



Town of West Newbury
Select Board
Monday, July 24, 2023 @ 5:30pm
381 Main Street, Town Office Building
www.wnewbury.org
AGENDA

REC'D W. NEWBURY CLERK
28 JUL 20 04:12

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

- ❖ MGL Ch. 30A §21(a) 3: To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares (*Police Union; Dispatch Union; potential wage claim*);
- ❖ MGL Ch. 30A §21(a) 7: To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements (*Elliot Fund*).

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.
- 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
- Reminder to subscribe for emailed Town agendas/news/announcements at www.wnewbury.org/subscribe

Regular Business

- A. Update regarding Eastern Essex District Department of Veterans' Services – *Ron Ross, West Newbury Representative*
- B. Requests for appointment to Conservation Commission
 - a. Haley McCraven
 - b. Alejandra Chandler
- C. Request for authorization to pursue Edward J. Byrne Memorial Justice Assistance Grant to support costs to replace aging computers in police cruisers – *Police Chief Dwyer*
- D. Request for authorization to pursue Office of Grants and Research Grant to support costs to purchase body cams – *Police Chief Dwyer*
- E. Follow-up re EAB tree injection program – *Fred Chanania, Tree Committee Chair*
- F. Request from Essex County Greenbelt for authorization to conduct fundraising activities and install temporary sign at Pipestave/Mill Pond in support of proposed Sawmill Brook land acquisition
- G. Continued review of draft Elliot Fund program summary and loan application
- H. Select Board review of Committees' charge / function
 - a. Personnel Advisory Committee
 - b. Harbor Committee
- I. Set warrant closing date for Special Town Meeting to be held on October 23, 2023

Town Manager Updates

- J. Progress update regarding Tata & Howard water hydraulic plan/capital plan/rate study; and Weston & Sampson engineering study of 31 Dole Place
- K. Ash Street updates
- L. Update regarding MassWorks grant for Middle Street Bridge
- M. Upcoming Planning Board meeting (Aug. 15th) regarding MBTA Communities planning process
- N. Work with Town Planner and DPW Projects Manager toward planning fall "land use summit"
- O. Work with MVPC regarding Rte. 113 Corridor Planning
- P. Review of draft West Newbury Welcome Packet
- Q. Update on work to prepare investment manager RFP
- R. Updates on other ongoing/active projects/initiatives
- S. 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: 869 1070 3133
Passcode: 578196

Join at: <https://us06web.zoom.us/j/86910703133?pwd=SHdMeHdHMzErd3NtdFNRSWJvdUwwQT09>

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

From: Ron Ross <[REDACTED]>
Sent: Wednesday, July 19, 2023 9:19 AM
To: Town Manager
Subject: Re: Easter Essex District Department of Veteran Services

Sir, Yes I will be able to attend the meeting and provide an update. Keep you posted.
thank you
Ron Ross

On Wed, Jul 19, 2023 at 9:16 AM Town Manager <townmanager@wnewbury.org> wrote:

Ron,

That's disappointing news, we had enjoyed working with Karen. We're fortunate that you're there and willing to help out during the transition!

I provided an update to the Select Board Chair Wendy Reed. Would you be interested in attending the upcoming Select Board mtg (Monday 7/24) to provide an update to them directly?

Thanks,

Angus

Angus Jennings, Town Manager

Town of West Newbury

Town Office Building

381 Main Street

West Newbury, MA 01985

(978) 363-1100 x111

townmanager@wnewbury.org

From: Ron Ross <[REDACTED]>
Sent: Tuesday, July 18, 2023 8:54 PM

To: Town Manager <townmanager@wnewbury.org>; Executive Assistant <exec.assistant@wnewbury.org>

Subject: Easter Essex District Department of Veteran Services

Sir, I would like to update you on what is currently going on with Easter Essex District Department of Veteran Services; on Sunday 16 July Karen Tyler submitted her resignation as the district Veteran Service Officer (VSO). Karen has been in this position for 8 years and this in my opinion is a huge loss. Karen was hired as the VSO for Lexington/Carlise/New Bedford District. She will stay until the end of this month. Also, Bob Snow resigned as the Selectmen Chair from Rowley, he stated he has too full of a plate and needs to leave after many years. His replacement will be at the next meeting to be held within the next few weeks in order to review resumes / applications for Karen's replacement as the new VSO. There should not be any gap in support to the Veterans of West Newbury and the district. I have volunteered to cover down on the VSO office to ensure a smooth transition and support to the Veterans and their families. Will keep you posted.

thank you Ron Ross

B.a.



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

Name: Haley McCraven

Address: [REDACTED]

e-mail: [REDACTED]

Mobile phone: [REDACTED] Home phone: N/A

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

The Conservation Commission

Current or past committees served on: None for the town of West Newbury, but I have served on the Board of Directors for the Junior League of Boston (2014-2016, 2021 - 2022)

Relevant skills, expertise and education: With an MBA from Northeastern coupled with skills gained from my role as a management consultant at PwC, I possess a strong foundation in strategic planning, resource management and organizational leadership. My passion for protecting our wild spaces fuels my determination to contribute to the Conservation Commission. Having served on various committees and Boards in other organizations, I have honed my ability to collaborate effectively with diverse teams, driving them towards a common goal while ensuring efficient decision-making processes. Together, my educational background, expertise and commitment make me well suited to make a significant and positive impact on the Conservation Commission.

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: Haley McCraven Date: July 17, 2023

Board/Committee _____

Appointing Authority _____

Date of Appointment _____ Sworn in _____

B.b.



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

Name: Alejandra Chandler

Address: [REDACTED]

e-mail: [REDACTED]

Mobile phone: [REDACTED]

Home phone: _____

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

West Newbury Conservation Commission

Current or past committees served on: Merrimac, MA

Relevant skills, expertise and education: _____

b.s in Environmental Science, Conservation and natural Resources

Current M.S student Environmental Engineering at Johns Hopkins University

Full Time Sustainbaility Coordinator at SPS New England

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: _____

07/19/2023

Board/Committee

Appointing Authority

Date of Appointment

Sworn in

Alejandra Chandler

Conservation Commission Member



Corporate Sustainability Professional with a track record of success planning, developing and managing sustainability initiatives that reduce environmental impact, enhance social responsibility, and optimize financial performance. Experienced in negotiating contracts, ensuring compliance with sustainability regulations, budget management, and reporting to measure and communicate sustainability performance.

Areas of Expertise

Conservation • Corporate Sustainability • Environmental Science • Stakeholder Engagement • Operations Project Management • Analytical Problem Solving • Strategic Planning • Impact Assessment • Training

Language Proficiency: Spanish & English

Technical Skills: Adobe Suite, Microsoft Office, Microsoft Teams

Experience

SPS NEW ENGLAND – Salisbury, MA / Remote

Sep 2016 – Present

Sustainability Coordinator (Jan 2020 – Present)

Developed and lead sustainability programs and manage operations process improvement for SPS Corporate Office (100+ team members) including construction business and Atlantic Hospitality Group (120+ team members).

Conservation & Environmental Project Management

- **Saved over 38.5 tons of CO2 emissions per year since 2020** by creating and implementing [SPS Green Initiative](#) including composting solution across SPS and Atlantic Hospitality Group (3 restaurants). Achieved 90% success rate as measured by waste collection and contamination instances.
- **Reduced company-wide landfill impact** by implementing a comprehensive recycling program and securing buy-in and participation from team members. Monitor and track sustainability indicators including energy usage and waste generation to inform future initiatives.
- **Promoted healthy local ecosystem and team-wide engagement in sustainability initiatives** by establishing a company community garden producing fresh produce and providing home for pollinators.

Operations Project Management

- **Drove annual cost savings of \$7K** by establishing a streamlined supply ordering process to reduce shipping costs and environmental impact. Trained team of 20 to streamline to 1 point of contact.
- **Negotiated 50%+ savings on facilities maintenance costs** while managing vendor selection process and ongoing vendor relationship management.
- **Boosted employee morale and productivity** through implementation of weekly on-site corporate lunch program, bringing new food options to the building, and maintaining water quality standards.

Human Resources Assistant (Sep 2016 – Jan 2020)

Collaborated with HR Manager to maintain accurate employee data and manage Spanish to English documents and training translation.

- **Maintained compliance and safety for 300+ employees in the field** by providing training for ~20 Spanish-speaking employees annually in onboarding, anti-harassment, and field safety.

MERRIMAC CONSERVATION COMMISSION – Merrimac, MA

Jul 2022 - Apr 2023

Alternate Member

Analyze, implement, and review conservation and sustainability initiatives for the Town of Merrimac as member of 10-person commission.

- **Ensured business and individual compliance with environmental regulations** in collaboration with Commission Members. Review permit requests utilizing knowledge of Wetlands Protection Act and conservation requirements.

