the general public. Final Rule, §35.6(b)(2)(ii). Moreover, the Final Rule includes an expanded list of the types of assistance and relief that may be provided, the list now including programs that make affordable housing, childcare, and early learning services available in “impacted” communities, Final Rule, §35.6(b)(3)(ii)(A)(3)&(5), and funding community development and neighborhood revitalization programs in “disproportionately impacted” communities. Final Rule, §35.6(b)(3)(ii)(A)(11)(iv).

V. **Eligible Uses:** Below we have provided a list of eligible uses under the IFR. It is important to note this is a summary list, and some items have been combined or summarized for conciseness and ease of reference. When actually relying on a listed eligible use or designing an ARPA-funded program, it is critical the full text of the IFR, and perhaps legal counsel, be consulted. The eligible uses of ARPA funds are:

- **Responding to the COVID-19 public health emergency and its negative economic impacts:**
  - Expenses related to vaccination programs and clinics and COVID-19 testing, monitoring, and contact tracing (e.g. staff, equipment and supplies, facilities, IT, and administrative expenses);
  - COVID-19-related expenses of public hospitals, temporary medical facilities, clinics, congregate care facilities, long-term care facilities, incarceration settings, homeless shelters, and group living facilities;
  - COVID-19- related emergency medical, transportation, and telemedicine expenses;
  - Expenses related to provision and distribution of personal protective equipment, sanitizing products, and supplies and equipment (including ventilation upgrades) to mitigate the risk of spreading COVID-19;
  - Expenses for quarantining and isolating individuals, including providing paid sick and paid family and medical leave to public employees; and
  - Expenses related to the treatment of long-term symptoms, mental health treatment, and behavioral health services related to COVID-19.
- **Payroll and covered benefits for:**
  - Public safety, public health, human services, and similar employees to the extent the employee’s time is spent mitigating or responding to COVID-19; and
  - New employees hired to increase staffing to the level of employees employed as of January 27, 2020.
- **Unemployment Benefits and Support:**
  - Assistance and job training for individuals who are unemployed or underemployed; and



- Contributions to the state unemployment insurance trust fund up to the level required to restore the fund to its balance as of January 27, 2020.
- **Addressing Negative Economic Impacts:**
  - Support to small businesses and nonprofits (e.g. loans, grants, in-kind assistance, technical assistance, and other services) that responds to the negative economic impacts of COVID-19;
  - Assistance to households, including cash assistance programs, that responds to the negative economic impacts of COVID-19; and
  - Aid to impacted industries, such as tourism, travel, hospitality, and other impacted industries, that responds to the negative economic impacts of COVID-19.
- **Improvements to Public Health or Economic Relief Programs:**
  - Administrative costs associated with these services and programs, including data reporting and IT improvements.
- **Infrastructure Investments:**
  - Investments in water, sewer, and broadband infrastructure;
  - Water and sewer projects must be eligible under certain sections of the Federal Water Pollution Control Act or Safe Drinking Water Act; and
  - Broadband infrastructure must be designed to reliably provide a certain level of service (e.g. 100 Mbps upload/download speed).
- **Miscellaneous:**
  - Providing premium pay to essential workers or grants to certain employers that provide premium pay to essential workers, with priority of premium pay provided to low- and moderate-income workers;
  - Survivor’s benefits for family members of those who have died of COVID-19; and
  - Programs, social services, educational improvements, or other assistance to disproportionality impacted populations, meaning those in “Qualified Census Tracts.”<sup>2</sup>

**VI. Recoupment:** Misuse of ARPA funds could subject the funding recipient to recoupment. The Treasury Department will be monitoring use of APRA funds and enforcing the Act’s and the IFR’s requirements with respect to the use of ARPA funds through 2026. While the precise level of oversight and standards by which Treasury enforces these requirements is currently unknown, Treasury has outlined in the IFR the process by which it will seek to recoup improperly spent ARPA funds. Therefore, we strongly recommend strict compliance with the eligible uses outlined in the IFR.

In general, any ARPA funds used in violation of the Act or the IFR will be subject to recoupment **prior to December 31, 2026**. Recoupment may occur if Treasury finds or is notified, by any person, that an ARPA funding recipient has used CSLFR Funds in violation of the eligible use and lost revenue provisions of the IFR. The primary means by which Treasury will identify misuses of ARPA funds is through reporting provided by

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<sup>2</sup> “Any census tract which is designated by the Secretary of Housing and Urban Development and, for the most recent year for which census data are available on household income in such tract, either in which 50 percent or more of the households have an income which is less than 60 percent of the area median gross income for such year or which has a poverty rate of at least 25 percent.” 26 U.S.C. 42(d)(5)(B)(ii)(I).

recipients. Recipients will be required to report ARPA funding expenditures quarterly, however, Treasury will also consider information from other sources, including members of the public.

Where Treasury identifies a misuse of ARPA funds, it will send the recipient a Notice of Violation. The Notice of Violation will identify and explain the amount of ARPA funding it has deemed misused and subject to recoupment. A recipient issued a Notice of Violation may request reconsideration of any amounts identified in the Notice of Violation. The recipient may provide additional information concerning the use of ARPA funds or its calculation of its tax revenue, and Treasury thereafter will consider whether the Notice of Violation was properly issued and the amount appropriate for recoupment, if any. A request for reconsideration must be submitted with **60 calendar days of the Notice of Violation**, and Treasury will respond with a decision to affirm, withdraw, or modify the Notice of Violation within **60 calendar days of receipt of the request for reconsideration**. Finally, payment of amounts subject to recoupment must be made within 120 calendar days of the initial Notice of Violation, if no request for reconsideration is made, or 120 calendar days of the final Notice of Violation if reconsideration is requested.

This eUpdate is designed to provide a broad overview of the ARPA funding process and eligible uses, but should not be relied on exclusively to make ARPA funding decisions. As noted above, even if a use is generally eligible, the manner in which the expenditure is made must still comply with all of the terms and conditions of ARPA funding, and must be properly reported to Treasury. If you have any questions concerning whether a particular use is eligible or have been issued a Notice of Violation, please do not hesitate to contact your KP Law contact at (617) 556-0007.

Disclaimer: This information is provided as a service by KP Law, P.C. This information is general in nature and does not, and is not intended to, constitute legal advice. Neither the provision nor receipt of this information creates an attorney-client relationship with KP Law, P.C. Whether to take any action based upon the information contained herein should be determined only after consultation with legal counsel.

## Town Manager

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**From:** Timothy D. Zessin [REDACTED]  
**Sent:** Friday, October 15, 2021 3:10 PM  
**To:** Town Manager  
**Cc:** Town Accountant; Finance Admin  
**Subject:** RE: ARPA

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Angus:

Sorry for the delay in getting back to you on this question. My understanding is that the ARPA funds are received by the Town as a grant. Acceptance and expenditure of grant funds is governed by the provisions of G.L. c. 44, §53A which states, in pertinent part, as follows:

“An officer or department of any ... town ... may accept grants or gifts of funds from the federal government and from a charitable foundation, a private corporation, or an individual, or from the commonwealth, a county or municipality or an agency thereof, and in the case of any grant or gift given for educational purposes may expend said funds for the purposes of such grant or gift with the approval of the school committee, and in the case of any other grant or gift may expend such funds for the purposes of such grant or gift ... in towns with the approval of the board of selectmen.”

In reviewing the Town Manager Act and the Town’s bylaws, there does not appear to be any provisions that supersede this statute or provide more specific guidance.

It is my understanding that ARPA funds are being provided by the federal government to the Town, through the Board of Selectmen as the Town’s executive body. The Board may therefore accept the grant funds and those funds may be expended with the approval of the Board of Selectmen. Therefore, in my opinion, the Board of Selectmen has sole oversight over the expenditure of the ARPA grant funds, provided that such expenditure is consistent with the purposes of the grant.

Feel free to contact me with any further questions regarding this matter.

Regards,  
Tim

Timothy D. Zessin, Esq.  
KP | LAW  
101 Arch Street  
12th Floor  
Boston, MA 02110

[REDACTED]

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## VOTE OF THE BOARD OF SELECTMEN

I, the Clerk of the Board of Selectmen of the Town of West Newbury, Massachusetts, certify that at a meeting of the board held June 26, 2023, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody:

Voted: to approve the sale of \$1,020,000 4.50 percent General Obligation Bond Anticipation Notes (the “Notes”) of the Town dated July 12, 2023, and payable July 12, 2024 to Fidelity Capital Markets, a Division of National Financial Services LLC at par and accrued interest, if any, plus a premium of \$6,793.20.

Further Voted: that in connection with the marketing and sale of the Notes, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated June 13, 2023, and a final Official Statement dated June 20, 2023, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a significant events disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Notes for the benefit of the holders of the Notes from time to time.

Further Voted: that we authorize and direct the Town Treasurer to establish post issuance federal tax compliance procedures and continuing disclosure procedures in such forms as the Town Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Notes and to comply with relevant securities laws.

Further Voted: that any certificates or documents relating to the Notes (collectively, the “Documents”), may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute one and the same document; delivery of an executed counterpart of a signature page to a Document by electronic mail in a “.pdf” file or by other electronic transmission shall be as effective as delivery of a manually executed counterpart signature page to such Document; and electronic signatures on any of the Documents shall be deemed original signatures for the purposes of the Documents and all matters relating thereto, having the same legal effect as original signatures.

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Notes were taken in executive session, all in accordance with G.L. c.30A, §§18-25, as amended.

Dated: June 26, 2023

\_\_\_\_\_  
Clerk of the Board of Selectmen

133237864v.3

Certificate of Award

I, the Treasurer of the Town of West Newbury, Massachusetts, hereby award the \$1,020,000 General Obligation Bond Anticipation Notes dated July 12, 2023 (the "Notes") to the bidder or bidders submitting the bid or bids attached hereto in accordance with the terms set forth in the attached bid or bids and in the Notice of Sale dated June 13, 2023 relating to the Notes, subject to the approval of this award by the Select Board.

Date: June 20, 2023

  
Treasurer

## Town Manager

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**From:** Tess Murphy (HTS) [REDACTED]  
**Sent:** Tuesday, June 20, 2023 11:05 AM  
**To:** Town Treasurer; Town Manager; Town Accountant  
**Cc:** Peter Frazier (HTS); Abby Jeffers (HTS); Melissa Toland (HTS); Monica Mulcahy (HTS); Taylor Erickson (HTS); Henriqueta Teixeira DaCosta (HTS)  
**Subject:** West Newbury, MA BAN Results  
**Attachments:** N-23-07-12 West Newbury BAN Results.pdf; N-23-07-12 West Newbury BAN MPL.pdf; N-23-07-12 West Newbury BAN Certificate of Award.pdf

Good Morning,

Attached please find the results, MPL and Certificate of Award for the Town's \$1,020,000 General Obligation Bond Anticipation Notes, which sold today. Please sign the Certificate of Award and email it back to us at your earliest convenience.

We will be contacting you shortly to confirm where you would like the proceeds to go.

Should you have any questions, please contact Peter Frazier at (617) 619-4409.

Thank you!  
Tess

Tess Murphy

[REDACTED]



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# Town of West Newbury, Massachusetts

\$1,020,000 General Obligation Bond Anticipation Notes

**Sale Date:** 6/20/2023  
**Dated Date:** 7/12/2023  
**Delivery Date:** 7/12/2023  
**Due Date:** 7/12/2024  
**Days Per Year:** 360  
**Day Count:** 360  
**Bank Qualified:** Yes



Bidder	Underwriter	Principal	Coupon Rate	Premium	Interest	Net Interest	NIC	Prorata Premium	Prorata Interest	Award	Reoffering Yield
Fidelity Capital Markets	•	\$1,020,000	4.50%	\$6,793.20	\$45,900.00	\$39,106.80	3.8340%	\$6,793.20	\$45,900.00	\$1,020,000	
Oppenheimer & Co.	•	\$1,020,000	4.50%	\$5,525.00	\$45,900.00	\$40,375.00	3.9583%				
Piper Sandler & Co.	•	\$1,020,000	4.75%	\$6,273.00	\$48,450.00	\$42,177.00	4.1350%				
BNYMellon Capital Markets	•	\$1,020,000	5.00%	\$7,782.19	\$51,000.00	\$43,217.81	4.2370%				
Newburyport Five Cents Savings Bank		\$1,020,000	4.76%	\$0.00	\$48,552.00	\$48,552.00	4.7600%				
<b>Award Totals</b>								\$6,793.20	\$45,900.00	\$1,020,000	

Weighted Average Net Interest Cost: 3.8340%



**MUNICIPAL PURPOSE LOAN**

Town of West Newbury, Massachusetts

\$1,020,000 General Obligation Bond Anticipation Notes

Sale Date: 6/20/2023  
 Dated Date: 7/12/2023  
 Delivery Date: 7/12/2023  
 Due Date: 7/12/2024  
 Bank Qualification: Yes



<u>Purpose</u>	<u>Vote Date(s)</u>	<u>Reference Statutory Reference</u>	<u>Amount Authorized</u>	<u>Previous Issues</u>	<u>Bonds, Grants, and/or Paydowns</u>	<u>Renewal This Issue</u>	<u>New This Issue</u>	<u>Total This Issue</u>	<u>Balance Unissued</u>	<u>Original Issue Date</u>	<u>Prorata Interest</u>	<u>Prorata Premium</u>
Water Tank	4/29/2019	Ch. 44, s. 8(4)	\$1,100,000	\$1,020,000	\$80,000	\$1,020,000	\$0	\$1,020,000	\$0	1/24/2020	\$45,900.00	\$6,793.20
<b>Totals</b>			\$1,100,000	\$1,020,000	\$80,000	\$1,020,000	\$0	\$1,020,000	\$0		\$45,900.00	\$6,793.20

## Competitive Note Worksheet

<b>Issuer:</b>	<b>Town of West Newbury, Massachusetts</b>		
<b>Principal Amount:</b>	<b>\$1,020,000</b>	<b>General Obligation Bond Anticipation Notes</b>	
<b>Dated Date:</b>	7/12/2023	<b>Sale Day:</b>	Tuesday
<b>Due Date:</b>	7/12/2024	<b>Sale Date:</b>	6/20/2023
<b>Coupon Rate:</b>	TBD	<b>Sale Time:</b>	11:00 A.M. (Eastern Time)
<b>Rating(s):</b>		<b>Submit Bids to:</b>	<i>PARITY</i>
Moody's Note:	-	<b>Contact Name:</b>	Hilltop Securities Inc.
S&P Note:	-	<b>Contact Title:</b>	FA to Town
Moody's Bond:	-	<b>* Telephone #:</b>	617-619-4400
S&P Bond:	-		
<b>Bank Qualification:</b>	Yes	<b>Award basis:</b>	Lowest NIC
Year:	2020	<b>CUSIP:</b>	Yes
<b>Time Basis:</b>	30/360	<b>Legal Opinion:</b>	Locke Lord LLP
Number of Days:	360	<b>Delivery:</b>	Against Payment
<b>Interest Payable:</b>	At Maturity	<b>Funds:</b>	Federal Funds
<b>Certification:</b>	None	<b>Disclosure:</b>	POS
<b>Right To Prepay:</b>	No	<b>Paying Agent:</b>	U.S. Bank
<b>Fax Bids:</b>	Not Allowed	<b>Denominations:</b>	Set/DTC
<b>Form:</b>	DTC		
<b>Bid Basis:</b>	Par/Premium		
<b>Premium Required:</b>	N/A		
<b>Bid Limits:</b>	All or None		
<b>Minimum Bid:</b>	\$1,020,000		
<b>Coupon Limitation:</b>	N/A		

Purposes:	<u>New</u>	<u>Renewal</u>	<u>Total</u>
Water Tank	\$0	\$1,020,000	\$1,020,000
<b>Totals</b>	<b>\$0</b>	<b>\$1,020,000</b>	<b>\$1,020,000</b>

**\* When submitting telephone bids, bidders must indicate if they are bidding to hold the Notes to maturity, and if so, must provide such affirmation in writing to the Financial Advisor upon submission of the bid as follows:**

*In connection with the Town of West Newbury, MA \$1,020,000 General Obligation Bond Anticipation Notes dated July 12, 2023 and selling competitively today, June 20, 2023, [     BIDDER     ] will NOT be an "underwriter" (as defined in the Notice of Sale dated June 13, 2023) of the Notes.*

**Addendum to Municipal Advisory Agreement**

**Addendum to Municipal Advisory Agreement by and between:  
The Town of West Newbury, Massachusetts and Hilltop Securities Inc.  
Effective Date of Agreement: March 1, 2018**

**This Addendum is specific to the issuance of \$1,020,000 General Obligation Bond Anticipation Notes,  
Dated July 12, 2023 (the “Notes”)**

**Scope of Municipal Advisory Services:**

The scope of services to be provided in connection with the issuance of the Notes is as provided in the Agreement.

**Form and Basis of Compensation.** The form and basis of compensation for HilltopSecurities’ services as municipal advisor to the Issuer are as provided in the Agreement. The municipal advisory fees charged by HilltopSecurities in connection with the sale and issuance of the Notes will be \$4,405.00. The amount of reimbursable expenses is estimated to be \$200.00 or not to exceed \$500.00.

**Disclosure of Conflicts of Interest and Information Regarding Legal or Disciplinary Events.** Attached hereto as Appendix A is the Municipal Advisor Disclosure Statement, current as of the date of this Addendum, setting forth disclosures by HilltopSecurities of material conflicts of interest (the “Conflict Disclosures”), if any, and of any legal or disciplinary events required to be disclosed pursuant to MSRB Rule G-42. The Conflict Disclosures also describe how HilltopSecurities addresses or intends to manage or mitigate the disclosed conflicts of interest, as well as describing the specific type of information regarding, and the date of the last material change, if any, to the legal and disciplinary events required to be disclosed on Forms MA and MA-I filed by HilltopSecurities with the Securities and Exchange Commission.

**Disclosure of Material Risks.** Attached hereto as Appendix B is the Disclosure of Material Risks (the “Risk Disclosures”) setting forth disclosures by HilltopSecurities of the material financial risks associated with the issuance of the Notes known to or reasonably foreseeable to HilltopSecurities as of the date below. The Risk Disclosures may be supplemented by HilltopSecurities if the financial characteristics of the financing structure materially change as the transaction progresses.

**Hilltop Securities Inc.**

By:  \_\_\_\_\_  
Peter Frazier  
Managing Director

June 13, 2023  
Date

## APPENDIX A MUNICIPAL ADVISOR DISCLOSURE STATEMENT

This disclosure statement (“Conflict Disclosures”) is provided by **Hilltop Securities Inc.** (“the Firm”) to you (the “Client”) in connection with our current municipal advisory agreement, (“the Agreement”). These Conflict Disclosures provide information regarding conflicts of interest and legal or disciplinary events of the Firm that are required to be disclosed to the Client pursuant to MSRB Rule G-42(b) and (c)(ii).

### **PART A – Disclosures of Conflicts of Interest**

MSRB Rule G-42 requires that municipal advisors provide to their clients disclosures relating to any actual or potential material conflicts of interest, including certain categories of potential conflicts of interest identified in Rule G-42, if applicable.

**Material Conflicts of Interest** – The Firm makes the disclosures set forth below with respect to material conflicts of interest in connection with the Scope of Services under the Agreement with the Firm, together with explanations of how the Firm addresses or intends to manage or mitigate each conflict.

**General Mitigations** – As general mitigations of the Firm’s conflicts, with respect to all of the conflicts disclosed below, the Firm mitigates such conflicts through its adherence to its fiduciary duty to Client, which includes a duty of loyalty to Client in performing all municipal advisory activities for Client. This duty of loyalty obligates the Firm to deal honestly and with the utmost good faith with Client and to act in Client’s best interests without regard to the Firm’s financial or other interests. In addition, because the Firm is a broker-dealer with significant capital due to the nature of its overall business, the success and profitability of the Firm is not dependent on maximizing short-term revenue generated from individualized recommendations to its clients but instead is dependent on long-term profitability built on a foundation of integrity, quality of service and strict adherence to its fiduciary duty. Furthermore, the Firm’s municipal advisory supervisory structure, leveraging our long-standing and comprehensive broker-dealer supervisory processes and practices, provides strong safeguards against individual representatives of the Firm potentially departing from their regulatory duties due to personal interests. The disclosures below describe, as applicable, any additional mitigations that may be relevant with respect to any specific conflict disclosed below.

**I. Affiliate Conflict.** The Firm, directly and through affiliated companies, provides or may provide services/advice/products to or on behalf of clients that are related to the Firm’s advisory activities within the Scope of Services outlined in the Agreement. Hilltop Securities Asset Management (HSAM), a SEC-registered affiliate of the Firm, provides post issuance services including arbitrage rebate and treasury management. The Firm’s arbitrage team verifies rebate and yield restrictions on the investments of bond proceeds on behalf of clients in order to meet IRS restrictions. The treasury management division performs portfolio management/advisor services on behalf of public sector clients. The Firm, through affiliate Hilltop Securities Asset Management (HSAM), provides a multi-employer trust tailor-made for public entities which allows them to prefund Other Post-Employment Benefit liabilities. The Firm has a structured products desk that provides advice to help clients mitigate risk through investment management, debt management and commodity price risk management products. These products consist of but are not limited to swaps (interest rate, currency, commodity), options, repos, escrow structuring and other securities. Continuing Disclosure services provided by the Firm work with issuers to assist them in meeting disclosure requirements set forth in SEC rule 15c2-12. Services include but are not limited to ongoing maintenance of issuer compliance, automatic tracking of issuer’s annual filings and public notification of material events. The Firm administers government investment pools. These programs offer governmental entities investment options for their cash management programs based on the entities specific needs. The Firm and the aforementioned affiliate’s business with a client could create an incentive for the Firm to recommend to a client a course of action designed to increase the level of a client’s business activities with the affiliates or to recommend against a course of action that would reduce or eliminate a client’s business activities with the affiliates. This potential conflict is mitigated by the fact that the Firm and affiliates are subject to their own comprehensive regulatory regimes.

**II. PlainsCapital Bank Affiliate Conflict.** The Firm, directly and through affiliated companies, provides or may provide services/advice/products to or on behalf of clients that are related to the Firm’s advisory activities within the Scope of Services outlined in the Agreement. Affiliate, PlainsCapital Bank, provides banking services to municipalities including loans and custody. The Firm and the aforementioned affiliate’s business with a client could create an incentive for the Firm to recommend to a client a course of action designed to increase the level

of a client's business activities with the affiliates or to recommend against a course of action that would reduce or eliminate a client's business activities with the affiliates. This potential conflict is mitigated by the fact that the Firm and affiliates are subject to their own comprehensive regulatory regimes.

**III. Other Municipal Advisor or Underwriting Relationships.** The Firm serves a wide variety of other clients that may from time to time have interests that could have a direct or indirect impact on the interests of Client. For example, the Firm serves as municipal advisor to other municipal advisory clients and, in such cases, owes a regulatory duty to such other clients just as it does to Client. These other clients may, from time to time and depending on the specific circumstances, have competing interests, such as accessing the new issue market with the most advantageous timing and with limited competition at the time of the offering. In acting in the interests of its various clients, the Firm could potentially face a conflict of interest arising from these competing client interests. In other cases, as a broker-dealer that engages in underwritings of new issuances of municipal securities by other municipal entities, the interests of the Firm to achieve a successful and profitable underwriting for its municipal entity underwriting clients could potentially constitute a conflict of interest if, as in the example above, the municipal entities that the Firm serves as underwriter or municipal advisor have competing interests in seeking to access the new issue market with the most advantageous timing and with limited competition at the time of the offering. None of these other engagements or relationships would impair the Firm's ability to fulfill its regulatory duties to Client.

