



Town of West Newbury, Massachusetts

Fall Town Meeting

October 24, 2016, 7:00 p.m.

Town Annex, 379 Main Street



October 24, 2016

Dear Fellow Residents of West Newbury:

We have prepared this booklet to assist you in making informed decisions on this meeting's Warrant Articles. The Finance Committee has reviewed each proposed Article, and herein reports to you our recommendations to approve or disapprove each Article.

The Selectmen and Finance Committee continue to approach the Fall Town Meeting's agenda with the intent to use this time for Articles of a more urgent nature. These Articles include issues of safety, clerical and budgetary adjustments, and bylaw adjustments which are presented to address current Town situations. We wish to retain the Annual Town Meeting, held in the spring, as the forum to bring forward Articles that surface through normal Town operations. That being said, participation at the Special Town Meeting is always important. It is within this STM where voters will have the opportunity to decide on such items as the addition of an overnight police officer, operating equipment for both the police and fire department, software for the Town Clerk to better manage dog registrations, and the movement of Free Cash to reduce the tax rate. This is a time for voters to address issues that arose after the Annual Town Meeting. It is also a time to address issues in which it would not be prudent, or even possible, to set the item aside until the spring.

In West Newbury we are fortunate that so many volunteer their time to participate on Town committees. The Finance Committee applauds and thanks you all for your commitment. We meet Monday evenings at 7 pm in the 1910 Building. We genuinely welcome your participation.

"It's impossible to be involved in all situations, but there's no excuse not to be involved in something, somewhere, somehow, with someone. Make an ounce of difference." Richelle Goodrich

The West Newbury Finance Committee

Kymerly Codair, chair
Carroll Winch, vice chair
Elisa Grammer, secretary
Peter Phillips
Nick DeLena
Tom Ellis
Michael Bertino, ex officio

**TOWN OF WEST NEWBURY
COMMONWEALTH OF MASSACHUSETTS
WARRANT - SPECIAL TOWN MEETING – MONDAY, October 24, 2016
7:00 p.m.**

Essex, ss.

To any of the Constables of the Town of West Newbury:

In the name of the Commonwealth, you are hereby required to notify and warn all the inhabitants of the Town of West Newbury, who are qualified to vote in the elections and Town affairs, to meet at the Town Annex, 379 Main Street, at 7:00 p.m. on Monday, October 24, 2016 to act upon or take any other action relative to all of the following Articles.

GENERAL GOVERNMENT MATTERS

ARTICLE 1. To hear and act upon the reports of Town officers and committees.

APPROPRIATIONS

ARTICLE 2. To see if the town will vote to transfer from Free Cash the sum of \$144,300.00 to reduce the current year tax rate. By request of the Board of Selectmen.

Selectmen Recommendation::

Approve: 3-0-0

FinCom Recommendation:

Approve: 5-0-0

Rationale: The Article will allow for the transfer of \$144,300 from Free Cash to reduce the current year tax rate. The effort of the Selectmen and the Finance Committee is to always maintain a healthy balance of Free Cash in conjunction with a stable tax rate. Doing so will assist the Town in avoiding significant fluctuation to the tax rate. Currently our Free Cash is at a level in excess of the financial needs of the Town. It is the goal of the Finance Committee going forward to slowly reduce Free Cash to approximately 5-7% of the overall budget. This particular amount was chosen to offset Article 5, the request to hire an additional police officer, which is a raise and appropriate request, leaving a net buydown of \$100,000. ***Funding:*** Free Cash.

ARTICLE 3. To see if the town will vote to raise and appropriate and/or transfer from available funds the sum of \$2,500.00 to pay the Town's share of tuition expenses to the Essex North Shore Technical School for FY 2017. By Request of the Finance Director.

Selectmen Recommendation::

Approve: 3-0-0

FinCom Recommendation:

Approve: 4-0-0

Rationale: Essex Tech is responsible for accurate reporting of student enrollment to ensure proper Ch. 70 reimbursement to the Town, from the state. Essex Tech failed to properly report such enrollment and subsequently a neighboring town received the related Ch. 70 reimbursement. Due to the inability of Essex Tech in obtaining these funds back from that town and the inability to

calculate our intended reimbursement, they proposed to charge West Newbury for the identifiable costs of bus expenses only. That amount is expected to be approximately \$2,500. **Funding:** Free Cash.

ARTICLE 4. To see if the town will vote to transfer the sum of \$11,769.73 from the Septic Loan Revolving Account for repayment of the loan debt service. By Request of the Finance Director.