Education

JOHNS HOPKINS UNIVERSITY – Baltimore, MD

Expected Dec 2024

Master of Science, Environmental Engineering and Science

SOUTHERN NEW HAMPSHIRE UNIVERSITY – Manchester, NH

Oct 2021

Bachelor of Science – Environmental Science with a minor in natural resources & conservation

Certifications

HAZMATEAM INC. – Hudson, NH

Mar 2023

HAZWOPER 40 CERTIFIED

IMPERIAL BUSINESS SCHOOL – London, UK/Remote

Aug 2020

Corporate Sustainability

Interests

Environmental Conservation • Landscape & Commercial Photography & Video – [Bacata Photography](#)

Avid Hiker • International Travel across South America and Europe

Town Manager

From: Michael Dwyer <dwyer@westnewburysafety.org>
Sent: Wednesday, July 19, 2023 1:27 PM
To: Town Manager
Subject: Fwd: Municipal Law Enforcement Funding Opportunity

Angus,

Would it be possible to add this grant to the discussion too? This would be a great opportunity to offset funds to replace our aging computers in the police cruisers.

I'm happy to speak more it it in person.

Thanks

Mike

From: Cheryl Lott <cheryl@masschiefs.org>
Sent: Friday, July 14, 2023 1:49 PM
Subject: Municipal Law Enforcement Funding Opportunity



Edward J. Byrne Memorial Justice Assistance Grant

Municipal Law Enforcement Funding Opportunity

Deadline: August 23, 2023

The Office of Grants and Research (OGR) will make available approximately **\$2,500,000** through the Byrne JAG Municipal Law Enforcement

Funding Opportunity for local police departments to competitively solicit federal funding to address local law enforcement prevention, intervention, and suppression programming needs. Eligible police departments may apply for a maximum of \$50,000.

All proposals must have a law enforcement, criminal justice nexus and be structured with a primary focus on impacting a specific public safety need in order to be considered for funding. Applicants may request funds for services and activities aimed at prevention/intervention, diversion and/or enforcement.

Eligibility:

Only a police department from a Massachusetts municipality (local unit of government) is eligible to apply

Application Deadline:

August 23, 2023, by 4:00 pm.

Want to learn more?

Additional information and application materials are available [here](#).

The Office of Grants and Research (OGR) promotes public safety and security in Massachusetts communities through the management of grants funds and research programs focused on crime prevention and intervention, traffic safety, law enforcement and homeland security initiatives. OGR is the state administering agency for federal funds received from the Department of Homeland Security Federal

Emergency Management Agency, Department of Justice and National Highway Traffic Safety Administration and administers safety and security grants authorized by the Massachusetts Legislature. OGR manages more than \$150 million in state and federal grants that are distributed to state, municipal, education, nonprofit and tribal agencies across the Commonwealth.

Mass Chiefs of Police Assn. | 353 Providence Road, South Grafton, MA 01560

Town Manager

From: Michael Dwyer <dwyer@westnewburysafety.org>
Sent: Friday, June 30, 2023 12:42 PM
To: Town Manager
Subject: FW: Law Enforcement Body-Worn Camera Program - Funds Available

Angus,

I would like to investigate this grant funding opportunity with the select board’s approval. Sgt. Parenteau will begin reviewing the program requirements.

Grant overview:

This is a reimbursement grant - FY24
Departments under 50 employees
To implement new body worn camera programs
Awards would be granted in September 2023

<https://www.mass.gov/info-details/law-enforcement-body-worn-camera-bwc-program>

Mike

From: Info at MA Chiefs <info+masschiefs.org@ccsend.com>
Date: Friday, June 30, 2023 at 12:20 PM
To: Michael Dwyer <dwyer@westnewburysafety.org>
Subject: Law Enforcement Body-Worn Camera Program - Funds Available



Law Enforcement Body-Worn Camera Program

Deadline: July 31, 2023

The Office of Grants and Research (OGR) is making \$3,800,000 in state funding available to assist municipal police departments implement new or expand existing body-worn camera (BWC) programs. This funding may not be used for the replacement of equipment used by police departments with existing BWC programs.

Eligibility:

Only municipal police departments are eligible to apply for funding through this program.

Application Deadline:

July 31, 2023 at 4 p.m.

Want to learn more?

Additional information and application materials are available [here](#).

The Office of Grants and Research (OGR) promotes public safety and security in Massachusetts communities through the management of grants funds and research programs focused on crime prevention and intervention, traffic safety, law enforcement and homeland security initiatives. OGR is the state administering agency for federal funds received from the Department of Homeland Security Federal Emergency Management Agency, Department of Justice and National Highway Traffic Safety Administration and administers safety and security grants authorized by the Massachusetts Legislature. OGR manages more than \$150 million in state and federal grants that are distributed to state, municipal, education, nonprofit and tribal agencies across the Commonwealth.

Mass Chiefs of Police Assn. | 353 Providence Road, South Grafton, MA 01560

Unsubscribe.dwyer@westnewburysafety.org

Town Manager

From: Vanessa Johnson-Hall <vkjohnson@ecga.org>
Sent: Friday, July 21, 2023 9:44 AM
To: Town Manager
Cc: Cathy Lanois
Subject: Re: Greenbelt Fundraising for Sawmill

Thank you, Angus. I'll make sure to sign in by 7:30 just in case.

Vanessa

On Fri, Jul 21, 2023 at 9:36 AM Town Manager <townmanager@wnewbury.org> wrote:

Based on the posted [agenda](#) I doubt this would come up before about 8pm. If it comes up before you're on the Board can wait to take it up, so if you sign on later that's fine too. Their mtgs tend to run til 10pm or later.

Thanks,

Angus

Angus Jennings, Town Manager

Town of West Newbury

Town Office Building

381 Main Street

West Newbury, MA 01985

(978) 363-1100 x111

townmanager@wnewbury.org

From: Vanessa Johnson-Hall <vkjohnson@ecga.org>
Sent: Friday, July 21, 2023 9:02 AM
To: Town Manager <townmanager@wnewbury.org>
Cc: Cathy Lanois <ccl@ecga.org>
Subject: Re: Greenbelt Fundraising for Sawmill

Hi Angus,

I can attend via Zoom Monday evening. We don't have any additional details to provide. Would you mind advising me on approximate time?

Thank you,
Vanessa

On Thu, Jul 20, 2023 at 1:57 PM Town Manager <townmanager@wnewbury.org> wrote:

Vanessa,

I'm not aware of a prior request for authorization for fundraising on town land (during my 5 years), so there's not a set process for how we consider the request (i.e. whether this is something my office can approve, or whether Board approval is needed). I talked it over with Wendy, and since Pipestave and Mill Pond are under the care and custody of the Select Board, we both agreed it makes sense to bring the request to them. (They would need to approve the request for temporary sign). We'll put this on for the upcoming 7/24 agenda. If you have any detail beyond your email below, please send it along for inclusion in the Board packet. If not, they'll talk it over Monday, and Greenbelt is welcome to attend (zoom) or not; either way, we'll circle back Tuesday.

Thanks,

Angus

Angus Jennings, Town Manager

Town of West Newbury

Town Office Building

381 Main Street

West Newbury, MA 01985

(978) 363-1100 x111

townmanager@wnewbury.org

From: Vanessa Johnson-Hall <vkjohnson@ecga.org>
Sent: Monday, July 17, 2023 12:05 PM
To: Town Manager <townmanager@wnewbury.org>
Cc: Cathy Lanois <ccl@ecga.org>
Subject: Greenbelt Fundraising for Sawmill

Hi Angus,

Greenbelt is starting to ramp up the public portion of our fundraising campaign for the Sawmill Brook Conservation Project. Could Greenbelt have a table with informational materials about the campaign at some Town events, such as the Thursday night concerts or soccer games at Pipestave? Also, would we be able to put up a temporary sign near the Mill Pond kiosk at the property?

I'm copying Cathy Lanois, our Director of Development.

Thank you,
Vanessa

--

Vanessa Johnson-Hall

Director, Land Conservation Division
Greenbelt | Essex County's Land Trust

82 Eastern Avenue

MAIL TO: P.O. Box 1026

Essex, MA 01929

vkjohnson@ecga.org

Office: (978) 768-7241 x116

ecga.org





Town of West Newbury

Select Board

Elliot Fund Application

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

selectboard@wnewbury.org

The Elliot Fund was established as a bequest from Thomas Elliot in 1852 for the benefit of West Newbury residents needing financial assistance. His great niece Emma Elliot Cole further endowed the fund with a contribution in 1931 with direction that the Selectman of West Newbury administer the fund. Because there were no specific instructions provided on how this was to be accomplished, this document is intended to set forth guidelines and application requirements so that financial assistance may be provided as needed to West Newbury residents in an equitable and consistent way.

- Purpose** The purpose of the Elliot Fund is providing assistance to residents of West Newbury facing financial hardship. In order to preserve the balance of this fund for long term use, assistance will be provided in the form of a low interest loan rather than grants(?)
- Eligibility** Residents of West Newbury who have lived in town for more than one (other?) year are eligible to apply.
- Other requirements?
- Administration** Terms, repayment details, security etc.
- Application** In order to be considered for Elliot Fund assistance, residents must complete the attached form and present their request at a regularly scheduled Select Board meeting. All application information will be kept confidential and the meeting will be held in Executive Session to preserve the applicant's privacy.