**IV. Secondary Market Transactions in Client's Securities.** The Firm, in connection with its sales and trading activities, may take a principal position in securities, including securities of Client, and therefore the Firm could have interests in conflict with those of Client with respect to the value of Client's securities while held in inventory and the levels of mark-up or mark-down that may be available in connection with purchases and sales thereof. In particular, the Firm or its affiliates may submit orders for and acquire Client's securities issued in an Issue under the Agreement from members of the underwriting syndicate, either for its own account or for the accounts of its customers. This activity may result in a conflict of interest with Client in that it could create the incentive for the Firm to make recommendations to Client that could result in more advantageous pricing of Client's bond in the marketplace. Any such conflict is mitigated by means of such activities being engaged in on customary terms through units of the Firm that operate independently from the Firm's municipal advisory business, thereby reducing the likelihood that such investment activities would have an impact on the services provided by the Firm to Client under this Agreement.

**V. Broker-Dealer and Investment Advisory Business.** The Firm is dually registered as a broker-dealer and an investment advisor that engages in a broad range of securities-related activities to service its clients, in addition to serving as a municipal advisor or underwriter. Such securities-related activities, which may include but are not limited to the buying and selling of new issue and outstanding securities and investment advice in connection with such securities, including securities of Client, may be undertaken on behalf of, or as counterparty to, Client, personnel of Client, and current or potential investors in the securities of Client. These other clients may, from time to time and depending on the specific circumstances, have interests in conflict with those of Client, such as when their buying or selling of Client's securities may have an adverse effect on the market for Client's securities, and the interests of such other clients could create the incentive for the Firm to make recommendations to Client that could result in more advantageous pricing for the other clients. Furthermore, any potential conflict arising from the firm effecting or otherwise assisting such other clients in connection with such transactions is mitigated by means of such activities being engaged in on customary terms through units of the Firm that operate independently from the Firm's municipal advisory business, thereby reducing the likelihood that the interests of such other clients would have an impact on the services provided by the Firm to Client.

**VI. Compensation-Based Conflicts.** Fees that are based on the size of the issue are contingent upon the delivery of the Issue. While this form of compensation is customary in the municipal securities market, this may present a conflict because it could create an incentive for the Firm to recommend unnecessary financings or financings that are disadvantageous to Client, or to advise Client to increase the size of the issue. This conflict of interest is mitigated by the general mitigations described above.

Fees based on a fixed amount are usually based upon an analysis by Client and the Firm of, among other things, the expected duration and complexity of the transaction and the Scope of Services to be performed by the Firm. This form of compensation presents a potential conflict of interest because, if the transaction requires more work than originally contemplated, the Firm may suffer a loss. Thus, the Firm may recommend less time-consuming alternatives, or fail to do a thorough analysis of alternatives. This conflict of interest is mitigated by the general mitigations described above.

Hourly fees are calculated with, the aggregate amount equaling the number of hours worked by Firm personnel times an agreed-upon hourly billing rate. This form of compensation presents a potential conflict of interest if Client and the Firm do not agree on a reasonable maximum amount at the outset of the engagement, because the Firm does not have a financial incentive to recommend alternatives that would result in fewer hours worked. This conflict of interest is mitigated by the general mitigations described above.

**VII. Additional Conflicts Disclosures.** The Firm has identified the following additional potential or actual material conflicts of interest:

In addition to serving as Municipal Advisor to the Issuer on the transaction, the Firm or an affiliate may be providing other services to the Issuer unrelated to the transaction or outside the scope of the Municipal Advisory Agreement and either will receive additional fees or may receive additional fees for such other services from the Issuer.

- The Firm provides continuing disclosure services/dissemination agent services either under a separate contract or under the municipal advisory fee structure.

## **PART B – Disclosures of Information Regarding Legal Events and Disciplinary History**

MSRB Rule G-42 requires that municipal advisors provide to their clients certain disclosures of legal or disciplinary events material to its client's evaluation of the municipal advisor or the integrity of the municipal advisor's management or advisory personnel.

Accordingly, the Firm sets out below required disclosures and related information in connection with such disclosures.

**I. Material Legal or Disciplinary Event.** The Firm discloses the following legal or disciplinary events that may be material to Client's evaluation of the Firm or the integrity of the Firm's management or advisory personnel:

- For related disciplinary actions please refer to the Firm's [BrokerCheck](#) webpage.
- The Firm self-reported violations of SEC Rule 15c2-12: Continuing Disclosure. The Firm settled with the SEC on February 2, 2016. The firm agreed to retain independent consultant and adopt the consultant's finding. Firm paid a fine of \$360,000.
- The Firm settled with the SEC in matters related to violations of MSRB Rules G-23(c), G-17 and SEC rule 15B(c) (1). The Firm disgorged fees of \$120,000 received as financial advisor on the deal, paid prejudgment interest of \$22,400.00 and a penalty of \$50,000.00.
- The Firm entered into a Settlement Agreement with Rhode Island Commerce Corporation. Under the Settlement Agreement, the firm agreed to pay \$16.0 million to settle any and all claims in connection with The Rhode Island Economic Development Corporation Job Creation Guaranty Program Taxable Revenue Bond (38 Studios, LLC Project) Series 2010, including the litigation thereto. The case, filed in 2012, arose out of a failed loan by Rhode Island Economic Development Corporation. The firm's predecessor company, First Southwest Company, LLC, was one of 14 defendants. HilltopSecurities' engagement was limited to advising on the structure, terms, and rating of the underlying bonds. Hilltop settled with no admission of liability or wrongdoing.
- On April 30, 2019, the Firm entered into a Settlement Agreement with Berkeley County School District of Berkeley County, South Carolina. The case, filed in March of 2019, arose in connection with certain bond transactions occurring from 2012 to 2014, for which former employees of Southwest Securities, Inc., a predecessor company, provided financial advisory services. The Firm agreed to disgorge all financial advisory fees related to such bond transactions, which amounted to \$822,966.47, to settle any and all claims, including litigation thereto. Under the Settlement Agreement, the Firm was dismissed from the lawsuit with prejudice, no additional penalty, and with no admission of liability or wrongdoing.

- From July 2011 to October 2015, Hilltop failed to submit required MSRB Rule G-32 information to EMMA in connection with 122 primary offerings of municipal securities for which the Firm served as placement agent. During the period January 2012 to September 2015, the Firm failed to provide MSRB Rule G-17 letters to issuers in connection with 119 of the 122 offerings referenced above. From October 2014 to September 2015, the Firm failed to report on Form MSRB G-37 that it had engaged in municipal securities business as placement agent for 45 of these 122 offerings. This failure was a result of a misunderstanding by one branch office of Southwest Securities. Hilltop discovered these failures during the merger of FirstSouthwest and Southwest Securities and voluntarily reported them to FINRA. The Firm paid a fine of \$100,000 for these self-reported violations.
- In connection with a settlement on July 9, 2021, the U.S. Securities and Exchange Commission found that, between January 2016 and April 2018, the Firm bought municipal bonds for its own account from another broker-dealer and that, on occasion during that time period, the other broker-dealer mischaracterized the Firm's orders when placing them with the lead underwriter. The SEC found that, among other things, the Firm lacked policies and procedures with respect to how stock orders were submitted for new issues bonds to third parties, including the broker-dealer that mischaracterized the Firm's orders. The SEC found violations of MSRB Rules G-27, G-17, and SEC rule 15B(c)(1) and a failure to reasonably supervise within the meaning of Section 15(b)(4)(E) of the Securities Exchange Act of 1934. The Firm was censured and ordered to pay disgorgement of \$206,606, prejudgment interest of \$48,587 and a penalty of \$85,000.

**II. How to Access Form MA and Form MA-I Filings.** The Firm's most recent Form MA and each most recent Form MA-I filed with the SEC are available on the SEC's EDGAR system at [Forms MA and MA-I](#). The SEC permits certain items of information required on Form MA or MA-I to be provided by reference to such required information already filed by the Firms in its capacity as a broker-dealer on Form BD or Form U4 or as an investment adviser on Form ADV, as applicable. Information provided by the Firm on Form BD or Form U4 is publicly accessible through reports generated by BrokerCheck at <http://brokercheck.finra.org/>, and the Firm's most recent Form ADV is publicly accessible at the Investment Adviser Public Disclosure website at <http://www.adviserinfo.sec.gov/>. For purposes of accessing such BrokerCheck reports or Form ADV, click previous hyperlinks.

### **PART C – MSRB Rule G-10 Disclosure**

MSRB Rule G-10 covers Investor and Municipal Advisory Client education and protection. This rule requires that municipal advisors make certain disclosures to all municipal advisory clients. This communication is a disclosure only and does not require any action on your part. The disclosures are noted below.

1. Hilltop Securities Inc. is registered with the U.S. Securities and Exchange Commission and the Municipal Securities Rulemaking Board as a Municipal Advisor.
2. You can access the website for the Municipal Securities Rulemaking Board at [www.msrb.org](http://www.msrb.org)
3. The Municipal Securities Rulemaking Board has posted a municipal advisory client brochure. A copy of the brochure is attached to the memo. This link will take you to the electronic version [MA-Clients-Brochure](#).

### **PART D – Future Supplemental Disclosures**

As required by MSRB Rule G-42, this Municipal Advisor Disclosure Statement may be supplemented or amended, from time to time as needed, to reflect changed circumstances resulting in new conflicts of interest or changes in the conflicts of interest described above, or to provide updated information with regard to any legal or disciplinary events of the Firm. The Firm will provide Client with any such supplement or amendment as it becomes available throughout the term of the Agreement.

## **APPENDIX B DISCLOSURE OF MATERIAL RISKS**

Municipal entities and other obligated parties should carefully consider the risks of all securities transactions prior to execution. A certain level of risk is inherent in all liabilities. The key is to determine whether the level of risk is acceptable. Risks will vary depending upon the structure, terms, and timing of the issue. There are risks that are common to all deal types and some that are specific to each offering. Some risks can be mitigated if properly identified ahead of time. Some risks are out of the control of all parties involved in the transaction and therefore cannot be mitigated nor avoided. Some risks are borne by the lender, resulting in the lender demanding a higher interest rate to offset the acceptance of risk.

As a municipal advisor, it is our fiduciary duty to analyze every aspect of a client's financial situation. A municipal advisor must take into account all assets and all liabilities of the client, current and anticipated, to create the best financial plan to achieve the client's objectives. No single transaction is viewed as separate and apart from prior transactions. The analysis includes a number of other factors, but it must include a thorough understanding of the client's risk tolerance compared to the material risks associated with a specific contemplated transaction.

The following is a general description of the financial characteristics and material risks associated with this issue that are foreseeable to us at this time. As the transaction progresses, material changes to the risk disclosures identified here will be supplemented for your consideration. However, the discussion of risks contained here should not be considered to be a disclosure of all risks or a complete discussion of the risks that are mentioned. Nothing herein constitutes or shall be construed as a legal or tax advice. You should consult your own attorney, accountant, tax advisor or other consultant for legal or tax advice as it relates to this specific transaction.

### **Fixed Rate Bond Risks**

#### *Issuer Default Risk*

You may be in default if the funds pledged to secure your bonds are not sufficient to pay debt service on the bonds when due. The consequences of a default may be serious for you and, depending on applicable state law and the terms of the authorizing documents, the holders of the bonds, the trustee and any credit support provider may be able to exercise a range of available remedies against you. For example, if the bonds are secured by a general obligation pledge, you may be ordered by a court to raise taxes. Other budgetary adjustments also may be necessary to enable you to provide sufficient funds to pay debt service on the bonds. If the bonds are revenue bonds, you may be required to take steps to increase the available revenues that are pledged as security for the bonds. A default may negatively impact your credit ratings and may effectively limit your ability to publicly offer bonds or other securities at market interest rate levels. Further, if you are unable to provide sufficient funds to remedy the default, subject to applicable state law and the terms of the authorizing documents, you may find it necessary to consider available alternatives under state law, including (for some issuers) state-mandated receivership or bankruptcy. A default also may occur if you are unable to comply with covenants or other provisions agreed to in connection with the issuance of the bonds.

This description is only a brief summary of issues relating to defaults and is not intended as legal advice. You should consult with your bond counsel for further information regarding defaults and remedies.

#### *Redemption Risk*

Your ability to redeem the bonds prior to maturity may be limited, depending on the terms of any optional redemption provisions. In the event that interest rates decline, you may be unable to take advantage of the lower interest rates to reduce debt service.

#### *Refinancing Risk*

If your financing plan contemplates refinancing some or all of the bonds at maturity (for example, if you have term maturities or if you choose a shorter final maturity than might otherwise be permitted under the applicable federal tax rules), market conditions or changes in law may limit or prevent you from refinancing those bonds when required. Further, limitations in the federal tax rules on advance refunding of bonds (an advance refunding of bonds occurs when tax-exempt bonds are refunded more than 90 days prior to the date on which those bonds may be retired) may restrict your ability to refund the bonds to take advantage of lower interest rates.



### Reinvestment Risk

You may have proceeds of the bonds to invest prior to the time that you are able to spend those proceeds for the authorized purpose. Depending on market conditions, you may not be able to invest those proceeds at or near the rate of interest that you are paying on the bonds, which is referred to as “negative arbitrage”.

### Tax Compliance Risk

The issuance of tax-exempt bonds is subject to a number of requirements under the United States Internal Revenue Code, as enforced by the Internal Revenue Service (IRS). You must take certain steps and make certain representations prior to the issuance of tax-exempt bonds. You also must covenant to take certain additional actions after issuance of the tax-exempt bonds. A breach of your representations or your failure to comply with certain tax-related covenants may cause the interest on the bonds to become taxable retroactively to the date of issuance of the bonds, which may result in an increase in the interest rate that you pay on the bonds or the mandatory redemption of the bonds. The IRS also may audit you or your bonds, in some cases on a random basis and in other cases targeted to specific types of bond issues or tax concerns. If the bonds are declared taxable, or if you are subject to audit, the market price of your bonds may be adversely affected. Further, your ability to issue other tax-exempt bonds also may be limited.

This description of tax compliance risks is not intended as legal advice and you should consult with your bond counsel regarding tax implications of issuing the bonds.

### Disclosure Compliance Risk

By selling securities in the public capital markets, issuers are usually required by contract to enter into a continuing disclosure contract to provide certain financial information contained in the official statement for the life of the notes to the Municipal Securities Rulemaking Board. The failure to comply with this contractual undertaking may impair or limit the ability of an issuer to access the capital markets, to make disclosure on its failure to comply with the contract and may be subject to other actions by regulatory bodies or investors or underwriter’s enforcing the contractual obligation. In addition, the issuer and its representatives are responsible for fair and accurate disclosure of its financial condition and all material information is contained within the offering document, and is amended as needed within the underwriting period. Failure to accurately disclose information within the offering document can have significant legal implications to the issuer and its representatives.

### Capital Appreciation Bonds (CABs) Risk

Capital Appreciation Bonds (“CABs”), or any bond that pays interest at maturity, may pose additional risks. CABs have been used by many municipalities to comply with various restrictions and to sculpt debt service; but have also been misused to delay debt service repayment longer than is prudent. CABs may be limited by State laws or statutes, and may incur a perception that their use automatically increases overall debt service.

### Asset/Liability Match Risk

When issuing fixed rate, long-term bonds, there is a risk that the proceeds invested in short-term securities will not have a rate of return high enough to meet the long-term obligations since rates are typically lower on the short end of the yield curve.

### Annual Appropriation Obligations

“Annual Appropriation Obligations” are financial obligations that may or may not constitute an indebtedness under applicable state law but is a promise to pay principal and interest that is subject to appropriation of funds each year for that purpose by your governing body. The promise to pay is not enforceable beyond the current year’s appropriation. Although you need to be able to identify sufficient funds that will be available to make the debt service payments, state law may prohibit a debt service levy or specific revenue to be pledged to the repayment of the obligations. Generally, subject to state law or local charter requirements, you are not required to obtain voter approval prior to issuance of these obligations. These obligations may or may not take the form of a lease-purchase transaction. In the event of non-appropriation in a lease purchase transaction, your possession of the leased property will revert to the bond trustee for the benefit of the bondholders for the remainder of the underlying lease term and any revenues produced from the leased property during that time will be used to pay the bondholders.

## Grant Revenue Anticipation Bonds

Grant Revenue Anticipation Bonds are payable solely from federal aid revenues received by or on behalf of the State that are legally available for the payment thereof, and moneys held in certain funds under the Indenture (the "Trust Estate"). Such federal aid revenues consist of amounts derived from certain federal surface transportation programs ("Federal Transportation Funds"). Grant Revenue Anticipation Bonds are limited obligations of the State payable solely from the Trust Estate, and shall not be deemed or construed as creating a debt, liability or obligation of the State or of any political subdivision of the State or a pledge of the full faith and credit of the State or of any political subdivision of the State.

Federal funding for highway transportation projects to be funded directly or indirectly from federal aid must be reauthorized and adopted by Congress from time to time. There can be no assurance that future appropriations will be sufficient to ensure that Federal Transportation Funds will be available as needed. In the future, Congress may 1) amend existing laws; 2) fail to reauthorize expired transportation legislation; or 3) pass future legislation or federal administrative action to reduce the amount of Federal Transportation Funds available to the State. Future changes in law, regulation, policy, or the availability of revenues at the federal level may materially adversely affect the future availability of Federal Transportation Funds. Although certain measures have been enacted by Congress and/or Federal Highway Administration in the past, no assurance can be given that such measures would or could be enacted in the future to maintain the flow of federal aid funding upon termination of either a short-term or multi-year authorization period. If there is a deficit in the Federal Highway Trust Fund or other event that results in a severe reduction in revenues dedicated to the Grant Anticipation Revenue Bonds, there could be insufficient Federal Transportation Funds to pay debt service on the Grant Revenue Anticipation Bonds.

## **Fixed Rate Notes**

Certain risks may arise in connection with your issuance of Fixed Rate Notes, including some or all of the following (generally, the obligor, rather than you, will bear these risks for conduit revenue Notes):

### Issuer Default Risk

You may be in default if the funds pledged to secure your notes are not sufficient to pay debt service on the notes when due. The consequences of a default may be serious for you and, depending on applicable state law and the terms of the authorizing documents, the holders of the Notes, the trustee and any credit support provider may be able to exercise a range of available remedies against you. For example, if the notes are secured by a general obligation pledge, you may be ordered by a court to raise taxes. Other budgetary adjustments also may be necessary to enable you to provide sufficient funds to pay debt service on the notes. If the notes are revenue notes, you may be required to take steps to increase the available revenues that are pledged as security for the Notes. A default may negatively impact your credit ratings and may effectively limit your ability to publicly offer Notes or other securities at market interest rate levels. Further, if you are unable to provide sufficient funds to remedy the default, subject to applicable state law and the terms of the authorizing documents, you may find it necessary to consider available alternatives under state law, including (for some issuers) state-mandated receivership or bankruptcy. A default also may occur if you are unable to comply with covenants or other provisions agreed to in connection with the issuance of the notes.

This description is only a brief summary of issues relating to defaults and is not intended as legal advice. You should consult with your bond counsel for further information regarding defaults and remedies.

### Redemption Risk

Your ability to redeem the notes prior to maturity may be limited, depending on the terms of any optional redemption provisions. In the event that interest rates decline, you may be unable to take advantage of the lower interest rates to reduce debt service.

### Refinancing Risk

If your financing plan contemplates refinancing some or all of the notes at maturity (for example, if you have term maturities or if you choose a shorter final maturity than might otherwise be permitted under the applicable federal tax rules), market conditions or changes in law may limit or prevent you from refinancing those notes when

required. Further, limitations in the federal tax rules on advance refunding of notes (an advance refunding of Notes occurs when tax-exempt notes are refunded more than 90 days prior to the date on which those notes may be retired) may restrict your ability to refund the notes to take advantage of lower interest rates.

#### Reinvestment Risk

You may have proceeds of the notes to invest prior to the time that you are able to spend those proceeds for the authorized purpose. Depending on market conditions, you may not be able to invest those proceeds at or near the rate of interest that you are paying on the notes, which is referred to as “negative arbitrage”.

#### Tax Compliance Risk

The issuance of tax-exempt notes is subject to a number of requirements under the United States Internal Revenue Code, as enforced by the Internal Revenue Service (IRS). You must take certain steps and make certain representations prior to the issuance of tax-exempt notes. You also must covenant to take certain additional actions after issuance of the tax-exempt notes. A breach of your representations or your failure to comply with certain tax-related covenants may cause the interest on the notes to become taxable retroactively to the date of issuance of the notes, which may result in an increase in the interest rate that you pay on the notes or the mandatory redemption of the notes. The IRS also may audit you or your notes, in some cases on a random basis and in other cases targeted to specific types of note issues or tax concerns. If the notes are declared taxable, or if you are subject to audit, the market price of your notes may be adversely affected. Further, your ability to issue other tax-exempt notes also may be limited.

This description of tax compliance risks is not intended as legal advice and you should consult with your bond counsel regarding tax implications of issuing the notes.

#### Disclosure Compliance Risk

By selling securities in the public capital markets, issuers are usually required by contract to enter into a continuing disclosure contract to provide certain financial information contained in the official statement for the life of the notes to the Municipal Securities Rulemaking Board. The failure to comply with this contractual undertaking may impair or limit the ability of an issuer to access the capital markets, to make disclosure on its failure to comply with the contract and may be subject to other actions by regulatory bodies or investors or underwriter’s enforcing the contractual obligation. In addition, the issuer and its representatives are responsible for fair and accurate disclosure of its financial condition and all material information is contained within the offering document, and is amended as needed within the underwriting period. Failure to accurately disclose information within the offering document can have significant legal implications to the issuer and its representatives.

#### Qualified School Construction Bond/Note (QSCB) Program Risk

Issuers that receive subsidy payments from the Federal Government under the QSCB program for their bond or note issuances can have that subsidy payment reduced or even eliminated in the event of Sequestration or the violation of QSCB program rules.



# Town of West Newbury Application for Appointment

For additional information please call 978-363-1100, ext. 115.

*The Town appreciates your interest in serving. Please complete this form and return it to : Board of Selectmen, 381 Main Street, West Newbury, MA 01985 or email to: [selectboard@wnewbury.org](mailto:selectboard@wnewbury.org)*

Name: Ian Kenneth James

Address: [REDACTED]

e-mail: [REDACTED]

Mobile phone: [REDACTED] Home phone: \_\_\_\_\_

Board(s) or committee(s) you are interested in volunteering on:

Planning Board

Current or past committees served on: None – My family recently moved to West Newbury (August, 2022)

Relevant skills, expertise and education: Having studied Computer Science, and Finance at Carnegie Mellon

University (class of 2010), I have made a career in both finance and technology, working in asset management,

and technology start-ups (specifically in the area of robotics). I also successfully completed the first level of

the Chartered Financial Analyst (CFA) exam during my time working in finance in NYC.

