



**Town of West Newbury
Board of Selectmen
Monday, October 28, 2019 @ 6pm**
381 Main Street, Town Office Building
www.wnewbury.org

RECEIVED
TOWN CLERK
WEST NEWBURY, MA
2019 OCT 24 PM 5:40

AGENDA

Executive Session: 6pm in the Town Manager's Office

- ❖ 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 (*personnel updates*);
- ❖ MGL Ch. 30A §21(a) 6: To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body (*River Road Conservation Restriction*);
- ❖ 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 (*consultation with Town Counsel*).

Open Session: 7pm in the First Floor Hearing Room

Announcements:

- This meeting is being broadcast on local cable TV and recorded for rebroadcast on the local cable channels and on the internet.
- Informational meeting regarding Pentucket Middle/High School project, Wednesday, Oct. 30 at 7:30PM
- Sale of historic, decorative Chairs at Town Hall, Saturday, November 2, 10am to 2pm
- Special Town Meeting, Monday, November 4, 2019 at 7pm
- A Capella Night! Northeastern's Nor'easters. Saturday, November 23 at 7 PM, Pentucket High School
- Opportunities for FY20 Committee appointments posted online at <https://www.wnewbury.org/board-selectmen/pages/2019-20-volunteer-opportunities>

Regular Business

- A. Introduction of new staff person Jennifer Walsh, Assistant to the Town Manager & Finance Department
- B. Halloween 2019: trick-or-treating guidelines
- C. Special event permits: Myopia Hunt Club (November 12 and November 19, 2019)
- D. Update on Middle/High School design process, anticipated permitting timelines, neighborhood meeting
- E. Review of Bridge Street Speed Report prepared by DPW Director Wayne Amaral
- F. Review of Church Street Speed Report prepared by DPW Director Wayne Amaral
- G. Update on CPC recommendation regarding proposed article and funding structure for Soldiers & Sailors Memorial Building
- H. Presentation of FY20 Tax Recap Model and estimated tax rate based on different levels of potential Free Cash transfer – *Angus Jennings, Town Manager*
- I. Review of draft motions for Special Town Meeting
- J. Review of Conservation Restriction for Drake's Landing development
- K. Meeting minutes: September 30, 2019; September 23, 2019.

Town Manager Updates

- L. Discussion of timeline for FY21 budget policy guidance and budget process
- M. Update on retiree health insurance rates for calendar year 2020
- N. Update on proposed Reserve Fund Transfer: Page School food steamer
- O. Active project updates
- P. Follow up meeting assignments
- Q. Placing items for future agendas



RECEIVED
OCT 24 2019
TOWN MANAGER
TOWN OF WEST NEWBURY

via U.S. Mail

To: Neighbor to the Pentucket Middle-High School Project
From: Jon Lemieux – Project Executive, Owner’s Project Manager
Date: October 17, 2019
Re: Informational Neighborhood Meeting regarding the Pentucket MHS Project

On behalf of the Pentucket Regional School District, we would like to take this opportunity to invite you to an information session about the project on **Thursday, October 30, 2019 at 7:30 PM at the High School cafeteria.**

Members of the Project Team, including the District, the Construction Manager (W.T. Rich/KBE), the Owner’s Project Manager (The Vertex Companies, Inc.) and the Designer (Dore + Whittier Architects, Inc.) will be presenting information on the following:

- Where are we with the schedule? - Major upcoming milestones
- What can we expect? – Discussion about the start of construction
- Who can we call if we have a question? - Communications protocol
- What’s the status of the work? - Design update

We are excited to fill you in on the next steps for the project and hear what you may have for questions. We hope you can make it.

THE VERTEX COMPANIES, INC.
400 LIBBEY PARKWAY
WEYMOUTH, MA 02189

781.952.6000 | VERTEXENG.COM

Town Manager

From: Town Manager
Sent: Thursday, October 24, 2019 5:49 PM
To: Jon Lemieux
Subject: RE: Wrong date

Thanks

[REDACTED]

Subject: Re: Wrong date

Already in the mail with correction.