Selectmen Recommendation::
FinCom Recommendation:

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

Rationale: In 2001 the Town enrolled in a 20 year state-financed program to loan residents money to help them rebuild septic systems that do not conform to Title V. This MassDEP program offers 0% loans to communities, which in turn provide low-interest betterment loans to eligible homeowners with failed septic systems through the local Board of Health. The Town loans money to homeowners at an interest rate of 3% (mainly to cover the cost of administering the program). The homeowners repay the loan money to the Town and the Town repays the State. Neither the Town nor the State profits from this transaction. This Article is for the payment of the principal. We have been making these payments since 2001 with the amount of repayment dependent upon the number of borrowers. The amount remaining to be paid in this fiscal year is \$11,769.73. This program is no longer open to new participants. **Funding:** Septic Loan Revolving Account.

ARTICLE 5. To see if the town will vote to raise and appropriate and/or transfer from available funds the sum of \$44,300.00 to hire and pay for a Police Officer. By request of the Police Chief.

Selectmen Recommendation::
FinCom Recommendation:

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

Rationale: Chief Reed has identified the need for a full time midnight shift officer for purposes of safety and reducing the need to rely on surrounding towns for support in an emergency. It is important to note that this cost is associated with the remaining eight months of the current budget year and the expected expense for future budget years is anticipated to be between \$85,000 and \$90,000. Chief Reed has expressed the importance of West Newbury becoming a fully accredited police department; this will support that goal. **Funding:** Raise and Appropriate.

ARTICLE 6. To see if the town will vote to raise and appropriate and/or transfer from available funds the sum of \$39,720.00 to purchase a Police Department utility vehicle. By request of the Police Chief.

Selectmen Recommendation::
FinCom Recommendation:

Approve: 2-1-0
Approve: 3-3-0

Rationale: Pro-- The supporting viewpoint on this Article is based upon three points. First, the increasing age and mileage level of the cruiser recommended for replacement is far beyond standard mileage levels for replacement. That is becoming a concern of safety for the operator. Second, both this vehicle and the next oldest are well beyond the recommended replacement trigger of 85k miles. In order to maintain a rotating replacement cycle for proper fleet management, the oldest should be replaced now, with the possibility of replacement of the next oldest being brought before spring town meeting. This would allow for the establishment of a more consistent replacement schedule of the fleet. Third, the Town has been concerned with the quantity of vehicles and whether or not there should be 3 or 4 cruisers. A recent accident involving a cruiser supports the need for a fourth. With 2 vehicles on the road, and one in repair, a fourth would need to be available to support the force.

Con-- The dissenting viewpoint on this Article concerns the timing and process of the request. While the request for a replacement cruiser is clear, we submit that a recurring line item should be added to the annual Police budget should the Chief pursue a revolving

replacement schedule. As such, the appropriate time to consider this request would be at the Annual Town Meeting in the spring, giving the Town the opportunity to review this as a line item in the context of the overall budget. **Funding:** Free Cash.

ARTICLE 7. To see if the town will vote to raise and appropriate and/or transfer from available funds the sum of \$45,000.00 for a new Fire Department Communications Repeater. By request of the Fire Chief.

Selectmen Recommendation::

Approve: 2-1-0

FinCom Recommendation:

Approve: 6-0-0

Rationale: This Article seeks to appropriate \$45,000 from free cash in order to improve the Town's radio communications infrastructure. The Fire Department currently uses vehicle mounted and hand held radios to communicate during emergencies and over recent years has experienced a significant decrease in the quality of these communications, particularly as other municipalities have recently increased use of our frequency, crowding us out. This is a "non-repeater" radio system that is no longer the public safety standard.

As a result the Fire Department has studied how it can more effectively and constantly communicate during emergencies, and has determined a three step solution. First, apply for a new communications frequency, which has been completed. Second, seek funding to purchase and install a Fire Department repeater system at the Pipestave Hill complex, 694 Main Street (2016 Fall Town Meeting). Third, establish a communications link between the Public Safety Building and the west end of Town (2017 Annual Town Meeting). Installation of a repeater system will immediately improve communications by eliminating radio interference due to sharing on the current frequency and increase the strength of the radio transmissions. The Finance Committee unanimously supports the use of \$45,000 in Free Cash to address this urgent public safety need. **Funding:** Free Cash.

ARTICLE 8. To see if the town will vote to raise and appropriate and/or transfer from available funds the sum of \$1,400.00 to add to the Board of Registrars Expense Line to provide an up-dated computer program for the online registration of dogs in the Town. By request of the Town Clerk.