Elliot Fund Application

Please complete the following form to the best of your ability. You will have a chance to discuss these answers with the Select Board in a confidential meeting.

| | |
|---|--|
| Name of Applicant | |
| Address | |
| Telephone Contact Information | |
| Email Address | |
| | |
| How long have you lived in West Newbury? | |
| What type of financial assistance are you looking for? | |
| What is the amount of financial assistance needed? | |
| What has caused the need for financial assistance? | |
| What is the length of time you anticipate it would take to pay back this loan? | |
| Do you have any means of securing this loan? | |
| Is there anything else you would like the Select Board to consider during evaluation of your application? | |

PERSONNEL BYLAW

[Adopted at the third session of the 1999 Annual Town Meeting]

PERSONNEL BYLAW

Section 1 Purpose and Intent

The purpose of the personnel bylaw is to establish fair and equitable personnel policies and to establish a system of personnel administration based on merit principles that ensure uniform, efficient application of personnel policies.

Section 2 Application

All town departments and positions shall be subject to the provisions of this bylaw and policies adopted pursuant to this bylaw, except elected Town officers and employees covered by a collective bargaining agreement (unless such agreement expressly incorporates this Bylaw by reference).

Section 3 Responsibility of the Board of Selectmen

The Board of Selectmen shall be responsible for the development of a human resources system which meets the needs of the Town. The Board of Selectmen shall appoint a Personnel Advisory Committee to assist in carrying out its responsibility. The Personnel Advisory Committee shall conduct such research and carry out such instructions as the Board of Selectmen shall direct including, but not limited to, review of compensation for employees, benefits, methods of selection of personnel, performance appraisal, and personnel procedures. The Personnel Advisory Committee shall be composed of such a number of members for such periods of time as the Board of Selectmen shall so determine. Members of the Personnel Advisory Committee may be removed upon a majority vote of the Board of Selectmen after notice to the Committee member and a public hearing if so requested.

Section 4 Personnel Policies

The personnel policies shall establish a personnel system which shall include, but need not be limited to, the following elements:

- (a) Method of administration. A system which assigns responsibility for the personnel system, including maintaining personnel records, implementing effective recruitment and selection processes, creating and maintaining a

compensation plan, monitoring the application of policies and periodic reviews and evaluation of the personnel system.

- (b) Classification and compensation plan(s), as deemed appropriate.
- (c) Recruitment and selection policies.
- (d) Record keeping system.
- (e) Rights and obligation of employees.
- (f) Other elements of a personnel system as deemed appropriate or necessary.

Section 5 Adoption of Policies

The Board of Selectmen is empowered and authorized by this bylaw to adopt personnel policies defining the rights, benefits and obligations of employees subject to this bylaw. Such policies shall become effective in accordance with the following procedure:

- (a) The Board of Selectmen may propose new, amended or revised policies; any such proposed policy may be proposed at any meeting of the Board of Selectmen.
- (b) Any proposed new, amended or revised policies shall be posted for a period of at least ten days after being proposed by the Board of Selectmen, during which time comments, information and questions regarding any proposed policy may be provided to the Board of Selectmen. A public hearing shall be held following the ten day posting period.
- (c) Any new, amended or revised policies shall become effective upon approval by a unanimous vote of the Board of Selectmen, unless a specific effective date is provided by the Board.
- (d) Copies of new or amended policies shall be posted in prominent locations within the Town Office Building.

Section 6 Severability

The provisions of this bylaw and the policies adopted pursuant to this bylaw are severable. If any bylaw provision or policy is held invalid, the remaining provisions of the bylaw or policy shall not be affected thereby.

Section 7 Effective Date

This bylaw shall take effect on the date of passage of the Personnel Policy. *[The Personnel Policy was adopted on August 23, 1999]*

West Newbury Personnel Policies and Administration

Meeting of West Newbury Select Board
Presentation by Angus Jennings, Town Manager
Thursday, October 14, 2021



Overview

- One of Select Board's and Town Manager's top policy priorities for FY22 is to update the Town's Personnel Policies
- With adoption of Town Manager Act in 2017, underlying legal framework changed, but changes are not yet fully reflected in other policy documents (i.e. Bylaws, policies)
- Primary goals for active personnel administration include fairness, consistency, and ensuring compliance with applicable laws
- Existing personnel administration strives toward these goals, as well, but all will benefit from the clarity that will result from updating Town Bylaws and policies as necessary to ensure internal consistency



Goals of Tonight's Meeting

- Overview of West Newbury legal framework for personnel administration
- Overview of current personnel administration framework
- Summary of recent amendments to Personnel Policy
- Overview of anticipated personnel-related work program and process for FY22, incl. (in particular):
 - Comprehensive review of/updates to Personnel Policy
 - Wage and Job Classification Study (grant-funded)



Legal Framework

- Town Manager Act (Ch. 97 of the Acts of 2017)
- Personnel Policy
- Town Bylaws
- Select Board Policies
- Town Manager/Finance Department procedures



Staff with Roles in Personnel Administration

- Staffing:
 - Town Manager
 - Broad duties and responsibilities; plus, a “catch-all”
 - Town Accountant/Business Manager
 - Human resources, wellness programming, payroll
 - Treasurer/Collector
 - Primarily benefits administration, payroll, maintaining personnel files, incl. re workers comp/injured-on-duty claims
 - Asst. to Town Manager and Finance Dept.
 - Payroll, record-keeping



On several Personnel issues, close interplay between Town Manager / Select Board

- Examples include:
 - Town Manager charged with *implementation* of personnel policies; Personnel Policies are *enacted* by the Select Board
 - Town Manager or a negotiating committee charged with *negotiating* collective bargaining contracts; contracts subject to *approval, ratification* and *execution* by the Select Board
 - Town Manager charged with *proposing* a departmental and organizational structure; departmental and organization structure subject to *approval* of Select Board
 - Town Manager charged with *recommending* the salaries and pay rates for non-union employees; salaries and pay rates subject to *modification* and *approval* by the Select Board
 - Town Manager charged with *appointing* and *removal* of department heads and any other employees for which a method of selection is not provided in the Town Manager Act or by law; appointments or removals made by the town manager shall be effective 15 calendar days from the date of the *filing of a written notice* of the appointment or removal with the Select Board (unless 15-day period waived)



Town Manager Act (*excerpts*)

- Sec. 8(a): The town manager of the town of West Newbury shall be the chief operating and administrative officer of the town and shall be responsible to the board of selectmen for the effective management of all town affairs placed in the town manager's charge by this act, by the board of selectmen, by town by-laws or by vote of the town meeting and for the implementation of town policies placed in the town manager's charge by the board of selectmen.
- Sec. 8(b) The town manager shall supervise all town departments and direct the day-to-day affairs of the town.



Town Manager Act (*excerpts, cont'd*)

- Sec. 8(e): The town manager shall oversee the town's personnel system and staff in accordance with town by-laws and shall oversee personnel evaluation policies and practices, employee benefit programs, enforcement of labor contracts, labor relations, collective bargaining, state and federal equal opportunities law compliance in the town and such other human resource obligations as designated by the board of selectmen.
- Sec. 11(a): The town manager of the town of West Newbury or a negotiating committee authorized by the board of selectmen shall negotiate collective bargaining contracts on behalf of the board of selectmen; provided, however, that such contracts shall be subject to the approval, ratification and execution by the board of selectmen.



Town Manager Act (*excerpts, cont'd*)

- Sec. 10(a) The town manager of the town of West Newbury shall appoint and may remove all department heads as the term may be defined in the town departmental and organizational structure and any other employees for which a method of selection is not provided in this act or by law.
- Sec. 10(b) Appointments or removals made by the town manager pursuant to subsection (a) shall be effective 15 calendar days from the date of the filing of a written notice of the appointment or removal with the board of selectmen, unless the board of selectmen vote to reject such appointment or removal. The board of selectmen may waive the 15-day period and allow the action of the town manager to take immediate effect.



Town Manager Act (*excerpts, cont'd*)

- Sec. 4(g): The board of selectmen shall be the licensing authority for the town, make necessary rules and regulations regarding the issuance of licenses, attach conditions and restrictions to licenses as it deems to be in the public interest, enforce the laws and regulations relating to such licenses and manage all other non-personnel matters as provided by the town by-laws or as provided in the General Laws.
- Sec. 9(d): The town manager shall annually submit a town departmental and organizational structure and that town departmental and organization structure shall be subject to the approval of the board of selectmen. 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 board of selectmen.



Unfinished business / loose ends

- With adoption of Town Manager Act in 2017, underlying legal framework changed, but changes are not yet fully reflected in other policy documents (i.e. Bylaws, policies)
- Former Town Counsel Michael McCarron advised Board: “the purpose of the Act was to provide the authority to make the rules, policies and directives for the management of the entire town. The process now is to implement changes to the Personnel Bylaw, the Town Bylaws and the town policies to reflect this new authority.”
- In the absence of clearly written (or in some cases, any written) policy, Board/Manager have established some regular procedures for certain aspects of personnel administration, to ensure consistent administration (such as for revisions to job descriptions)



Unfinished business / loose ends (*cont'd*)

- Town Auditor (management letter) has noted “confusion over what authority exists over the Town departments and the appointed boards and committees.”
- Auditor (management letter): “The lack of clarity regarding where various authorities rest created inefficiencies that affected the Town’s operations in fiscal year 2020.”
- Auditor (management letter) recommended that “the Town evaluate a Town Charter in favor of the current legal framework for Town operations, which includes the Town Manager Act read in conjunction with various other applicable statutes, Bylaws and policies.”



