



Town of West Newbury
Select Board

REC'D TOWN CLERK
23 OCT 12 PM 4:45

Monday, October 16, 2023 @ 5:30pm
381 Main Street, Town Office Building
www.wnewbury.org

AGENDA

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

- ❖ 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*);
- ❖ MGL Ch. 30A §21(a) 3: To discuss strategy with respect to collective bargaining if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares (*review of proposed compensation structure and revisions to Collective Bargaining Agreement, proposed DPW restructure*);
- ❖ 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 (*review of proposed compensation structure, proposed DPW restructure; review of proposed compensation structure, EMA*);
- ❖ MGL Ch. 30A §21(a) 3: To discuss strategy with respect to 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 (*Daniel Cena v. Town of West Newbury, Essex Superior Court CA No. 2377CV00744*).

The Board may reconvene in Executive Session, after the conclusion of the Open Session, if needed.

Open Session: 6:00pm by in-person attendance or remote participation (instructions below)

6:00pm: Convene Joint Session with Finance Committee regarding proposed STM Warrant Articles

- A. Joint meeting with Town Moderator, Finance Committee, Town Clerk, Town Counsel, Town Manager to review Fall Special Town Meeting and draft Motions

7:00pm: 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.
- Fall Special Town Meeting to take place on Monday, Oct. 23, 2023 at 7pm in the Annex
- Lunch & Learn at the SAGE Center – Q&A with Town Manager and Town Clerk regarding Special Town Meeting articles – Thursday, Oct. 19th from 11:30-1pm. Please RSVP to coa@wnewbury.org
- Public workshop re MVP/River Road project, and Route 113 corridor planning – Thursday, Nov. 9th details TBA
- Public workshop re MBTA Communities initiative – Wednesday, Nov. 15th details TBA
- 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

- B. Request for appointment of Zip Corning to Cultural Council
- C. Select Board review of Committees' charge / function: Council on Aging
- D. Request for utility pole petition approval – *John Butler, National Grid*
- E. Presentation regarding Page School Conditions Assessment Study, incl. next steps – *Gienapp Architects*
- F. Consideration of updated draft MOU with Board of Water Commissioners for use of ARPA funds
- G. Public Hearing to consider proposed amendments to Personnel Policy
- H. Review of previously-proposed revisions to PRSD Regional Agreement, in preparation for upcoming regional meeting among PRSD Select Boards and Finance Committees to be held on Nov. 7th
- I. Preview of upcoming meetings re proposed Whittier Tech school building project, incl. special meeting with West Newbury Select Board on Nov. 13th, and Whittier Tech public forum at Annex on Dec. 6th
- J. Notice of application for culvert grant for River Road culverts; request for authorization to accept grant, if awarded
- K. Update regarding Coffin Street culverts; discussion of whether to propose ARPA funding for engineering/permitting costs (with anticipated proposal for construction funds at Spring Town Meeting)
- L. Review employee requests for carry-over of unused FY23 vacation time until December 31, 2023
- M. Proposed new Select Board policy: criteria for use of Town Facebook, email notifications, etc. for communications and publicity
- N. Update regarding other potential new/amended Select Board and Personnel policies currently in draft form, or at earlier stages of research
- O. Select Board liaison updates regarding recent or near-term Board / Commission / Committee activities
- P. Town Manager recommendations re draft Select Board/Town Manager Goals / Priorities for FY24
- Q. Meeting minutes: Sept. 18, 2023; Sept. 27, 2023; Oct. 2, 2023

Town Manager Updates

- R. Notice of receipt of Community Compact grant for budget/capital software
- S. Planning for public workshops to be held on Nov. 9th and on Nov. 15th
- T. Bartlett Tree report re Ash Tree status/recommendations for follow-up treatments
- U. Update regarding recent removal of invasive water chestnuts at Mill Pond
- V. MassDOT comments regarding Pipestave/Page 25% design plans
- W. Update re recent Artichoke Dam meeting in Newburyport
- X. Update re MDOT installation of new overhead sign on Bridge St approaching Rocks Village Bridge
- Y. Updates on other ongoing/active projects/initiatives
- Z. 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: 825 3581 8524

Passcode: 584845

Join at: <https://us06web.zoom.us/j/82535818524?pwd=mmqoG4O9OOP4HKFxbgzTh5ppJx5ix1.1>

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.

WEST NEWBURY FOOD PANTRY

ANNUAL FOOD DRIVE AT THE G.A.R. MEMORIAL LIBRARY (EXTENDED THRU OCTOBER 31)



Please consider donating to the West Newbury Food Pantry. For more information, visit the Town's web site at www.wnewbury.org/food-pantry or contact Jennifer Vincent at 978-363-1100 x134

FOOD PANTRY WISH LIST

Breakfast Cereal
Instant Oatmeal Packets
Individual Applesauce
Peanut Butter / Jelly
Canned Tuna / chicken
Canned Soups

Mac and Cheese boxes
Boxes of Pasta
Pasta / Alfredo Sauce
Granola Bars
Individual Crackers
Individual Cookies

Spray Cleaner
Toilet Cleaner
Clorox Wipes
Sponges
Deodorant
Small Dish Soap

Toothpaste
Toothbrushes
Laundry Detergent
Dryer Sheets
Toilet Paper (individual)
Paper Towels (individual)



West Newbury Council on Aging | SAGE Center
381 Main Street, West Newbury
978-363-1104 | coa@wnewbury.org

MEETING NOTICE-WEST NEWBURY
FINANCE COMMITTEE
JOINT MEETING WITH SELECT BOARD

REC'D W. NEWBURY CLERK
23 OCT 12 PM 4:45

Date & Time: Monday, October 16, 2023. 6:00pm
Location: 1910 Building 1st Floor Hearing Room
In-person attendance or remote participation (instructions below)
By: Rob Phillips, Chair

AGENDA

1. Participate in joint meeting with Select Board, Town Moderator, Town Clerk, Town Counsel, Town Manager to review Fall Special Town Meeting and draft Motions
2. Adjournment

Addendum to Meeting Notice regarding Remote Participation

Public participation in this meeting of the West Newbury Finance Committee 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: 825 3581 8524

Passcode: 584845

Join at:

<https://us06web.zoom.us/j/82535818524?pwd=mmqoG4O9OOP4HKFxbgzTh5ppJx5ix1.1>

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.

FALL SPECIAL TOWN MEETING 2023

MOTIONS – DRAFTS as of 10/13/23

ARTICLE 1. Reports

NO MOTION

ARTICLE 2. Water Budget Adjustment

MOTION: I move that the Town vote to decrease the Expenses line of the FY24 Water Department budget, as adopted under the Motion for Article 6 of the Annual Town Meeting on April 24, 2023, by reducing the approved amount to \$375,027.00.

ARTICLE 3. Town Omnibus Budget Adjustments

MOTION: I move that the Town vote to increase the following Line Items as set forth in the Fiscal Year 2024 Town Omnibus Budget adopted under the Motion for Article 4 of the Annual Town Meeting on April 24, 2023:

- 3 – Town Manager Technology Expenses; increase from \$70,032 to \$76,455
- 9 – Board of Registrars Salary & Wages; increase from \$6,800 to \$8,400
- 9 – Board of Registrars Expenses; increase from \$8,250 to \$10,170
- 25 – Board of Health Steele Landfill Monitoring; increase from \$36,315 to \$36,915

and that the Town vote to raise and appropriate a sum or sums of money as may be necessary to defray the expenses of the Town for Fiscal Year 2024.

ARTICLE 4: Town Omnibus Budget Assessments Adjustments

MOTION: I move that the Town vote to amend the following Line Items as set forth in the Fiscal Year 2024 Town Omnibus Budget adopted under the Motion for Article 4 of the Annual Town Meeting on April 24, 2023:

21 – Pentucket Regional School Assessment; decrease from \$7,871,758 to \$7,862,142

21 – Pentucket Capital Assessment; increase from \$1,123,070 to \$1,154,371

22 – Essex North Shore Ag & Tech School; increase from \$46,327 to \$94,110

and that the Town vote to raise and appropriate a sum or sums of money as may be necessary to defray the expenses of the Town for Fiscal Year 2024.

ARTICLE 5: Pension Liability Stabilization Fund

MOTION: I move that the Town vote to transfer from Free Cash the sum of \$67,514.00 to the Pension Liability Stabilization Fund.

ARTICLE 6: Identification and evaluation of potential public well fields

MOTION: I move that the Town vote to transfer from Free Cash the sum of \$50,000.00 to fund the costs associated with identification and evaluation of sites with potential to support development of public well fields, including all incidentals and related expenses, with any remaining funds to be closed out to the general account fund balance at the close of Fiscal Year 2025.

ARTICLE 7: Assessing Consultants

MOTION: I move that the Town vote to transfer from Free Cash the sum of \$20,000.00 for the purpose of engaging professional consultants relative to the FY25 assessing revaluation, including all incidental and related expenses, with any remaining funds to be closed out to the general account fund balance at the close of Fiscal Year 2025.

ARTICLE 8: Public Safety Recording Equipment

MOTION: I move that the Town vote to transfer from Free Cash the sum of \$10,000.00 to fund the purchase and installation of police/fire audio recording, playback and archiving equipment for use by Police, Fire and Dispatch personnel, including associated training, setup costs, and all incidental and related expenses, with any remaining funds to be closed out to the general account fund balance at the close of Fiscal Year 2025.

ARTICLE 9: Gas Meters

MOTION: I move that the Town vote to transfer from Free Cash the sum of \$7,400.00 to fund the purchase and installation of gas meters for use by Fire personnel and other first responders, including associated training and setup costs, and all incidental and related expenses, with any remaining funds to be closed out to the general account fund balance at the close of Fiscal Year 2024.

ARTICLE 10: Speed Monitoring Trailer

MOTION: I move that the Town vote to transfer from Free Cash the sum of \$12,000.00 to fund the purchase and installation of a portable speed monitoring trailer and pedestrian safety signs, including associated training and setup costs, and all incidental and related expenses, with any remaining funds to be closed out to the general account fund balance at the close of Fiscal Year 2024.

ARTICLE 11: Invasive Species Management

MOTION: I move that the Town vote to transfer from Free Cash the sum of \$50,000.00 to fund the costs of conducting professional invasive species management on town-owned land, including all incidental and related expenses, with any remaining funds to be closed out to the general account fund balance at the close of Fiscal Year 2025.

ARTICLE 12: Invasive Species steward program

MOTION: I move that the Town vote to transfer from Free Cash the sum of \$3,500.00 to fund the costs and expenses of operating an invasive species intern/steward program, which will identify, map, and remediate invasive species on public lands in the Town of West Newbury, including all incidental and related expenses, with any remaining funds to be closed out to the general account fund balance at the close of Fiscal Year 2024.

ARTICLE 13: Previous year unpaid bills

MOTION: I move that the Town vote to transfer from Free Cash the sum of \$2,430.00 to fund the payment of unpaid bills incurred during a previous fiscal year.

ARTICLE 14: 114 Ash Street

MOTION: I move that the Town vote to appropriate and transfer from Community Preservation Act funds, pursuant to Massachusetts General Laws Chapter. 44B, the sum of \$175,000, with \$73,529 from the Open Space and Recreation Fund Balance and \$101,471 from the Undesignated Fund Balance, in conformity with the applications submitted, for the purpose of acquiring a conservation restriction on a portion of the property located at 114 Ash Street, consisting of approximately 14 acres and being a portion of West Newbury Assessors Map 70 Lot 40, and costs incidental or related thereto, and to authorize the Select Board and/or the Conservation Commission to acquire said conservation restriction by purchase, gift, and/or eminent domain on such terms and conditions as the Select Board and/or the Conservation Commission deems appropriate; to authorize the Select Board, the Conservation

Commission, and/or their designee to apply for, accept and expend funds from the Commonwealth of Massachusetts or other public or private sources to defray all or a portion of the costs of acquisition, including, but not limited to, grants and/or reimbursements from any federal, state or other grants or reimbursement programs in any way connected with the scope of this article, including but not limited to funds contributed by Essex County Greenbelt Association, which, together with the Town, will hold said conservation restriction; and, further, to authorize the Select Board, the Conservation Commission, and/or their designee to enter into any and all agreements and execute any and all documents necessary or convenient to effectuate the foregoing.

ARTICLE 15: Nonconforming Bylaw

MOTION: I move that the Town vote to amend the West Newbury Zoning By-law by deleting Section 7 (Conditions of Use) in its entirety and replacing it with a new Section 7 (including Sections 7.1-7.9) (Nonconforming Uses and Structures), as set forth in Appendix C of the West Newbury Finance Committee Report (pages 15-18), dated October 23, 2023, and on file and available for inspection with the Town Clerk; and further to authorize the Town Clerk to make any non-substantive, ministerial changes to numbering and formatting to ensure consistency with the remainder of the Zoning By-law.

ARTICLE 16: Short Term Rental Bylaw Repeal

MOTION: I move that the Town vote to amend the West Newbury Town Bylaws by deleting Section XXXIX (Short Term Rentals) in its entirety, and further, to authorize the Town Clerk to make any non-substantive, ministerial changes to numbering and formatting to ensure consistency with the remainder of the Town Bylaws.

ARTICLE 17: ADU

MOTION: I move that the Town vote to amend the West Newbury Zoning By-law by revising Section 2 (Definitions), and by adding a new Section 4.2.4 (Accessory Dwelling Units (ADU)), as set forth in Appendix D of the West Newbury Finance Committee Report (pages 19-20), dated October 23, 2023, and on file and available for inspection with the Town Clerk; and further to authorize the Town Clerk's

office to make any non-substantive, ministerial changes to numbering and formatting to ensure consistency with the remainder of the By-law.

ARTICLE 18: Personnel Bylaw repeal

MOTION: I move that the Town vote to repeal the Personnel Bylaw, adopted at the third session of the 1999 Annual Town Meeting, in its entirety.

ARTICLE 19: MGL Town Assessor stipend

MOTION: I move that the Town vote to accept the provisions of Massachusetts General Laws Chapter 59, Section 21A, authorizing the Town to pay additional compensation to the Assessors in an amount equal to ten percent of their regular compensation for full-time employees, but in no event greater than \$1,000 annually, and in an amount equal to ten percent of their regular compensation for part-time employees, but in no event greater than \$500 annually, upon attainment of a certificate by the International Association of Assessing Officers as a certified assessment evaluator or a certificate by the Association of Massachusetts Assessors as a certified Massachusetts assessor.

ARTICLE 20: MGL Town Clerk stipend

MOTION: I move that the Town vote to accept the provisions of Massachusetts General Laws Chapter 41, Section 19K, authorizing the Town to pay additional compensation to the Town Clerk in an amount equal to ten percent of their regular compensation, but in no event greater than \$1,000 annually, upon completion of the necessary courses of study and training, and attainment of a certificate by the Massachusetts Town Clerks' Association as a certified Massachusetts municipal clerk.

ARTICLE 21: MGL Town Treasurer stipend

MOTION: I move that the Town vote to accept the provisions of Massachusetts General Laws Chapter 41, Section 108P, authorizing the Town to pay additional compensation to the Town Treasurer/Collector in an amount equal to ten percent of their regular compensation, but in no event greater than \$1,000 annually, upon completion of the necessary courses of study and training, and attainment of a certificate by the Massachusetts Collectors and Treasurers Association as a certified Massachusetts municipal collector or a certified Massachusetts municipal treasurer.

ARTICLE 22: CoA Revolving Fund

MOTION: I move that the Town vote to amend Section XL of the Town Bylaws as printed in Article 22 of the Warrant for the purpose of establishing a revolving fund for the Council on Aging, and further to authorize the Town Clerk's office to make any non-substantive, ministerial changes to numbering and formatting to ensure consistency with the remainder of the Bylaws.

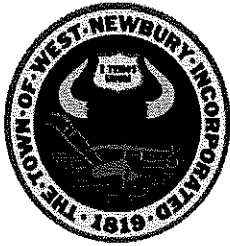
ARTICLE 23: FY24 expenditure limits on CoA revolving fund

MOTION: I move that the Town vote, pursuant to Massachusetts General Laws Chapter 44, Section 53E½, to set expenditure limits for the Council on Aging Revolving Fund at the maximum amount that may be spent during the fiscal year beginning on July 1, 2023 at \$30,000.

ARTICLE 24: Opioid Settlement Stabilization Fund

MOTION: I move that the Town vote to establish a special purpose stabilization fund pursuant to Massachusetts General Laws Chapter 40, Section 5B, to be known as the Opioid Settlement Stabilization Fund, for the purpose of supplementing and strengthen resources for prevention, harm reduction,

treatment, and recovery, in accordance with the purposes and subject to the requirements in the Massachusetts Abatement Terms; and that the Town vote to accept the fourth paragraph of Massachusetts General Laws Chapter 40, Section 5B, which allows the dedication, without further appropriation, of all receipts from settlements on behalf of the Town with persons and entities involved in the sale, distribution and manufacture of opioid products.



Town of West Newbury Application for Appointment

For additional information please call 978-363-1100, ext. 110.

The Town appreciates your interest in serving. Please complete this form and return it to: Town Clerk, 381 Main Street, West Newbury, MA 01985 or email to: townclerk@wnewbury.org

Name: Zip Corning

Address: [REDACTED]

e-mail: [REDACTED]

Mobile phone: [REDACTED] Home phone: _____

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

Cultural Committee

Current or past committees served on: Mill Pond Committee

Relevant skills, expertise and education: Degree in Fine Arts, general appreciation of music and art
high interpersonal skills, large format graphic art fabrication and implementation,
technical background and fluency in IT

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: Matthew Corning Date: 10/08/2023

Board/Committee _____

Appointing Authority _____

Date of Appointment _____ Sworn in _____



Town of West Newbury

Select Board

selectboard@wnewbury.org

Volunteer Boards, Commissions and Committees (BCC) are an integral part of the Town of West Newbury's organization. Although their origins range from proposals from interested residents to town meeting approved bylaws, members are appointed by the Select Board/Town Manager and serve specified terms prior to being considered for reappointment. As appointed entities, the work of these BCC is expected to be consistent with current and long-term priorities of the Town. In order to facilitate this, the Select Board will periodically review the size, terms, objectives, and accomplishments of all appointed BCC and provide direction and/or identify changes necessary to better reflect Town needs and operations. Each BCC will be asked to participate in this process by completing the attached questionnaire and returning it to the Select Board for discussion in a public meeting.

Appointed Boards, Commissions and Committees

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



Board, Commission, Committee Review

Please complete the following. Note that the size of the answer space will expand as information is entered. Also review the attached forms maintained by the Town Clerk's Office and note changes.

Name of BCC	Council on Aging
Current Membership with Officers noted	<ol style="list-style-type: none"> 1. Dianne Faulkner, Chair 2. Richard Preble, Vice Chair 3. Jessa Haynes, Treasurer 4. Julie Ruscio, Secretary 5. Victoria Beaumier 6. Gail DiNaro 7. Marjorie Peterson 8. Joseph Publicover 9. Robert Veator 10. Barbara Warne 11. One vacancy
Length of Terms	3 year terms
Meeting Schedule	Second Tuesday of each month at 9:00 am COA does not meet in July and August
Location of Meetings	SAGE Center / Senior Center
Responsibility for Posting Meeting Agenda	Director with Chair approval
Responsibility for Taking Meeting Minutes	Secretary
Responsibility for Updating Website	Director
Town Staff Liaison/Support (if any)	Director
BCC Charge (Please review excerpt from webpage or summarize referenced bylaw or MGL citation)	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.
Accomplishments since the last Evaluation (unsure of the date of the last evaluation)	<ol style="list-style-type: none"> 1) Name change to the SAGE Center 2) Improvements to senior center (tables and chairs) and addition of outdoor patio and flower boxes. 3) Created and formalized Policies and Procedures 4) Created a Membership Form/Waiver to enter client data into software and have emergency information at our fingertips. 5) Newsletter transformation and option to receive newsletter by email. 6) Increased programs and participation. Some of those programs are: Day Trips (theatre), Pickleball, Exercise Classes, Card Games, Lunch and Learn events, Wellness (blood pressure) Clinics, Ice Cream Socials, Reiki/Meditation, Flower



Board, Commission, Committee Review

	<p>Arrangements, Craft Classes, Lunches/Dinners, Coffee & Conversation, School Musical Performances, Therapy Dog, Cooking Demonstration, Corn Hole Games, Volunteer Appreciation Reception, Farmers Market Coupons, Winter Sand Buckets.</p> <p>7) Collaboration with community businesses and other town departments, including: Page School music program, Pentucket Volunteer program, Pettengill House Social Service Agency, Newburyport Tennis Club, Atria Merrimack Place, MVRTA, Northern Essex Elder Transport, AgeSpan (Elder Services of the Merrimack Valley), Our Neighbors Table, Nourishing the North Shore, Town Manager, Town Clerk, Veterans' Agent, Conservation Agent, Assessor, Bandstand Coordinator, Library, DPW.</p> <p>8) Increased participation in the Senior Tax Work Off volunteer program.</p> <p>9) Increased social media presence, and printed media at the Food Mart, Post Office and Nicks.</p> <p>10) Addition of Police Liaison, Officer Kyle Roy.</p> <p>11) Addition of two mini food pantries in the lobby of Town Offices and Senior Housing.</p>
Priorities for the Next Year	<p>1) Create revolving account to allow fees to be charged for some programs and trips, with expenses paid from same account. This will allow us to offer more programs and trips.</p>
Two Year Priorities	<p>1) Continue to increase participation.</p> <p>2) Use of permanent Pickleball courts if/when they become available.</p>
Five Year Priorities	<p>1) Possibly increase staffing, if needed.</p> <p>2) Possibly add an electric vehicle for senior transportation and staff errands.</p>
How can the Select Board/Town Manager better support the work of this BCC?	<p>1) Better communication of what is happening in town.</p>
Are there other BCC whose work overlaps with yours?	<p>1) Park and Recreation Commission</p> <p>2) Housing Authority</p>
Is there other input you wish to provide?	<p>N/A</p>
Completed by	<p>COA Board and Christine Marshall</p>
Date	<p>September 12, 2023</p>

Town Manager

From: COA
Sent: Friday, October 13, 2023 12:29 PM
To: Town Manager
Subject: Grant opportunity

Hi Angus,

I was just speaking with Jim and Rebecca and they suggested that I ask you if this is appropriate to bring up to the Select Board Monday night.

I learned more information about a grant opportunity at yesterday's conference. The intent to bid is due on Wednesday, Oct. 18 and grant application is due on Nov. 9.

MCOA is using more than \$500,000 in state SIG award funds, recently approved by the EOE, to provide direct grants to the COAs in eight different categories.

I am interested in applying for one to purchase the My Senior Center Touch Screen. This is technology many senior centers use, and I looked into in back in April of 2022. I have reached out for an updated quote. The quote at that time was \$5,000. The touch screen will help us gather more accurate data of who is visiting the senior center, and it can help us move towards online registrations in the future.

Thanks,
Christine

Christine Marshall

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



SAGE CENTER
social | activities | growth | education



TOWN OF WEST NEWBURY

381 Main Street
 West Newbury, MA 01985
 978-363-1100 ext. 110
 978-363-1826 (Fax)

NOTICE TO ABUTTERS

Re: Middle St., Pole Installations
Massachusetts Electric Company (National Grid)
Verizon
Pole Petition Plan #30552293

In accordance with the provisions of Section 22 of Chapter 166 of Massachusetts General Law, a public hearing before the Select Board will be held at 7:00 P.M on Monday October 16th, 2023 in the First Floor Hearing Room of the 1910 Building at 381 Main Street, West Newbury, MA. The Petition of Massachusetts Electric Company (National Grid) and Verizon, regarding the Pole Petition located on Middle St., is described as follows:

Middle St – National Grid to install (4) JO poles on Middle St. beginning at a point approximately 150 feet north of existing pole 121, Middle St., approximately 410 feet to edge of property at 290 Middle St. with (3) new poles and (1) supporting stub poles 124-84 in order to provide electricity to a new home located at 290 Middle St.

The public is invited to participate and hear the petition of National Grid. Additionally, in an effort to maximize public engagement opportunities, citizens will be able to participate remotely via phone or Zoom. The Zoom meeting information can be found below:

Zoom Meeting Link: <https://us06web.zoom.us/j/82535818524?pwd=mmqoG4O9OOP4HKFxbgzTh5ppJx5ix1.1>
 Call-in Number: 1 646 558 8656
 Meeting ID: 825 3581 8524
 Passcode: 584845

Copies of the Notice of Intent (change to plans/maps of pole locations) may be examined or obtained at the office of the West Newbury DPW located at 381 Main St. West Newbury. The regular business hours of the DPW office are 9:00 A.M – 3:00 P.M Monday - Thursday. The DPW office can be reached at 978-363-1100 ext. 135. A tree hearing will be concurrent with the public hearing.

Additional information can be found on our town website, WNewbury.org or by calling the Town Clerk's Office at 978-363-1100 ext. 110

Town of West Newbury Select Board

CC: National Grid
 Verizon

Members of the Board,

On behalf of National Grid, please find the following information relative to a Scenic Road Application for 290 Middle Street (Map R22 – Lot 2)

National Grid has purposed the following tree work in order to supply the new dwelling at 290 Middle St. with power. Upon inspection of the proposed pole placements National Grid has determined that one multi-stem (8” + 10” Diameter) Red Maple (*Acer rubrum*) in the Town Right-of-Way will require removal given its relative location to the wire installation and its present structural defects. The Red Maple is flagged on both stems with an orange ribbon and is located at the corner of the driveway to 290 Middle St. and the town owned land along Middle St.

In addition to the one removal, current line clearance standards will require the trimming of various town trees extending from existing pole 121 on Middle St. to new pole 124. This trimming also includes the orange flagged Red Maple across from the driveway of 290 Middle St. (if further reference is required, please refer to the images of work zone attached below). The debris from both the removal and trimming will be cleaned and removed by National Grid.

The term ‘Removal’ refers to cutting the tree down to a 10” stump and the term ‘Trimming’ refers to the removal of small limbs up to 8” in diameter. All tree work is within the town layout and not private property.

We trust that the information provided regarding scope of work provides sufficient enough information for the Board’s review and approval at your next hearing on August 15th. If you have any questions, please do not hesitate to call my cell phone to discuss 860-436-8996.

Thank you,

Connor Allen

National grid Forestry

Consulting Utility Forester

Image below shows the estimated pole locations and the trees that will need to be trimmed





8" + 10" Red Maple to be Removed and Estimated Location of Pole : 124 (Location Has Not Been Steaked)



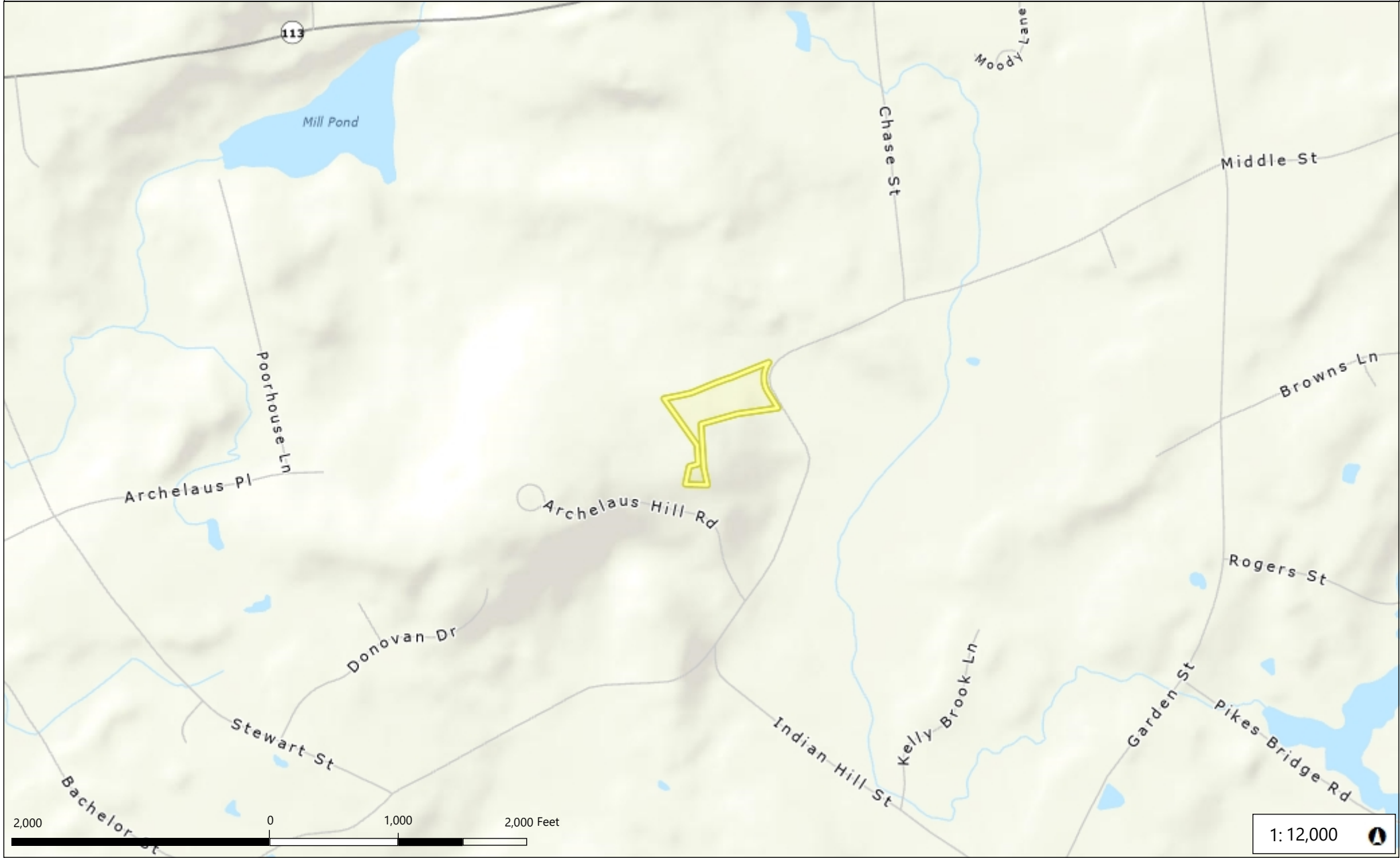
Defects of the Red Maple are Shown Above



Flagged Red Maple Located Across the Street from the Driveway of 290 Middle St.

Locus of 290 Middle St.

7/20/2023



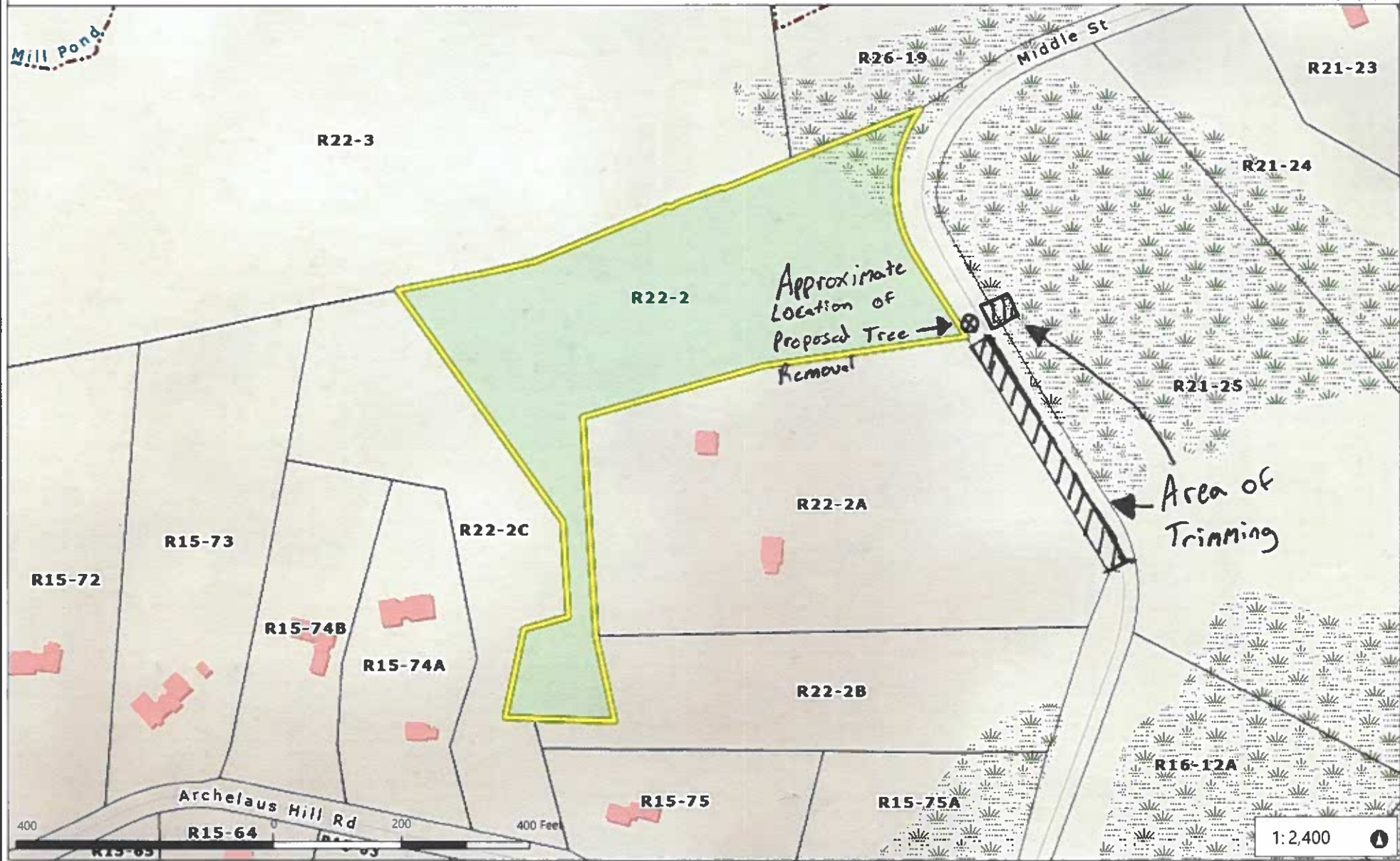
Data Sources: Produced by Merrimack Valley Planning Commission (MVPC) using data provided by the Town of West Newbury & MassIT/MassGIS. MVPC AND THE TOWN OF WEST NEWBURY MAKES NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE ACCURACY, COMPLETENESS, RELIABILITY, OR SUITABILITY OF THESE DATA. THE TOWN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

Legend					
MVPC Boundary	Parcels	Roads	Interstate	Major Road	Local Road
Building Footprints	Trails	Easements	Hydrographic Features	Streams	Wetlands



290 Middle St. Tree Work

7/20/2023



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

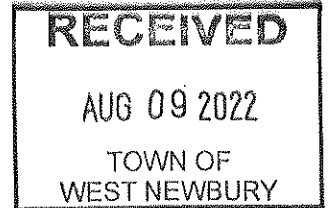
Legend				
MVPC Boundary	Parcels	Roads	Interstate	Major Road
Building Footprints	Trails	Easements	Hydrographic Features	Local Road
			Streams	Wetlands



Projection: NAD_1983_StatePlane_Massachusetts_Mainland_FIPS_2001

© Merrimack Valley Planning Commission

nationalgrid



August 4, 2022

Board of Selectmen of West Newbury, Massachusetts

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID and VERIZON, covering joint NATIONAL GRID-VERIZON pole location(s)

If you have any questions regarding this permit, please contact:

John Butler 978-725-1415

Please notify National Grid's Lisa Ayres of the hearing date / time to lisa.ayres@nationalgrid.com

If this petition meets with your approval, please return an executed copy to each of the above-named Companies.

National Grid: Lisa Ayres, 1101 Turnpike Street; North Andover, MA 01845
978-725-1418

Very truly yours,

Dave Johnson/lla

Dave Johnson
Supervisor, Distribution Design

Enclosures

Questions contact John Butler 978-725-1415

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

To the Board of Selectmen
Of West Newbury, Massachusetts

Massachusetts Electric Company d/b/a NATIONAL GRID and Verizon New England, Inc requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

Middle St. - National Grid to install (4) JO poles on Middle St. beginning at a point approximately 150 feet north of existing pole 121, Middle St., approximately 410 feet to edge of property at 290 Middle St. with (3) new poles and (1) supporting stub pole 124-84 in order to provide electricity to new home located at 290 Middle St.

Location approximately as shown on plan attached.

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked – Middle St. - West Newbury - Massachusetts.

30552293

Also, for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioner agrees to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

Massachusetts Electric Company d/b/a
NATIONAL GRID *Dave Johnson/lla*

BY _____
Engineering Department

VERIZON NEW ENGLAND, INC.

BY _____
Manager / Right of Way

August 4, 2022

Questions contact – John Butler 978-725-1415

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

To the Board of Selectmen - West Newbury, Massachusetts

Notice having been given and public hearing held, as provided by law, IT IS HEREBY ORDERED: that Massachusetts Electric Company d/b/a NATIONAL GRID and VERIZON NEW ENGLAND INC. (formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY) be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the 4th day of August 2022.

All construction under this order shall be in accordance with the following conditions:

Poles shall be of sound timber, and reasonable straight, and shall be set substantially at the points indicated upon the plan marked – Middle St. - West Newbury, Massachusetts.

30552293 Filed with this order:

There may be attached to said poles by Massachusetts Electric Company d/b/a NATIONAL GRID and Verizon New England Inc. such wires, cables, and fixtures as needed in their business and all of said wires and cables shall be placed at a height of not less than twenty (20) feet from the ground.

The following are the public ways or part of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:

Middle St. - National Grid to install (4) JO poles on Middle St. beginning at a point approximately 150 feet north of existing pole 121, Middle St., approximately 410 feet to edge of property at 290 Middle St. with (3) new poles and (1) supporting stub pole 124-84 in order to provide electricity to new home located at 290 Middle St.

Also, for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the
Of the City/Town of _____, Massachusetts held on the _____ day of _____ 20 .

Massachusetts City/Town Clerk.
20 .

Received and entered in the records of location orders of the City/Town of
Book Page

Attest:
City/Town Clerk

I hereby certify that on 20 , at o'clock, M
At a public hearing was held on the petition of
Massachusetts Electric Company d/b/a NATIONAL GRID and VERIZON NEW ENGLAND,
INC. for permission to erect the poles, wires, and fixtures described in the order herewith recorded,
and that we mailed at least seven days before said hearing a written notice of the time and place of
said hearing to each of the owners of real estate (as determined by the last preceding assessment
for taxation) along the ways or parts of ways upon which the Company is permitted to erect
Poles, wires, and fixtures under said order. And that thereupon said order was duly adopted.

City/Town Clerk.

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Board or Council of Town or City, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of the location order and certificate of
hearing with notice adopted by the of the City of
Massachusetts, on the day of 20 and recorded with the records of location
orders of the said City, Book , and Page . This certified copy is made under
the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:
City/Town Clerk

Questions contact – John Butler 978-725-1415

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for taxation) along the ways or parts of ways upon which the Company is permitted to erect
Poles, wires, and fixtures under said order. And that thereupon said order was duly adopted.

City/Town Clerk.

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Board or Council of Town or City, Massachusetts

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Attest:
City/Town Clerk

Questions contact – John Butler 978-725-1415

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

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Of the City/Town of _____, Massachusetts held on the _____ day of _____ 20 .

Massachusetts City/Town Clerk.
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Received and entered in the records of location orders of the City/Town of
Book _____ Page _____

Attest:
City/Town Clerk

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City/Town Clerk.

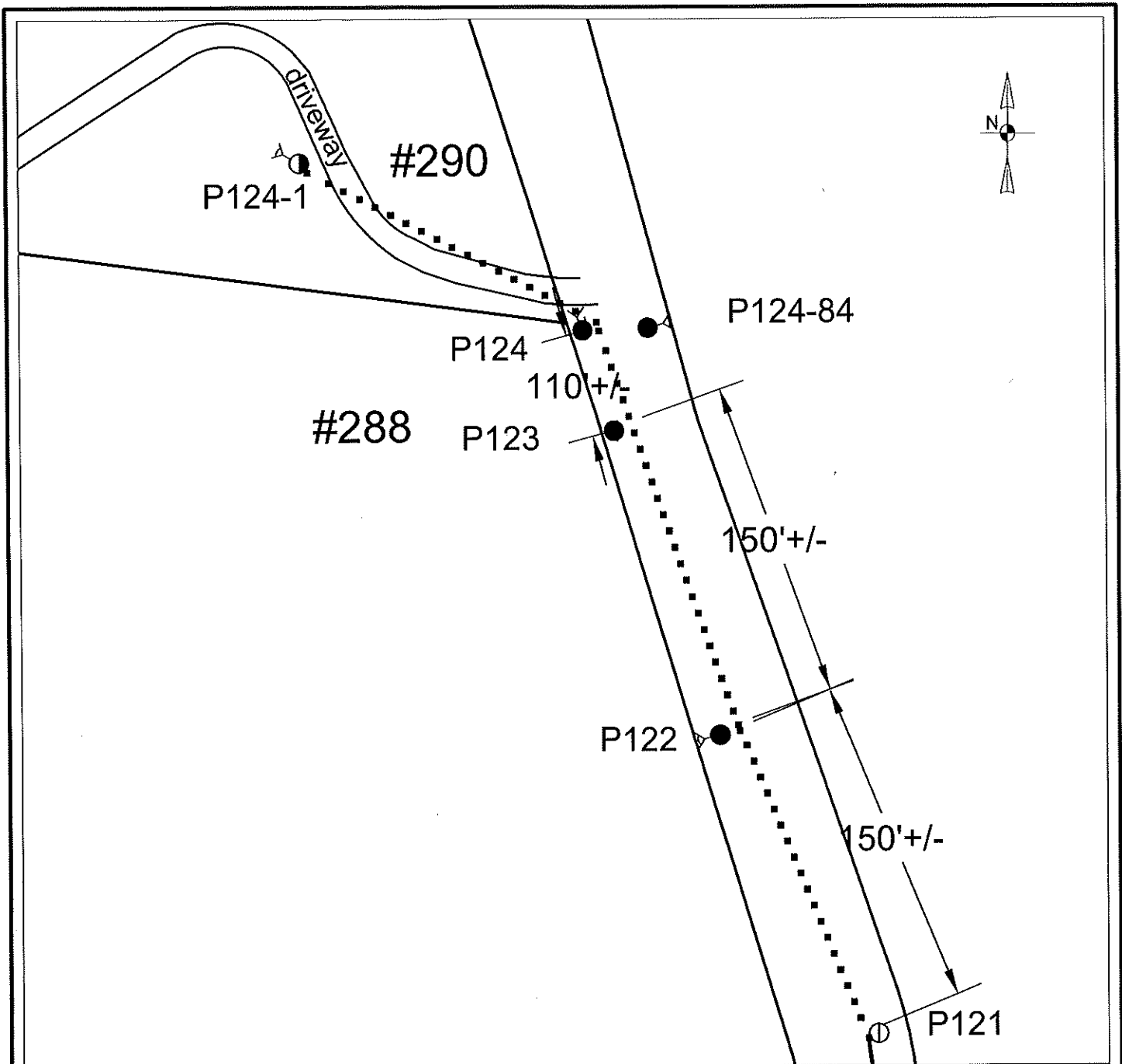
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Board or Council of Town or City, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of the location order and certificate of
hearing with notice adopted by the _____ of the City of
Massachusetts, on the _____ day of 20____ and recorded with the records of location
orders of the said City, Book _____, and Page _____. This certified copy is made under
the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:
City/Town Clerk



JOINTLY OWNED POLE PETITION

- - - Existing overhead wire
- Proposed overhead wire
- ⓪ Jointly owned pole in public way existing
- Ⓢ Anchor location
- Proposed Jointly owned pole in public way
- Ⓢ Proposed Jointly owned pole on private property

nationalgrid

Date: 7/30/2022

WORK REQUEST: 30552293

To The: Town Of West Newbury

For Proposed: Poles Location: Middle St

Drawn By: S.Steeves

Nationalgrid proposes to extend pole line from existing Pole 121 Middle St approximately 410' to edge of property at 290 Middle St with 3 new poles and 1 supporting stub Pole 124-84 in order to provide electricity to new home located at 290 Middle St, West Newbury, MA.

DISTANCES ARE APPROXIMATE



REC'D W. NEWBURY CLERK
23 AUG 22 AM 10:37

WEST NEWBURY

**Permit for Removal of Shade Tree
290 Middle Street (Map R22, Lot 2)
National Grid (Applicant)**

Pursuant to Chapter XXXII of the Town of West Newbury Bylaws "Scenic Roads", and M.G.L. Chapter 87, Section 3 "Cutting of Public Shade Trees", the West Newbury Planning Board and Tree Warden conducted a public hearing using the Zoom Virtual platform on Tuesday, August 15, 2023 to consider an application by National Grid for the removal of one multi-stemmed red maple located within the public way. The subject parcel is located at 290 Middle Street (Map R22, Lot 2). The request is further described in the following documents submitted by the applicant and incorporated herein by reference:

- Letter dated July 20, 2023 from National Grid to the Planning Board with photographs and maps attached;

After due discussion the Planning Board and Interim Tree Warden, Richard Hills agreed to close the public hearing. Interim Tree Warden, Richard Hills noted that the tree proposed for removal was of compromised health due to the codominant stems and included bark at their juncture and indicated his approval of the tree removal pursuant to the "Cutting of Public Shade Trees" statute.

The Planning Board then voted unanimously, 5-0 (Bardeen, Cook, Cronin, Hamilton and Murphey in favor) to approve the request for removal of the multi-stem (8-inch and 10-inch diameter) red maple tree shown on the plans submitted.

Sue Brown, Town Planner
on behalf of the West Newbury Planning Board

Richard Hills, Interim Tree Warden

Date: August 21, 2023

Date: August 21, 2023



Department of Public Works

Highway, Tree & Snow/Ice Divisions

Richard "Butch" Hills
Highway Superintendent/Tree Warden
Town of West Newbury
381 Main Street
West Newbury, MA 01985
Tel: (978) 363-1100 ext. 120
highway@wnewbury.org

MEMORANDUM

Date: September 26, 2023

Atten: Select Board

Subject: National Grid & Verizon Joint Pole Petition #30552293

Middle Street proposed Joint Pole Installation Petitions received August 9, 2022

The West Newbury Department of Public Works has reviewed the Joint Pole Relocation and Installation Petition as requested by National Grid and Verizon for 290 Middle Street in West Newbury on the Proposed Plan numbered #30552293 dated August 4, 2022. The petition was received by the Town Clerk on August 9, 2022.

The DPW has no significant concerns with the relocation, placement and/or installation of the poles. On August 15, 2023, a public hearing was held by the Planning Board and myself, as the Tree Warden, for a permit for removal of a shade tree. Due to the compromised health of the tree, it was approved to be removed to allow for the installation of new poles.

Should additional information be required, please feel free to contact Katelyn Bradstreet, DPW Business Administrator, or myself.

Sincerely,

Richard "Butch" Hills
Highway Superintendent

Town Manager

From: Elisa Grammer [REDACTED]
Sent: Friday, October 13, 2023 7:35 PM
To: DPW Projects; Town Manager; Rick Parker; Building Inspector; Greg Hadden; Puteri, Emily; Seymour, Jonathan; jbartholomew@prsd.org
Cc: Executive Assistant
Subject: RE: Page School on the Agenda for Select Board Monday 10/16

Hi all—

I have a commitment with the Conservation Commission and will be unable to participate on Monday.

It looks like they did a great job with existing conditions. It's exciting they have gotten so far along.

My questions:

--In considering future capital needs have they or will they take into account 1) ongoing energy costs; 2) compliance costs for meeting climate change requirements including moving away from fossil fuels to electrification?

--In looking at the various disposition scenarios do the project cost estimates incorporate costs for additional upgrades that may be triggered by the minor or larger renovations—and if not, how does that get incorporated?

Elisa Grammer
 [REDACTED]

This communication and any accompanying document(s) are confidential and privileged. They are intended for the sole use of the addressee. If you receive this transmission in error, you are advised that any disclosure, copying, distribution, or taking of any action in reliance upon the communication is strictly prohibited. If you have received this communication in error, please contact me at the internet address or telephone number provided herewith.

From: [DPW Projects](#)
Sent: Friday, October 13, 2023 5:07 PM
To: [Town Manager](#); [Elisa Grammer](#); [Rick Parker](#); [Building Inspector](#); [Greg Hadden](#); [Puteri, Emily](#); [Seymour, Jonathan](#); [jbartholomew@prsd.org](#)
Cc: [Executive Assistant](#)
Subject: Page School on the Agenda for Select Board Monday 10/16

Hi everyone,

Wanted to give you all a heads up that Gienapp Architects will be presenting (in person) a project overview and initial findings for the Page School Conditions Assessment Monday night. Meeting starts at 6:00, but they will be on at approximately 7:15. Presentation will be followed by Q&A. Any of you are welcome to attend in person, join remotely, or catch the recording at a later date. They are making a few more revisions to their presentation, and when that is complete I will send the file to this group prior to the meeting.