Selectmen Recommendation::

Approve: 3-0-0

FinCom Recommendation:

Approve: 6-0-0

Rationale: This one-time \$1,400 investment will set-up and capture all the data and allow dog owners the option to register and pay the licensing fees for their pets online. The annual costs and maintenance expenses will be covered by the fee income. **Funding:** Free Cash.

ARTICLE 9. To see if the town will vote to transfer from Community Preservation Act funds the sum of \$66,000.00, with \$36,722.00 from CPA Historic Resources Reserve and with \$29,278.00 from CPA Unrestricted Fund Balance, to conduct an Inventory of Historical Properties, or take any other action relative thereto. By request of the Community Preservation Committee and the Historical Commission.

Selectmen Recommendation::

Approve: 2-1-0

FinCom Recommendation:

Approve: 6-0-0

Rationale: In 2006 the Town adopted the Community Preservation Act (CPA) which establishes an account to provide funding for open space recreational use, community housing, and historical preservation. The state mandates that CPA funds be allocated annually and may only be used for items related to the relevant reserve account.

Under Massachusetts law, each historical commission is expected to compile an inventory within its community, including areas, buildings, structures and sites which are historically, architecturally, or culturally significant to the Town. This forms a basis for identifying and prioritizing important structures to enable a program for their preservation.

*This proposal would allocate \$66,000 in Historic- and Undesignated-category CPA funds for an inventory of the Town's historic structures (some 300 buildings over 100 years old) during a three-year period. The Town's only inventory, undertaken in 1974, needs updating and improvement. Committing these CPA funds to the historic inventory will enable the Historical Committee to apply for matching grant funds from the state. **Funding:** CPA Funds.*

ARTICLE 10. To see if the town will vote to raise and appropriate and/or transfer from available funds the sum of \$39,000.00 to provide for the maintenance, repair and general upkeep of the Pipestave Apartment Building. By request of the Finance Director.

Selectmen Recommendation::
FinCom Recommendation:

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

Rationale: *The Town currently owns affordable housing units at Pipestave Hill (adjacent to the Page School). However, the Town has been paying a management fee in the amount of \$1,100 a month to the Newburyport Housing Authority to provide services in the form collecting rent and paying bills for the property. Since the majority of the property improvements come from the Town's resources, the Board of Selectmen voted for the Town to manage the property itself, thereby saving the management fees charged to the Town and gaining greater control over the property. Approval of this Article allows disbursement of up to \$39,000 for the management of the property, which costs will be covered by rental income. This is a first step towards establishment of a revolving fund at Spring Meeting. **Funding:** Free Cash.*

BY-LAWS--OTHERS

ARTICLE 11. To see if the town will vote to amend Chapter XXXVI of the Town Bylaws, Community Preservation Committee Bylaw to correct references, update provisions, and revise the Bylaw relative to appointment procedures and various other requirements, or take any other action relative thereto. By request of the Community Preservation Committee.¹

Selectmen Recommendation::
FinCom Recommendation:

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

Rationale: *The FinCom concurs with the Board of Selectmen in supporting the CPC's proposed bylaw amendments with two exceptions reflected in this Warrant Article: 1) the CPC chairmanship should be subject to a term limit and 2) a majority of all sitting members of each committee with CPC membership should elect their CPC representative. These additional requirements for the CPC were established and remain appropriate because the CPC is unique as a representative committee of other Town committees. Its recommendations to fund or not fund proposed projects can involve very large amounts of money and are extremely consequential to the Town.*

ARTICLE 12. To see if the town will vote to amend the West Newbury Town Bylaws by adding a new provision Section XXXVIII Lodging House License: to wit:

¹ Redlined versions of the CPC bylaw amendment supported by BOS and CPC respectively, with the CPC's explanation, are included as Appendix 1 to this booklet.

“All lodging houses, as defined in Massachusetts General Laws (MGL) Chapter 140, as amended, located in the Town of West Newbury, shall be licensed by the Board of Selectmen. Any person desiring to conduct, or conducting a lodging house shall be subject to all regulations promulgated by the Board of Selectmen. Said regulations shall not be inconsistent with MGL Chapter 140, as amended.”

By request of the Town Counsel.