Town Charter

- Somewhat beyond the scope of tonight's discussion
- Has been subject of periodic Board discussion since 2018, but timing and resource constraints among other competing priorities have prevented this from becoming a "front burner" issue
- In the meantime, inefficiencies continue to affect regular operations
- Understanding that any broader reconsideration of West Newbury's form of government is a longer-term matter, and is not formally underway, an effort to update Personnel Policy is an important near-term step



Recent amendments to Personnel Policy

- Until recently, Board/Manager objective had been to tackle Personnel Policy comprehensively, recognizing that many aspects of the existing Policy are either outdated, confusing, or incomplete (i.e. silent on key questions re personnel administration)
- More recently, Board/Manager have chosen to address known issues/problems on more of a piecemeal basis, understanding that a more comprehensive approach will take time and resources



Recent Amendments to Personnel Policy

- Amendments approved in 2021:
 - Broadening the number of relatives/loved ones for whom bereavement leave may be requested (Sec. 5.4)
 - Addition of Juneteenth as a Town holiday (Sec. 7.1)
 - Revision to holiday pay for Qualified Part-Time employees (Sec. 7.3)
 - Revisions to Recruitment and Hiring (Sec. 2.0 – adding Internal Hiring Policy), Employee Development and Training (Sec. 4.3) and Affirmative Action Plan (Appendix A)
- Amendments to Personnel Policy include a public hearing, with notice to employees at least ten days prior to Select Board vote
- Recent amendments have taken into account employee feedback, and have been generally well-received



Personnel-related work program for FY22

- Comprehensive review of/updates to Personnel Policy
 - Initial review by General/Labor counsel KP Law
 - Process to include series of staff and department head meetings
 - Periodic reviews at Select Board meetings
 - Adoption of any amendments would be preceded by required hearing notices
- Wage and Job Classification Study (grant-funded)
 - Town received Community Compact Best Practices grant (October 2021) to fund development of a formal Wage and Classification Plan that details, at a minimum, job descriptions, employee grades, and salary ranges, thereby providing the town with a tool to make pay decisions that are reasonable in comparison to similar work being carried out in all areas of town government.



Some Areas of Initial Focus include:

- Modification of job descriptions or duties
- Hiring practices
- Changes in employee wages or grade level
- Tracking/approval of accrued time off
- Department office hours and employee work schedules
- Performance evaluations



Overarching Goals

- Primary goals for active personnel administration include fairness, consistency, and ensuring compliance with applicable laws
- Making sure that all employees are treated fairly and consistently is the ultimate objective for policy updates, and is an important factor in employee morale and effective staff management
- Clarifying authorities, policies and procedures will benefit employees, improve the organization's overall efficiency, and ultimately benefit the Town of West Newbury's taxpayers and governance



Attorney General on June 28, 1995 and posted according to law July 10, 1995, established a penalty of \$300 for violations of this Bylaw]

XXV. WEST NEWBURY WETLANDS PROTECTION BY-LAW

WEST NEWBURY WETLANDS PROTECTION BY-LAW *[Adopted at the adjourned Annual Town Meeting May 11, 1988, approved by the Attorney General July 28, 1988, and posted according to law August 29, 1988.]*

That the Town of West Newbury adopts the provisions of M.G.L., CH.131, Sec. 40 and 310 CMR 10:00 as the West Newbury Wetlands Protection By-Law.

The Conservation Commission may adopt regulations and fees for permits for work within an area subject to the state wetlands protections act and regulations, in addition to the \$25.00 fee for Notices of Intent charged under M.G.L. c.131, sec. 40.

Town, county, state and federal projects are exempt from any fees imposed under this By-Law.

Any fees imposed under this By-Law will be refunded if a project is denied by the West Newbury Conservation Commission.

Permits are valid for three (3) years, as provided under state law.

Any determination or decision resulting from the administrative appellate process set forth in M.G.L. c. 131, sec. 40 and 310 CMR 10:05 (7) and/or judicial appeals of the determination or decision of that administrative process pursuant to M.G.L. c.30A will be adopted by the West Newbury Conservation Commission as the Commission's determination or decision under this By-Law after the exhaustion of all the appellate remedies described above.

XXVI. GENERAL HARBOR REGULATIONS

GENERAL HARBOR REGULATIONS *[Adopted at the adjourned session of the Annual Town Meeting May 12, 1993, approved by the Attorney General July 26, 1993, and posted according to law August 6, 1993. Amended at the April 24, 2000, Annual Town Meeting, and posted according to law on July 27, 2000. Amended at the April 25, 2005 Annual Town Meeting and posted according to law on June 13, 2005.]*

I. PURPOSE

A. It is the intent of these regulations to ensure safety to persons and property, to promote availability and use of a valuable, public resource, and to provide for safe navigation.

B. Regulations governing the safe operation of vessels and regulations protecting the environment are also contained herein.

C. These regulations apply in all parts of the Merrimack River which are under the jurisdiction of the West Newbury Harbormaster as defined in M.G.L.90B and in Section II.A. below.

D. The regulations promulgated herein are in addition to the requirements of State and Federal law.

II. DEFINITIONS

A. *West Newbury "Harbor"* shall be all tidal waters lying within the corporate boundaries of the Town of West Newbury

B. *Length Overall (LOA)*: The length of a vessel inclusive of the bowsprits, booms and boomkins, pulpits, swim platforms, engines or extensions.

C. *Mooring*: Shall mean any structure or apparatus including floats and rafts held by anchors or bottom moorings.

D. *Individual Mooring*: Shall mean any mooring placed in West Newbury waters for the owner's private use.

E. *Person*: Shall include individuals, corporations, clubs, associations, partnerships, including their agents.

F. *Vessel*: Shall include any ship, boat or any other type of watercraft including personal watercraft, such as jet skis, being used as a means of transportation on the water and other floating structures such as barges and rafts.

G. *Operator*: Shall mean any person engaged in the operation and navigation of a vessel.

H. *Harbormaster*: Shall be considered to be the Harbormaster, Assistant Harbormaster or any authorized agent.

I. *Navigable Channel*: That area of water in the Merrimack River buoyed by the U.S. Coast Guard, and defined by the Army Corps of Engineers.

J. *Fairway*: Locally designated channels shown on the official West Newbury Harbor map as adopted by the West Newbury Board of Selectmen.

K. *Waterways:* Means all bodies of water within the territorial confine of the Town of West Newbury

L. *Headway Speed:* Means minimum speed required for safe steerage of the vessel.

III. OPERATION OF VESSELS IN WEST NEWBURY WATERWAYS

Wake and Speed:

No vessel shall create a wake or operate at a speed which endangers life, safety or property of any person in West Newbury Harbor. In narrow channels, designated mooring areas, or where posted, the speed of all vessels shall be reduced to the minimum speed required for safe steerage of the vessel.

Unlawful Pollution and Discharges:

No oil, petroleum products, untreated sewage, rubbish, debris, or garbage shall be disposed of within West Newbury Waterways.

Operation of Vessels:

No person shall operate a vessel in West Newbury Waterways so as to endanger the lives, safety or property of others.

Obstructions:

Obstructions including, but not limited to, derelict and/or abandoned vessels to safe navigation of the Merrimack River shall be subject to removal by the Harbormaster without notice. Obstructions removed and stored by the Harbormaster shall be at the expense of the owner.

Races and Regattas:

1. No boat race or regatta shall be held in West Newbury Harbor without first obtaining a US Coast Guard Permit and notifying the Town Board of Selectmen and the Harbormaster with a copy of the Coast Guard permit for said race or regatta.

2. All races and regattas in West Newbury Harbor must be operated under the supervision of a race or regatta committee. All such committees shall, prior to their activity, file a written statement with the Town Board of Selectmen one month prior to the event, containing the following information:

- a) The identity, address and telephone number of the group or organization sponsoring the activity.
- b) A brief description of the activity, time of commencement, an estimate of hours and/or days, location specifying the course to be run, date of the activity and any alternative dates in the event of a weather postponement, and a listing of the fees to be charged.
- c) A roster of the names and addresses and phone numbers of the members of the committee responsible for the organization and conduct of the activity.

- d) A brief statement of the efforts by the committee to publicize the activity sufficiently such as will give reasonable notice to the boating public of the time, day, place and nature of the activity and thereby warn the public of courses to be run by participants and areas to be closed to the public during the activity. Warning the public can be accomplished through notice to dock or mooring holders. All races and regattas shall be accompanied by at least one motor-powered committee vessel. Committee boats must keep a constant monitor on VHF Channel 13 and have the ability to monitor on VHF Channel 16 for the duration of the race.

Commercial Fueling

Commercial fueling is permitted only at licensed fuel docks in accordance with State Fire Marshall Code 527CMR 1-50.

Excise Tax and Fees

1. Resident

No mooring space or slip shall be assigned to any person who is in arrears on any boat excise tax, mooring, slip or dockage fees, due and payable to the Town, for any year, present or previous. Proof of said payment shall be submitted with application for mooring/slip.

