



October 26, 2015

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 Articles of the Special Town Meeting (STM) are largely requests to be included in the Town's budget for the fiscal year ending June 30, 2016. 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. 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 STM is always important. It is within this STM, where voters will have the opportunity to decide on such items as a new roof for the Elderly Housing Development, software for the Finance Department, and the movement of Free Cash to reduce the tax rate. It 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.

*"The influence of a beautiful, helpful, hopeful character is contagious and may revolutionize a whole town." Eleanor H. Porter*

The West Newbury Finance Committee

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

**TOWN OF WEST NEWBURY  
COMMONWEALTH OF MASSACHUSETTS  
WARRANT - SPECIAL TOWN MEETING – MONDAY, October 26, 2015  
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 Annex at 379 Main Street, at 7:00 p.m. on Monday, October 26, 2015 to act upon or take any other action relative to all of the following Articles.

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**GENERAL GOVERNMENT MATTERS**

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

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**APPROPRIATIONS**

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**ARTICLE 2.** To see if the town will vote to transfer from Community Preservation Act funds the sum of \$200,000.00, with \$35,687.00 from Historic Reserve and \$164,313.00 from the Unrestricted Fund Balance, for work to be performed at the Page School to repair and upgrade the Ventilation System, or take any other action relative thereto. By request of the Board of Selectmen.

**Selectmen Recommendation::**

Approve: 3-0-0

**FinCom Recommendation:**

Approve: 5-0-0

***Rationale:*** Voters approved Article 10 at the Special Town Meeting held on April 28, 2014 to pay for the Page School ventilation project through use of Community Preservation Act funds in the amount of \$467,000. When bids were subsequently received to perform the project, the cost was higher than anticipated and the amount appropriated was discovered to be insufficient. This was due to various causes, including delays and the fact that contractors apparently had more attractive work elsewhere that lowered the incentive to propose more competitive bids. This is still a critical project that must be completed. Appropriating \$200,000 now, which is in addition to the \$467,000 previously approved, will allow sufficient time to re-bid the project and hopefully receive more favorable proposals from contractors as their work tapers off this fall, so that it can be performed next summer when school is out. ***Funding:*** Community Preservation Historical \$35,687; Community Preservation Undesignated \$164,313.

*Funding Source:*

**ARTICLE 3.** To see if the town will vote to transfer from Community Preservation Act funds the sum of \$250,000.00 from the Community Housing Reserve for replacement of and related repairs to the roof at the Housing Authority's Elderly Housing Development at 379 Main St., or take any other action relative thereto. By Request of the Community Preservation Committee and the Housing Authority

**Selectmen Recommendation::**  
**FinCom Recommendation:**

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

**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. This Article presents to the Town the Community Preservation Committee's (CPC) recommendation to transfer \$250,000 from the community housing reserve for the replacement and repair of the roof of the Elderly Housing Development. There are multiple issues in which the Finance Committee took consideration. They are as follows: 1) While the funding for such capital projects would typically come from state funds, this roof is not scheduled for state funds until 2018. 2) To obtain emergency funds for this project would require an unknown amount of time, with unpredictable results, as the state funding has been severely depleted. 3) The current condition of the roof has been deemed beyond repair and is now creating additional damages, such as rotting wood, and water damage to breakers that control the automatic doors for the elderly and handicapped residents. 4) A recent inspection by the board of health resulted in several violations.

This building, while state funded, is a Town owned structure. Delay in replacing the roof not only jeopardizes the health, safety, and well being of the elderly residents within the building, but also puts the entire structure in jeopardy and continues to deteriorate the Town asset. **Funding:** \$250,000 Community Preservation Housing.

**ARTICLE 4.** To see if the town will vote to transfer \$45,000.00 to purchase new software for the Finance Department. Presently we have two vendors, one for collections and billing and another for accounting and treasury. This article would allow us to integrate our systems into one vendor. By request of the Finance Director.

**Selectmen Recommendation::**  
**FinCom Recommendation:**

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

**Rationale:** The Finance Department is seeking these funds for the acquisition of a new, integrated software system. Currently one system exists for collections and billing and another for accounting and treasury. In many cases, data must be entered manually from one system to the next, with risk of human error. The intent of this Article is to increase efficiencies and reduce the chance of human error by consolidating two separate software packages required to run the Town's finances in an orderly and accurate manner. **Funding:** \$45,000 Free Cash.