Selectmen Recommendation::
FinCom Recommendation:

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

Rationale: Due to the proliferation of short term room and house rentals in residential neighborhoods by AirBnB and other internet based vendors, the Town’s interest in greater control and oversight over such rentals has become paramount. Although the Board of Selectmen currently has general licensing power to issue lodging house licenses, adoption of the proposed by-law will give greater clarity to the Board’s authority under the circumstances as well as notice to those property owners seeking to offer such short term lodging. Among other things, the by-law provides for fines in the event of a violation, and increases the number of Town departments that can enforce the by-law. This proposed bylaw is consistent with those that have been enacted in other Massachusetts communities.

ARTICLE 13. To see if the town will vote to amend the West Newbury Town Bylaws, Section XVIII Enforcement by adding a new provision to wit:

“XXXVIII. Lodging House. (Building Inspector, Health Agent and Fire Chief)
\$300.00”

By request of the Town Counsel.

Selectmen Recommendation::
FinCom Recommendation:

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

Rationale: Approval of this Article would amend Section XVIII Enforcement of Town By-Laws by establishing a fine in the amount \$300.00 for violation of the Town’s Lodging House regulations.

ARTICLE 14. To see if the town will vote to amend the West Newbury Town Bylaws by adding a new provision Section XXXIX Short Term Rentals, to regulate the short term rental for less than four lodgers. By request of the Town Counsel.²

Selectmen Recommendation::
FinCom Recommendation:

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

Rationale: State law and the Town’s proposed lodging bylaw only cover lodging houses that serve 4 or more renters/boarders. This Article serves to “bridge the gap,” and establish coverage for those lodging houses that serve 1 – 3 people (*i.e.*, less than 4).

ARTICLE 15. To see if the town will vote to raise and appropriate and/or transfer from available funds the sum of \$1,500.00 for a new line item on the omnibus budget for the recreation department – “Maintenance of

² A copy of the proposed Short Term Rentals bylaw is provided in Appendix 2.

the Fields – Salaries and Expenses.” By request of the Finance Director on Behalf of the Parks and Recreation Commissioners.

Selectmen Recommendation::

Approve: 3-0-0

FinCom Recommendation:

Approve: 5-0-0

Rationale: *This proposed change is principally a house keeping matter and would more properly account for the part-time personnel costs of mowing and maintaining the recreation fields. **Funding:** Raise and appropriate.*

ARTICLE 16. To see if the town will vote to amend Section IV Boards, Committees, Agencies – Capital Improvements Committee Bylaw. Section 2. of the West Newbury Town Bylaws by changing the base amount for consideration of a Capital item from “\$10,000.00” to “\$20,000.00.” By request of the Town Counsel.

Selectmen Recommendation::

Approve: 3-0-0

FinCom Recommendation:

Approve: 5-0-0

Rationale: *At a meeting with the Selectmen, Capital Improvements Committee and Finance Committee it was decided to propose an amendment to the 1988 bylaw concerning capital improvements to increase the lower limit of capital investments requiring CIC review from \$10,000 to \$20,000 to reflect inflation and to make better use of CIC time in reviewing important Town investments in capital improvements.*

You are hereby directed to serve this warrant by posting attested copies thereof at least 14 days before the date of the Special Town Meeting, as provided within the Town By-Laws.

LOCATIONS TO POST WARRANT:

Town Hall
1910 Town Office Building
G.A.R. Memorial Library
Post Office
Laurel Grange

Hereof fail not to make due return of this warrant with your doings thereon at the time and place of holding said meeting.

Given under our hands this ____ day of October, 2016.

BOARD OF SELECTMEN:

Joseph Anderson, Chairman
Glenn A. Kemper
David Archibald

A true copy, Attested:

Michael P. McCarron, Town Clerk

Pursuant to the above warrant to me directed, I hereby notify and warn all the inhabitants of the Town of West Newbury who are qualified to vote to meet at said time and place.

Constable

Date of Posting

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

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

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

GLOSSARY

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

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

APPENDIX 1:
COMMUNITY PRESERVATION COMMITTEE
BYLAWS

**PROPOSED REVISIONS TO THE COMMUNITY PRESERVATION COMMITTEE BYLAW,
Section XXXVI of the Town Bylaws**

Approved by the Board of Selectmen

Additions are in ***Bold Italics*** and deletions are in **~~bold strikethrough~~**, Highlighted where BOS & CPC differ