Accidents

1. The operator of a vessel involved in an accident shall render all protocol and necessary assistance to persons affected by the accident to the extent possible without serious danger to life, crew, passengers and vessel.
2. The Harbormaster shall be notified of all accidents which are required to be reported by M.G.L.90B Section 9 and shall also be notified of accidents which result in environmental damage, or navigational obstructions. The Harbormaster shall be notified as soon as possible of the accident. A written report shall be submitted to the Environmental Police within 48 hours of the accident if the accident results in the loss of life, within 5 days if the accident results in injury requiring medical attention, loss of consciousness, property damage in excess of \$500.00, or disappearance of any person on-board under circumstances which suggest any possibility of injury or death. The operator of the vessel(s) is responsible for this report.
3. No vessel, mooring or other object shall be abandoned, sunk or placed where it may constitute a hazard to navigation.
4. Any vessel, mooring or object constituting a hazard to navigation, and any vessel or object improperly secured, swamped, sunk, washed ashore or found in a restricted area, may be removed or relocated at the direction of the Harbormaster if corrective action is not taken by the owner immediately upon being notified by the Harbormaster.
5. The expense of such removal or relocation and liability thereof shall be the responsibility of the owner.

6. Nothing in these sections shall restrict earlier action by the Harbormaster or Assistant Harbormaster, with or without notifying the owner if, in their judgment, such action is necessary to protect life and property.

Other Prohibited Uses

1. Water skiing is prohibited in mooring areas.
2. Diving or swimming off the Rocks Village Bridge is prohibited.
3. Every scuba diver or group of scuba divers while swimming on or under the surface of the waters of the commonwealth shall display for each diver or group of divers as a warning device to boat operators a diver's flag, so called, constructed of rigidly supported material at least twelve inches by fifteen inches in area of red background with a white diagonal stripe. Such diver's flag shall be displayed on a boat or surface float and shall extend a minimum distance of three feet from the surface of the water. Divers shall remain in an area within one hundred feet of such displayed diver's flag while at or near the surface of the water. A boat operator within sight of a diver's flag shall proceed with caution and within a radius of one hundred feet of such flag shall proceed at a speed not to exceed three miles per hour.
4. Except in the case of emergency, boats are prohibited from tying up to any speed marker float, buoy or navigation aid.

(State Law reference – Municipal authority to regulate motorboats and other lawful vessels, M.G.L.A.c90B, s15.)

IV. MOORING AND FLOAT REGULATIONS

- A. *Berthing permits* for slips, floats, moorings or other docking mechanisms shall be issued by the Harbormaster according to the terms and requirements of the application and available space and in accordance with Section III, paragraph G above.
- B. *Fees for mooring permits* issued by the Harbormaster shall be those authorized in the fees section of these regulations.
- C. *General regulations for Placement of Floats and other Structures*
 1. All permanent structures shall be set back a minimum of twenty-five (25) feet from the projected property line to provide swing area unless a lesser set back is mutually agreed on by the adjacent property owner and submitted in writing to the Planning Board for approval. All structures shall be set back a minimum of twenty (20) feet from the federal channel, navigable channel, fairways and federal turning basins.

2. Structures requiring an Army Corps General Permit

All permanent structures requiring a GENERAL PERMIT from the Army Corps of Engineers (including Boats) shall project not more than 200 feet into the Merrimack River from the shore (to be measured perpendicular from the mean high watermark of the outermost portion of the property.)

In certain geographic locations, constraints posed by narrowness or shallowness of the current may not allow the project to extend the full 200 feet into the river.

The Harbormaster shall review for approval, all general permits on a case-by-case basis.

3. Structures requiring an INDIVIDUAL PERMIT from the Army Corps of Engineers.

All structures requiring an individual permit from the Army Corps of Engineers will be reviewed for approval on a case-by-case basis by the Harbormaster to determine maximum projection into the river. The setback between structures shall be required in Section 4 C.1. above.

D. Individual Mooring Permits

1. No person shall establish a mooring or float (including temporary floats) within the waters of the Merrimack River in West Newbury without first obtaining an annual permit from the Harbormaster. Applications for mooring permits may be submitted to the Harbormaster from January 1 of any calendar year to December 31 and shall contain such information and be in such a form as prescribed by the Harbormaster. Applications may be obtained from the Harbormasters Office.

2. Floats, rafts, and the mooring of boats held by anchors or bottom moorings installed without permission from the Harbormaster shall be considered a public nuisance and may be removed by the Harbormaster at the expense of the owner in the event he/she fails to remove same after notice from the Harbormaster.

3. No permit may be issued without prior payment of all appropriate fees by the applicant including, but not limited to, annual boat excise tax as applicable.

E. Issuance of Mooring Permit: Waiting List

1. Permits will be denied if the Harbormaster determines that the mooring will constitute a hazard to navigation, will not conform to the requirements of these regulations, or will otherwise not conform to the requirements of law or rights of the public. Permits will be issued for one calendar year only.

2. Individual mooring permits are not transferable except when directly adjacent to the waterfront property at the time of change of ownership.

3. Upon issuance of a permit, the Harbormaster will assess a mooring location and specify the marking and number of the mooring. Moorings shall be installed prior to June 1st each season for permits issued prior to May 7. For permits issued after May 7th, moorings shall be installed within 15 working days following issuance.

4. The Harbormaster will keep a chart available for public inspection at the Town Offices which clearly indicates the mooring areas permitted.

5. The Harbormaster shall keep a waiting list for available space and does not discriminate against any person based upon race, religion, sex or other illegal distinction.

Priority for the issue of permits to persons on the waiting list will be in this order: date of application and assignment to the waiting list, and subject to the size and type of boat related to the space available.

Allocation of space shall be made based on date of application and may be subject to the size and type of boat related to the space available. Copies of the up to date waiting lists must be made available to the public by the Harbormaster upon request.

V. SAFETY REGULATIONS

1. **Speed Limit.** No motorboat shall be operated at any time on the waters of the Commonwealth at a speed greater than is reasonable and proper having regard to the lives and safety of the public; the state of visibility; the traffic density; the maneuverability of the vessel; the state of wind, water and current; and the proximity of navigational hazards. On the inland waters of the Commonwealth (as defined by M.G.L.c. 131, s.1) and in the absence of a specified speed limit established by federal, state, or local law for the particular water body or area, speed by a motorboat in excess of forty-five (45) miles per hour shall be presumed to be in excess of a reasonable and proper speed. The Provisions hereof shall not apply to vessels engaged in or practicing for organized competitive racing pursuant to a permit issued under 323 CMR 2.09. (323 CMR 2.07 (11))

2. **Headway Speed.** A motorboat shall not be operated at more than headway speed:

- a) When the operator's vision is obscured under a bridge or by bends or curve or in any other manner.
- b) When the motorboat is operated within one hundred fifty (150) feet of a marina, boat launching facility, raft or float;
- c) When the motorboat is operated within three hundred (300) feet of a shoreline which is being used as a swimming area, whether public or private, unless operating in an area designated for water skiing (see also 323 CMR 2.07 (1) (c)); or

d) When the motorboat is in a channel, unless a duly authorized local, state or federal marine enforcement agency has (1) permitted otherwise; and (2) placed markers in the channel indicating the permitted speed.

e) When the motorboat is operated within one hundred and fifty (150) feet of a swimmer.

Headway speed is the slowest speed at which a motorboat may be operated and maintain steerage way, but not to exceed six miles per hour

3. Classes of motorboats; required lighting, signaling and fire extinguishing and control devices

a) Motorboats subject to the provisions of this chapter shall be divided into four classes as follows:-

Class A. Less than sixteen feet in length.

Class 1. Sixteen feet or over and less than twenty-six feet in length.

Class 2. Twenty-six feet or over and less than forty feet in length.

Class 3. Forty feet or over.

b) Every motorboat in all weathers from sunset to sunrise shall carry and exhibit the following lights when underway, and during such time no other lights which may be mistaken for those prescribed shall be exhibited.

1. Every motorboat of classes A and 1 shall carry the following lights:-

First. A bright white light aft to show all around the horizon

Second. A combined lantern in the fore part of the vessel and lower than the white light aft, showing green to starboard and red to port, so fixed as to throw the light from right ahead to two points abaft the beam on their respective sides.

2. Every motorboat of classes 2 and 3 shall carry the following lights:-

First. A bright white light in the fore part of the vessel as near the stem as practical, so constructed as to show an unbroken light over an arc of the horizon of twenty points of the compass, so fixed as to throw the light ten points on each side of the vessel, namely, from right ahead to two points abaft the beam on each side.

Second. A bright white light aft to show all around the horizon and higher than the white light forward.

Third. On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side.

On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw light from right ahead to two points abaft the beam on the port side. The said lights shall be fitted with inboard screens so set as to prevent these lights from being seen across the bow.

3. Motorboats of classes A and 1 when propelled by sail alone shall carry the combined lantern, but not the white light aft, prescribed by subsection b.) 1.) of this section. Motorboats of classes 2 and 3, when so propelled, shall carry the colored lights, suitably screened, but not white lights prescribed by subsection b.) 2.) of this section. A motorboat of classes A, 1, 2, or 3 of subsection (a) of this section when propelled by sail alone if not otherwise required or authorized by this section to carry one or more lights visible from aft, shall carry at her stern a white light, so constructed that it shall show an unbroken light over an arc of the horizon of twelve points of the compass, so fixed as to show the light six points from right aft on each side of the vessel. Such light shall be carried as nearly as practicable on the same level as the sidelights. In a small motorboat propelled by sail alone, if it is not possible on account of bad weather or other sufficient cause for this light to be fixed, an electric torch or lighted lantern shall be kept at hand ready for use, and shall, on the approach of an overtaking vessel, be shown in sufficient time to prevent collision.