Here is the meeting notice and agenda with the zoom link: <https://www.wnewbury.org/select-board/events/77796>

The purpose of the presentation is to introduce the Board and the Public to the project and get initial feedback as Gienapp moves forward with the study. There will not be any specific recommendations or anticipated costs at this point, it will be informational only.

Have a nice weekend,
Christine

Christine Wallace, P.E.
DPW Program and Project Manager
Town of West Newbury
381 Main Street
West Newbury, MA 01985
978-363-1100 x130
978-409-8009 (cell)
dpwprojects@wnewbury.org



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

F

TO: Select Board
FROM: Angus Jennings, Town Manager
DATE: October 13, 2023
RE: MOU with Board of Water Commissioners for use of ARPA funds for Church/Prospect

As you know, the Select Board voted 3-0 on March 13, 2023 to allocate \$625,000 of ARPA funds toward the Church/Prospect water main replacement project. The meeting minutes are enclosed, and excerpted as follows to document the Board's vote:

Parker motioned that the Town use \$625,000 in ARPA funds for the purchase of some of the piping, subject to written documentation that all applicable rules related to ARPA funding are followed. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).

Each of the Select Board and the BOWC, at meetings over the summer, considered different forms of an MOU to satisfy the "documentation" requirement in the Board's approval, but final language has not yet been approved. The draft MOU – in its most recent form (August 10th draft) was substantially agreed by each of the Boards, but remains to be finalized/executed pending resolution of engineering costs.

As you know, more recently, the decision has been made to proceed with bidding the entire Church/Prospect project, instead of separately bidding the materials and labor. The work done toward the separate bidding approach – before that had been ruled out – resulted in some engineering costs, and some additional engineering costs will be necessary in order to get the complete project out to bid (including the consultant engineers' review of proposals; vendor selection; and execution of contract).

Following on prior correspondences, earlier this week we held a zoom meeting including Tata & Howard, Mark Marlowe, and Jack Duggan. T&H will be proposing a modified Amendment 3 to the base engineering contract, which we expect to include additional (as-yet un-incurred) costs in the range of \$6-9,000. The Water Department expects to receive T&S's proposal in the near term.

Since the Select Board's initial approval of ARPA funds was based on the application presented to it (a copy of which is also enclosed), the Board is asked to consider amending its approval to include funding for the incremental engineering costs. Alternatively, the Board may prefer to exclude engineering costs as eligible for payment from ARPA funds.

If the Board decides to exclude engineering costs from its ARPA approval, another funding source will need to be identified to keep this project on track for bidding this fall; contract award early winter; and construction next spring. (Due to the Water Dept. having already substantially depleted the "Extraordinary and Unforeseen" budget line in order to replace failed equipment at Wellfield #1, that resource is not available). Given the pending proposal for Town Meeting to reduce the approved FY24 Water operating budget by \$70,000, it is not – by any means – a foregone conclusion that the necessary engineering costs could be "found" in the operating budget. Further, it can be expected to necessitate several (or more) staff hours from Water and Finance personnel, in the near term, to

undertake the level of analysis of the FY24 operating budget in order to determine if this cost can be supported. As you know, no contract for additional services could be signed until the funds necessary for such contract can be identified.

All proposed changes to the enclosed draft MOU – since the version most recently circulated dated August 10th – are shown in the enclosed redline draft. **This draft is brought to the Board with a request for your endorsement, either as-is or as you may see fit to modify.**

In your consideration, I suggest taking into account that the initial ARPA approval authorized up to \$12,000 for temporary fencing/storage of materials. Obviously, that expense is no longer necessary. With its removal, even if some ARPA funding does go toward additional engineering services, this would not reduce (and may modestly increase) the amount of ARPA funds toward the “bricks and mortar” (or rather, “pipes and fittings”) aspects of the work (relative to the Board’s March 13th approval).

In the interest of keeping this \$3.325M critical infrastructure project on track, it is my recommendation that the Board support use of ARPA funds, up to a maximum \$9,000, toward the remaining necessary “soft costs” necessary to complete the bidding and contracting process.

Upon the Select Board’s endorsement of a draft MOU, it would be brought to the BOWC for their approval, at which point it would be executed for the Town Accountant’s ARPA project files.

cc: Mark Marlowe, Water Superintendent
Board of Water Commissioners
Jennifer Walsh, Town Accountant



ARPA MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING (“MOU”) is made as of this ___ day of ~~August~~ October, 2023, by and between the West Newbury Board of Water Commissioners, an elected public body with an address 381 Main Street, West Newbury, Massachusetts 01985 (hereinafter referred to as the “Recipient”), and the Town of West Newbury (the “Town”), with an address of 381 Main Street, West Newbury, Massachusetts 01985, acting through its Select Board (collectively, the “Parties”).

RECITALS

WHEREAS, the American Rescue Plan Act (“ARPA”) provides for the use of funds to make necessary investments in water, sewer, or broadband infrastructure as noted in the Department of the Treasury’s Final Rule, 31 CFR Part 35 RIN 1505-AC77; and

WHEREAS on March 13, 2023, the Town of West Newbury Select Board approved the use of a portion of the Town’s ARPA funds to purchase water mains for the Church and Prospect Street Water Main Replacement (the “Project”); and

WHEREAS the purpose of this project is to replace aging and deteriorating water mains on Church and Prospect Streets; and

WHEREAS, the Recipient submitted an application for ARPA funding to support the Project to replace water mains located at Church Street and Prospect Street, West Newbury, MA; and

WHEREAS, the Town has reviewed the Recipient’s application and has determined that the proposed project is consistent with the terms of ARPA and the Project, and has elected to authorize funding for a portion of the Project on condition that such funding be used exclusively for the purposes described below, and in a manner consistent with the terms and conditions contained herein.

NOW, THEREFORE, in consideration of the mutual promises contained herein, the Parties agree as follows:

1. The Project. The Recipient agrees that all funds provided for herein shall be used exclusively for the work described in **EXHIBIT A** (the “Project”).
2. Award. Subject to the terms of this MOU, the Town agrees to allocate \$625,000 from the Town’s ARPA funds towards the Project. The Town Accountant shall disperse such funds pursuant to the terms of any contracts executed in accordance with Paragraph 5 herein.
3. Additional Funding. The Parties recognize that Town Meeting, through its approval of Article 7 of the Annual Town Meeting on April 24, 2023, has appropriated \$2,700,000 for



ARPA MEMORANDUM OF UNDERSTANDING

this Project. As of this MOU, Project costs are estimated at a total of \$3,325,000.⁺ Thus, including the ARPA funds allocated as specified herein, there are sufficient funds for the Project. To the extent that Project costs exceed the estimated amount, the Parties shall work together to secure additional funding for such work.

4. Contracts. The Parties recognize that (a) the Town Manager has contracting authority for the portion of the Project to be funded in whole or in part by the authorized ARPA funds, as specified in EXHIBIT A; and (b) all contracts and contracts amendments related to the portion of the Project to be funded in whole or in part by the ARPA funds shall be executed by the Town Manager, and shall include a signature block for the Recipient documenting their receipt of any and all related executed contracts and contract amendments. Where the Recipient believes that a contract or contract amendment is necessary to fulfill or complete the portion of the Project to be funded in whole or in part by the ARPA funds, the Recipient shall discuss the matter with the Town Manager and a designee of the Select Board, providing supporting documentation where necessary.
5. Contract Management. Once under contract, the Water Superintendent shall serve as Project Manager for work to be funded in whole or in part by ARPA funds; and shall maintain regular communication with the Town Manager on an ongoing basis, including written updates as needed, through the duration of the Project.
6. Right to Audit. The Recipient agrees to track and maintain records of all Project related documents, including communications, receipts and invoices. The Town Manager shall have the right to inspect Project related documents and engage in an active review process of all Project related documents.
7. Term. This MOU shall remain in effect until the Recipient has completed the portion of the Project to be funded in whole or in part by the ARPA funds, and the Town has disbursed final payment of the grant awards.

IN WITNESS HEREOF, the parties hereto have caused this MOU to be duly executed this ____ day of ~~August~~October, 2023.

Board of Water Commissioners

By: Robert Janes

Its: Chairperson

Duly authorized: By ____ vote of Board of Water Commissioners on _____, 2023

Town of West Newbury

⁺Source: Jon Gregory, Tata & Howard, email of 4/3/23 to Angus Jennings, Mike Gootée, Mark Marlowe, Steve Daunais (T&H).



ARPA MEMORANDUM OF UNDERSTANDING

Angus Jennings, Town Manager

Duly authorized: By ___ vote of Select Board on _____, 2023

DRAFT

**ARPA MEMORANDUM OF UNDERSTANDING
EXHIBIT A**

EXHIBIT A:

Authorized expenses for the portion of the Project to be funded in whole or in part by ARPA funds

<u>Authorized Expense Category</u>	<u>Maximum Authorized Amount for Expense Category</u>
A. Pipe, couplings, fittings, and related parts and materials, <u>substantially</u> as itemized in Bid ID: 5599806 from E.J. Prescott, Inc., to the West Newbury Water Department dated 2/13/23, or as may be revised upon revision to this Exhibit A by the Parties as the project proceeds through the bidding and contract award process.	\$625,000.00
Expenses for temporary storage of the parts and materials in Category A.	\$12,000.00
C.B. Engineering services necessary for the procurement of the parts and materials in Category A.	FBD \$9,000.00
TOTAL AUTHORIZED ARPA ALLOCATION	Not to Exceed \$625,000.00

Meetings; including article proposals from Water Commission

Discussion flowed smoothly from Item E to Item F similar topics. Votes occurred on the following Articles, which took place following discussion of Item G. When queried by Reed as to why so many Articles were coming from the Water Commissioners, Superintendent Gootée explained it as coincidence, a number of unforeseen and seen expenses all being incurred within a short window. Discussion of these further Articles begins at roughly the two-hour mark in the live video:

Archibald motioned to approve the Article providing for the repair of Wellfield building #1 at a cost of \$16,610. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Archibald motioned to approve the Article providing for the cleaning of Wellfield #1's wellheads at a cost of \$9,975. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Archibald motioned to approve the Article providing for the purchase of SCADA RTUs at a cost of \$7,340. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Archibald motioned to approve the Article providing for the purchase of a continuous chlorine monitoring system at the cost of \$19,900. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Archibald motioned to approve the Article providing for the purchase of a new master meter at the cost of \$3,865. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Archibald motioned to approve the Article to purchase water from Newburyport and to replenish line items in the FY23 Budget at a cost of \$140,000. Reed stated she wanted to further clarification on what line items were being backfilled under this Article. **The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Archibald motioned to approve the Article providing for the repair/replacement of components of the water distribution system at a cost of \$30,000. Gootée explained the purpose of the money within the Water Department's operations, as an emergency backup to primary funds already available. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

G. Request for allocation of ARPA funds for Church/Prospect water main replacement - Board of Water Commissioners

(See Exhibit G). Primary discussion on this Item focused on the use of ARPA funds for water main replacement on Church and Prospect Streets. Intensive discussion occurred on the difficulty of purchasing requisite piping, planning for long-term projects, and the upcoming challenge of PFAS mitigation. The Board determined that Town Meeting should vote to authorize the funding of the replacement regardless of the funding source to ease the process of carrying out the project, with Jennings stating he felt the public would be supportive of the strategy even though it would modify a preexisting Article in the Warrant. Discussion continued on where appropriate secure storage for the piping would be, and potential documentation/parameters that would need to be generated/followed. **Parker motioned that the Town use \$625,000 in ARPA funds for the purchase of some of the piping, subject to written documentation that all applicable rules related to ARPA funding are followed. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

Archibald then motioned to revise the Town Meeting Article related to the purchase to encompass necessary borrowing for bidding and construction costs to replace the water main, with knowledge that costs may vary in the future. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).

H. Updates regarding proposed FY24 Town Operating Budget incl. Finance Committee reviews to date

Articles voted and/or discussed on were:

Article 21: Town Manager Jennings opened discussion bringing up the carryover for curbside recycling that had to be added to the Operating Budget at late notice. Jennings stated that in future the Board of Health could at their discretion use revolving fund money to pay the recycling expenses. **Reed moved to approve Article 21 and its line items, including the fund to pay the curbside pickup expenses. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

Article 26: **Parker motioned to approve Article 26 for the replacement fire pickup truck. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

Article 28: The Board clarified that the Town was unable to acquire a police cruiser at the hoped for price and therefore additional thousands were needed to cover the cost. Citing an interest in further information about the operation of the hybrid engine in the cruiser, the Board tabled the Article. **No motion was made at this time.**

Article 43: Concerned by how recently the amendment, which proposed to modify the Zoning Bylaws to add further wetlands protection, had been introduced, the Select Board talked with Rob Phillips of the Finance Committee (who had similar reservations) about their feeling that the Article should not be included on the Warrant. Further, Archibald found the language vague and too sweeping. **Parker motioned for Article 43 be brought before the Finance Committee. Reed seconded. The motion failed. (1 Yes, 2 No, 0 Abstain).**

Article 20: The Select Board determined that the Article should be discussed by the Finance Committee before the Board would discuss in depth. **The Select Board decided to table the Article for a future meeting.**

Article 19: **Archibald motioned to approve the Article which would provide funding for the snow and ice deficit. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

Article 15: **Parker motioned to approve the Article in order to establish a study- defining the scope of testing at 31 Dole Place. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

Article 31: Jennings recommended the Board hold off on the Page School crosswalk project, instead rolling it into a later Route 113 corridor project to improve pedestrian safety. **No motion was made at this time.**

Article 24: The Select Board wished to have further clarification on the Article, particular pending voting on related Articles on the Town Meeting Warrant. **No motion was made at this time.**

Article 23: **Reed motion to approve the Article. Archibald seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

Jennings concluded this portion of the meeting by bringing to the attention of the Select Board Budget items that needed to be reconciled between variants of the Operating Budget. These reconciliations were in items relative to group insurance costs, veteran's benefits and expenses, as well as the Pentucket School District, public safety, Park and Rec, and Council on Aging funding. Particular attention was paid to Park and Rec's adjustments, with a potentially substantial change in funds from which seasonal PT employees would be paid. Jennings did not recommend approving Park and Rec's changes. For reference, see Budget items highlighted in yellow in the Select Board meeting packet for 3/13/2023. Following this discussion, **with the exception of the Park and Rec line items, Reed motioned to approve the Operating Budget with these adjustments. Parker seconded. The**

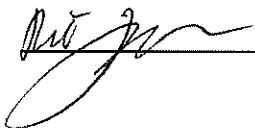


Town of West Newbury
SLFRF - state and local fiscal recovery funds ARPA
Project Request Form

Please complete this form and attach any additional paperwork to support your request.

Date:	3/3/2023
Project Name:	Church and Prospect Street Water Main Project
Project ID: (accounting use only)	
Expense Category:	ARPA or Water Department Stabilization and Free Cash
<p>Description of Project: Water main pipe replacement on Church and Prospect Street. The original plan was to start the water main replacement in FY 2024. The BOWC'S decided that it would be best to purchase the water main in CY 2023 after the pipe company informed the department that there would be a 30-week lead time before we would see a delivery. Other municipalities have successfully followed the same process with the backlog of the supply chains. The plan is to borrow funds for the water main project and ask for approval of the installation cost (estimated to be \$2M+) at the FY 2025 Town Meeting. By purchasing the water main in CY 2023 the water main replacement project would be able to move forward once approved at next year's Town Meeting. If we don't purchase the water main in CY 2023 and wait until CY 2024 the project would need to be pushed off for an additional year. Please Note: The BOWC would like to receive approval to use ARPA funds to purchase the water main this year. We plan to present eight articles at Town Meeting totaling \$853,276. That would leave \$0.51 in Stabilization and \$255,686 Free Cash. If the Select Board would be willing to appropriate \$625,000 out of ARPA funds for the water main purchase this year the Water Department would be more comfortable having the additional funds to pay the loan payments starting in FY 2025 (water rate increase required). That loan will be in the ballpark of \$2M-\$2.5M at this point. If the ARPA funds are not available this year the Water Department would deplete most of their available funds. We are not sure what the ARPA funds are allowed to be used for. We did put a 10% contingency on the water main cost for any cost increases in the future.</p>	
Estimated Project cost	water main=\$625,000. The total project including the \$625,000 for the water main at this time is around 3M.
Status of completion:	The Water main project should be completed by the end of CY 2024 if the water main is purchased in CY 2023.
Which FY will these expenses occur:	FY 2024

Dept head approval/Date



MARCH 3, 2023

BOS approval/Date

Accounting approval/Date

SPECIAL ARTICLE REQUEST FORM

ARTICLE: (To be presented at the Fiscal Year 2024 Special Town Meeting.)

To see if the town will vote to raise and appropriate and/or transfer available funds from the Water Enterprise Fund Free Cash Account and/or from the Water Enterprise Stabilization Fund Account the amount of \$625,000.00 to purchase water main piping and related hardware for the Water Main Project on Church and Prospect Street, engineering for the Bid Process and staging rental for the storage of these materials.

AMOUNT REQUESTED: \$625,000.00

CONTACT PERSON: Mark Marlowe

PHONE NUMBER: 363-1100 ext. 128

Why should the town make this purchase? What needs will be met? Who will benefit?

The original plan was to start the water main replacement in FY 2024. The BOWC'S decided that it would be best to purchase the water main in CY 2023 after the pipe company informed the department that there would be a 30-week lead time before we would see a delivery. Other municipalities have successfully followed the same process with the backlog of the supply chains.

What factors affect the timing of this purchase?

The plan is to borrow funds for the water main project and ask for approval of installation cost (estimated to be \$2,000,000+) at the FY 2025 Town Meeting. By purchasing the water main in CY 2023 the water main replacement project would be able to move forward once approved at next year's Town Meeting. If we don't purchase the water main in CY 2023 and wait until CY 2024 the project would need to be pushed off for an additional year.

What ancillary costs do you anticipate? (Maintenance, Insurance, Training, etc.)

Once the water main is installed the department would continue its yearly flushing schedule to remove sediment and maintain good water quality.

WEST NEWBURY WATER DEPARTMENT
381 MAIN STREET
WEST NEWBURY, MA

TEAM EJP Middleton, MA
162 No. Main Street Rte 114
P O Box 761
Middleton, MA

01985

01949

Telephone: 978-777-7738

2/13/23 Bid ID: 5499806 WEST NEWBURY, MA - WNWD CHURCH PROS Bid expires on 03/15/23 Page 2

Quantity	Sell Per	Description	Unit Price	Extended Price
		NEED SERVICE SADDLE SIZE		

water main cost
Pipe - \$559,053.50
10% Contingency - \$55,905.35
Fencing - \$10,040.00

\$624,998.85
\$625,000

Subtotal: 559,053.50
Tax: .00
Bid Total: 559,053.50

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2/13/23 Bid ID: 5499806 WEST NEWBURY, MA - WNWD CHURCH PROS Bid expires on 03/15/23 Page 1

Quantity	Sell Per	Description	Unit Price	Extended Price
60	FT	12 FST PIPE DUCTILE 52 CL	78.00	4,680.00
20	FT	10 FST PIPE DUCTILE 52 CL	66.00	1,320.00
7320	FT	8 FST PIPE DUCTILE 52 CL	48.00	351,360.00
240	FT	6 FST PIPE DUCTILE 52 CL	34.50	8,280.00
1300	FT	1X100 K COPPER TUBE	10.50	13,650.00
60	FT	1X60 K COPPER TUBE	10.50	630.00
14	EA	5 B62 HYD 6-0 OR 6MJNSTB41-3WAY	3,550.00	49,700.00
4	EA	12 MJ DI RS VALVE OL	3,350.00	13,400.00
16	EA	8 MJ DI RS VALVE OL	1,685.00	26,960.00
15	EA	6 MJ DI RS VALVE OL	1,075.00	16,125.00
45	EA	26/36 TF VALVE BOX BELL W/CVR	175.00	7,875.00
55	EA	1 BALL CORP CCXQUICK LEAD FREE	122.00	6,710.00
55	EA	1 BALL CURB QUICK W/DRAIN LF	205.00	11,275.00
2	EA	8 202S SADDLE 1CC 863980	180.00	360.00
55	EA	4-1/2-5-1/2 SERVICE BOX L/C	50.00	2,750.00
55	EA	1/2X30 SERVICE BOX ROD STAINLESS	28.00	1,540.00
55	EA	1 SERVICE BOX PLUG COVER ROPE	14.50	797.50
33	EA	8 MJ DI 45 BEND CL	210.00	6,930.00
1	EA	8 MJ DI 22-1/2 BEND CL	205.00	205.00
2	EA	6 MJ DI 45 BEND CL	150.00	300.00
2	EA	12X8 MJ DI TEE CL	590.00	1,180.00
3	EA	8 MJ DI TEE CL	380.00	1,140.00
1	EA	8X6 MJ DI TEE CL	320.00	320.00
14	EA	8X6 MJ DI HYD TEE CL	365.00	5,110.00
4	EA	12X10 MJ DI REDUCER CL	290.00	1,160.00
2	EA	8X6 MJ DI REDUCER CL	152.00	304.00
15	EA	6 MJ DI SOLID CAP CL	75.00	1,125.00
2	EA	8X12 MJ DI SOLID SLEEVE CL	255.00	510.00
4	EA	10X6 DUCT CPLG 10891140 201-11401140600	350.00	1,400.00
1	EA	6X5 DUCT CPLG 686720 201-07200720500	200.00	200.00
1	EA	6X8 MACRO CPLG 660760	455.00	455.00
16	EA	12 ONE-LOK PACK DI	188.00	3,008.00
4	EA	10 ONE-LOK PACK DI	145.00	580.00
147	EA	8 ONE-LOK PACK DI	94.00	13,818.00
52	EA	6 ONE-LOK PACK DI	68.00	3,536.00
10	EA	1X3/4 CPLG QUICK LEAD FREE	36.00	360.00

NO 5/8 COUPLINGS

Continued Next Page

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240	FT	6 FST PIPE DUCTILE 52 CL	34.50	8,280.00
1300	FT	1X100 K COPPER TUBE	10.50	13,650.00
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3	EA	8 MJ DI TEE CL	380.00	1,140.00
1	EA	8X6 MJ DI TEE CL	320.00	320.00
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NO 5/8 COUPLINGS

Continued Next Page

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2/13/23 Bid ID: 5499806 WEST NEWBURY, MA - WNWD CHURCH PROS Bid expires on 03/15/23 Page 2

Quantity	Sell Per	Description	Unit Price	Extended Price
		NEED SERVICE SADDLE SIZE		

Subtotal: 559,053.50
Tax: .00
Bid Total: 559,053.50

Town Manager

From: Jon Gregory [REDACTED]
Sent: Wednesday, October 11, 2023 4:42 PM
To: Town Manager; Steven Daunais
Cc: Water Superintendent
Subject: RE: T&H invoicing for Church/Prospect work

Hi Angus,

Thank you for the information. Steve and I are reviewing this. Are you available for a Microsoft Teams or Zoom call tomorrow (Thursday) at 2:00pm with Steve and I to discuss this? I could set up the call in Teams, but I do not have access to a Zoom account. If you would like to schedule a Zoom call using the Town's account that would be fine.

Thank you.

Jon Gregory, P.E. (MA)

Vice President



TATA & HOWARD

10 Riverside Drive, Suite 104
Lakeville, MA 02347

Help save the environment: think before you print.

***Confidentiality Notice:** This message, including any attachments is intended only for the designated recipient(s). It may contain confidential or proprietary information and may be subject to legal privileges. If you are not the intended recipient, you may not use, distribute, or copy any portion of or attachment to this message. If you have received this message in error, please notify the sender, delete the message, and destroy any copies. Thank you.*

From: Town Manager <townmanager@wnewbury.org>
Sent: Tuesday, October 10, 2023 3:20 PM
To: Jon Gregory [REDACTED]; Steven Daunais [REDACTED]
Cc: Water Superintendent <water.superintendent@wnewbury.org>
Subject: RE: T&H invoicing for Church/Prospect work

Jon/Steve,

We would like to get an MOU between the Select Board and BOWC finalized and executed, regarding the SB's authorization of \$625,000 in ARPA funds toward the Church/Prospect project. The item that still needs clarification is regarding the total engineering costs. The BOWC's initial request for ARPA funding was focused strictly on the procurement of parts (and their temporary storage). Consistent with that initial request, the Select Board has set an expectation that any ARPA funds they contribute would go toward hard costs of the project, not engineering costs.

Your May 17th proposal to the BOWC carried \$15,000 for additional services. As you know, since that time, the decision has been made to bid out the project as a whole, and not to segment out the pipe/materials as a separate bid.

The BOWC's initial agreement with T&H from Oct. 2021 included in its scope of services the preparation of bid documents, advertising the project in the Central Register, assisting in the bidding process, and evaluation of bids, among other related items (generally, items 2.1.14 through 2.1.19 of the contract).

We are of course aware that T&H incurred some time/cost resulting from the initial direction to bid the project in phases; and that there remains an unpaid balance of \$3,140 from your Invoice No. 17 dated 7/10/23, which was only paid in part based on the amount the BOWC had appropriated for this work. With that partial payment, W&H has received \$97,300 for this project (incl. amounts paid to your subcontractors, such as for soil borings).

Please help me understand, so that I can advise the Select Board, what work would be driving additional engineering costs. Since the bid support work was included in the original contract, and amounts have been paid that are in excess of the original contract (with no change order to the bid support items in that contract), we are not clear on what additional funds would be needed, beyond the \$3,140 unpaid balance resulting from the earlier direction to separately bid the parts and labor.

I'd like to get an updated draft MOU before the Select Board at their upcoming meeting on Oct. 16th. If you can provide a response ahead of then, that would be helpful. Happy to connect by phone in the meantime.

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: Town Manager
Sent: Friday, July 28, 2023 6:04 PM
To: Jon Gregory [REDACTED]; Steven Daunais [REDACTED]
Cc: Mark Marlowe <water.superintendent@wnewbury.org>; Walsh, Jennifer <townaccountant@wnewbury.org>;
Selectboard <selectboard@wnewbury.org>
Subject: T&H invoicing for Church/Prospect work

Jon/Steve,

I wanted to reach out re contracting/invoicing for the portion of Church/Prospect Street work to be funded from ARPA. Earlier this week, we received your July 10 invoice #17 with a portion of the invoice (\$1,324.00) payable from Water Dept funds and a portion of the invoice (\$3,150.00) coded to hit the ARPA funds. Next week, we will put through payment for the portion of invoice #17 payable from Water Dept funds, but will hold the portion of the invoice payable from ARPA funds for the time being.

While the Select Board did approve use of the ARPA funds for this purpose, their vote was specifically contingent on a written agreement between the Select Board and the Board of Water Commissioners, in accordance with advice from Town Counsel and from our ARPA consultant. A written agreement is not yet in place.

The attached contract and amendments were provided to my office yesterday. The BOWC Chair signed Amendment #3 to your contract, but did so without notice to nor consultation with my office/Select Board, and it does not appear that this was reviewed by the full BOWC prior to the Chair's signature on May 23rd. (And, the amendment only bears 1 signature, whereas the Board is only authorized to act as a Board, not by one member). Further, none of the contract amendments had been placed on file with the Town Accountant, which is a requirement of state law.

Until we have a written agreement between the Select Board and BOWC regarding use of the ARPA funds, we do not want T&H to spend further time toward the preparation of bid documents for Church/Prospect. To ensure a clean paper trail for our ARPA record-keeping and reporting, we'd like to see a separate agreement for work to be funded from ARPA, as distinct from work already under contract for this project.

At its next meeting on Aug 7th, the Select Board will be asked to approve a MOU with the BOWC documenting the procedures for expenditure of these funds. A draft MOU will be shared with the BOWC next week, then will be sent to the BOWC for their approval coming out of the 8/7 Select Board meeting.

I met with Mark earlier today to talk this over. As long as the BOWC is able to schedule a meeting relatively soon after the Select Board's Aug 7th meeting, I expect we'd be able to put through the remainder of the invoice #17 for payment in the first half of August, and also at that time to authorize continued work on the project. In the meantime, I know your office has its hands full with the water rate study, so we don't expect any short-term delay in the Church/Prospect work to cause any disruption to that project's overall timeline.

Thanks,
Angus

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



Town of West Newbury Select Board

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

selectboard@wnewbury.org

Public Hearing Notice Amendments to the Personnel Policy Monday, October 16, 2023 @ 7pm

On October 2, 2023 the Select Board proposed amendments to the Personnel Policy. Any proposed new, amended or revised policies shall be posted for a period of at least ten days after being proposed by the Select Board, during which time comments, information and questions regarding any proposed policy may be provided to the Select Board. A public hearing shall be held following the ten-day posting period.

A public hearing will be held by the Select Board on the following proposed revisions to the Personnel Policy (proposed deletions in ~~strikethrough~~ and proposed additions in double underlined):

Current language:

Policy Universal change (wherever they appear in Policy) to references of:

Selectmen, him or her, he or she, him/her, he/she, maternity

to

Select Board, they, them, their, paternal

Sec. 1.1 Authorization

These policies are promulgated in accordance with the authority granted by ~~the Personnel Bylaw~~ Chapter 97 of the Acts of 2017, An Act establishing a Town Manager in the Town of West Newbury, also known as the "Town Manager Act."

Sec. 1.2 Definitions

~~"Bylaw," the Personnel Bylaw adopted by the Town~~

"Town Manager Act," Chapter 97 of the Acts of 2017, An Act establishing a Town Manager in the Town of West Newbury.

Sec. 1.4 Amendment of Policies

~~These policies may be amended as provided in Section 5 of the Bylaw."~~

These policies may be amended as provided below:

- a) The Select Board may propose new, amended or revised policies; any such proposed policy may be proposed at any meeting of the Select Board.
- b) Any proposed new, amended or revised policies shall be posted for a period of at least ten calendar days after being proposed by the Select Board, during which time comments, information and questions regarding any proposed policy may be provided to the Select Board. 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 Select Board, 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.”

Sec. 1.5 Personnel Officer

Pursuant to the Town Manager Act, the Board may, from time to time, designate an employee under its direction to Town Manager shall serve as the Personnel Officer for the Town, responsible for administration of the personnel system. The Personnel Officer Town Manager shall:

- provide assistance and training to appointing authorities and department managers to ensure that recruitment, selection, appointment and retention of employees and benefit administration are conducted in ways that are consistent with the Bylaw and these policies;
- 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, job descriptions, and employee recruitment and advertising;
- direct the efficient and responsible administration of employees including, but not limited to directing the work activity, methods, means, scheduling, and staffing by which work is to be carried out to maintain the efficiency of governmental operations;
- take actions necessary to ensure that the duties of an agency in emergencies are carried out;
- assign job classification to pay ranges, subject to modification and approval of the Select Board;
- 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;
- The Personnel Officer shall supervise the maintenance of a personnel record keeping system.

The Town Manager Personnel Officer shall bring to the Board's attention issues or matters requiring their attention in the administration of these policies.

The Town Manager may designate one or more employees under their direction to perform human resource functions.

Sec. 4.2 Classification and compensation plans

The Town Manager shall prepare and maintain job descriptions for all positions for the Town. Such descriptions shall consist of a statement describing the essential nature and level of work performed by employees including illustrative examples of typical tasks and duties assigned; and the required or desirable qualifications for the job.

Sec. 5.1.7 Vacation

In hiring employees who have considerable work experience, the Town Manager may adjust the vacation time granted to such new hires by awarding additional vacation time reflecting the level of work experience.

Sec. 7.1 Holidays

Add to list of recognized holidays: “Day after Thanksgiving”

Comments, information and questions from all interested parties may be sent to the Board in advance (selectboard@wnewbury.org), or may be provided at the hearing. All interested parties are encouraged to attend.



Town of West Newbury

Select Board

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

Public Hearing Notice

Amendment to the Personnel Policy

Monday, October 2, 2023 @ 7pm

On September 18, 2023 the Select Board proposed an amendment to the Personnel Policy. Any proposed new, amended or revised policies shall be posted for a period of at least ten days after being proposed by the Select Board, during which time comments, information and questions regarding any proposed policy may be provided to the Select Board. A public hearing shall be held following the ten-day posting period.

A public hearing will be held by the Select Board on the following proposed revision to Sec. 1.4 of the Personnel Policy, the Amendments of Polices:

Current language:

“1.4 Amendment of Policies

These policies may be amended as provided in Section 5 of the Bylaw.”

Proposed revised language:

“1.4 Amendment of Policies

These policies may be amended as provided below.

- a) The Select Board may propose new, amended or revised policies; any such proposed policy may be proposed at any meeting of the Select Board.
- b) Any proposed new, amended or revised policies shall be posted for a period of at least ten days after being proposed by the Select Board, during which time comments, information and questions regarding any proposed policy may be provided to the Select Board. A public hearing shall be held following the ten-day posting period.
- c) Any new, amended or revised polices shall become effective upon approval by a unanimous vote of the Select Board, 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.”

Rationale for proposed amendment: The proposed amendment would incorporate the process for policy amendment directly into the Personnel Policy. The language proposed for addition to the Personnel Policy is substantially identical to language that has been included in the Personnel Bylaw since 1999. The Personnel Bylaw is proposed for repeal at the Fall Special Town Meeting, so the proposed amendment to the Personnel Policy would ensure that the process to amend the Policy would remain unchanged, if the Bylaw is repealed.

Comments, information and questions from all interested parties may be sent to the Board in advance (selectboard@wnewbury.org), or may be provided at the hearing. All interested parties are encouraged to attend.

Town Manager

From: Executive Assistant
Sent: Friday, October 6, 2023 10:30 AM
To: Town Hall All; Corinn Flaherty; Michael Dwyer
Cc: Selectboard
Subject: Proposed amendments of the Personnel Policy
Attachments: proposed_amendments - for hearing on 10-16-23.pdf

Good morning,

On October 2, 2023 the Select Board proposed amendments to the Personnel Policy. Any proposed new, amended or revised policies shall be posted for a period of at least ten days after being proposed by the Select Board, during which time comments, information and questions regarding any proposed policy may be provided to the Select Board. A public hearing shall be held following the ten-day posting period. The Board will open a public hearing on the proposed amendments on Monday, October 16th at/after 7pm. A copy of the public hearing notice is attached and hard copies are posted within the Town Offices Building on both the first and second floor. All proposed deletions are shown in ~~strike through~~ and proposed additions in double underlined. The current Personnel Policy is online [here](#) for reference.

Comments, information and questions from all interested parties may be sent to the Select Board (selectboard@wnewbury.org) in advance or may be provided at the hearing. All interested parties are encouraged to submit comments/questions, and/or to attend the hearing.

Thank you,

Rebecca Ambra, Executive Assistant
Office of the Town Manager
Town of West Newbury
381 Main Street
West Newbury, MA 01985
978-363-1100 x115
Exec.Assistant@wnewbury.org



TOWN OF WEST NEWBURY PERSONNEL POLICY

The contents of this policy are presented as a matter of information only in order for employees to acquaint themselves with our policies, procedures and benefits. While the Town wholeheartedly supports the plans, policies and procedures contained herein, it is not anticipated that any set of policies, however specific or comprehensive, will provide the correct solution to every problem or situation that might occur in our workplace. The provisions of this policy are not intended to be, and are not to be construed as a contract, or part of any employee's contract of employment. Employment with the Town is "at will". All employment is of indefinite duration, and is terminable at the will of the employee, at any time, with or without reason, and at the will of the Town at any time, with or without reason. No one at the Town, other than the Select Board ~~of Selectmen~~, or personnel with statutory authority has the authority to commit to a contract of employment and then only in writing.

We reserve the right to modify, revoke, suspend, terminate or change any or all plans, policies and procedures, in whole or in part, at any time, with or without prior notice. We will try to give advance notice in the event that we find it necessary to change any policy, program or benefit, but cannot guarantee that everyone will receive advance notice of such changes. Any changes which are made will apply retroactively.

The language used in this policy is not intended to create, nor is it to be construed to constitute, a contract between the Town and any one or all of its employees. This policy and the policies, plans and procedures contained herein, supersede all previous personnel policies, plans, and procedures of the Town.



TOWN OF WEST NEWBURY PERSONNEL POLICY

- Adopted: August 23, 1999*
- Revised: Section 5.5 on March 20, 2000*
- Revised: Per Personnel Committee on December 17, 2008*
- Revised: Section 7.1 on September 30, 2009*
- Revised: Sections 5.1.1, 5.1.3 and 7.3 on July 14, 2014*
- Revised: Appendix D Section 6, Supervisor/Subordinate Fraternization on September 18, 2017*
- Revised: Updated Appendix E and added Appendix F on May 14, 2018*
- Revised: Updated Sec. 5.4 Bereavement Leave on April 26, 2021, retroactive to March 1, 2021*
- Revised: Section 7.1 Holidays Policy, addition of Juneteenth holiday, approved on August 30, 2021*
- Revised: Section 7.3 Qualified Part-Time Holiday Pay Policy on October 4, 2021*
- Revised: Section 2.0 Recruitment and Hiring, a new sub-section 2.2.1 Internal Hiring Policy; amendment to Section 4.3 Employee Development and Training; amendment to Appendix A Affirmative Action Plan; all approved on October 4, 2021*
- Revised: Created new Section 8.0 Compensatory/Overtime/Time Worked Above Budgeted Hours Policy, approved on November 15, 2021*
- Revised: Section 2.2.1 Internal Hiring Policy (revisions) and Section 5.6 Maternity leave (changed to Parental leave, with revisions), both approved on March 28, 2022*
- Revised: Section 5.2.1 Sick leave (revisions) and 5.9 Personal leave (revisions) by Select Board May 9, 2022*
- Revised: Section 5.7 Jury Duty (revisions) by Select Board August 7, 2023*

Recorded with the Town Clerk on August 14, 2023



TOWN OF WEST NEWBURY PERSONNEL POLICY

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TOWN OF WEST NEWBURY PERSONNEL POLICY

Section 1.0 General Provisions

1.1 Authorization

These policies are promulgated in accordance with the authority granted by [Chapter 97 of the Acts of 2017, An Act establishing a Town Manager in the Town of West Newbury, also known as the "Town Manager Act."](#) ~~the Personnel Bylaw.~~ In the case of a conflict between the provisions of these policies and the provisions of any collective bargaining agreement, the provisions of the collective bargaining agreement shall prevail.

1.2 Purpose

The purpose of these policies is to establish a system of personnel administration based on merit principles including, but not limited to: (a) recruitment, selection and classification of employees on the basis of ability, knowledge, education and skill, under fair and open competition; (b) fair and equitable treatment of all applicants and employees in all aspects of the personnel system without regard to age, race, color, creed, gender, sexual orientation, national origin, political affiliation, disability, military service, and with proper regard for privacy and constitutional rights and any other federal or state laws which may apply; (c) retention and advancement of employees based on performance, with recognition of the obligation to make reasonable efforts to assist employees to overcome inadequate performance.

1.3 Definitions

The following definitions shall apply:

"Appointing authority," any board or official authorized by General Law, or otherwise, to employ personnel to perform services for the Town.

"Board," the ~~Select~~ Board ~~of Selectmen~~ of West Newbury.

~~"Bylaw," the Personnel Bylaw adopted by the Town.~~

"Department manager," the officer responsible for supervising a department's operations and activities. A department manager may be an appointing authority.

"Exempt employee," an employee whose position is not covered by, or is exempt from, the minimum wage and overtime provisions of the Fair Labor Standards Act.

"Full-time employee," an employee regularly scheduled to work forty (40) hours per week for fifty-two (52) weeks per year. Employees working two or more part-time schedules, which in aggregate total 40 hours per week, shall be treated as full-time employees.

"General Laws," the General Laws of the Commonwealth of Massachusetts.

"Immediate family," an employee's spouse, children, parents, siblings and parents of spouse.

"Non-exempt employee," an employee whose position is subject to the minimum wage and overtime provisions of the Fair Labor Standards Act.



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"Part-time employee," an employee whose position is designated to work fewer than forty (40) hours per week.

"Regular employee," an employee who has completed the introductory period successfully.

"Introductory period," the first ninety days of employment for all employees, except police officers. For police officers, the first 12 months of employment shall be the introductory period or as otherwise designated in the collective bargaining agreement.

"Qualified part-time employee," a part-time employee working at least twenty (20) hours per week for 52 weeks per year.

"Temporary employee," an employee whose term of service is defined at the time of hire and is not eligible for benefits.

"Town," the Town of West Newbury.

["Town Manager Act," Chapter 97 of the Acts of 2017, An Act establishing a Town Manager in the Town of West Newbury.](#)

1.4 Amendment of Policies

~~These policies may be amended as provided in Section 5 of the Bylaw.~~

These policies may be amended as provided below:

- a) The Select Board may propose new, amended or revised policies; any such proposed policy may be proposed at any meeting of the Select Board.
- b) Any proposed new, amended or revised policies shall be posted for a period of at least ten calendar days after being proposed by the Select Board, during which time comments, information and questions regarding any proposed policy may be provided to the Select Board. 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 Select Board, 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."

1.5 Personnel Officer

~~Pursuant to the Town Manager Act, The Board may, from time to time, designate an employee under its direction to the Town Manager shall~~ serve as the Personnel Officer for the Town, responsible for administration of the personnel system. The ~~Personnel Officer-Town Manager~~ shall:

~~provide~~ provide assistance and training to appointing authorities and department managers to ensure that recruitment, selection, appointment and retention of employees and benefit administration



TOWN OF WEST NEWBURY PERSONNEL POLICY

are conducted in ways that are consistent with ~~the Bylaw and~~ these policies:

- ~~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, job descriptions, and employee recruitment and advertising;~~
- ~~direct the efficient and responsible administration of employees including, but not limited to directing the work activity, methods, means, scheduling, and staffing by which work is to be carried out to maintain the efficiency of governmental operations;~~
- ~~take actions necessary to ensure that the duties of an agency in emergencies are carried out;~~
- ~~assign job classification to pay ranges, subject to modification and approval of the Select Board;~~
- ~~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;~~
- ~~The Personnel Officer~~ shall supervise the maintenance of a personnel record keeping system.

The ~~Town Manager Personnel Officer~~ shall bring to the Board's attention issues or matters requiring their attention in the administration of these policies.

The Town Manager may designate one or more employees under their direction to perform human resource functions.

1.6 *Personnel Records*

The Board shall maintain records, including the job descriptions for all positions, the Affirmative Action Plan and required reports, as provided in Appendix A, and rosters of employees laid off or released from employment because of disability.

Each department shall maintain records of recruitment and hiring as provided in Section 2.

Each department will maintain records relating to each employee's tenure of service, including performance evaluations, letters of commendation received, training and certifications, and disciplinary action for each employee. Any record which contains personal medical information shall be retained in a separate confidential file, access to which shall be limited to those individuals who have a critical need for the information.

Within five business days of the request, employees are entitled to examine and or have a copy of the contents of their individual personnel files. No confidential information shall be released or disclosed to any third party without written authorization from the employee.

Each department shall maintain attendance records for all employees. These records will include, for each employee, the following: hours of regular pay; hours of overtime pay; hours

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and type of paid leave, available and taken; and hours and type of authorized unpaid leave taken. Department managers shall prepare a report of attendance and leave every ninety days which shall be submitted to the appointing authority or Board.

Adopted: August 23, 1999

Revised: September 30, 2009



TOWN OF WEST NEWBURY PERSONNEL POLICY

Section 2.0 Recruitment and Hiring

- 2.1 Recruitment of prospective employees shall be conducted in a non-discriminatory manner and in accordance with the Town's Affirmative Action Plan, which is attached as Appendix A to these policies.
- 2.2 With the approval of the appointing authority, a department manager seeking to fill a position shall post a notice of vacancy for the position. The notice will include the job title, initial rate of pay or pay range, summary statement of duties, minimum qualifications relating to education, skills, or experience, directions for submitting applications, and deadline for receipt of applications. Deadline for receipt of applications will be no sooner than ten (10) days after posting. The notice will be posted in the Town Office Building, in the department's work area if its office is not in the Town Office Building and will be sent to the Haverhill office of the Massachusetts Department of Unemployment Assistance (DUA).
- 2.2.1 Internal Hiring Policy

Current Town employees are encouraged to apply for open positions and will be given prior notice when jobs are posted. This will be accomplished by posting the notice internally concurrent with advertising or posting externally. Internal notice shall be accomplished by posting the job ad in hard copy in employee break rooms in the 1910 Building, G.A.R. Memorial Library, DPW building, and Public Safety complex. Any interested employee should submit a cover letter and resume within the standard application process. If an employee has the stated minimum qualifications, and ability to be trained on any recommended qualifications not held at the time of application without negatively affecting the operations of the department, they will be formally interviewed and given full consideration.
- 2.3 Employment advertising may be used in order to generate an expanded pool of applicants and encourage equal opportunity employment.
- 2.4 In emergency situations, temporary employees may be hired for a period not to exceed 30 days without posting or advertisement of the vacancy.
- 2.5 All applicants for employment will complete an official employment application form which shall be retained by the appointing authority. The form will include a statement signed by the applicant certifying to the truthfulness and accuracy of all information provided on the form. An employee who is found to have falsified ~~his or her~~ their employment application may be subject to termination.
- 2.6 Appointing authorities will review applications from candidates and make their selection based on qualifications, including successful completion of any examination that measures ability to perform the essential functions of the job and receipt of satisfactory references from prior employers, supervisors or others.
- 2.7 Offers of employment to prospective uniformed members of the police and fire departments shall be conditional upon the candidate successfully passing medical and physical fitness



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examinations conducted at the Town's expense to determine whether the candidate is able to perform the essential functions of the position. Examinations conducted under this section shall be by personnel who are knowledgeable about the physical demands of the position and are professionally trained to make the individualized assessments of applicants' abilities to meet those demands.

Offers of employment to prospective employees whose positions require a commercial driver's license shall be conditional upon the candidate passing a pre-employment drug test, as provided in the Town's Commercial Driver's License Alcohol and Drug Testing Policy, attached as Appendix C.

- 2.8 Accepted offers of employment will be confirmed in writing to the selected applicant, including starting date and hours of work, initial salary or rate of pay, and indicating whether the position is part-time or full-time, temporary or regular, and exempt or non-exempt.

Adopted: August 23, 1999

Revised: Section 2.2.1 on October 4, 2021

Revised: Section 2.2.1 on March 28, 2022



TOWN OF WEST NEWBURY PERSONNEL POLICY

Section 3.0 Approval of Employment Application (Introductory Period) and Seniority

The first ninety (90) days of service shall constitute an Introductory period. During such period, employees will be observed and evaluated concerning their compliance with Town policies, instructions, performance, and conduct. At any time during the ninety-day period the Town may decide to discontinue employment. If the employee has successfully completed this Introductory period, seniority and other benefits will accrue from the first day of employment. Introductory employees may not take vacation leave but may begin to accrue vacation time and will receive credit for the 90 days upon completion of the introductory period. Successful completion of this period does not alter the employment at will relationship.

The department manager shall notify the employee in writing of the evaluation and whether the employee's performance is satisfactory or unsatisfactory and, if unsatisfactory, what action is recommended to be taken by the appointing authority.

Continuous Service is considered to have begun from the date of employment and shall include authorized absence or leave pursuant to applicable provisions of the FMLA, MMLA and Military Leave Policies.

Adopted: August 23, 1999



TOWN OF WEST NEWBURY PERSONNEL POLICY

Section 4.0 Performance Evaluation; Classification and Compensation Plans; Employee Development and Training

4.1 Performance evaluation

During the introductory period, the job performance of newly hired employees will be evaluated as provided in Section 3.0.

The job performance of all regular employees will be evaluated at least once each fiscal year by the immediate supervisor. The Board will develop and distribute forms to be used for this purpose to assess the quantity and quality of performance of job duties, attendance, attitude and other relevant performance measures. Employees shall be provided the opportunity to read and file comments on their evaluations. Evaluations shall be maintained as confidential personnel records which may be disclosed only in connection with personnel actions concerning the employee.

4.2 Classification and compensation plans

The Board has adopted a uniform system for the classification of positions to establish proper relationships between positions, based on the level of responsibilities assumed and the minimum qualifications required to perform the job so that the same schedule of compensation may be applied to each class, ensuring equal pay for equal work.

The Board may adopt a compensation plan to reward and retain qualified employees by providing merit incentives linked to performance. The compensation plan will take into consideration the relative responsibilities of positions as set forth in job descriptions, wage rates paid for comparable positions in comparable communities and in the private sector, wage rates paid under collective bargaining agreements, economic conditions in the general labor market, and the Town's fiscal policies. The plan shall be reviewed and revised from time to time in order to maintain a fair and equitable compensation system for the Town.

The Town Manager shall prepare and maintain job descriptions for all positions for the Town. Such descriptions shall consist of a statement describing the essential nature and level of work performed by employees including illustrative examples of typical tasks and duties assigned; and the required or desirable qualifications for the job.