**ARTICLE 5.** To see if the town will vote to transfer \$15,247.86 to fund Section 15-C of Police Chief Lisa Holmes' personnel contract, which states that she is entitled to pay for unused vacation, sick, and personal leave upon her retirement, which is December 31, 2015. This would be the maximum payout under her contract. Any remaining funds will be closed-out to undesignated fund balance at the close of fiscal year 2016. By request of the Board of Selectmen.

**Selectmen Recommendation::**  
**FinCom Recommendation:**

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

**Rationale:** Police Chief Lisa Holmes will be retiring on December 31, 2015. This Article allows the payment from Free Cash to compensate the Chief for unused vacation, sick and personal leave at the time of her retirement in accordance with her contract with the Town. **Funding:** \$15,247.86 Free Cash.

**ARTICLE 6.** To see if the town will vote to raise and appropriate or transfer from available funds the sum of \$59,100.00 for a new HVAC for the Annex. By request of the DPW Director.

**Selectmen Recommendation::**  
**FinCom Recommendation:**

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

**Rationale:** The Annex's current heating system, which runs off (and contributes to the cost of) that in the Elderly Housing complex next door, is inadequate. The Annex, which is heavily used, also lacks air conditioning. An anticipated upgrade to the Elderly Housing heating system will in any event require significant changes to the controls of the Annex's HVAC system. A new stand-alone HVAC system for the Annex will provide sufficient heat and cooling, use the opportunity associated with changed controls, and eliminate the cost of contributing to 10% of the Elderly Housing heating cost. **Funding:** \$59,100 Free Cash.

**ARTICLE 7.** To see if the town will vote to appropriate \$100,000.00 from Free Cash to reduce the current year tax rate. By request of the Finance Director.

**Selectmen Recommendation::**  
**FinCom Recommendation:**

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

**Rationale:** The Article will allow for the transfer of \$100,000 Free Cash to reduce the tax rate for FY2016. The effort of the Selectmen and the Finance Committee is to always maintain a healthy volume 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 that can support a transfer to offset the tax burden, while still accommodating the efforts of the Selectmen and the Finance Committee. The net effect of this transfer on the tax rate will be an approximate 0.5% reduction. Currently, the Town's Free Cash is in excess of \$1.5m. **Funding:** \$100,000 Free Cash.

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## BY-LAWS--OTHERS

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**ARTICLE 8.** To see if the town will vote to authorize the Board of Selectmen to grant an easement to National Grid or its nominee for the placement of electric lines and facilities to connect to the Town Large Scale Solar Facility at 694 Main Street to the National Grid transmission lines on Main Street, or take any other action related thereto. By request of the Town Clerk and the Energy Advisory Committee.

**Selectmen Recommendation::**  
**FinCom Recommendation:**

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

**Rationale:** This Article allows the Board of Selectmen to grant an easement to National Grid to connect the new Solar Facility next to the Page School to National Grid's transmission lines on Main Street.

**ARTICLE 9.** To see if the town will vote to amend Section 6.B.8 Open Space Preservation Development of the West Newbury Zoning Bylaw as follows: <sup>1</sup>

1. Heading of Section 6.B.8: Delete the words, "of Lots or Dwelling Units" and replace them with "and". Delete the sentence "The Basic Maximum Number shall be derived from and delineated on a Yield Plan."
2. Section 6.B.8.i): Delete the words "lots or" in the first sentence and replace them with "single family".
3. Section 6.B.8.ii): Delete part of the first sentence that reads "In its review of the Yield Plan, the Planning Board may request further" and replace it with "The applicant shall provide". Delete part of the first sentence that reads "or soil testing reports, deep observation holes or percolation test reports" and

<sup>1</sup> A redlined version of the proposed Bylaw amendment can be found in the Appendix at the end of this booklet.

replace it with “or soil testing reports and one (1) deep observation hole or one (1) percolation test report per single family dwelling unit in accordance with Title 5 requirements.