Community Preservation Committee Bylaw

Sec. 1 Establishment

- a) There is hereby established a Community Preservation Committee, consisting of seven (7) voting members pursuant to MGL Chapter 44B. The composition of the committee, the appointing authority, specific roles, and the term of office for the committee members shall be as follows:
- b) One member of the Board of Selectmen or their designee, as designated by the Board of Selectmen for a term of one year and thereafter for a term of one year.
- c) One member of the community at large as designated by the Board of Selectmen for a term of three years.
- d) One member of the Conservation Commission as designated by a majority vote of the ***entire current membership of the*** ~~full~~ Conservation Commission for a term of three years.
- e) One member of the Planning Board as designated by a majority vote of the ***entire current membership of the*** ~~full~~ Planning Board for an initial term of two years and thereafter for a term of three years.
- f) One member of the Historical Commission as designated by a majority vote of the ***entire current membership of the*** ~~full~~ Historical Commission for an initial term of one year and thereafter for a term of three years.
- g) One member of the Parks and Recreation Commission as designated by a majority vote of the ***entire current membership of the*** ~~full~~ Parks and Recreation Commission for an initial term of one year and thereafter for a term of three years.
- h) One member of the West Newbury Housing Authority as designated by a majority vote of the ***entire current membership of the*** ~~full~~ Housing Authority for an initial term of two years and thereafter for a term of three years.
- i) The Finance Director or designee shall serve Ex Officio.
- j) Each member of the Committee shall serve for the term as set forth above, or until the person no longer serves in the Community Preservation Committee position or on the board or committee as set forth above, whichever is earlier. Any committee shall designate a replacement at its next meeting should a vacancy

APPENDIX 1:
COMMUNITY PRESERVATION COMMITTEE
BYLAWS

occur.

k) Should any of the Commissions, Boards, Councils or Committees who have appointment authority under this Section be no longer in existence for whatever reason, the absent appointment authority for that Commission, Board, Council, or Committee shall be assumed by the Board of Selectmen, who may appoint a replacement member from the community at-large.

l) Any member of the Committee may be removed for cause by their respective authority after hearing.

m) The Committee shall elect a Chairman, Vice Chairman, and a Secretary annually from its membership.

n) No person shall hold the seat of Chairman for more than one year in three consecutive years.

Sec. 2. Duties

a) The Community Preservation Committee shall hold one or more public hearings annually to provide information and solicit written proposals consistent with the Community Preservation Act, as adopted, from Town committees and boards, as well as unaffiliated citizens or groups (ad hoc committees). Notice of the hearing, or hearings, shall be posted ***publicly in accordance with the Open Meeting Law, M.G.L. Chapter 30A, §20, at the Town Office Building, Library, and Post Office***, and published for each of two weeks preceding a hearing in a newspaper of general circulation in the town, ***as required by M.G.L. Chapter 44B §3.(b)(1).***

b) Additionally the Committee shall meet any number of times in meetings posted in accordance with Open Meeting Law to consult with existing municipal boards, standing committees, or ad hoc committees including ***but not limited*** to the Conservation Commission, the Historical Commission, the Planning Board, the Board of Parks and Recreation Commissioners, the Housing Authority, the Open Space Committee, the Board of Water Commissioners, ***and any other entity*** ~~the Workforce Housing Trust~~ or persons acting in those capacities or performing like duties, to determine the needs, possibilities, and resources of the Town regarding community preservation ~~possibilities and resources~~ or to act on submitted proposals. All completed proposals, as determined by the committee, submitted to the Committee shall be voted upon and ranked for possible recommendation to the Town at Town Meeting. A written report of all votes and summary of findings shall be presented at said Town Meeting.

c) The Community Preservation Committee shall, ***pursuant to M.G.L. Chapter 44B, §5.(2)***, make recommendations to the legislative body (Town Meeting) for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation, ~~and~~ preservation, ***rehabilitation and restoration of land for recreational use***; for the acquisition, creation, and preservation of land for natural resources including agriculture, forestry, and conservation purposes; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space, ~~land for recreational use~~, and community housing that is acquired or created as provided in this section. With respect to community housing, the Community

APPENDIX 1:
COMMUNITY PRESERVATION COMMITTEE
BYLAWS

Preservation Committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

d) The Community Preservation Committee may include in its recommendation to the legislative body (Town Meeting) a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending funds for general purposes that are consistent with community preservation.

e) In every fiscal year, the Community Preservation Committee must recommend either that the Town legislative body (Town Meeting) spend, or set aside for later spending, not less than thirty (30) percent of the annual revenues in the Community Preservation Fund consistent with the provisions in M.G.L. Chapter 44B.