4.3 Employee development and training

The Board shall foster and promote programs of training for employees when appropriate to improve the quality of services provided by the Town and to help employees develop skills needed for career development. Appointing authorities and department managers shall identify effective sources of training and provide resources to allow designated employees to pursue training opportunities. Town employees interested in transferring to other departments or promotions within their current department should be encouraged to seek training and professional development that will make them eligible for consideration when such openings



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arise.

Adopted: August 23, 1999

Revised: Section 4.3 on October 4, 2021



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Section 5.0 Authorized Leaves

5.1 Vacation

5.1.1 The Town of West Newbury believes it is healthy and important for employees to take advantage of time off work so they are encouraged to use the full vacation allowance available. As an incentive to use all vacation days, the Town has adopted a use it or lose it policy, where unused vacation days cannot be carried beyond the days specified in this policy.

Regular employees who have completed at least ninety days (90), but fewer than five years, of continuous service shall be entitled to 10 days of vacation with pay each fiscal year. Vacation is accrued at .833 days per month.

Regular employees who have completed at least five, but fewer than 10, years of continuous service shall be entitled to 15 days of vacation with pay each fiscal year. Vacation is accrued at 1.25 days per month.

Regular employees who have completed at least 10, but fewer than 20, years of continuous service shall be entitled to 20 days of vacation with pay each fiscal year. Vacation is accrued at 1.66 days per month.

Regular employees who have completed at least 20 years of continuous service shall be entitled to 25 days of vacation with pay each fiscal year. Vacation is accrued at 2.08 days per month.

For the purpose of this section, years of continuous service shall be calculated from anniversary of employment. Vacation days will be added at the rate of one day per month starting at the anniversary month of completed year which changes the accrual rate.

5.1.2 Qualified part-time employees shall be entitled to vacation leave with pay on a pro-rated basis based on their regularly scheduled weekly hours.

5.1.3 Requests for vacation must be approved by the department manager or appointing authority. Vacation leave shall be taken within 120 calendar days following the end of the fiscal year in which it is first available,

5.1.4 Employees who have exhausted all their sick leave benefits may, with the approval of the department manager, or appointing authority, have their absence charged to vacation.

5.1.5 Upon termination employees are eligible for payment for unused vacation time. In the event of a death, the payment will be made pursuant to the laws of Massachusetts.

5.1.6 Employees who return to work after layoff will be credited with the amount of their previous service for purposes of calculating their vacation eligibility under Section 5.1.1



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5.17 In hiring employees who have considerable work experience, the Town Manager may adjust the vacation time granted to such new hires by awarding additional vacation time reflecting the level of work experience.

5.2 Sick leave

5.2.1 Full-time employees shall accrue sick leave at the rate of .833 days (6.664 hours) per completed month. Qualified part-time employees accrue sick leave monthly, on a pro-rated basis based on their regularly scheduled weekly hours. Unused sick leave may accumulate from year to year to a maximum accumulation of 960 hours.

5.2.2 Sick leave may be granted for absence required by the employee's serious illness or injury, or for the care required for the employee's immediate family, as provided in Section 6.0 of these policies. Sick days are not payable upon termination.

5.2.3 An employee requesting sick leave must notify the department manager, or appointing authority, as early as possible on the first day of absence from work. The department manager may require a physician's certification of the employee's inability to work, if the absence is of three days or more duration, or if there is a series of repeated absences over the prior year.

5.2.4 The Town of West Newbury's Sick Time Pool for Catastrophic Illness Policy affords certain regular employees facing life threatening illness access to paid sick time donated by others after meeting specific criteria. Participation and/or utilization do not imply promise of continued employment. The program is subject to availability and terms and conditions are subject to change without notice.

Donation Guidelines:

1. Participation in the program is voluntary and confidential.
2. Participants must be full-time or part time regular employees who are benefits eligible.
3. The employee (donor) must be in good standing; that is, not on disciplinary action, warning status or probation within the past 90 days.
4. A maximum of 10 8-hour days may be donated by a full-time employee, with the maximum donation by a part-time employee being pro-rated, based on hours regularly scheduled to work per week.
5. A minimum of 20 sick day balance must remain after the donation.
6. Donations must be in whole days (that is, 8-hour increments) – The donations of part-time employees will be rounded up to whole day increments.
7. Time cannot be returned once donated.
8. Employees cannot designate specific recipients to be awarded days from the pool.



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9. Employees are not informed of who utilizes the pool.
10. Donations to the pool will be anonymous.
11. Upon voluntary termination employees may donate a maximum of 10 days to the pool.

Minimum Recipient Eligibility Requirements:

1. The employee must have a life threatening medical condition certified by a physician, which causes an employee to be unable to perform his/her job.
2. The medical condition must not be the result of an illegal act and must not be covered by workers' compensation, short-term disability or long-term disability insurance.
3. The employee must have a minimum of two years of service and must be employed as an active, regular full time or regular part time benefits eligible employee.
4. The employee must be in good standing; that is, not on disciplinary action, warning status or probation within the past 90 days.
5. The employee must submit a signed application accompanied by the attending physician's certification.
6. The employee must have exhausted all accrued sick time, vacation and personal days prior to eligibility.
7. The employee must agree to, and cooperate with, the Selectmen's review.
8. Meeting the minimum requirements set forth above does not guarantee receipt of donated paid sick time. Selectmen's decisions are final.

5.3 Worker's Compensation

In accordance with General Laws, c. 149, §69, employees who are incapacitated from working due to injuries arising out of, and in the course of employment, may apply sick leave to supplement disability benefits received because of such injuries so they may continue to receive their full salary or wages while disabled.

5.4 Bereavement leave

Bereavement leave will be granted by the Town Manager to any employee to enable ~~him or her~~ them to take care of matters caused by the death of a member of ~~his or her~~ their immediate family. Three days of pay will be granted for immediate family members which includes: mother, father, brother, sister, child, spouse/domestic partner, grandparent, grandchild, step-parent, step-sibling, step-child, parent-in-law, and sibling-in-law. Compensation for part-time employees shall be based on the employee's regular compensation for scheduled hours for which ~~he or she is~~ they are absent.

5.5 Military leave



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All regular full-time and part-time employees who are members of the ready reserve of the armed forces shall be granted leave not exceeding 17 days per calendar year, in order to receive military training. At least 60 days prior to departure, employees shall provide notice of the date of departure and date of return and shall provide confirmation of the satisfactory completion of such training upon ~~his or her~~their return to work.

Absence from work for military training as provided in this section shall not affect the employee's right to receive normal vacation, sick leave or other employment benefits.

Employees will be eligible to receive the difference between their regular wages or salary and military pay for no more than seventeen working days per fiscal year.

5.6 Parental leave

An employee, not eligible for leave under the provisions of the Family and Medical Leave Act of 1993, but who has been employed by the Town for at least ninety (90) days as a full-time employee, shall be entitled to leave for a period not exceeding eight weeks for the purpose of having or adopting a child under the age of 18, or under 23 if the child is mentally or physically handicapped. In order to be eligible for leave under this section, the employee is required to give two weeks' notice, or such lesser amount of notice as may be feasible based on medical circumstances, in advance of the anticipated date of departure, stating their intention to return and anticipated date of return. Upon their return to work, the employee is entitled to be restored to their previous position, or to a similar position which has the same status and pay as their previous position, and to the length of service credit and seniority as of the date of their leave. Qualified part-time employees are also eligible for leave under this section. Leave under this section shall be unpaid, unless the employee is eligible to apply other leave, such as sick leave or vacation to which they are entitled.

5.7 Jury Duty leave

Employees shall be granted leave when called for jury duty and shall be paid their regular wages for the first five days, or part thereof, of jury service. The Town Manager may authorize compensation for jury duty for a period greater than five days upon receipt of documentation that the employee's required term of jury duty exceeded five days. 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.

5.8 Unpaid Leaves of Absences

5.8.1 Religious Observances

Department managers may grant employees leave for the personal observance of an employee's religious holidays. Employees must provide a reasonable amount of advance notice, which shall normally be ten days, to the department manager, or appointing



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authority. Non-exempt employees may take such leave as unpaid leave, charge the time to vacation or, with the approval of the department manager or appointing authority, schedule additional hours of work to compensate for the time lost.

5.8.2 Other Unpaid Leaves of Absences

Upon written request and receipt of requested documentation, a department manager may approve an unpaid leave up to a maximum of 30 days. Any leave request exceeding 30 days will require the approval of the Board or other designee. An employee will not accrue any benefits during this leave but will remain on health insurance at the same contribution level. If leave is granted for more than thirty days, health insurance may still be available, but at full cost to the employee. An employee who fails to return to work upon the expiration of the approved leave will be deemed as having resigned from ~~his or her~~ their position and employment.

5.9 Personal leave

Full-time employees not party to an employment contract or collective bargaining agreement will be granted 16 hours—of personal leave with pay each fiscal year. Qualified part-time employees will be granted 8 hours of personal leave with pay every fiscal year per the first 20 hours of scheduled work per week, based on their regular work schedule, with additional personal hours granted on a prorated basis for scheduled hours above 20 per week, up to a maximum of 16 hours of personal leave per employee per fiscal year.

Personal leave is for the purpose of attending to personal business which unavoidably conflicts with the employee's work schedule or to observe religious holidays. Employees must provide a reasonable amount of advance notice, which shall normally be two days, to the department manager, or appointing authority. Personal leave shall be used in minimum increments of 4 hours, provided, however, that if an employee's remaining balance of available hours is less than 4, the employee may use the remainder of hours available.

Personal leave for the new fiscal year will be posted to all employees' accrual records on the first payroll period after July 1. New full- and qualified part-time employees hired mid-year would begin employment with a balance of personal hours proportional to their first date of employment over the remainder of the fiscal year.

Adopted: August 23, 1999

Revised: Section 5.5 "Military Leave" amended by vote of the Board of Selectmen on March 20, 2000, following a Public Hearing conducted on March 13, 2000.

Revised: September 30, 2009

Revised: Section 5.1.1 and 5.1.3 by Board of Selectmen July 14, 2014

Revised: Section 5.6 by Select Board March 28, 2022



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Revised: Section 5.2.1 and 5.9 by Select Board May 9, 2022

Revised: Section 5.7 by Select Board August 7, 2023



TOWN OF WEST NEWBURY PERSONNEL POLICY

Section 6.0 Family and Medical Leave

It is the policy of the Town to grant up to twelve (12) weeks of family and medical leave during any twelve (12) month period to eligible employees, in accordance with the Family and Medical Leave Act of 1993 (FMLA) and up to twenty-six (26) weeks of leave in any twelve (12) month period in compliance with the expansion of FMLA under The Support for Injured Service Members Act of 2007. The leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.

6.1 Definitions

The following definitions shall apply to this section:

"Health care provider," a doctor of medicine or osteopathy authorized to practice within the located state, or any person determined by the Secretary of Labor, or others capable of providing health care services as defined by the Department of Labor Family and Medical Leave Act rules.

"Intermittent leave," time away from the job taken in separate blocks of time due to a single illness or injury.

"Reduced leave schedule," a reduction in the number of hours per work day or work week.

"Serious health condition," an illness, injury, impairment or physical or mental condition that involves:

- a. incapacity or treatment as an inpatient in a hospital, hospice or residential medical care facility; or
- b. incapacity requiring absence from work or other activities for more than three (3) calendar days and involves continuing treatment of a health care provider; or
- c. continuing treatment by a health care provider for a chronic or long-term health condition which is incurable or if left untreated would result in incapacity for more than three (3) calendar days.

"Twelve-month period," a "rolling" period measured forward from the date an employee uses any family and medical leave.

6.2 Eligibility

Employees who have completed at least 12 months of employment with the Town and who have worked at least 1,250 hours during the preceding 12 months.

6.3 Policy

Eligible employees will be granted a leave for up to 12 weeks during any 12-month period for:

- a. family leave due to the birth, adoption or placement of a child (foster care);



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- b. medical leave due to an employee's serious health condition; this leave may extend up to twenty-six (26) weeks in a 12-month period for an employee whose spouse, son, daughter, parent or next of kin is injured or recovering from an injury suffered while on active military duty and who is unable to perform the duties of the service member's office, grade, rank or rating;
- c. medical leave due to an employee's care of a spouse, child or parent who has a serious health condition;
- d. a covered family member's active duty or call to active duty in the Armed Forces or
- e. to care for an injured or ill service member.

6.4 Notice requirements

At least 30 days in advance, the employee shall submit to the department manager or appointing authority, if there is no department manager, a written notice of his or her intent to take family or medical leave and the dates and expected duration of the leave. If 30 days' notice is not possible, the employee shall give notice as soon as practicable.

6.5 Certification requirement

- 6.5.1 In connection with family leave, employees shall, upon request by the department manager or appointing authority, provide proof of birth, adoption or placement of a child.
- 6.5.2 In connection with medical leave, employees shall, upon request by the department manager or appointing authority, provide medical certification which shall include:
 - a. In the case of the employee's illness, a statement by the health care provider on letterhead listing the provider's address and telephone number, that the provider has personally examined the employee, identification of the serious medical condition unless it is confidential in nature with date of onset and probable duration and stating that the employee is unable to perform ~~his or her~~ their duties due to the specific illness or injury on the days in question.
 - b. In the case of care for a spouse, child or parent, a statement by the health care provider on letterhead listing the provider's address and telephone number, that the spouse, child or parent has been determined to be seriously ill and needing care on the days in question.
- 6.5.3 Employees must provide certifications requested under this section within fifteen (15) days of being asked to do so.
- 6.5.4 An appointing authority may require, at the Town's expense, a second opinion from a health care provider designated by the Town. If there is a conflict between the second opinion and the original medical certification, the appointing authority may seek a third



TOWN OF WEST NEWBURY PERSONNEL POLICY

opinion, at the Town's expense, from a health care provider designated or approved by both the Town and the employee.

6.5.5 Employees may be required to provide recertification, including the employee's affirmative commitment to returning to work and anticipated date of return after each 30-day period of medical leave, or at shorter intervals if the employee requests an extension of leave; if there are significant changes from the original certification circumstances; or if the Town receives information which casts doubt on the validity of the certification.

6.6 Intermittent and reduced leave schedule

Employees may request medical leave on an intermittent leave, or on a reduced leave schedule, if medically necessary or if necessary to provide care for a family member. Employees must provide certifications requested under this section within fifteen (15) days of being asked to do so. When such leave is approved, every effort shall be made to meet the employee's needs without unduly disrupting the Town's operations.

6.7 Compensation and benefits

6.7.1 Leave under this section shall be unpaid, unless an employee applies other paid benefits leave that may be available, such as vacation leave or sick leave. Use of such paid leave will not extend the total length of leave time available under this section beyond 12 weeks in a 12-month period.

6.7.2 Employees who are on family or medical leave shall not be eligible for any holiday pay or other compensation for any holidays which occur during the leave.

6.7.3 During the time an employee is on unpaid family or medical leave, the employee shall be entitled to group health insurance coverage on the same terms and conditions in effect at the time the leave began, provided the employee pays the required employee share of premium while on leave. If the employee fails to return to work from unpaid leave, the Town may recover from the employee the cost incurred in maintaining insurance coverage for the duration of the employee's leave.

6.8 Reemployment rights

At the expiration of family or medical leave, the employee will be returned to the same or equivalent position with the same status, pay and length of service as of the start of the leave. If, during the period of the leave, employees in an equivalent position have been laid off through no fault of their own, the employee will be extended the same rights or benefits, if any, extended to employees of equal length of service in the equivalent position in the department.

6.9 Coordination with ~~maternity~~ parental leave

Leave taken under Section 5.6 shall be deemed family and medical leave so that the total amount of leave shall not exceed 12 weeks in a 12-month period.



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6.10 Family business leave

In accordance with General Laws, c. 149, §52D, an eligible employee is entitled to a total of 24 hours of leave during a 12-month period, in addition to other leave under this section, to participate in school activities directly related to the educational advancement of the employee's child; to accompany the employee's child to routine medical or dental appointments, and to accompany an elderly relative, as defined in section 52D, to routine medical or dental appointments or other professional services related to the elder's care. Leave under this provision is in addition to the 12-week leave provision and may be taken on an intermittent or reduced leave schedule. Family business leave may be unpaid, or the employee may apply any paid leave that ~~he or she has~~ they have available.

Adopted: August 23, 1999



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Section 7.0 Holidays

7.1 The following holidays shall be observed by the Town.

New Year's Day	Independence Day
Martin Luther King Day	Labor Day
Presidents' Day	Columbus Day
Patriots' Day	Veterans' Day
Memorial Day	Thanksgiving Day
	<u>Day after Thanksgiving</u>
Juneteenth	Christmas Day

7.2

Regular full-time employees will be excused from working on the holidays without loss of pay.

7.3 Qualified part-time employees will be excused from working on holidays which fall on or are observed on days they are regularly scheduled to work without loss of pay.

7.4 Temporary employees and part-time employees who do not have an established work schedule, or whose regular schedule does not include the day on which a holiday falls or is observed, will not be eligible for holiday pay.

7.5 Non-exempt employees who are required to work on a holiday will be compensated for the hours worked at a rate of pay equal to one and one-half times their regular hourly rate, in addition to their regular pay for the day.

Revised: Section 7.1 on September 30, 2009

Revised: Section 7.3 on July 14, 2014

Revised: Section 7.1 on August 30, 2021

Revised: Section 7.3 on October 4, 2021



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Section 8.0 Compensatory/Overtime/Time Worked Above Budgeted Hours Policy

8.1 Applicability

This section 7.0 is not applicable to union employees, Fire department personnel, or Emergency Management personnel.

8.2 Exempt Employees

Employees holding exempt positions are never entitled to overtime pay. Generally, employees holding exempt positions are not entitled or allowed to use or accrue compensatory time. Rather, it is expected and understood that professional positions often require more than 9 hours in one day or 40 hours in one week.

The sole exception to this prohibition is that in unusual circumstances, when pre-approved by the Town Manager in writing an exempt employee may request the accrual of a limited amount of earned time. In this situation, earned time shall be accrued on an hour for hour basis.

Use of earned time by exempt employees is strictly subject to the written approval of the Town Manager. Exempt employees are never, no matter the circumstances, entitled to payment for any accrued and unused earned time. Any earned time earned must be used within 60 days of accrual.

The reason it is rare that earned time accrual will be approved is that it is expected and understood that professionals will dedicate the number of hours necessary to succeed at their position. As professionals, it is expected that there will be no earned time requests for things like attending night meetings or working late during busy times. As professionals however, and in the interest of preventing employee burnout, where the hours of work required exceed the "normal" work week due to night/weekend meetings, special projects, DPW winter operations, etc., and said hours are documented, you would be eligible to receive earned time off at the discretion of the Town Manager.

8.3 **Overtime, Overtime Pay and Compensatory Time**

Non-Exempt Employees Only

This portion of the policy solely applies to non-exempt (hourly) employees.

Overtime is the term given to hours worked beyond 40 hours in one work week. Overtime hours are compensated either monetarily (pay) or in compensatory time off, both at the one-and-one-half time rate for each hour over 40.

8.3.1 Overtime.

The granting of overtime is contingent upon an existing need, usually temporary, such as additional workload, special projects or events, or to cover the absence of another employee. Working additional hours for the purpose of receiving additional pay or accruing extra compensatory time off for future use is prohibited and creates an unnecessary fiscal



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obligation for departments.

Overtime is reached once an employee has actually worked beyond the 40-hour maximum allowable hours in a given workweek. Compensation for overtime hours must be paid at the one-and-one-half time rate to non-exempt employees for any hours worked in excess of 40 hours in any given week. The Town Manager is responsible for oversight of overtime for non-union employees, consistent with appropriated funds. Overtime must be authorized in advance by the Town Manager.

8.3.2 Overtime Hours.

In determining whether an employee has worked any overtime, only those hours actually worked will be considered. This is not the same as "in-pay status" which includes all paid leave hours, no matter the type.

An instance of "in-pay status" as opposed to overtime status is the scenario where the number of hours worked is less than or equal to 40, but when added to leave time taken becomes greater than 40. In this case, the extra hours are termed "additional" and are to be paid at the regular annualized rate of pay. To avoid placing an employee into an overtime situation, an employer can plan in advance to change the employee's work schedule.

8.3.3 Overtime Pay.

Payment for overtime worked will be at one and one-half times the employee's regular rate of pay.

8.3.4 Compensatory Time.

Compensatory time is an alternative method of overtime compensation for hours worked over 40 for non-exempt employees. As such, it must be approved in advance as overtime. The same overtime principles apply: Working extra hours in order to accrue compensatory time off for future use is prohibited.

In lieu of paying a non-exempt employee for overtime worked, employees may be granted compensatory time off at the rate of one and one-half hours off for each hour of overtime worked, at some time after the workweek in which the overtime was worked if the following conditions are met:

- a. The employer reaches an agreement with the employee to accept compensatory time off in lieu of overtime pay prior to the performance of the overtime worked. The same agreement does not have to be reached with each employee.
- b. The employee knowingly and voluntarily agrees to accept compensatory time.

Employees who have requested the use of compensatory time will be permitted to use such time within a reasonable period after making the request if use of the time does not unduly



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disrupt the operations of the department. Mere inconvenience to a department is insufficient reason to deny an employee's request to use compensatory time. Likewise, each employee who has accrued compensatory time off may be required to use the compensatory time within a reasonable period after receiving notice to do so. The notice will include the length of time in which a specified number of hours of compensatory time are to be used.

8.4 Time Worked Above Budgeted Hours

Non-Exempt Employees Only

If the work demands of a non-exempt position exceed budgeted hours within a given pay period, the affected employee may request advance Town Manager approval to work more hours than are budgeted.

The approval to work hours above budgeted is contingent upon an existing need, usually temporary, such as additional workload, special projects or events, or to cover the absence of another employee. Working additional hours for the purpose of receiving additional pay is prohibited and creates an unnecessary fiscal obligation for departments.

Within the Town Manager's consideration of the request, discussion will take place with the affected employee, including (if/as appropriate) the primary Board or Commission to which the employee provides direct support. Discussion will consider what factors are driving the workload above budgeted hours, and whether the best answer is to increase hours (with the employee's specific agreement), or to somehow reduce workload.

Avoiding a situation where the employee's actual pay exceeds what is budgeted could include reducing hours worked in future weeks, to offset any overage; or increasing the budgeted expense line (whether by budget amendment or by approved Reserve Fund or Line-Item transfer) to cover the actual hours/cost, if necessary. In either case, advance approval by the Town Manager is required for hours worked above the budgeted hours.

Adopted: November 15, 2021



TOWN OF WEST NEWBURY PERSONNEL POLICY

Section 9.0 Travel Reimbursement

9.1 Policy

Employees and elected officials shall be reimbursed for mileage, meals and lodging expenses incurred while engaged in Town business.

9.2 Procedure

a. Mileage

Employees shall submit requests for reimbursement to department managers at such intervals and with such supporting documentation as the department manager may require. The rate of reimbursement shall be that allowed currently by the Internal Revenue Service.

b. Meals and lodging

Employees shall obtain prior approval of the Board, or appointing authority, before incurring expenses in connection with a trip on Town business. Requests for reimbursement shall be made within two (2) weeks of the completion of the trip and shall include receipts documenting the expenses. In the event that receipts are not available, the employee shall provide a signed explanation of the expenses.



TOWN OF WEST NEWBURY PERSONNEL POLICY

Section 10.0 Disciplinary Action

- 10.1 Disciplinary action may be imposed upon an employee for misconduct or failure to fulfill ~~his or her~~ their responsibilities as an employee. Specific grounds for disciplinary action include, but are not limited to, the following:
- a. Chronic tardiness or absenteeism.
 - b. Incompetence, inefficiency, dishonesty or recklessness in performing assigned duties.
 - c. Refusal or inability to meet performance standards or to comply with the instructions or direct orders from a supervisor.
 - d. Possession or use of alcohol or controlled substances during working hours or reporting to work under the influence of alcohol or controlled substances.
 - e. Unauthorized absence from work.
 - f. Falsification of records, including application for employment, and obtaining sick, injury or bereavement leave under false pretenses.
 - g. Conducting or engaging in any business activity that conflicts, or gives the appearance of a conflict, with Town employment.
 - h. Abusive or threatening language or conduct towards the public or a fellow employee, including insubordinate conduct towards a supervisor, department manager or another Town official.
 - i. Violation of Town's sexual harassment policy
 - j. Willful misuse, misappropriation, destruction, theft or conversion to personal use of Town property, materials, equipment or funds.
 - k. Disclosure of confidential information acquired in the course of employment.
 - l. Conduct which violates General Laws, c. 268A. (Conflict of Interest)
 - m. Engaging in political activity, or conducting private business, during working hours.
 - n. Carrying firearms without authorization by the Town during working hours.
 - o. Violating Town policies.
 - p. Conviction of a felony.
- 10.2 The degree of discipline imposed shall be commensurate in the judgment of the appointing authority with the severity of the offense and prior work and disciplinary history of the employee. Disciplinary action may include the following actions, as appropriate, in individual situations and circumstances. We reserve the right to terminate any employee for unacceptable conduct without the progression of discipline set out below.



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10.2.1 Oral warning

A department manager may issue an oral warning to an employee when ~~he or she~~ they ~~have~~ ~~has~~ observed, or otherwise become aware of, unacceptable conduct. The warning shall be issued in a private setting away from other employees or the public. The reasons for the warning will be stated to the employee. A record of the oral warning will be made in the employee's personnel file maintained by the department.

10.2.2 Written warning

If an oral warning has failed to correct the unacceptable conduct, or where the conduct merits more serious initial action, the department manager may issue a written warning to the employee. The reasons for the warning will be stated with the required change in conduct or behavior. A copy of the written warning will be placed in the employee's personnel file maintained by the department.

10.2.3 Disciplinary probation

If a warning, or warnings, fail to correct unsatisfactory job performance, or other unacceptable conduct, the employee may be placed on a disciplinary probation period not to exceed thirty days, at the direction of the department manager, with the approval of the appointing authority. The employee will receive a written notice at least three days prior to the commencement of the probationary period stating the reasons for the probation, and the standards by which satisfactory completion of the probation will be determined. Upon conclusion of the probationary period, the department manager will notify the employee and appointing authority whether ~~he or she~~ they recommends the employee be retained or terminated from employment.

10.2.4. Suspension

An employee may be suspended without pay for a period not to exceed 45 days without pay by ~~his or her~~ their department manager, with the approval of the appointing authority. The employee will be given written notice of the reason for the suspension and the length of the suspension. Notice will be given three (3) days prior to the commencement date, unless the suspension is for such serious conduct that it is in the best interest of the Town that it begins forthwith, in which case notice will follow within three (3) days.

10.2.5 Demotion or discharge

A regular employee may be demoted to a position of lower rank, or dismissed, for unsatisfactory job performance, violation of Town regulations including these policies, or after the exhaustion of other disciplinary measures.



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Section 11.0 Grievance Procedure

Under normal conditions, if, as an employee, you feel dissatisfied with some aspect of your conditions of employment, i.e. treatment, working conditions, warnings, termination, etc., you are encouraged to discuss the matter with your immediate Supervisor. If you and your Supervisor are unable to resolve the issue or if you are not satisfied with the Supervisor's response, then you may discuss your job-related problem, question or complaint with your Department Manager.

Should you and these individuals not come to agreement, you may put your grievance in writing and submit it to the Select Board ~~of Selectman~~ which will make a final determination.

We will endeavor to resolve complaints within a reasonable amount of time.

Any employee who has completed the introductory period and who believes that ~~he or she has~~ they have cause to challenge the administration of these policies or other condition of employment may seek review of ~~his or her~~ their complaint. A complaint must first be brought to the attention of the employee's direct supervisor within 14 days of knowledge of the incident or circumstance giving rise to the potential dispute. The result of the discussion must be noted in writing. If the employee is not satisfied with the results of the discussion with the supervisor, ~~he or she~~ they may submit the complaint in writing to the department manager or appointing authority within 30 days. If not submitted, the matter will be considered closed.

If there is no resolution upon review by the department manager, the employee may refer the complaint (in writing) to the Board within 30 days. If not submitted, the matter will be considered closed. The Board will conduct an investigation into the facts alleged in the complaint and will meet with the employee. The Board will make every effort to resolve the grievance promptly and fairly. If the Board is unable to resolve the grievance to the employee's satisfaction within fourteen (14) days of meeting with the employee, the Board will provide the employee with a written statement of its position within an additional seven (7) days.

If submitting the complaint to the Board (already designated as the third step) presents a conflict because the issue involves a dispute between an employee and the Board or a Board member, the Grievance shall be brought before a 3-member panel made up of one party chosen by the Board, one party chosen by the employee from the work force (other than a family relative or person from the employee's same department), and one other party mutually agreed upon by the Board and the employee. The panel will issue an opinion on the validity of the grievance within 14 days, together with any recommendations to end the disagreement.



TOWN OF WEST NEWBURY PERSONNEL POLICY

APPENDIX A

Affirmative Action Plan

Commitment to Equal Opportunity in Employment

It shall be the policy of the Town of West Newbury not to discriminate against any applicant for employment, or any employee, on the basis of race, color, national origin, religion, gender, sexual orientation, age, or physical/mental handicap, military/veteran status or any other characteristic or status of individual protected from discrimination under state or federal law, with regard to recruitment, selection and placement, rate of pay, promotion and transfer, disciplinary measures, layoffs and terminations, working conditions, testing and training, and compensation and benefits.

The Town of West Newbury recognizes its obligations to administer actively and aggressively an Equal Employment and Affirmative Action Program, to investigate and initiate changes in any discriminatory employment practices or patterns, and to provide positive benefits to the Town of West Newbury by more fully utilizing and developing the potential of all current employees and by expanding opportunities to a greater number of potential employees.

The Town of West Newbury will provide equal access to its services, programs and facilities without regard of race, color, national origin, religion, gender, sexual orientation, age, or physical/mental handicap, military/veteran status or any other characteristic or status of individual protected from discrimination under state or federal law.

The Town of West Newbury will only purchase goods and services from agencies or companies which have established policies of non-discrimination in employment or are willing to establish such a policy. All consultants to the Town of West Newbury will be required to insert an equal opportunity clause in their contract with the Town.

Purpose of the Affirmative Action Program

The Town of West Newbury shall not underutilize minorities or females.

Minority and female employees shall have upward mobility within the structure of the Town of West Newbury.

The Town of West Newbury shall take affirmative action steps to recruit minorities and females for positions within the Town Government.

Dissemination of the Program

This Equal Opportunity Policy and Affirmative Action Plan shall be posted in a conspicuous place in the Office of the ~~Select Board of Selectmen~~. All advertisements and job announcements shall state that the Town of West Newbury is an equal opportunity employer, and that all qualified applicants will receive consideration for employment, without regard to race, color, national origin, religion, gender, sexual orientation, age, or physical/mental handicap, military/veteran status or any other characteristic



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or status of individual protected from discrimination under state or federal law.

Responsibilities for Affirmative Action

The Chair of the ~~Select Board of Selectmen~~ shall serve as Equal Employment Opportunity (EEO) Officer and be responsible for administering the Equal Opportunity Policy and Affirmative Action Plan. The Selectmen may appoint an employee of the Town of West Newbury as Equal Opportunity Administrator (EOA) who will be responsible for executing the program, coordinating policy matters, developing and/or strengthening lines of communication between the Town of West Newbury and the target populations and in achieving compliance with policy, law and regulations.

The ~~Select Board of Selectmen~~ shall keep confidential any information or data relating to a specifically named individual, any disclosure of which may constitute an invasion of personal privacy and any other records that are not "public records" as defined in Chapter 1050 of the Acts of 1973, as amended [M.G.L. c. 4, §7 (26)].

The EEO Officer shall directly inform appropriate organizations, community agencies, community and civic leaders, social groups and other potential recruitment sources of job openings as an employee of the Town of West Newbury.

The Town of West Newbury will identify those jobs which are basically the same, although compensated at different rates, in order to achieve equal pay for equal work.

All personnel who are involved in interviewing prospective employees and who are in any way involved in the selection process shall consult with the EEO Officer to assure compliance with the Affirmative Action Plan.

The Affirmative Action Program

The EEO Officer shall gather and analyze data of the Town of West Newbury employees on minority and female employment composition and with reference to overall goals, identify any underutilization of minority employees, female employees and non-job-related prerequisites & deficiencies in compensation. If the Town of West Newbury is underutilizing minorities and females, or if deficiencies in compensation exist, the Town of West Newbury will develop a specific program to correct any such deficiencies.

The data gathered by the EEO Officer for review and revision shall include the following information:

- Names of personnel involved in hiring and promotion
- Job classification
- Compensation rates for each classification
- Existing job description for each classification
- An updated job description, if the existing one does not correspond to the work actually



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done

- Vocational qualifications of persons holding the positions
- Pension, tenure and other prerequisites attached to the job
- Criteria for promotion
- Criteria for demotion, termination, discharge, layoff, disciplinary action
- The number and/or names of minority and female employees by classification
- Explanation of hiring procedures, including recruitment and advertising sources
- Lists of all positions which were open or were created during the previous year
- Approximate number of people applying for jobs
- Names and addresses of minority and female applicants
- Promotions made during the previous six months
- Names of minority and female employees passed over for promotion
- Names of persons receiving promotions

Corrective and Affirmative Actions

From the analysis of the statistical data, any deficiencies in female and minority employment will be identified and corrected. Corrective actions to overcome their deficiencies will include:

1. Recruiting

When a new position is created, or an existing position becomes vacant (except in the case of emergency), the position will be announced by:

- a. Advertising in newspapers which serve the largest number of minorities.
- b. Posting at appropriate organizations, agencies, schools and social groups which serve females and minorities.
- c. Notifying the Massachusetts Department of Unemployment Assistance (DUA).

2. Training

The Town of West Newbury will make maximum use of sub-professional internships and training programs to help equalize opportunities for minority persons and females, particularly by making such training available to the maximum extent possible within Town policies and encouraging minority employees to increase their skills and job potential through participation in available training and education programs.

Goals and Timetables



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1. Long Term

The Town of West Newbury sets as a long-term goal the employment of women and minorities to reflect the percentage of women and minorities in the workforce of the Town.

2. Short Term

Within a three-year period after the identification of deficiencies in female and minority employment, such a deficiency shall be corrected.

Periodic Review and Update

The Town of West Newbury Affirmative Action Plan will be reviewed every five years and updated as necessary.

Internal Evaluation

In order to monitor and evaluate progress in reaching the goals of the Affirmative Action Plan, the EOA shall prepare a report every six months. The report will evaluate how the program is working, and where improvement is needed. Included in this report will be:

- A survey of current employment by classification, salary or wage level
- Analysis of internal and external work force available of race, color, national origin, and sex
- Identification of areas of underutilization and concentration, and establishment of hiring and promotion goals and timetables
- Records on hires, promotions, transfers, training program participants, including sources of referrals and hires by of race, color, national origin, religion, gender, sexual orientation, age, or physical/mental handicap, military/veteran status or any other characteristic or status of individual protected from discrimination under state or federal law.
- Resignations, layoffs and dismissals by of race, color, national origin, religion, gender, sexual orientation, age, or physical/mental handicap, military/veteran status or any other characteristic or status of individual protected from discrimination under state or federal law.
- Progress towards goals

Revised: Responsibilities for Affirmative Action on October 4, 2021



TOWN OF WEST NEWBURY PERSONNEL POLICY

APPENDIX B

Safety Policy

1. It is the policy of the Town of West Newbury that all employees work under the safest possible conditions in each department. To this end, every reasonable effort will be made to provide and maintain a safe and healthy work environment, safe equipment, proper materials and to establish and require safe work practices at all times.

Accidents which injure people, damage machinery or equipment, destroy materials and property cause needless suffering, inconvenience and expense.

Employees are the Town's most important asset, and their safety is the Town's greatest responsibility.

2. Every employee is responsible for making job safety a part of ~~his or her~~ their daily concern. Employees shall observe rules of conduct and safety and shall use any and all safety equipment that is provided in a proper manner.
3. Department heads are responsible for thoroughly investigating all accidents and for reporting the results of their investigation on forms that are available from the office of the ~~Select Board of Selectmen~~ Select Board. In completing the investigation, emphasis shall be placed on determining the condition or other factors responsible for each and every incident.
4. The Safety Coordinator has been designated and is responsible for ensuring that department heads and supervisory personnel carry out their duties in the area of loss control.



TOWN OF WEST NEWBURY PERSONNEL POLICY

APPENDIX C

Commercial Driver's License Alcohol and Drug Testing Policy

Section 1.0 Introduction

This is the policy of the Town of West Newbury regarding alcohol testing and drug testing of those employees who operate motor vehicles which require a commercial driver's license as provided in the rules and regulations of the U.S. Department of Transportation.

Section 2.0 Definitions, terms and abbreviations

"Alcohol," the intoxicating agent in beverage alcohol, ethyl alcohol, methyl, or isopropyl alcohol.

"Alcohol concentration," also called alcohol content; the alcohol volume of breath as indicated by an evidential breath test, such as a Breathalyzer or as indicated by a blood alcohol test.

"Alcohol use," the consumption of any beverage, mixture or preparation, including medications, containing alcohol.

"Breath alcohol technician" (BAT), an individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing device.

"CDL," commercial driver's license.

"CMV," commercial motor vehicle.

"Confirmation test," in alcohol testing, a second test with a result of 0.02 or greater, that provides a quantitative measurement of alcohol concentration.

"Controlled substances," in this policy, the terms "drugs" and "controlled substances" are interchangeable and have the same meaning. Unless otherwise provided, these terms refer to amphetamines (including methamphetamines), cocaine, marijuana, opiates and phencyclidine (PCP).

"DOT," Department of Transportation.

"Driver," any person who operates a commercial motor vehicle, including full-time drivers, temporary or occasional drivers, leased drivers and independent owner-operator contractors who are either directly or indirectly employed by the Town of West Newbury.

"Evidential breath testing," a device for alcohol breath testing that has been approved by the National Highway Safety Administration or blood alcohol test performed by a medical professional licensed to perform blood alcohol tests.

"Medical review officer" (MRO), a licensed physician (M.D. or O.D.) responsible for interpreting lab results from the Town's drug testing program.

"Screening test," in alcohol: the initial test to determine if a driver has a prohibited concentration of



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alcohol in ~~his or her~~ their system. In drug testing: a screen to eliminate negative urine specimens from further consideration.

"Substance abuse," refers to patterns of substance use that result in health consequences or impairment in social, psychological and occupational functioning.

"Substance abuse professional," a licensed physician (M.D. or O.D.) or a licensed or certified psychologist, social worker or addiction counselor with experience in the diagnosis and treatment of alcohol and substance problems.

"Town," Town of West Newbury.

Section 3.0 Coverage

The U.S. Highway Administration Department of Transportation Alcohol and Drug ruling applies to every person who operates a CMV in interstate or intrastate commerce and is subject to the CDL requirements of part 383.

Section 4.0 Safety-sensitive function

A safety-sensitive function includes any of the following functions or activities:

- a. Waiting to be dispatched, while at a carrier or shipper facility or on any public property, unless the driver is relieved from duty by the employer;
- b. Inspecting service brakes, including trailer brake connections, parking brake, steering mechanism, lighting devices and reflectors, tires, horn, windshield wipers, rear vision mirrors, coupling devices, fire extinguisher, spare fuses or warning devices for stopped vehicles;
- c. Inspecting, servicing or conditioning any CMV in operation;
- d. At the driving controls of a CMV in operation;
- e. While in or upon any CMV, except when resting in the sleeper berth;
- f. Supervising or assisting in loading or unloading a vehicle;
- g. Attending a vehicle being loaded or unloaded;
- h. While in readiness to operate the vehicle;
- i. When giving, or receiving receipts for shipments loaded or unloaded;
- j. Performing driver requirements of sections 392.40 and 392.41 of part 392, Driving Motor Vehicles, relating to accidents.
- k. Repairing, obtaining assistance or remaining in attendance upon a disabled vehicle.

Section 5.0 Alcohol and Drug Prohibitions



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The DOT refers to the restrictions for the use of both alcohol and drugs as "prohibitions."

5.1 Alcohol prohibitions

A driver may not report for duty or stay on duty:

- a. with a blood alcohol concentration of 0.02 or greater;
- b. if in possession of alcohol (unless it is being transported as cargo), including any product or medication containing alcohol;
- c. within four hours of using alcohol.

A driver who has had an accident may not use alcohol until post-accident testing is done, or for a period of eight hours, whichever comes first.

5.2 Drug prohibitions

Drivers may not report for or stay on duty (a) if they have tested positive for a drug or (b) while using any drugs, except when a physician has prescribed a substance which does not interfere with the driver's ability to operate a vehicle in a safe manner. Drivers may be required to report the use of any drugs prescribed by a physician.

Section 6.0 Testing

There are five situations where testing may be done to determine the presence of alcohol and/or drugs.

6.1 Pre-employment

Before a new hire may perform any safety-sensitive duties, or when a person transfers into a safety-sensitive function from elsewhere in the Town.

6.2 Post-accident

Following an accident involving a fatality, or when the driver was cited for a moving violation.

6.3 Random

Unannounced random testing is required on a certain percentage of drivers each year.

6.3.1 Selection and participation

The random selection process will ensure that each driver has an equal chance of being tested. Drivers must report immediately to the test site when notified that they have been selected for random testing.

6.3.2. Alcohol

Random testing for alcohol must be performed immediately before, during or after performing safety-sensitive work. The percentage of drivers to be



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randomly tested for alcohol in any year of the testing program depends on the percentage of positive tests for the entire industry.

6.3.3 Drugs

Random testing for drugs may be performed at any time a driver is working for the Town. Fifty percent (50%) of all drivers in the testing group must be randomly tested for drugs in each year of the testing program.

6.4 Reasonable suspicion

If a department head believes that the behavior or appearance of a driver may indicate alcohol or drug use. Appearance, speech, behavior and body odor of alcohol are factors in determining reasonable suspicion. Drivers may not report for, or stay, on the job while under the influence of alcohol. The Town will not allow drivers to perform safety-sensitive duties until their alcohol concentration is less than 0.02 or 24 hours have passed from the time of the initial observation. No action will be taken against a driver regarding alcohol misuse on the job unless an alcohol test was administered or refused.

6.5 Return to duty and follow-up

6.5.1 Return to duty testing is required for drivers who have violated prohibitions before they may return to work. In order to return to work, an alcohol concentration of less than 0.02, or a negative drug test, is required.

6.5.2 Follow-up testing is required after a driver returns to a safety-sensitive function. A minimum of six tests during the first year back in a safety-sensitive position is required. Follow-up testing may continue for up to five years.

Section 7.0 Refusal to be tested

Drivers must submit to alcohol and drug testing. If a driver refuses to be tested, it is considered a positive test result. Refusal to test is considered to be any time a driver either fails to provide enough breath for alcohol testing or enough urine for drug testing (without a valid medical excuse) after being notified of the test, or otherwise obstructing the testing process.

Section 8.0 Alcohol testing procedure

- 8.1 All alcohol testing will be done by a BAT in a private setting.
- 8.2 The BAT will ask test subjects for identification. The BAT will provide identification to the test subject upon request.
- 8.3 The test subject must blow forcefully into the mouthpiece of the testing device. The BAT must show the test subject the test result on the testing device.
- 8.4 A screening test is done first. If the reading is less than 0.02, the test subject will sign and date the certification. The test will be reported as negative.



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- 8.5 If the reading is 0.02 or greater, a confirmation test must be performed after 15 minutes, but within 20 minutes of the first test. Test subjects will be directed not to eat, drink, belch or put anything in the mouth, to avoid the buildup of mouth alcohol which could lead to an artificially high-test result.
- 8.6 If the screening and confirmation test results are not the same, the confirmation test result is used.
- 8.7.1 An individual may request a blood alcohol test at their own expense in lieu of a Breathalyzer.
- 8.8.1 Any refusal to be tested, or to sign the testing form, will be reported immediately to the Town.

Section 9.0 Drug testing procedure

- 9.1 Drug testing is done by analyzing a urine sample which will be collected in a private location.
- 9.2 Urine specimens are divided into two containers by the collection site person in the presence of the test subject. These two samples, called primary and split, will be sent to a testing laboratory certified by the federal government.
- 9.3 A screening test will be performed on the primary sample at the laboratory. If this test is positive for drugs, a confirmation test is required, using the primary sample.
- 9.4 The confirmation test must use a specialized procedure called gas chromatography/mass spectrometry, to ensure that over-the-counter drugs are not reported as positive.
- 9.5 If the first test is positive, the MRO will contact the test subject to find out if there is a medical reason for drug use. If the MRO determines there is a legitimate medical excuse, the test may be reported as negative.
- 9.6 A test subject may request a test of the split specimen within 72 hours of notification that the first test was positive. If a second test is requested, and is positive, the test subject will be responsible for the cost of the second test. The second test, using the split sample, will be sent to another federally certified laboratory. If the request for a second test is not made within 72 hours, but the test subject can provide a legitimate reason for not doing so, the MRO may order the split specimen to be tested.
- 9.7 Removal from safety-sensitive functions is required by the DOT following the first positive drug test. If the analysis of the split sample does not confirm the presence of a drug, the MRO shall cancel the test and report this to the DOT, the Town and the test subject.

Section 10.0 Consequences of violating the alcohol or drug prohibitions



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10.1 Alcohol violations

- 10.1.1 Removal from safety-sensitive functions
- 10.1.2 Following a violation, a driver may not return to safety-sensitive duties until an evaluation has been performed and any recommended treatment has been completed.
- 10.1.3 Anyone with an alcohol concentration of 0.02 or greater, may not return to safety-sensitive duties for at least 24 hours.

10.2 Drug violations

- 10.2.1 Removal from safety-sensitive functions.
- 10.2.2 A driver cannot return to safety-sensitive duties until an evaluation has been performed, recommended treatment has been completed, and a verified negative drug test is produced.

10.3 Discipline

An employee who refuses to be tested, or who tests positive for alcohol or drugs, may be subject to disciplinary action, including suspension and discharge in appropriate situations.

Section 11.0 Alcohol and drug treatment

- 11.1 In conformity with DOT rules and regulations, employees will be provided with an opportunity for treatment at their own expense and without any obligation for the Town to hold a job open. Employees who violate an alcohol or drug prohibition must be evaluated by a substance abuse professional to determine what help is needed. As provided in Section 10.0, completion of recommended treatment is a condition for return to a safety-sensitive job.
- 11.2 The Town's designated coordinator for alcohol and drug problems is available for assistance with treatment referrals. ~~He/she/They~~ may be reached at the Town Clerk and ~~/or Town Manager's Board of Selectmen's~~ Office, Town Office Building, 381 Main Street, West Newbury, MA 01985. Telephone number is 978-363-1100, extension 115.

Section 12.0 Effects of alcohol and drugs on the body

12.1 Alcohol

Alcohol, a nervous system depressant, is the most widely abused drug. About half of all auto accident fatalities in this country are related to alcohol abuse. A 12-ounce can of beer, a 5-ounce glass of wine and a 1.5-ounce shot of hard liquor all contain the same amount of alcohol. The average person takes about one hour to process and eliminate one-half ounce of alcohol. Coffee, cold showers or exercise do not speed up the process.



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Alcohol first acts on the parts of the brain that affect self-control and learned behaviors. This explains the aggressive behavior of some people who drink. In large doses, alcohol can impair muscular coordination, memory and judgment. Taken in larger quantities over a long period of time, alcohol can damage the liver and heart, and can cause permanent brain damage. On average, heavy drinkers shorten their life span by about 10 years. Other effects include greatly impaired driving ability; reduced coordination and reflex action; impaired vision and judgment; inability to divide attention; lowering of inhibitions; and hangover, including headaches, nausea, dehydration, unclear thinking and aching muscles.

12.2 Amphetamines

Amphetamines are drugs that stimulate the central nervous system and produce a feeling of alertness and an increase in speech and general physical activity. Street names for amphetamines include speed, uppers, bennies, wake-ups and dexies. People who use amphetamines become addicted quite often, believing that they need the drug to get by. They use the drug frequently to avoid the "down" mood which they experience when the drug wears off. Even small, infrequent doses can produce restlessness, anxiety, mood swings, panic, heart rhythm disturbances, paranoid thoughts, hallucinations, convulsions and coma. Long-term users often have acne, trouble with teeth, gums, and nails and hair. Frequent use can produce brain damage and speech problems. Other effects include loss of appetite; irritability and anxiety; increased heart rate and blood pressure; difficulty in focusing eyes; exaggerated reflexes; distorted thinking; perspiration, headaches, dizziness and insomnia.

12.3 Cocaine

Cocaine is a stimulant drug which increases heart rate and blood pressure. As a powder, cocaine is inhaled, ingested or injected. Cocaine is also used as a free-base cocaine known as "crack" or "rock," which is smoked. Crack cocaine is one of the most addictive drugs known. Cocaine causes rapid heartbeat, tremors and even convulsions. Due to the extreme demand for oxygen it creates, cocaine use can directly cause a heart attack. High doses can depress brain functioning, breathing and heartbeat, which can cause death. Other effects include heightened, but momentary, feeling of confidence, strength and endurance; accelerated pulse, blood pressure and respiration; impaired driving ability; paranoia, which may trigger mental disorders; irritation and bleeding of nostrils; mood swings and anxiety; reduced sense of humor; compulsive behavior such as teeth grinding or repeated hand washing.