Section 6.B.8.iii): Delete this section in its entirety and replace it with “The Planning Board will determine the Basic Maximum Number from the Yield Plan as specified herein”. By request of the Planning Board.

**Selectmen Recommendation::**

Approve: 3-0-0

**FinCom Recommendation:**

Approve: 5-0-0

***Rationale:*** *This Article would clarify the Open Space Preservation Development By-laws, which allow the Planning Board to authorize more units with greater density in exchange for enhancements such as preservation of a larger amount of open space than would be the case in a conventional development. The proposed revisions would clarify Section 6.B.8, concerning development of the basic Yield Plan, which forms the basis against which increased permissible units can be determined under an Open Space Plan. The changes are intended to 1) clarify the Board’s consistent intent to count single family homes—not duplexes—in the basic Yield Plan, 2) more specifically identify required septic-related data, and 3) ensure that the Board has the ability to insist on necessary information from an applicant.*

*A red lined version of the By-law is included in the Appendix to this booklet.*

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, 2015.

**BOARD OF SELECTMEN:**

Glenn A. Kemper, Chairman

Joseph Anderson

David Archibald

A true copy, Attested:

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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.

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Constable

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Date of Posting

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**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.

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## **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

August 18, 2015, Rev. September 1, 2015

**Proposed to Amendment OSPD – West Newbury Planning Board**

**OPEN SPACE PRESERVATION DEVELOPMENT, SECTION 6.B.8.**

- 6.B.8. Basic Maximum Number ~~of Lots or Dwelling Units and~~ Yield Plan. ~~The Basic Maximum Number shall be derived from and delineated on a Yield Plan.~~
- i) The Yield Plan shall show the maximum number of ~~lots or single family~~ dwelling units that would be deemed buildable upon the site under a conventional development plan process according to a reasonable application of the Rules and Regulations Governing the Subdivision of Land in the Town of West Newbury and all other applicable state and local land use regulations. At a minimum, the Yield Plan shall show the proposed land use, lot configuration, street layout, building envelopes, setbacks, conceptual grading, wetland resource areas and the general location of all drainage and utility systems.
  - ii) ~~In its review of the Yield Plan, the Planning Board may request further~~ The applicant shall provide information related to the proposed yield, including but not limited to, an approved wetland resource area delineation ~~or soil testing reports, deep observation holes or percolation test reports or soil testing reports and one (1) deep observation hole or one (1) percolation test report per single family dwelling unit in accordance with Title 5 requirements.~~ The Board may also request review of the Yield Plan from the Board of Health and/or Conservation Commission prior to determining the maximum number of lots or dwelling units that could be placed upon the site.
  - iii) ~~Excluding any increased units approved under Section 6.B.13 of this Bylaw, the Basic Maximum Number will determine the maximum number of lots or dwelling units to be included in the OSPD—SP application. The Planning Board will determine the Basic~~ Maximum Number from the Yield Plan as specified herein.

APPENDIX

MEETING IMPACTS ON TOWN ACCOUNTS

		Town Stabilization	Special School Stabilization	Town Free Cash	Water Stabilization	Water Free Cash	CPC Comm Housing	CPC Historical	CPC Open Space	CPC Undesignated	CPC Budget Reserve
<b>Balances as of 7-1-2015</b>		\$1,233,580.00	\$50,000.00	\$1,960,718.00	\$192,887.00	\$227,322.00	\$398,454.00	\$35,687.00	\$299,954.00	\$1,175,700.00	\$233,341.00
STM	Article #2- Page School							-\$35,687.00		-\$164,313.00	
STM	Article #3- Housing Authority						-\$250,000.00				
STM	Article #4- Software			-\$45,000.00							
STM	Article #5- Police			-\$15,247.86							
STM	Article #6- Annex HVAC			-\$59,100.00							
STM	Article #7- Reduce Tax			-\$100,000.00							
<b>Balances After Special Town Meeting</b>		\$1,233,580.00	\$50,000.00	\$1,741,370.14	\$192,887.00	\$227,322.00	\$148,454.00	\$0.00	\$299,954.00	\$1,011,387.00	\$233,341.00