4. Every white light prescribed by this section shall be of such character as to be visible at a distance of at least two miles. Every colored light prescribed by this section shall be of such character as to be visible at a distance of at least one mile. The word "visible" in this subsection, when applied to lights, shall mean visible on a dark night with clear atmosphere.

5. When propelled by sail and machinery every motorboat shall carry the lights required by this section for a motorboat propelled by machinery alone.

c) Any vessel may carry and exhibit the lights required by the Federal Regulations for Preventing Collisions at Sea, Federal Act of October 11th, 1951 (33 USC 143-147D); as amended in lieu of the lights required by subsection (b) of this section.

d) Nothing in this section shall be construed as permitting or requiring, on waters within the marine boundary of the Commonwealth which have been designated by the Commandant of the Coast Guard as international waters, the display of lights other than those required by the laws of the United States.

e) Every motorboat of class 1, 2 or 3 shall be provided with an efficient whistle or other sound-producing mechanical appliance.

f) Every motorboat of class 2 or 3 shall be provided with an efficient bell.

g) Every motorboat shall carry at least one personal flotation device, as defined in section one, for each person aboard. Every motorboat of Class A, 1, 2, or 3 shall carry at least one personal flotation device of Type I, II or III for each person on board. Such devices shall be clearly labeled or imprinted as such and placed so as to be readily accessible in the motorboat and maintained in good and serviceable condition and appropriate size for whom it is intended. Devices designed to be thrown, such as a ring buoy or buoyant cushion shall be readily available on the motorboat. Devices which use kapok or fibrous glass for flotation material shall have such material encased in plastic covers. Every motorboat carrying passengers for hire shall carry at least one Coast Guard approved life preserver or Type I personal flotation device for each person on board so placed as to be readily accessible for use.

h) Every motorboat shall be provided with such number (as specified in this subsection), size and type of fire extinguisher capable of promptly and effectually extinguishing gasoline, as may be prescribed by the regulations of the director; which fire extinguishers shall be at all times kept in condition for immediate and effective use and shall be so placed as to be readily accessible. Outboard motorboats less than twenty-six feet in length of open construction, not carrying passengers for hire, are not required to carry fire extinguishers.

i) The provisions of subsection (e), (f) and (h) shall not apply to motorboats propelled by outboard motors while competing in any race, or while engaged in such navigation as is incidental to the tuning up of boats and engines for such race.

j) Every motorboat shall have the carburetor or carburetors of every engine therein, except outboard motors, using gasoline as fuel, equipped with such efficient flame arrestor, backfire trap, or other similar device as may be prescribed by the regulations of the director for properly and efficiently ventilating the bilges of the engine and fuel tank compartments so as to remove any explosive or inflammable gases.

k) No person shall operate or suffer or permit the operation of any motorboat which is not equipped as required by this section or modification thereof.

4. Exhaust; use of cutouts

The exhaust of every internal combustion engine on any motorboat shall be effectively muffled by a muffler or underwater exhaust of a type or types approved by and used in conformity with the rules and regulations of the director. The use of cutouts is prohibited, except for motorboats competing in a race previously approved by the director, and for such motorboats while on trial runs during a period not to exceed forty-eight hours immediately preceding such race, and for such motorboats while competing in official trials for speed records during a period not to exceed forty-eight hours immediately following such race.

5. Jet ski, surf jet or wetbike operation

No person shall operate a jet ski, surf jet or wetbike (a) on waters of the commonwealth unless the person is sixteen years of age or older, (b) within one hundred and fifty feet of a swimmer, shore or moored vessel, except at headway speed, (c) on waters of the commonwealth of less than seventy-five acres, (d) without wearing an approved personal flotation device or (e) between sunset and sunrise. For the purpose of this section, the term, "headway speed", shall mean the slowest speed at which a personal watercraft, jet ski, surf jet or wetbike can be operated and maintain steerage way.

6. Negligent Operation

No person shall operate a personal watercraft in a negligent manner. The following are prohibited as examples of negligent operations:

- a) Unreasonably jumping, or attempting to jump, the wake of another vessel;
- b) Following within one hundred and fifty (150) feet of a water skier;
- c) Weaving through congested vessel traffic;
- d) Speeding in restricted areas;
- e) Crossing unreasonable close to another vessel;
- f) Operating a personal watercraft in such a manner that it endangers the life, limb or property of any person;
- g) Towing a water skier or any person in any manner from a personal watercraft; and
- h) Operating a personal watercraft during the evening, as defined by 323 CMR 4.03(4).

VI. PENALTIES AND ENFORCEMENT

A mooring permit may be denied or revoked by the Harbormaster at any time for failure to comply with any or all bylaws as set forth, and any or all of the laws of the Commonwealth of Massachusetts. Such revocation subject to a hearing before the Board of Selectmen if requested.

Whoever violates any of the bylaws of these Articles, or refuses or neglects to obey the lawful orders of a Harbormaster, or resists him in the execution of his duties, shall subject the offender to a fine of not more than one hundred dollars (\$100.00)

Each day of violation shall constitute a separate offense. Fines for acts constituting a violation are as follows:

| | |
|--|------------|
| Placement of a mooring, float or dock without obtaining a mooring permit | - \$100.00 |
| Invalid or no vessel registration | - \$20.00 |
| Exceeding Speed Limit | - \$50.00 |
| Loud or Unmuffled Exhaust | - \$50.00 |
| Required Equipment Violations | - \$25.00 |
| Exceeding five (5) MPH in a designated mooring area (State Law) | - \$25.00 |
| Reckless/negligent operation of a vessel | - \$50.00 |
| Water skiing in a designated mooring area | - \$50.00 |
| Pollution of waterways | - \$100.00 |
| Unauthorized moving/tampering of moorings | - \$100.00 |
| Failure to remove derelict, abandoned, sunk and/or unsafe vessel after notice has been given | - \$100.00 |
| Other violations of the Rules and Regulations not specifically listed | - \$50.00 |

This section shall be included within the scope of the provisions of Massachusetts General Laws, Chapter 40, Section 21D, adopted at the fourth session of the 1995 Annual Town Meeting held on May 15, 1995, as Section XXVII, Enforcement of Town

Bylaws. In addition to police officers, Harbormaster and Assistant Harbormasters shall also be an enforcing person for this section.

FEE STRUCTURE FOR MOORING PERMITS

MOORING FEES:

The minimum fee for a mooring permit is \$50.00

FLOATING DOCKS OR RAFTS:

The minimum fee for a dock or float is \$50.00.

VII. HARBOR COMMITTEE: *[Amended at the Special Town Meeting held on November 4, 2013, approved by the Attorney General on February 27, 2014 and posted according to law on March 12, 2014, which changed "registered voters" to "town residents"]*

A. The Board of Selectmen shall appoint three town residents of West Newbury to serve as a Harbor Committee. Initial appointments shall be for one, two, and three years with each subsequent term to be three years. The Harbor Master shall be an ex-officio member of the Committee.

B. The Committee is advisory and shall report to the Board of Selectmen from time to time to make recommendations on any and all matters related to marine activity afloat or ashore.

Amendment adding Section VI. to the General Harbor Regulations voted at the third session of the 1994 Annual Town Meeting held on June 16, 1994. Approved by the Attorney General on August 26, 1994, and posted according to law on August 31, 1994.

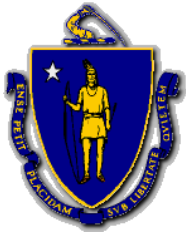
Amendment to rescind the original § I-V and adopt the new § I-V voted at the April 24, 2000, Annual Town Meeting, approved by the Attorney General on July 24, 2000, and posted according to law on July 27, 2000.

Amendment increasing mooring fees in the to the General Harbor Regulations voted at the second session of the 2005 Annual Town Meeting held on May 5, 2005. Approved by the Attorney General on May 25, 2005, and posted according to law on June 9, 2005.

XXVII. SNOW REMOVAL BY-LAW

SNOW REMOVAL BY-LAW *[Adopted at the adjourned session of the Annual Town Meeting May 12, 1993, approved by the Attorney General July 26, 1993, and posted according to law August 6, 1993.]*

No person other than an employee in the service of the Town of West Newbury or an employee in the service of an independent contractor acting for the Town of West Newbury shall leave snow or ice on a public way and/or sidewalk.



Commonwealth of Massachusetts
EXECUTIVE OFFICE OF ECONOMIC DEVELOPMENT
ONE ASHBURTON PLACE, ROOM 2101
BOSTON, MA 02108

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MAURA T. HEALEY
GOVERNOR

KIMBERLEY DRISCOLL
LIEUTENANT GOVERNOR

YVONNE HAO
SECRETARY

TELEPHONE
(617) 788-3610

FACSIMILE
(617) 788-3605

www.mass.gov/eoed

June 16, 2023

RE: Contract ID – **19MWIPWESTNEBURYWES**

Angus Jennings, Town Manager
Town of West Newbury
381 Main Street
West Newbury MA 01985

Dear Manager Jennings,

Our team has completed the review of the town's request to extend/amend the referenced MassWorks contract, for the grant awarded in 2019, in support of the **Plummer Spring Road Bridge Replacement Project**. Thank you for providing the update and details about the status of the project.