12.4 Opiates

Opiates include heroin, morphine, codeine and other narcotics used to relieve pain and induce sleep. Heroin, also called "junk" or "smack," accounts for 90 percent of the narcotic abuse in this country. Sometimes narcotics found in medicines are abused; this includes pain relievers containing opium and cough syrups containing codeine. Heroin is



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illegal and cannot be obtained legally even with a doctor's prescription. Most medical problems are caused by uncertain dosage level, use of unsterile needles, contamination of the drug or dangerous combination with other drugs. Other effects included short-lived euphoria; impaired driving ability; drowsiness, followed by sleep; decreased physical activity; reduced vision; change in sleeping habits and possible death.

12.5 Phencyclidine

Phencyclidine or PCP, also known as "angel dust", was developed as a surgical anesthetic in the late 1950s. Later, due to its negative side effects, it was restricted to use as a veterinary anesthetic and tranquilizer. Today it has no lawful use and is no longer legally manufactured. PCP is a very dangerous drug that can produce violent and bizarre behavior. More people die from accidents caused by erratic and unpredictable behavior produced by the drug than from the drug's direct effect on the body. PCP scrambles the brain's internal connections and changes how users see and deal with their environment. Routine activities, such as driving and walking become very difficult. Low doses produce a rush, sometimes associated with a feeling of numbness. Increased doses produce an excited, confused state, including any of the following: muscle rigidity; loss of concentration and memory; visual disturbances; delirium; feelings of isolation; and convulsions. Other effects include impaired driving ability; drowsiness; perspiration; repetitive or incomplete speech patterns; blank stare; thick, slurred speech; and involuntary eye movement.

Section 13.0 Distribution

Copies of this policy will be distributed to all covered employees. Employees will be requested to complete a form acknowledging receipt of the policy and indicating that they have read the policy.



TOWN OF WEST NEWBURY PERSONNEL POLICY

APPENDIX D

Policy and Procedures Concerning Sexual Harassment

1. The Town of West Newbury depends upon a work environment of tolerance and respect for the achievement of its goals. The Town is committed to providing a working environment that is free of all forms of abuse or harassment. The Town recognizes the right of all employees to be treated with respect and dignity.
2. Sexual harassment is a form of behavior which adversely affects the employment relationship. It is prohibited by state and federal law and will not be tolerated by the Town. The Town condemns and prohibits sexual harassment by any employee.

Sexual harassment does not refer to purely voluntary social activities. It refers to behavior which is not welcomed by the employee, which is personally offensive to ~~him or her~~ them, and which undermines morale and/or interferes with the ability of the employee to work effectively. As defined by law, sexual harassment may, depending upon the circumstances, include unwelcome actions, such as:

- verbal abuse of a sexual nature, use of sexually degrading words, or jokes or language of a sexual nature;
 - physical contact including patting, pinching or repeated brushing against another's body;
 - demands or requests for sexual favors accompanied by implied or overt promises of preferential treatment or threats concerning an individual's status as an employee;
 - continued expressions of sexual interest after being informed that the interest is unwelcome;
 - assaults or molestations; and
 - the posting or distribution of sexually suggestive pictures or other material.
3. Sexual harassment is not limited to prohibited behavior by a male employee toward a female employee. Either a man or woman may be a harasser, or a victim of sexual harassment. The harasser may or may not be the victim's supervisor, and the harasser and victim may be of the same, or opposite, sexes.

The victim may not be the person to whom the unwelcome sexual conduct is directed. The victim may be someone who is affected by the harassing conduct, even when it is directed toward another person, if the conduct creates an intimidating, hostile or offensive working environment for the employee or interferes with the employee's work performance.

4. It is, therefore, against the policy of the Town for an employee or person with whom a Town employee comes in contact on the job, male or female, to harass a Town employee sexually, that is, by making unwelcome sexual advances, requests for sexual favors or other uninvited



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verbal or physical conduct of a sexual nature when:

- a. submission to such conduct is made, either explicitly or implicitly, a term or condition of an employee's employment;
- b. submission to, or rejection of, such conduct by an individual is made the basis for employment decisions affecting the employee;
- c. such conduct has the purpose, or effect, of interfering with an individual's work performance;
- d. a hostile or intimidating work environment is created for the employee.

It is also against the policy of the Town for an employee to sexually harass any person with whom the employee comes in contact on the job.

5. Each employee is personally responsible for:

- a. ensuring that ~~his or her~~ their conduct does not sexually harass any other employee or person with whom the employee comes in contact on the job, such as an outside vendor; and
- b. cooperating in any investigation of alleged sexual harassment by providing any information ~~he or she~~ they possess~~es~~ concerning the matter being investigated; and
- c. actively participating in efforts to prevent and eliminate sexual harassment and to maintain a working environment free from such conduct; and
- d. ensuring that an employee who files a sexual harassment claim or cooperates in an investigation may do so without fear of retaliation or reprisal.

6. Supervisor/ Subordinate Fraternization

The legal definition of sexual harassment is broad. Sexually orientated conduct, whether it is intended or not, that is unwelcome or has the effect of creating a work place environment that is hostile, offensive, intimidating or humiliating may constitute harassment. While friendly, collaborative personal relationships are encouraged and create a positive work environment, personal relationships must never, even in perception, create a conflict of interest or bias.

Individuals who manage others, should never engage in a romantic, intimate relationship with any employee within their chain of command.

Relationships included within this policy are marriage, dating, or any other relationship that creates the appearance of favoritism or an actual conflict of interest. This Policy is intended to supplement the state conflict of interest law contained in Chapter 268A of the Massachusetts General Laws by providing guidance with respect to the hiring and promoting of individuals or employees to avoid the appearance of favoritism.

If such relationships develop, it is the responsibility of senior management to take appropriate



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action, after consultation with the parties. Such action may include, but is not limited to:

- Transfer or reassignment, preferably with voluntary participation of the parties;
- Removal of the supervisor from any activity or decision directly or indirectly affecting the subordinate, including work assignments, performance evaluation, compensation, bonus or promotion;
- Termination of employment.
- This policy will be applied in accordance with applicable state and federal laws. Non-consensual relationships of a romantic or sexual nature are addressed in the Town's Sexual Harassment Policy and are prohibited by law and Town Policy.

Any individual who applies for a position with the Town or for a promotion shall notify the Appointing Authority of any "relative(s)" who are currently employed by the Town in any capacity, as provided by Chapter 268A, and under Section III, A (3) of this Policy. The ~~Select Board of Selectmen~~/Town Manager may implement administrative procedures necessary to implement this policy.

7. Retaliation against an employee for filing a complaint of sexual harassment or for cooperating in an investigation of a sexual harassment complaint is against the law and will not be tolerated by the Town.
8. Any employee violating this policy will be subject to appropriate discipline, including possible discharge by the Town.
9. The Town has a designated Sexual Harassment Grievance Officer (Grievance Officer). ~~He/she~~ They may be reached at the Town Clerk and ~~/or the Town Manager's -Board of Selectmen's~~ Office, Town Office Building, 381 Main Street, West Newbury, MA 01985. Telephone number is 978-363-1100, extension 115.

The Town has been designated as the Alternate Sexual Harassment Grievance Officer (Alternate Grievance Officer). ~~They He/she~~ may be reached at the Office of the Town Clerk, Town Office Building, 381 Main Street, West Newbury, MA 01985. Telephone number is 978-363-1100, extension 110.

10. If any employee believes ~~he or she they have has~~ been subjected to sexual harassment, the employee should initiate a complaint by contacting the Grievance Officer or Alternate Grievance Officer as soon as possible. The employee should file the complaint promptly following an incident of alleged harassment. The employee should be aware that the longer the period of time between the event giving rise to the complaint and the filing, the more difficult it will be for the Grievance Officer to verify what occurred. The employee may be requested to document the complaint in writing.

An employee may, at ~~his or her their~~ option, discuss a possible sexual harassment problem with ~~his or her their~~ supervisor, or may go directly to the Grievance Officer without notifying the



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supervisor.

11. The Grievance Officer, or Alternate Grievance Officer, shall promptly make a preliminary investigation into all complaints that are received. If, after completion of the preliminary investigation, it is determined that there is a reasonable basis for finding a violation of the policy, the Town will orally notify the complainant and the charged employee. The charged employee will be requested to respond to the complaint. Additional investigation will be made to the extent appropriate to each case. This investigation will be conducted in a confidential manner to the greatest extent possible, consistent with an effective investigation and subject to the business needs of the Town.
12. After the charged employee, has responded to the complaint and any further investigation has been completed, the Town will make a final decision. If the Town finds that the allegations in the complaint have been established by the investigation, the Town will initiate discipline of the charged employee. Discipline will be appropriate to the offense and to the employee involved and may include discharge. The complainant will be notified of the final disposition of the investigation.
13. Using the Town's complaint process does not prohibit you from filing a complaint with other agencies. Each agency has a short period for filing a claim. (EEOC – 300 days; MCAD 300 days) The Massachusetts Commission Against Discrimination, with offices at One Ashburton Place, Boston, MA 02108, 617-994-6000 and at 436 Dwight Street, Springfield, MA, 413-739-2145 is responsible for enforcing the Massachusetts law prohibiting sexual harassment in the workplace.

The United States Equal Employment Opportunity Commission, located at 475 Government Center, Boston, MA is responsible for enforcing the federal law prohibiting sexual harassment in the workplace.
14. Copies of this policy will be distributed to all employees annually. Employees will be requested to complete a form acknowledging receipt of the policy and indicating that they have read the policy.

Amended: September 18, 2017



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APPENDIX E

Town of West Newbury's E-mail, Internet and Social Media Use Policy

The Town of West Newbury recognizes the importance of modern technology and access to the Town's information. This is another attempt to provide our citizens the best and most efficient services possible. Therefore, the Town has provided many of its employees with e-mail as well as access to the Internet. Some of its employees also engage in social media (Facebook, Twitter and similar services) on behalf of the Town. All information technology provided by the Town to its employees or used by its employees on behalf of the Town, including, but not limited to, Internet access, e-mail and social media, is, and remains at all times, the property of the Town of West Newbury. Accordingly, the Town has the right to review any and all activity, including, but not limited to, all data and information accessed, created, sent, displayed, stored, downloaded and/or printed through the e-mail, Internet and/or social media services provided by the Town or conducted in the name of the Town.

While the Town encourages its employees to utilize these information technology tools, employee use of the Town's e-mail, the Internet and social media is restricted to the business purposes of the Town. All employees are responsible for their own actions with respect to their use of the Town's e-mail, the Internet and social media. Employees may not use another employee's password or computer to create, send or retrieve e-mail messages, or to access Internet sites, unless express permission is granted. Under no circumstance are the Town's e-mail, Internet and social media systems to be used for any purposes prohibited by state, local or federal law. Employees are advised that copyright laws apply to information accessed over the e-mail system the Internet and social media. Any improper use of the Town's e-mail, Internet and social media systems, at any time, including, but not limited to, accessing, creating, sending, displaying storing, downloading and/or printing sexually explicit or otherwise potentially offensive materials, will not be tolerated and will subject the employee to discipline, up to and including, termination. Employees' use of social media shall also conform to all social media policies enacted by the ~~Select~~ Board of ~~Selectmen~~.

Employee use of the Town's e-mail, Internet and social media systems is not private. All e-mail messages and Internet sites visited by Town employees are automatically stored on the Town's computer back-up systems as well as any social media services conducted on Town's equipment. Further, employees should be aware that even when a message is deleted, it may exist on a backup tape. The Town of West Newbury reserves the right to retrieve, save, monitor and review all web sites visited by an employee and all information and/or data accessed, created, sent, displayed, stored, downloaded and/or printed through the employee's access to the Internet, at any time, with or without advance notice or prior consent. Such access may occur during or after working hours by any supervisor, manager, or other personnel designated by the Town of West Newbury. Further, employees are reminded that information accessed and/or distributed over the e-mail system the Internet or social media may be considered a public record pursuant to M.G.L. c.66.

An employee's use of the Town's e-mail system and/or access to the Internet through the Town's system and /or use of social media on behalf of the Town constitutes his/her agreement to

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comply with the Town's E-mail, Internet and Social Media Use Policy as well as his/her consent to the Town's recording and monitoring of the employee's use of the e-mail Internet and social media systems. Employees are subject to all rules and regulations promulgated by the Town of West Newbury's [Select Board of Selectmen](#). This policy may be altered or amended at the discretion of the Town at any time. Employees will be notified of any change in the policy.

Revised: September 30, 2009

Revised: May 14, 2018



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APPENDIX F

MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION

MCAD Guidance PREGNANT WORKERS FAIRNESS ACT

Issued 1/23/2018

The Pregnant Workers Fairness Act (“the Act”) amends the current statute prohibiting discrimination in employment, G.L. c. 151B, §4, enforced by the Massachusetts Commission Against Discrimination (MCAD). The Act, effective on April 1, 2018, expressly prohibits employment discrimination on the basis of pregnancy and pregnancy-related conditions, such as lactation or the need to express breast milk for a nursing child. It also describes employers’ obligations to employees that are pregnant or lactating and the protections these employees are entitled to receive. Generally, employers may not treat employees or job applicants less favorably than other employees based on pregnancy or pregnancy-related conditions and have an obligation to accommodate pregnant workers.

Under the Act:

- Upon request for an accommodation, the employer has an obligation to communicate with the employee in order to determine a reasonable accommodation for the pregnancy or pregnancy-related condition. This is called an “interactive process,” and it must be done in good faith. A reasonable accommodation is a modification or adjustment that allows the employee or job applicant to perform the essential functions of the job while pregnant or experiencing a pregnancy-related condition, without undue hardship to the employer.
- An employer must accommodate conditions related to pregnancy, including post-pregnancy conditions such as the need to express breast milk for a nursing child, unless doing so would pose an undue hardship on the employer. “Undue hardship” means that providing the accommodation would cause the employer significant difficulty or expense.
- An employer cannot require a pregnant employee to accept a particular accommodation, or to begin disability or parental leave if another reasonable accommodation would enable the employee to perform the essential functions of the job without undue hardship to the employer.
- An employer cannot refuse to hire a pregnant job applicant or applicant with a pregnancy-related condition, because of the pregnancy or the pregnancy-related condition if an applicant is capable of performing the essential functions of the position with a reasonable accommodation.
- An employer cannot deny an employment opportunity or take adverse action against an employee because of the employee’s request for or use of a reasonable accommodation for a pregnancy or pregnancy-related condition.



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- An employer cannot require medical documentation about the need for an accommodation if the accommodation requested is for: (i) more frequent restroom, food or water breaks; (ii) seating; (iii) limits on lifting no more than 20 pounds; and (iv) private, non-bathroom space for expressing breast milk. An employer, may, however, request medical documentation for other accommodations.
- Employers must provide written notice to employees of the right to be free from discrimination due to pregnancy or a condition related to pregnancy, including the right to reasonable accommodations for conditions related to pregnancy, in a handbook, pamphlet, or other means of notice no later than April 1, 2018.
- Employers must also provide written notice of employees' rights under the Act: (1) to new employees at or prior to the start of employment; and (2) to an employee who notifies the employer of a pregnancy or a pregnancy-related condition, no more than 10 days after such notification.

The foregoing is a synopsis of the requirements under the Act, and both employees and employers are encouraged to read the full text of the law available on the General Court's website here:

<https://malegislature.gov/Laws/SessionLaws/Acts/2017/Chapter54>.

If you believe you have been discriminated against on the basis of pregnancy or a pregnancy-related condition, you may file a formal complaint with the MCAD. You may also have the right to file a complaint with the Equal Employment Opportunity Commission if the conduct violates the Pregnancy Discrimination Act, which amended Title VII of the Civil Rights Act of 1964. Both agencies require the formal complaint to be filed within 300 days of the discriminatory act.

Adopted: May 14, 2018



TOWN OF WEST NEWBURY PERSONNEL POLICY

TOWN OF WEST NEWBURY PERSONNEL POLICY

I, _____ (Print Name) acknowledge receipt of the West Newbury Personnel Policy, with updates through March 4, 2022.

Employee Signature

Date



Town of West Newbury

381 Main Street

West Newbury, Massachusetts 01985

Angus Jennings, Town Manager

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

townmanager@wnewbury.org

TO: Select Board

FROM: Angus Jennings, Town Manager

DATE: October 13, 2023

RE: PRSD Regional Agreement

The monthly meeting among PRSD Administrators and the three towns' Town Admins/Managers took place earlier this week, and we discussed further the format and content of the upcoming regional meeting to take place on Nov. 7th.

There will be two primary topics discussed that night:

- A "State of the Schools" presentation
- The PRSD Regional Agreement

Since West Newbury has taken the lead on proposing potential revisions to the Regional Agreement, Dr. Bartholomew suggested that we may be in the best position to offer an initial presentation of our proposals when that portion of the agenda comes up. I told him we'd be happy to do so.

Toward that end, I wanted to recirculate the comment letter we circulated to the other Pentucket towns last winter to ensure that this continues to represent the Board's positions.

As you know, amendments to the Regional Agreement would require approval from all three towns' Town Meetings, as well as the DESE Commissioner.



Town of West Newbury

Select Board

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

TO: Select Board, Town of Groveland
Select Board, Town of Merrimac

CC: Carol McLeod; Rebecca Oldham; Angus Jennings
Justin Bartholomew; Greg Labrecque

FROM: West Newbury Select Board

DATE: January 5, 2023

RE: PRSD Regional Agreement

As you know, the Pentucket Regional Agreement at Sec. XIV.C. provides for review of the Agreement every three years. In August 2022, a meeting was held among representatives of the three towns' Select Boards, Finance Committees, and each town's Finance Director/Town Administrator/Manager ("CFOs") to preliminarily discuss ideas for potential changes that could improve our work together as three communities, and with the Pentucket administration.

During the fall, we solicited input and ideas from our Finance Committee, Town Manager, and among our own Select Board members, and held discussions of the Agreement in posted Select Board meetings. Discussions also took place among the CFOs, with the PRSD Superintendent and Business Manager, at their monthly working meetings.

Following on these prior correspondences and meetings, the West Newbury Select Board met in December to formalize its proposed changes to the PRSD Regional Agreement.

The proposed changes on the following pages are offered as suggestions, for consideration by the Groveland and Merrimac Select Boards. If there is agreement among the three towns' Boards to some or all of these proposed amendments, and/or other changes that one or both of your Boards may wish to propose, our goal would be to work together to bring these forward for proposed adoption at the towns' Spring 2023 Town Meetings. Once it becomes clear which changes (if any) would be proposed locally, we would also work with both town counsel and with the office of the DESE Commissioner to ensure that any proposed amendments would pass legal muster and also meet DESE approval.

We appreciate your consideration of these proposals, and look forward to hearing back with your responses. We can jointly determine how and on what schedule we should best proceed. If there is interest, we would be happy to participate in a joint meeting of the Boards; or to designate a member to a working group for this purpose.

AMENDMENTS PROPOSED BY THE WEST NEWBURY SELECT BOARD TO THE PENTUCKET REGIONAL SCHOOL DISTRICT REGIONAL AGREEMENT

Note: Only those sections of the agreement that the Board is proposing for amendment are included here. Sections not included here are not proposed for amendment. A complete copy of the current PRSD Agreement is appended to this memo, for reference.

Proposed deletions in ~~striketrough~~
Proposed additions in double-underline

Section IV. LOCATION OF SCHOOLS

- B. There may ~~shall~~ be ~~not less than~~ one or more elementary school in each member town provided, however, that the towns may decide to share or consolidate elementary schools in the future. Unless and until any such consolidation, students ~~Students~~ in grades PK - 5 or 6 shall attend schools in their towns of residence, except in cases of emergency as defined by the Regional District School Committee, children attending special education low incidence classes, regional "magnet" classes, or intradistrict school choice. In such instances of emergency, refer to the Pentucket Regional School District "Contingency Plan" as approved by the Pentucket Regional School Committee, and as may be amended from time to time.

Section VI. DEFINITIONS

The budget for construction and operation of the District's Schools including payments of principal and interest on bonds and other evidence of indebtedness issued by the District shall be apportioned to the member towns subject to the following definitions:

A. Budget

As defined by this document, the budget is the amount of dollars voted by the Regional District School Committee to finance the District schools to be paid from the general revenues of the Regional School District.

The budget shall be comprised of two parts: operating costs and debt service, each as herein defined.

1. DEBT SERVICE and CAPITAL COSTS include all costs that are used for payment of principal and interest on bonds or other obligations issued by the District. Capital projects shall be defined as costing not less than \$20,000 ~~\$10,000~~ and having a depreciable life of not less than 5 years.
2. OPERATING COSTS include all costs not included in Debt Service and Capital Costs as defined in 1, but includes interest and principal on revenue anticipation notes.

Section VIII. RESPONSIBILITY FOR ADDITIONS, MAJOR REPLACEMENTS AND MAINTENANCE OF SECONDARY AND ELEMENTARY SCHOOLS

- A. The District shall develop a 5 year capital plan for each building that will be provided to each member town, including any new or updated projects and cost estimates, each year by October ~~January~~ 15th. This plan shall include; item descriptions, estimated costs, and the projected depreciable life. Capital projects shall be defined as costing not less than \$20,000 ~~\$10,000~~ and having a depreciable life of not less than 5 years. Capital projects shall be scheduled and approved by the member Town. Emergency repair procedures shall be defined by the member Town lease agreement.

In addition, on or before January 15th of each year, the District shall provide the member towns with a maintenance plan for the following budget year for each of its buildings. The District shall include a line item in its budget to fully fund this plan. As part of its closeout of the fiscal year, on or around September 1st of each year, a ~~A~~ year end maintenance report covering the preceding fiscal year shall be provided to the member towns identifying the cost of all maintenance performed.

Section XII. BUDGET

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

- A. The Regional District School Committee shall prepare a budget on a fiscal year basis for the District in the following manner:
1. The budget process shall be initiated annually in December and shall provide an opportunity for the Select Board ~~Selectmen~~ and Finance Committee of each member town to have input into its preparation. The Regional District School Committee shall complete its proposed budget for the ensuing year, and said proposed budget shall be posted in the Town Hall of each member town, shall be provided to each member town's public library, and shall be submitted to the Select Board ~~Selectmen~~, Finance Directors, and Finance Committee members of each member town. The

Advisory Committee shall convene two meetings during the budget process, including an initial meeting in late January; and an additional meeting in March, prior to the School Committee's vote on the proposed budget. Additionally, upon request of the Finance Committee and/or the Select Board of any member town, the Regional District School Committee shall arrange to meet with such Finance Committee and/or Select Board for the purpose of discussing the proposed budget.

2. The proposed budget shall contain a notice stating when and where a public hearing will be held. The public hearing shall be held in any District school building. The notice of the public hearing shall be posted in all three towns. Said hearing shall be held at least ten (10) days prior to final adoption of the proposed budget. ~~Upon request of the Finance Committee and/or the Board of Selectmen of any member town, the Regional District School Committee shall arrange to meet with such Finance Committee and/or Board of Selectmen for the purpose of discussing the proposed budget.~~ Said proposed budget shall be submitted in the template approved by the School Committee, itemized at least as follows: central administration; expenses of instruction; transportation; operation of school plant; maintenance of school plant; and outlay, debt and interest charges; ~~the last named to specify all items costing \$1,000.00 or more.~~ All non-recurring expenditures shall be itemized. Enrollment, staffing, total expenditures and assessments for the past five years shall be included. The Chair of any member Select Board ~~of Selectmen~~ or Finance Committee may request further information.

PENTUCKET REGIONAL SCHOOL DISTRICT
REGIONAL AGREEMENT

PreK-12 REGIONAL AGREEMENT OF APRIL 30, 1993
AS AMENDED JULY 1, 1997, JULY 1, 1998, JULY 1, 1999, JULY 1, 2005,
JULY 1, 2006, JULY 1, 2012, JULY 1, 2014, AND JULY 1, 2019

For a Regional School District for the Towns of Groveland, Merrimac, and West Newbury, towns in the Commonwealth of Massachusetts hereinafter referred to as member towns.

Section I. MEMBERSHIP OF THE REGIONAL DISTRICT SCHOOL COMMITTEE

- A. The Regional District School Committee shall consist of nine members, three from each member town, who shall be elected by the voters of that town. Each member so elected shall serve a three year term. In the event that a town or towns separate from the Regional School District at the elementary level as stated in Section X, the three (3) elected members from said town or towns shall constitute the elementary school committee as well as represent their town at the regional level.
- B. Any vacancy occurring on the Regional District School Committee for any cause shall be filled by the local Board of Selectmen and the remaining School Committee members from the town where the vacancy occurs. Such replacement shall serve until the next annual town election.
- C. At the first scheduled meeting of the Regional District School Committee after the annual election of all member towns, the Regional District School Committee shall organize in accordance with Massachusetts General Laws, Chapter 71, Section 16A, known as "Regional School Committee, Organization". In addition, the Regional District School Committee shall fix the time and place for its regular meetings for the new term, provide for the calling of special meetings upon notice to all its members, and appoint appropriate sub-committees and other officers.
- D. The Chairmanship, Vice Chairmanship and Secretary positions shall be revolving with one position being from each town. No Town shall hold more than one office.

Section II. QUORUMS, VOTES AND GOVERNANCE

- A. A quorum to conduct business at regular meetings shall consist of a simple majority of its members and special meetings shall require not less than two members from each of the towns.
- B. On all issues requiring a vote of the Regional District School Committee, each member's vote will be weighted according to the respective town's population

based on the most recent decennial Federal census data, calculated out to two decimal places, and remain as such until the next official Federal census.

- C. Any action voted by the Regional District School Committee which directly and specifically affects the elementary school(s) in only one town shall require that two of the three members of the Regional District School Committee from the town in which the affected elementary school is located vote in support of that action. In order, however, for a school to be closed in any member town where there is more than one elementary school, all three committee members from the affected town are required to vote in favor of the proposed closure after a public hearing is held in the affected town.

Section III. TYPE OF SCHOOL

- A. The Regional School District shall include all grades from PK – 12.
- B. The secondary schools shall serve students in grades 6 or 7 – 12.
- C. The elementary schools shall serve students in grades PK – 5 or 6.
- D. In the agreement where “preschool” is mentioned it is done so for future purposes to permit the Regional District School Committee with the approval of all member towns at their respective Town Meetings, at some future date, to include preschool classes. Until such time all preschool expenses shall be on a self supporting basis, except those excluded by law.

Section IV. LOCATION OF SCHOOLS

- A. The Regional District secondary school buildings shall be located on sites owned by the District.
- B. There shall be not less than one elementary school in each member town. Students in grades PK – 5 or 6 shall attend schools in their towns of residence, except in cases of emergency as defined by the Regional District School Committee, children attending special education low incidence classes, regional “magnet” classes, or intradistrict school choice. In such instances of emergency, refer to the Pentucket Regional School District “Contingency Plan” as approved by the Pentucket Regional School Committee, and as may be amended from time to time.
- C. Each member town shall retain ownership of all elementary school buildings and related grounds, including any new elementary school buildings constructed in the future. Each member town shall lease each elementary school building and related grounds to the Pentucket Regional School District for the sum of one dollar. Each lease shall be for a term not greater than the term permitted by either general or special State law. The initial term of each lease shall commence

on the date that the Regional District School Committee assumes jurisdiction over the pupils in grades PK-12 or as otherwise provided in such lease. Each lease may contain provisions for an extension of the lease term at the option of the Regional District School Committee. Responsibilities for maintenance of elementary school buildings shall be uniform across all District elementary school leases. A lease shall not prevent the use of the elementary school buildings or premises by the respective owner towns with the approval of the School Committee, which shall not withhold such approval unless educationally necessary. If permitted by either general or special State law, a lease may provide that it shall terminate and the leased property shall revert to the member town if the town should no longer be a member of the Pentucket Regional School District or if the Regional District School Committee should determine that the land, with the building and other improvements thereon, is no longer needed for the educational program of the District. Each lease may include such other terms as may be agreed upon by the Board of Selectmen of a member town and the Regional District School Committee. A lease shall be executed by the Board of Selectmen on behalf of the member town and the Regional District School Committee on behalf of the District.

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

Section V. TRANSPORTATION

Transportation shall be provided by the Regional School District. The Regional District School Committee shall set District transportation policy.

Section VI. DEFINITIONS

The budget for construction and operation of the District's Schools including payments of principal and interest on bonds and other evidence of indebtedness issued by the District shall be apportioned to the member towns subject to the following definitions:

A. Budget

As defined by this document, the budget is the amount of dollars voted by the Regional District School Committee to finance the District schools to be paid from the general revenues of the Regional School District.

The budget shall be comprised of two parts: operating costs and debt service, each as herein defined.

1. DEBT SERVICE and CAPITAL COSTS include all costs that are used for payment of principal and interest on bonds or other obligations issued by the District. Capital projects shall be defined as costing not less than \$10,000 and having a depreciable life of not less than 5 years.
2. OPERATING COSTS include all costs not included in Debt Service and Capital Costs as defined in 1, but includes interest and principal on revenue anticipation notes.

Section VII. METHOD OF ASSESSING COSTS OF THE REGIONAL SCHOOL DISTRICT

A. All operating costs shall be assessed to the three towns on the basis of M.G.L. Chapter 71, Section 16B.

1. The district assessment will be calculated and reported to the member towns by using the two – step method. The District shall list all general fund revenues, including but not limited to Chapter 70 and Transportation Aid, and reduce the member assessment as it relates to the approved operating budget by said amount. The remaining member assessments shall be calculated by charging each member Town its net minimum spending amount as approved by the Department of Elementary and Secondary Education for the Fiscal Year being assessed. Should the requested member assessments exceed the net minimum spending required then the remaining amount shall be charged to each member Town based upon its percentage of the entire District enrollment calculated to 4 decimal places as of October 1 of the prior Fiscal Year for grades K to 12, including out of District placements, as reported to the Massachusetts Department of Elementary and Secondary Education on the statewide pupil census. All Debt Service and Capital Costs not associated directly to one member community's Elementary School(s) shall be allocated and assessed annually using the calculation stated above for any amount over the net minimum spending requirement.
2. Should all member Towns agree on an alternative method of assessment the District shall be notified in writing by each member community's Board of Selectmen Chair on the agreed procedure on or before March 1 of the year

prior to the Fiscal year budget start date. If the per pupil method of assessment is chosen then the calculation shall be the same as the amount over net minimum spending stated in Part 1 of this section.

- B. Debt Service, incurred by the District for an elementary school building of a member town, less applicable Chapter 70B MSBA aid, shall be assessed to the member town in which the elementary school is located.
- C. The payment of the assessed share of operating costs and debt service by each member town, as computed by the Regional District School Committee according to the methods specified in Sections VI, and VII, shall be made by each member town's Treasurer by check payable to the Regional School District in twelve equal installments by the fifteenth of each month.

Section VIII. RESPONSIBILITY FOR ADDITIONS, MAJOR REPLACEMENTS AND MAINTENANCE OF SECONDARY AND ELEMENTARY SCHOOLS

- A. The District shall develop a 5 year capital plan for each building that will be provided to each member town by January 15th. This plan shall include; item descriptions, estimated costs, and the projected depreciable life. Capital projects shall be defined as costing not less than \$10,000 and having a depreciable life of not less than 5 years. Capital projects shall be scheduled and approved by the member Town. Emergency repair procedures shall be defined by the member Town lease agreement.

In addition, the District shall provide the member towns with a maintenance plan for each of its buildings. The District shall include a line item in its budget to fully fund this plan. A year end maintenance report shall be provided to the member towns identifying the cost of all maintenance performed.

- B. Each member town shall be responsible for payment of costs associated with the construction of new buildings, renovations, or making extraordinary repairs to the elementary school building/s located in that member town so long as they meet the requirements of a capital project as described in VIII A.
- C. The costs of on-going maintenance for those items not included in paragraph VIII B. for the elementary schools and all costs for the secondary schools shall be borne by the Regional School District.

Section IX. ADMISSION OF ADDITIONAL TOWNS

By an amendment of this agreement adopted by each member town in accordance with Section XIV and complying with the provision therein contained,

any other town or towns may be admitted to the Regional School District upon adoption as herein provided of such amendment and upon acceptance of the agreement as so amended, and also upon compliance with the provision of law as may be applicable and such terms as may be set forth in such amendment.

A new member may be admitted to the Regional School District as of July 1 of any fiscal year, provided that all requisite approvals for such admission, including the Commissioner's approval, shall be obtained no later than the preceding December 31. The authorizing votes may provide for the deferral of said admission until July 1 of a subsequent fiscal year.

Section X. WITHDRAWAL OF MEMBER TOWNS FROM THE REGIONAL SCHOOL DISTRICT

- A. Any town withdrawing from the District must first pay all its share of total debt and current operating expenses. All withdrawals are subject to the approval of the Commissioner of Elementary and Secondary Education and must be approved by two thirds of the member Towns.

Any member town may withdraw from the regional school district in total or at the elementary level if accepted by a majority vote of the voters present and voting on the question at its Annual Town meeting called for the purpose, such withdrawal to become effective on June 30th of the year named in the question, provided: (1) that in pursuance of such vote, the withdrawing town gives the regional school district at least one years written notice of its intention to withdraw, (2) that the said town has paid over to the District any costs which have been certified by the District Treasurer to the Treasurer of the withdrawing town.

Section XI. ANNUAL REPORT

- A. The Regional District School Committee shall submit to each member town an annual report containing a detailed financial statement and a statement showing methods by which the annual charges assessed against each town were computed, together with such additional information relating to the operation and maintenance of the secondary schools and each elementary school as may be deemed necessary by the Regional District Committee or by the Selectmen and/or the Finance Committee of any member town. This report shall contain a detailed listing of salaries by individual employee.

Section XII. BUDGET

The Regional Advisory Committee will meet, from time to time, with the Regional District School Committee Chair, the Superintendent and/or Business Manager to discuss matters that may impact the District and/or the towns, including budget calendars and timelines, content and detail of budgets, revenue estimates and other revenue matters, capital budget items and use of Excess and Deficiency funds. The Committee shall prepare reports to be read into the School Committee minutes.

- A. The Regional District School Committee shall prepare a budget on a fiscal year basis for the District in the following manner:
 1. The budget process shall be initiated annually in December and shall provide an opportunity for the Selectmen and Finance Committee of each member town to have input into its preparation. The Regional District School Committee shall complete its proposed budget for the ensuing year, and said proposed budget shall be posted in the Town Hall of each member town, shall be provided to each member town's public library, and shall be submitted to the Selectmen, Finance Directors and Finance Committee members of each member town.
 2. The proposed budget shall contain a notice stating when and where a public hearing will be held. The public hearing shall be held in any District school building. The notice of the public hearing shall be posted in all three towns. Said hearing shall be held at least ten (10) days prior to final adoption of the proposed budget. Upon request of the Finance Committee and/or the Board of Selectmen of any member town, the Regional District School Committee shall arrange to meet with such Finance Committee and/or Board of Selectmen for the purpose of discussing the proposed budget. Said proposed budget shall be submitted in the template approved by the School Committee, itemized at least as follows: central administration; expenses of instruction; transportation; operation of school plant; maintenance of school plant; outlay, debt and interest charges; the last named to specify all items costing \$1,000.00 or more. All non-recurring expenditures shall be itemized. Enrollment, staffing, total expenditures and assessments for the past five years shall be included. The Chair of any member Board of Selectmen or Finance Committee may request further information.
 3. 45 days prior to the date of the earliest member Annual Town Meeting the Regional District School Committee shall adopt by a two-thirds vote of all its members a budget with such changes as may have resulted from conferences and an open hearing. This budget shall be presented in two parts as outlined in the attached template (Exhibit A). No later than 30 days from the date of the approval vote, but within 10 days if possible, the

Treasurer of the District shall certify to the Treasurer of each member town its assessed share of such budget.

4. The budget and assessment shall be so constructed as to show debt service, capital and operating costs. It shall also list all general fund revenue used to reduce member assessments as described in VII. A. This budget should also identify the costs of any programs not uniformly offered at all District elementary schools.
5. Budget approval will be in accordance with M.G.L. Chapter 71, Section 16B.
6. If, in the opinion of the Board of Selectmen and/or Finance Committee of any of the towns, the Regional School District budget will not fit the budgetary capabilities of their town, they can request of the Regional District School Committee a special meeting to discuss the budget.

This meeting shall be called within seven (7) days of the presentation of the budget to the member towns.

The meeting shall be attended by six members of the Regional District School Committee (two members from each member town), as well as two representatives of the Board of Selectmen and two representatives of the Finance Committee from each member town.

The purpose of this meeting will be to discuss the ability of the town or towns to meet the financial obligation brought forth by their assessment of the submitted Regional School District budget.

The charge of this group will be to recommend to the Regional District School Committee a reduced budget that least affects the educational integrity of the District and meets the financial capabilities of the town(s).

7. If a member town fails to hold a meeting within forty-five (45) days from the date on which an amended assessment was adopted by the Regional District School Committee, the member town shall be deemed to have voted affirmatively regardless of whether the town had previously approved an amount equal to or greater than the revised assessment. No action by the town constitutes approval.

Section XIII. INCURRING OF DEBT

- A. The Regional District School Committee shall have authority to develop plans for District schools. According to Chapter 71, S.16d. the Regional District School Committee shall not incur any debt for the school until the expiration of sixty (60)

days from the date said debt is authorized by the Regional District School Committee. Prior to the expiration of said period each member town will be notified of the intent to incur debt. Each member town which would bear a financial responsibility for the debt through the assessment of all or a portion of the principal and interest on such debt shall hold a Town Meeting for the purpose of expressing approval or disapproval of the amount of debt authorized by the Regional District School Committee by a majority of voters present and voting on the question. If the debt is disapproved by any member town, the debt shall not be incurred, and the Regional District School Committee shall then prepare an alternative proposal and a new or revised authorization to incur debt. The only exception to the restrictions in this paragraph shall be the incurring of debt in anticipation of revenues.

- B. In the event that a member town should determine, prior to the issuance by the District of long term indebtedness to finance a Capital Cost, to make an upfront cash contribution to pay all of its allocable share of such Capital Cost, then the total borrowing authorized to pay costs of such Capital Cost shall be reduced by the amount of such upfront cash contribution. A member town's share of Capital Costs for purposes of this section shall be determined in the same manner as used in determining the allocation of Capital Costs for the fiscal year in which the District's borrowing for a particular Capital Cost is authorized.

When a member town has paid its entire share of such Capital Cost, then such member town shall not be assessed for any portion of Debt Service incurred by the District to finance the balance of such Capital Cost. Then, notwithstanding the provisions of Section VII(A) to the contrary, Debt Service on the amount to be borrowed shall be assessed upon the member town or towns that did not determine to make an upfront cash contribution on account of such Capital Cost, as if the District's total enrollment consisted solely of the students from the noncontributing town or towns.

Any upfront cash contribution on account of a Capital Cost shall be paid to the District prior to the issuance of long term bonds by the District to finance such capital cost.

Section XIV. AMENDMENTS

- A. Amendments to the agreement must receive a majority vote of approval by each member town at a Town Meeting. Amendments may be initiated by the Regional District School Committee or by the Board of Selectmen of any one of the member towns.
- B. No such amendment shall be made which shall substantially impair the rights of the holders of any of the District's bonds or notes of the District then outstanding or the rights of the District to procure the means for payment thereof.


C. This agreement shall be reviewed every three years by a group comprised of the Chief Financial Officer of each town (or person holding such position by whichever title it may be known), the PRSD Business Manager, and the PRSD Superintendent, who will jointly make recommendations for changes to the member Town's Board of Selectmen. Each town's Chief Financial Officer shall participate on behalf of their respective Board of Selectmen, and shall be responsible to keep their Board apprised of communications and related meetings, and to provide their respective Board regular opportunities to initiate any potential amendments to this agreement or respond to any amendments as may be initiated by others. At any time the Towns may also appoint a task force to review the Regional Agreement. This task force will be made up of a member from each Town's Board of Selectmen, the member town's Finance Directors, the Chairman of the School Committee, the Superintendent and a citizen from each member town.

D. All amendments are subject to the approval of the Commissioner of Elementary and Secondary Education.


Section XV. SEVERABILITY OF SECTIONS

According to Chapter 71.S.16I., in the event that any provision of this Regional School District Agreement shall be held invalid in any circumstance, such invalidity shall not affect any other provisions or circumstances.


Approval Signatures



Chair, Groveland Board of Selectmen 5/28/19
Date
Duly authorized



Chair, Merrimac Board of Selectmen 6/10/19
Date
Duly authorized



Chair, West Newbury Board of Selectmen 6/20/19
Date
Duly authorized

LOWER ENTRY VIEW



WHITTIER TECH
HAVERHILL, MASSACHUSETTS

JCJ ARCHITECTURE
ARCHITECTS / INTERIORS / LANDSCAPE ARCHITECTS

HAVERHILL – Whittier Tech invites residents in its 11 sending community to learn more about the proposed Whittier Tech Building Project during public information sessions planned in the coming months.

Whittier Tech is pursuing construction of a new building to best provide a 21st century technical education to students, helping them join the workforce in emerging careers.

The current building was opened in 1973, and its last significant renovation was a roof replacement in 2007.

Whittier will host three districtwide events:

- Thursday, Oct. 5 – Community Forum, Whittier Tech auditorium, 4:30-5:30 p.m.
- Sunday, Nov. 5 – Annual Whittier Tech Open House, 1-4 p.m. Eighth-grade students and member communities are invited to each year to learn more about the school and its offerings.
- Saturday, Jan. 13 – Whittier Tech Current Building Tour, 9-11 a.m. This is an opportunity for community members to tour the building and learn more about the project.

Whittier Tech Celebrates 50th Year with Inaugural Class of Athletic Hall of Fame

September 20, 2023

PHOTOS Whittier Tech CTI Carpentry Program Students Complete Community Project

August 11, 2023

Whittier Tech Students Win Gold at SkillsUSA National Conference

July 5, 2023

Twelve Whittier Tech Students Earn Massachusetts Bilingual Award

June 8, 2023

THE WILDCAT WIRE

The Wildcat Wire - September 2023

The Wildcat Wire - August 2023

The Wildcat Wire - July 2023

The Wildcat Wire - June 2023

The District has arranged a series of events to provide the community as much information as possible before a planned January 2024 vote. There will be ample time for questions during each session. The District also will share information during presentations to elected officials in each community. Meetings scheduled to date are:

Amesbury

Tuesday, Dec. 12 – Community Information Session, Amesbury Council on Aging, 68 Elm St., 6-8 p.m.

Georgetown

Wednesday, Nov. 1 – Community Information Session, Georgetown Peabody Library, 2 Maple St., 6-8 p.m.

Groveland

Saturday, Nov. 18 – Community Information Session, Langley-Adams Library, 185 Main St., 10 a.m. to 12 p.m.

Haverhill

Wednesday, Nov. 29 – Community Information Session, Haverhill Public Library, 99 Main St., 6-8 p.m.

Ipswich

Monday, Nov. 20 – Community Information Session, Ipswich Public Library, 25 N. Main St., 6-7:45 p.m.

Merrimac

Wednesday, Nov. 8 – Community Information Session, Merrimac Public Library, 86 W. Main St., 6-8 p.m.

Newbury

The Wildcat Wire -
May 2023

**Tweets from
@WhittierTechHS**



**Nothing to
see here -
yet**

When they Tweet, the
Tweets will show up h

[View on Twitter](#)

Tuesday, Nov. 14 – Presentation, Newbury Board of Selectmen, Town Hall, 12 Kent Way, 6-9 p.m.

Wednesday, Dec. 20 – Community Information Session, Newbury Public Library, 0 Lunt St., Byfield, 5-7 p.m.

Newburyport

Monday, Nov. 27 – Community Information Session, Newburyport Senior/Community Center, 331 High St., 6-8 p.m.

Rowley

Tuesday, Oct. 24 – Community Information Session, Rowley Public Library, 141 Main St., 6-8 p.m.

Monday, Oct. 30 – Presentation, Rowley Board of Selectmen, Town Hall, 139 Main St., 6-8:30 p.m.

Salisbury

Monday, Oct. 16 – Presentation, Salisbury Board of Selectmen, Town Hall, 5 Beach Road, 7-8:30 p.m.

Tuesday, Dec. 5 – Community Information Session, Salisbury Public Library, 17 Elm St., 6-8 p.m.

West Newbury

Wednesday, Dec. 6 – Community Information Session, West Newbury Town Offices Annex, 381 Main St., 6-8 p.m.

The District will update the public about additional information sessions when information becomes available.

Those interested in attending a meeting are asked to sign up on the Whittier Tech Building Project website,

<https://www.buildingthefutureofwhittier.org/>

Town Manager

From: Maureen Lynch <mlynch@whittier.tec.ma.us>
Sent: Thursday, October 5, 2023 11:17 AM
To: Town Manager
Cc: Kara Kosmes; Chip O'Connor
Subject: WT Building Project
Attachments: West Newbury.pdf

Good Morning Angus,

I hope you are well.

We just received the final numbers for the building project this morning and I wanted to share them as soon as possible.

If you have any questions and/or concerns, feel free to contact me or Kara Kosmes the Business Manager.

Maureen

Maureen Lynch

**Superintendent
Whittier Tech
115 Amesbury Line Road
Haverhill, MA 01830**

(978) 373-4101 



Please visit us at <https://whittiertech.org>

Whittier Regional Vocational Technical School District
 Town of West Newbury
Estimated Pro Rata Share of Debt Service and Residential Tax Impact

FY2023 Total Assessed			Tax Rates		FY2023 Levy	
Value	\$1,390,443,291	100%			\$15,336,589	100%
Residential	\$1,353,610,071	97%	\$11.03		\$14,930,319	97%
Commercial/Industrial	\$36,833,220	3%	\$11.03		\$406,270	3%

Fiscal Year	Estimated Debt Service	Residential Tax Rate Impact	Annual Cost per \$100,000 of Home Value
2024	\$0	\$0.00	\$0.00
2025	\$18,468	\$0.01	\$1.33
2026	\$310,723	\$0.22	\$22.35
2027	\$310,962	\$0.22	\$22.36
2028	\$471,063	\$0.34	\$33.88
2029	\$598,664	\$0.43	\$43.06
2030	\$606,497	\$0.44	\$43.62
2031	\$606,497	\$0.44	\$43.62
2032	\$598,492	\$0.43	\$43.04
2033	\$598,461	\$0.43	\$43.04
2034	\$598,607	\$0.43	\$43.05
2035	\$598,592	\$0.43	\$43.05
2036	\$598,400	\$0.43	\$43.04
2037	\$598,476	\$0.43	\$43.04
2038	\$598,323	\$0.43	\$43.03
2039	\$598,538	\$0.43	\$43.05
2040	\$598,307	\$0.43	\$43.03
2041	\$598,392	\$0.43	\$43.04
2042	\$598,438	\$0.43	\$43.04
2043	\$598,569	\$0.43	\$43.05
2044	\$598,438	\$0.43	\$43.04
2045	\$598,484	\$0.43	\$43.04
2046	\$598,507	\$0.43	\$43.04
2047	\$598,315	\$0.43	\$43.03
2048	\$598,492	\$0.43	\$43.04
2049	\$598,515	\$0.43	\$43.04
2050	\$598,346	\$0.43	\$43.03
2051	\$598,561	\$0.43	\$43.05
2052	\$598,630	\$0.43	\$43.05
2053	\$598,353	\$0.43	\$43.03
2054	\$598,461	\$0.43	\$43.04
2055	\$568,097	\$0.41	\$40.86
2056	\$287,723	\$0.21	\$20.69
2057	\$287,569	\$0.21	\$20.68
2058	\$127,498	\$0.09	\$9.17
Total	\$17,958,457		

Town/ City	Estimated Debt Service	Annual Cost* per \$100,000 of Value	Average Home/ Property Assessed Value	Debt Service Timeline				
				2024	2025 - 2028 [4 years]	2029 - 2055 [27 years]	2056 - 2058 [3 years]	Average 2025 - 2058 [34-years]
West Newbury	\$17,958,457	\$37.99	\$815,000	\$0	\$163	\$350	\$137	\$310



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

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

TO: Select Board
 FROM: Angus Jennings, Town Manager
 DATE: October 13, 2023
 RE: Culvert grant applications

As discussed briefly toward the end of the Oct. 2 meeting, we received notice from MVPC on Friday, Sept. 29th regarding a culvert grant due the following Friday (Oct. 6th). While the timeline was extremely short, given our known challenges regarding some culverts, I felt compelled to circulate this notice among key staff.

Our Conservation Agent and DPW Programs/Projects Manager, working with other DPW personnel, my office, and citizen volunteers from the Climate Change Resiliency Committee, showed significant initiative in promptly identifying multiple locations where West Newbury was felt to be both eligible for and potentially highly competitive for these grant funds. On reviewing the grant program with staff, we felt that, if awarded, the grant would not represent a huge “lift” by staff since – if selected – the work to study/design culvert replacements would actually take place under the oversight of the Mass. Dept. of Environmental Restoration (MassDER).