All board or committee vacancies will be filled by citizens deemed most qualified to serve in a particular capacity. I also understand that in the event that I am appointed to a position, my activities will be governed by the Massachusetts Conflict of Interest Law, Open Meeting Law, Public Records Law, the Bylaws of The Town of West Newbury and all other applicable federal, state and local laws or regulations.

Signature:  Date: May 29th, 2023

Board/Committee \_\_\_\_\_

Appointing Authority \_\_\_\_\_

Date of Appointment \_\_\_\_\_ Sworn in \_\_\_\_\_

BOARD/COMMISSION/COMMITTEE	FIRST NAME	LAST NAME	TERM END DATE
AFFORDABLE HOUSING TRUST COMMITTEE	Karen	Holmes	6/30/2025
CLIMATE CHANGE RESILIENCY COMMITTEE	Nancy	Pau	6/30/2024
CONSERVATION COMMISSION	Margaret (Molly)	Hawkins	6/30/2026
CONSERVATION COMMISSION	Judith	Mizner	6/30/2026
FINANCE COMMITTEE	Walter	Burmeister	6/30/2026
PLANNING BOARD (Associate)	Vacant	Vacant	6/30/2024
ZONING BOARD OF APPEALS	Patrick	Higgins	6/30/2026
ZONING BOARD OF APPEALS	Kim	Monahan Borgioli	6/30/2026



# Town of West Newbury

381 Main Street

West Newbury, Massachusetts 01985

Angus Jennings, Town Manager

978-363-1100, Ext. 111 Fax 978-363-1826

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

TO: Select Board

FROM: Angus Jennings, Town Manager

DATE: June 21, 2023

RE: Salary/Wage Schedule

The Town Manager Act at Sec. 9(d) provides that:

“The town manager shall recommend the salaries and pay rates for town employees, except for those employees covered by a collective bargaining agreement; provided, however, that the salaries and pay rates recommended by the town manager shall be subject to modification and approval by the [select board] of selectmen.”

Please find enclosed the proposed salary/wage table on which the approved FY24 operating budget is based.

In addition, we have prepared an updated schedule of grades and pay ranges, adjusted for the 3% COLA built into the FY24 operating budget. Typically, this is brought to the Board for approval annually, after the adoption of the Town Budget but prior to the start of the new fiscal year.

**TOWN OF WEST NEWBURY  
EMPLOYEE COMPENSATION POLICY  
SALARY AND WAGE GRADES AND STEPS  
FISCAL YEAR 2024 - PROPOSED 6/26/23**

Grade	Cola (FY24) <b>1.030</b> FY24 COLA per Select Board vote on 3/13/23												Max Hourly Rate
	Min Hourly Rate	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	
Grade Level A	56.66	58.69	60.71	62.73	64.76	66.78	68.81	70.83	72.85	74.88	76.90	78.92	80.95
Grade Level B	49.59	51.37	53.14	54.91	56.68	58.45	60.22	62.00	63.77	65.54	67.31	69.08	70.85
Grade Level C	43.44	44.98	46.54	48.09	49.64	51.19	52.74	54.29	55.85	57.39	58.95	60.49	62.05
Grade Level D	34.83	36.08	37.32	38.56	39.81	41.05	42.30	43.54	44.78	46.03	47.27	48.52	49.76
Grade Level E	32.03	33.18	34.32	35.47	36.61	37.75	38.90	40.04	41.19	42.33	43.47	44.62	45.76
Grade Level F	27.11	28.08	29.05	30.01	30.98	31.95	32.92	33.89	34.86	35.82	36.79	37.76	38.73
Grade Level G	24.32	25.19	26.06	26.92	27.79	28.66	29.53	30.40	31.27	32.14	33.00	33.87	34.74
Grade Level H	20.18	20.89	21.61	22.34	23.06	23.78	24.50	25.22	25.94	26.66	27.38	28.10	28.82
Grade Level I	16.48	17.07	17.65	18.24	18.83	19.42	20.00	20.59	21.19	21.77	22.36	22.95	23.54

Massachusetts minimum wage  
\$15.00 effective January 1, 2023

## Personnel Reappointments FY 24

Department	Last Name	First Name	Term Expiration (Fiscal Year)
<b>POLICE</b>			
Police Sergeant	Johnson	Royster	2024
Police Sergeant	Forni	Eric	2023
Police Sergeant	Parenteau	Rich	2023
Full-Time Police Officer	Dixon	Matthew	2023
Full-Time Police Officer	Eng	Jessica	2023
Full-Time Police Officer	Sanborn	Hayden	2023
Full-Time Police Officer	Roy	Kyle	2023
Full-Time Police Officer/SRO	Terrero	Emmanuel	2024
Part-Time Police Officer	Boleski	Justin	2023
Part-Time Police Officer	Crnolic	Edvin	2023
Part-Time Police Officer	Lenotte	George	2023
Part-Time Police Officer	Marconi	Morgan	2023
Part-Time Police Officer	Munoz	Victor	2023
Part-Time Police Officer	Ritzo-Cabezas	Matthew	2023
Inspector of Animals/Animal Control Officer	Provencher	Kayla	4/30/2024
Full-Time Dispatcher	Fialkowski	Amy	2023
Full-Time Dispatcher	Kennedy	Kylie	2023
Full-Time Dispatcher	Levesque	Nicolas	2023
Full-Time Dispatcher	Romano	Judith	2023
Part-Time Dispatcher	Bilo	Barbara	2023
Part-Time Dispatcher	Boleski	Allison	2023
Part-Time Dispatcher	Delp	Lee Ann	2023
Part-Time Dispatcher	Grenham	Liam	2023
Part-Time Dispatcher	Holt	Samantha	2023
Part-Time Dispatcher	Mead	Douglas	2023
Part-Time Dispatcher	Schwartz	Serena	2023
<b>EMA</b>			
Emergency Management, Director	Delp	Lee Ann	6/30/2023
Emergency Management, Deputy Director	Dwyer	Michael	6/30/2023
Emergency Management, Deputy Director	Jennell	Benjamin	6/30/2023
Emergency Management, DPW Director	<b>Vacant</b>		6/30/2023
Emergency Management	Beaulieu	Joseph	6/30/2023
Emergency Management	Belsky	David B.	6/30/2023
Emergency Management	Caruso	Larry	6/30/2023
Emergency Management	Ciccio-Ricker	Gaberial	6/30/2023



Emergency Management	Cushing	Richard	6/30/2023
Emergency Management	Davies	Carolyn	6/30/2023
Emergency Management	Davies	Richard	6/30/2023
Emergency Management	Dean	Bruce	6/30/2023
Emergency Management, Fire Rep	Dower, III	Raymond	6/30/2023
Emergency Management	Evans	Dave	6/30/2023
Emergency Management	Hemingway	Mark	6/30/2023
Emergency Management	Holt	Bill	6/30/2023
Emergency Management	Holt	Royster	6/30/2023
Emergency Management	Weaver	Duncan	6/30/2023
Emergency Management	Jennell	Gregory	6/30/2023
Emergency Management, Municipal Officer	Jennings	Angus	6/30/2023
Emergency Management, Water Superintendent	Marlowe	Mark	6/30/2023
Emergency Management, COA	Marshall	Christine	6/30/2023
Emergency Management, Police	Parenteau	Rich	6/30/2023
Emergency Management, Municipal Officer	Parker	Richard	6/30/2023
Emergency Management, Municipal Officer	Reed	Wendy	6/30/2023
Emergency Management, Board of Health	Seale	Blake	6/30/2023
Emergency Management, Health Agent	Sevigny	Paul	6/30/2023
Emergency Management, Municipal Officer	Wile	Christopher	6/30/2023

**Select Board & Town Manager Appointments**

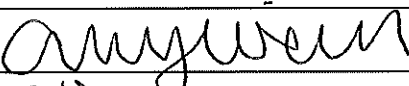
ADA Coordinator	Joslin	Sam	6/30/2023
Assistant ADA Coordinator	<b>Vacant</b>		
Building Commissioner	Joslin	Sam	6/30/2023
Zoning Enforcement Officer	Joslin	Sam	6/30/2023
Floodplain Administrator	Joslin	Sam	6/30/2023
Alternate Building Inspector	Clohecy	Glenn	6/30/2023
2nd Alternate Building Inspector	Cook	James	6/30/2023
Inspector of Wiring	Tombarello	Thomas	6/30/2023
Alternate Inspector of Wiring	Soterakopoulos	Tom	6/30/2023
Plumbing/Gas Inspector	Kulacz	Stan	6/30/2023

Alternate Plumbing/Gas Inspector	Magliaro	Michael	6/30/2023
Town Clerk	Blatchford	James	6/30/2023
Chief Election Officer	Blatchford	James	6/30/2023
Records Access Officer	Blatchford	James	6/30/2023
Ethics Liaison officer	Blatchford	James	6/30/2023
Assistant Town Clerk	Close	Maxwell	6/30/2023
Town Counsel	Zessin	Tim	6/30/2023
Affordable Housing Monitoring Agent (Local Action Units under LIP Program)	Jennings	Angus	6/30/2023
Acting Sexual Harassment Grievance Officer	Jennings	Angus	6/30/2023
Chief Procurement Officer	Jennings	Angus	6/30/2023
Chief Assessor/GIS Coordinator	Kuhn	Christian	6/30/2023
Treasurer/Collector	Gilbert	Kaitlin	6/30/2023

**DISCLOSURE BY MUNICIPAL EMPLOYEE  
OF FINANCIAL INTEREST IN A MUNICIPAL CONTRACT  
AS REQUIRED BY G. L. c. 268A, § 20(b)**

	<b>MUNICIPAL EMPLOYEE INFORMATION</b>
Name of municipal employee:	Amy Wilson
Title/ Position	Teacher, Page Elementary School
<b>Fill in this box if it applies to you.</b>	If you are a municipal employee because a municipal agency has contracted with your company or organization, please provide the name and address of the company or organization.
Agency/ Department	
Agency Address	
Office phone:	
Office e-mail:	
	Check one: <input type="checkbox"/> Elected                    or <input checked="" type="checkbox"/> Non-elected
Starting date as a municipal employee.	February 3, 2023
<b>BOX # 1</b>	<b>ELECTED MUNICIPAL EMPLOYEE</b>
<b>Select either STATEMENT #1 or STATEMENT #2.</b>	I am an elected municipal employee.
<b>Write an X beside your financial interest.</b>	<input type="checkbox"/> <b>STATEMENT #1:</b> I had one of the following financial interests in a contract made by a municipal agency before I was elected to my municipal employee position. I will continue to have this financial interest in a municipal contract. <b>OR</b> <input type="checkbox"/> <b>STATEMENT #2:</b> I will have a new financial interest in a contract made by a municipal agency.
	<b>My financial interest in a municipal contract is:</b>
	<input type="checkbox"/> I have a non-elected, compensated municipal employee position. <input type="checkbox"/> A municipal agency has a contract with me. <input type="checkbox"/> I have a financial benefit or obligation because of a contract that a municipal agency has with another person or an entity, such as a company or organization. <input type="checkbox"/> I work for a company or organization that has a contract with a municipal agency, and I am a "key employee" because the contract identifies me by name or it is otherwise clear that the city or town has contracted for my services in particular.
<b>BOX # 2</b>	<b>NON-ELECTED, COMPENSATED MUNICIPAL EMPLOYEE</b>
<b>Select either STATEMENT #1 or STATEMENT #2.</b>	I am a non-elected municipal employee.
	<input type="checkbox"/> <b>STATEMENT # 1:</b> I had one of the following financial interests in a contract made by a municipal agency before I took a position as a non-elected municipal employee. I will continue to have this financial interest in a municipal contract.
	<b>My financial interest in a municipal contract is:</b>

<p><b>Write an X beside your financial interest.</b></p>	<p><input type="checkbox"/> A municipal agency has a contract with me, but not an employment contract.</p> <p><input type="checkbox"/> I have a financial benefit or obligation because of a contract that a municipal agency has with another person or an entity, such as a company or organization.</p> <p>-- OR --</p> <p><input checked="" type="checkbox"/> <b>STATEMENT # 2:</b> I will have a new financial interest in a contract made by a municipal agency.</p> <p><b>My financial interest in a municipal contract is:</b></p> <p><input checked="" type="checkbox"/> I have a non-elected, compensated municipal employee position.</p> <p><input type="checkbox"/> A municipal agency has a contract with me.</p> <p><input type="checkbox"/> I have a financial benefit or obligation because of a contract that a municipal agency has with another person or an entity, such as a company or organization.</p> <p><input type="checkbox"/> I work for a company or organization that has a contract with a municipal agency, and I am a "key employee" because the contract identifies me by name or it is otherwise clear that the city or town has contracted for my services in particular.</p>
<p><b>FINANCIAL INTEREST IN A MUNICIPAL CONTRACT</b></p>	
<p>Name and address of municipal agency that made the contract</p>	<p>Town of West Newbury Town Manager 381 Main Street West Newbury, MA 01985</p>
<p><b>Please put in an X to confirm these facts.</b></p>	<p><b>"My Municipal Agency"</b> is the municipal agency that I serve as a <b>municipal employee</b>.</p> <p>The <b>"contracting agency"</b> is the <b>municipal agency that made the contract</b>.</p> <p><input checked="" type="checkbox"/> My Municipal Agency is not the contracting agency.</p> <p><input checked="" type="checkbox"/> My Municipal Agency does not regulate the activities of the contracting agency.</p> <p><input checked="" type="checkbox"/> In my work for my Municipal Agency, I do not participate in or have official responsibility for any of the activities of the contracting agency.</p> <p><input type="checkbox"/> The contract was made after public notice or through competitive bidding.</p>
<p><b>FILL IN THIS BOX OR THE BOX BELOW</b></p>	<p><b>ANSWER THE QUESTION IN THIS BOX IF THE CONTRACT IS BETWEEN THE CITY OR TOWN AND YOU.</b></p> <p>- Please explain what the contract is for.</p> <p>I have been re-hired as a Co-Director for the Summer Recreation Program run by the Town of West Newbury under the oversight of the Town Manager and the Parks &amp; Recreation Commission.</p>
<p><b>FILL IN THIS BOX OR THE BOX ABOVE</b></p>	<p><b>ANSWER THE QUESTIONS IN THIS BOX IF THE CONTRACT IS BETWEEN THE CITY OR TOWN AND ANOTHER PERSON OR ENTITY.</b></p> <p>- Please identify the person or entity that has the contract with the municipal agency.</p> <p>- What is your relationship to the person or entity?</p> <p>- What is the contract for?</p>
<p>What is your financial interest</p>	<p>- Please explain the financial interest and include the dollar amount if you know it.</p> <p>My compensation for the 2023 summer program work will be \$10,200, payable from the</p>

In the municipal contract?	Summer Recreation Revolving Fund, funded by fees paid by program attendees.
Date when you acquired a financial interest	<b>I have served as the Program Director or Co-Director for more than 10 years. The 2023 program budget including my 2023 compensation was approved by the Parks &amp; Recreation Commission on February 3, 2023.</b>
What is the financial interest of your immediate family?	- Please explain the financial interest and include the dollar amount if you know it.
Date when your immediate family acquired a financial interest	
<b>Write an X to confirm each statement.</b>	<p><b>FOR A CONTRACT FOR PERSONAL SERVICES –</b></p> <p><b>Answer the questions in this box ONLY if you will have a contract for personal services with a municipal agency (i.e., you will do work directly for the contracting agency).</b></p> <p>I will have a contract with a municipal agency to provide personal services.</p> <p><input type="checkbox"/> The services will be provided outside my normal working hours as a municipal employee.</p> <p><input type="checkbox"/> The services are not required as part of my regular duties as a municipal employee.</p> <p><input type="checkbox"/> For these services, I will be compensated for not more than 500 hours during a calendar year.</p>
Employee signature:	
Date:	3/8/23

Attach additional pages if necessary.

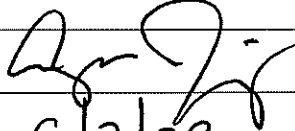
**NOT A PERSONAL SERVICES CONTRACT -- File disclosure with the city or town clerk.**

**SEE CERTIFICATION AND APPROVAL REQUIRED FOR PERSONAL SERVICES CONTRACTS, BELOW.**

**FOR CONTRACTS FOR PERSONAL SERVICES ONLY:**

If you are disclosing a financial interest in a contract for personal services with a municipal agency, you must file the Certification below signed by the head of the contracting agency, and you must get approval of the exemption from the city council, board of aldermen, board of selectmen or town council.

**CERTIFICATION BY HEAD OF CONTRACTING AGENCY**

	<b>INFORMATION ABOUT HEAD OF CONTRACTING AGENCY</b>
Name:	Angus Jennings
Title/ Position	Town Manager
Municipal Agency:	Town of West Newbury
Agency Address:	381 Main Street West Newbury, MA 01985
Office Phone:	978-363-1100 x111
	<b>CERTIFICATION</b>
	I have received a disclosure under G.L. c. 268A, § 20(b) from a municipal employee who seeks to provide personal services to my municipal agency, identified above. I certify that no employee of my agency is available to perform the services described above as part of his or her regular duties.
Signature:	
Date:	6/7/23

**APPROVAL BY CITY COUNCIL, BOARD OF ALDERMEN,  
BOARD OF SELECTMEN OR TOWN COUNCIL**

	<b>INFORMATION ABOUT APPROVING BODY</b>
Name:	
Title/ Position	
Agency Address:	
Office Phone:	
	<b>APPROVAL</b>
	I have received a disclosure under G.L. c. 268A, § 20(b) from a municipal employee who seeks to provide personal services to a municipal agency, identified above. The exemption under § 20(b) is approved.
Signature:	On behalf of the Council or Board, I sign this approval.
Date:	

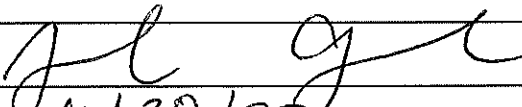
**Attach additional pages if necessary.  
File disclosure, Certification and Approval with the city or town clerk.**

**DISCLOSURE BY MUNICIPAL EMPLOYEE  
OF FINANCIAL INTEREST IN A MUNICIPAL CONTRACT  
AS REQUIRED BY G. L. c. 268A, § 20(b)**

	<b>MUNICIPAL EMPLOYEE INFORMATION</b>
Name of municipal employee:	Julia Garbec
Title/ Position	<del>Asst. Director Summer Rec</del> Grade 3 Teacher
<b>Fill in this box if it applies to you.</b>	If you are a municipal employee because a municipal agency has contracted with your company or organization, please provide the name and address of the company or organization.
Agency/ Department	Pentucket Regional School District
Agency Address	22 Main St West Newbury MA 01985
Office phone:	978 363 2280
Office e-mail:	
	Check one: <input type="checkbox"/> Elected            or <input checked="" type="checkbox"/> Non-elected
Starting date as a municipal employee.	6/19/23
<b>BOX # 1</b>	<b>ELECTED MUNICIPAL EMPLOYEE</b>
<b>Select either STATEMENT #1 or STATEMENT #2.</b>	I am an elected municipal employee.
<b>Write an X beside your financial interest.</b>	<input type="checkbox"/> <b>STATEMENT #1:</b> I had one of the following financial interests in a contract made by a municipal agency before I was elected to my municipal employee position. I will continue to have this financial interest in a municipal contract. <b>OR</b> <input type="checkbox"/> <b>STATEMENT #2:</b> I will have a new financial interest in a contract made by a municipal agency.
	<b>My financial interest in a municipal contract is:</b> <input type="checkbox"/> I have a non-elected, compensated municipal employee position. <input type="checkbox"/> A municipal agency has a contract with me. <input type="checkbox"/> I have a financial benefit or obligation because of a contract that a municipal agency has with another person or an entity, such as a company or organization. <input type="checkbox"/> I work for a company or organization that has a contract with a municipal agency, and I am a "key employee" because the contract identifies me by name or it is otherwise clear that the city or town has contracted for my services in particular.
<b>BOX # 2</b>	<b>NON-ELECTED, COMPENSATED MUNICIPAL EMPLOYEE</b>
<b>Select either STATEMENT #1 or STATEMENT #2.</b>	I am a non-elected municipal employee.
	<input type="checkbox"/> <b>STATEMENT # 1:</b> I had one of the following financial interests in a contract made by a municipal agency before I took a position as a non-elected municipal employee. I will continue to have this financial interest in a municipal contract.

<p><b>Write an X beside your financial interest.</b></p>	<p><b>My financial interest in a municipal contract is:</b></p> <p><input type="checkbox"/> A municipal agency has a contract with me, but not an employment contract.</p> <p><input type="checkbox"/> I have a financial benefit or obligation because of a contract that a municipal agency has with another person or an entity, such as a company or organization.</p> <p>-- OR --</p> <p><input checked="" type="checkbox"/> <b>STATEMENT # 2:</b> I will have a new financial interest in a contract made by a municipal agency.</p> <p><b>My financial interest in a municipal contract is:</b></p> <p><input checked="" type="checkbox"/> I have a non-elected, compensated municipal employee position.</p> <p><input type="checkbox"/> A municipal agency has a contract with me.</p> <p><input type="checkbox"/> I have a financial benefit or obligation because of a contract that a municipal agency has with another person or an entity, such as a company or organization.</p> <p><input type="checkbox"/> I work for a company or organization that has a contract with a municipal agency, and I am a "key employee" because the contract identifies me by name or it is otherwise clear that the city or town has contracted for my services in particular.</p>
<p><b>FINANCIAL INTEREST IN A MUNICIPAL CONTRACT</b></p>	
<p>Name and address of municipal agency that made the contract</p>	
<p><b>Please put in an X to confirm these facts.</b></p>	<p>"My Municipal Agency" is the municipal agency that I serve as a municipal employee.</p> <p>The "contracting agency" is the municipal agency that made the contract.</p> <p><input checked="" type="checkbox"/> My Municipal Agency is not the contracting agency.</p> <p><input checked="" type="checkbox"/> My Municipal Agency does not regulate the activities of the contracting agency.</p> <p><input checked="" type="checkbox"/> In my work for my Municipal Agency, I do not participate in or have official responsibility for any of the activities of the contracting agency.</p> <p><input type="checkbox"/> The contract was made after public notice or through competitive bidding.</p>
<p><b>FILL IN THIS BOX OR THE BOX BELOW</b></p>	<p><b>ANSWER THE QUESTION IN THIS BOX IF THE CONTRACT IS BETWEEN THE CITY OR TOWN AND YOU.</b></p> <p>- Please explain what the contract is for.</p> <p><i>I have been hired as the Asst. Director of the Summer Recreation Program, run by the Town of West Newbury, under the oversight of Town Manager + Parks + Rec</i></p>
<p><b>FILL IN THIS BOX OR THE BOX ABOVE</b></p>	<p><b>ANSWER THE QUESTIONS IN THIS BOX IF THE CONTRACT IS BETWEEN THE CITY OR TOWN AND ANOTHER PERSON OR ENTITY.</b></p> <p>- Please identify the person or entity that has the contract with the municipal agency.</p> <p>- What is your relationship to the person or entity?</p> <p>- What is the contract for?</p>



What is your financial interest in the municipal contract?	- Please explain the financial interest and include the dollar amount if you know it. My compensation is \$26.09/hour, paid by Summer Recreation Revolving Fund, which is funded by program fees from attendants.
Date when you acquired a financial interest	This is my first year as the Program Asst. Director.
What is the financial interest of your immediate family?	- Please explain the financial interest and include the dollar amount if you know it.
Date when your immediate family acquired a financial interest	
Write an X to confirm each statement.	<p><b>FOR A CONTRACT FOR PERSONAL SERVICES –</b></p> <p>Answer the questions in this box ONLY if you will have a contract for personal services with a municipal agency (i.e., you will do work directly for the contracting agency).</p> <p>I will have a contract with a municipal agency to provide personal services.</p> <p><input type="checkbox"/> The services will be provided outside my normal working hours as a municipal employee.</p> <p><input type="checkbox"/> The services are not required as part of my regular duties as a municipal employee.</p> <p><input type="checkbox"/> For these services, I will be compensated for not more than 500 hours during a calendar year.</p>
Employee signature:	
Date:	6/20/23

Attach additional pages if necessary.