As outlined in the award letter, this grant was contingent upon the project being completed within three years. We certainly understand and appreciate the unexpected delays that can be caused by permitting and/or cost escalation issues. In the few cases where these issues get resolved near the end of a contract term, we have tried to be flexible, if/when the construction contract has been awarded and the contractor has already been mobilized.

We are sorry to hear about the challenges that your project has faced. Nevertheless, upon review of the town's quarterly reports and amendment request form, it is clear that the infrastructure work has not started yet, and that the town doesn't have a confirmed path for the project to begin construction even by this summer. For this reason, we are not able to offer an extension of this contract.

We highly encourage the town to apply in a future MassWorks round, once the project is ready to advance. Your contract manager will be in touch to coordinate the contract close-out process.

Sincerely,

Juan R. Vega
Assistant Secretary for Communities & Programs
Executive Office of Economic Development (EOED)

Cc: Wayne S. Amaral, DPW Director, Town of West Newbury
Spencer Gurley-Green, CFO, EOED
Nicholas Bulens, Program Administrator, EOED



Town of West Newbury Massachusetts

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MBTA Communities - Housing Opportunities Initiative

July & August Work Plan

The Dodson & Flinker Team is **ANALYZING AND SYNTHESIZING** the **INPUT** received from the June 20 Community Forum and June 27 Design Workshop. At each event, more than 40 participants shared their thoughts and ideas about increasing housing diversity and meeting the requirements of the new MBTA Communities law.





Participants at the June 27 Design Workshop. Left: participants used model pieces to explore housing density and site design for three potential areas for rezoning: the town-owned Mullen property, and properties at and around 317 and 147 Main Street. Right: participants discussed which multi-family building types are most appropriate for West Newbury.

Some key take-a-ways or early points of consensus include:

- An increase in housing density makes the most sense along, or in close proximity to, Route 113 in areas with access to public water.
- While zoning for MBTA Communities must allow 15 homes per acre, soils and their ability to support wastewater treatment are likely to limit the number of homes that can be built.
- West Newbury needs smaller homes for older residents who want to stay in town and younger people who are starting off. This project presents an opportunity to meet those needs.
- Housing affordability is important. If possible, housing that results from this project should increase the proportion of affordable housing in West Newbury.

Some important questions include:

- What community values should be the foundation of a new multi-family zoning district?
- What aspects of design are most important to regulate and what degree of detail can design standards have under the MBTA Communities Law?
- Does it make sense for West Newbury to adopt zoning under Chapter 40R (a Smart Growth Zoning Overlay District) to meet the requirements of the MBTA Communities law?
- What role should the Town take to support the permitting or development of housing?

Next steps for the project include:

- **Consultation with the town's Water Consultant** to assess water capacity of various sites being studied.
 - **July 18 Planning Board Meeting** to get further input on approach to compliance and confirmation of district(s) to produce plans and zoning for.
 - **Develop concept plans and zoning recommendations** for potential zoning districts
 - **August 15 Work in Progress Meeting** to share and get feedback on preliminary concept plans and zoning recommendations.
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May & June Work Plan

Dodson & Flinker is preparing for the first Housing Opportunities Community Forum scheduled for June 20th during the regularly scheduled Planning Board Meeting.

Preparation includes a guided **OWN TOUR**, background **INTERVIEWS**, research on **HISTORY OF DEVELOPMENT** in West Newbury, identification of **POPULATION AND HOUSING TRENDS**, and extensive mapping of **NATURAL FEATURES** including soils, water resources, topography, land critical for habitat and others, and mapping of **LAND USE**.

At the **June 20th** Community Forum, Dodson & Flinker will share the results of their findings in a series of graphics and maps to illustrate existing conditions within town and set the groundwork for exploring and evaluating different areas in town that may be suitable for housing at a density that is higher than is typical for West Newbury to date.

Meeting Recording: [View HERE](#)

Presentation: [View HERE](#)

Meeting Summary: [View HERE](#)

Over 40 participants attended the Community Forum to learn about the requirements for a multi-family zoning district or districts, to learn about constraints to and opportunities for housing development throughout town, and to share ideas, concerns and questions.

The Recording and Breakout Room Summaries will be posted soon!

The following Tuesday evening on **June 27th**, Dodson & Flinker will facilitate an in-person Interactive Design Workshop that invites community members to engage in design explorations of specific sites.

Meeting Recording: [View HERE](#)

Presentation: [View HERE](#)

Meeting Summary: [View HERE](#)

Here are a few examples to show what multi-family housing densities can look like. Because on-site wastewater treatment is required in West Newbury, projects like these would need more land in West Newbury and would therefore end up with a lower residential density.



Adaptive re-use of an existing single-home family
4 units on a .5 acre site
Approximate density: 17 units per acre





Addition to a historic building plus two new buildings to rear of a site in Scituate, MA
30 units and 3 commercial spaces on 1.4 acres
Approximate density: 21 units per acre



New construction in Brookline, MA
24 units on 1.1 acres
Approximate density: 22 units per acre



New construction in Hyannis, MA
46 units in 5 new buildings on a 1.5 acre site
Approximately density: 30 units per acre



Historic townhouses in Newbury, MA
11 units on a .18 acre site
Approximate density: 60 units per acre



Addition to a historic building in Northampton, MA
31 units on a .5 acre site
Approximate density: 62 units per acre

The Consultant Team, Dodson & Flinker, will present and lead this initial community discussion.

- MBTA Communities Law and Guidelines
- Project Scope and Schedule
- Our Plan for Working with the Community
- Discussion of Opportunities and Concerns

Overview

In 2020, to help address the Commonwealth's acute housing crisis, the General Court (legislature) amended the State Zoning Act (MGL 40A) with a new **Section 3A** that requires so-defined MBTA Communities^[i] to adopt a Zoning District Bylaw that encourages the production of multi-family housing.

The Zoning District must allow a minimum gross housing density of 15 units per acre, allow multi-family housing (3+ units/dwelling) by right, and follow further guidelines developed by the Department of Housing and Community Development (DHCD). The Final Guidelines can be found [HERE](#).

For West Newbury the Final MBTA Communities Guidelines require the Town to create a Multi-Family Zoning District (or Districts) of a size and in a location (or locations) of its choosing provided that the overall zoning meets the Section 3A requirements and allows for the development of at least 87 housing units (called unit capacity).

Communities that do not comply with Section 3A will become ineligible for funding from at least three sources including the Local Capital Projects Fund, where some Housing Authority Funding comes from, and the MassWorks Infrastructure Program, a common source of funding for public water, sewer, and road projects that support economic development and housing.

The Town submitted its Interim Compliance Action Plan, as approved by the Planning Board and Select Board on January 19th. The Interim Compliance Action Plan (view [HERE](#)) outlines

anticipated actions the Town will take to come into full compliance by December 31, 2025.

Using funds granted from the State's Rural and Small Town Grant program, the Town has secured the services of a design and planning firm to lead an iterative community planning process that evaluates options for addressing local housing needs and for meeting the requirements of Section 3A through the establishment of a Multi-Family Zoning District.

To select the Consultant, the Town distributed a Request for Qualifications (RFQ) [view [HERE](#)] to an approved list of Consultants on January 23rd with responses due February 9th. Following presentations from the responding Consultants on February 21st, the Planning Board unanimously recommended the firm of Dodson and Flinker to lead the project.

[Dodson & Flinker Presentation to PB February 21, 2023](#)

[Dodson & Flinker Response to RFQ](#)

[VHB Response too RFQ](#)

What are the Town's Next Steps?

The Multi-Family District Planning Initiative is expected to begin in April with a kick off meeting that outlines the planning process in detail and sets the stage for the year-long resident-centered project that will:

- Gather and analyze information to
 - Determine Town's goals and strategies
 - Document existing conditions
 - Understand the Town's Drinking Water Distribution System Infrastructure and its adequacy for meeting estimated future demand
- Identify up to three potential alternative districts or district combinations and outline potential regulatory changes required for compliance
 - Create maps of potential zoning district(s) or district combinations
 - Gauge community preferences through Present Density Visualizations, Visual Preference Surveys or similar strategies
 - Identify regulation options
 - Use the MBTA Communities Compliance Model to evaluate identified District(s) and regulation options
- Generate a Findings Report with Recommendations for Zoning Amendment(s)
- Draft Zoning Bylaw Amendment and assist the Town in bringing it to Town Meeting. If proposed zoning amendments secure support from the Select Board and/or the Planning Board, it is anticipated that this would be brought to Town Meeting in spring 2024.