Not wanting to quash staff initiative, on Oct. 4th I agreed it made sense to finalize the applications for submittal, then seek Select Board authorization “after the fact” knowing that, if the Board did not agree, and we did receive a grant, we could always turn it down.

Since then, the State extended the grant deadline by a week, with today having been the due date. We ended up submitting two grant applications for culverts on River Road. Due to file size, the grant applications are being circulated separately, as supplements to the Oct. 16 meeting packet.

The Board is requested to authorize these grant applications. Alternatively, the grant applications could be rescinded.



Town of West Newbury

381 Main Street

West Newbury, Massachusetts 01985

Angus Jennings, Town Manager

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

townmanager@wnewbury.org

TO: Select Board
 FROM: Angus Jennings, Town Manager
 DATE: October 13, 2023
 RE: Coffin Street culverts

As you may know, one of the culverts on Coffin Street recently failed, and the roadway over it has been temporarily patched. Another Coffin Street culvert appears to be undersized, based on significant overflow that took place during the heavy August rain events.

I have met on site with Butch Hills and Katelyn Bradstreet, and Butch has been working closely with the Conservation Agent to understand the permitting processes (both local and State) that would be required in order to both replace and increase the size of the culverts in these locations. In order to consider allowing an increase in culvert size, the Conservation Commission (and likely NHESP) would require engineering analysis and designs.

Butch has solicited scopes/quotes from multiple engineering firms. To date, just one proposal has been received (for services including survey, design, permitting, bidding, wetlands delineation and soil borings) in an amount of \$73,425 (to tackle both culverts). We expect to receive other quotes in order to confirm that this pricing is competitive.

I see two options to proceed:

- Seek ARPA funding for the soft costs, with the goal of getting the work permitted over the winter in order to have known construction costs timely for a Spring Town Meeting article request (to fund construction); or
- Await Spring Town Meeting to seek funding for soft costs.

I favor the first approach, since the second approach would almost certainly mean that construction could not take place until spring 2025. In light of these known deficiencies, Butch (with my support) has already made the decision to remove Coffin Street from the 2024 paving list; so if we lose another year to replace the culverts, that paving schedule would (likely) slide further until the 2026 season.

However, because the Board has not formally considered this matter previously, I wanted to raise this for discussion, to get your feedback, prior to potentially preparing an ARPA funding request later this fall.



MILLENNIUM ENGINEERING, INC.
Land Surveyors and Civil Engineers

October 3, 2023

Mr. Butch Hills
Town Hall
381 Main Street
West Newbury, MA. 01985

Subject: Engineering Services Proposal for
Culvert Replacement at two locations on Coffin Street

Dear Butch,

Thank you for contacting Millennium Engineering, Inc. (MEI) concerning survey and engineering services for the replacement of two cross-culverts on Coffin Street. It is our understanding that the culverts and Coffin Street were recently overtopped by historical rainfall events occurring in August 2023. Damage to a portion of the Coffin Street pavement occurred at one of the cross-culvert locations.

Project Understanding

The Town of West Newbury is soliciting a Request for Proposals concerning the design and permitting for the removal and replacement of two corrugated metal cross-culverts on Coffin Street. The cross-culverts appear to be 36-inch and 15-inch diameter corrugated metal pipes traveling under Coffin Street and extending 8-10 feet beyond the roadway pavement on each side. The inlets and outlets include stacked stones acting as headwalls to maintain roadway cross-section elevations outside the pavement. The pipes and headwalls appear to be in poor condition given their age and material composition.

Location 1

An existing 36-inch corrugated metal pipe, approximately 40-feet long, is located at or near the property line separating 33 and 37 Coffin Street. It appears the Coffin Street Right-of-Way (ROW) is variable width and is estimated to be 45feet +/- wide at the subject location, per Town GIS mapping. Roadway pavement width is estimated to be 20-feet wide throughout the project area with 2-foot shoulders present on each side. An 8-inch water main serves the various properties along Coffin Street and appears to be located below the cross-culvert. Land use abutting the project area is residential with several properties bordering the expected project / work area.

Wetland resource areas are present at culvert ends. On-site inspection and a review of the USGS National Map Viewer and MassMapper (GIS) indicates an intermittent stream is present within the resource areas.

Massachusetts: 62 Elm Street Salisbury MA 01952 Phone: 978-463-8980 Fax: 978-499-0029 www.mei-ma.com
New Hampshire: 13 Hampton Road Exeter NH 03833 603-778-0528 603-772-0689 www.mei-nh.com



MILLENNIUM ENGINEERING, INC.
Land Surveyors and Civil Engineers

Proposed improvements will focus on the removal and replacement of the existing culvert and headwall and related roadway repairs. Sizing analyses will be performed and two options will be provided to the Town to determine the preferred material and configuration of the culvert / headwalls. Roadway profile modifications will most likely be required to address increased culvert size and presence of the existing water main.

Location 2

An existing 15-inch corrugated metal pipe, approximately 40-feet long, is located at the property line separating 67 and 73 Coffin Street. The pipe is deformed, most likely from vehicle loads and limited cover. The ROW at the culvert is estimated to be approximately 50-feet wide per Town GIS Mapping. Roadway pavement widths in the project area are 20-feet +/- with 2-foot shoulders present on each side. An 8-inch water main is present within the work area and appears to travel below the cross-culvert. Land use is residential abutting the project area.

Wetland resource areas are present at the culvert ends. On-site inspection and a review of the USGS National Map Viewer and MassMapper (GIS) indicates an intermittent stream is present.

As with Location 1, proposed improvements at Location 2 will focus on the removal and replacement of the existing culvert and headwalls. Sizing analyses will be performed and two options presented to the Town to determine the preferred material and configuration of the culvert / headwalls. Roadway profiles modification will most likely be required to address the proposed culvert size / layout.

Scope of Services

A. Field and Office Survey Services

1. Gather record plan and deed information for project parcels. Effort includes review of information at Essex County Registry of Deeds and West Newbury Assessor's Office. Public and Private utility companies will be contacted for record utility plan information.
2. MEI shall employ a Wetland Scientist to perform wetland delineations at the two project locations.
3. Field locate any record monuments and other property line evidence visible in the field. Analyze record information and evidence found in the field for determination of approximate ROW and property lines.
4. Perform horizontal and vertical control survey. Horizontal control will be based on the NAD 83 Massachusetts Coordinate System. Vertical control will be based on NAVD 1988 Datum.
5. Perform topographic survey of project area. Effort includes location of: visible utility structures, pavement areas, fencing, utility poles, stone walls, trees greater than 8-inches, wetland resource delineation, and other ancillary features of the two Locations. Spot grades will be gathered to present elevation contours, at 1-foot intervals.
6. Prepare Existing Conditions Plan suitable for filing with regulating Boards and Agencies. Plans will be certified by a professional land surveyor registered in the Commonwealth of Massachusetts



MILLENNIUM ENGINEERING, INC.
Land Surveyors and Civil Engineers

B. Engineering Services

Preliminary Design

1. Meet with CLIENT to review goals of the project, schedule, preferred culvert locations and materials, wetland resource permitting, dewatering / temporary stream diversion, and future construction traffic management.
2. Perform wetland resource delineation including bordering vegetated wetlands, stream, and embankment.
3. Perform 2 soil borings, if required, at Location 1 for structural design purposes. Borings are required to address possible box culvert and related headwall design and configuration.
4. Perform preliminary stormwater watershed runoff analysis for existing and proposed conditions.
5. Develop two preliminary cross-culvert options for each location. Option one will identify pipe and headwall configuration while the second option will focus on pre-cast, open bottom culvert and headwalls.
6. Graphically show preliminary pipe / pre-cast culvert size, layout (horizontal and vertical) and headwall locations on Preliminary Plans. Impacts to resource areas will be identified and presented on the Plans.
7. Prepare Preliminary Design Plans detailing proposed improvements including culvert and headwall layout, roadway repair / improvements, stream diversion considerations, and resource area impacts and utility relocation, if required.
8. Prepare preliminary construction cost estimates for the various options. Unit pricing will follow the Massachusetts Department of Transportation Construction Cost Estimator data.
9. Submit Preliminary Design Plan to CLIENT for review and approval. Effort will include one meeting with Town personnel to review preliminary layout and determine preferred design / layout.

Permitting – Notice of Intent Filing

1. Prepare Notice of Intent Plans suitable for filing with the West Newbury Conservation Commission and the Massachusetts Department of Environmental Protection (DEP). It is expected one Notice of Intent will be filed consisting of both locations.
2. Prepare Notice of Intent application and supporting documents for filing with the West Newbury Conservation Commission and DEP. It is expected the Town will prepare certified abutters list and notice abutters for the public hearing.
3. Attend up to two (2) public hearings with the Conservation Commission to assist Town with public presentation. It is expected the Town will record Order of Conditions at the Essex County Registry of Deeds.

Final Design

1. With CLIENT approval, finalize layout of preferred culvert/headwall options, incorporate requested changes by the West Newbury Conservation Commission, and determine required sheets / details for the Plan Set.



MILLENNIUM ENGINEERING, INC.
Land Surveyors and Civil Engineers

2. Finalize site grading for headwall areas and replication areas, if required.
3. Finalize stormwater watershed runoff analysis for existing and proposed conditions. Prepare Stormwater Management Report Effort will include the preparation of a storm-water management report and stormwater pollution prevention plan.
4. Finalize roadway improvements including profile and cross-section modifications. It is expected approximately 200-feet of roadway improvements will be required at Location 1 and 100-feet at Location 2.
5. Prepare Traffic Management Plan detailing typical guidelines such as lane closures, detours, and management devices. The selected contractor will be responsible for Traffic Management.
6. Prepare ancillary plan sheets to support the final design plan-set. Plans include Cover Sheet, General Notes and Legend sheet, Detail Sheets and Erosion Control Plan.

Bid Phase

1. Prepare technical and contract bid specifications suitable for bidding. Specifications will be in conformance with Massachusetts General Laws for public bidding.
2. Provide Town with up to 15 hard copies of specifications and plans for contractor review / bidding.
3. Assist Town will contractor questions on bid documents. Prepare addendum(s), if required, and submit to contractors.
4. Attend bid opening and assist Town determination of apparent low bidder. Prepare Canvass of Bids detailing unit pricing and bid totals.

Exclusions

The following additional services are not included in the Scope of Services listed above. These additional services, if required, will be performed at a mutually agreed to compensation.

- Application filing fees.
- Providing backhoe and operator for soil evaluations.
- Structural and/or Geotechnical engineering services. (NEED THIS REMOVED???)
- Plan revisions required by CLIENT, Municipal and State Boards/Agencies and their representatives, or response to comments received from said Boards or Agencies.
- Hazardous material removal, storage and/or design.
- Additional filings with Town Board's and/or Commissions.
- Filings with the Massachusetts Environmental Policy Act.
- Property Line stakeout
- Construction Layout services
- Traffic Studies
- Easement Plans
- Off-site improvements required by regulating authorities.

It is understood that ENGINEER's services will be limited to the scope of services presented. Should services beyond those specified above be required, ENGINEER will prepare a proposal or amendment, at the CLIENT's request, that contains the Scope of Services and Fee required to complete the additional services.



MILLENNIUM ENGINEERING, INC.
Land Surveyors and Civil Engineers

Compensation

Compensation for MEI's services will be based upon the Lump Sum fees as detailed above. The conditions of engagement will be detailed in the Agreement between the Town and MEI.

The compensation for the Scope of Services described above is as follows:

Description	Lump Sum Cost
Field and Office Survey Services	\$8,200
Preliminary Design	\$25,275
Permitting – Notice of Intent	\$4,000
Final Design	\$16,950
Bid Phase	\$14,800
Expenses	
Wetland Delineation	\$1,200
Soil Borings	\$3,000
<hr/>	
Total =	\$ 73,425

We trust this information is sufficient for your review and if you have any questions or comments, please do not hesitate to contact our office. Thank you for this opportunity to submit this proposal and we look forward to hearing from you in the near future.

Sincerely,

Millennium Engineering, Inc.

Eric W. Botterman, P.E
Principal



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

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

TO: Select Board
 FROM: Angus Jennings, Town Manager
 DATE: October 13, 2023
 RE: Requests for carry-forward of FY23 vacation time

The following additional employees¹ have requested carry-forward of unused FY23 vacation hours through December 31, 2023:

	Department	Carried Over	Hours Taken	Remaining Hours	Requested Carry-Forward
Richard Parenteau	Police	150.0000	90.0000	60.0000	Y

The employees' vacation balances shown above are as of October 13th, and in several instances will be lower by the end of October (when unused hours would expire, unless an extension is authorized).

The Board may consider authorizing an extension for all employees, or on a case-by-case basis (or not at all). We have sent additional follow-up correspondences to Department Heads overseeing employees carrying significant unused FY23 balances, and if any further requests are received ahead of Monday night's meeting these will be presented to the Board.

¹ At its meeting on Oct. 2, the Board approved carry-forward for the 7 employees whose requests were considered that night, which are not repeated here.



X. Use of Town Resources for Event Publicity

The Town uses virtual resources such as its list of email subscribers, its webpage and Facebook accounts, and the electronic sign at the Public Safety Building and other displays on Town Property to publicize events. Because this use may suggest that the Town approves and recommends these events, any use of Town resources for publicity must be for events managed by Town Departments, Boards, Committees or Commissions. Groups that are associated with Town Boards, Committees or Commissions or that have historically been recognized as being associated with the Town may use Town resources for publicity on the approval of the Town Manager or designee.

This policy applies to the Town's initiation of publicity via the means identified, and does not strictly apply to posting of event flyers on bulletin boards in the Town Offices or library. While the Town does not necessarily monitor the content posted on bulletin boards on a daily basis, the Town reserves the right to remove hard copy materials posted by others on public bulletin boards, if such materials are deemed not to advance a public purpose.

Adopted: 10/XX/2023



Town of West Newbury

381 Main Street

West Newbury, Massachusetts 01985

Angus Jennings, Town Manager

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

townmanager@wnewbury.org

TO: Select Board
 FROM: Angus Jennings, Town Manager
 DATE: October 13, 2023
 RE: Known / likely future/active policy initiatives

As you know, the Chair and I maintain a running list of “future agenda items,” which we try to pick off if/as time permits. The following draft policies have been carried on that list for anywhere from months to years. The Chair suggested that we make the full Board more aware of the backlog on policy work. (The following list is limited to Personnel, Financial or Select Board policies, and does not include other work – either active or pending – regarding Bylaw amendments or non-Board policies such as Subdivision Regulations).

- Financial Policies (first priority)
 - Purchasing/procurement policy/practice
 - Procurement conflict of interest
 - Employee reimbursement policy
- Financial Policies (next priority)
 - Antifraud
 - Grant Management
 - Overlay
 - Reconciliations
 - Revenue Turnover
 - Tailings
 - Tax Recap
 - Year-End Closing
- Other anticipated/potential policies
 - Remote Work policy
 - Archaeological Activities and Metal Detecting Policy
 - Workplace Safety (individuals working in buildings alone)
 - CORI policy
 - Mailbox reimbursement policy
 - Drone use / privacy policy

For most of the above, we (staff) have active working draft policies; in some instances, we have had drafts on the books for several years. Unfortunately, due to our sustained and crushing workload, there has not been bandwidth to bring the above forward for formal consideration/adoption. Each of the above remain on my office’s “to-do” list, with (in my opinion) varying degrees of urgency.



**Town of West Newbury
Select Board
Monday, September 18, 2023 @ 5:30pm
381 Main Street, Town Office Building
www.wnewbury.org
Meeting Minutes**

Open Session: Chairwoman Reed opened the session at 5:32pm.

Participation at the Meeting:

- Rick Parker, Wendy Reed, Chris Wile- Select Board
- Ross Capolupo, Dan Innes, Ann O’Sullivan, Rob Phillips- Finance Committee
- Angus Jennings- Town Manager
- Jim Blatchford- Town Clerk
- Christian Kuhn- Town Assessor
- Paul Niman- Capital Improvements Committee applicant
- Mia Thurlow- Cultural Council applicant
- John Duggan, Mark Marlowe- Water Department representatives
- Elisa Grammer- Town resident
- Invasive Plant Working Group

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.
- Fall Special Town Meeting to take place on Monday, Oct. 23, 2023 at 7pm in the Annex
- Call for volunteers! FY24 positions on Boards/Commissions/Committees. See www.wnewbury.org/volunteer
- Reminder to subscribe for emailed Town agendas/news/announcements at www.wnewbury.org/subscribe

Regular Business:

**A. Request for installation of temporary sign to promote Jeanne Geiger’s 32nd Annual Walk Against Domestic Abuse on October 1st in Newburyport – *Jeanne Geiger Crisis Center*
See Exhibit A, p. 2-5. Item withdrawn.**

B. Applications for Committee appointments

- a. Applications for appointment to Cultural Council: Cynthia Coburn; Yetti Frenkel; Brian Kitley; Kimberly Scott; Mia (Flaminia) Thurlow**

See Exhibits Ba1-Ba5, p. 6-10. Parker asked why there were suddenly so many Council applicants and Blatchford explained that due to a drop in Council membership a targeted letter to demographics with potential interest in joining the Council had been sent out. This yielded the five applicants. Parker confirmed the term limit was three years for each applicant. **Parker motioned to appoint the five applicants to three-year terms on the Cultural Council. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

- b. Paul Niman to Capital Improvements Committee**

See Exhibit Bb, p. 11. Reed asked what Niman had done for the DEP, and the applicant replied he was a prominent engineer within the Department for almost 20 years. Niman also revealed he had worked as a DPW director in numerous nearby communities. **Parker motioned to appoint Niman to the Capital Improvements Committee for a three-year term. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

C. Presentation of conceptual plans & route options for Indian Hill Water Pump Station & Pipeline project expected to be proposed by the City of Newburyport – *N’port Dept. of Public Services/Water Dept.*

See Exhibit C, p. 12-36. Representatives from Newburyport and the Water Department spoke to the Select Board. The first speaker stated that environmental concerns (algae blooms, manganese overloads, and inundations from heavy rains) were challenging the infrastructure. Reed and Parker questioned why manganese was found at such high levels lately, and Marlowe informed them that it was most likely from runoff. Other concerns raised by the speaker included higher temperatures, flooding, and more intense storms that can undermine the drinking water supply for Newburyport, Newbury, and West Newbury. The plan to connect Indian Hill, Lower, and Upper Artichoke Reservoirs would provide the City of Newburyport more flexibility to mitigate these challenges. The new piping would pump water versus distributing through a gravity feed. During the discussion of the water pressure, Marlowe asked if it would be possible to hook up West Newbury hydrants to the piping (it would). The representative from Newburyport provided a detailed overview of the project including the field work to be done, the timeline, and additionally, provided the Board with a map of major project components throughout West

Newbury specifying land ownership, potential pipeline routes, buildings and infrastructure concerned, and access points. When the presentation concluded, Board Member Parker inquired if purging the reservoirs could remove manganese buildups to improve water quality. The representative from Newburyport admitted that such a draining was an interesting concept, but difficult. Reed asked about the impacts on West Newbury's streets and received a recap of the impacted portions of the roadways. Wile asked for a cost estimate on the project, but the Newburyport representative was unable to disclose it since the project had yet to be formally approved. The representative instead provided Wile with start dates of the project's two phases (2025 and 2026) should the City decide to go ahead. Reed wanted to be assured of West Newbury's place at the table in the project once things became clearer, since it was West Newbury property was being impacted. On that note, Duggan commented that the pipeline being installed would be "a permanent occupation" of West Newbury's land, and that an equitable exchange should be thought up such as guaranteed water rates or access to it in the future. Duggan also was concerned about the aesthetic impacts of the project (namely power lines running through natural spaces) and wanted clarity on public outreach efforts. He suggested that West Newburian conservationists and outdoor enthusiasts be given a seat at the table along with the Select Board. **No motion was made at this time.**

- D. Discussion of Sea Level Rise design parameter for potential new public water supply site, incl. cont'd discussion from Sept. 8 mtg regarding draft Weston and Sampson peer review of 31 Dole Place**
See Exhibit D, p. 37-48. Continuing discussion on Weston & Sampson's findings. The 31 Dole Pl. field would be swamped by higher sea levels, so the firm suggested reevaluating the site. The Board wanted to better define and set a sea level rise number (in feet) before proceeding with a reevaluation. Jennings relayed that Weston & Sampson could create maps for the Town showing impacts of 100-year storm flood levels (which would be helpful in evaluating a site) but this would require reconfiguring the scope of the firm's directive. The Board and Manager discussed if the money allotted for the Dole Place study could be applied to these projects. Wile asked if Weston & Sampson had said how many work-hours a different project would consume, and Jennings told him that eight hours had been proposed for the mapping but beyond that it would be unclear until a new deliverable was established. Parker suggested that the mapping would be a valuable resource to determining where new construction might be. Duggan urged the Board to consider building in a shorter time frame to mitigate the upcoming water shortages in West Newbury, i.e. accepting Dole Place, but also urged the Town to look at the cost of adapting and bolstering infrastructure under threat by flooding. Phillips urged greater emphasis to be placed on educating the public on climate change. The discussion continued on the value of putting 30 million dollars toward Dole Place wellfields even with climate change posing a threat, and whether the water there could be sold to other communities. Parker reminded the room they should be plotting to avoid all additional expenses in the future- the numbers at present with regard to sea level rise and other matters may not reflect the future reality. **No motion was made at this time.**

6:45pm: Convene Joint Session with Finance Committee regarding proposed STM Warrant Articles

- E. Consideration of recommendations regarding proposed Warrant Articles for fall Special Town Meeting**
- a. Discussion of potential priority locations and costs for 2024 invasive species management, related to proposed fall Special Town Meeting Article – *ad hoc* invasive species working group**
See Exhibit Ea, p. 52-53. On draft Article 12, members of the Invasive Plant Working Group presented, beginning with a recap of the intern's work on IDing invasive plants and their effects in West Newbury. The proposal would incorporate into the project Cherry Hill Reservoir, Garden St., Middle St., and Mill Pond, with professional help being introduced to expedite the progress. The removal of the invasives would be accompanied by replanting native shrubs. Reed asked about the workload on Michelle Greene the Conservation Agent, and the IPWG member stated her main workload would be managing the multiyear contract. Phillips wanted further education to the community to encourage them to monitor invasives on their own property to help the removal efforts Town-wide. Capolupo of the Finance Committee suggested examining the maintenance costs associated before proceeding full speed to prevent spending vast sums. A member of the Working Group assured Capolupo that if needed they would be able to reverse course. Jennings suggested in future that the invasives prevention become a regular part of the Town budget and Phillips suggested that data be provided to analyze future expenses. Parker agreed on the need for data on the impacts of the treatment program to determine future investment, later saying he felt the Town had been negligent in maintaining Town-owned land. **Wile motioned to approve draft Article 12 to support professional invasive species management. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** Capolupo motioned to approve draft Article 12. **O'Sullivan seconded. The motion unanimously passed. (4 Yes, 0 No, 0 Abstain).**
On Article 13 (to raise funds for the invasive species intern summer program) Jennings provided context on the invasive species internship program. Part of the cost for the interns would be picked up by the anticipated funding of invasive species treatment built into the Town budget, but the initial monies would enable Greene to post the job listings and prepare for the work in late Winter. **Wile motioned to approve draft Article 13. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** Capolupo motioned to approve draft Article 13. **O'Sullivan seconded. The motion unanimously passed. (4 Yes, 0 No, 0 Abstain).**

b. Presentation of Article regarding process and costs associated with Assessing FY25 Certification (including Town-wide Revaluation) – Christian Kuhn, Chief Assessor

On Article 27 (to provide funds for FY25 Assessor Recertification) The Chief Assessor provided contextual information on the recertification and specified the five major components of the process. He identified the two components that would require external help from contractors, the first one being cleaning up personal property delisting and devaluation records from businesses in Town. Kuhn provided recommendations for preferred firms to handle the work. The second component also requiring external help was evaluation of utility properties. The three other components of the recertification process include land, commercial, and residential evaluations. Kuhn told the Board about ideas he had to improve and modernize the evaluation processes. Phillips asked questions on the specifics of where the \$25,000 being asked for was going, and as the group worked out the math, it came up far above what was needed to perform the work. This led to a prolonged discussion on what would be an appropriate amount to ask the Meeting for to accommodate unforeseen expenses. **Wile motioned to accept draft Article 27 with an earmark of \$20,000. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Innes motioned to accept draft Article 27 with an earmark of \$20,000. O’Sullivan seconded. (4 Yes, 0 No, 0 Abstain).**

c. Other Articles included on draft Special Town Meeting warrant

See Exhibit Ec, p. 54-61. On Article 14 (to provide funds for an interior scan of Page School), Jennings told the group about how the interior scan came onto the radar, largely as a result of the conditions study undertaken in the building. The Town Manager felt the scan was interesting and potentially good for outreach, but not completely necessary. Phillips asked if the scan would be helpful to the creators of the conditions study but Jennings said that the scan would not come on-line until later in 2023, which would not have an impact on the study. Jennings relayed that Chief Dwyer had cautioned about sharing the scan publicly outside of controlled Town events. The group debated the efficiency of spending the money when potentially more would need to be spent on the Page School project going forward, and whether a set of photos/videos instead would be good enough. Jennings again said that the scan could be provided after the report from Gienapp Architects, so the VR tour would have no bearing on the completion of it. **Wile motioned to remove draft Article 14 from the Warrant. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

Item G was taken out of order at this time.

F. Review/approve MESA checklist for submittal to MA Dept. of Fish & Wildlife regarding Ash Street management; including vote to authorize Town Manager to sign application on Board’s behalf

See Exhibit F, p. 62-88. Jennings told the Board that a portion of Ash Street had been identified as an endangered species habitat, meaning that roadwork in the swamp section would need further state oversight through permitting. In light of this, work had been done to create a checklist for submission to MESA by Town staff including members of Public Safety, DPW, and Conservation. The submission would bring the community back into compliance with the Commonwealth. **Parker motioned to approve submission of the checklist and the Town Manager signing the application on the Board’s behalf. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

G. Authorize Town Manager to sign and submit Request for Determination of Applicability (RDA) to Conservation Commission for removal of invasive water chestnut from Mill Pond

See Exhibit G, p. 83-95. The Town Manager updated the Board on where things stood regarding the water chestnut removal. **Wile motioned to authorize the Manager to sign and submit the Request. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

At this time the Board took up Item F.

Prior to Item H, Elisa Grammer spoke to the Board regarding Municipal Energy Aggregation, an Item which was not on the Agenda. Grammer urged the Board to submit comments to the Department of Public Utilities and the state legislature regarding changes to the Department’s processes and sign on to a letter sponsored by Colonial Power Group, with whom West Newbury had been working on municipal energy aggregation. In her view, the changes would be slowing down even further the DPU’s work and disrupting the present statutes, and that legislation would be needed to rectify the situation. Previously the Select Board had been urged by Colonial Power Group to do this as well. Reed asked what exactly the regulatory agency was attempting to do and why. Grammer answered that the concern was municipalities would be less regulated under the changes and that the Department was concerned about the ability of the utility companies to sell energy as a default backup- she referred to the DPU as a “troubled agency” whose motives were unclear. Reed asked Parker if the Energy and Sustainability Committee had looked into the matter. Parker said they were aware of it but had not taken it up. After hearing more about what was required to submit their feedback, **Parker motioned to submit a letter as amended by Grammer to the state legislature. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). The Board tabled for future discussion sending comments to the Department of Public Utilities directly.**

H. Updated proposed schedule, and revised project approach, for Church/Prospect water main replacements

See Exhibit H, p. 96-98. West Newbury planned to carry out the replacement project in one bloc versus in pieces as it had been previously structured. Jennings explained the next steps (meetings, payment of fees, etc.) Jennings said that the Board would be asked to vote on a revised Memorandum of Understanding in two weeks. The three Board members debated what the cost of the project might be given funding sources, supply chain issues, and estimates the Town had received. **No motion was made at this time.**

I. Review of letter from Merrimac Select Board regarding PRSD Regional Agreement

See Exhibit I, p. 99. The Board looked over portions of the Regional Agreement that other Town officials were concerned about. Their concern stemmed from language regarding consolidation of elementary schools, with Reed feeling that the individual believed the consolidation would be involuntary. The consolidation, as West Newbury envisioned it, would be intended for mutual financial benefit and agreed upon by the three PRSD municipalities. **No motion was made at this time.**

J. Request for authorization to apply for Community Compact Municipal Best Practices grant to fund new software for budgeting, personnel budgeting and capital budgeting

See Exhibit J, p. 100-105. Reed asked about the categories of the Grant and when the next time West Newbury would be eligible was, and Jennings stated the Town was eligible every two years. As the discussion continued, Jennings explained why he felt the need for the software (largely as a way to reduce manhours and manage internal communication better). The new software would enhance accuracy by allowing the Town to work with hypothetical numbers (for inflation, COLA, and other aspects) for budgeting purposes and bring together more collaborators with ease through cloud-based technology. The Board discussed how the software could be optioned (a la carte or packaged) and what the fees would be. The Grant would cover \$40,000, but annual costs after the Grant would expire would be \$28,000. **Wile motioned to allow the Town to apply for the Grant. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

K. Discussion of Personnel Policy vacation policy; potential referral for future public hearing

See Exhibit K, p. 106. Jennings briefed the Board on the status of unused vacation time, and then launched into an update on the repeal of the Personnel Policy. It had been decided that an amended Policy, with edits made by Reed, should be floated instead. **Parker motioned to have public hearing on the Personnel Policy. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

L. Review/confirm Select Board mtg schedule for last part of 2023 through April 2024

See Exhibit L, p. 107. Wile motioned to accept the tentative dates. Reed seconded. **The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

M. Meeting minutes: August 21, 2023; September 5, 2023

See Exhibit M, p. 108-116. Reed motioned to approve the August 21 and September 5 Meeting Minutes. Parker seconded. **The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

Town Manager Updates:

N. Update regarding paving contract, including confirmation of roads and sites included in paving scope

See Exhibit N, p. 117. Jennings briefed the Board on the history of paving in the last couple years, highlighted by the prior paving company withdrawing from their contract with the Town due to financial stresses, and the signing of a contract with a new firm. Jennings laid out timelines on various Town projects, including culvert replacements on River Rd./Coffin St. that require permitting and greater state oversight. Discussion took place on the culvert replacements and their locations. The Town Manager touched on the challenges of funding various studies and analysis related to the culvert replacements and this flowed into talk on road repair master planning. **No motion was made at this time.**

O. Updates on other ongoing/active projects/initiatives

There was brief discussion on Board Committee Commission contact information, and Wile suggested analysis of the Andreas Property as a Town-owned property able to be tapped for water. **No motion was made at this time.**

P. Follow up meeting assignment; placing items for future agendas

No motion was made at this time.

Wile motioned to enter Executive Session. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). The Board entered Executive Session at 9:31pm.

To access a video recording of the meeting, use the link below:

<https://www.youtube.com/watch?v=4cjpgBOomwI>



Town of West Newbury
Select Board and Finance Committee Joint Meeting
Wednesday, September 27, 2023 @ 6:00pm
381 Main Street, Town Office Building
www.wnewbury.org
Meeting Minutes

Open Session: Chairman of the Finance Committee Rob Phillips opened the session at 6:00pm.

Participation at the Meeting:

- Rick Parker, Wendy Reed, Chris Wile- Select Board
- Ross Capolupo, Dan Innes, Ann O’Sullivan, Rob Phillips, Jim Sperelakis- Finance Committee
- Angus Jennings- Town Manager
- Jim Blatchford- Town Clerk
- Sue Brown- Town Planner
- Jenny Walsh- Town Accountant
- Bob Janes, Mark Marlowe- Water Department representatives

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.
- Fall Special Town Meeting to take place on Monday, Oct. 23, 2023 at 7pm in the Annex
- 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

6:00pm: Convene Joint Session with Finance Committee regarding proposed STM Warrant Articles

A. Consideration of recommendations regarding proposed Warrant Articles for fall Special Town Meeting: proposal from Weston & Sampson for study of sites for viability as water sources and other Articles included on draft Special Town Meeting warrant

On Article 16 (amending the Zoning Bylaw to revise and add Section 6 on Accessory Dwelling Units) Town Planner Sue Brown spoke. According to the Planner, after research into other communities, the plan to establish an ADU Bylaw had crystalized in 2023 in an effort to diversify housing stock and offer more affordable options. She said the Planning Board had voted no changes on the proposed Bylaw and they recommended adoption (5-0). The Building Inspector also recommended approval. Reed asked if the ADU Bylaw would enable someone to still have a short-term rental. Brown responded that the ADU would be treated as an extension of a home, and so if short-term rentals were still permissible in West Newbury after the Special Town Meeting, ADUs would be allowed to serve as rentals. Dan Innes asked how the ADU would be taxed. It was clarified that the tax bill would be applied to the property owner but itemized by structure. Parker asked if a revenue-producing property’s introduction would impact property values, and Phillips clarified it would be based more on the values/properties of the structure itself. Wile asked if a multi-family dwelling could put in an ADU and Brown said that it would be restricted to single family homes only. **Wile motioned to approve draft Article 16. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Innes motioned to approve draft Article 16. O’Sullivan seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain).**

On Article 17 (amending Section 7 of the Zoning Bylaw and replacing it with a new Section 7, the Nonconforming Use Bylaw) Town Planner Sue Brown spoke. The amendment was brought by the Building Inspector to create more efficiency and enforceability in the Zoning Bylaws. The amendment focuses on the nonconforming use permitting process. With this amendment, the issuing of said permits can be done administratively provided that the alteration to the structure does not create a new non-conformity. The group identified some sections of the proposed Bylaws that required further clarity. Reed suggested voting on the measure pending clarification of the language. **Wile motioned to approve draft Article 17 pending clarification on Section 7.6.1C3 from the Building Inspector and the answer not intimating substantive changes to the regulation. Reed seconded.** Parker asked again for clarification on 7.6.1C3 before the final vote, and Brown stated she felt that the Section meant that someone reconstructing after a catastrophe and/or demolition could not exceed the original floor area or footprint of the structure, or exceed applicable requirements regarding setbacks. **The motion then unanimously passed. (3 Yes, 0 No, 0 Abstain). Innes motioned to approve draft Article 17 pending the Non-Conforming Uses Bylaw. O’Sullivan seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain).**

On Article 6, (to fund the Weston & Sampson hydrogeological study) Jennings briefed the room on the need to reconsider water source viability with regard to sea level rise (based off the 100-year storm levels plus 6 feet metric). Weston & Sampson had engaged in mapping work in other communities to identify threats such as these. The firm provided the Town a map, which the Select Board and Finance Committee viewed for the first time. Before delving into greater discussion, Select Board member **Wile motion to approve draft Article 6. Parker seconded.** Parker endorsed the study despite previous skepticism of its efficacy as a planning tool- citing it as a methodical step to analyze a number of variables in one go. The further studying would cost the Town time putting another well in but the detail it offers is very valuable. Discussion carried on, touching on a number of issues including the Artichoke watershed, water rights, and previous testing techniques used and locations in Town. Parker brought up the concern of potentially interfering with the Parker River watershed if a water source was found there though Reed said that it might be unlikely. The room debated whether 31 Dole Pl. ought to be considered in the new study, with some saying that all the angles had been covered on Dole Place with previous analyses, and others saying that it should be looked at within the context of the new study and serve as a benchmark. Reed reached out to Marlowe and Janes. Janes said they could not comment on the materials provided by Weston & Sampson because they had not had time to read over the very recently released map.

Select Board Open Session Meeting September 27, 2023.

Minutes approved XXXX

Posted Agenda on September 25, 2023 at the Town’s Offices and the Town’s Official Website www.wnewbury.org

Janes said he felt Dole Pl. should still be considered, and that there were a few other sites he wanted to examine but could not reveal due to negotiations with the landowners. He also referred to the Dunn property (drillable but high in sodium content) and the Andreas property (drillable but high in radon). Janes outlined problems with other sites that had been considered, offering to make the information available to anyone who needed it. Sperlakis asked if the new study would take into account PFAs- Reed stated that PFAs analysis would most likely be conducted in a secondary phase. **The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Innes motioned to approve draft Article 6. O’Sullivan seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

On Article 2 (to see if the Town will transfer an amount from Free Cash to reduce tax rates) Jennings asked the Board to make their recommendation. He provided information on the matter from a memo in the Select Board packet which provided the data on the tax rate and proposed transfer (this year in the amount of \$250,000). Phillips provided further data on the historical ups and downs of the Free Cash fund, and the group discussed. Wile felt it was best to keep the taxation rate the same, as did O’Sullivan. Many in the room emphasized the need for a projection of future capital expenses/debts related to upcoming projects to enhance decision-making (Jennings relayed that the proposed ClearGov budgeting software being pursued by grant would assist with this process). **Parker motioned to approve draft Article 2 transferring the amount of \$222,000 to reduce tax rates. Reed seconded. The motion passed. (2 Yes, Wile No, 0 Abstain).** Despite the affirmative vote, the Board did not recommend the provision. **Reed motioned to remove the Article from the Warrant. Wile seconded. The motion passed. (2 Yes, Parker No, 0 Abstain).**

On Article 3 (proposed amendments to the FY24 Budget) Jennings highlighted updated numbers to the Pentucket Regional School District budget. **Wile motioned to approve draft Article 3, Line Item 21. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Innes motioned to approve draft Article 3, Line Item 21. O’Sullivan seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain).**

On Article 11 (to undertake an engineering study on drainage on portions of Bachelor St., Main St., Maple St., and Meetinghouse Hill Rd.) Jennings stated he did not expect much support for the measure. **Wile motioned to remove draft Article 11 from the Warrant. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** The Board was concerned about the precedent being set that the Town fund activities on private-owned land, despite sympathy toward impacted landowners. Reed said that funds were available to assist these homeowners (though not from Town sources).

On Article 14 (to purchase property at 114 Ash St. in conjunction with Essex Greenbelt) **Wile motioned to approve draft Article 14. Parker seconded.** Wile offered his thoughts on repeated violations of conservation restrictions through time in West Newbury, which were a threat even with the protections imposed by the potential purchase. **The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Innes motioned to approve draft Article 14. O’Sullivan seconded. The motion unanimously passed (5 Yes, 0 No, 0 Abstain).**

On Article 21 (repealing the Personnel Bylaw), Jennings explained that revised a Personnel Policy was forthcoming, and that the Town Manager would be given the management of personnel matters. **Wile motioned to repeal the Personnel Bylaw under the auspices of draft Article 21. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Innes motioned to repeal the Personnel Bylaw under the auspices of draft Article 21. O’Sullivan seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain).**

On Article 25 (to establish an Opioid Settlement Stabilization Fund) Jennings offered additional information on the framework for use provided by the Commonwealth. The Select Board were named as plaintiffs in the suit, enabling them to spend the funds unless they chose to delegate that responsibility. **Wile motioned to accept draft Article 25. Parker seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Innes motioned to accept draft Article 25. O’Sullivan seconded. The motion unanimously passed. (5 Yes, 0 No, 0 Abstain).**

B. Applications for Committee appointments

a. Alejandra Chandler as Associate member to Conservation Commission

Parker motioned to appoint Chandler as an Associate member for the Fiscal Year. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). Parker asked after the vote why the switch in responsibilities was taking place, and it was determined that Chandler was unable to attend all the required meetings.

b. Haley McCraven to Conservation Commission

Parker motioned to appoint McCraven to the Commission for the Fiscal Year. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).

Parker motioned enter Executive Session. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). The Board entered Executive Session at 8:40 pm.

To access a video recording of the meeting, use the link below:

<https://www.youtube.com/watch?v=K6-wtbwJdKQ>



Town of West Newbury
Select Board Joint Meeting
Monday, October 2, 2023 @ 7:00pm
381 Main Street, Town Office Building
www.wnewbury.org
Meeting Minutes

Open Session: Chairwoman Reed opened the session at 7:00pm.

Participation at the Meeting:

- Rick Parker, Wendy Reed, Chris Wile- Select Board
- Angus Jennings- Town Manager
- Jim Blatchford- Town Clerk
- Michael Dwyer- West Newbury Fire and Police Chief
- Jason Goldweber- Mill Pond Committee applicant
- Kevin Bowe- Cable Advisory Committee representative
- Rob Phillips- Finance Committee representative

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.
- Merrimack River boat tour fully booked; keep an eye out for future events and activities as part of River Road resiliency planning, funded by Municipal Vulnerability Preparedness (MVP) Action Grant!
- Fall Special Town Meeting to take place on Monday, Oct. 23, 2023 at 7pm in the Annex
- Call for volunteers! FY24 positions on Boards/Commissions/Committees. See www.wnewbury.org/volunteer
- Reminder to subscribe for emailed Town agendas/news/announcements at www.wnewbury.org/subscribe

Regular Business

- A. Request for appointment of Liam Grenham as Police Officer-Police Chief Michael Dwyer**
See Exhibit A, p. 3. Dwyer talked about Grenham’s previous service to the Town as a dispatcher, as well as his education and family background. After attending the Police Academy, Grenham will join the force as an officer in May. The appointment of Grenham means a return to 10 full-time officers on the West Newbury force. **Parker motioned to appoint Grenham to the West Newbury Police Department as a full-time officer. Wile seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**
- B. Notification of appointment of Michael Dwyer as Interim EMA Director**
See Exhibit B, p. 4-5. Jennings explained that Lee Ann Delp, the present Director, was resigning, and that the Chief would be taking the reins for the time being. **No motion was made at this time.**
- C. Request for appointment of Jason Goldweber to Mill Pond Committee**
See Exhibit C, p. 6. Parker stated it was valuable that Goldweber had a degree in Environmental Studies. **Wile motioned to appoint Goldweber to the Committee. Parker seconded.** Blatchford confirmed it was a one-year term expiring in June 2024. **The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**
- D. Select Board review of Committees' charge/ function: Cable Advisory Committee**
See Exhibit D, p. 7-11. Reed tried to get clarity on the length of terms for the Committee. The draft charter at present includes a different term length than those for present members. It was discussed if it was appropriate to have Adam Stone (A/V specialist) as the “staff liaison” which Jennings felt was not the best match since he was not a Town employee- though he lauded Stone’s dedication to supporting the Town’s functions. Following that, the Board went over the Committee’s accomplishments. Reed asked what a “Field Kit” was- and Bowe explained it was a tool to help residents come up with their own local programming. Bowe talked about the present equipment and what he would like to see it be used for. Also discussed was the hope to make PEG funding sustainable, since long-term projects could be hampered by lack of funds. Lack of funding has not been an issue so far in West Newbury. Bowe hoped that a local TV studio would eventually be developed. Reed and the Board began looking over a draft charter for the Committee, analyzing it and offering critiques. The worry about PEG funds drying up as cable becomes outmoded was discussed- how would CAC and its activities be funded without that money? How can the CAC and its activities evolve to meet new needs and challenges? Wile asked, regarding Bowe’s hope about establishing a local TV studio, if the high school already had one. One challenge with the establishment of a community TV studio in the high school would be the regional nature of the school district: would West Newbury’s efforts to establish their own local studio there cause friction with respect to Merrimack and Groveland? Bowe enthused that the opportunity to do programming for the Town and the students would be very valuable- and hoped that streaming would become a bigger part of the picture. **No motion was made at this time.**
- E. Review of updated draft Warrant for Fall Special Town Meeting; discussion of draft articles, if needed**
See Exhibit E, p. 12-25. A fresh version of the Warrant with changes suggested by Town Counsel was circulated. No substantive changes were reported. The Board and the Manager discussed placement of Articles in the Warrant and some of its contents (mainly dollar amounts that had changed).
- F. Request for ARPA funding to support repair of sills / remedial masonry work at Page School**
See Exhibit F, p. 26-48. Jennings told the Board that back at the Annual Town Meeting funding had been approved to study the sills. A draft RFP was provided to the Board that provided for replacement and repairs at a cost of \$50,000 using ARPA funds to get the project underway ASAP. If ARPA funds were not used it would go to a vote at the upcoming Annual Town Meeting. Wile asked about the level of detail in the study and Jennings told him it was

Select Board Open Session Meeting October 2, 2023.

Minutes approved XXXX

Posted Agenda on September 28, 2023 at the Town’s Offices and the Town’s Official Website www.wnewbury.org

robust. The work would not include restoration of the sills after shoring them up for safety. Parker expressed his reservations on using the funds on the Page School, still hoping to put it toward the Middle Street Bridge, saying that the Town had still not actively courted their legislators for help on acquiring the additional funds (besides ARPA) to get that project executed. Work on the sills would not begin until next Spring, but it would put the Town at a better juncture than waiting. The Board tried to ascertain who would be using the School at different points during the Summer and if it would interfere with the work but no major obstacles were cited. **Wile motioned to use \$50,000 in ARPA funds for the repair of sills. Reed seconded. The motion passed. (2 Yes, Parker No, 0 Abstain).**

G. Review employee requests for carry-over of unused FY23 vacation time until December 31, 2023

See Exhibit G, p. 49. For perspective, Jennings said that this matter had been taken up every year for the last few years and explained a bit more about the concept and its development as a result of the coronavirus pandemic. It was revealed that there were employees with vast quantities of unused vacation time, and using it up would leave departments short-staffed if it was mandated to do so. **Wile motioned to accept employees carrying over time until December 31st, 2023. Parker seconded.** The room discussed the cut-off date, which last year was December 7th. Jennings said that research into policies in other communities revealed a variety of approaches, and no approach was perfect. **The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

H. Review of draft amendments to Personnel Policy; consideration of referral to public hearing

See Exhibit H, p. 50. The Board looked over proposed amendments. Jennings suggested if the Board liked any of the amendments, they should refer them to a future hearing to handle the amendments in one go as a whole slate. Jennings said that no comments had been submitted regarding the amendments originally planned for the hearing this evening. The Board discussed the closure of the Town Offices on the day after Thanksgiving. It was at present treated as a “snow day” for employees. Previously, it had not been recognized as an official day off by the Town because of union contracts. In 2023, all union contracts recognize the Friday after Thanksgiving as a holiday, meaning the procedure of making it a “snow day” is no longer necessary. The change would impact policies at other Town entities beyond Town Offices such as the Library. In the view of the Manager, it would hinge on the level of service the Town wishes to provide in its various branches on that Friday. **Parker motioned to have a public hearing to consider changes to the Personnel Policy.** Before the final vote, Parker pointed out that the definition of a “day” was unclear across the Policy. **The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** Discussion continued on the history of the Personnel Policy, accruals, and definitions.

I. Public Hearing to consider proposed amendments to Personnel Policy Sec. 1.4 Amendment of Policies

See Exhibit I, p. 51-78. Item tabled until October 16, 2023.

J. Review of proposed amendments to Select Board policies: Agenda Items; Signs on Town Property

See Exhibit J, p. 80-92. Reed encouraged her fellow Board Members to examine the policies and propose any changes, deletions, or updates necessary. In this case the Board focused on signage on Town property and Agenda Items (such as setting a firmer deadline for submissions to the Board’s Agendas) after Clerk Blatchford had conducted a review of the policies and highlighted issues. The Board discussed these and other concerns they had with vague language, outdated segments giving them authority over matters which they no longer do, and other aspects. **Wile motioned to accept the amendments. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).** Parker suggested a thorough review of the entire body of policies.

K. Consideration of potential new policy to establish criteria for use of Town Facebook, email notifications, etc. for communications and publicity

See Exhibit K, p. 93. Reed outlined several recent email postings that endorsed private or quasi-private activities or groups. The Chair offered criteria, after Wile emphasized that those receiving Town promotion should be only Town or Department entities/persons. Other suggestions were taking care to not endorse candidates or issues. Jennings provided context to the Board of who at Town Offices were handling email blasts from the Town (essentially the Town Manager, Clerk, Executive Assistant, Assistant Clerk). It was suggested to steer people not affiliated with the Town to other Town-related websites to promote their events. The room debated merits of various proposed policy aspects. The group felt that a greater discussion was warranted. **No motion was made at this time.**

L. Clarification of policy regarding use of EV Charging Station revolving fund to pay related electric bills; potential revision to rate for use of charging stations

See Exhibit L, p. 94. Jennings stated that usage was not covering the expenses of the Stations at Town Offices and Page School. Reed inquired about charging more from the users. The room wondered if it was mandatory to keep them operating if the Town was operating at a loss. **No motion was made at this time.**

M. Select Board liaison updates regarding recent or near-term Board/ Commission/ Committee activities

Wile said he had not yet been to any meetings besides the Finance Committee and provided updates on which meetings he was intending to sit in on. He planned to contact his assigned BCCs via email to get an overall feel. Parker said he had been to a few meetings but had no updates to provide. **No motion was made at this time.**

N. Town Manager recommendations re draft Select Board/Town Manager Goals/ Priorities for FY24

See Exhibit N, p. 95-107. A follow up to prior discussions, Reed wanted to highlight various differences between the Board and Manager matrixes so they could discuss them, feeling that some things therein had already been done or were in progress. They discussed interest in certain aspects of the matrix such as performance reviews, the need to address CSOs and Merrimack River Pollution, the Carr Post project and its status, Fire Department reorganization, and several others. Jennings felt that continual sharing of information through the matrix was valuable to keep up, even if all the items weren’t being addressed every meeting. **No motion was made at this time.**

- O. Updates regarding Goals/Priorities; potential to initiate facilitated goal-setting/prioritization workshop**
Jennings said that in his past employment in Westford that leadership development trainings had been very valuable to attend. He hoped to bring this approach to West Newbury, and spoke with a Carlisle-based consultant on two occasions with Wendy Reed and Rebecca Ambra (Executive Assistant to the Town Manager) and solicited a proposal on how the consultant could help. Reed endorsed the idea, and Parker expressed his willingness to see what the consultant could bring to the table. Reed also wanted to create a standardized approach to communicate priorities to Boards, Committees, and Commissions to work more cooperatively and make sure money is spent on time, goals are unified, etc. The Town Manager said he would send out potential meeting dates to the Board. **No motion was made at this time.**
- P. Meeting minutes: September 14, 2023**
See Exhibit P, p. 108-110. Parker motioned to accept the September 14, 2023 Minutes as amended. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).