NOT A PERSONAL SERVICES CONTRACT -- File disclosure with the city or town clerk.

SEE CERTIFICATION AND APPROVAL REQUIRED FOR PERSONAL SERVICES CONTRACTS, BELOW.

**FOR CONTRACTS FOR PERSONAL SERVICES ONLY:**

If you are disclosing a financial interest in a contract for personal services with a municipal agency, you must file the Certification below signed by the head of the contracting agency, and you must get approval of the exemption from the city council, board of aldermen, board of selectmen or town council.

**CERTIFICATION BY HEAD OF CONTRACTING AGENCY**

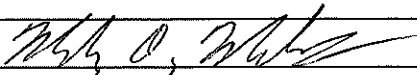
	<b>INFORMATION ABOUT HEAD OF CONTRACTING AGENCY</b>
Name:	
Title/ Position	
Municipal Agency:	
Agency Address:	
Office Phone:	
	<b>CERTIFICATION</b>
	I have received a disclosure under G.L. c. 268A, § 20(b) from a municipal employee who seeks to provide personal services to my municipal agency, identified above. I certify that no employee of my agency is available to perform the services described above as part of his or her regular duties.
Signature:	
Date:	

**APPROVAL BY CITY COUNCIL, BOARD OF ALDERMEN,  
BOARD OF SELECTMEN OR TOWN COUNCIL**

	<b>INFORMATION ABOUT APPROVING BODY</b>
Name:	
Title/ Position	
Agency Address:	
Office Phone:	
	<b>APPROVAL</b>
	I have received a disclosure under G.L. c. 268A, § 20(b) from a municipal employee who seeks to provide personal services to a municipal agency, identified above. The exemption under § 20(b) is approved.
Signature:	On behalf of the Council or Board, I sign this approval.
Date:	

Attach additional pages if necessary.  
File disclosure, Certification and Approval with the city or town clerk.

**DISCLOSURE BY MUNICIPAL EMPLOYEE  
OF PART-TIME, CALL OR VOLUNTEER SERVICES  
TO A POLICE, FIRE, RESCUE OR AMBULANCE DEPARTMENT  
AS REQUIRED BY G. L. c. 268A, § 20(f)**

	<b>YOUR MUNICIPAL POSITION</b>
Name:	Mark Marlowe
Municipal position	Water Superintendent.
Agency/Department:	Water Dept.
Agency Address:	381 Main St
Office Phone	978 363-1100 Ex 128
Office E-Mail	Water.Superintendent@WWebury.org
	<b>YOUR SERVICES TO A POLICE, FIRE, RESCUE OR AMBULANCE DEPARTMENT</b>
What police, fire, rescue or ambulance department will you work for?	Name of the agency you serve  Fire Dept.
	<b>COMPLETE THIS QUESTION ONLY IF THE DEPARTMENT IS IN A CITY.</b>  ___ I certify that the City has a population of fewer than 35,000 inhabitants as determined by the most recent United States census.
	<b>I will provide services on the following basis:</b> ___ Part-time <input checked="" type="checkbox"/> Call ___ Volunteer
What work will you do for the department?	Fire Dept.
What will you be paid for doing this work?	
Employee signature	
Date:	6/22/23

**WRITTEN CERTIFICATION BY THE HEAD  
OF THE POLICE, FIRE, RESCUE OR AMBULANCE DEPARTMENT**

I hereby certify that no employee of this agency is available to do the work described above as part of his regular duties.

Agency:	
Position:	
Signature:	
Date:	

**APPROVAL OF EXEMPTION BY THE CITY COUNCIL,  
BOARD OF SELECTMEN, BOARD OF ALDERMEN OR DISTRICT PRUDENTIAL COMMITTEE**

Signature:	
Date:	

**Attach additional pages if necessary.**

**File your signed form with the completed Certification and Approval with the clerk of the city, town or fire district.**

Form Approved April 2015



## Town of West Newbury

381 Main Street

West Newbury, Massachusetts 01985

Angus Jennings, Town Manager

978-363-1100, Ext. 111 Fax 978-363-1826

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

TO: Select Board

FROM: Angus Jennings, Town Manager

DATE: June 22, 2023

RE: Request authorization to waive Personnel Policy to pay employee for more than three days of required Jury Duty

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Sec. 5.7 of the Personnel Policy reads as follows:

*“Employees shall be granted leave when called for jury duty and shall be paid their regular wages for the first three days, or part thereof, of jury service. Employees will be paid the difference between their regular wages and the amount paid by the court, provided employees present evidence of compensation received from the court to the Town Accountant. Employees are required to report for work while on jury service if released before the end of the regular work day.”*

Recently, an employee was required to complete jury duty service for a total of five days and, under the policy, had to use earned vacation time in order to receive full wages for the pay period.

In reviewing this situation with the Town Accountant, we believe that this policy would result in an inappropriate penalty to a staff person who is completing their required civic duty.

We intend to bring forward a formal proposal to consider revising this policy in the future, but in the meantime this is a request to authorize waiver of this section of the Personnel Policy, to allow compensation for a total of five days if required to complete jury duty.



**Town of West Newbury Select  
Board**  
**Monday, April 24, 2023 @ 6:00pm**  
Town Annex, 379 Main Street, Town Office Building  
[www.wnewbmy.org](http://www.wnewbmy.org)  
**Meeting Minutes**

**Open Session:** The session was opened at 6:09pm.

**Participation at the Meeting:**

- David Archibald, Rick Parker, Wendy Reed- Select Board
- Angus Jennings- Town Manager
- James Blatchford- Town Clerk

**Announcements:**

None at this time.

**Regular Business:**

**A. Animal Control Officer agreement with Newburyport**

Jennings provided background on the cost and terms of the agreement. Archibald stated that extensive analysis had shown that the community was saving money with these arrangements, specifically by not having to provide retirement and insurance benefits. Reed asked who would be performing maintenance on the ACO vehicle under the term of the agreement, which would need to be addressed in her view. **Reed motion to approve the agreement. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

**B. Review and make recommendations, if any, based on any new information received regarding proposed Town Meeting warrant articles**

**No motion was made at this time.**

**C. Review of Town Meeting Motions**

The members of the Select Board reviewed amongst themselves the content of the Articles, which occurred with the designation of Board Members to read the Motions. **No motion was made at this time.**

**D. Designate Board member to read Motions at Town Meeting**

The members of the Select Board decided amongst themselves with input from the Town Manager who would be responsible for reading each portion of the Town Meeting Warrant. **No motion was made at this time.**

**Reed motioned to adjourn the session. Parker seconded. The motion passed. (3 Yes, 0 No, 1 Archibald Abstaining). The meeting adjourned at 6:43pm.**

**Annual and Special Town Meetings:** 7pm in the Town Annex, 379 Main Street, Town Office Building

**E. Select Board attendance at Annual and Special Town Meetings**

The Select Board participated at the Annual and Special Town Meetings.

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

There was no recording made of this meeting.



**Town of West Newbury**  
**Select Board**  
**Monday, June 5, 2023 @ 5:30pm**  
381 Main Street, Town Office Building  
[www.wnewbury.org](http://www.wnewbury.org)  
**Meeting Minutes**

**Open Session:** Chairwoman Reed opened the session at 7:08pm.

**Participation at the Meeting:**

- Rick Parker, Wendy Reed, Chris Wile- Select Board
- Angus Jennings- Town Manager
- Jim Blatchford- Town Clerk
- Rob Phillips- Finance Committee
- Elisa Grammer- Energy and Sustainability Committee
- Christine Marshall- COA Director
- Fred Chanania- Tree Committee, via Zoom
- Michael Dwyer- Police and Fire Chief
- Diana Denning, Appointee
- Ian James- Appointee
- Bob Veator- Appointee

**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.**
- **Upcoming SAGE Center events (will add specifics prior to posting)**
- **Historical Commission's Tales of Our Town: "Baseball Fever: West Newbury's Golden Days on the Diamond"**
- **Planning Board Listening Session, draft Accessory Dwelling Units Bylaw, Tues., June 6<sup>th</sup> at 7pm via Zoom**
- **Housing Opportunities Initiative/MBTA Communities planning process: Community Forum, Tues. June 20<sup>th</sup> at 7pm; and Design Workshop, Tues., June 27<sup>th</sup> at 6pm**
- **Call for volunteers! FY24 positions on Boards/Commissions/Committees. See [www.wnewbury.org/volunteer](http://www.wnewbury.org/volunteer)**
- **Reminder to subscribe for emailed Town agendas/news/announcements at [www.wnewbury.org/subscribe](http://www.wnewbury.org/subscribe)**

**Regular Business**

**A. Consideration of requests for Committee member appointments for FY24**

**a. Diana Denning to Tree Committee**

Ms. Denning presented her credentials to the Board, Town Manager, and Clerk. Wile queried Denning on her opinions on Emerald Ash Borer mitigation and ash tree loss. **Parker motioned to approve the appointment through FY26, with a start date of July 1<sup>st</sup>, 2023. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

**b. Ian Kenneth James to Energy & Sustainability Committee; Planning Board; Capital Improvements Committee; and/or Finance Committee**

Mr. James presented his credentials to the Board, Manager, and Clerk. He stated he had interest in being an Associate Member of the Planning Board, as well as a member of the other committees. Clerk Blatchford recommended presenting the candidate to the Planning Board to get their approval, and then return the candidate back to a Select Board meeting for an official vote. The Board explained to James the role of an Associate Planning Board Member. **Parker motioned to approve the appointment to the Energy and Sustainability Committee through FY24. Wile seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Reed motioned to present James to the Planning Board for their approval.**

**c. Bob Veator to Council on Aging**

Veator presented his credentials and enthusiasm for the COA and his desire to be on the COA Board. **Wile motioned to approve the appointment through FY26, with a start date of July 1<sup>st</sup>, 2023. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

(See Exhibit A, p. 14-16).

**Item C was taken out of order at this time. See Item C below.**

**B. Consideration of requests for Committee member reappointments for FY24**

(See Exhibit B, p. 17-18). The Town Clerk presented the Board a chart of members who have been reappointed or not yet responded to reappointment- as well as vacant positions on various Boards, Committees, and Commissions. Reed informed the room that they are looking into term lengths, BCC makeup, and BCC charges in order to make them align better with Select Board objectives/understandings. Rob Phillips requested that membership numbers for the Finance Committee be redone to reduce their size. Wile thanked the reappointments for their continued interest. **Parker motioned to approve the reappointments to the Boards, Committees, and Commissions as outlined on the chart with the term limits shown with the exception of the Energy and Sustainability Committee and the Climate Change Resiliency Committee, which would be single year terms. There was no second. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

**C. Energy & Sustainability Committee recommended consultant and proposed contract terms regarding Municipal Energy Aggregation**

(See Exhibit C, p. 19-25). Grammer informed the Board about the history of Municipal Aggregation, and the next step being to find a consultant to file the necessary documents, locate contractors, and other matters. The process of establishing the aggregation would require approval from assorted State agencies, and then a contract from Colonial Power. Parker stated that the timeline for this process was nebulous at best. A question was posed wondering how home solar energy would be impacted, and Grammer and Parker stated that there would be no change in policy. **Parker motioned that the Board**

approve the contract signed with Colonial Power for municipal aggregation. Wile seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).

Item F was taken out of order at this time. See Item F below.

- D. Request for authorization of invasive species interns' work on town-owned parcels (Cherry Hill, Mill Pond, River Bend Trail, Withers Property) and a request to authorize Town Manager to sign NOI for filing with Conservation Commission**  
(See Exhibit D, p. 26-37). Parker motioned that the Board authorize the intern's work and the signing of the NOI.
- E. Request for authorization of invasive species management firm's work on town-owned parcel(s) (specific locations TBD within vendor selection/contraction process), and authorize Town Manager to sign NOI for filing with Conservation Commission. Wile seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**  
(See Exhibit E, p. 38). Parker stated this work would make a dent in an omnipresent issue across the community. The Town Manager stated that the RFQ would be a joint effort between Town Manager's Office and the Conservation Agent. Wile was concerned that some of the proposals did not have numbers attached, to which Blatchford clarified that the funding would be flexible within the amount allotted at Town Meeting for the project. The Board discussed where the pulled invasives would be left. Parker motioned to authorize the firm's work on town-owned parcels to be determined during contract negotiations, and for the Town Manager motioned to sign an NOI for filing with the Conservation Commission. Wile seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).
- F. Discussion of Ash Street posted speeds / speed limit enforcement**  
(See Exhibit F, p. 39-52). Reed framed the conversation by stating that social media would need an enhanced monitoring policy, and that the speed limit is posted on Ash Street, but very little attention has been paid by drivers. She then invited Chief Dwyer to offer testimony to the Board. Chief Dwyer offered his take on the speed limit and speed limit enforcement initiatives. He stated that there have been a lot of complaints about high rates of speed from pedestrians and that increased monitoring was taking place of Ash Street. Parker was curious if speed factored into accidents where individuals wrecked off the roadside, and how frequent these accidents were, which Dwyer responded that it was an annual occurrence. Wile also offered testimony that when he walked the swampy section of the Street he recorded oncoming traffic, which produced a slow-down from motorists- he suggested that pedestrians using the road record their passage through the swampy section. Wile suggested also putting up plastic mesh fencing on either side to prevent wildlife crossings. Discussion occurred on best approaches to solving the problem (closing the road, the potential costs of maintaining the road and patrolling it, paving it, etc.) between residents and members of Town government members. A member of the public urged that the road be closed, and testified that she knew people had been injured by debris. Another testified she came across maliciously killed goslings on the road's surface. A third stated she thought a weight limit posted might help- presently it is set at five tons. Another individual suggested that intensifying efforts to reopen other roads would help.
- G. Referral from Parks & Rec Commission regarding proposed updates to 2023 Summer Rec wages**  
(See Exhibit G, p. 53-56). The Budget was previously approved in Feb. 2023, but any changes in wages would only be tied to a change in duties. Jennings clarified the various steps in the Park and Rec program staff's rates (correlated to years of experience). Parker motioned to accept the salary as proposed by the Town Manager. Wile seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).
- H. Request for approval of FY24 holiday recognition schedule**  
(See Exhibit H, p. 57). The Item was tabled for a future meeting.
- I. Meeting minutes: Feb. 6, 2023; March 13, 2023; March 27, 2023; April 5, 2023; April 10, 2023; April 13, 2023**  
(See Exhibit I, p. 58-71). Parker motioned to approve the Feb. 6 minutes with corrections. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Parker motioned to approve the Mar. 13 minutes with corrections. Reed seconded. (3 Yes, 0 No, 0 Abstain). Parker motioned to approve the Mar. 27 minutes with corrections. Reed seconded. (2 Yes, 0 No, Reed abstained). Parker motioned to approve the Apr. 5 minutes. Reed seconded. (2 Yes, 0 No, Reed abstained). Parker motioned to approve the Apr. 10 minutes with corrections. Reed seconded. (2 Yes, 0 No, Reed abstained). Parker motioned to approve the Apr. 13 minutes. Reed seconded. (2 Yes, 0 No, Reed abstained).

#### Town Manager Updates

- J. MassWorks grant application regarding Middle Street Bridge**  
(See Exhibit J, p. 72-123). The grant application was submitted the previous Friday before the meeting, according to the Town Manager, accompanied by 37 letters of support from residents. Jennings thanked the local politicians and residents for their support in this matter. Jennings informed the Board that the community would be eligible for the MASSDOT Small Bridge Grant (due June 30<sup>th</sup>, 2023). Newburyport would be also be applying for this money, Jennings stated, and if either of the communities would receive the grant, it would result in a \$500,000 reduction in costs of the project. Board Members Reed and Parker stated that they would not be able to attend a meeting in Newburyport on the Middle Street Bridge project. **No motion was made at this time.**
- K. DPW Director search process**  
Jennings stated that the first round of interviews had been completed barring one late entry who the search committee was vetting at the last minute. Overall, despite the heavier workload on DPW affiliated staff, Jennings stated things remained operating smoothly in the Public Works Office, which he commended. **No motion was made at this time.**
- L. Continuing work with Greenbelt, Conservation Agent re LAND grant, other Greenbelt properties**  
Jennings stated that a walkthrough would be undertaken of various properties to establish a joint understanding with Greenbelt and Conservation with respect to parking and safeguard West Newbury interests. The walkthroughs would also help Michelle Greene, Conservation Agent, better grasp the projects underway in the Town, now that she will be promoted to full-time as of July 1, 2023. **No motion was made at this time.**
- M. Page School Study proposals received; review underway**  
(See Exhibit M, p. 124). 3 proposals had been received with regard to the Study, with three 50-minute interviews to be conducted with the submitters about their proposals. An advisory group would be invited to sit in, including the Building Inspector Sam Joslin, Elisa Grammer, Rick Parker, as well as Greg Hadden of the Page School. **No motion was made at this time.**
- N. Invasive Species Management proposals received; review underway**



(See Exhibit N, p. 125-157). Jennings highlighted some of the language in the RFP and told the Board that a couple proposals had been received. A final selection would be forthcoming. **No motion was made at this time.**

**O. Updates on other ongoing/active projects/initiatives**

Jennings stated that Finance and Administrative Departments were having biweekly huddles to better improve communication (with additional huddles taking place with Planning and Development). Jennings stated that his intention was to increase the tradition to include other Town Departments but had not yet been initiated. The discussion blossomed into a reflection on the increasing interconnectedness of Town Departments, and the positive effects that have resulted. Following this, the Board and the Town Manager examined the “operating manual” for the DPW that would be shown to prospective DPW Directors to gauge their expertise and interests. The meeting continued with brief updates on the renovation of the hearing rooms. **No motion was made at this time.**

Rob Phillips queried the Board on one of the Announcements on “housing opportunities and initiatives/MBTA Communities” to understand if this was the same program. Reed clarified that the MBTA Communities efforts were part of the wider housing initiatives in West Newbury. Town Manager confirmed this. Phillips expressed reservations that such programs to create housing could have further consequences, and urged that a wider meeting with various Town commissions and committees should take place on these issues. Reed urged the Finance Committee to stay apprised of the mandates of the MBTA Communities initiatives and activities within Town government related thereto.

**P. Follow up meeting assignment; placing items for future agendas**

**No motion was made at this time.**

**Wile motioned to adjourn the session. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). The session adjourned at 9:29pm.**

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

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

DRAFT



**Town of West Newbury  
Select Board  
Monday, February 13, 2023 @ 7:00pm  
381 Main Street, Town Office Building  
[www.wnewbury.org](http://www.wnewbury.org)  
Meeting Minutes**

**Open Session:** Chairman Archibald opened the session at 7:00pm.

**Participation in the Meeting:**

- David Archibald, Richard Parker, Wendy Reed- Select Board Members
- Angus Jennings- Town Manager
- James Blatchford- Town Clerk
- Wayne Amaral- DPW Director
- Fred Chanania- Chair of the Tree Committee, via Zoom
- Jake Soucy- IT Services, via Zoom

**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.
- West Newbury Black Oak Tree added to the Commonwealth's Legacy Tree List!
- Annual & Special Town Meeting: Monday, April 24, 2023 at 7pm
- Town Election Monday, May 1<sup>st</sup>
- Last day to obtain nomination papers from Town Clerk: March 9<sup>th</sup> at 5pm. Nomination papers due to Town Clerk by March 13<sup>th</sup> at 5pm.
- Call for volunteers! Open positions on Boards/Commissions/Committees. See [www.wnewbur.y.org/volunteer](http://www.wnewbur.y.org/volunteer)
- Reminder to subscribe for emailed Town agendas/news/announcements at [www.wnewbur.y.org/subscribe](http://www.wnewbur.y.org/subscribe)

**Regular Business:**

- A. Update regarding Verizon network service outage affecting Town Offices from Feb. 7<sup>th</sup> to 9<sup>th</sup>**  
(See Exhibit A, p. 7). Jake Soucy spoke to the Board about the outage which had occurred because Verizon had incorrectly purged the Town from a list of equipment... and it resulted in a shutdown. Soucy gave his own assessment of events and the service Verizon provided. Soucy refuted the claims that Verizon operated efficiently and unobtrusively. Soucy stated that Verizon was unprepared to handle the internet outage, which Soucy spelled out in a report. Reed asked if the problem was solved, and Soucy said it was. **No motion was made at this time.**

**Item E was taken out of order at this time- discussion on Town Meeting Article 29 on Emerald Ash Borer mitigation. For further information see Item E below.**

- B. Review of updated Rocks Village Signage proposal from MassDOT- Wayne Amaral, DPW Director**  
(See Exhibit B, p.8-11). Amaral shared the good news that MDOT got Haverhill to agree to safety

*Select Board Open Session Meeting February 13, 2023.*

*Minutes approved XXXX*

*Posted Agenda on February 9, 2023 at the Town's Offices and on the Town's Official Website [www.wnewbury.org](http://www.wnewbury.org)*

warning signs regarding bridge height, but he queried the Board on whether they wanted a large sign for bridge clearance on the West Newbury side. Reed stated she did not think that the sign was that effective, and that it was not a striker bar. Consistency on both banks of the river for warning signs was deemed important. The group expressed their trepidation with the aesthetics but they believed the need for the signage was there. **Parker motioned to approve the sign in addition to a striker bar. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

**C. Updates regarding Coffin Street conservation area / future Coffin Street and Cortland Lane accesspoints**

(See Exhibit C, p. 12-15). Jennings briefly updated the Board that Greenbelt was continuing their trail work at the conservation area, though the work will eventually require permitting from the Conservation officials in Town. **No motion was made at this time.**

**D. Update regarding progress implementing recommendations from ADA facilities audit- Wayne Amaral, DPW Director/Deputy ADA Coordinator and Sam Joslin, Building Inspector/ADA Coordinator**

(See Exhibit, p. 16-69). Amaral prefaced his briefing of the Board with backstory on the process- that a grant was received for analysis of Town buildings, and it identified 73 problem areas. Funds had already been used to make improvements including signage, installation of ramps, and enhancements in other areas, but Amaral stated that larger projects were still waiting to be completed, namely at Page School. Archibald asked about any ADA compliance issues at Town Offices, and Amaral stated that the Offices were very compliant. The next step according to Amaral, following the “transitional plan” stage of compliance, was the development of an “action plan” which would require additional funding in FY24. **No motion was made at this time.** Following this Archibald queried Amaral about fencing on soccer fields in West Newbury which required adjustments to prevent balls from escaping. Archibald and Amaral went back and forth on solutions and the nature of the fencing problem (the bottom portion).