For Questions about this Project, please contact **Sue Brown**, Town Planner at 978-363-1100 ext 125 or via email at townplanner@wnewbury.org

Links

- Exploring Housing at Different Densities: View [HERE](#)
- Attorney General's Office - MBTA Communities Advisory: View [HERE](#)
- RFQ Seeking Consultant Services: View [HERE](#)
- Interim Compliance Action Plan: View [HERE](#)
- West Newbury Interim Compliance Approval Letter: View [HERE](#)
- Rural and Small Town Grant: Award letter can be viewed [HERE](#)
- MBTA Communities: [Multi-Family Zoning Requirement for MBTA Communities | Mass.gov](#)

- Mass Housing Partnership Webinar Series: [MBTA community webinar series videos available for viewing - MHP](#)

Articles of Interest

- Overcoming the Restrictions on Multi-Family Housing: [CommonWealth Magazine](#)
 - Where Should New Multi-Family Housing Go: [CommonWealth Magazine](#)
 - Seeking Predictable Permitting for New Housing: [CommonWealth Magazine](#)
 - Solving the MBTA Communities Zoning Puzzle: [CommonWealth Magazine](#)
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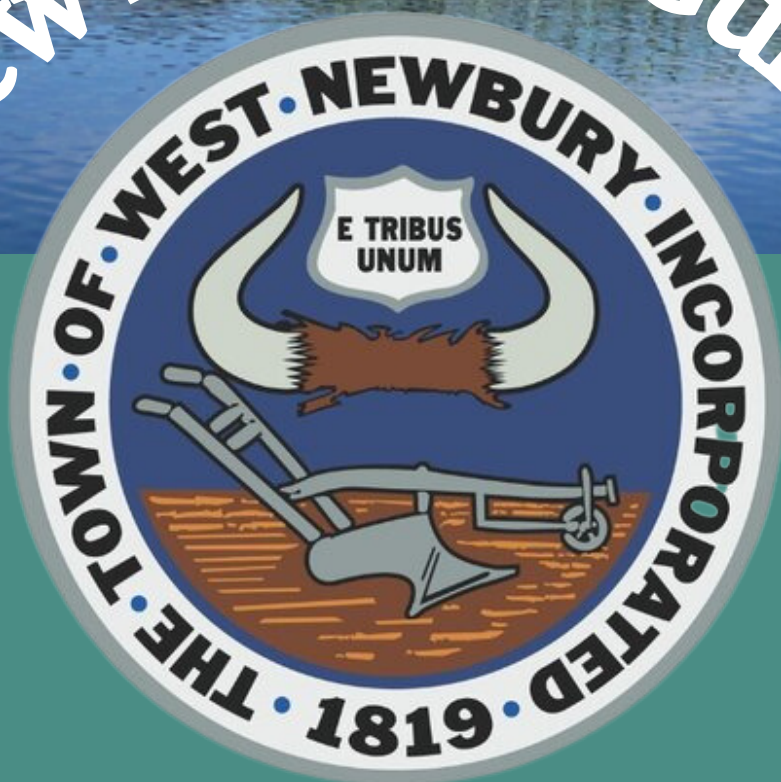
^[i] MBTA Community – is generally defined as a Community that hosts an MBTA (Massachusetts Bay Transit Authority) service or that abuts a municipality that hosts an MBTA service.

Section 3A Regulations define West Newbury as an Adjacent Small Town – which means that it has less than 100 acres of developable station area (the Town does not have a station or station area) and either has a population density of less than 500 persons per square mile, or a population of not more than 7,000 year-round residents as determined in the most recently published United States Decennial Census of Population and Housing. West Newbury has a population of 4,500 with a density of 334 per square mile.

Source URL: <https://www.wnewbury.org/home/town-projects/pages/mbta-communities-housing-opportunities-initiative>

Welcome to West Newbury!

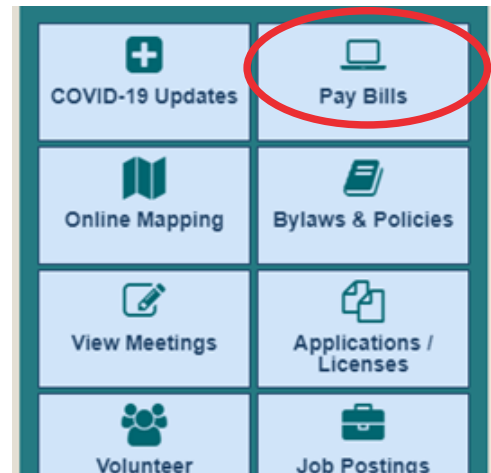
New Resident Guide



An A to Z Guide on Everything You'll
Need to Know About Your New Home

Bill Pay:

Taking care of taxes, fees, and other expenses is easy, with multiple ways to pay: in person at the Town Offices, or online through the Town website! Don't forget! Your water bill needs to be paid through the Water Department!



Council on Aging/SAGE Center:

COA and the SAGE Center offer a variety of events, services, and programs to persons 60+ from West Newbury and other communities. SAGE is open Monday–Thursday from 8am–4:30pm and Friday from 8am–12pm. Services and programs include: Meals on Wheels, congregate lunch, exercise classes, transportation, a food pantry, durable medical equipment, foot care, blood pressure clinics, Medicare help through SHINE, day trips, and many special events! For more information, please visit www.wnewbury.org/sage-center/newsletters for the most recent SAGE Center News.

Dog Licenses:

Via the Town website or in person at the Clerk's Office by May 1st of each year, residents must license their dogs with proof of an up-to-date rabies vaccine. **\$15 for spayed/neutered dogs, \$25 otherwise. Residents over 70 years old pay no fee.**

Elections and Town Meeting:

All of West Newbury votes at the Annex (at Town Offices, 381 Main St.) in municipal, state, and federal elections. Visit the Town website or Town Clerk's Office to vote early, vote by mail, register to vote, or to view sample ballots, Town Meeting Warrants, and Bylaws! We welcome your participation in the direct democracy of Town Meeting, every Spring and Fall.

Facility Rental:

Need space to hold a birthday bash or a Scout meeting? Check this out! West Newbury residents can rent Town facilities, parks, and meeting rooms, most of which can be done with ease online. Email facilitiesandrec@wnewbury.org or use go to westnewburyma.myrec.com



G.A.R. Memorial Library:

Opened in 1937, the Grand Army of the Republic Library offers West Newbury residents a trove of free vital resources, programs, events, and technology- all by signing up for a library card. Part of the Merrimac Valley Library Consortium, your West Newbury card gives you access to 36 area libraries. You can find the Library at **978-363-1105, 490 Main St.**, or www.westnewburylibrary.org

Open Space:

Enjoy abundant natural spaces across West Newbury, a Town that prides itself on accessible recreation space in field and forest with 16 town-owned trails and recreation areas and strong local conservation efforts. For more info visit: <https://www.wnewbury.org/open-space-committee>

Pentucket Regional School District:

Our town is served by the Pentucket Regional School District (www.psrđ.org). West Newbury children in Pre-K through 6th grade attend **John C. Page School**, before attending **Pentucket Regional Middle School**, 7th-8th grade, and **Pentucket Regional High School**, 9th-12th grade.

Permits, Licenses, and Certificates:

Running a business in West Newbury? Planning a public event or planning to serve alcohol to the public? Intending to get married? **You will need to visit the Town Clerk's Office, Department of Public Works, or the Town Clerk portion of the website to acquire the following items annually or as needed:**

- **Vital Records (Birth, Death, and Marriage Certificates)**
- **Business Certificates**
- **Dog Licenses (further detail under the Dog License section)**
- **Special Event Permits**

Public Transportation:

West Newbury is proud to partner with transit options including:

- MeVA, a curb-to-curb transportation service with wheelchair ramps and other accessibility features. **To reserve a ride with MeVa call 978-469-6878 and then dial option 3 (Mon.-Fri.) one day in advance of your trip.**
- NEET (Northern Essex Elder Transport Inc.) is a volunteer transit service for persons 60+ needing rides to appointments and errands. Complete an application and reach out to SAGE with details. You can find applications at SAGE, on NEET's website, and on the Town website.

Town Offices:

The Town Offices are home to Select Board meetings, the Town Manager, the Town Clerk, Tax Collector, and others (a full directory is available online) offering services including bill pay, notarization, and a place to buy Town publications like Bylaws and Street Listings. **The Offices are open 8am-4:30pm Monday to Thursday, and 8am-12pm on Friday year round except state and federal holidays.**

Town Events:

Stay abreast of Town events including the Memorial Day Parade, free summer concerts, and other happenings by clicking "Subscribe to News". Sign up for **CODE RED** to receive emergency alerts to your phone and email.



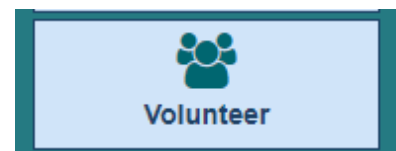
Trash Pickup and Recycling:

The Town offers curbside recycling and trash services to its residents (bins must be out by 6am) or you may use the Pipestave Recycling Center and/or the Transfer Station on Route 133 in Georgetown. To acquire your bins/stickers, call the Board of Health at **978-363-1100 x118 or 119**. The Board of Health offers collections sites for hazardous waste at Town Offices including sharps, batteries, and items containing mercury. Please do not bag curbside recyclables, nor dispose of mattresses curbside.

For complete rules on recycling and trash pickup, visit the Board of Health's page on the Town website.

Volunteering:

Our community always needs volunteers to serve on boards, committees, and commissions in local government. See the "Volunteer" icon on the homepage of the Town website for opportunities.



Water:

The Water Department handles provision of water to most residents. Consult their website or visit the Town Offices to pay your water bill, view water rates, and learn more about local water restrictions.

Numbers To Know

Town Offices:

978-363-1100

381 Main St.

Fire Dept. Non-Emergency:

978-363-1213

403 Main St.

Police Dept. Non-Emergency and Animal Control:

978-363-1111

401 Main St.

G.A.R. Memorial Library

978-363-1105

490 Main St.

Pentucket Regional School District

978-363-2280