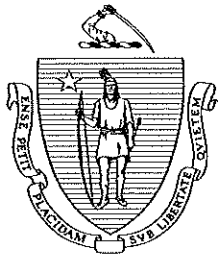
Town Manager Updates

- Q. MVP Action Grant updates (regarding River Road resiliency planning); consideration of whether to pursue consolidated public outreach/planning event (with Rte. 113 corridor planning), or separate events**
See Exhibit Q, p. 111-125 (Minutes for group posted twice). Parker and Jennings talked about the volume of administrative requirements of the Grant, and lauded Elisa Grammer for leading the charge on much of the organization. Jennings urged the Board to check out the Minutes as they proved valuable. Jennings wanted to confirm with the Board that it was OK to put up signage relevant to the MVP Action Grant which prompted discussion. Jennings relayed that an event on November 15th for the public on Rte. 113 and River Rd. MVP projects was in the works (reference to this “summit” are found at previous Select Board meetings through the Summer and Fall of 2023). **No motion was made at this time.**
- R. Process to review request for Certificate of Approval to construct dwelling on land at 520 Main Street subject to Agricultural Preservation Restriction co-held by Select Board and Conservation Commission**
See Exhibit R, p. 126-130. Jennings said the review was not before the Board that evening, but provided an update on process being followed. He said that he and the Conservation Agent had been in touch with the Commonwealth, leading to a planned site-walk of the 520 Main location to address a variety of issues including material stockpiling. Jennings said that no permits for further construction would be created by the State until compliance issues on the property were cleared up. **No motion was made at this time.**
- S. Community Compact grant application (filed Sept. 28 for new budgeting/capital planning software)**
See Exhibit S, p. 131-134. Jennings said the application had been filed, and an agreement had been signed with ClearGov to help with Town financial activities. Jennings said he and Town Accountant Walsh would be scheduling a training on the new computer program in the near future. Reed asked if there was a large amount of administration to be done with the Grant, but Jennings said there wasn't. **No motion was made at this time.**
- T. Town Planner Report, September**
See Exhibit T, p. 135-136. **No motion was made at this time.**
- U. MS4 Annual Report (filed with U.S. EPA late September)**
See Exhibit U, p. 137-159. Jennings lauded the Annual Report as a team effort, saying that various members of the DPW contributed to its creation. **No motion was made at this time.**
- V. Updates on other ongoing/active projects/initiatives**
Parker brought up a package created by Elisa Grammer submitted to the Town regarding issues with the DPU and municipal power aggregation. He urged the Town submit the letter proposed by Grammer with the Town Manager as the signatory. Time was of the essence, with a due date of October 6th. In addition, Jennings also mentioned that the FinCom Booklet would be on its way to press in the near future. **No motion was made at this time.**
- W. Follow up meeting assignment; placing items for future agendas**
No motion was made at this time.

Wile motioned to adjourn the session. Reed seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). The session adjourned at 10:45pm.

To access a video recording of the meeting, use the link below:

<https://www.youtube.com/watch?v=KumEwDd2UuE>



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

RECEIVED
OCT 19 2023
TOWN MANAGER
TOWN OF WEST NEWBURY

MAURA T. HEALEY
GOVERNOR
October 4, 2023

KIMBERLEY DRISCOLL
LIEUTENANT GOVERNOR

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

Dear Town Manager Jennings:

I am writing to congratulate you and your colleagues in West Newbury on entering into a third Community Compact agreement. Both Governor Healey and I understand that in order to have a thriving Commonwealth, we need thriving cities and towns. And as you know, Community Compacts enhance our shared commitment to provide more efficient, professional, and responsive services.

We are excited to continue to partner with you to implement your chosen best practice(s), as noted below:

- *Best Practice #1: Establish a Budget document that details all revenues and expenditures, provides a narrative describing priorities and challenges, and offers clear and transparent communication of financial policies to residents and businesses.*

Governor Healey and I appreciate West Newbury participating in the Community Compact program and we look forward to continuing our strong partnership to improve services at the local level.

Sincerely,

Kimberley Driscoll
Lieutenant Governor

cc: Sean Cronin, Senior Deputy Commissioner of Local Services
Juan Gallego, Assistant Deputy Chief of Staff to the Lieutenant Governor

Town of West Newbury Ash Tree Inventory Update | 2023



Submitted by:
Bartlett Tree Experts

Kat Cummings, Regional Consulting Arborist

Registered Consulting Arborist #781, ISA Board Certified Master Arborist #NE-7396BM,
Massachusetts Certified Arborist #102013, ISA Tree Risk Assessment Qualified

Jack Ingram, Central New England Division Manager

Registered Consulting Arborist #727, ISA Board Certified Master Arborist #NE-6972BM,
Certified Treecare Safety Professional #03497

Kyle VanAmburg, Arborist Representative

ISA Certified Arborist #NE-7562, Massachusetts Certified Arborist #2543,
ISA Tree Risk Assessment Qualified



Bartlett Tree Experts
Beverly Farms Office
P. O. Box 5700
Beverly Farms, Massachusetts 01915
978-927-1590
www.bartlett.com

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Town of West Newbury - Ash Tree Inventory Update 2023

INTRODUCTION

In July 2022, the Town of West Newbury, Massachusetts retained Bartlett Tree Experts to perform a survey of ash trees along the roadways throughout the town. As a result of the 2022 Ash Tree Survey, 177 ash trees were identified as suitable for Emerald Ash Borer (EAB) treatment.

All 177 ash trees were treated by systemic injection in June 2023. Unfortunately, many ash trees in the region are in decline due to EAB. Realistically, all ash trees in the area that are left untreated will ultimately die. EAB, combined with the previous several years of drought, and particularly harsh cold weather during winter 2023 has caused a large portion of the 177 ash trees to be in notable decline.

Our assignment for this report is to re-inventory the 177 specific ash trees and to make a determination of whether or not it is recommended to perform a systemic stem injection to suppress Emerald Ash Borer, in Spring 2024. Team member Kat Cummings visited the site in September 2023 to conduct the inventory.

There are only two conditions that we evaluated for:

- 1) Determine if the ash is a candidate for treatment, or;
- 2) Determine if the ash is a candidate for removal.

All ash that are left untreated are considered removals. Further, no trees were assessed for risk — strictly whether or not it is advisable to treat certain trees for EAB. All 177 trees were evaluated, and only the most viable ash trees are recommended for treatment.

Specifically, the inventory included:

- observing 177 trees that were determined to be suitable for ash treatment during the July 2022 inventory. These trees were previously identified with a Tree ID number (Tree ID numbers ranging from 1 to 483);
- recommending EAB treatment to appropriate trees.

The methods and procedures we used to make the above determinations and recommendations are detailed in the following sections.

GOALS & OBJECTIVES

An effective inventory update report communicates clear goals and the specific objectives designed to carry out those goals. We intend "goal" to mean the overall aim or result we expect to achieve for the client in producing the inventory update. The objectives are the specific actions taken or recommended to support goal completion. The table below describes each goal and its corresponding objective(s).

GOALS & OBJECTIVES

GOAL	OBJECTIVES TO ACCOMPLISH GOAL
Update the ash tree inventory (per numbers agreed) throughout the Town of West Newbury.	<ul style="list-style-type: none"> • Trees were inventoried using Trimble® Geo GPSr hardware and ArborScope™ Inventory Management Tools, collect data such as tree name, location, and size.. • Tree ID numbers were to each tree inventoried.
Provide mechanism for managing inventory, recommendations, and related budget planning.	<ul style="list-style-type: none"> • Provide map or maps of the inventoried trees to assist the client in managing property areas. • Submit a comprehensive report that documents and organizes findings and provides other resources to assist the client in efficient use of the information.
Maximize client understanding and implementation of the update report.	<ul style="list-style-type: none"> • Include in report specific explanations and visuals related to plan recommendations. • Make periodic contact with client to follow up and answer any questions about the management plan's contents.
Maximize immediate and long-term tree health and aesthetics.	Implement a plant-health-care program that uses <ul style="list-style-type: none"> • Emerald Ash Borer (EAB) treatments for identified trees in the 2024 growing season
Manage immediate and long-term maintenance needs associated with trees in high-use areas.	Implement recommended tree removals <ul style="list-style-type: none"> • all trees that are determined to be unsuitable for EAB treatments are recommended for removal

DATA COLLECTION & TREE INSPECTION METHODOLOGY

In conducting the inventory, we used specialized equipment and software and followed specific procedures to determine tree characteristics and recommendations. The following explanation will assist the reader in interpreting the findings of this report.

Data Collection Equipment & Attribute Data

The Inventory Team used Trimble® Geo GPSr hardware units, TerraSync® and GPS Pathfinder® Office GIS software, and Bartlett Tree Experts' ArborScope™ web-based management system to inventory the trees. The attribute data we collected on site are listed below.

- botanical name and regional common name according to local ISA Chapter Tree Species List
- tree location based on GPS coordinate system
- tree ID number
- diameter at breast height (**DBH**)
- Emerald Ash Borer treatment recommendations

Limitations of Tree Risk Assessments

All ash tree assessments were performed from the ground. This tree inventory was not a tree risk assessment. As such, no trees were assessed for risk in accordance with industry standards, nor are there any tree risk ratings or risk mitigation recommendations provided within this report.

Emerald Ash Borer (EAB) Treatment

Trees were observed only for the purpose of determining which trees are appropriate for EAB systemic trunk injection treatments during the 2024 growing season. Many of the ash trees have declined throughout the area. Emerald Ash Borer (EAB) is the primary cause of ash tree mortality in West Newbury. In addition to EAB pressure, ash trees also are threatened by other stresses and environmental conditions such as drought and winter injury. When combined with the evident EAB problem in West Newbury, these environmental factors have a synergistic effect on the overall tree decline in the area.

At this time, a total of 89 trees are recommended for treatment in 2024. The 88 other trees were determined to be in too poor of a condition to respond adequately to treatment. These trees are recommended to be removed, now. Certain pests and diseases may not have been visible at the time of this past inventory. Environmental factors may also impact tree condition. Continued monitoring is recommended.

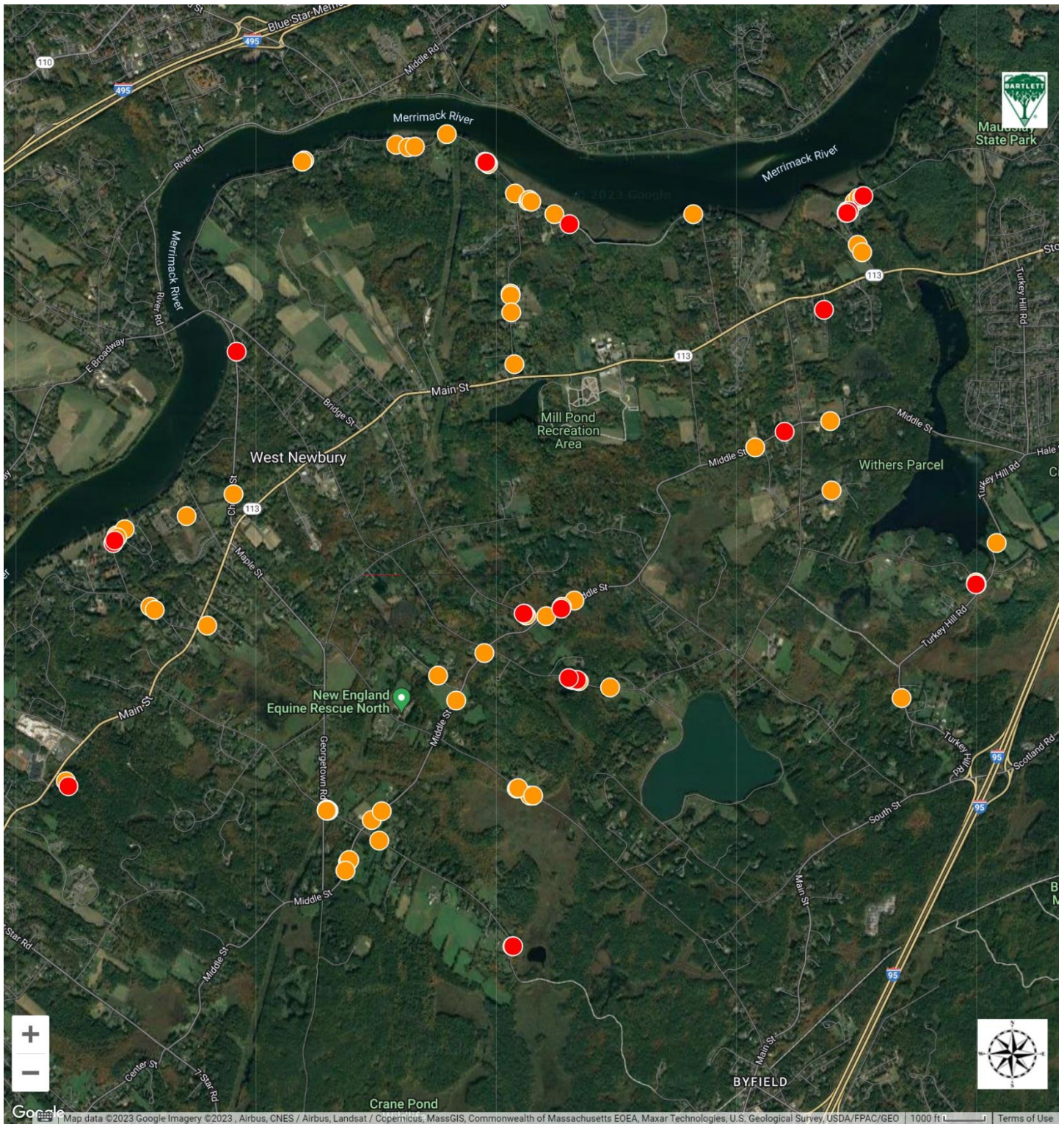
ASH TREES RECOMMENDED FOR EAB TREATMENT

Tree ID	Common Name
1	Ash-White
3	Ash-White
9	Ash-White
11	Ash-White
14	Ash-White
15	Ash-White
16	Ash-White
21	Ash-White
22	Ash-White
34	Ash-White
35	Ash-Green
53	Ash-Green
58	Ash-Green
89	Ash-Green
90	Ash-Green
101	Ash-Green
109	Ash-Green
115	Ash-White
116	Ash-White
121	Ash-Green
122	Ash-Green
125	Ash-Green
131	Ash-Green
137	Ash-White
142	Ash-White
143	Ash-White
144	Ash-White
149	Ash-White
153	Ash-Green
155	Ash-Green

Tree ID	Common Name
162	Ash-Green
163	Ash-Green
174	Ash-Green
179	Ash-Green
180	Ash-Green
191	Ash-Green
194	Ash-Green
196	Ash-Green
199	Ash-White
202	Ash-White
208	Ash-White
209	Ash-White
211	Ash-White
212	Ash-White
213	Ash-White
214	Ash-White
215	Ash-White
236	Ash-White
245	Ash-White
250	Ash-White
259	Ash-White
260	Ash-White
261	Ash-White
272	Ash-White
278	Ash-White
279	Ash-White
280	Ash-White
281	Ash-White
287	Ash-White
296	Ash-White

Tree ID	Common Name
300	Ash-White
333	Ash-White
334	Ash-White
340	Ash-White
351	Ash-White
353	Ash-White
357	Ash-White
364	Ash-White
366	Ash-White
368	Ash-White
369	Ash-Green
384	Ash-White
385	Ash-White
386	Ash-White
387	Ash-White
388	Ash-White
393	Ash-White
395	Ash-White
399	Ash-White
400	Ash-White
412	Ash-White
413	Ash-White
414	Ash-White
415	Ash-White
420	Ash-White
432	Ash-White
434	Ash-White
467	Ash-White
468	Ash-White

INVENTORIED TREES BY TREES RECOMMENDED FOR EAB TREATMENT



ENTIRE INVENTORY



ENTIRE INVENTORY (177 Trees)

Tree ID	Common Name	Genus	Species	DBH	Treatment Recommended
1	Ash-White	<i>Fraxinus</i>	<i>americana</i>	13	Yes
2	Ash-White	<i>Fraxinus</i>	<i>americana</i>	12	No
3	Ash-White	<i>Fraxinus</i>	<i>americana</i>	22	Yes
4	Ash-White	<i>Fraxinus</i>	<i>americana</i>	12,12,12,12,5	No
5	Ash-White	<i>Fraxinus</i>	<i>americana</i>	40	No
9	Ash-White	<i>Fraxinus</i>	<i>americana</i>	17	Yes
11	Ash-White	<i>Fraxinus</i>	<i>americana</i>	12	Yes
13	Ash-White	<i>Fraxinus</i>	<i>americana</i>	16,7	No
14	Ash-White	<i>Fraxinus</i>	<i>americana</i>	13,8	Yes
15	Ash-White	<i>Fraxinus</i>	<i>americana</i>	18,11	Yes
16	Ash-White	<i>Fraxinus</i>	<i>americana</i>	22	Yes
21	Ash-White	<i>Fraxinus</i>	<i>americana</i>	14	Yes
22	Ash-White	<i>Fraxinus</i>	<i>americana</i>	20	Yes
30	Ash-White	<i>Fraxinus</i>	<i>americana</i>	22	No
34	Ash-White	<i>Fraxinus</i>	<i>americana</i>	23,18	Yes
35	Ash-Green	<i>Fraxinus</i>	<i>pennsylvanica</i>	19	Yes
38	Ash-White	<i>Fraxinus</i>	<i>americana</i>	18	No
39	Ash-White	<i>Fraxinus</i>	<i>americana</i>	36	No
44	Ash-White	<i>Fraxinus</i>	<i>americana</i>	21	No
49	Ash-Green	<i>Fraxinus</i>	<i>pennsylvanica</i>	13	No
50	Ash-Green	<i>Fraxinus</i>	<i>pennsylvanica</i>	17	No
51	Ash-Green	<i>Fraxinus</i>	<i>pennsylvanica</i>	16	No
53	Ash-Green	<i>Fraxinus</i>	<i>pennsylvanica</i>	12	Yes
58	Ash-Green	<i>Fraxinus</i>	<i>pennsylvanica</i>	15	Yes
59	Ash-Green	<i>Fraxinus</i>	<i>pennsylvanica</i>	13,9	No
69	Ash-Green	<i>Fraxinus</i>	<i>pennsylvanica</i>	24	No
71	Ash-Green	<i>Fraxinus</i>	<i>pennsylvanica</i>	18	No
72	Ash-Green	<i>Fraxinus</i>	<i>pennsylvanica</i>	21	No
75	Ash-Green	<i>Fraxinus</i>	<i>pennsylvanica</i>	10	No
81	Ash-Green	<i>Fraxinus</i>	<i>pennsylvanica</i>	28	No
84	Ash-Green	<i>Fraxinus</i>	<i>pennsylvanica</i>	16	No
89	Ash-Green	<i>Fraxinus</i>	<i>pennsylvanica</i>	12	Yes
90	Ash-Green	<i>Fraxinus</i>	<i>pennsylvanica</i>	15	Yes
92	Ash-Green	<i>Fraxinus</i>	<i>pennsylvanica</i>	16	No
93	Ash-Green	<i>Fraxinus</i>	<i>pennsylvanica</i>	24	No
94	Ash-Green	<i>Fraxinus</i>	<i>pennsylvanica</i>	14	No
101	Ash-Green	<i>Fraxinus</i>	<i>pennsylvanica</i>	33	Yes
103	Ash-Green	<i>Fraxinus</i>	<i>pennsylvanica</i>	16	No
104	Ash-Green	<i>Fraxinus</i>	<i>pennsylvanica</i>	21	No
108	Ash-Green	<i>Fraxinus</i>	<i>pennsylvanica</i>	12	No
109	Ash-Green	<i>Fraxinus</i>	<i>pennsylvanica</i>	28	Yes
112	Ash-Green	<i>Fraxinus</i>	<i>pennsylvanica</i>	16,13	No
115	Ash-White	<i>Fraxinus</i>	<i>americana</i>	30	Yes

Tree ID	Common Name	Genus	Species	DBH	Treatment Recommended
116	Ash-White	<i>Fraxinus</i>	<i>americana</i>	18	Yes
118	Ash-Green	<i>Fraxinus</i>	<i>pennsylvanica</i>	12	No
121	Ash-Green	<i>Fraxinus</i>	<i>pennsylvanica</i>	1	Yes
122	Ash-Green	<i>Fraxinus</i>	<i>pennsylvanica</i>	23	Yes
123	Ash-Green	<i>Fraxinus</i>	<i>pennsylvanica</i>	21	No
124	Ash-Green	<i>Fraxinus</i>	<i>pennsylvanica</i>	16	No
125	Ash-Green	<i>Fraxinus</i>	<i>pennsylvanica</i>	20	Yes
128	Ash-White	<i>Fraxinus</i>	<i>americana</i>	15	No
131	Ash-Green	<i>Fraxinus</i>	<i>pennsylvanica</i>	22	Yes
137	Ash-White	<i>Fraxinus</i>	<i>americana</i>	34	Yes
138	Ash-White	<i>Fraxinus</i>	<i>americana</i>	31	No
142	Ash-White	<i>Fraxinus</i>	<i>americana</i>	13	Yes
143	Ash-White	<i>Fraxinus</i>	<i>americana</i>	13,12	Yes
144	Ash-White	<i>Fraxinus</i>	<i>americana</i>	12	Yes
149	Ash-White	<i>Fraxinus</i>	<i>americana</i>	10	Yes
153	Ash-Green	<i>Fraxinus</i>	<i>pennsylvanica</i>	10	Yes
155	Ash-Green	<i>Fraxinus</i>	<i>pennsylvanica</i>	18	Yes
159	Ash-Green	<i>Fraxinus</i>	<i>pennsylvanica</i>	15	No
162	Ash-Green	<i>Fraxinus</i>	<i>pennsylvanica</i>	23	Yes
163	Ash-Green	<i>Fraxinus</i>	<i>pennsylvanica</i>	38	Yes
172	Ash-Green	<i>Fraxinus</i>	<i>pennsylvanica</i>	22	No
173	Ash-Green	<i>Fraxinus</i>	<i>pennsylvanica</i>	10,6	No
174	Ash-Green	<i>Fraxinus</i>	<i>pennsylvanica</i>	12	Yes
177	Ash-Green	<i>Fraxinus</i>	<i>pennsylvanica</i>	26	No
179	Ash-Green	<i>Fraxinus</i>	<i>pennsylvanica</i>	13	Yes
180	Ash-Green	<i>Fraxinus</i>	<i>pennsylvanica</i>	14	Yes
181	Ash-Green	<i>Fraxinus</i>	<i>pennsylvanica</i>	14,10	No
185	Ash-Green	<i>Fraxinus</i>	<i>pennsylvanica</i>	24	No
190	Ash-Green	<i>Fraxinus</i>	<i>pennsylvanica</i>	18	No
191	Ash-Green	<i>Fraxinus</i>	<i>pennsylvanica</i>	11	Yes
194	Ash-Green	<i>Fraxinus</i>	<i>pennsylvanica</i>	11	Yes
195	Ash-Green	<i>Fraxinus</i>	<i>pennsylvanica</i>	18	No
196	Ash-Green	<i>Fraxinus</i>	<i>pennsylvanica</i>	18	Yes
198	Ash-White	<i>Fraxinus</i>	<i>americana</i>	19	No
199	Ash-White	<i>Fraxinus</i>	<i>americana</i>	19	Yes
201	Ash-White	<i>Fraxinus</i>	<i>americana</i>	16,15	No
202	Ash-White	<i>Fraxinus</i>	<i>americana</i>	18	Yes
204	Ash-White	<i>Fraxinus</i>	<i>americana</i>	13	No
206	Ash-White	<i>Fraxinus</i>	<i>americana</i>	12	No
208	Ash-White	<i>Fraxinus</i>	<i>americana</i>	16,16	Yes
209	Ash-White	<i>Fraxinus</i>	<i>americana</i>	24	Yes
211	Ash-White	<i>Fraxinus</i>	<i>americana</i>	24	Yes
212	Ash-White	<i>Fraxinus</i>	<i>americana</i>	18	Yes
213	Ash-White	<i>Fraxinus</i>	<i>americana</i>	17	Yes
214	Ash-White	<i>Fraxinus</i>	<i>americana</i>	21	Yes
215	Ash-White	<i>Fraxinus</i>	<i>americana</i>	15	Yes

Tree ID	Common Name	Genus	Species	DBH	Treatment Recommended
216	Ash-White	<i>Fraxinus</i>	<i>americana</i>	14	No
230	Ash-White	<i>Fraxinus</i>	<i>americana</i>	18	No
232	Ash-White	<i>Fraxinus</i>	<i>americana</i>	10	No
233	Ash-White	<i>Fraxinus</i>	<i>americana</i>	11	No
235	Ash-White	<i>Fraxinus</i>	<i>americana</i>	10,8	No
236	Ash-White	<i>Fraxinus</i>	<i>americana</i>	16	Yes
240	Ash-White	<i>Fraxinus</i>	<i>americana</i>	18	No
241	Ash-White	<i>Fraxinus</i>	<i>americana</i>	16	No
244	Ash-White	<i>Fraxinus</i>	<i>americana</i>	22	No
245	Ash-White	<i>Fraxinus</i>	<i>americana</i>	12	Yes
247	Ash-White	<i>Fraxinus</i>	<i>americana</i>	31	No
248	Ash-White	<i>Fraxinus</i>	<i>americana</i>	12	No
250	Ash-White	<i>Fraxinus</i>	<i>americana</i>	19	Yes
259	Ash-White	<i>Fraxinus</i>	<i>americana</i>	26	Yes
260	Ash-White	<i>Fraxinus</i>	<i>americana</i>	18	Yes
261	Ash-White	<i>Fraxinus</i>	<i>americana</i>	34	Yes
263	Ash-White	<i>Fraxinus</i>	<i>americana</i>	13	No
264	Ash-White	<i>Fraxinus</i>	<i>americana</i>	35	No
267	Ash-White	<i>Fraxinus</i>	<i>americana</i>	18	No
272	Ash-White	<i>Fraxinus</i>	<i>americana</i>	12	Yes
273	Ash-White	<i>Fraxinus</i>	<i>americana</i>	11	No
275	Ash-White	<i>Fraxinus</i>	<i>americana</i>	21	No
278	Ash-White	<i>Fraxinus</i>	<i>americana</i>	19,14	Yes
279	Ash-White	<i>Fraxinus</i>	<i>americana</i>	27	Yes
280	Ash-White	<i>Fraxinus</i>	<i>americana</i>	25	Yes
281	Ash-White	<i>Fraxinus</i>	<i>americana</i>	13	Yes
282	Ash-White	<i>Fraxinus</i>	<i>americana</i>	16	No
283	Ash-White	<i>Fraxinus</i>	<i>americana</i>	25	No
285	Ash-White	<i>Fraxinus</i>	<i>americana</i>	30	No
287	Ash-White	<i>Fraxinus</i>	<i>americana</i>	18	Yes
292	Ash-White	<i>Fraxinus</i>	<i>americana</i>	18	No
296	Ash-White	<i>Fraxinus</i>	<i>americana</i>	15	Yes
300	Ash-White	<i>Fraxinus</i>	<i>americana</i>	42	Yes
308	Ash-Green	<i>Fraxinus</i>	<i>pennsylvanica</i>	13	No
309	Ash-Green	<i>Fraxinus</i>	<i>pennsylvanica</i>	10	No
312	Ash-Green	<i>Fraxinus</i>	<i>pennsylvanica</i>	12	No
333	Ash-White	<i>Fraxinus</i>	<i>americana</i>	36	Yes
334	Ash-White	<i>Fraxinus</i>	<i>americana</i>	10	Yes
340	Ash-White	<i>Fraxinus</i>	<i>americana</i>	14	Yes
351	Ash-White	<i>Fraxinus</i>	<i>americana</i>	16	Yes
353	Ash-White	<i>Fraxinus</i>	<i>americana</i>	22,17,14	Yes
356	Ash-White	<i>Fraxinus</i>	<i>americana</i>	10	No
357	Ash-White	<i>Fraxinus</i>	<i>americana</i>	20	Yes
361	Ash-White	<i>Fraxinus</i>	<i>americana</i>	32	No
362	Ash-White	<i>Fraxinus</i>	<i>americana</i>	30	No
364	Ash-White	<i>Fraxinus</i>	<i>americana</i>	12	Yes

Tree ID	Common Name	Genus	Species	DBH	Treatment Recommended
365	Ash-White	<i>Fraxinus</i>	<i>americana</i>	33,30	No
366	Ash-White	<i>Fraxinus</i>	<i>americana</i>	17	Yes
368	Ash-White	<i>Fraxinus</i>	<i>americana</i>	21	Yes
369	Ash-Green	<i>Fraxinus</i>	<i>pennsylvanica</i>	17	Yes
371	Ash-White	<i>Fraxinus</i>	<i>americana</i>	10	No
384	Ash-White	<i>Fraxinus</i>	<i>americana</i>	25,13	Yes
385	Ash-White	<i>Fraxinus</i>	<i>americana</i>	10	Yes
386	Ash-White	<i>Fraxinus</i>	<i>americana</i>	21	Yes
387	Ash-White	<i>Fraxinus</i>	<i>americana</i>	20,13	Yes
388	Ash-White	<i>Fraxinus</i>	<i>americana</i>	10	Yes
393	Ash-White	<i>Fraxinus</i>	<i>americana</i>	24	Yes
394	Ash-White	<i>Fraxinus</i>	<i>americana</i>	12,10,10	No
395	Ash-White	<i>Fraxinus</i>	<i>americana</i>	11	Yes
396	Ash-White	<i>Fraxinus</i>	<i>americana</i>	10	No
398	Ash-White	<i>Fraxinus</i>	<i>americana</i>	15	No
399	Ash-White	<i>Fraxinus</i>	<i>americana</i>	10	Yes
400	Ash-White	<i>Fraxinus</i>	<i>americana</i>	12	Yes
412	Ash-White	<i>Fraxinus</i>	<i>americana</i>	14,12	Yes
413	Ash-White	<i>Fraxinus</i>	<i>americana</i>	18	Yes
414	Ash-White	<i>Fraxinus</i>	<i>americana</i>	14	Yes
415	Ash-White	<i>Fraxinus</i>	<i>americana</i>	15	Yes
420	Ash-White	<i>Fraxinus</i>	<i>americana</i>	18	Yes
423	Ash-White	<i>Fraxinus</i>	<i>americana</i>	22	No
424	Ash-White	<i>Fraxinus</i>	<i>americana</i>	13,11	No
425	Ash-White	<i>Fraxinus</i>	<i>americana</i>	12	No
426	Ash-White	<i>Fraxinus</i>	<i>americana</i>	33	No
430	Ash-White	<i>Fraxinus</i>	<i>americana</i>	27	No
432	Ash-White	<i>Fraxinus</i>	<i>americana</i>	11	Yes
433	Ash-White	<i>Fraxinus</i>	<i>americana</i>	14	No
434	Ash-White	<i>Fraxinus</i>	<i>americana</i>	19	Yes
452	Ash-White	<i>Fraxinus</i>	<i>americana</i>	20	No
457	Ash-White	<i>Fraxinus</i>	<i>americana</i>	20	No
460	Ash-White	<i>Fraxinus</i>	<i>americana</i>	21	No
462	Ash-White	<i>Fraxinus</i>	<i>americana</i>	12	No
463	Ash-White	<i>Fraxinus</i>	<i>americana</i>	23	No
466	Ash-White	<i>Fraxinus</i>	<i>americana</i>	24	No
467	Ash-White	<i>Fraxinus</i>	<i>americana</i>	12,5,3	Yes
468	Ash-White	<i>Fraxinus</i>	<i>americana</i>	24	Yes
469	Ash-White	<i>Fraxinus</i>	<i>americana</i>	22	No
481	Ash-White	<i>Fraxinus</i>	<i>americana</i>	10	No
482	Ash-White	<i>Fraxinus</i>	<i>americana</i>	19	No
483	Ash-White	<i>Fraxinus</i>	<i>americana</i>	15,14	No

Town Manager

From: Rick Parker
Sent: Monday, October 9, 2023 11:16 PM
To: Conservation; Town Manager
Cc: [REDACTED]; Molly Hawking [REDACTED]; Graham Bacheller; Matthew Shwom; [REDACTED]
Subject: RE: Determination of Applicability - Hand removal of water chestnut at Mill Pond 693 Main Street
Attachments: Mill Pond Water Chestnut Removal 10-9-23 2nd Load.jpg; Mill Pond Water Chestnut Removal 10-9-23 1st Load.jpg

Hi All,

Jason Goldweber (Mill Pond Committee member) and I removed water chestnut plants from the main pond this afternoon (Monday 10/9). Despite the appearance from shore that there were very few plants present, when out on the water we discovered that there were many more than expected, removing an estimated 300-400 rosettes over two hours of paddling, filling the canoe twice (pics attached) and covering ½ to 2/3 of the shoreline of the pond (also a handful of plants found out in the middle of the pond). We did not cover the westernmost ~1/3 of the shoreline, as slimmer pickings suggested that we had reached the extent of infestation. We did not get into the settling pond and hope that doesn't prove to have a similarly large problem not visible from shore.

Many, if not most, of the plants removed still had fruit (nuts) attached, so hopefully this year's crop hasn't contributed significantly to the seed bank on the bottom of the pond. In any event, this seems unlikely the first year that the plant was present in Mill Pond. The plant removal effort should probably be repeated a couple of times per season for the next three years while the Determination of Applicability is valid (until 10/2/2026). Based on info found online (NYIS.com), the seeds can remain viable for up to 12 years, so it would be good to keep an eye on this long-term. The removed material is currently filling a large trash bag and two 5 gallon buckets (which I hope to get back) and sits a few feet from the boat launch area (along with assorted trash pulled from the pond – Jason caught a whitewall tire 😊). I plan to ask Butch Hills tomorrow AM if DPW can move the material to dry out on the DPW area pavement.

rick

From: Conservation <conservation@wnewbury.org>
Sent: Thursday, October 5, 2023 6:26 PM
To: Rick Parker <rparker@wnewbury.org>; Town Manager <townmanager@wnewbury.org>
Cc: [REDACTED]; Molly Hawking [REDACTED] Graham Bacheller [REDACTED] Matthew Shwom [REDACTED]
Subject: Determination of Applicability - Hand removal of water chestnut at Mill Pond 693 Main Street

Hello,

At their meeting on 10/2/2023 the Commission moved to issue the attached Determination of Applicability approving the hand removal of invasive water chestnut from Mill Pond and the adjacent wetland.

Please take note of page 4 of the document which lists the Special Conditions that must be followed when performing the hand removal work.

The Determination is valid for 3 years. The work can start immediately but is at risk as MA DEP has a 10 business day period to appeal the Determination. For the work approved, I think an appeal is unlikely.

It sounds like volunteers are ready to do the work this week. Once I hear back that the removal has been completed, I have wanted posters for water chestnut sightings to post around Mill Pond in an effort to engage the public with monitoring. See attached.

If you have any questions, please reach out.

Thank you,

Michelle Greene
Conservation Agent
Town of West Newbury
381 Main Street
West Newbury, MA 01985
Office: (978) 363-1100 x126
Mobile: (978) 891-0238
conservation@wnewbury.org

Spooky creatures of the night or misunderstood mammals? Bats are fascinating animals that provide a range of services including pest suppression, pollination, and seed dispersal. Bats are the only mammal in the world capable of true flight and hunt insects at night using a natural sonar called echolocation. Massachusetts is home to 9 different species of bats, 5 of which are listed as endangered. Learn more about bats [here](#) and check out some debunked bat myths [here](#).

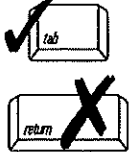


Massachusetts Department of Environmental Protection
 Bureau of Water Resources - Wetlands
WPA Form 2 – Determination of Applicability
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

West Newbury
 Municipality

A. General Information

Important:
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



How to find Latitude and Longitude
and how to convert to decimal degrees

From: West Newbury
Conservation Commission

To: Applicant Angus Jennings, Town Manager, Town of West Newbury
381 Main Street
 Mailing Address
West Newbury MA 01985
 City/Town State Zip Code
978-363-1100 x111
 Phone Number
townmanager@wnewbury.org
 Email Address

Property Owner (if different from applicant):
SAME
 Name
 Mailing Address
 City/Town State Zip Code
 Phone Number
 Email Address (if known)

1. Project Location:
Mill Pond - 693 Main Street
 Street Address
42.80317
 Latitude (Decimal Degrees Format with 5 digits after decimal e.g. XX.XXXXX)
R22
 Assessors Map/Plat Number

West Newbury
 City/Town
-70.97605
 Longitude (Decimal Degrees Format with 5 digits after decimal e.g. -XX.XXXXX)
3
 Parcel/Lot Number

2. Date Request Filed:
9/20/2023

B. Determination

Pursuant to the authority of M.G.L. c. 131, § 40, the Conservation Commission considered your Request for Determination of Applicability, with its supporting documentation, and made the following Determination.

Project Description (if applicable):

Hand pull invasive water chestnut from Mill Pond and adjacent wetland by paddle powered boat or carefully from bank or wading.

Title and Date (or Revised Date if applicable) of Final Plans and Other Documents:

<u>Aerial Map - Mill Pond 693 Main Street West Newbury</u>	<u>09/11/2023</u>
Title	Date
<u>Narrative of work description from RDA</u>	<u>9/19/2023</u>
Title	Date
Title	Date



WPA Form 2 – Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

West Newbury
Municipality

B. Determination (cont.)

The following Determination(s) is/are applicable to the proposed site and/or project relative to the Wetlands Protection Act and regulations:

Positive Determination

Note: No work within the jurisdiction of the Wetlands Protection Act may proceed until a final Order of Conditions (issued following submittal of a Notice of Intent or Abbreviated Notice of Intent) has been received from the issuing authority (i.e., Conservation Commission or the Department of Environmental Protection).

- 1. The area described on the referenced plan(s) is an area subject to jurisdiction under the Act. Removing, filling, dredging, or altering of the area requires the filing of a Notice of Intent.
- 2a. The boundary delineations of the following resource areas described on the referenced plan(s) are confirmed as accurate. Therefore, the resource area boundaries confirmed in this Determination are binding as to all decisions rendered pursuant to the Wetlands Protection Act and its regulations regarding such boundaries for as long as this Determination is valid.

- 2b. The boundaries of Wetlands Resource Area(s) and Buffer Zone(s) listed below are not confirmed by this Determination, regardless of whether such boundaries are contained on the plans attached to this Determination or to the Request for Determination.

- 3. The work described on referenced plan(s) and document(s) is within an area subject to jurisdiction under the Act and will remove, fill, dredge, or alter that area. Therefore, said work requires the filing of a Notice of Intent.
- 4. The work described on referenced plan(s) and document(s) is within the Buffer Zone and will alter an Area subject to jurisdiction under the Act. Therefore, said work requires the filing of a Notice of Intent
- 5. The area and/or work described on referenced plan(s) and document(s) is subject to review and approval by:

Name of Municipality

Pursuant to the following municipal wetland ordinance or bylaw:

Name

Ordinance or Bylaw Citation



B. Determination (cont.)

- 6. The following area and/or work, if any, is subject to a municipal ordinance or bylaw but not subject to the Massachusetts Wetlands Protection Act:

- 7. If a Notice of Intent is filed for the work in the Riverfront Area described on referenced plan(s) and document(s), which includes all or part of the work described in the Request, the applicant must consider the following alternatives. (Refer to the wetland regulations at 10.58(4)(c) 2. for more information about the scope of alternatives requirements):

- Alternatives limited to the lot on which the project is located.
- Alternatives limited to the lot on which the project is located, the subdivided lots, and any adjacent lots formerly or presently owned by the same owner.
- Alternatives limited to the original parcel on which the project is located, the subdivided parcels, any adjacent parcels, and any other land which can reasonably be obtained within the municipality.
- Alternatives extend to any sites which can reasonably be obtained within the appropriate region of the state.

Negative Determination

Note: No further action under the Wetlands Protection Act is required by the applicant. However, if the Department is requested to issue a Superseding Determination of Applicability, work may not proceed on this project unless the Department fails to act on such request within 35 days of the date the request is post-marked for certified mail or hand delivered to the Department. Work may then proceed at the owner's risk only upon notice to the Department and to the Conservation Commission. Requirements for requests for Superseding Determinations are listed at the end of this document.

- 1. The area described in the Request is not an area subject to jurisdiction under the Act or the Buffer Zone.
- 2. The work described in the Request is within an area subject to jurisdiction under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent.
- 3. The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to jurisdiction under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions (if any).

See attached 1 page of Special Conditions

- 4. The work described in the Request is not within an Area subject to jurisdiction under the Act (including the Buffer Zone). Therefore, said work does not require the filing of a Notice of Intent, unless and until said work alters an Area subject to jurisdiction under the Act.

SPECIAL CONDITIONS
Determination of Applicability
693 Main Street – Mill Pond and adjacent wetland
Hand removal of invasive water chestnut

1. All water chestnut plants shall be carefully removed by hand pulling.
2. Water chestnut removal should be done by paddle powered boat where feasible to limit disturbance to bank and land underwater. Where access by paddle powered boat is not possible or would result in more impacts than walking, plants may be removed by carefully walking down the bank and wading into the water if needed. If removing by walking, care shall be taken to limit the amount of foot traffic in any given area.
3. Removed water chestnut plants shall be disposed of according to narrative in Request for Determination of Applicability or by following Best Management Practices (BMPs) to limit introduction of water chestnut to new locations. This includes collecting removed plants in buckets or baskets, drying plants in an area over 100' away from any pond or wetland, and composting or disposing of the dried plants.



B. Determination (cont.)

- 5. The area described in the Request is subject to jurisdiction under the Act. Since the work described therein meets the requirements for the following exemption, as specified in the Act and the regulations, no Notice of Intent is required:

Exempt Activity (site applicable statutory/regulatory provisions)

- 6. The area and/or work described in the Request is not subject to additional review and approval by:

Name of Municipality

Pursuant to a municipal wetlands' ordinance or bylaw.

Name

Ordinance or Bylaw Citation

C. Authorization

This Determination is issued to the applicant and delivered as follows:

- By hand delivery on
- By certified mail, return receipt request on

10/6/2023

Date

Date

Certified Mail Number

A copy of this Determination has been sent on the same date, considered the date of issuance, to the appropriate DEP Regional Office and the property owner (if not the applicant) in the manner as follows:

DEP

- By eDEP DOA Submittal Platform (Attach this form and supporting documents)

- By USPS mail

- By hand delivery

10/6/2023

Date

Date

Property Owner (if not applicant)

- By mail

- By hand delivery

Date

Date

Mill Pond - 693 Main St



Massachusetts Department of Environmental Protection
Bureau of Water Resources - Wetlands

WPA Form 2 – Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

West Newbury
Municipality

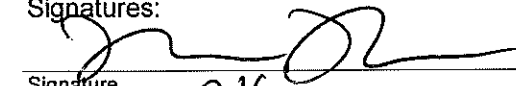
C. Authorization (cont.)

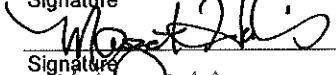
This Determination is valid for **three years** from the date of issuance (except Determinations for Vegetation Management Plans which are valid for the duration of the Plan). This Determination does not relieve the applicant from complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.


This Determination must be signed by a majority of the Conservation Commission. As noted above, a copy must be sent to the appropriate DEP Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>) and the property owner (if different from the applicant) on the same date that the Applicant is issued this Determination.

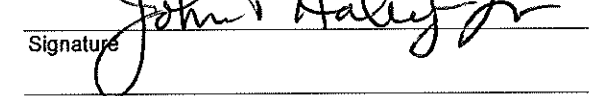
Issuing Authority

Signatures:

Signature 

Signature 

Signature 

Signature 

Signature _____

Signature _____

Signature _____

Signature _____

Printed Name David Parrott

Printed Name Margaret Hawkins

Printed Name Haley McCraven

Printed Name John T Haley Jr

Printed Name _____

Printed Name _____

Printed Name _____

Printed Name _____

D. Appeals

The applicant, owner, any person aggrieved by this Determination, any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate Department of Environmental Protection Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>) to issue a Superseding Determination of Applicability. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form (see Request for Departmental Action Fee Transmittal Form) as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Determination. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant if he/she is not the appellant. The request shall state clearly and concisely the objections to the Determination which is being appealed. To the extent that the Determination is based on a municipal ordinance or bylaw and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.

WANTED

Sightings of invasive
water chestnut



Have you seen this plant in Mill Pond?
Please report any sightings with
pictures and location to Michelle
Greene, Conservation Agent, at
conservation@wnewbury.org or by
text to 978-891-0238

Learn more about water chestnut & its impacts at <https://tinyurl.com/r52vv6ku>

Comment and Resolution Form

PERMIT #: 4-2023-0444

PERMIT TYPE: Traffic Signals & Flashers - Install rapid flash beacon

LOCATION: ,

APPLICANT: WEST NEWBURY Public Works AGENT: Samuel Gregorio

SUBMITTAL: 25%

SUBMITTED BY: April Antonelli

DATE: Oct 04, 2023

NO.	SHEET OR ITEM	COMMENT	DOCUMENT UPLOADED?	INITIAL ACTION	RESPONSE	QC REVIEW INITIAL	FINAL ACTION VERIFIED
COMPLETED BY REVIEWER			COMPLETED BY DESIGNER				
PROJECT DEVELOPMENT (Greg Smith) Submission Type/#: 1 - One							
1		PROP PERMANENT EASEMENT (Sheet 4 of 12) is not allowed by MassDot. The applicant needs to acquire a Layout Alteration for the proposed sidewalk on the school driveway to be inside the SHLO.					
2		Without a Layout Alteration the proposed sidewalk on the school driveway (Sheet 4 of 12) needs to be relocate the within the SHLO (i.e. from the bumpout to the tie-in point) OR R&R existing stone wall to locate the sidewalk behind the layout line before connecting to the bumpout.					
TRAFFIC (Tim Roberts) Submission Type/#: 1 - One							
1	Sheet 2	Label the pavement markings widths, lengths, and gap segments.					
2	Sheet 4/5	Please label the radii (existing and proposed).					
3	Sheet 5 & 8	Correct S1-1L and S1-1R signs to standard S1-1. This comment applies to Sheet 5 & Sheet 8.					
4		Provide detail(s) of proposed 8' TS posts and crossing timing calculation(s).					
5	Sheet 7	Add note, "The first ten (10) plastic drums of a taper shall be mounted with sequentially flashing lights when used for night work between dusk and dawn", to Sheet 7's notes.					
6	Sheet 7	Consider adding lane shift closure detail to TMP.					
7		Please provide additional information regarding the crossing; Why are horseback riders needing to cross the street? Are horses going to/from the school? Why not have a shared crosswalk instead of 2 separate? Was the use of W11-7 signs considered? Can improvements be made (along Main St) to improve sight distance to the crosswalk/driveways?					
8		Is there any record of the existing school zone? Please provide.					

COLUMN "NO." PREFIX FOR COMMENT NO'S - PLANS =P, SPEC. PROVS=S, EST.=E, CALC BOOK=C, BRIDGE CALCS=D, OTHER = O

"ACTION" A=WILL INCORPORATE, B=WILL EVALUATE, C=N/A

Town Manager

From: Jon-Eric White <JEWhite@CityofNewburyport.com>
Sent: Thursday, October 5, 2023 10:58 AM
To: Wayne Amaral; Town Manager; Conservation; Water Superintendent; Thomas Cusick; Diane Gagnon
Cc: Sean Reardon; Andrew Levine
Subject: Mtg Minutes - LAR Dam Project with WN
Attachments: 2023-09-12 LAR Dam Project WN Wellfields FINAL Mtg Minutes.pdf

Follow Up Flag: Flag for follow up
Flag Status: Flagged

All,
 Attached are the minutes of the meeting we held with West Newbury on September 19, 2023, to discuss potential impacts that a reconstructed Lower Artichoke Reservoir Dam would impose on West Newbury's wellfield that is adjacent to the reservoir.