**E. Discussion of proposed FY24 Town Operating Budget including updated FY24 Pentucket Regional School District proposed operating budget; Finance Committee budget review meeting schedule**

(See Exhibit F, p. 17-77). Chania and Amaral offered testimony to the Select Board on the request for funds to mitigate Emerald Ash Borers laid out in Town Meeting Article 29, which would need \$60,000 every other year for injections. Chania and Amaral advised not using the treatment funds on dying trees and instead focus on defending the 177 healthy ash trees in Town. Archibald stated that the success rate of such programs in other states (WI, OR, NE) had been high, but caterpillars and moths and others that ate the tree would be potentially contaminated by the pesticides being used. Amaral told the Board that the Article provided the least risky but most expensive plan to protect the ashes. West Newbury would serve as a potential model for the saving of ash trees. **Parker motioned to recommend the Article. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

Later in the meeting, Jennings stated he wanted the Board to be aware of a new, firmer budget number from Pentucket RSD though the final total had not been voted on by the School Committee. Jennings also pointed out slight changes in the District’s debt numbers. **Reed motioned to refer the updated education numbers. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

Jennings drew the Board’s attention to modifications in the schedule for Finance Committee Budget review meetings, specifically with regard to public safety. The Town Manager and Select Board then discussed OPEB funding in Articles 18 (later Article 10 in the final Warrant). **Reed motioned that the Board change the rational and amount on Article 18 to 2% of the prior Fiscal Year OPEB liability. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

The Select Board examined the Select Board Budget, with Jennings highlighting the \$10,000 allotted for Professional Technical Services, and the Select Board observed they

found outside counsel for legal matters reasonably priced. The Board found no issues with the Budget overall. **Reed motioned to recommend approval of Article 17 (later Article 9) for the transfer or appropriation of funds to the Pension Liability Stabilization Fund. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** The Board next took up the matter of the School Stabilization funds, with Parker stating he believed the payments into the Fund should be over a longer amount of time to better match real circumstances. Archibald disagreed with this approach. **Reed motioned to amend the amount requested in Article 3 (later Article 3 in the final Warrant) to \$200,000 for the Fiscal Year. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

The Board then examined Article 37 (later Article 16). **Reed motion to approve the Article in the amount of \$7,500. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

The Board considered Article 39 (later struck from the Warrant) on electrical inspectors. **Parker moved that they approve M.G.L. 156 Section 2A. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

The Select Board discussed scheduling for future Budget meetings.

**F. Follow-up discussion of proposed warrant articles for spring Annual and Special Town Meetings; including update regarding proposed article regarding Page/Pipestave crosswalk and Rte. 113 sidewalks**

Archibald spearheaded discussion earlier in the meeting (after Item D) on how much West Newbury could carry out on its own without running up against MDOT regulations, since a grant the community had hoped for had not come through. Amaral suggested the Town find out where they stood within the state's priority list to determine whether the Town should explore developments of the crosswalks and sidewalks independently. The Board and Amaral and Jennings discussed that Town Meeting should vote to raise funds for design of the safety corridor to enhance the Town's chances of receiving funding in other areas, demonstrating action toward goals versus presenting the state with a "wish list".

**G. Request for authorization of ARPA funds, and discussion of potential future allocation of ARPA funds**

(See Exhibit G, p. 78-172). Town Manager Jennings requested the approval to use \$9,500 in ARPA funds to employ the assistance of Clifton Larson Allen LLP and their grant management consulting services for the dispersal of the ARPA money. Reed asked if their services would be employed for a year, but while the contract stated that their services were available for up to five years the rate for the services would potentially vary each year. The Select Board thought the assistance a good investment. **Reed motion to approve the usage of the funds (and for the Town Manager to sign the contract with Clark Larson Allen LLP). Parker seconded. The motion unanimously passed (3 Yes, 0 No, 0 Abstain).**

Following this vote, Jennings stated that authorization at Town Meeting of PEG Funds annually had not happened in several years, and asked the Board for their feedback on who should handle developing the monetary requests for Town Meeting (i.e. Select Board, Cable Advisory Committee, etc.) Parker and Reed suggested asking the Cable Advisory Committee to better understand their needs such as the replacement of a server as well as for recommendations on Budget asks.

Following conclusion of Item I, **Archibald motioned to add an unexpected Item to the Agenda related to recent developments in national opioid litigation.** A vote on this matter was taken following Item H.

**H. Town Manager contract**

**Parker motioned to approve the contract revision, with further details to be hashed out in Executive Session. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

**Archibald motioned to join the federal multidistrict litigation against CVS, Walmart, Walgreen's, Teva, and Allergan.** He then provided further information about the lawsuit and surrounding events, including the possibility of fund awarded should the suit succeed. Parker told the group that while the language of the suit and how any moneys might be dispersed is vague, joining it would be financially wiser than pursuing litigation on their own as a Town. **Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

**Town Manager Updates:**

**I. Middle Street Bridge updates**

(See Exhibit I, p. 173). Jennings updated the Board on the status of the permitting process after a meeting with the grant administrator who told him that the state may not be entertaining any requests for extensions past FY23 until all of the 3<sup>rd</sup> Quarter reports were out. **No motion was made at this time.**

**J. Verizon cable franchise agreement; updates from recent meetings of Cable Advisory Committee**

(See Exhibit J, p. 174-177). Meeting updates revealed the Cable Advisory Committee had discussed expanding their membership and that the Select Board would be the signatories on upcoming negotiations with Verizon regarding the cable agreement. Archibald was not clear what the Select Board would be negotiating in this process, given the structure of the current local TV agreement. The lack of a concrete charge for the Committee was raised by Jennings. **No motion was made at this time.**

**K. Updates on ongoing/active projects/initiatives**

(See Exhibit K, p. 178). Archibald asked Jennings what data and funds would be used for the 31 Dole Place well project, and the Manager replied that he was working on a scope for the project, which he planned to share with the Select Board for future distribution to the public. **No motion was made at this time.**

**L. Follow up meeting assignment; placing items for future agendas**

**No motion was made at this time.**

**Archibald motioned to adjourn the session. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). The session adjourned at 10:32pm.**

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

[https://www.youtube.com/watch?v=\\_Y\\_23Q4uosA](https://www.youtube.com/watch?v=_Y_23Q4uosA)



**Town of West Newbury  
Select Board  
Monday, February 27, 2023 at 7:00pm  
381 Main St., Town Office Building  
[www.wnewbury.org](http://www.wnewbury.org)  
Meeting Minutes**

**Open Session:** Select Board Member Rick Parker opened the session at 7:09pm.

**Participation at the Meeting:**

- David Archibald, Richard Parker, Wendy Reed- Select Board, via Zoom and in person
- Angus Jennings- Town Manager
- Michelle Greene, Conservation Agent
- Rich Morrell- Representative, Yukon Sports, via Zoom
- Brad Buschur- Park and Recreation Commissioner, via Zoom
- David Detmore- West Newbury resident, speaking on State Flag and Seal redesign, via Zoom

**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
- Annual & Special Town Meeting: Monday, April 24, 2023 at 7pm
- Town Election Monday, May 1<sup>st</sup>. Last day to obtain nomination papers from Town Clerk: March 9<sup>th</sup> at 5pm  
Nomination papers due to Town Clerk by March 13<sup>th</sup> at 5pm
- Call for volunteers! Open positions on Boards/Commissions/Committees. See [www.wnewbury.org/volunteer](http://www.wnewbury.org/volunteer)
- Reminder to subscribe for emailed Town agenda as/news/announcements at [www.wnewbury.org/subscribe](http://www.wnewbury.org/subscribe)

**Regular Business:**

**A. Special Event Permit Application - Road Race on June 11 at 8am - Yukon Sports LLC**

(See Exhibit A). The Board confirmed dates and route with race organizer Morrell. Reed determined that Yukon had not reached out to West Newbury public safety, and Jennings explained that the Board and the Police and Fire Chief would review the permit. Reed requested that Morrell put up signage to alert the public along the race route to potential impacts of the race. The Board opted to delay an approval until further review of race details. **The Item was tabled for a future meeting.**

**B. Request for temporary signage to promote Cani-Cross event - Carol Decker, Essex County Trails Assn.**

(See Exhibit B). Reed established where the signage was to be placed, since there was confusion as to the exact location from the request. Parker stated the signs should be on the east side of the intersection to improve safety and visibility. **Reed motioned to approve the request for signage at Pipestave. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

**C. Follow-up discussion of proposed warrant articles for spring Annual and Special Town Meetings; including article proposals from Parks & Rec Commission, and Open Space Committee**

(See Exhibit C). Jennings laid out the Articles Park and Rec was bringing before Town Meeting including:

Article 32, an infield turf grater for Town fields. Buschur explained that the equipment would bring in-house maintenance activities for Park and Rec fields leading to more efficiency/lower costs. The grater would prevent weed growth on the turf. Buschur stated that the equipment would enhance desirability of the municipal assets, but the primary site of usage would at Bachelor Playing Fields. **Reed motioned to support the Article. Parker seconded. The motion passed. (2 Yes, 1 No, 0 Abstain).**

Article 33, Pipestave Field Six restoration. Buschur justified the proposal as a response to heavy use of the field by high school sports and other groups. Parker thought the maintenance was necessary, and Buschur stated that a consulting company (Osborn Organics) would continue to provide input to the DPW on how to properly restore and maintain the field, and that fuller discussions would be required to determine the exact nature of the costs. **Archibald motioned to approve the Article. Parker**

Select Board Open Session Meeting February 27, 2023.

Minutes approved XXXX

Posted Agenda on February 24, 2023 at the Town's Offices and on the Town's Official Website [www.wnewbury.org](http://www.wnewbury.org)

**seconded. The motion passed. (2 Yes, 1 No, 0 Abstain).**

Article 34, Pipestave soccer field fencing. The quote in the Article was sourced from Olympic Fencing Company. The fence was not as durable as expected upon installation, leading to many loose balls escaping, and damage from persons pushing up against it. **Reed motioned to support the Article. Archibald seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

**Item D was taken out of order at this time. See Item D below.**

Article 42, Zoning Bylaw recodification. **Archibald motioned to approve the Article. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

Article 16, appropriation from the Septic Loan Revolving Fund. **Reed motioned to approve the Article. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

Article 22, allocate/reserve CPF revenues. **Parker motioned to approve the Article. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

Article 30, Page School security cameras. **Reed motioned to approve the Article. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

Article 35, cemetery cleanup. **Reed motioned to approve the Article. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

Parker brought to Jennings' attention the irrelevance of Article 36- supplemental funding for a solar feasibility study- since alternative means of calculation had been acquired. Jennings told the Board he would notify the Finance Committee that the Article would be dropped from the Warrant.

Article 38, invasive species management. The Board heard about the Article from Michelle Greene, with updates on the invasive species management internship programs. The Article provides funds to continue the intern's work by employing a professional company when the program concludes (mowing, herbicide usage, and removal). The Cherry Street Conservation Area would be one of the main targets of this continued management. Two other parcels were selected as well. Greene stated that a more definite scope and potential costs would be available to the public by the time of Town Meeting. Archibald requested that more information be provided on herbicides being used near aquatic resources. **Reed motioned to approve the Article. Parker seconded. The motion passed. (2 Yes, 1 No, 0 Abstain).**

Jennings and the Board discussed other Articles on the Warrant, but no more votes were taken on them during this session.

**Item H was taken out of order at this time. See Item H below.**

**D. Citizen petition article received regarding proposal to change Massachusetts state flag**

(See Exhibit D). Detmore provided the Board with exposition on the success of similar petitions at other Town Meetings. He apologized for the submission of the petition too late, and hoped that it would be considered on the Warrant nonetheless. Jennings explained to the Board that the measure could be introduced as a non-binding resolution at the Meeting, but would avoid unsealing the Warrant. Detmore expressed his satisfaction with the idea, but Archibald stated that he did not like the inclusion of non-binding resolution votes in Town Meeting settings, stating that such resolutions could "cripple" Town Meeting in future. **Reed motioned that the Resolution be brought before Town Meeting with a favorable recommendation. Parker seconded. The motion passed. (2 Yes, 1 No, 0 Abstain).**

**E. Updates regarding proposed FY24 Town Operating Budget incl. Finance Committee reviews to date**

(See Exhibit E). **No motion was made at this time.**

**F. Discussion of potential scope for best use of Commonwealth economic development budget earmark for West Newbury (Ch. 268 of the Acts of 2022 Coronavirus State Fiscal Recovery Fund)**

(See Exhibit F). The Town Manager shared that West Newbury was one of five communities that received a \$50,000 earmark. Jennings stated that enthusiasm had been shared around using the funds for enhanced pedestrian safety, and the Board studied a sketch of enhancements made by the DPW. The first step would be to secure a contract for the process. **Reed motioned to utilize the earmark for possible Town Center pedestrian safety improvements. Archibald seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

**G. Discussion of Congressman Moulton invitation to submit projects for consideration for potential Federal FY24 Community Project Funding; potential applicability to Middle Street Bridge**

(See Exhibit G). Jennings shared with the group that the annual outreach from the Congressman's office regarding project submission had occurred. The timeline would be very tight to put a proposal out under the parameters of the invitation. Jennings urged the Board to keep their eyes peeled for appropriate programs that could be utilized under the

parameters, specifically for the Middle Street Bridge. Jennings stated that there was no information on whether the Bridge project was in motion at the State level. **No motion was made at this time.**

**H. Request for renewal of Employee Health Insurance Opt-Out Program for FY24-26**

(See Exhibit H). Archibald motioned to approve the recommended increases to the Program. Reed seconded. Reed questioned how much the Town saved from various opt-out variables, and whether such a Program was typical of towns in the areas. **The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

**I. Proposed adoption of Financial Policies (recommended from MassDOR Division of Local Services Municipal Best Practices grant)**

(See Exhibit I). Jennings requested the meeting pass over Item I. **No motion was made at this time.**

**J. Meeting minutes: January 18, 2022; December 19, 2022**

(See Exhibit J). Reed motioned to approve the meeting minutes for December 19<sup>th</sup> with revisions. Parker seconded. **The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** Reed motioned to approve the meeting minutes for January 18 without revisions. Parker seconded. **The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

**Town Manager Updates:**

**K. Update re scope/budget for pedestrian planning (Page/Pipestave/113 intersection); and proposed use of FY23 MA Office of Tourism earmark to advance this work**

(See Exhibit K). Jennings stated a \$30,000 earmark had been received from the Office of Tourism, which would be a help to the intersection planning project, particularly to get mockups and permitting through MASSDOT. Providing scopes of the project to the Board, Jennings asked them for input on how to best make use of the time available to use the funds. **No motion was made at this time.**

**L. Update re initial advice from ARPA consultant**

(See Exhibit L). Jennings stated that a phone call with the consultant had answered preliminary questions, and that the Town planned to get answers submitted in writing in the near future for reference. One important mandate that was clarified was that the project would have utilize American-made materials. **No motion was made at this time.**

**M. Update regarding selection of consultant for MBTA Communities Act planning work**

(See Exhibit M). Jennings stated that the presentation Dodson & Flinker Landscape Architects had made to become the Town's compliance specialists with the MBTA Communities Act had impressed Town officials, and that they would be a valuable partner. Jennings touted the rollout of "Project Pages" on the Town website that would inform people about ongoing works projects. **No motion was made at this time.**

**N. Updates on ongoing/active projects/initiatives**

(See Exhibit N). Jennings stated a MyRec training was upcoming, and updates were being made to the platform's information. Jennings informed the Board about the costs of a joint Animal Control Officer with Newburyport. **No motion was made at this time.**

**O. Follow up meeting assignment; placing items for future agendas**

**No motion was made at this time.**

**Parker motioned to adjourn the session. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). The session adjourned at 10:00pm.**

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

[https://www.youtube.com/watch?v=Oi-ZYloFW\\_4](https://www.youtube.com/watch?v=Oi-ZYloFW_4)





**Town of West Newbury  
Select Board  
WEDNESDAY, March 29, 2023 @ 6:15pm**  
381 Main Street, Town Office Building  
[www.wnewbury.org](http://www.wnewbury.org)  
**AGENDA**

**Open Session:** The open session was called to order at 6:24pm by Chairman Archibald.

**Participation at the meeting:**

- David Archibald, Richard Parker, Wendy Reed- Select Board Members
- Walt Burmeister, Ross Capolupo, Daniel Innes, Dan James, Rob Phillips, Jim Spelakis, Chris Wile- Finance Committee
- James Blatchford- Town Clerk
- Angus Jennings- Town Manager

**Regular Business**

**A. Joint Meeting with Finance Committee: Review and discuss budgets and articles for spring Annual and Special Town Meeting**

Finance Committee member Phillips had a suggestion regarding the Water Commission instructions which he had distributed at the meeting **Phillips motioned to accept the instructions for the Water Commission Article 5. Finance Committee member Wile seconded.** There was discussion, Finance Committee members suggested presenting this portion of article/motion at Town Meeting. Phillips felt something similar to the wording he presented regarding a financial audit or long-term reporting must be done as soon as possible. Archibald also believes agreement with Newburyport over water may be more important at this point. Phillips believes both could be presented at town meeting however did not feel a long list of directions would be needed. Phillips feels with instructions it would ensure participation from the Water Commission in the review and the final report would show any needs/changes. Select Board also feels any future contracts need review and are in need further oversight so no contracts/agreements are signed solely by water without procurement/approval. Currently the Select board is trying to use its leverage with Newburyport and the current project linking the reservoirs to get a discussion on water rates with West Newbury. The Finance Committee will write a rationale for Article/instructions and why this particular motion is going to be made for instructions to the Water Commission. There was an additional question regarding retirement for Water employees and is their budget adequate. The Select Board feels an added instruction regarding any future intermunicipal agreements is needed specifically for the negotiating unit and signatories. Additional comments regarding long term regional agreements especially with larger cities, i.e., Haverhill, Amesbury, Newburyport, may become necessary. Select Board asked the Town Clerk to work with the Town Manager on wording of motion to present to the Select Board at their next meeting.

**Archibald motioned to adjourn the session. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). The session adjourned at 7:48pm.**



Town of West Newbury  
Select Board  
Monday, May 22, 2023 @ 5:30pm  
381 Main Street, Town Office Building  
[www.wnewbury.org](http://www.wnewbury.org)  
Meeting Minutes

**Open Session:** Chairwoman Reed called the session to order at 7:09pm.

**Participation at the Meeting:**

- Rick Parker, Wendy Reed, Chris Wile- Select Board
- Angus Jennings- Town Manager
- Jim Blatchford- Town Clerk
- Michael Dwyer- Fire and Police Chief
- Michelle Greene- Conservation Agent, via Zoom
- Caroline Matterson- Representative from NEER, via Zoom
- Roger Mast- Alzheimer's Association Ride to End ALZ representative, via Zoom
- Unidentified- ALS Therapy Development Institute representative, via Zoom

**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 29<sup>th</sup> at 10:30am, followed by ceremony outside G.A.R. Memorial Library
- Call for volunteers! FY24 positions on Boards/Commissions/Committees. See [www.wnewbmy.org/volunteer](http://www.wnewbmy.org/volunteer)
- Reminder to subscribe for emailed Town agendas/news/announcements at [www.wnewbmy.org/subscribe](http://www.wnewbmy.org/subscribe)

**Regular Business:**

**A. Request for one-day liquor license - Spring Family Festival at 52 Ash Street, June 10<sup>th</sup> from 11am-3pm, New England Equine Rescue, North**

(See Exhibit A, p. 3-5). A representative from the Rescue explained the components of the event and stated that it went smoothly last year (about 1,000 attendees), and said that in prior years, liquor had been fully separated from the rest of the event-goers for safety and security. She clarified what remained in the approval process and what had been taken care of (insurance and other associated costs). There were no apparent issues regarding parking or public safety on-site and signage would be installed on-street to manage traffic. **Parker motioned to approve the license for the Spring Family Festival pending an insurance certificate. Wile seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

**B. Requests for Special Event Permits**

**Item Bb was discussed prior to Item Ba during Agenda Item B.**

**a) Charity Bike Ride raising funds for ALS research-June 25<sup>th</sup> at 8:30am to noon-ALS Therapy Development Institute (cont'd from May 9 Select Board mtg)**

(See Exhibit Ba, p. 6-13). The holdover from the prior Board meeting was to determine whether any special permits were needed for use of Route 113 (it being a state road). The Board confirmed the route and Chief Dwyer asked for an updated map. No extra measures would need to be taken with regard to 113. Signage for the route would be put in place, according to the organizer. **Parker motioned to approve the permit. Wile seconded. The motion unanimously passed. (3 Yes, 0 No, Abstain).**

**b) Ride to End Alzheimer's - June 3<sup>rd</sup> -Alzheimer's Disease & Related Disorders Assn., Inc.**

(See Exhibit Bb, p. 14-23). The representative from the organization behind the bike ride opened by stating that he had a list of locations where he hoped to have police presence if the police had the resources to meet those needs, with a predicted ride time through Town of 8am to 11am of 130 people.

Chief Dwyer stated that school graduation would be concurrent with the race, which would potentially strain resources. In future he suggested he'd like to coordinate with the organization to plan the time of the race. Parker commented that portions of the route IDed as being in West Newbury but were in other communities, and it was determined that the locations had to be clarified through the permitting process. Mast stated that signs informing the community of the race would be put out (Blatchford suggested this should be done a week before). **Parker motioned to approve the Charity Bike Ride permit. Wile seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

**C. Preparation for Celebration of Life for Dot Cavanaugh**

(See Exhibit C, p. 24-25). Town Manager Jennings gave the Board the proposed dates for the CoL as provided by Christine Marshall of Council on Aging, with timing predicted to maximize attendance and not interfere with evening activities at Town Offices. He stated he would keep the Select Board apprised of the plans for the CoL. **No motion was made at this time.**

**D. Acknowledgement of receipt of Short-Term Rental Application; overview of related Bylaw**

(See Exhibit D, p. 26-30). Jennings said that very few applications were received of this type, and thus felt the need to preface the receipt of the application (and later voting on it in a future meeting) with an explanation of the Bylaw. The Bylaw was designed to manage local short-term rentals (such as usage of a property for AirBnBs). Jennings found that the Bylaw did not provide objective criteria to base the Board's approval or disapproval off of. Wile found that the Bylaw did not provide any basis for what someone could raise a "complaint" about with regard to a short-term rental. With respect to a section of the application, he further raised concerns that guests would have access to a property owner owned outbuilding, versus an owner-occupied residential property, per the language of the law. Reed suggested that an analysis of the Bylaw would be warranted before issuing approvals for the permit. Jennings said that he would see if the Building Inspector should investigate the matter. He further mentioned that amending the Bylaw had been discussed before. Discussion continued on whether the change in the Bylaw could be undertaken at Fall Town Meeting, potentially. Wile stated that he thought the Bylaw should in future be evolved to regulate and encourage the development of short-term rentals in West Newbury. Discussion ranged from what potential fees should be, what ownership/residency issues might be raised, and how it might potentially interact with Federal and state laws. The group agreed to wait on hearing the application until June 26<sup>th</sup> and to contact abutters of the property in question to attend the meeting. **The Item was tabled for a future meeting.**

**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**

(See Exhibit E, p. 27-32). Jennings felt that this Notice of Intent filing was the best course of action, with other elements being determined with input from the Conservation Commission and wildlife experts. Jennings said that meetings with Health and Conservation Agents gave him a robust understanding of the water levels and other issues regarding the beaver pond. Wile asked what would happen with the beavers once they were displaced. Greene stated that the leveler would hopefully prevent flooding and road damage while not displacing the animals and this would be the ideal solution to the problem. **Parker motioned to approve the NOI submission. Wile seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

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

**F. Follow-up discussion from Select Board attendance at Board of Water Commissioners mtg on May 15<sup>th</sup> incl. designation of Select Board representative for discussions of potential IMA with Newburyport**

(See Exhibit F, p. 33). Reed prefaced the Item by saying it resulted from the need for greater cooperation between Water and Select Boards on financial matters and above-mentioned discussions with Newburyport. **Wile motioned to approve this plan and be the Select Board Representative in the IMA discussions. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** On the secondary portion of the joint discussion- an outline on financial planning developed together, the Board stated that it was of great important to get the ball rolling. Jennings emphasized the importance of cross-community collaboration, and touched on things that had come up in conversation with individuals in Newburyport. He believed a letter from the Select Board to authorize the Select Board Chair to work with outside counsel would speed up the process. **No motion**

was made at this time.