~~f) The Community Preservation Committee shall consult with the Finance Committee at a meeting prior to voting recommendations.~~

~~Sec. 3 Requirement for a quorum and cost estimates~~ *Time and Cost Plan*

~~The Community Preservation Committee shall comply with the provisions of the Open Meeting Law, M.G.L. Ch. 39, §23B. The committee shall not meet or conduct business without the presence of a majority of the members of the Community Preservation Committee, which shall constitute a quorum. The Community Preservation Committee shall approve its actions by majority vote of members present.~~ Recommendations to the Town Meeting shall include a fully developed time and cost plan.

Sec. 4. Amendments

This bylaw may be amended from time to time by a majority vote of the Town Meeting consistent with the provisions of M.G.L. c. 44B.

Sec. 5. Severability

In case any section, paragraph, or part of this bylaw is, for any reason, declared invalid or unconstitutional by any court, every other section, paragraph, or part shall continue in full force and effect.

Sec. 6. Effective Date

Following Town Meeting approval, this bylaw shall take effect immediately upon approval by the Attorney General of the Commonwealth, and after all requirements of the M.G.L. c. 40, §32 have been met. Each appointing authority shall have sixty (60) days after approval by the Attorney General to make their initial appointments.

If any appointing authority shall fail to make appointments as provided in this bylaw, the Board of Selectmen shall send notice of such failure to the appointing authority.

APPENDIX 1:
COMMUNITY PRESERVATION COMMITTEE
BYLAWS

PROPOSED REVISIONS TO THE COMMUNITY PRESERVATION COMMITTEE BYLAW,

Section XXXVI of the Town Bylaws

Proposed by the Community Preservation Committee

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Community Preservation Committee Bylaw

Sec. 1 Establishment

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- c) One member of the community at large as designated by the Board of Selectmen for a term of three years.
- d) One member of the Conservation Commission as designated by a majority vote of the ~~full~~ Conservation Commission for a term of three years.
- e) One member of the Planning Board as designated by a majority vote of the ~~full~~ Planning Board for an initial term of two years and thereafter for a term of three years.
- f) One member of the Historical Commission as designated by a majority vote of the ~~full~~ Historical Commission for an initial term of one year and thereafter for a term of three years.
- g) One member of the Parks and Recreation Commission as designated by a majority vote of the ~~full~~ Parks and Recreation Commission for an initial term of one year and thereafter for a term of three years.
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- i) The Finance Director or designee shall serve Ex Officio.
- j) Each member of the Committee shall serve for the term as set forth above, or until the person no longer serves in the Community Preservation Committee position or on the board or committee as set forth above, whichever is earlier. Any committee shall designate a replacement at its next meeting should a vacancy occur.
- k) Should any of the Commissions, Boards, Councils or Committees who have appointment authority under this Section be no longer in existence for whatever reason, the absent appointment authority for that Commission, Board, Council, or Committee shall be assumed by the Board of Selectmen, who may appoint a replacement member from the community at-large.

APPENDIX 1:
COMMUNITY PRESERVATION COMMITTEE
BYLAWS

- l) Any member of the Committee may be removed for cause by their respective authority after hearing.
- m) The Committee shall elect a Chairman, Vice Chairman, and a Secretary annually from its membership.
- ~~n) No person shall hold the seat of Chairman for more than one year in three consecutive years.~~

Sec. 2. Duties

a) The Community Preservation Committee shall hold one or more public hearings annually to provide information and solicit written proposals consistent with the Community Preservation Act, as adopted, from Town committees and boards, as well as unaffiliated citizens or groups (ad hoc committees). Notice of the hearing, or hearings, shall be posted ***publicly in accordance with the Open Meeting Law, M.G.L. Chapter 30A, §20, at the Town Office Building, Library, and Post Office***, and published for each of two weeks preceding a hearing in a newspaper of general circulation in the town, ***as required by M.G.L. Chapter 44B §3.(b)(1).***

b) Additionally the Committee shall meet any number of times in meetings posted in accordance with Open Meeting Law to consult with existing municipal boards, standing committees, or ad hoc committees including ***but not limited*** to the Conservation Commission, the Historical Commission, the Planning Board, the Board of Parks and Recreation Commissioners, the Housing Authority, the Open Space Committee, the Board of Water Commissioners, ***and any other entity the Workforce Housing Trust*** or persons acting in those capacities or performing like duties, to determine the needs, possibilities, and resources of the Town regarding community preservation ~~possibilities and resources~~ or to act on submitted proposals. All completed proposals, as determined by the committee, submitted to the Committee shall be voted upon and ranked for possible recommendation to the Town at Town Meeting. A written report of all votes and summary of findings shall be presented at said Town Meeting.