Jon-Eric

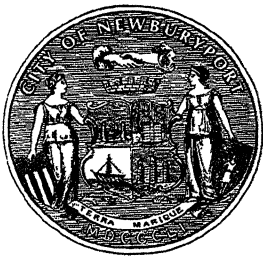
Jon-Eric White, PE
 City Engineer
 Department of Public Services
 16C Perry Way
 Newburyport, MA 01950

p 978-465-4464 x1710
 c 978-417-1969
www.cityofnewburyport.com

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The Commonwealth of Massachusetts considers most electronic communications to and from public employees to be public records and disclosable under the Massachusetts Public Records Law and its implementing regulations.



CITY OF NEWBURYPORT
DEPARTMENT OF PUBLIC SERVICES
 16A PERRY WAY
 NEWBURYPORT, MA 01950

WAYNE S. AMARAL, DIRECTOR
 JONATHAN U. CAREY, DEPUTY DIRECTOR

PHONE: 978-465-4463 EXT. 1701
 FAX: 978-465-1623

MEETING MINUTES

MEETING DATE: September 12, 2023, 9am
MEETING PLACE: DPS Admin Bldg Conference Room
SUBJECT: Lower Artichoke Reservoir Dam Reconstruction Project
 Impacts to West Newbury Wellfield

ATTENDEES:

<u>Newburyport:</u>	<u>West Newbury:</u>
Wayne Amaral, DPS Director	Angus Jennings, Town Manager
Tom Cusick, WTP Super	Michelle Greene, ConCom Agent
Diane Gagnon, Engineer	Mark Marlowe, Water Super
Jon-Eric White, City Engineer	
Steve Sroka, Tighe & Bond (remote, phoned in)	

WRITTEN BY: Jon-Eric White *JEW*

Purpose of this meeting was to discuss the technical constraints and issues related to the subject project. The City is proposing to reconstruct the dam and possibly raise the water level. This meeting is to provide West Newbury with an update of progress to-date and to obtain specific, technical concerns that they may have regarding the proposed project's impact to their wellfield.

For clarity, Proposed Dam Layout Option A sends the earthen dam directly west from the current spillway location to the wellfield's driveway. Option B follows the existing earthen dam and past the wellfield. Option A keeps the wellfield protected from a backwater event from the Merrimack River, rising seas, and storm surge, Option B does not.

The following documents were presented at the meeting and are provided herein as attachments:

- Plan titled *Lower and Upper Artichoke Reservoir Embankment, Figure 2*, dated 8-17-2020 (excerpt from *Watershed Protection Plan, City of Newburyport, September 2021*, prepared by Tighe & Bond).
- *Lower Artichoke Reservoir Dam Upgrade Meeting Minutes*, Meeting dated 5/31/2023, with MassDEP and USACE.
- Plan titled *Town of West Newbury, Site Plan Planning Board Review Not For Construction, Meter and Chemical Injection Facility*, dated June 2018, prepared by Tata & Howard.
- Picture of a mechanical flood control structure for a water supply reservoir, courtesy of Tighe and Bond

Meeting highlights are as follows [bracketed items were added during the drafting of these minutes for clarity purposes and were not discussed during the meeting.].

- Steve had to phone in because he was assisting the State Office of Dam Safety address major flooding issues to the dams in Leominster that occurred overnight. They received almost 9” of rain in less than 24 hours.
- I summarized the regulatory meeting that Newburyport and their consultant Tighe & Bond had this past May:
 - The City is proposing to raise the earthen dam to protect against sea level rise (SLR) and major storm events. We discussed raising it 6’ and 10’ above current FEMA 100-year storm event, which is elevation 12 NAVD88 datum. The spillway is elevation 8.75. We informed them that we also intend to raise the permanent water elevation (impoundment) if possible.
 - The DEP and the Army Corps representatives were both adamant that bisecting the existing bordering vegetated wetland (BVW) was a non-starter and will not be allowed. Steve reiterated this fact during the meeting.
- Michelle asked why the WN ConCom was not invited knowing that the Newburyport ConCom agent attended. She noted that WN is very concerned with this project’s impact on wetlands, the majority of which are in WN. I responded that we had not intended to invite either agent because we wanted to hear the concerns and issues from the state level. At the last minute our ConCom agent joined in to hear what they had to say.
- Michelle concurred that dissecting the BVW would also not be supported by the WN Conservation Commission.
- I noted that I set up this meeting to determine what impacts our proposed dam improvements will have on the wellfield assuming that we could mitigate any loss of wetland resource area due to the construction of the dam through the BVW. It was discussed that it’s been made clear, as noted above, that both the state and local regulatory agencies will not allow Option A to be built and that a new dam will likely be constructed similar to Option B, which leaves the wellfield vulnerable to rising seas and storm surge.
- Mark suggested to consider modifying Option A by leaving a gap in the earthen dam to allow the BVW to remain connected, and then install some type of flood control to be used only during storm events. Discussion ensued and generally we concluded that it would be cheaper to raise the wellfield and land surrounding it, which I guesstimated around \$20k if it’s just piping and some grading. Mark noted that the building may also need to be raised in the future.
- Michelle asked if some form of Option A with a flood control system was built then is the City also planning to alter the remaining earthen dam that runs N-S alongside their wellfield [Option B] in order to raise the permanent water level of the reservoir as a separate project at a later date. She emphasized that this type of phasing would not be allowed and I concurred because MEPA also does not allow such a phased approach for projects. She emphasized that

alterations to the dam to allow for raising of the water level would require widening of the dam, which will impact wetlands which would require mitigation.

- Discussion ensued over physical access to the proposed dam. The stone ramp will only be for the existing dam. Steve noted that a bridge could be constructed over the new spillway.
- We discussed the permanent water level and the challenges we face raising it. I stated that many of us in the City, especially the Resiliency Committee, would like to raise it as high as possible in order to protect against droughts and to improve water quality due to a very shallow reservoir. I also noted that Tighe & Bond has made it clear that raising the water level will require many legal hurdles, especially with the Article 97 property that Essex County Greenbelt just acquired [the Rogers property]. They also informed me that this past year the State enacted the Public Lands Preservation Act (PLPA), [which establishes in statute requirements and a process for submission to the legislature of petitions to authorize the use for another purpose or disposition of land subject to Article 97]. Tom asked if we are proceeding with the fact that the water levels will not rise. I replied that we should leave the door open to raising the water level but that we will likely continue on two tracks – reconstruct the dam by raising the embankment only and simultaneously work with the State to ease those restrictions. Michelle agreed that having the State allow us to raise the water level will not likely happen for many years based on her firsthand experience with less complex regulatory changes that are under review for 10 years or so.
- Mark asked if dredging to increase water volume would be better than raising the dam. I replied that I recall our engineers saying that that’s cost prohibited but that removing the 12” +/- of sediment via dredging is all that will likely occur.
- Mark asked if the City is concerned with upland flooding [versus SLR or a backwater event]. I replied that there are infinite storm event scenarios that could cause problems but as part of the permitting for a new dam, Tighe & Bond will perform hydraulic and hydrology (H&H) modeling to determine the extent of flooding impacts.
- Michelle asked about project schedule. I noted that we’ll likely meet with the State by the end of the year to start more formal discussions but that we’ll meet with WN ConCom and Nbpt ConCom first. I reminded everyone that this remains a conceptual design and feasibility project, not final design.
- Michelle asked that we look into fish ladders in order to bring back fish migration. A discussion ensued. Tom noted that a fish ladder is not suitable for this reservoir but we added that we’ll look into.
- Michelle noted that their ConCom is drafting a local wetlands bylaw and regulations which will likely impact this Project dependent on when the bylaw and regulations become effective and where this project is in the permitting process at that time. They will likely be adopted next spring and we acknowledge that we will have to comply with them because we are only in the conceptual design phase.

End of Mtg Minutes

Lower Artichoke Reservoir Dam Upgrade

To: Attendees

ATTENDEES: Jon-Eric White, City of Newburyport Steve Sroka, Tighe & Bond
Julia Godtfredsen, City of Newburyport Tracy Adamski, Tighe & Bond
Kyle Lally, MassDEP Seth Taylor, Tighe & Bond
Paul Maniccia, USACE

FROM: Tighe & Bond

DATE: 5/31/2023 10:00-11:00am

On May 31, 2023, a high-level feasibility meeting was held via Teams. The following are discussion items from this meeting.

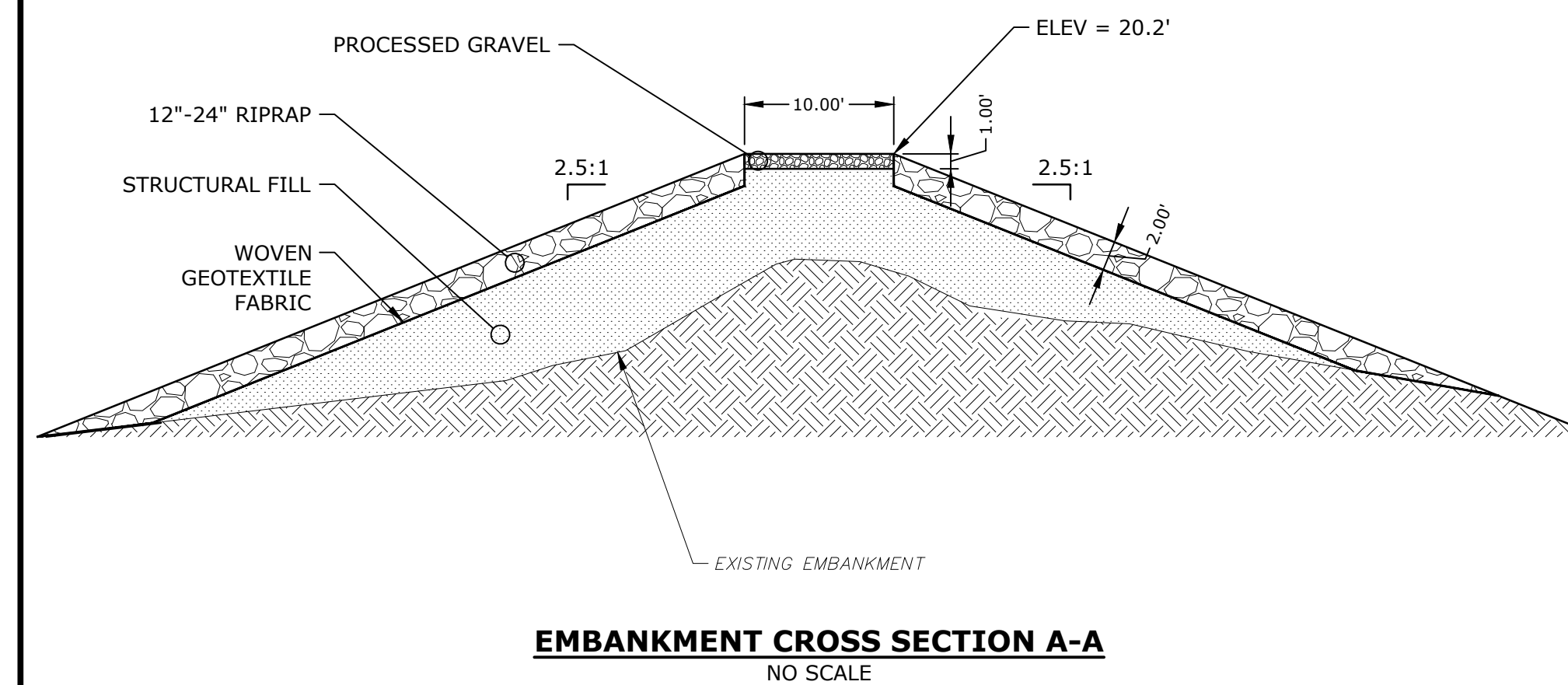
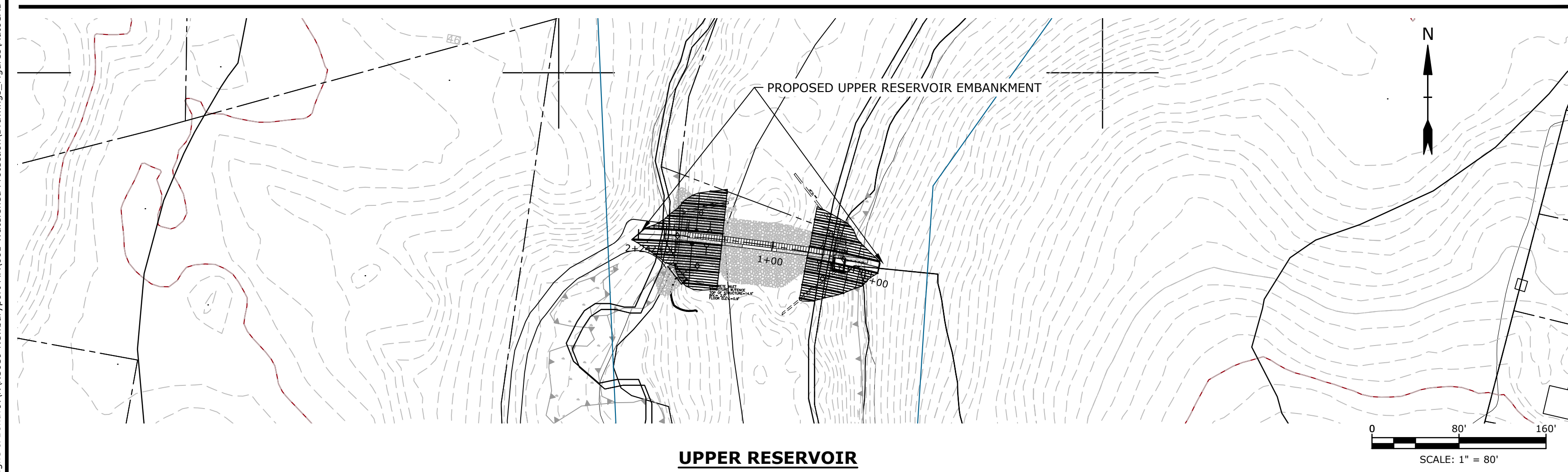
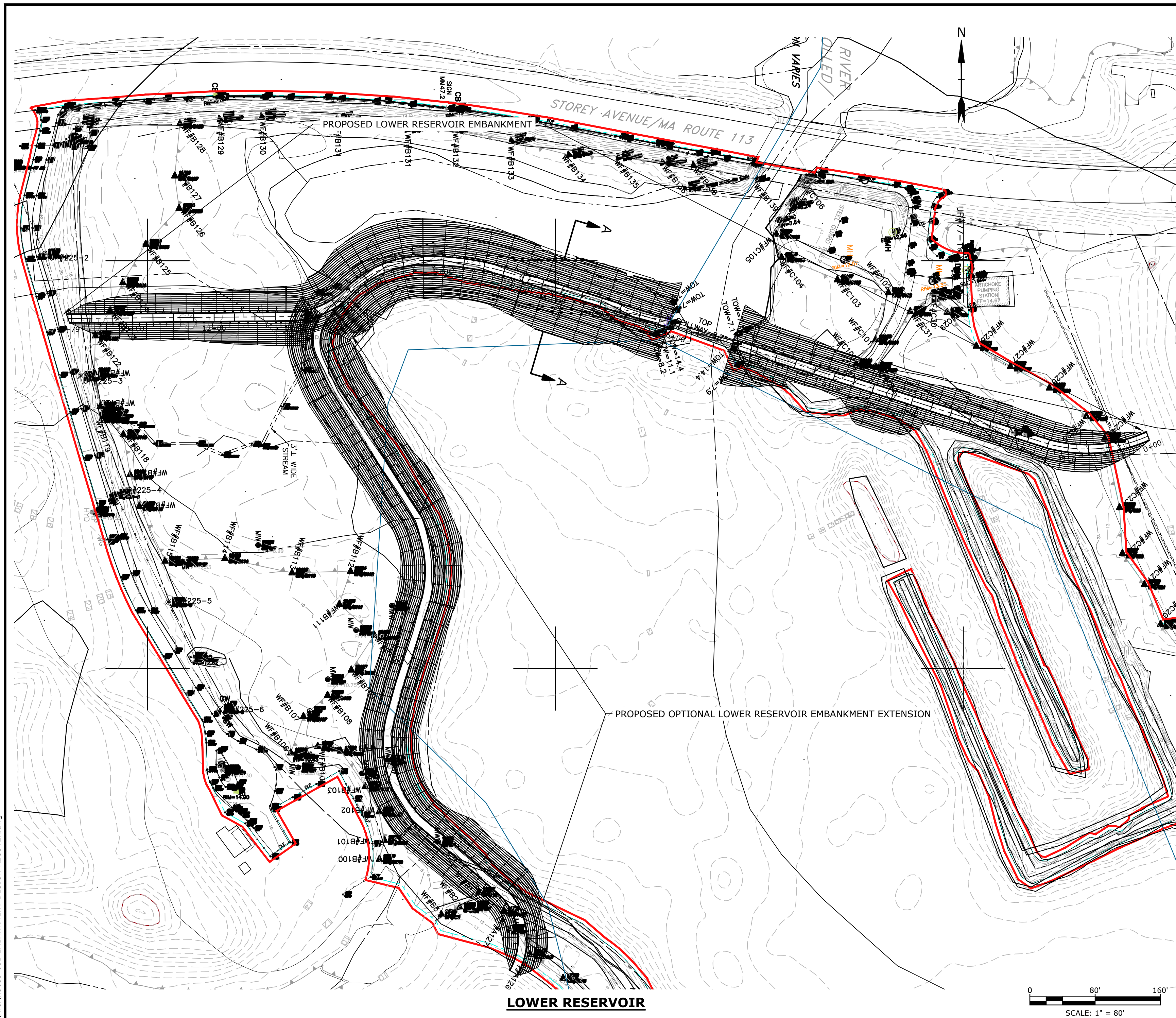
1. Introductions
2. Description of Project Purpose and Need (White/Adamski)
 - a. FEMA updated 100-year floodplain (NOAA Atlas Standards) increased 3 feet to approximately elevation 12 feet.
 - b. Concern for backwater event from flooding by Merrimack River via Artichoke River (brackish water and contaminant potential)
 - c. Newburyport Resiliency Committee estimated a 6-foot sea rise level in the future to an elevation of approximately 18 feet.
3. Descriptions of Concepts (Sroka)
 - a. Dam embankment height increase to FEMA + 6 ft, extend to West Newbury wells access road to protect wells from backwater flooding; no increase in impoundment
 - b. Dam embankment height increase to FEMA + 6 ft, extend embankment upstream along the western bank; no increase in impoundment
 - c. Dam embankment height increase to FEMA + 6 ft, increase in impoundment
 - d. Dam embankment height increase to FEMA + 10 ft, potential increase in impoundment
4. Feedback on Concepts (Lally, Maniccia, Godtfredsen)
 - a. Need to establish goals and purpose of the project to justify impacts (both USACE and DEP seemed to agree the project is justified)
 - b. Concern for acres of wetland resource area impact (need to quantify)
 - c. Bisecting BVW un-permittable due to cutting off the hydrology to the BVW
 - i. USACE suggested moving the embankment option "A" closer to the wells rather than bisecting the BVW
 - d. Mitigation for impacts
 - i. In-lieu Fee likely (min. 2:1); need to follow the 2008 mitigation rules (USACE)
 - ii. Onsite/watershed mitigation (DEP)
 1. Very little room for onsite physical mitigation; DEP requires 1:1 mitigation, would likely request 1.5:1
 - iii. Raising impoundment level isn't important, do what's best for long-term, mitigation for impacts paramount (USACE/DEP)

- iv. Cannot allow conversion of wetland type, i.e. BVW to LUW without mitigation of BVW (no net loss of BVW)→ must consider in design phase (DEP)
- e. Careful alternatives analysis critical (ACOE/DEP) to show we tried to minimize impacts
- f. Permitting
 - i. USACE → depending on impacts, will likely require an individual permit (longer review time & requires 30-Day Public Notice); individual permit is easier to extend as it is not tied to the general permits.
 - ii. DEP → will required a 401 for fill (regional office) and will require 401 dredge permit (Boston), simultaneous review will carry review time out to possibly a year
 - 1. Likely approvable under 304 CMR 9.03(3)(a) for public water supply in Outstanding Water Resource areas (WW26)
 - iii. Newburyport Conservation Commission → impacts over 5,000 sf → WPA has limited project for drinking water supply projects

\\tighebond.com\data\Data\Projects\N\N5059 Newburyport MA\005 Lower Artichoke Dam Upgrade\Meetings\Regulators\Regulators Meeting20230531.docx



Courtesy of Tighe and Bond



**PERMIT SET
NOT FOR
CONSTRUCTION**

**Lower
Artichoke Dam
Spillway
Protection**

City of
Newburyport
Department of
Public Services
Newburyport,
Massachusetts

MARK	DATE	DESCRIPTION

PROJECT NO: N5059-001
 DATE: 8/17/2020
 FILE: N5059-001-EMBANKMENT-DESIGN-RECOVER.dwg
 DRAWN BY: GNM
 CHECKED BY:
 APPROVED BY:

LOWER AND UPPER
ARTICHOKE RESERVOIR
EMBANKMENT

SCALE: AS SHOWN

FIGURE 2

Last Saved: 11/8/2021, 5:07pm By: GNM
 Tighe & Bond 31 N. Main St., Newburyport, MA 01950
 Figures AutoCAD: Xref(N5059-001-EMBANKMENT-DESIGN-RECOVER.dwg)

LEGEND

EXISTING	DESCRIPTION	PROPOSED
W	WATER MAIN	W
WV	GATE VALVE	WV
FC	FLEX COUPLING	FC
PH	FIRE HYDRANT	PH
RD	REDUCER	RD
W	WELL	W
Z1	ZONE 1	Z1
DM	DRAIN MANHOLE	DM
CB	CATCH BASIN	CB
D	DRAIN LINE	D
OH	ELEC. OH. WIRE	OH
UGE	UNDERGROUND ELECTRICAL	UGE
UP	UTILITY POLE AND NO.	UP
TL	TREE LINE	TL
EW	EDGE OF WATER	EW
EP	EDGE OF PAVEMENT	EP
SF	SILTATION FENCE	SF
E	EASEMENT	E
SM	SURVEY MARKER	SM
CLF	CHAIN LINK FENCE	CLF
F	FENCE	F
B	BOLLARD	B
C	CONTOURS	C
GP	GRAVEL PATH	GP
LPG	LIQUID PROPANE GAS	LPG

GENERAL NOTES

- THE SITE IS NOT LOCATED WITHIN A FLOOD ZONE.
- STOCKPILES SHALL BE LOCATED AS NEEDED, WITHIN THE LIMIT OF WORK, IN AREAS OF MINIMAL IMPACT.
- IF SEASON OR ADVERSE WEATHER CONDITIONS DO NOT ALLOW THE ESTABLISHMENT OF VEGETATION, TEMPORARY MULCHING WITH HAY, TACKIFIED WOOD CHIPS OR OTHER METHODS SHALL BE PROVIDED.
- THE CONTRACTOR SHALL TAKE ALL NECESSARY MEASURES AND SHALL PROVIDE ALL NECESSARY CONTINUOUS BARRIERS OF SUFFICIENT TYPE, SIZE AND STRENGTH TO PREVENT ACCESS TO ALL OPEN EXCAVATIONS AT THE COMPLETION OF EACH WORK DAY. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO MAINTAIN TEMPORARY CONTROLS UNTIL SUCH TIME AS AN ESTABLISHED STABILIZING GROWTH IS PRESENT.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DISPOSAL OF ALL WASTE MATERIALS AT AN APPROVED LOCATION. BURIAL OR BURNING OF WASTE MATERIALS (E.G. DEMOLITION) ON SITE IS PROHIBITED.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FOR CONSTRUCTION AS INDICATED IN THE SPECIFICATIONS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL COSTS INCURRED FOR ADDITIONAL WORK, I.E. ACCESS ROAD RESTORATION, CLEARING, GRUBBING, ETC. WHICH MAY BE NECESSARY TO DELIVER EQUIPMENT AND PRODUCTS TO THE PROJECT SITE AS REQUIRED FOR COMPLETION.
- ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE REQUIREMENTS OF THE WEST NEWBURY WATER DEPARTMENT. ALL EXCAVATION AND RESTORATION SHALL MEET THE SPECIFICATIONS.
- THE CONTRACTOR AT HIS EXPENSE SHALL BRACE UTILITY POLES IF REQUIRED, AND REPAIR ANY DAMAGE TO EXISTING SIDEWALKS, CURBS, PAVING, SHRUBS, TREES, STONE WALLS, LAWNS, ETC. ALL EXCAVATED AREAS SHALL BE RETURNED TO EQUAL OR BETTER THAN PRIOR CONDITION BY THE CONTRACTOR.
- ANY ERRORS, OMISSIONS AND CHANGES IN CONDITIONS AT THE SITE SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO PERFORMING THE RELATED WORK.
- DRAINAGE GENERATED AS A RESULT OF TRENCH DEWATERING SHALL BE DISCHARGED TO SEDIMENTATION BASINS WITH PROPER EROSION CONTROL MEASURES SUBJECT TO APPROVAL BY THE LOCAL CONSERVATION COMMISSION. DISCHARGE ONTO PAVEMENT OR PRIVATE PROPERTY SHALL NOT BE ALLOWED.
- THE CONTRACTOR SHALL MAKE EVERY EFFORT NOT TO DISTURB THE EXISTING DRAINAGE SYSTEM. NO ADDITIONAL PAYMENT SHALL BE MADE FOR DAMAGE CREATED FOR THE CONVENIENCE OF THE CONTRACTOR.
- ALL AREAS DISTURBED DURING CONSTRUCTION SHALL BE RETURNED TO PRE-CONSTRUCTION CONDITION OR BETTER.

SURVEY NOTES

- SURVEY WAS PROVIDED BY HAYES ENGINEERING, 603 SALEM STREET, WAKEFIELD, MA 01880.
- THE LOCATION OF THE EXISTING UTILITIES AS SHOWN ON THE PLANS ARE APPROXIMATE AND ARE INTENDED ONLY TO ADVISE THE CONTRACTOR OF THEIR PRESENCE. CALL "DIG SAFE" (1-888-344-7233) FOR FIELD LOCATIONS OF ALL EXISTING UTILITIES.

WATER MAIN NOTES

- THE CONTRACTOR SHALL MAKE EVERY EFFORT NOT TO DISTURB THE EXISTING WATER SYSTEM. NO ADDITIONAL PAYMENT SHALL BE MADE FOR DAMAGE CREATED FOR THE CONVENIENCE OF THE CONTRACTOR.
- ALL GATE VALVES SHALL BE RESTRAINED. ALL MECHANICAL JOINT HYDRANT TEES SHALL BE VALVE ANCHORING.
- ALL BENDS, TEES, CAPS AND MISCELLANEOUS FITTINGS SHALL BE RESTRAINED MECHANICAL JOINT AS SPECIFIED.
- ALL WATER PIPES ARE TO BE LAID WITH A MINIMUM OF 5'-0" COVER, EXCEPT AS INDICATED OTHERWISE IN THE CONTRACT DOCUMENTS.
- THE CONTRACTOR AT HIS EXPENSE SHALL PROVIDE ADDITIONAL TAPS IF REQUIRED FOR CHLORINATING AND HYDROSTATIC TESTING. TAPS SHALL BE REMOVED AND CAPPED AFTER TESTING IS COMPLETE.
- CONTRACTOR SHALL USE A WATER TIGHT PLUG DURING THE WATER MAIN INSTALLATION. PLUG SHALL REMAIN IN PLACE AT ALL TIMES.

SHEET KEY

- C-1 - SITE PLAN
- A-1 - CHEMICAL INJECTION FACILITY EXTERIOR SECTION VIEW

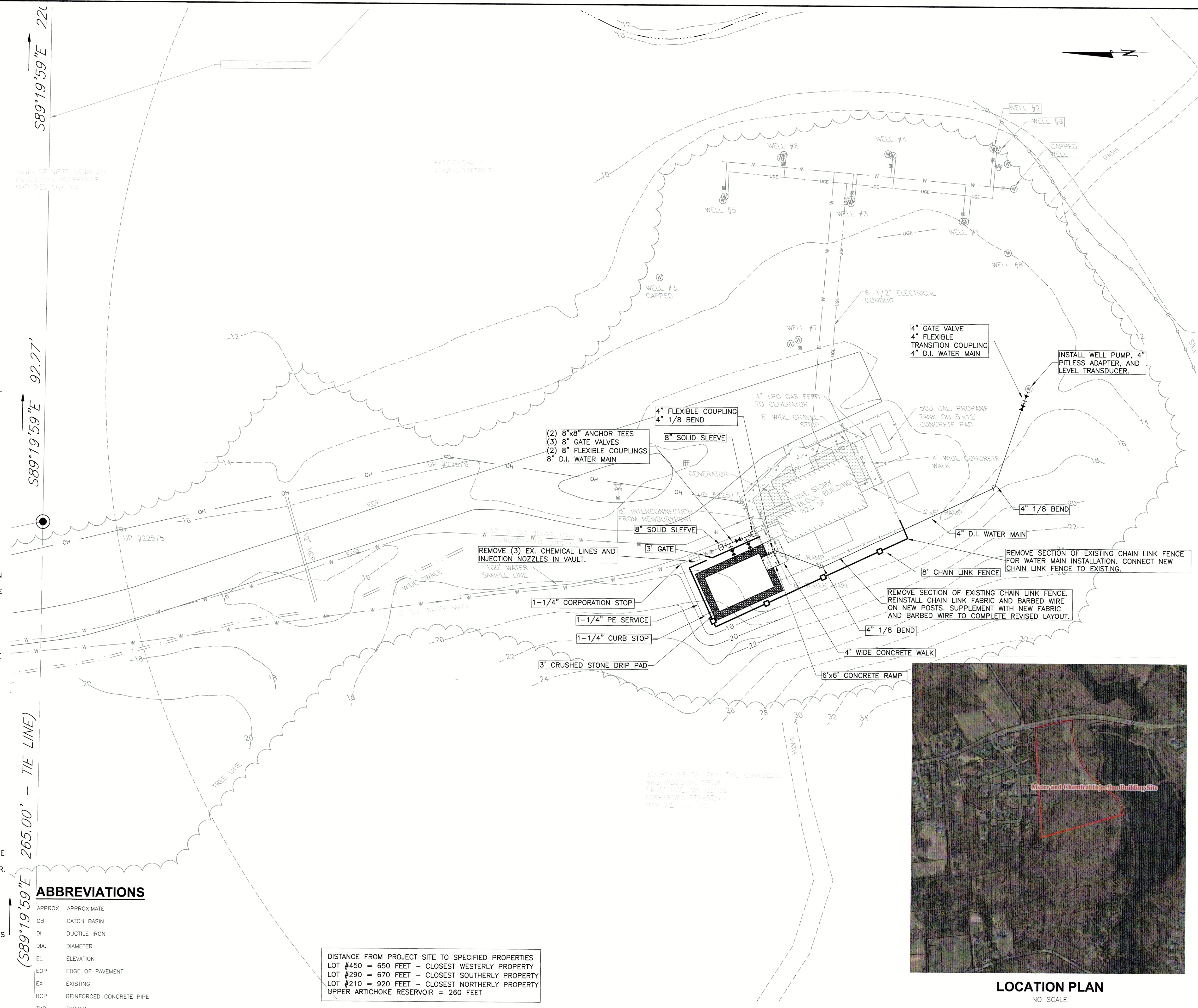
ABBREVIATIONS

APPROX.	APPROXIMATE
CB	CATCH BASIN
DI	DUCTILE IRON
DIA.	DIAMETER
EL	ELEVATION
EOP	EDGE OF PAVEMENT
EX	EXISTING
RCP	REINFORCED CONCRETE PIPE
TYP	TYPICAL

DISTANCE FROM PROJECT SITE TO SPECIFIED PROPERTIES
 LOT #450 = 650 FEET - CLOSEST WESTERLY PROPERTY
 LOT #290 = 670 FEET - CLOSEST SOUTHERLY PROPERTY
 LOT #210 = 920 FEET - CLOSEST NORTHERLY PROPERTY
 UPPER ARTICHOKE RESERVOIR = 260 FEET

SITE PLAN

SCALE: 1" = 20'

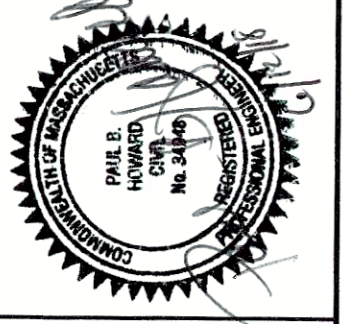


LOCATION PLAN
NO SCALE

TOWN OF WEST NEWBURY
 WEST NEWBURY, MASSACHUSETTS
 METER AND CHEMICAL INJECTION FACILITY

SITE PLAN
 PLANNING BOARD REVIEW
 NOT FOR CONSTRUCTION

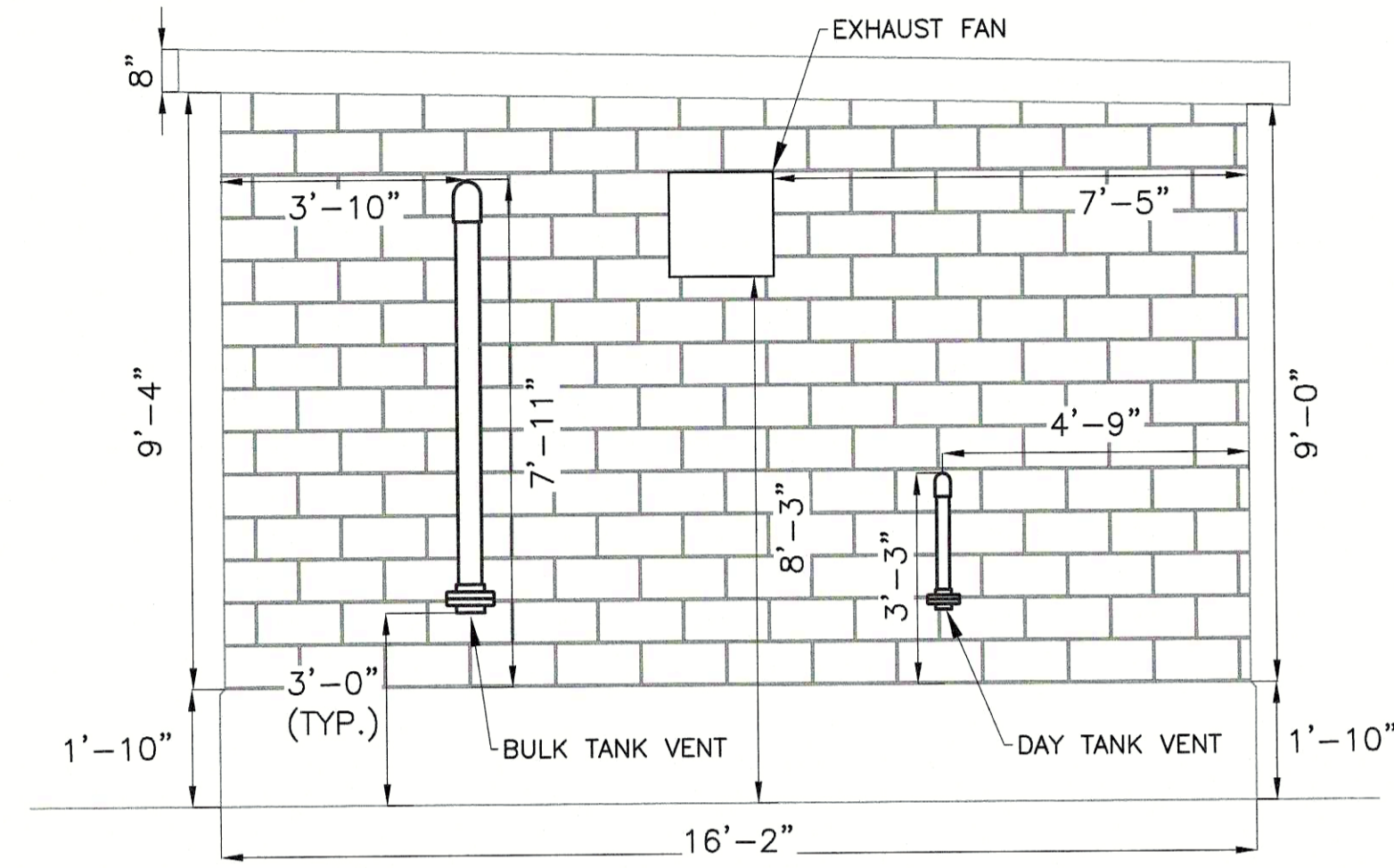
Date	Description
06/2018	PLANNING BOARD SUBMISSION



TATA & HOWARD

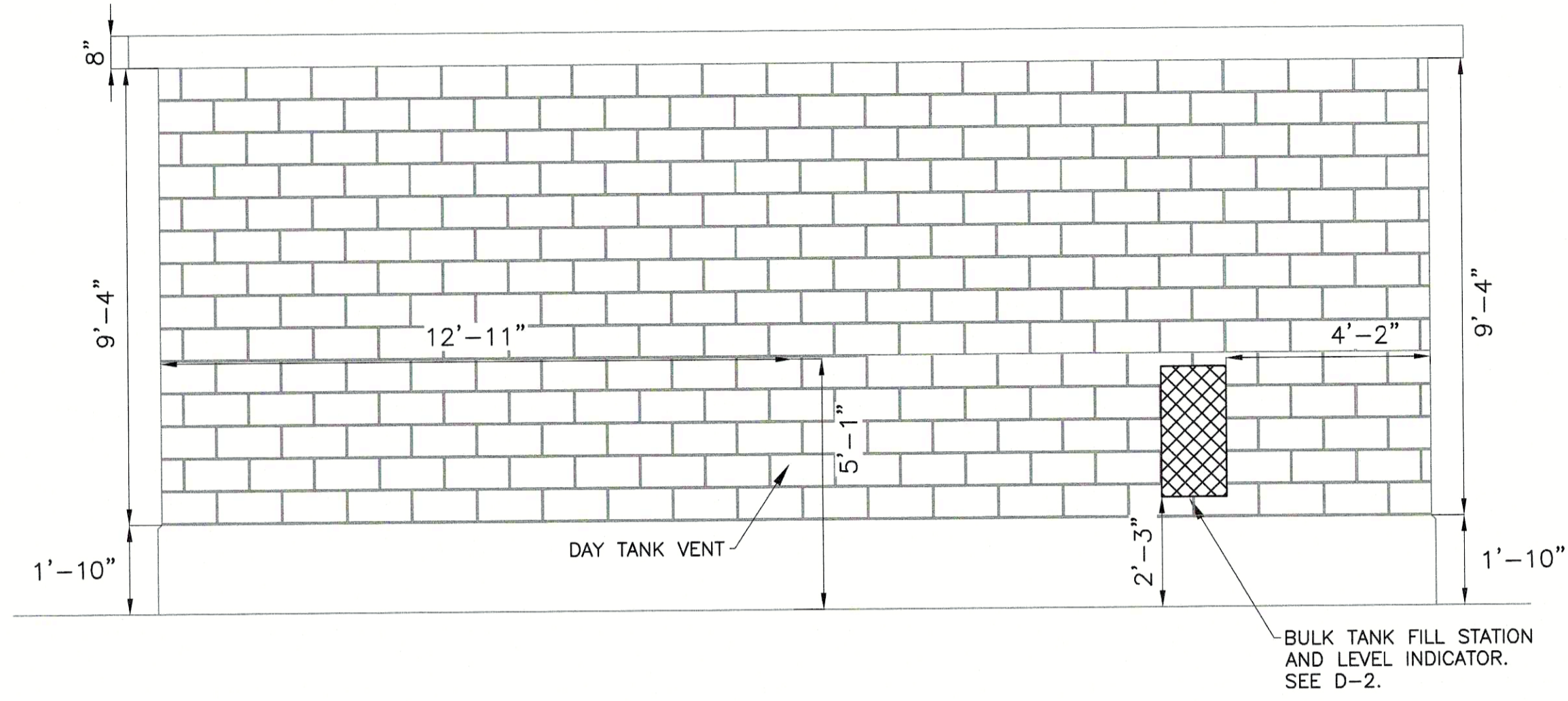
T&H NO.: 3505
 DATE: JUNE 2018
 SCALE: 1" = 20'

C-1



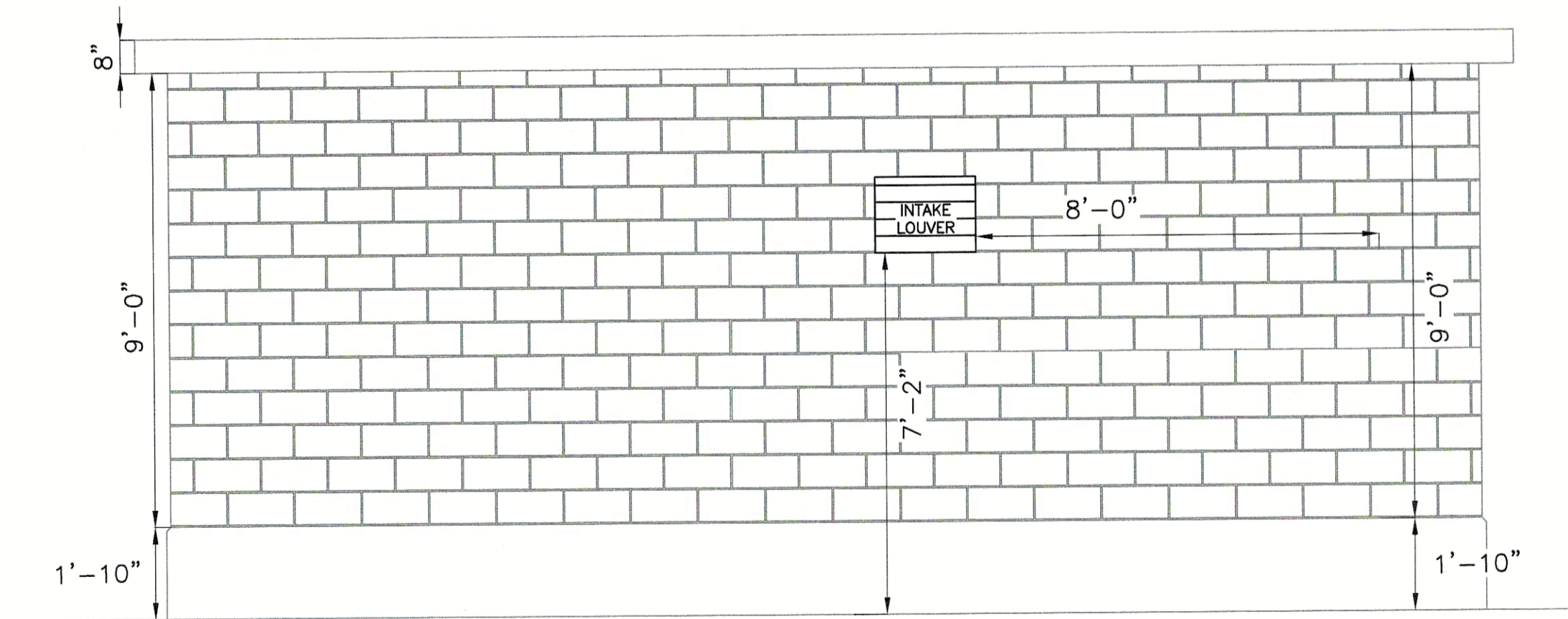
NORTHEAST ELEVATION

SCALE: 3/8" = 1'-0"



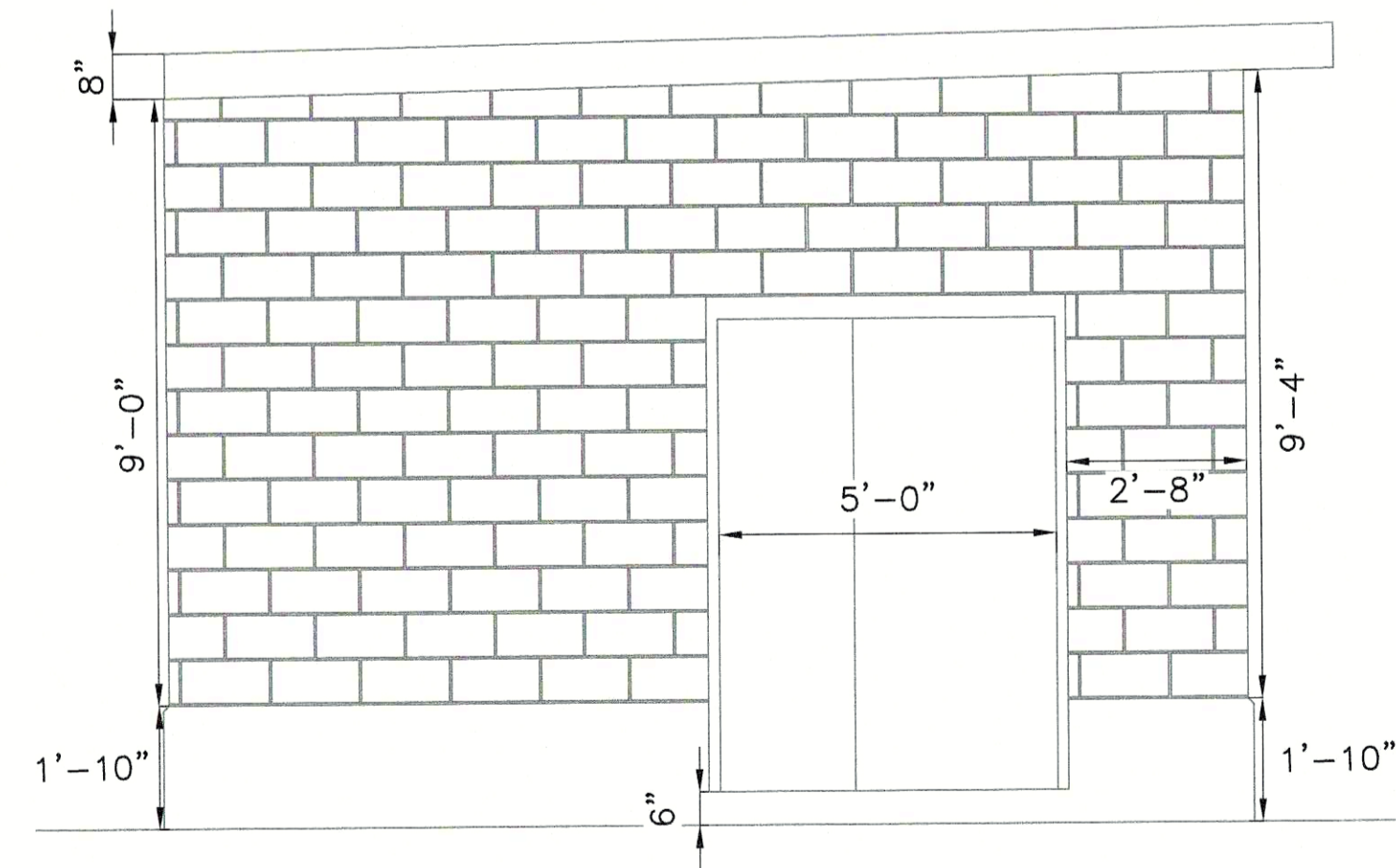
NORTHWEST ELEVATION

SCALE: 3/8" = 1'-0"



SOUTHWEST ELEVATION

SCALE: 3/8" = 1'-0"



SOUTHEAST ELEVATION

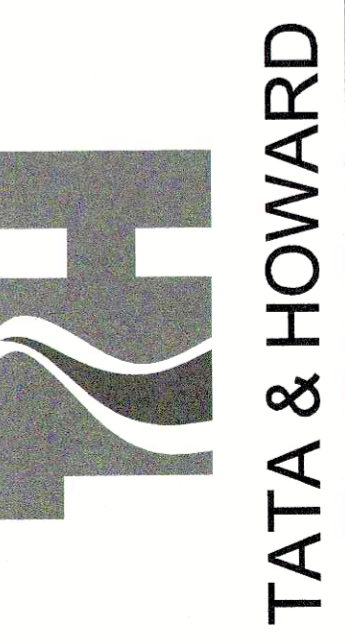
SCALE: 3/8" = 1'-0"

THE BUILDING MATERIALS WILL BE 8-INCH CONCRETE MASONRY BLOCKS.
 THE EXTERIOR COLOR HAS NOT BEEN DETERMINED AT THIS TIME. COLOR WILL BE CHOSEN BY THE OWNER AT A LATER DATE.
 THE ROOF MATERIALS WILL BE PRECAST CONCRETE PLANKS.
 THE PITCH OF THE ROOF WILL BE 1/4:12.