**G. Request for authorization to pursue LAND grant for "Sawmill Brook" property; proposed designation of Town Manager as project manager**

(See Exhibit G, p. 34-36). Initially, Reed raised concerns about the large amount of time the Conservation Agent would need to devote to the application. Main issues with the acquisition involved establishing a land management plan and developing parking and enhancing accessibility. The Item would appoint the Town Manager the point person on the application and project development. **Wile motioned to authorize the pursuit and the designation of the Manager as project manager. Park seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

**H. Request for authorization to pursue MassWorks grant (Middle Street Bridge); update re Bridge costs and potential funding sources**

(See Exhibit H, p. 37-51). The Town Manager discussed the extension request and its details regarding where the Town stood in the permitting process for the Bridge, among other areas. He stated that a meeting had taken place with DPW representatives and the Town Planner to analyze the ongoing process, admitting the timeline to get materials in on time (June 2<sup>nd</sup>) would be tight, and further admitted apprehension about funding for the project, with the Town of West Newbury needing to produce 6,000,000 dollars to cover expenses of the construction. **Parker motioned to provide authorization to pursue the grant. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** After the vote Jennings suggested sending correspondence to Newburyport and being present at their relevant meetings to articulate the Town's needs.

**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)**

(See Exhibit I, p. 52-54). Jennings updated the Board on the project. It would be a "definite improvement for public safety" he believed, but it was not clear what the level of planning/specification needed to install the guardrail would be- a survey of the site would give the contractor eventually selected to install it a better idea of the Farm Lane needs. He also stated that with projects underway and upcoming, WRAP funding would be fully utilized, so the Town would pay for the project out of other sources. Further talk confirmed the material costs of the job (\$38-\$39/ft. of guardrail). Wile asked what had existed along the site prior to the construction of the new High School. Parker said that there was no fence or guardrail on the road's edge in the past. Wile was perplexed why the need for a guardrail wasn't looked into at the beginning of the construction process, which has increased the need for the barriers in the first place- the Select Board and Town Manager stated that the school had no interest in assisting with the planning for a guardrail. As the discussion concluded, the Board briefly reviewed regulations pertaining to the project, and what hazards/considerations might be identified (footpaths, telephone poles). **Parker motioned to approve the use of WRAP and/or DPW funds to put up the barrier along Farm Lane. Wile seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

**J. Potential to authorize MOA with Commonwealth to receive "Safe Passage for Bicyclists" signs**

(See Exhibit J, p. 55-64). The Board and Chief Dwyer confirmed the regulations governing the signage, and expressed their enthusiasm for mounting them in strategic locations from a list to be submitted. Jennings explained where funding for the signage would be drawn from. Parker and Jennings were unsure when the date-of-delivery of the signs would be, and assumed that with a June 1<sup>st</sup> due date that they would not be in hand until the next Fiscal Year. **Parker motioned to submit to enter into the MOA to receive the "Safe Passage for Bicyclists" signs. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

**K. Committee "charges" and process/objectives for FY24 appointments/reappointments**

(See Exhibit K, p. 65-115). Jennings queried the Board on his assessment that reappointees should be required to attend in-person reappointments, and Reed and Parker agreed that in-person meetings to lock down the charges was a valuable idea as well. Reed pointed out that many of the BCCs were redundant and unnecessary, and could be reasonably dissolved- further she asserted that there were overlapping functions of numerous BCCs. Parker and Wile pointed out that it would also help assuage feelings of competition among BCCs by streamlining or combining the Town's BCC structures. The Board discussed the best approach to handle meeting with the Boards, Committees, and Commissions (joint meetings between similar BCCs was determined to be the best approach), utilizing a standard questionnaire. **No motion was made at this time.**

**L. Confirmation of Select Board member roles in Memorial Day ceremony**

(See Exhibit L, p. 52). The Board refreshed themselves on and assigned their roles for the ceremony. **No motion was made at this time.**

**M. Meeting minutes: May 9, 2023**

(See Exhibit M, p. 117-120). **Wile motioned to approve the minutes. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

**N. Town Manager Updates**

**O. Update/next steps re DPW Director search process**

(See Exhibit O, p. 121-123). Jennings told the Board that 2<sup>nd</sup> round interviews for the candidates were underway, and that Town Manager had hiring authority with respect to this position. Rick Parker had been assigned to sit in on the interviews. A hiring date of early July had been selected. **No motion was made at this time.**

**P. Fiscal Year-End procedures**

Jennings said that department heads had been good and responsive with end-of-year obligations. **No motion was made at this time.**

**Q. Updates on other ongoing/active projects/initiatives**

**No motion was made at this time.**

**R. Follow up meeting assignment; placing items for future agendas**

The Board talked about the potential rollout of a Town charter and new Comprehensive Plan (last updated in 1999), but the understanding was that this would be a future project when other large-scale projects were wrapped up. **No motion was made at this time**

**Parker motioned to adjourn the session. Wile seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). The session adjourned at 9:35pm.**

**To view a recording of this meeting, use the link below:**

**[https://www.youtube.com/watch?v=6\\_AEcSCyJug](https://www.youtube.com/watch?v=6_AEcSCyJug)**

**Town Manager**

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**From:** Robin Stein [REDACTED]  
**Sent:** Tuesday, June 6, 2023 1:59 PM  
**To:** Town Manager  
**Cc:** Building Inspector; Town Planner; Timothy D. Zessin  
**Subject:** RE: Short Term Rental Application, 12 Maple Street  
**Attachments:** MLU\_Decision\_-\_3-1-2022\_-\_10315\_-\_BROOKLINE\_.pdf; MLU\_Decision\_-\_12-19-2022\_-\_10670\_-\_GREAT\_BARRINGTON\_.pdf; MLU\_Decision\_-\_8-22-2022\_-\_10568\_-\_YARMOUTH\_.pdf

Angus:

Following up on our call today, please find the following:

1. Link to the Town of Yarmouth Zoning Bylaw: <https://www.yarmouth.ma.us/DocumentCenter/View/8621/Zoning-Bylaw-thru-04-26-22?bidId=>
2. Link to the Town of Brookline short-term rental general bylaw: <https://www.brooklinema.gov/2022/Short-Term-Rentals>
3. Link to the Town of Great Barrington General Bylaw, Chapter 145: <https://ecode360.com/42139031?highlight=short-term&searchId=46131932427594995#42139031>

The relevant AG approval letters are attached hereto.

Let me know if you want to talk further about this or need anything else on this matter.

-Robin

Robin Stein, Esq.  
KP | LAW  
101 Arch Street, 12th Floor  
Boston, MA 02110  
[REDACTED]  
[REDACTED]  
[REDACTED]

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**From:** Town Manager <townmanager@wnewbury.org>  
**Sent:** Monday, June 5, 2023 1:18 PM  
**To:** Robin Stein [REDACTED]  
**Cc:** Building Inspector <building.inspector@wnewbury.org>; Town Planner <townplanner@wnewbury.org>; Timothy D. Zessin [REDACTED]  
**Subject:** RE: Short Term Rental Application, 12 Maple Street

Robin,  
We had previously agreed to talk tomorrow at 11am. I've been keeping Sam and Sue apprised and they're both going to join our conversation tomorrow as well. To make things run better, I've set this up as a Zoom instead of a call; link shared below.  
There are a couple of things I'd like to cover tomorrow:

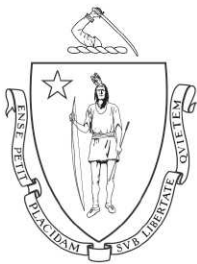
- 12 Maple Street application. So far, have received the attached comments. From Sam's memo, it sounds like this would not be an allowed use in this location. Prior to communicating this to the applicant, I'd like to ensure we're all in agreement on this.
- Bigger picture context for short term rental regulation. I'd like you (KP) to help us understand the late 2018 law signed by Gov. Baker. I have attached 2 documents I have on file, received from Mike McCarron back in 2019. I haven't researched this further. It sounds like the right next steps – to improve our current bylaw – would be to a) determine the Select Board's policy intent with regard to regulating short term rentals; and b) if they'd like to do so, work on an amended (or new) bylaw to bring to a future Town Meeting.

Thanks,  
Angus

Topic: Convo KP re short term rental bylaw  
Time: Jun 6, 2023 11:00 AM Eastern Time (US and Canada)

Join Zoom Meeting

Meeting ID: 864 4649 4669  
Passcode: 176499



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION  
10 MECHANIC STREET, SUITE 301  
WORCESTER, MA 01608

MAURA HEALEY  
ATTORNEY GENERAL

(508) 792-7600  
(508) 795-1991 fax  
www.mass.gov/ago

August 22, 2022

Mary A. Maslowski, Town Clerk  
Town of Yarmouth  
1146 Route 28  
South Yarmouth, MA 02664

**Re: Yarmouth Annual Meeting of April 26, 2022 -- Case # 10568  
Warrant Articles # 27 and 28 (Zoning)  
Warrant Article # 29 (General)**

Dear Ms. Maslowski:

**Articles 27, 28, and 29** - We approve Articles 27, 28, and 29 voted at the Yarmouth April 26, 2022 Annual Town Meeting. Our comments on Article 27 are provided below.

**Article 27** - Under Article 27 the Town voted to amend its zoning by-laws to allow short-term rentals (STRs) as of right in the Town's Residential, Business, Municipal, Aquifer Protection Overlay, and Medical Services Overlay Districts. We approve Article 27 because it does not conflict with the state Constitution or state law, including G.L. c. 64G, § 14, which authorizes towns to adopt by-laws regulating the operations of STRs. See *Amherst v. Attorney General*, 398 Mass. 793, 795-96 (1986) (requiring inconsistency with state law or the Constitution for the Attorney General to disapprove a by-law).

We briefly describe the by-law amendments adopted under Article 27; discuss the Attorney General's limited standard of review of town by-laws under G.L. c. 40, § 32; and explain why, based on that standard, we approve Article 27.<sup>1</sup>

**I. Description of Article 27**

Under Article 27 the Town voted to amend its Use Regulations Table to allow STRs as of right in the Town's Residential, Business, Municipal, Aquifer Protection Overlay, and Medical Services Overlay Districts subject to certain use and operational requirements described below. STRs are prohibited in the Town's remaining Districts. Article 27 also amends the Town's zoning by-laws to add a new

---

<sup>1</sup> We approved similar by-laws in decisions issued to the Towns of Brookline on March 1, 2022 (Case # 10305); Stockbridge on June 12, 2021 (Case # 10265); Arlington on November 14, 2019 (Case # 9601); Whately on August 27, 2019 (Case # 9472); and West Newbury on October 6, 2017 (Case # 8498).



Section 418 “Short-Term Rentals,” that imposes registration and inspection requirements on STRs and various requirements regarding trash removal, parking, duration, and prohibitions on events occurring at STRs. The new Section 418 includes a “sunset clause” providing that Section 418’s provisions will expire on November 23, 2024. Section 418.6. While the new Section 418 is in effect the Town will conduct planning studies of STRs. Any STRs that comply with Section 418 are permitted to continue “up to and including the sunset of this bylaw.” Section 418.6.

## **II. The Attorney General’s Standard of Review of Zoning By-laws**

Our review of Article 27 is governed by G.L. c. 40, § 32 and c. 40A, § 5. Pursuant to G.L. c. 40, § 32, the Attorney General has a “limited power of disapproval,” and “[i]t is fundamental that every presumption is to be made in favor of the validity of municipal by-laws.” Amherst, 398 Mass. at 795-96. The Attorney General does not review the policy arguments for or against the enactment. Id. at 798-99 (“Neither we nor the Attorney General may comment on the wisdom of the town’s by-law.”) Rather, to disapprove a by-law (or any portion thereof), the Attorney General must cite an inconsistency between the by-law and the state Constitution or laws. Id. at 796.

Article 27, as an amendment to the Town’s zoning by-laws, must be accorded deference. W.R. Grace & Co. v. Cambridge City Council, 56 Mass. App. Ct. 559, 566 (2002) (“With respect to the exercise of their powers under the Zoning Act, we accord municipalities deference as to their legislative choices and their exercise of discretion regarding zoning orders.”). When reviewing zoning by-laws for consistency with the Constitution or laws of the Commonwealth, the Attorney General’s standard of review is equivalent to that of a court. “[T]he proper focus of review of a zoning enactment is whether it violates State law or constitutional provisions, is arbitrary or unreasonable, or is substantially unrelated to the public health, safety or general welfare.” Durand v. IDC Bellingham, LLC, 440 Mass. 45, 57 (2003). Because the adoption of a zoning by-law by the voters at Town Meeting is both the exercise of the Town’s police power and a legislative act, the vote carries a “strong presumption of validity.” Id. at 51. “Zoning has always been treated as a local matter and much weight must be accorded to the judgment of the local legislative body, since it is familiar with local conditions.” Concord v. Attorney General, 336 Mass. 17, 25 (1957) (*quoting* Burnham v. Board of Appeals of Gloucester, 333 Mass. 114, 117 (1955)). “If the reasonableness of a zoning bylaw is even ‘fairly debatable, the judgment of the local legislative body responsible for the enactment must be sustained.’” Durand, 440 Mass. at 51 (*quoting* Crall v. City of Leominster, 362 Mass. 95, 101 (1972)). However, a municipality has no power to adopt a zoning by-law that is “inconsistent with the constitution or laws enacted by the [Legislature].” Home Rule Amendment, Mass. Const. amend. art. 2, § 6.

## **III. Article 27 Does not Conflict with G.L. c. 64’s Requirements for STRs**

In 2018, Massachusetts amended G.L. c. 64G, “Room Occupancy Excise,” to impose requirements for STRs. As amended, Chapter 64G authorizes towns to adopt by-laws to (1) regulate the class of operators of STRs; (2) limit the number of days STRs that may be rented; (3) impose fees for STRs; and (4) impose penalties for violating the by-law’s provisions as follows:

A . . . town, by . . . by-law, may regulate operators registered pursuant to section 67 of chapter 62C and impose penalties for the violation of such an ordinance or by-law. A . . . town, by . . . by-law, may:

(i) regulate the existence or location of operators under this section within the city or town, including regulating the class of operators and number of local licenses or permits issued to operators under this section and the number of days a person may operate and rent out an accommodation in a calendar year;

(ii) require the licensing or registration of operators within the city or town; provided, however, that a city or town may: (A) accept a certificate of registration issued to an operator in accordance with section 67 of chapter 62C in lieu of requiring an operator to obtain a local license or registration under this section; or (B) issue a provisional license or registration to permit an operator to offer accommodations on temporary or seasonal basis;

(iii) require operators to demonstrate that any properties or premises controlled, occupied, operated, managed or used as accommodations subject to the excise under this chapter are not subject to any outstanding building, electrical, plumbing, mechanical, fire, health, housing or zoning code enforcement, including any notices of violation, notices to cure, orders of abatement, cease and desist orders or correction notices;

(iv) require properties or premises controlled, occupied, operated, managed or used by operators as an accommodation subject to the excise under this chapter to undergo health and safety inspections; provided, however, that the cost of any inspection conducted under this section shall be charged to and solely paid by the operator under this section; provided further, that after any initial health and safety inspection, the city or town may determine the frequency of any subsequent inspections;

(v) establish a civil penalty for violation of an ordinance or by-law enacted pursuant to this section; provided, however, that a city or town that suspends or terminates an operator's right to operate an accommodation for a violation of any ordinance or bylaw shall notify the commissioner of revenue of the suspension or termination; and

(vi) establish a reasonable fee to cover the costs associated with the local administration and enforcement of regulating operators and accommodations.

Article 27 is consistent with G.L. c. 64G, and we find no other conflict between the by-law and the Constitution or laws of the Commonwealth. On this basis, we approve Article 27. However, The Town should discuss with Town Counsel any questions regarding the requirements of G.L. c. 64G.

**Note:** Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

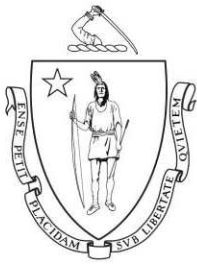
Very truly yours,

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cc: Town Counsel Jason R. Talerma



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March 1, 2022

Ben Kaufman, Town Clerk  
Town of Brookline  
333 Washington Street  
Brookline, MA 02445

**Re: Brookline Annual Town Meeting of May 19, 2021 -- Case # 10315**  
**Warrant Articles # 14, 20, 21, 23, 24, 25, 26 and 30 (Zoning)**  
**Warrant Articles # 11, 12, 13, 16, 17, 19, 22, 29, 32 and 33 (General)**

Dear Mr. Kaufman:

**Article 17** - Under Article 17 the Town voted to add a new Article 5.11, “Short Term Rentals,” to the Town’s general by-laws. Except for the text requiring certain types of fire extinguishers and fire alarm systems and the effective date of Section 5.11, which are inconsistent with the State Building Code and G.L. c. 40, § 32, respectively, we approve Article 17. Amherst v. Attorney General, 398 Mass. 793, 795-96 (1986) (requiring inconsistency with state law or the constitution for the Attorney General to disapprove a by-law).<sup>1</sup>

In this decision, we summarize the by-law amendment adopted under Article 17 and the Attorney General’s standard of review of town by-laws, and then explain why, based on our standard of review, we approve, in part, Article 17.

During our review of Article 17, we received input urging our Office to disapprove Article 17 because it inconsistent with the Home Rule Amendment and G.L. c. 183A, the state Condominium Law. This input has informed our review of the by-law and emphasized the

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<sup>1</sup> In a decision issued on October 21, 2021, we approved Article 11. On November 1, 2021, by agreement with Town Counsel, we extended our deadline for a decision on Articles 25 and 26 for ninety days until March 1, 2022. In a decision issued on December 1, 2021, we approved Articles 12, 13, 14, 16, 21, 23, 24, 29, 30 and 32 and, by agreement with Town Counsel, we extended our deadline for a decision on Articles 17, 19, 20, 22, and 33 for sixty days until January 30, 2022. On January 19, 2022, by agreement with Town Counsel, we extended our deadline for a decision on Articles 19 and 20 for an additional thirty days until March 1, 2022. In a decision issued on January 27, 2022, we approved Articles 22 and 33 and, by agreement with Town Counsel, we extended our deadline for a decision on Article 17 for an additional thirty days until March 1, 2022. In a decision issued February 25, 2022, we disapproved Articles 25 and 26. In a decision issued on March 1, 2022, we approved Articles 19 and 20.

importance of the issues at stake. As explained in more detail below, based on our standard of review and the Town’s authority under state law, we have determined that the asserted reasons for disapproval of Article 17 do not provide grounds for us to disapprove it in its entirety.

We emphasize that our partial approval of the by-law in no way implies any agreement or disagreement with the policy views that led to the passage of the by-law. The Attorney General’s limited standard of review requires her to approve or disapprove by-laws based solely on their consistency with state law, not on any policy views she may have on the subject matter or the wisdom of the by-law. Amherst, 398 Mass. at 795-96, 798-99 (requiring inconsistency with state law or the constitution for the Attorney General to disapprove a by-law).

## **I. Summary of Article 17**

Under Article 17 the Town voted to add a new Section 5.11, “Short Term Rentals,” by-law to the Town’s general by-laws. Section 5.11.3 requires a short-rental operator (as defined in the by-law) to receive a Certificate of Registration before operating a short-term rental unit. In addition, Section 5.11 imposes requirements on short term rentals including eligibility requirements, inspection requirements, and operation requirements. Sections 5.11.3, 5.11.5, and 5.11.4, respectively.

## **II. Attorney General’s Standard of Review**

Our review of Article 17 is governed by G.L. c. 40, § 32. Pursuant to G.L. c. 40, § 32, the Attorney General has a “limited power of disapproval,” and “[i]t is fundamental that every presumption is to be made in favor of the validity of municipal by-laws.” Amherst, 398 Mass. at 795-96. The Attorney General does not review the policy arguments for or against the enactment. Id. at 798-99 (“Neither we nor the Attorney General may comment on the wisdom of the town’s by-law.”) Rather, in order to disapprove a by-law (or any portion thereof), the Attorney General must cite an inconsistency between the by-law and the state Constitution or laws. Id. at 796. “As a general proposition the cases dealing with the repugnancy or inconsistency of local regulations with State statutes have given considerable latitude to municipalities, requiring a sharp conflict between the local and State provisions before the local regulation has been held invalid.” Bloom v. Worcester, 363 Mass. 136, 154 (1973). Massachusetts has the “strongest type of home rule and municipal action is presumed to be valid.” Connors v. City of Boston, 430 Mass. 31, 35 (1999) (internal quotations and citations omitted). “The legislative intent to preclude local action must be clear.” Bloom, at 155.

## **III. Comments on Specific Requirements in Section 5.11**

### **A. Section 5.11.4’s Registration Procedures and Submission Requirements**

Section 5.11.4’s registration procedures require the operator of a short-term rental unit that is part of a condominium association to provide a “certification signed by the condominium association that the condominium Master Deed, By-Laws, or other governing documents expressly permit the proposed Short-Term Rental.” Section 5.11.4 (c). During our review of Article 17 we received an opposition alleging that Section 5.11.4 (c) violates the Home Rule Amendment’s

prohibition against enacting “private or civil law governing civil relationships and is inconsistent with G.L. c. 183A. For the reasons provided below, we cannot conclude that the requirements of Section 5.11.4 violate the Home Rule Amendment or G.L. c. 183A. However, as explained below, Section 5.11.4 must be applied consistent with the G.L. c. 183A.