c) The Community Preservation Committee shall, ***pursuant to M.G.L. Chapter 44B, §5.(2)***, make recommendations to the legislative body (Town Meeting) for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation, ~~and~~ preservation, ***rehabilitation and restoration of land for recreational use***; for the acquisition, creation, and preservation of land for natural resources including agriculture, forestry, and conservation purposes; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space, ~~land for recreational use~~, and community housing that is acquired or created as provided in this section. With respect to community housing, the Community Preservation Committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

d) The Community Preservation Committee may include in its recommendation to the legislative body (Town Meeting) a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the

APPENDIX 1:
COMMUNITY PRESERVATION COMMITTEE
BYLAWS

Community Preservation Fund to accomplish that specific purpose or to set aside for later spending funds for general purposes that are consistent with community preservation.

e) In every fiscal year, the Community Preservation Committee must recommend either that the Town legislative body (Town Meeting) spend, or set aside for later spending, not less than thirty (30) percent of the annual revenues in the Community Preservation Fund consistent with the provisions in M.G.L. Chapter 44B.

~~f) The Community Preservation Committee shall consult with the Finance Committee at a meeting prior to voting recommendations.~~

Sec. 3 Requirement for a quorum and cost estimates *Time and Cost Plan*

~~The Community Preservation Committee shall comply with the provisions of the Open Meeting Law, M.G.L. Ch. 39, §23B. The committee shall not meet or conduct business without the presence of a majority of the members of the Community Preservation Committee, which shall constitute a quorum. The Community Preservation Committee shall approve its actions by majority vote of members present.~~ Recommendations to the Town Meeting shall include a fully developed time and cost plan.

Sec. 4. Amendments

This bylaw may be amended from time to time by a majority vote of the Town Meeting consistent with the provisions of M.G.L. c. 44B.

Sec. 5. Severability

In case any section, paragraph, or part of this bylaw is, for any reason, declared invalid or unconstitutional by any court, every other section, paragraph, or part shall continue in full force and effect.

Sec. 6. Effective Date

Following Town Meeting approval, this bylaw shall take effect immediately upon approval by the Attorney General of the Commonwealth, and after all requirements of the M.G.L. c. 40, §32 have been met. Each appointing authority shall have sixty (60) days after approval by the Attorney General to make their initial appointments.

If any appointing authority shall fail to make appointments as provided in this bylaw, the Board of Selectmen shall send notice of such failure to the appointing authority.

APPENDIX 1:
COMMUNITY PRESERVATION COMMITTEE
BYLAWS



**TOWN OF WEST NEWBURY
COMMUNITY PRESERVATION COMMITTEE
381 MAIN STREET
WEST NEWBURY MA 01985
978-363-1100 X131 Fax: 978-363-1119
e-mail: cpc@wnewbury.org**

**EXPLANATION OF PROPOSED REVISIONS TO THE COMMUNITY PRESERVATION
COMMITTEE BYLAW
SECTION XXXVI OF THE TOWN BYLAWS**

Note that the CPC received input from Kathy Roth, Assistant Director of the Community Preservation Coalition, as part of its research.

1. **Sections 1. d), e) f) g) and h):** delete requirement of majority vote of the “full” board or commission
..This is not a requirement of the statute, M.G.L. Chapter 44B.
..This is not a requirement for any other commission or board in the Town of West Newbury.
..Different interpretations have been made of the word “full”. It is confusing.
..There are cases where there is a vacancy which remains unfilled. Literal interpretation of this section would be unreasonable and prevent a board or commission from appointing a member to the CPC.
2. **Section 1.n):** delete “No person shall hold the seat of Chairman for more than one year in three consecutive years.”
..This restriction is not a requirement of the statute, M.G.L. Chapter 44B.
..This is not a requirement for any other commission or board in the Town of West Newbury.
..There are often times when continuity of Chairmanship is a positive and welcome situation.
3. **Section 2.a)** “...Notice of the hearing, or hearings, shall be posted publicly **in accordance with the Open Meeting Law, M.G.L. Chapter 30A, §20,**~~at the Town Office Building, Library, and Post Office~~, and published for each of two weeks preceding a hearing in a newspaper of general circulation in the town, **as required by M.G.L. Chapter 44B §3.(b)(1).**
..Additional posting at the Library and Post Office is not a requirement of the statute, M.G.L. Chapter 44B.
..The additional posting requirement is not a requirement for other Public Hearings such as a hearing for a Special Permit or Variance under M.G.L. Chapter 40A, Comprehensive Permit under

APPENDIX 1:
COMMUNITY PRESERVATION COMMITTEE
BYLAWS

M.G.L. Chapter 40B, or a Definitive Subdivision Plan under M.G.L. Chapter 44, Section 81, for example.