TOWN OF WEST NEWBURY
 WEST NEWBURY, MASSACHUSETTS
 METER AND CHEMICAL INJECTION
 FACILITY

CHEMICAL INJECTION FACILITY
 PLANNING BOARD REVIEW
 NOT FOR CONSTRUCTION

PLANNING BOARD SUBMISSION	Description
01	
06/2018	
Rev.	Date



T&H NO.: 3505
 DATE: JUNE 2018
 SCALE: AS NOTED

A-1

Sketch Plan of Land in WEST NEWBURY, MASS.

Hayes Engineering, Inc.
Civil Engineers & Land Surveyors
603 Salem Street
Wakefield, MA 01880

Telephone: 781.246.2800
Facsimile: 781.246.7596
www.hayeseng.com

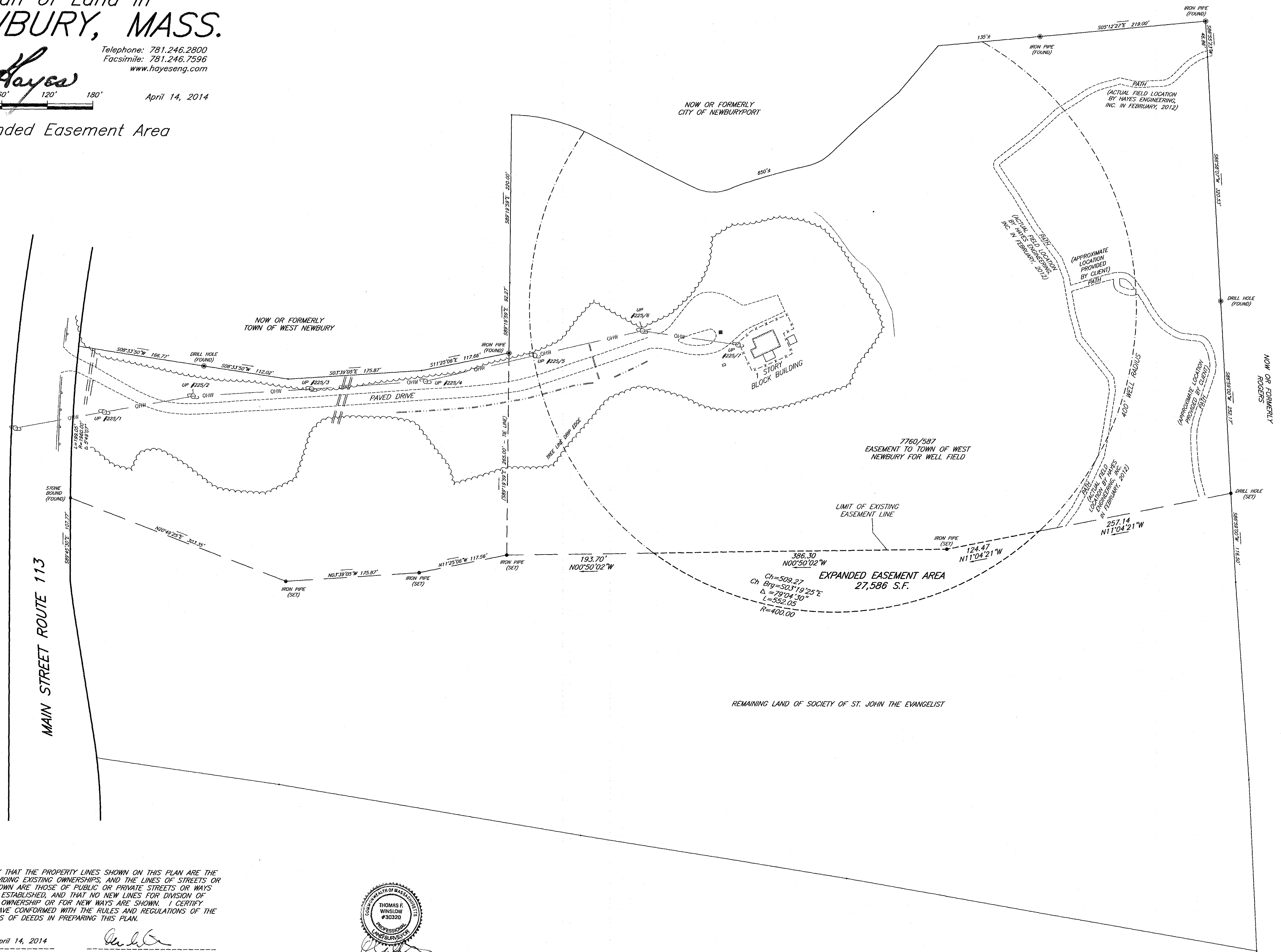


Scale: 1" = 60'



April 14, 2014

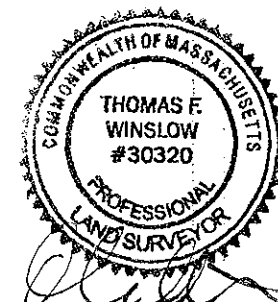
Showing Expanded Easement Area



I CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF STREETS OR WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN. I CERTIFY THAT I HAVE CONFORMED WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS IN PREPARING THIS PLAN.

DATE: April 14, 2014

Thomas F. Winslow
PROFESSIONAL LAND SURVEYOR



(4-17-2014)

REMAINING LAND OF SOCIETY OF ST. JOHN THE EVANGELIST

EXPANDED EASEMENT AREA
27,586 S.F.
Ch=509.27
Br=50.3°19'25"E
Δ=79°04'30"
L=552.05
R=400.00

7760/587
EASEMENT TO TOWN OF WEST
NEWBURY FOR WELL FIELD

MAIN STREET ROUTE 113

NOW OR FORMERLY
TOWN OF WEST NEWBURY

NOW OR FORMERLY
CITY OF NEWBURYPORT

NOW OR FORMERLY
ROGERS

257.14
N11°04'21"W

124.47
N11°04'21"W

193.70'
N00°50'02"W

N11°25'06"W 117.56'

N03°39'05"W 175.87'

N04°49'25"E 301.35'

STONE BOUND (FOUND)

UP #225/1

UP #225/2

UP #225/3

UP #225/4

UP #225/5

UP #225/6

UP #225/7

1 STORY
BLOCK BUILDING

OHW

OHW

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Town Manager

From: Kirsten norton [REDACTED]
Sent: Friday, October 13, 2023 3:51 PM
To: Town Manager
Cc: Selectboard; Highway; DPW Admin; Executive Assistant; Town Clerk
Subject: Re: Bridge Street MDOT sign

Angus,

Thank you so much for this prompt and thorough response, the helpful links and guidance —and your earlier phone call today.

I will pass this on to the neighbors, and share the subscription link with my wider circle.

Warmly,
kiRsten

kiRsten Norton
[REDACTED]

On Oct 13, 2023, at 10:46 AM, Town Manager <townmanager@wnewbury.org> wrote:

Kirst,

Thanks for reaching out. As we discussed, I will provide an update to the Board at Monday’s meeting re the resident feedback, as well as recent MassDOT questions re the fence located within the Bridge Street right-of-way, at their meeting this coming Monday night. The agenda is [here](#), and while this item is late on the agenda (and the meeting often run til 10pm or later), if we know residents wish to attend the Chair can take things out of order. Based on earlier agenda’d items, I can tell you that the earliest this topic could even feasibly be taken up is probably 8:30; in the normal course of things (if residents aren’t present for the topic), it would likely be an hour or more later than that due to the length of the agenda.

Please note, if there are other “late agenda” items for which residents attend, it is fully the Chair’s discretion to consider taking things out of order (and, technically, up to the Board whether to take things up out of order... though they tend not to be too formal on that if the Chair calls something up early).

As we also discussed, a great deal of background on this issue can be found on the Town website. Here are key News/Announcements from last fall: [Oct. 20](#); [Oct. 11](#); [Sept. 27](#). You can find detailed backup for each of the Board’s discussions of the topic in the Board’s meeting packets, which are posted online [here](#). (The content for each topic is hyperlinked from the agenda, so you can click on the topic of interest and it will jump right to the backup).

Due to the number of locations that were considered, and the rapid-fire/quick turnaround for several of these meetings (due to pressure MassDOT was exerting on the Town to make a decision), there is no single exhibit showing both the proposed sign design and location; but you can look at each

individually. The rendering of the sign design can be found on page 8 [here](#); a map showing the general location of the approved sign location can be found on page 39 [here](#). The meeting minutes documenting the Board's approval can be found [here](#).

As we discussed, I strongly recommend that all residents subscribe to "Town News & Announcements" [here](#). As a small town, the website and Facebook account are our best means of getting info out to residents. I appreciate that you said that you will not only subscribe, but also share this resource among your West Newbury network.

One final item: as we discussed, the Board would not be taking any action on this item at its upcoming 10/16 meeting; the topic has been agenda'd to provide the Board updates as to recent input from residents (incl. you) and from MDOT. If the Board does see fit to formally reconsider its prior vote, this would be agenda'd for a future meeting. (Note: you can subscribe to receive the Board's regular agendas at the same "subscribe" link included above). I hope to have some feedback from MDOT by Monday night as to whether they would entertain a change in Board position at this time, and if so whether they would look for Town reimbursement of their costs incurred since the Board's approval last fall.

Have a nice weekend,
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



Federal Emergency Management Agency

Washington, D.C. 20472

September 12, 2023

RECEIVED

OCT 10 2023

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Angus Jennings
Town Manger
381 Main Street
West Newbury, MA 01985

IN REPLY REFER TO:

Case No.: 22-01-1004P
Community Name: Town of West Newbury, MA
Community No.: 250108
Effective Date of
This Revision: February 2, 2024

TOWN MANAGER
TOWN OF WEST NEWBURY

Dear Angus Jennings:

The Flood Insurance Study Report and Flood Insurance Rate Map for your community have been revised by this Letter of Map Revision (LOMR). Please use the enclosed annotated map panels revised by this LOMR for floodplain management purposes and for all flood insurance policies and renewals issued in your community.

Additional documents are enclosed which provide information regarding this LOMR. Please see the List of Enclosures below to determine which documents are included. Other attachments specific to this request may be included as referenced in the Determination Document. If you have any questions regarding floodplain management regulations for your community or the National Flood Insurance Program (NFIP) in general, please contact the Consultation Coordination Officer for your community. If you have any technical questions regarding this LOMR, please contact the Director, Mitigation Division of the Department of Homeland Security's Federal Emergency Management Agency (FEMA) in Boston, Massachusetts, at (617)956-7576, or the FEMA Map Information eXchange toll free at 1-877-336-2627 (1-877-FEMA MAP). Additional information about the NFIP is available on our website at <https://www.fema.gov/flood-insurance>.

Sincerely,

Patrick "Rick" F. Sacbibit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration

List of Enclosures:

- Letter of Map Revision Determination Document
- Annotated Flood Insurance Rate Map
- Annotated Flood Insurance Study Report

cc: The Honorable James J. Fiorentini
Mayor, City of Haverhill

The Honorable Daniel MacDonald
Chair, Board of Selectmen
Town of Groveland

Sam Joslin
Floodplain Administrator
Town of Groveland and Town of West Newbury

Thomas Bridgewater
Building Commissioner
City of Haverhill

Amy Coppers, P.E.
Lead Project Engineer
Wright-Pierce



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION DETERMINATION DOCUMENT

COMMUNITY AND REVISION INFORMATION		PROJECT DESCRIPTION	BASIS OF REQUEST
COMMUNITY	Town of West Newbury Essex County Massachusetts	NO PROJECT	1D HYDRAULIC ANALYSIS FLOODWAY UPDATED TOPOGRAPHIC DATA
	COMMUNITY NO.: 250108		
IDENTIFIER	Radial Collector Well – 309 East Broadway Haverhill, MA (Community No. 250085)	APPROXIMATE LATITUDE AND LONGITUDE: 42.773, -71.025 SOURCE: Other DATUM: NAD 83	
ANNOTATED MAPPING ENCLOSURES		ANNOTATED STUDY ENCLOSURES	
TYPE: FIRM* NO.: 25009C0092F DATE: July 3, 2012		DATE OF EFFECTIVE FLOOD INSURANCE STUDY: July 19, 2018	
		PROFILE: 83P-84P FLOODWAY DATA TABLE: 12	

Enclosures reflect changes to flooding sources affected by this revision.

* FIRM - Flood Insurance Rate Map

FLOODING SOURCE AND REVISED REACH

Merrimack River - From approximately 2,740 feet downstream of the confluence of Millvale Reservoir Brook to approximately 500 feet of the confluence of Riverside Airport Brook

SUMMARY OF REVISIONS

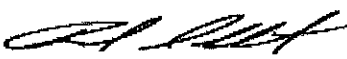
Flooding Source	Effective Flooding	Revised Flooding	Increases	Decreases
Merrimack River	BFEs*	BFEs*	NONE	YES
	Floodway	Floodway	YES	NONE
	Zone AE	Zone AE	YES	YES
	Zone X (shaded)	Zone X (shaded)	YES	YES

* BFEs - Base Flood Elevations

DETERMINATION

This document provides the determination from the Department of Homeland Security's Federal Emergency Management Agency (FEMA) regarding a request for a Letter of Map Revision (LOMR) for the area described above. Using the information submitted, we have determined that a revision to the flood hazards depicted in the Flood Insurance Study (FIS) report and/or National Flood Insurance Program (NFIP) map is warranted. This document revises the effective NFIP map, as indicated in the attached documentation. Please use the enclosed annotated map panels revised by this LOMR for floodplain management purposes and for all flood insurance policies and renewals in your community.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Information eXchange toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional Information about the NFIP is available on our website at <https://www.fema.gov/flood-insurance>.


Patrick "Rick" F. Sacbbit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration

22-01-1004P

190 102-I-A-C



Federal Emergency Management Agency
Washington, D.C. 20472

**LETTER OF MAP REVISION
DETERMINATION DOCUMENT (CONTINUED)**

OTHER COMMUNITIES AFFECTED BY THIS REVISION

CID Number: 250083 **Name:** Town of Groveland, Massachusetts

AFFECTED MAP PANELS

TYPE: FIRM NO.: 25009C0092F DATE: July 3, 2012
TYPE: FIRM NO.: 25009C0094F DATE: July 3, 2012

AFFECTED PORTIONS OF THE FLOOD INSURANCE STUDY REPORT

DATE OF EFFECTIVE FLOOD INSURANCE STUDY: July 19, 2018
PROFILES: 83P-84P

CID Number: 250085 **Name:** City of Haverhill, Massachusetts

AFFECTED MAP PANELS

TYPE: FIRM NO.: 25009C0092F DATE: July 3, 2012
TYPE: FIRM NO.: 25009C0094F DATE: July 3, 2012
TYPE: FIRM NO.: 25009C0093F DATE: July 3, 2012

AFFECTED PORTIONS OF THE FLOOD INSURANCE STUDY REPORT

DATE OF EFFECTIVE FLOOD INSURANCE STUDY: July 19, 2018
PROFILE: 83P-84P, 101P
FLOODWAY DATA TABLE: 12

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Information eXchange toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional Information about the NFIP is available on our website at <https://www.fema.gov/flood-insurance>.

Patrick "Rick" F. Sacbibil, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency
Washington, D.C. 20472

**LETTER OF MAP REVISION
DETERMINATION DOCUMENT (CONTINUED)**

COMMUNITY INFORMATION

APPLICABLE NFIP REGULATIONS/COMMUNITY OBLIGATION

We have made this determination pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 93-234) and in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, P.L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65. Pursuant to Section 1361 of the National Flood Insurance Act of 1968, as amended, communities participating in the NFIP are required to adopt and enforce floodplain management regulations that meet or exceed NFIP criteria. These criteria, including adoption of the FIS report and FIRM, and the modifications made by this LOMR, are the minimum requirements for continued NFIP participation and do not supersede more stringent State/Commonwealth or local requirements to which the regulations apply.

We provide the floodway designation to your community as a tool to regulate floodplain development. Therefore, the floodway revision we have described in this letter, while acceptable to us, must also be acceptable to your community and adopted by appropriate community action, as specified in Paragraph 60.3(d) of the NFIP regulations.

COMMUNITY REMINDERS


We based this determination on the 1-percent-annual-chance flood discharges computed in the FIS for your community without considering subsequent changes in watershed characteristics that could increase flood discharges. Future development of projects upstream could cause increased flood discharges, which could cause increased flood hazards. A comprehensive restudy of your community's flood hazards would consider the cumulative effects of development on flood discharges subsequent to the publication of the FIS report for your community and could, therefore, establish greater flood hazards in this area.

Your community must regulate all proposed floodplain development and ensure that permits required by Federal and/or State/Commonwealth law have been obtained. State/Commonwealth or community officials, based on knowledge of local conditions and in the interest of safety, may set higher standards for construction or may limit development in floodplain areas. If your State/Commonwealth or community has adopted more restrictive or comprehensive floodplain management criteria, those criteria take precedence over the minimum NFIP requirements.

We will not print and distribute this LOMR to primary users, such as local insurance agents or mortgage lenders; instead, the community will serve as a repository for the new data. We encourage you to disseminate the information in this LOMR by preparing a news release for publication in your community's newspaper that describes the revision and explains how your community will provide the data and help interpret the NFIP maps. In that way, interested persons, such as property owners, insurance agents, and mortgage lenders, can benefit from the information.

This revision has met our criteria for removing an area from the 1-percent-annual-chance floodplain to reflect the placement of fill. However, we encourage you to require that the lowest adjacent grade and lowest floor (including basement) of any structure placed within the subject area be elevated to or above the Base (1-percent-annual-chance) Flood Elevation.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Information eXchange toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional information about the NFIP is available on our website at <https://www.fema.gov/flood-insurance>.


Patrick "Rick" F. Sacbibit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency
Washington, D.C. 20472

**LETTER OF MAP REVISION
DETERMINATION DOCUMENT (CONTINUED)**


We have designated a Consultation Coordination Officer (CCO) to assist your community. The CCO will be the primary liaison between your community and FEMA. For information regarding your CCO, please contact:

Kerry Bogdan
Chief, Risk Analysis Branch
U.S. Department of Homeland Security
Federal Emergency Management Agency, Region I,
99 High Street
Boston, MA 02110
(617) 956-7576

STATUS OF THE COMMUNITY NFIP MAPS

We will not physically revise and republish the FIRM and FIS report for your community to reflect the modifications made by this LOMR at this time. When changes to the previously cited FIRM panel(s) and FIS report warrant physical revision and republication in the future, we will incorporate the modifications made by this LOMR at that time.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Information eXchange toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional information about the NFIP is available on our website at <https://www.fema.gov/flood-insurance>.


Patrick "Rick" F. Sacbibit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency
Washington, D.C. 20472

**LETTER OF MAP REVISION
DETERMINATION DOCUMENT (CONTINUED)**

PUBLIC NOTIFICATION OF REVISION

A notice of changes will be published in the *Federal Register*. This information also will be published in your local newspaper on or about the dates listed below, and through FEMA's Flood Hazard Mapping website at https://www.floodmaps.fema.gov/fhm/bfe_status/bfe_main.asp

LOCAL NEWSPAPER

Name: *The Daily News of Newburyport*

Dates: September 28, 2023 and October 5, 2023

Within 90 days of the second publication in the local newspaper, any interested party may request that we reconsider this determination. Any request for reconsideration must be based on scientific or technical data. Therefore, this letter will be effective only after the 90-day appeal period has elapsed and we have resolved any appeals that we receive during this appeal period. Until this LOMR is effective, the revised flood hazard determination presented in this LOMR may be changed.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Information eXchange toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional information about the NFIP is available on our website at <https://www.fema.gov/flood-insurance>.

A handwritten signature in black ink, appearing to read "Rick Sacbbit".

Patrick "Rick" F. Sacbbit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration

REVISED DATA →

FLOODING SOURCE		FLOODWAY			BASE FLOOD WATER SURFACE ELEVATION (FEET NAVD)			
CROSS SECTION	DISTANCE ¹	WIDTH (FEET)	SECTION AREA (SQUARE FEET)	MEAN VELOCITY (FEET PER SECOND)	REGULATORY	WITHOUT FLOODWAY	WITH FLOODWAY	INCREASE
A	28,354	1,041	26,922	4.3	9.8	9.8	9.8	0.0
B	32,208	1,101	27,860	4.1	10.5	10.5	10.5	0.0
C	38,386	1,120	25,350	4.5	11.7	11.7	11.7	0.0
D	41,501	1,830	38,000	3.0	12.2	12.2	12.2	0.0
E	44,194	1,920	37,600	3.1	12.4	12.4	12.4	0.0
F	51,216	880	22,800	5.0	12.9	12.9	12.9	0.0
G	55,176	695	15,700	7.3	13.4	13.4	13.4	0.0
H	60,984	780	16,300	7.1	14.8	14.8	14.9	0.1
I	64,839	1,215	27,600	4.2	16.2	16.2	16.4	0.2
J	70,939	1,015	24,100	4.8	16.8	16.8	17.0	0.2
K	73,921	1,613	28,201	4.1	17.3	17.3	18.3	1.0
L	82,269	772	18,854	6.1	19.1	19.1	20.0	0.9
M	86,389	1,140	27,106	4.2	20.7	20.7	21.6	0.9
N	89,889	*	27,196	4.2	21.1	21.1	22.1	1.0
O	92,229	*	30,465	3.8	21.4	21.4	22.3	0.9
P	93,909	*	16,116	7.1	21.4	21.4	22.3	0.9
Q	97,289	616	16,645	6.9	22.0	22.0	23.0	1.0
R	100,049	*	17,981	6.4	22.7	22.7	23.7	1.0
S	100,294	*	19,426	5.9	22.9	22.9	23.9	1.0
T	100,594	*	15,437	7.5	22.9	22.9	23.9	1.0
U	102,619	*	13,575	8.5	23.1	23.1	24.0	0.9
V	105,599	*	24,161	4.8	24.3	24.3	25.3	1.0
W	108,299	*	16,070	7.2	24.4	24.4	25.3	0.9
X	111,924	*	17,163	6.7	25.1	25.1	26.0	0.9
Y	113,934	570	15,300	7.5	25.2	25.2	26.1	0.9
Z	114,899	570	15,150	7.6	25.8	25.8	26.4	0.6
AA	118,074	*	14,071	8.2	26.5	26.5	27.4	0.9

¹ FEET ABOVE NEWBURYPORT LIGHTHOUSE

* FLOODWAY COINCIDENT WITH CHANNEL BANKS

TABLE 12

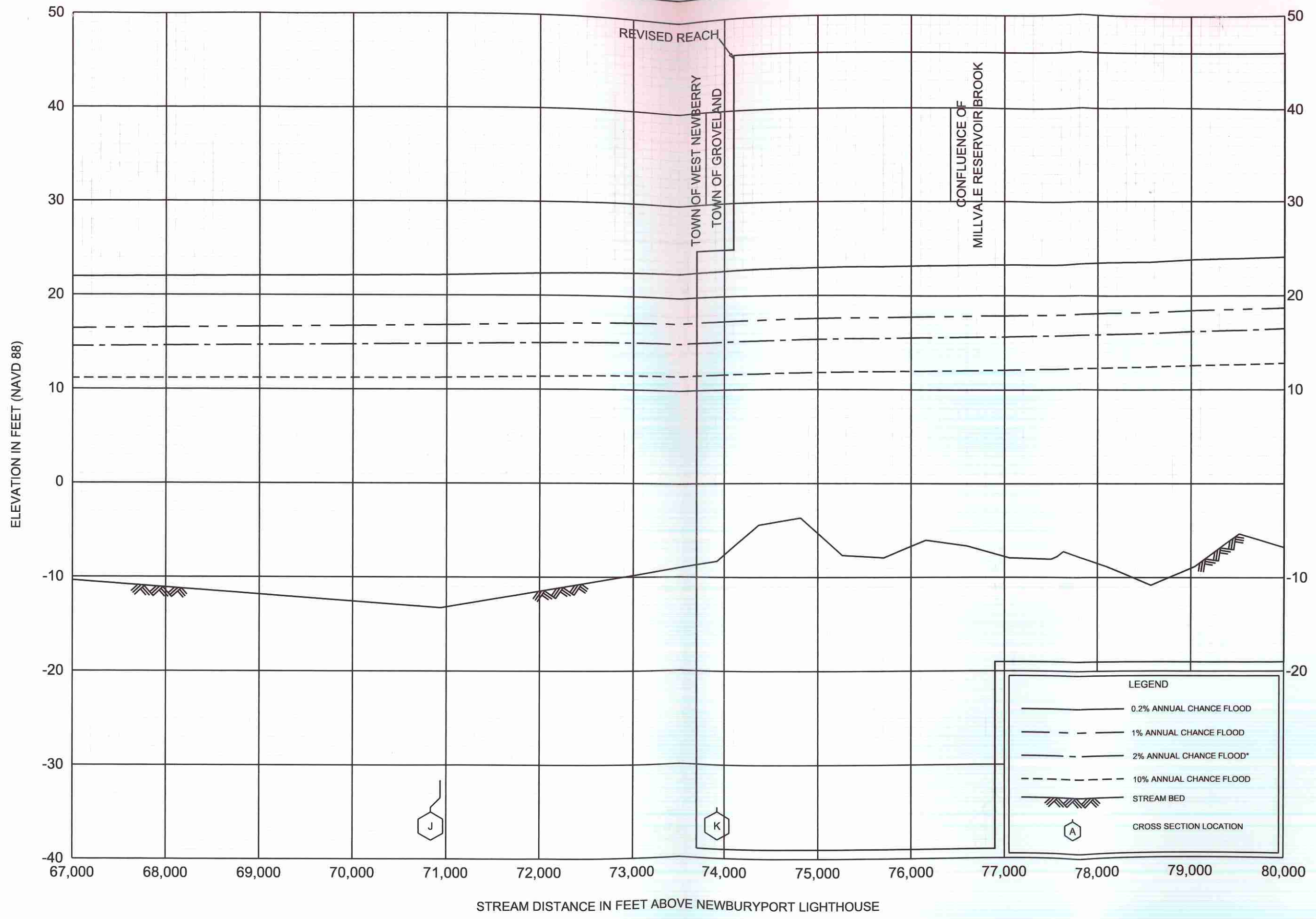
FEDERAL EMERGENCY MANAGEMENT AGENCY

ESSEX COUNTY, MA
(ALL JURISDICTIONS)

FLOODWAY DATA

REVISED TO REFLECT LOMR
EFFECTIVE: February 2, 2024

MERRIMACK RIVER

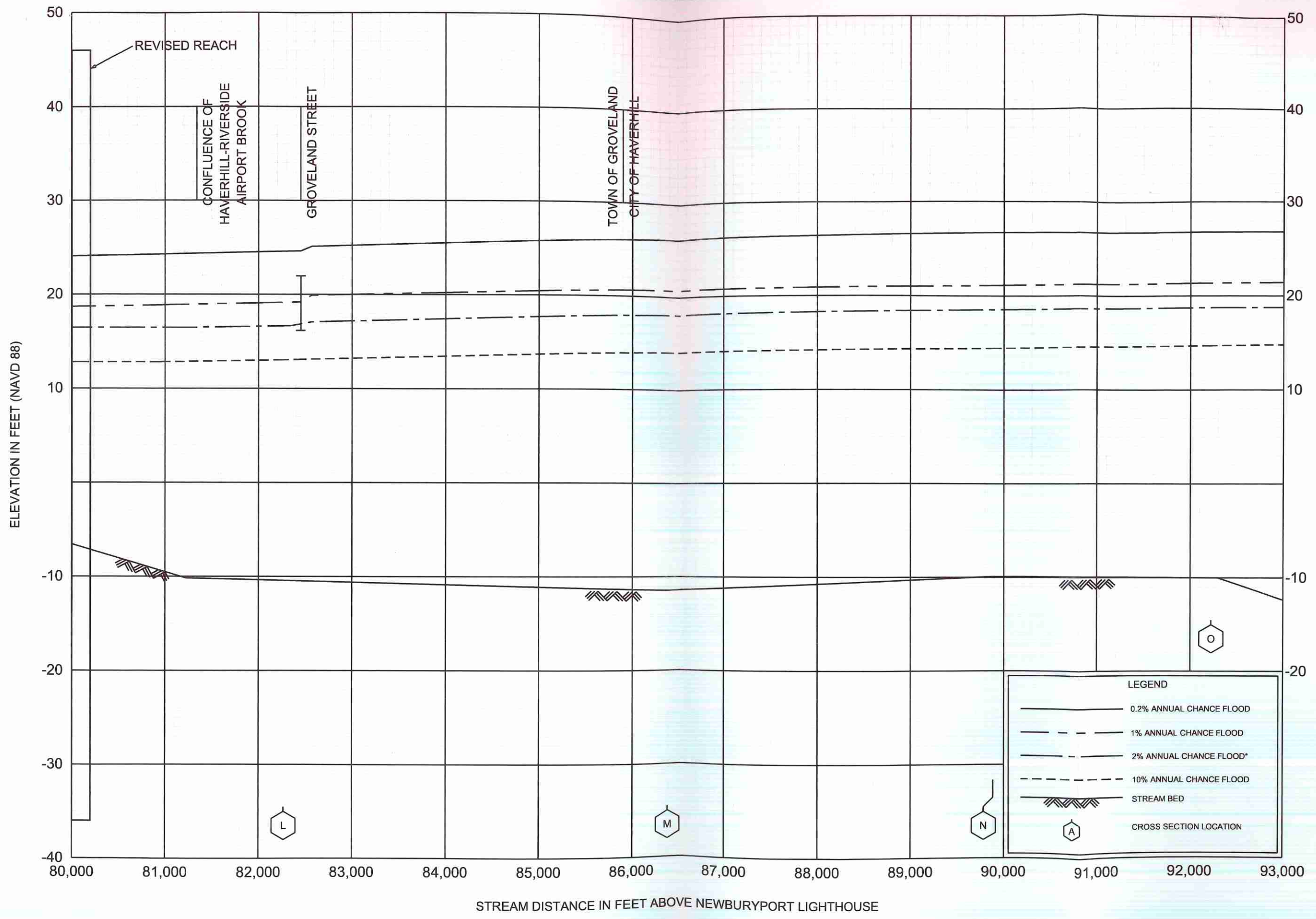


REVISED TO
REFLECT LOMR
EFFECTIVE: February 2, 2024

FLOOD PROFILES
MERRIMACK RIVER

FEDERAL EMERGENCY MANAGEMENT AGENCY
ESSEX COUNTY, MA
(ALL JURISDICTIONS)

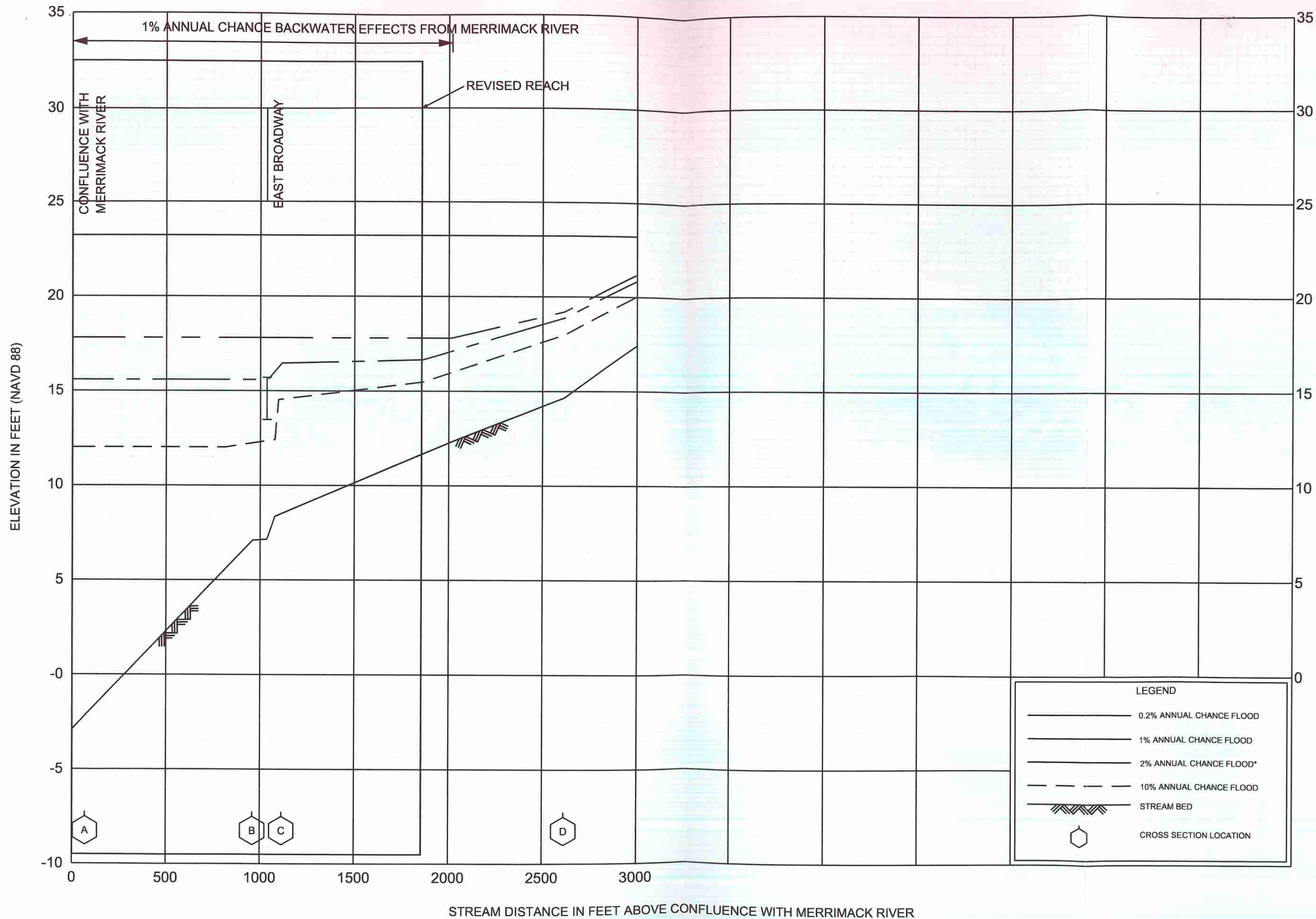
83P



REVISED TO
REFLECT LOMR
EFFECTIVE: February 2, 2024

FLOOD PROFILES
MERRIMACK RIVER

FEDERAL EMERGENCY MANAGEMENT AGENCY
ESSEX COUNTY, MA
(ALL JURISDICTIONS)



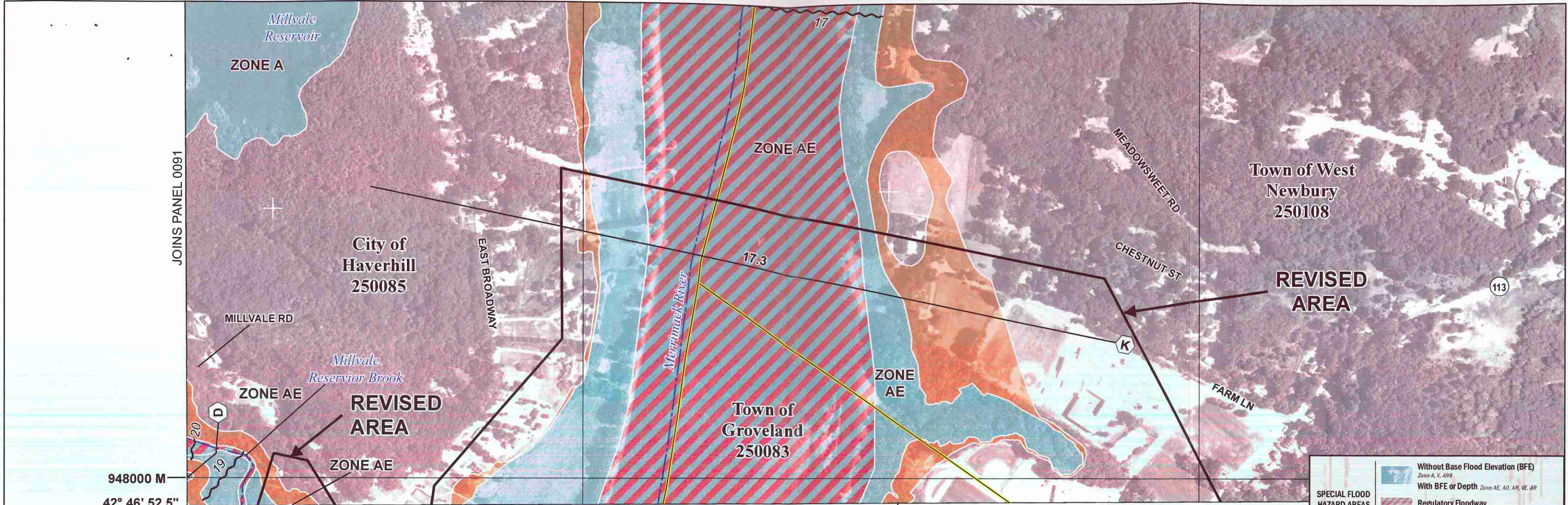
FLOOD PROFILES

MILLEVALE RESERVOIR BROOK

REVISED TO REFLECT LOMR EFFECTIVE: February 2, 2024

FEDERAL EMERGENCY MANAGEMENT AGENCY
ESSEX COUNTY, MA
 (ALL JURISDICTIONS)

101P



948000 M
42° 46' 52.5"
71° 01' 52.5"
34^{000m}E

JOINS PANEL 0094
35^{000m}E

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE)
Zone A, V, A99
- With BFE or Depth *Zone AE, AO, AH, VE, AR*
- Regulatory Floodway
- 0.2 % Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*
- Future Conditions 1% Annual Chance Flood Hazard *Zone X*

OTHER AREAS OF FLOOD HAZARD

- Area with Reduced Flood Risk due to Levee
See Notes. *Zone X*

SCALE Imagery Source: NAIP 2016

Map Projection:
NAD 1983 StatePlane Massachusetts Mainland FIPS 2001 Feet
Western Hemisphere, Vertical Datum: NAVD 88

1 Inch = 500 feet 1:6,000

0 250 500 1,000 Feet

0 62.5 125 250 Meters

FEMA
National Flood Insurance Program

**NATIONAL FLOOD INSURANCE PROGRAM
FLOOD INSURANCE RATE MAP**

ESSEX COUNTY, MASSACHUSETTS
(ALL JURISDICTIONS)

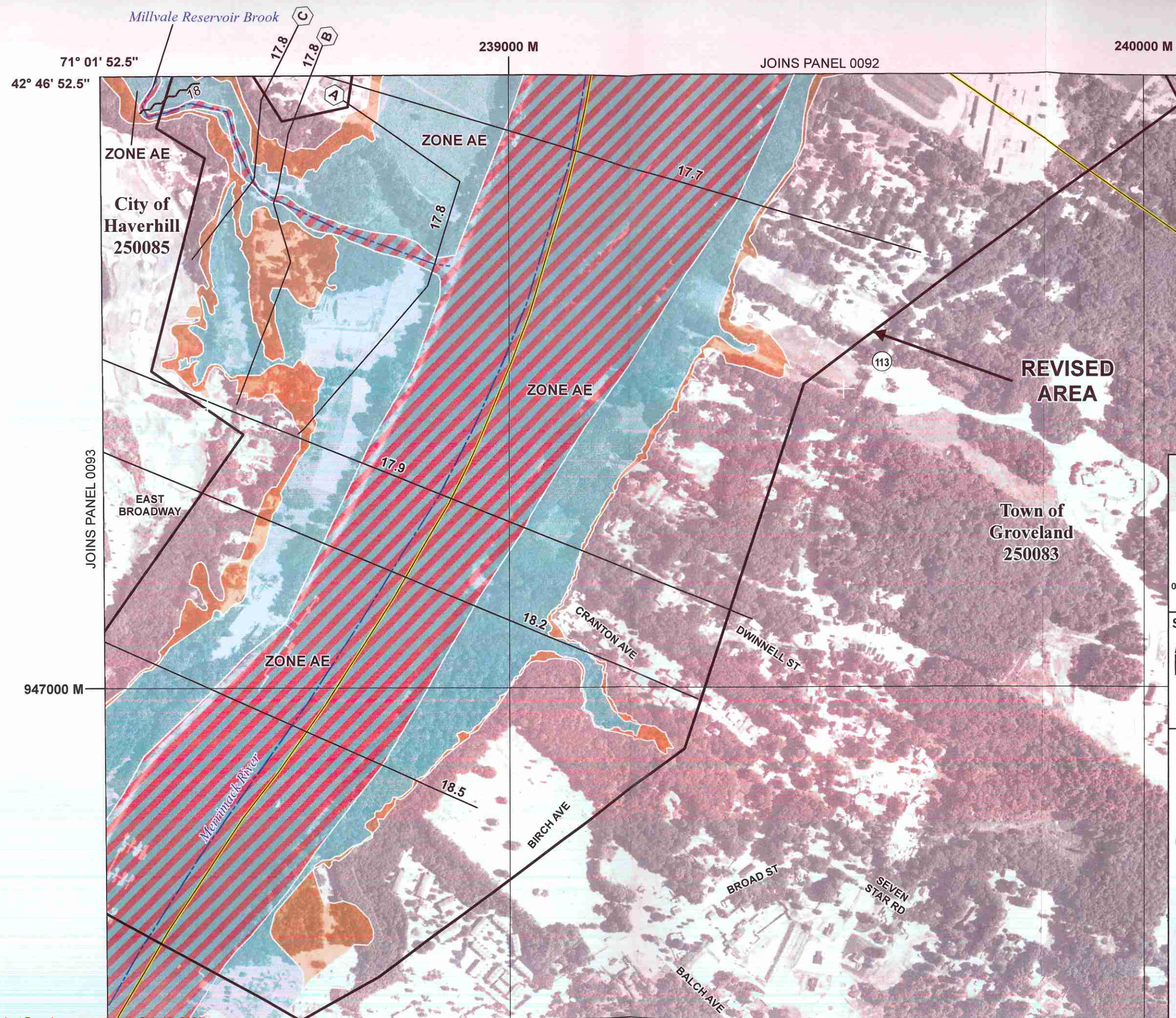
PANEL 92 of 600

Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
GROVELAND, TOWN OF	250083	0092	F
HAVER HILL, CITY OF	250085	0092	F
MERRIMAC, TOWN OF	250092	0092	F
WEST NEWBURY, TOWN OF	250108	0092	F

REVISED TO REFLECT LOMR
EFFECTIVE: February 2, 2024

VERSION NUMBER 1.1.1.0
MAP NUMBER 25009C0092F
EFFECTIVE DATE JULY 3, 2012

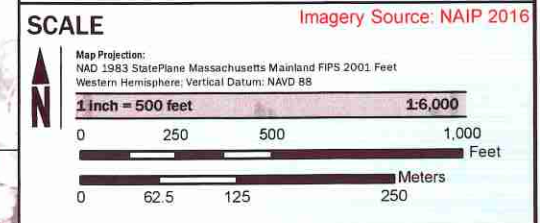


Town of West Newbury
250108

City of Haverhill
250085

Town of Groveland
250083

- SPECIAL FLOOD HAZARD AREAS**
- Without Base Flood Elevation (BFE)
Zone A, V, A99
 - With BFE or Depth *Zone AE, AO, AH, VE, AR*
 - Regulatory Floodway
 - 0.2 % Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*
 - Future Conditions 1% Annual Chance Flood Hazard *Zone X*
 - Area with Reduced Flood Risk due to Levee
See Notes, *Zone F*
- OTHER AREAS OF FLOOD HAZARD**



FEMA
National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM
FLOOD INSURANCE RATE MAP

ESSEX COUNTY, MASSACHUSETTS
(ALL JURISDICTIONS)

PANEL 94 of 600

Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
GROVELAND, TOWN OF	250083	0094	F
HAVERTHILL, CITY OF	250085	0094	F
WEST NEWBURY, TOWN OF	250108	0094	F

REVISED TO REFLECT LOMR
EFFECTIVE: February 2, 2024

VERSION NUMBER
1.1.1.0

MAP NUMBER
25009C0094F

EFFECTIVE DATE
JULY 3, 2012

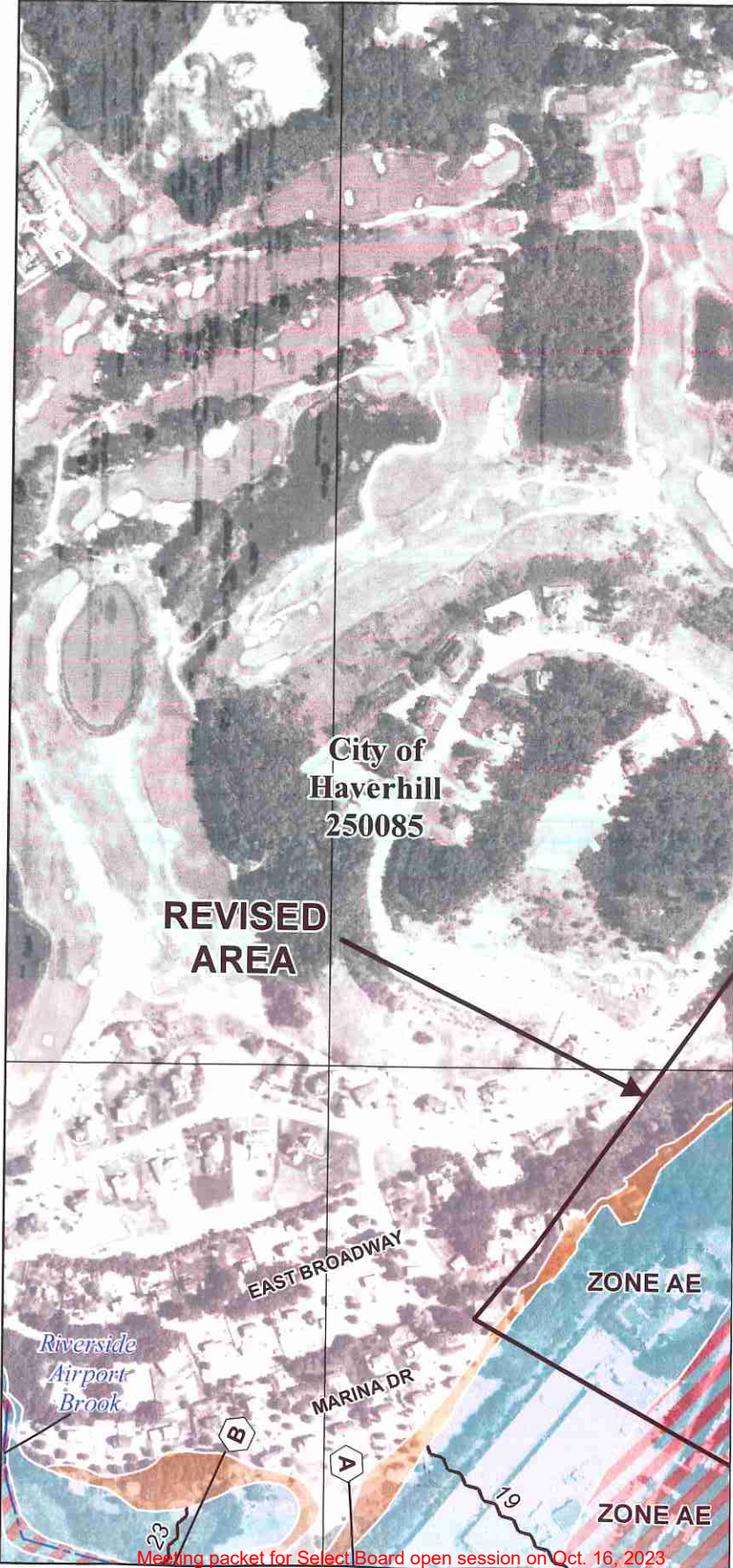
238000 M

71° 01' 52.5"

JOINS PANEL 0091

42° 46' 52.5"

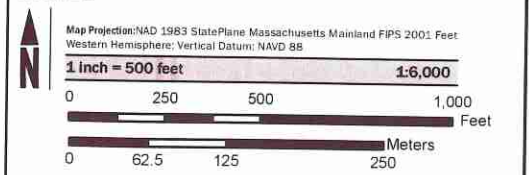
47° 38' 00.00mN



JOINS PANEL 0094

SPECIAL FLOOD HAZARD AREAS	Without Base Flood Elevation (BFE) <i>Zone A, V, A99</i>
	With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i>
OTHER AREAS OF FLOOD HAZARD	Regulatory Floodway
	0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i>
	Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i>
	Area with Reduced Flood Risk due to Levee See Notes. <i>Zone X</i>

SCALE Imagery Source: NAIP 2016



FEMA

National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM

FLOOD INSURANCE RATE MAP

ESSEX COUNTY, MASSACHUSETTS

(ALL JURISDICTIONS)

PANEL **93** OF 600

Panel Contains:			
COMMUNITY	NUMBER	PANEL	SUFFIX
GROVELAND, TOWN OF	250083	0093	F
HAVERHILL, CITY OF	250085	0093	F

REVISED TO REFLECT LOMR
EFFECTIVE: February 2, 2024

VERSION NUMBER	1.1.1.0
MAP NUMBER	25009C0093F
EFFECTIVE DATE	JULY 3, 2012

201