1. *Home Rule Amendment Limitations on Town By-laws*

Section 7 (5) of the Home Rule Amendment, Mass. Const. amend. art. 2, prohibits municipalities from enacting “private or civil law governing civil relationships except as an incident to an exercise of an independent municipal power.” The Supreme Judicial Court first interpreted the meaning of this clause in Marshal House, Inc. v. Rent Review and Grievance Board of Brookline, 357 Mass. 709 (1970), in which the Court held that a by-law enacting a form of “rent control” was an impermissible private or civil law governing a civil relationship. The Court admitted that “[a]mbiguity exists . . . concerning the meaning of . . . § 7 (5).” Id. at 713. Nonetheless, the Court concluded that “[t]he term ‘private or civil law governing civil relationships’ is broad enough to include law controlling ordinary and usual relationships between landlords and tenants.” Id. at 716. The Court noted that the by-law “affords . . . the power in effect to remake, in important respects, the parties’ contract creating a tenancy” by “restricting[ing] the rent which may be charged to the tenant” the proposed by-law “directly intervenes in the continuing landlord-tenant relationship.” Id. at 715-16. Since the municipal board, operating pursuant to the challenged by-law, could “remake, in important respects, the parties’ contract” and thereby alter a “continuing . . . relationship,” the by-law was a private or civil law governing a civil relationship. An enactment that “remake[s], in important respects,” an agreement governing a “continuing . . . relationship,” and which impacts its enforcement through means “predominantly civil in character,” is likely a private or civil law governing a civil relationship. See Marshal House, 357 Mass. at 716-17. Put differently, “[d]oes the by-law so directly affect the [retailer-customer] relationship, otherwise than ‘as an incident to an exercise of independent municipal power,’ as to come within § 7(5)?” Id. at 717. In contrast, an enactment in which “[n]o new rights or obligations between persons are created [and] no existing rights or obligations between persons are modified or abolished,” is likely not a private or civil law governing a civil relationship.

Here, Section 5.11 requires an operator of a short-term rental unit, regardless of where the unit is located, to obtain a Certificate of Registration from the Town and comply with certain requirements imposed under the by-law. While Section 5.11.4 requires an operator of a short-term rental unit in a condominium to obtain a certification from the condominium association that short-term rentals are allowed, Section 5.11 differs from the by-law at issue in Marshall House in an important way: it does not modify or abolish “existing rights or obligations between persons” in the condominium association. In fact, Section 5.11 makes it clear that the Town is not regulating the relationship between an operator and a condominium association. See, e.g., Section 5.11.3 (2) (“Nothing in this By-law shall be construed to make the Town responsible for compliance with or enforcement of a lease, condominium by-laws or other governing documents, or any contract or agreement to which the Town is not a party.”) For these reasons, we cannot conclude that Section 5.11 is an enactment of private or civil law governing civil relationships in contravention of the Home Rule Amendment.

Even if Section 5.11 constituted a “private or civil law governing civil relationships,” any such aspect of Section 5.11 is “an incident to an exercise of an independent municipal power” -- here, the power to regulate short-term rentals. As the court stated in Marshal House,

Doubtless, under art. 89, § 6, a town possesses (subject to applicable constitutional provisions and legislation) broad powers to adopt by-laws for the protection of the public health, morals, safety, and general welfare, of a type often referred to as the ‘police’ power. We assume that these broad powers would permit adopting a by-law requiring landlords (so far as legislation does not control the matter) to take particular precautions to protect tenants against injury from fire, badly lighted common passageways, and similar hazards. Such by-laws, although affecting the circumstances of a tenancy, would do so (more clearly than in the case of the present [rent-control] by-law) as an incident to the exercising of a particular aspect of the police power.

Marshal House, 357 Mass. at 717-18. To be sure, “a municipal civil law regulating a civil relationship is permissible (without prior legislative authorization) only as an incident to the exercise of some independent, individual component of the municipal police power.” Id. at 718 (emphasis added).

Here, unlike in Marshal House, any effect that Section 5.11 has on private civil relationships between condominium associations and unit owners is incidental to the exercise of the Town’s independent power to regulate short-term rentals --a separate component of its police power that has no necessary link to regulating relationships between condominium associations and unit owners. In fact, state law expressly authorizes Towns to regulate short term rentals. See G.L. c. 64G, governing room occupancy excise taxes; see also Styller v. Zoning Board of Appeals of Lynnfield, 487 Mass. 588, 600 (2021) ( the short-term rental use of a one family home is inconsistent with the zoning purpose of the single residence zoning district in which it is situated).Section 5.11 is thus akin to the hypothetical by-law in Marshal House, requiring landlords to “to take particular precautions to protect tenants against injury from fire” and similar hazards-- a by-law that the court assumed would be a valid “exercise[e] of a particular aspect of the police power” even though the by-law would incidentally “affect[] the circumstances of a tenancy.” Marshal House, 357 Mass. at 717-18.

For these reasons, we conclude that Section 5.11 does not violate the Home Rule Amendment. CHR General, Inc. v. City of Newton, 387 Mass. 351, 355-56 (1982) (holding that a city ordinance restricting the conversion of rental units to condominiums was invalid under the Home Rule Amendment because it was a private or civil law governing the relationship between landlord and tenant and was not incidental to an exercise of an independent municipal power.)<sup>2</sup>

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<sup>2</sup> During our review of Section 5.11 we considered the court’s decision in CHR General, Inc. v. City of Newton, 387 Mass. 351, 355-56 (1982), wherein the court held that a city ordinance restricting the conversion of rental units to condominiums was invalid under the Home Rule Amendment because it was a private or civil law governing the relationship between landlord and tenant and was not incidental to an exercise of an independent municipal power. However, we determine that the CHR General case is distinguishable because the ordinance there directly regulated the landlord tenant relationship and Section 5.11 does not – it imposes additional requirements on the use of a condominium that are within the Town’s

## 2. *General Laws Chapter 183A*

General Laws Chapter 183A governs the creation, operation, and management of condominium associations in the state. A condominium is created when a master deed is recorded in the registry of deeds pursuant to the provisions of G.L. c. 183A. See G.L. c. 183A, § 2. The master deed sets forth the nature of the property interest being conveyed, describes the land, buildings, units, and common areas of the condominium, *sets forth the purposes for and use restrictions on said buildings and units*, and describes the method by which the master deed may be amended (with emphasis added). G.L. c. 183A, § 8. Moreover, G.L. c. 183A, § 11, regarding mandatory provisions in condominium by-laws, requires that the by-laws shall include “[s]uch *restrictions on and requirements respecting the use and maintenance of the units* and the use of the common areas and facilities, not set forth in the master deed, as are designed to prevent unreasonable interference with the use of their respective units and of the common areas and facilities by the several unit owners” (with emphasis added). These condominium documents establish the restrictions and requirements for units in a condominium.

Section 5.11.4 (c) of the by-law requires the operator of a short-term rental unit that is part of a condominium association to provide, as part of the registration process, a certification signed by the condominium association that the condominium Master Deed, By-Laws, or other governing documents “expressly permit” the proposed short-term rental. It is unclear what the Town means by “expressly permit.” However, because G.L. c. 183A only requires a condominium’s master deed and by-laws to state the restrictions, if any on, the use of a condominium unit, an operator may not be able to provide a certification that the condominium “expressly permits” short-term rentals. The Town must ensure that it applies Section 5.11.4 (c) consistent with G.L. c. 183A. The Town should discuss any questions on this issue with Town Counsel. ”

### B. Section 5.11.6 Operational Requirements for Short-Term Rental Units

Section 5.11.6 imposes certain requirements on the operation of short-term rentals. Specifically, Section 5.11.6 requires certain types of fire extinguishers and smoke and fire alarms for short-term rental units as follows (with emphasis added):

(c) Fire extinguisher(s) which shall be of type ABC 10lb., dry chemical commercial with a tag to be tested and serviced annually by certified service company. Within a single-family unit, or multiple-unit building where units do not share a common access corridor, there shall be at least one acceptable type fire extinguisher available to the occupant within the unit. Where multiple units share a common access corridor on the same floor, one extinguisher may service up to four units, and be located within the access corridor on the same floor in a location to be determined by the Fire Department;

(d) A hard-wired smoke/fire alarm system installed in accordance with M.G.L. Chapter 148 and NFPA 72;

We must disapprove and delete Section 5.11.6’s requirement that short-term rental must have certain types of fire extinguishers and certain types of smoke/fire alarm systems as indicated above in underline because the Massachusetts State Building Code (Code) comprehensively

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independent home rule power and the statutory authorization in G.L. c. 64G.



regulates the requirements for fire suppression and smoke detectors in residential buildings and thus town by-laws on this topic are preempted by state law. St. George Greek Orthodox Cathedral of Western Mass. v. Fire Dep't of Springfield, 462 Mass. 120, 128 (2012) (Building Code preempts city ordinance requiring certain type of fire protection signaling system.) As detailed below, the Code requires fire protection systems, including fire extinguishers and smoke detectors in certain buildings and structures, and the Code occupies the field of this type of regulation. As such, towns may not impose different local requirements because that would interfere with the legislative intent to create uniform, state-wide standards for construction and construction materials. Id.

Beginning with Chapter 802 of the Acts of 1972, as amended by Chapter 541 of the Acts of 1974, the Legislature eliminated local building codes in order to create a state-wide comprehensive state building code to be applied uniformly throughout the Commonwealth. Pursuant to G.L. c. 143, § 94 the State Board of Building Regulations and Standards (BBRS) adopted a series of regulations known as the State Building Code. The stated purpose of the Code is to govern:

the construction, reconstruction, alteration, repair, demolition, removal, inspection, issuance and revocation of permits or licenses, installation of equipment, classification and definition of any building or structure and use or occupancy of all buildings and structures and parts thereof or classes of buildings and structures and parts thereof... including but not limited to provisions for safety, ingress and egress, energy conservation, and sanitary conditions.

The Code is comprehensive in nature, and the Legislature has clearly expressed an intent to create uniform, state-wide standards for construction and construction materials. St. George, 462 Mass. at 128 (Building Code preempts city ordinance requiring certain type of fire protection signaling system.) As the St. George court stated, “[w]hether construing the Legislature's stated intention of ensuring uniformity in building regulations either as an explicit statement of its desire to foreclose local action, or as a statutory purpose that would be frustrated thereby, the ordinance cannot stand.” Id. at 130. Thus, towns are precluded from having their own local building codes, including those that require certain types of smoke detectors or specific fire protection systems in structures.

However, towns can petition the state Board of Regulation and Standards (BBRS) for approval of regulations more restrictive than those currently imposed under the Code. General Laws Chapter 143, Section 98 authorizes towns seeking to enforce regulations more restrictive than those currently imposed under the Code to request that the BBRS adopt such a regulation. The BBRS will grant such a request only upon a finding, after a public hearing, “that more restrictive standards are reasonably necessary because of special conditions prevailing within such city or town and that such standards conform with accepted national and local engineering and fire prevention practices, with public safety and with the general purposes of a statewide building code . . . .” G.L. c. 143, § 98.

The residential supplement to the Code regulates all one- and two-family structures that are three stories or less, and the base Code regulates all other structures. The ninth edition of the Code, which is the most recent edition, applies to structures built, renovated, or modified after January 1, 2018. Based on input we received from Division of Professional Licensure (Division),

the State Board of Building Regulations and Standards (BBRS), and the Department of Fire Services (DFS) during our review of the by-law, short-term rentals are designated as Use Group R-1 under the Code and require a full fire alarm system, hardwired devices, carbon monoxide detection, and notification throughout the building with low-frequency sounders. The fire extinguisher and smoke detector requirements of the Code are detailed at 780 CMR 906.1 and 907.2. for structures other than one and two-family structures.<sup>3</sup>

Because the Code comprehensively addresses the requirements for installation of fire extinguishers and smoke detectors, Section 5.11.6 (c) and (d) are preempted. As with the fire alarm box requirements at issue in St. George, the fire protection requirements here would frustrate the purpose of the statewide regulation:

The Legislature intended to occupy a field by promulgating comprehensive legislation and delegating further regulation to a State board. The board's regulation, in turn, set a Statewide standard as to what products and practices [are] permissible in a particular field, a process involving a discretionary weighing of relevant factors such as cost and safety.

St. George, 462 Mass. at 128. "To allow a locality to impose additional requirements and 'second-guess the determination of the State Board would frustrate the purpose of [the Building Code].'" Id. (quoting Wendell v. Attorney General, 394 Mass. 518, 529 (1985)).

For these reasons we disapprove and delete Section 5.11.6 (c) and (d), as shown above in underline.

C. Section 5.11.11 Effective Date

Section 5.11.11 states that Section 5.11 "shall take effect on January 1, 2022." We disapprove and delete Section 5.11.11 because it is inconsistent with G.L. c. 40, § 32 that governs the effective date of general by-laws.

Pursuant to G.L. c. 40, § 32, general by-laws take effect once they are approved by the Attorney General and posted or published by the Town Clerk in accordance with the requirements of G.L. c. 40, § 32. Because these requirements have yet to be completed, it is inconsistent with state law for Section 5.11.11 to state that the by-law is in effect as of January 1, 2022. For this reason, we disapprove and delete Section 5.11.11.

**IV. Conclusion**

Except for the provisions of Section 5.11.6 regarding fire extinguishers and smoke and fire alarms and the by-law's effective date, that are inconsistent with state law, we approve Section 5.11. However, the Town may wish to discuss with Town Counsel the remaining provisions of Section 5.11 to ensure they are applied consistent with state law, including G.L. c. 183A.

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<sup>3</sup> These chapters adopt the recommendations of the International Residential Code ("IRC") 314 and the International Building Code ("IBC") 907.

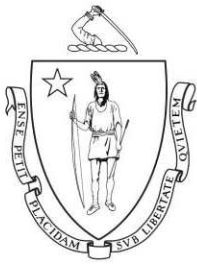
**Note:** Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,  
MAURA HEALEY  
ATTORNEY GENERAL

*Kelli E. Gunagan*

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cc: Town Counsels John Buchheit and Jonathan Simpson



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December 19, 2022

Jennifer L. Messina, Town Clerk  
Town of Great Barrington  
334 Main Street  
Great Barrington, MA 001230

**Re: Great Barrington Annual Town Meeting of June 6, 2022 -- Case # 10670  
Warrant Articles # 22, 23, and 24 (Zoning)  
Warrant Articles # 25 and 26 (General) <sup>1</sup>**

Dear Ms. Messina:

**Article 25** - We approve the Town's "Short-Term Rental of Residential Properties" by-law adopted under Article 25 because it does not conflict with the Constitution or laws of the Commonwealth, including G.L. c. 64G, § 14, which authorizes towns to regulate short-term rentals (STRs). See Thayre v. Town of Brookline, 2021 WL 664042 \* 6-7 (D. Mass. 2021) (recognizing the municipal regulatory authority over STRs granted by G.L. c. 64G, § 14 and rejecting owner's asserted property right to engage in short-term rentals). <sup>2</sup>

In this decision we describe the by-law amendments adopted under Article 25; discuss the Attorney General's limited standard of review of town by-laws under G.L. c. 40, § 32; and then explain why, based on that standard, we approve Article 25.

We emphasize that our approval in no way implies any agreement or disagreement with any policy views that may have led to the passage of the by-law amendments. The Attorney General's limited standard of review requires her to approve or disapprove by-laws based solely on their consistency with state law, not on any policy views she may have on the subject matter or wisdom of the by-law. Amherst v. Attorney General, 398 Mass. 793, 795-96, 798-99 (1986).

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<sup>1</sup> In a decision issued on September 14, 2022 we approved Articles 22, 23, 24, and 26 and extended our deadline for a decision on Article 25 for an additional 90-days until December 19, 2022.

<sup>2</sup> In a decision issued to the Town of Stockbridge on October 4, 2021 we approved a similar short term rental by-law. (See Case # 10265).

## **I. Summary of the By-law**

The stated purpose of the Short-Term Rental by-law is to “balance private, neighborhood, and municipal interests” by: (1) enabling residents to earn extra money from their properties to better afford to live in Great Barrington; (2) minimizing public safety and health risks associated with STRs; and (3) deterring commercial interests from buying housing within the Town for use as STRs businesses. (Article 35, Purpose and Intent). The by-law defines the terms “Owner” and “Short-Term Rental” as:

**Owner.** Any person whom alone, or severally with others, has legal or equitable title or beneficial interest in any dwelling unit; a mortgagee in possession; or agent, trustee or person appointed by the courts. An Owner can be a single person, a marital unit, a group of people, LLC or a Trust. The Owner may also be referred to as the Operator, or the Host.

**Short-Term Rental.** The rental of a whole or a portion of a residential or secondary dwelling unit, in exchange for payment, as residential accommodations for not more than thirty consecutive days, excluding a Hotel, Motel, or Lodging House or Tourist Home for Transient Guests as defined and permitted under the Zoning Bylaw.

The by-law requires owners to register the rental with the Board of Selectmen and renew the registration annually. It limits who can register and operate STRs, including a one-unit-per-owner limit, and a prohibition of STRs owned by a corporation (either directly or through a trust or LLC), as follows:

An Owner may register to operate only one dwelling unit as a Short-Term Rental. If a person owns two properties, or owns one and is listed as a manager or agent for a second that is owed by an LLC, for example, that person must choose one or the other to be registered as a Short-Term Rental. No person shall have more than one legal or equitable title or beneficial interest in any dwelling unit used for a Short-Term Rental except as provided for above. An Owner may hire a property management company to list and manage Short-Term Rentals, but the registration must be in the Owner's name.

Short-Term Rentals are prohibited in dwelling units owned by a corporation. Short-Term Rentals are permitted in dwelling units owned by an LLC or Trust only when every shareholder, partner, or member of the legal entity is a natural person, as established by documentation provided by the applicant at the time of registration.

The by-law also imposes operational requirements on STRs including (among other things) requiring information to be posted in the STR identifying the property owner. Certain properties are prohibited from STRs including those that have outstanding by-law or other code violations, those utilized for certain events, and any units that are subject to long term leases. The by-law requires inspections by the Town’s Fire Department, Health Department, and Building Inspector,

authorizes the Board of Selectmen to adopt rules and regulations to implement the by-law, and authorizes enforcement through G.L. c. 40, § 21D’s non-criminal disposition “ticketing” method.

## **II. Attorney General’s Standard of Review**

Our review of Article 25 is governed by G.L. c. 40, § 32. Pursuant to G.L. c. 40, § 32, the Attorney General has a “limited power of disapproval,” and “[I]t is fundamental that every presumption is to be made in favor of the validity of municipal by-laws.” Amherst, 398 Mass. at 795-96. To disapprove a by-law, the Attorney General must cite an inconsistency between the by-law and the state Constitution or laws. Id. at 796. “As a general proposition the cases dealing with the repugnancy or inconsistency of local regulations with State statutes have given considerable latitude to municipalities, requiring a sharp conflict between the local and State provisions before the local regulation has been held invalid.” Bloom v. Worcester, 363 Mass 136, 154 (1973) (emphasis added). “The legislative intent to preclude local action must be clear.” Id. at 155. Massachusetts has the “strongest type of home rule and municipal action is presumed to be valid.” Connors v. City of Boston, 430 Mass. 31, 35 (1999) (internal quotations and citations omitted). However, a municipality has no power to adopt a by-law that is “inconsistent with the constitution or laws enacted by the [Legislature].” Home Rule Amendment, Mass. Const. amend. art. 2, § 6.

## **III. Municipal Authority to Adopt Short-Term Rental By-laws**

In 2018 the Legislature amended G.L. c. 64G, “Room Occupancy Excise,” to authorize municipalities to impose local registration, licensing, and other operational requirements on STRs. Under Section 14 towns may: (1) regulate the class of operators of STRs; (2) limit the number of days that STRs may be rented; (3) impose fees for STRs; and (4) impose penalties for a violation of the by-law’s provisions, as follows:

A . . . town, by . . . by-law, may regulate operators registered pursuant to section 67 of chapter 62C and impose penalties for the violation of such an ordinance or by-law. A . . . town, by . . . by-law, may:

- (i) regulate the existence or location of operators under this section within the city or town, including regulating the class of operators and number of local licenses or permits issued to operators under this section and the number of days a person may operate and rent out an accommodation in a calendar year;
- (ii) require the licensing or registration of operators within the city or town; provided, however, that a city or town may: (A) accept a certificate of registration issued to an operator in accordance with section 67 of chapter 62C in lieu of requiring an operator to obtain a local license or registration under this section; or (B) issue a provisional license or registration to permit an operator to offer accommodations on temporary or seasonal basis;
- (iii) require operators to demonstrate that any properties or premises controlled, occupied, operated, managed or used as accommodations subject to the excise under this chapter are not subject to any outstanding building, electrical, plumbing, mechanical, fire, health, housing or zoning code enforcement, including any notices

of violation, notices to cure, orders of abatement, cease and desist orders or correction notices;

(iv) require properties or premises controlled, occupied, operated, managed or used by operators as an accommodation subject to the excise under this chapter to undergo health and safety inspections; provided, however, that the cost of any inspection conducted under this section shall be charged to and solely paid by the operator under this section; provided further, that after any initial health and safety inspection, the city or town may determine the frequency of any subsequent inspections;

(v) establish a civil penalty for violation of an ordinance or by-law enacted pursuant to this section; provided, however, that a city or town that suspends or terminates an operator's right to operate an accommodation for a violation of any ordinance or bylaw shall notify the commissioner of revenue of the suspension or termination; and

(vi) establish a reasonable fee to cover the costs associated with the local administration and enforcement of regulating operators and accommodations.

In addition to this statutory grant of authority, the state's Home Rule Amendment, Mass. Const. amend. art. 2, § 6 (as amended by amend. art. 89), allows a town to exercise, subject to certain limits not present here, "any power or function which the general court has power to confer upon it." This includes the authority to adopt by-laws regulating STRs. See Styller v. Zoning Bd. of Appeals of Lynnfield, 487 Mass. 588, 599 (2021) (local regulation of STRs is within a town's zoning power because the "absence of stability and permanence of the individuals residing in those [STRs]" subverts the municipal goal of "foster[ing] stability and permanence") (internal quotations and citation omitted).

#### **IV. The By-law Does Not Conflict with Federal or State Law**

During our review of Article 25 we considered whether the by-law's limitation on ownership of STRs, including the prohibition on corporate ownership, violates G.L. c. 64G, § 14 or other provisions of state or federal law, including due process and equal protection provisions. We find no conflict between the by-law and any such provision, as explained below.

##### **A. Article 25 is Consistent with the Powers Granted to Town under G.L. c. 64G, § 14**

G.L. c. 64, § 14 authorizes a "town, by . . . bylaw [to] regulate . . . the class of operators" of short-term rentals. G.L. c. 64G, § 1 defines an "operator" as:

a person operating a bed and breakfast establishment, hotel, lodging house, short-term rental or motel in the commonwealth including, but not limited to, the owner or proprietor of such premises, the lessee, sublessee, mortgagee in possession, licensee or any other person otherwise operating such bed and breakfast establishment, hotel, lodging house, short-term rental or motel.

Section 1 defines a “person” as:

an individual, partnership, trust or association, with or without transferable shares, joint-stock company, corporation, society, club, organization, institution, estate, receiver, trustee, assignee or referee and any other person acting in a fiduciary or representative capacity.

Here the Town’s by-law prohibits corporate ownership of STR units and allows LLC or Trust ownership of STR units “only when every shareholder, partner, or member of the legal entity is a natural person, as established by documentation provided by the applicant at the time of registration.” By limiting who can register and operate STRs, Great Barrington is using its Section 14 authority to regulate the “class of operators” who may operate STRs. See Thayre v. Town of Brookline, 2021 WL 664042 \* 6-7 (D. Mass. 2021) (recognizing G.L. c. 64G, § 14’s grant of authority to cities and towns to enact their own local regulations and registration and licensing requirements for STRs). For this reason, we find no conflict with G.L. c. 64G, § 14.