..We have added the reference to the Open Meeting Law which is the proper language for posting Notice of a Public Hearing

4. **Section 2.b)** Several revisions are proposed to this section. We have added **“but not limited to”** and **“any other entity”** which gives the Committee the leeway to consult with any board or department. We have deleted **“the Workforce Housing Trust”**, since such a trust does not exist. We have deleted “possibilities and resources” since it is repetitive of the language in the line above.
5. **Section 2.c)** Revisions here are “housekeeping items” to reflect amendments to the statute.
6. **Section 2.f)** We are proposing to delete this section.
..M.G.L. Chapter 44B, Section 4.(2), grants authority to the Community Preservation Committee to make recommendations to Town Meeting.
..If the CPC does not approve an Application for Funding, then an article is not submitted, and the Finance Committee does not need to review it. It would be an unnecessary use of meeting time for the CPC, Finance Committee, and Applicants to review applications if the CPC does NOT approve them.
..West Newbury has a process for review of articles for Town Meeting, including review by the Board of Selectmen and the Finance Committee. If reviewers request input from the CPC, either in writing or at a meeting, the CPC responds. Additional process is unnecessary.
7. **Section 3: “Requirement for a quorum and cost estimates.”** We are proposing to delete the quorum requirements as they are included in the statute. M.G.L. Chapter 44B, Section 5(c).

APPENDIX 2:
SHORT TERM RENTAL BYLAWS
BYLAWS

ARTICLE : SHORT TERM PAYING GUEST IN HOMES

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

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

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

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

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

1. The property complies with applicable Board of Health regulations and Fire Department safety measures (fire/smoke alarms and CO monitors) and is in compliance with the State Sanitary Code, 105 C.M.R. § 410.00
2. A certificate of occupancy for the property is on file
3. Name of a local authorized agent who can act on behalf of the owner in the absence of the owner in the case of any problems, violations or emergencies should they arise while the owner is not present.
4. Agreement to maintain a guest registry showing the name of each guest and the night(s) of their stay.

**APPENDIX 2:
SHORT TERM RENTAL
BYLAWS**

Said Registry shall include the home address of each guest and the make, model and license number for each automobile used by such guest. The registry shall be made available for review at any time at the request of a West Newbury Police Officer, the Health Agent of the Town of West Newbury and/or Board of Selectmen or any agent designated in Regulations promulgated by the Board of Selectmen.

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

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

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

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

COMPLAINTS AND ENFORCEMENT:

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

APPENDIX 2:
SHORT TERM RENTAL
BYLAWS

applicable state, federal or local law, or the license itself are being complied with, and/or whether or not activities conducted pursuant to a license issued under this bylaw constitute a nuisance or adversely impact the public health, safety or welfare.

6. The Board of Selectmen may, after hearing, mandate licensure, or modify, revoke or suspend a license issued hereunder. In addition, should the Board of Selectmen, after conducting a hearing, determine that a violation has occurred; it may direct the Enforcement Agent to seek enforcement of this by-law as set forth in paragraph 3, above.

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

APPENDIX 3

MEETING IMPACTS ON TOWN ACCOUNTS

Balances Report		Tax Rate	Town Stabilization	Pension Stabilization	School Stabilization	Town Free Cash	Water Stabilization	Water Free Cash	CPC Comm Housing	CPC Historical	CPC Open Space	CPC Undesignated	CPC Reserve
8/31/2016			\$1,307,806.00	\$50,000.00	\$157,216.00	\$1,999,999.00	\$199,802.00	\$175,000.00	\$146,176.00	\$36,722.00	\$311,676.00	\$1,267,715.00	\$238,692.00
						Estimated		Estimated					
10/2016 STM	Art #												
Tax Rate Buydown	2					-\$144,300.00							
Essex Northshore	3					-\$2,500.00							
Septic Loan	4												
Police Officer	5	Yes											
Police Vehicle	6					-\$39,720.00							
Fire-Communicatn Repeater	7					-\$45,000.00							
Dog License Software	8					-\$1,400.00							
Inventory Historic Bldgs	9												
Pipestave Apartments	10					-\$39,000.00							
Balances			\$1,307,806.00	\$50,000.00	\$157,216.00	\$1,728,079.00	\$199,802.00	\$175,000.00	\$146,176.00	\$0.00	\$311,676.00	\$1,238,437.00	\$238,692.00