B. Federal and State Equal Protection and Substantive Due Process

We have considered whether the limitations on who can register and operate STRs violates federal and state constitutional guarantees of the equal protection of the laws if it is not “rationally related to the furtherance of a legitimate State interest.” Massachusetts Federation of Teachers v. Board of Education, 436 Mass. 763, 777 (2002) (citation and internal quotations omitted) (“MFT”);<sup>3</sup> see also Take Five Vending v. Town of Provincetown, 415 Mass 741, 749 (1993) (by-law prohibiting cigarette vending machines was rationally related to a promoting public health and did not violate equal protection). We have also considered the closely related argument that the by-law’s limitations on STRs registration and operation violates federal and state constitutional guarantees of substantive due process because it bears no “reasonable relation to a permissible legislative objective,” or no “real and substantial relation to the public health, safety, morals, or some other phase of the general welfare.” MFT, id. at 779 (citation and internal quotations omitted).<sup>4</sup> For the following reasons, we are unable to conclude that the by-law’s limitations on who can register and operate STRs violates federal or state constitutional guarantees of the equal protection of the laws and substantive due process.

To show that a law lacks any rational basis is a “heavy burden.” Leibovich v. Antonellis, 410 Mass. 568, 576 (1991). “A legislative enactment carries with it a presumption of constitutionality, and the challenging party must demonstrate beyond a reasonable doubt that there are no conceivable grounds which could support its validity.” Id. (citation and internal quotations

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<sup>3</sup> The standard for equal protection analysis under the state constitution is the same as under the federal constitution’s Fourteenth Amendment. MFT, 463 Mass. at 77; see Gillespie v. City of Northampton, 460 Mass. 148, 158 (2011). Where “a statute implicates a fundamental right or uses a suspect classification, we employ strict judicial scrutiny[; for] all other statutes, we employ the rational basis test.” Commonwealth v. Weston W., 455 Mass. 24, 30 (2009) (citations and internal quotations omitted); see MFT, 463 Mass. at 777.

<sup>4</sup> The federal and state substantive due process guarantees are largely coextensive. Id. n.14.



omitted). “A classification will be considered rationally related to a legitimate purpose if there is any reasonably conceivable state of facts that could provide a rational basis for the classification.” MFT, 436 Mass. at 777 (citations and internal quotations omitted).

The constitutional guarantee of equal protection does not require that legislative classifications be perfect. “If the classification has some reasonable basis, it does not offend the Constitution simply because the classification is not made with mathematical nicety or because in practice it results in some inequality. . . . Some degree of overinclusiveness or underinclusiveness is constitutionally permissible in this regard. . . . [A legislative body] is permitted to deal with problems one step at a time . . . [I]n confronting a multitude of evils, it may address itself to the phase of the problem most urgently requiring remedial action.” MFT, 436 Mass. at 778 (citations and internal quotations omitted). “[E]qual protection does not require [the] State to choose between attacking every aspect of a problem or not attacking the problem at all”; a legislative body “may proceed one step at a time, addressing itself to the phase of the problem which seems most acute to the legislative mind.” Id. (citations and internal quotations omitted).

We cannot conclude that the by-law’s limitation on STRs registration and operation bears no “reasonable relation to a permissible legislative objective,” or no “real and substantial relation to the public health, safety, morals, or some other phase of the general welfare.” MFT, 436 Mass. at 779 (citation and internal quotations omitted). Courts have recognized that STRs lack the stability and permanence that long-term occupancy brings to a community because (unlike short-term renters) “long-term inhabitants have the opportunity to ‘develop a sense of community and a shared commitment to the common good of that community.’” Styller, 487 Mass. at 599 (quoting Slice of Life, LLC, 652 Pa. 224, 232 (2019)); see also Styller v. Aylaward, 2018 WL 4502015 \* 5 (Mass. Land Ct.) (2018) (STRs in “in non-owner occupied properties where the owner never lives there but instead rents it out in a continuous series of short term arrangements...decrease[s] the number of properties available for long-term rental by residents and drive up the overall cost of rentals.”). The by-law’s stated purposes reflect the Town’s attempt to “minimize[e] public safety and health risks associated with STRs” and minimize loss of available long-term rental units by “deter[ri]ng commercial interests from buying housing within the Town for use as STRs businesses.” (Article 35, Purpose and Intent).

Because the by-law is rationally related to these legitimate public purposes, we cannot conclude that the by-law violates the equal protection or due process protections in state or federal law.<sup>5 6</sup>

## V. Other Comments

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<sup>5</sup> Most courts in other jurisdictions that have considered the questions have concluded that short-term rental regulations similar to Great Barrington’s do not violate equal protection or due process. See, e.g., Selvaggi v. Borough of Point Pleasant Beach, 2022 WL 1664623 (D.N.J., 2022) (ordinance prohibiting short-term rentals of less than 30 days except for seasonal short-term rentals and owner-occupied multi-unit dwellings did not violate equal protection or due process; no fundamental right to use property as a short-term rental); Mogan v. City of Chicago, 2022 WL 159732 (N. D. Ill., 2022) (equal protection challenge to Chicago ordinance imposing a minimum stay on vacation rentals and shared housing units failed because ordinance had rational basis to protect the City’s “legitimate interest in local neighborhood preservation, continuity, and stability”); Murphy v. Walworth Cnty., 383 F. Supp. 3d 843, 851 (E.D. Wis. 2019) (short-term rental ordinance imposing minimum stay requirement passed rational basis review because “[t]he Ordinance’s stated purpose—to protect the health, safety, and general welfare of the public from seasonal over-occupancy—is an obvious and rational justification for the requirements imposed”; also rejecting substantive due process claim because no fundamental right to list property on home sharing websites); Weisenberg v. Town Board of Shelter Island, 404 F. Supp. 3d 720 (E.D.N.Y., 2019) (rejecting substantive due process argument because plaintiffs “failed to adequately allege a federal protectable property interest in the unlicensed renting of their homes for periods less than fourteen days.”); but see Calvey v. Town Board of North Elba, 2021 WL 1146283 (N.D.N.Y., 2021) (plaintiffs made plausible claim that short-term rental law implicated a protected property interest where plaintiffs alleged they “purchased property that had customarily been used for the very purposes which they intended to utilize it, and [subsequent] regulations ... undermined their ability to make use of the property in the intended way”).

<sup>6</sup> We have also considered whether any of the restrictions in the by-law implicate Commerce Clause concerns and determine that they do not. Nothing in the by-law facially discriminates against interstate commerce, nor are we aware that Article 25 has the purpose or effect of discriminating against interstate commerce. See United Haulers Ass’n, Inc. v. Oneida-Herkimer Solid Waste Management Authority, 550 U.S. 330, 338 (2007) (“In this context, ‘discrimination’ simply means differential treatment of in-state and out-of-state economic interests that benefits the former and burdens the latter. . . . Discriminatory laws motivated by simple economic protectionism are subject to a virtually per se rule of invalidity[.]” Id. (citation and internal quotations omitted)). However, at least two short-term rental restrictions from other jurisdictions – each different from the one here in material respects – have been found to implicate the Commerce Clause and met different fates upon judicial scrutiny depending on the particular circumstances of each regulation. See Hignell-Stark v. City of New Orleans, 46 F.4th 317 (5th Cir. 2022) (STR regulation that effectively blocks everyone but residents of the City from entering the market for STRs in residential neighborhoods discriminates against interstate commerce for purposes of the dormant Commerce Clause); Rosenblatt v. City of Santa Monica, 940 F.3d 439, 450-451 (9th Cir. 2019) (no Commerce Clause violation where STR regulation requires someone to live on the property full time, but that person did not need to be the owner of the property – meaning that out-of-staters could enter the STR market on equal terms as state residents).

A. Selectboard Authority to Adopt Rules and Regulations

The by-law authorizes the Selectboard to adopt “rules, regulations, policies and procedures” to implement the new by-law. Any rules or regulations adopted by the Selectboard must be consistent with state law. See American Lithuanian Naturalization Club v. Board of Health of Athol, 446 Mass. 310, 321 (2006) (“A town may not promulgate a regulation that is inconsistent with State law.”). We suggest that the Town discuss with Town Counsel any proposed regulations to ensure that they comply with state law.

B. Effective Date

The by-law states that its provisions take effect on January 1, 2023. General Laws Chapter 40, Section 32 establishes that a by-law approved by the Attorney General must be posted or published before it goes into effect:

Before a by-law or an amendment thereto takes effect it shall also be published in a town bulletin or pamphlet, copies of which shall be posted in at least five public places in the town; and if the town is divided into precincts, copies shall be posted in one or more public places in each precinct of the town; or instead of such publishing in a town bulletin or pamphlet and such posting, copies thereof may be published at least twice at least one week apart in a newspaper of general circulation in the town.

Therefore, the by-law will not take effect until the requirements of G.L. c. 40, § 32 have been satisfied. The Town should consult with Town Counsel with any questions regarding the bylaw’s effective date.

**Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.**

Very truly yours,

MAURA HEALEY  
ATTORNEY GENERAL

*Margaret J. Hurley*

By: Margaret J. Hurley  
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Director, Municipal Law Unit  
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(508) 792-7600 ext. 4402

cc: Town Counsel David J. Doneski



# Town of West Newbury

381 Main Street

West Newbury, Massachusetts 01985

Angus Jennings, Town Manager

978-363-1100, Ext. 111 Fax 978-363-1826

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

TO: Select Board  
FROM: Angus Jennings, Town Manager  
DATE: June 26, 2023  
RE: Procurement updates

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This memo is to provide a summary of recent, ongoing and near-term procurement activities undertaken since the Board's designation of my office as the Town's Acting Chief Procurement Officer, with support from DPW Business Administrator/Purchasing Assistant Katelyn Bradstreet.

## Recently Completed Procurements / Contracts

1. Town Hall painting
2. Pavement markings (line striping)
3. Catch basin cleaning
4. Guardrail installation (Farm Lane)
5. Emerald Ash Borer (EAB) tree injections
6. High hazard tree removal
7. Crack sealing
8. Page School HVAC upgrades (for preparation of bid specs, and construction administration)
9. MBTA Communities consultant selection
10. Dole Place peer review RFQ

## Current Active Procurements

11. Page School Facilities Assessment RFQ
12. Invasive Species Management
13. Cable TV server upgrade (to be funded by PEG funds)
14. Roadway paving
15. Purchase of vehicles as authorized by Town Meeting (sidewalk plow; fire truck; police cruiser)
16. Investment Services RFQ

## Anticipated Near-Term Procurements

17. Design/engineering services for Town Center traffic calming funded by State earmark
18. Pipestave Field 6 restoration work
19. Church/Prospect procurement of pipe/materials, then later procurement of construction services

Katelyn has continued to complete the majority of work associated with preparing IFBs/RFPs/RFQs, issuing addenda, corresponding with prospective and selected vendors, and preparing initial draft contracts/letter agreements. Other offices are also involved with the process of scoping work for procurement documents, such as input from the Tree Committee for the EAB treatment contract, and

from the Open Space Committee and Conservation Agent for the Invasive Species Management contract.

Even with this support, my procurement and contracting responsibilities have taken a significant share of my time since my office's designation as Acting CPO. This was anticipated, but this work has taken an inordinate amount of time in May and June due to a number of factors: Town Meeting appropriation of funds for many initiatives that required procurement, including several (such as EAB treatment and Invasive Species Management) that were time-sensitive due to seasonal factors; the time-sensitivity of securing vendors for summer 2023 public works operations such as line striping, crack sealing, and catch basin cleaning; the withdrawal of the town's paving contractor, and resultant need to re-bid paving; and the Commonwealth's stated (but later rescinded) requirement to fully expend more than \$100,000 in one-time WRAP funds by June 30<sup>th</sup>.

In the meantime, Katelyn is continuing work toward becoming certified as a Massachusetts Certified Public Procurement Officer (MCPPO), having recently completed the second of three 25-hour trainings. As we move forward toward getting back to full staffing in the DPW, we will reassess where the procurement function will best rest in the longer term, based on different offices' capability and capacity.

We will continue to provide periodic updates to keep you apprised regarding procurement activities.



# Assure Station Metrics Monthly Reporting

Town of West Newbury - Monthly Report - May 2023

Company Id  
112991

Port Level  
All

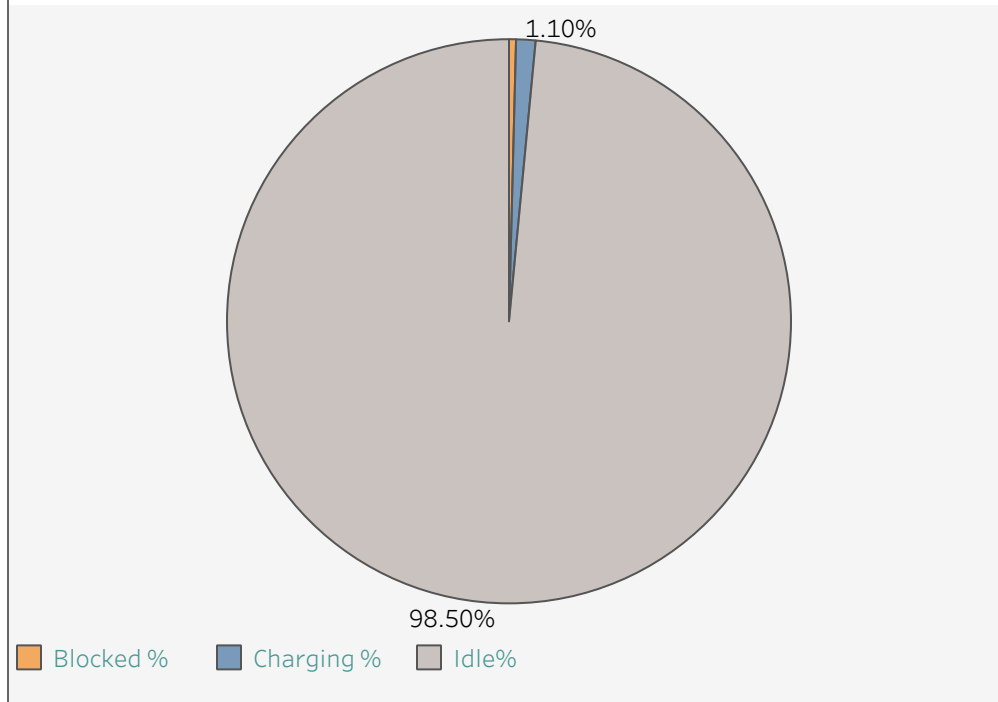
Organization Name  
All

Month End Date  
5/31/2023

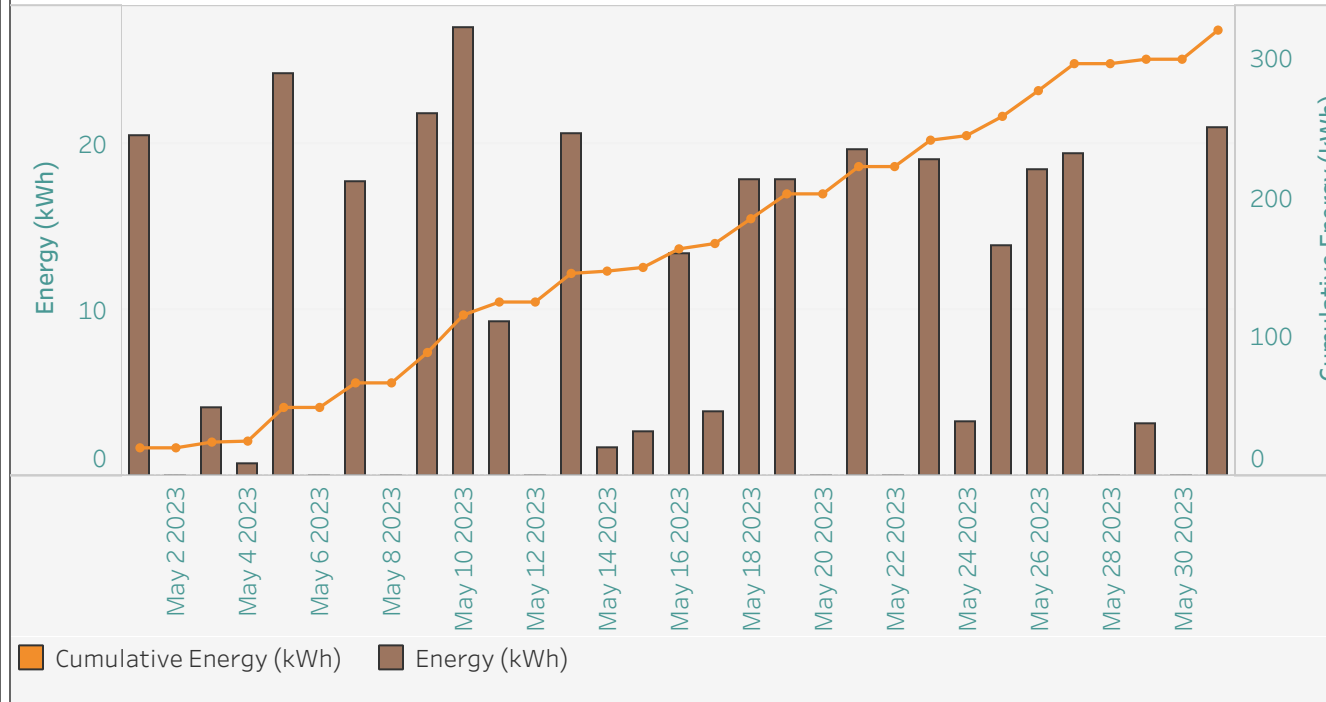


Port Count	Station Count	Total Revenue (\$)	Energy (kWh)	GHG Savings (kg)	Gasoline Saved (Gal)	Unique Driver	Chargepoint Response SLA	Session Count
8	4	101	321	135	40	9	100.00%	39

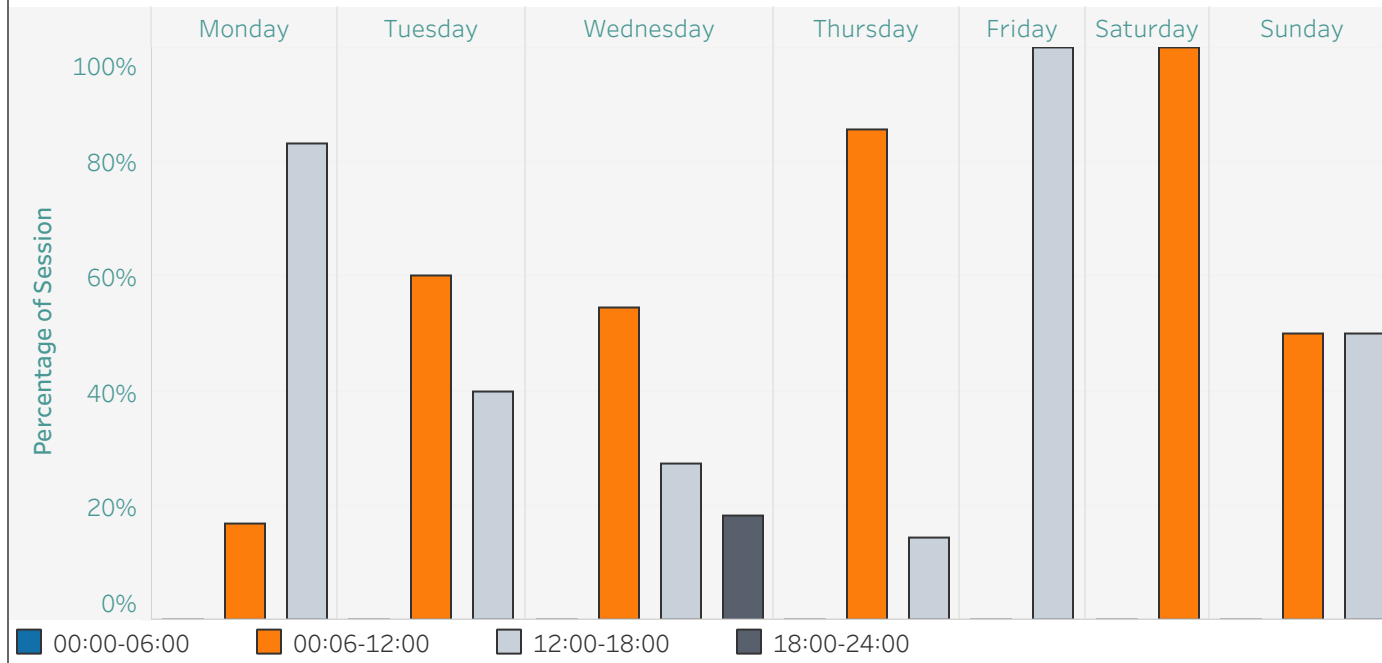
Port Utilization: 24 Hours



Energy Dispensed (kWh) by Day



Session Starts by Time of Day Month



Average Session Duration (Hours)	2.29
Average Session Charge Time (Hours)	1.69
Average Session Energy (kWh)	8.22
Average Session Revenue (\$)	2.59
Occupied Hours	89.14
Charging Hours	65.74
Service Tickets	0.00



## Assure Station Metrics Reporting Appendix

**Port Utilization Chart:** This is a view of station utilization during common business hours.

You can use this information to determine if updates need to be made to pricing / access policies or if stations should be added.

**Session Start Distribution Chart:** This is a view (by day) of what times drivers start sessions.

You can use this information to fine tune time of day pricing policy rules.

**Station / Port Count:** In order to be counted, a station must have the "Assure" entitlement applied.

This is the number of stations / ports that currently have the "Assure" entitlement.

**Total Revenue:** This is the sum of session fees generated by your "Assure" stations minus the ChargePoint service fee (10%).

This is based on session dates (not transaction date which may differ). Your Flex Billing reports should be used for financial reporting.

**Energy (kWh):** All energy dispensed through your "Assure" stations.

This data point can be useful in reconciling station energy against energy bills.

**GHG Savings (kg):** All the green house gasses (95% CO2) that would have been released had the miles provided by your stations come from gasoline.

This data point can be useful in sustainability reporting.

**Unique Drivers:** The number of unique drivers that used your stations this month (a driver would be counted only once even if they used different RFID cards).

An understanding of the number of unique drivers visiting may be useful in creating station messaging / video ads.

**Gasoline (Gal) Saved:** All the gasoline that would have been burned had the miles provided by your stations come from gasoline.

This data point can be useful in sustainability reporting.

**ChargePoint Response SL:** Percentage of tickets to which ChargePoint responded within Service Level (1 business day).

ChargePoint holds itself accountable to our Service Level commitment.

**Uptime:** Percentage of time that your ports were capable of dispensing power.

ChargePoint is committed to keeping your ports dispensing power 98% of the time or better.

**Sessions:** Total session count.

An understanding of the number of times your stations authorize a session can be useful creating station messaging / video ads.

**Average Session Duration:** Average amount of time drivers occupy your stations.

This data point can be useful in fine tuning length of stay pricing policy rules.

**Average Charging Time:** Average amount of time per session energy is flowing.

This data point can be useful in fine tuning length of stay pricing policy rules.

**Average Session Energy:** Average amount of energy dispensed.

This data point can be useful in fine tuning price per kW pricing policy rules.

**Average Session Revenue:** Average session fee - 10%.

This data point can be useful in fine tuning minimum & maximum values for pricing policy rules.

**Total Hours Occupied:** Sum of all session durations.

This is used in part to determine utilization.

**Total Hours Charging:** Sum of all session charging durations.

This is used in part to determine utilization.

**New Service Tickets:** Count of trouble tickets tracking issues with a "Assure" station created this month.

This will help in keeping track of station fault issues raised with ChargePoint Support.