Jon Lemieux, PE, CCM
EXECUTIVE VICE PRESIDENT

[REDACTED]

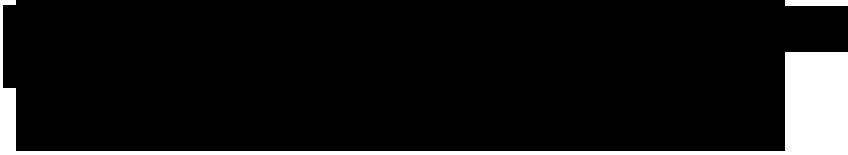
From: Town Manager <townmanager@wnewbury.org>
Sent: Thursday, October 24, 2019 5:22:43 PM
[REDACTED]
Subject: Wrong date

I'm sure you've probably heard from others too, but the invite letter refers to Thurs, Oct 30 instead of Wed, Oct 30. Oh well.

If you can email me a corrected letter we'll get this posted to the Town website and Facebook. Thanks

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 Manager



I believe that Trick or Treat usually runs 5p.m. until 7p.m. I think those hours will be fine. Jeff

From: Town Manager [mailto:townmanager@wnewbury.org]
Sent: Friday, October 18, 2019 8:08 AM
To: Jeff Durand <durand@westnewburysafety.org>
Subject: Trick or treating

At 10/28 mtg Board will set hours for trick or treating. What do you recommend? Thanks

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 Manager

From: Paul Sevigny
Sent: Thursday, October 10, 2019 3:06 PM
To: Town Manager
Cc: [REDACTED]
Subject: trick or treat

The MA DPH still has West Newbury at a moderate risk for contracting EEE. This risk level will remain until after the first hard freeze. Based on the long range weather forecast, it does not appear that West Newbury will experience a hard freeze before Halloween. Residents need to continue to practice personal protective measures to avoid mosquito exposure now and in the future years to come. Practicing protective measures for mosquitos is no different than protecting ourselves from other public health concerns, such as, frost bite, sunburns, heat-stroke, dehydration, tick borne disease, etc.

The hours of Trick or Treat are being left up to each community to decide. There will always be a risk in West Newbury for contracting EEE. The temperature and time of year plays a role in the number of mosquitoes being present. Mosquito activities greatly decreases with temperatures below 55 degrees F. With that said, I would wait until we get closer to Halloween before setting a time.

Again, the most important message to residents and the community is that EEE is here and we need to practice protective measures to avoid mosquito bites.

Paul Sevigny, Health Agent
Town of West Newbury
381 Main Street
West Newbury, MA 01985
978-363-1100, x119

7. Location of trash receptacles and dumpsters n/a

8. Location of temporary toilet facilities n/a

9. Accessible routes for the disabled or mobility impaired n/a

10. Locations, size and number of any tents, trailers or temporary structures
10 +/-

11. Location, size, and description of any signage or banners n/a

12. If food will be served or sold at the event, you must contact the West Newbury Board of Health to discuss Food and Beverage regulations before you submit your application. If required, your food permit must be submitted before final approval of the Special Event.
n/a

13. If Police Details and/or Firefighters/EMTs will be required, contact the West Newbury Police Department and West Newbury Fire Department to secure services. Only Police Officers may direct traffic on town streets. Evidence that Police and/or Fire Personnel have been secured must be presented before the approval of the final Special Event Permit. we'll provide crossers

14. Provide a Certificate of Insurance to the Town Manager's Office no later than ten (10) business days before the event. Final Special Event Permits will not be issued without submission of a Certificate of Insurance
on file

Name: Myopia Hunt Event: 11/12/19

I/we agree and hold harmless and/or indemnify the said Town of West Newbury against any and all claims or liabilities for personal injury or property damage arising out of use of said property. If the application is submitted less than 60 days before the event, the applicant must pay a \$100 administrative fee or has the option of changing the date. The administrative fee applies to all for profit and nonprofit persons or organizations.

Cindy Fote 10/3/19
Individual/Authorized Signature for Group Date

Chief of Police's Signature: no issues Date: 10-9-19
Requests and comments: via email

Fire Chief's Signature: Approved Date: 10-15-19

Requests and comments: If you need any FD or EMS services call Chief Dwyer 978-363-1120

Approval granted if signed here by Board of Selectmen: _____ Date: _____

Requests and comments:

#502 Ash St Ride from NEER North - Myopia

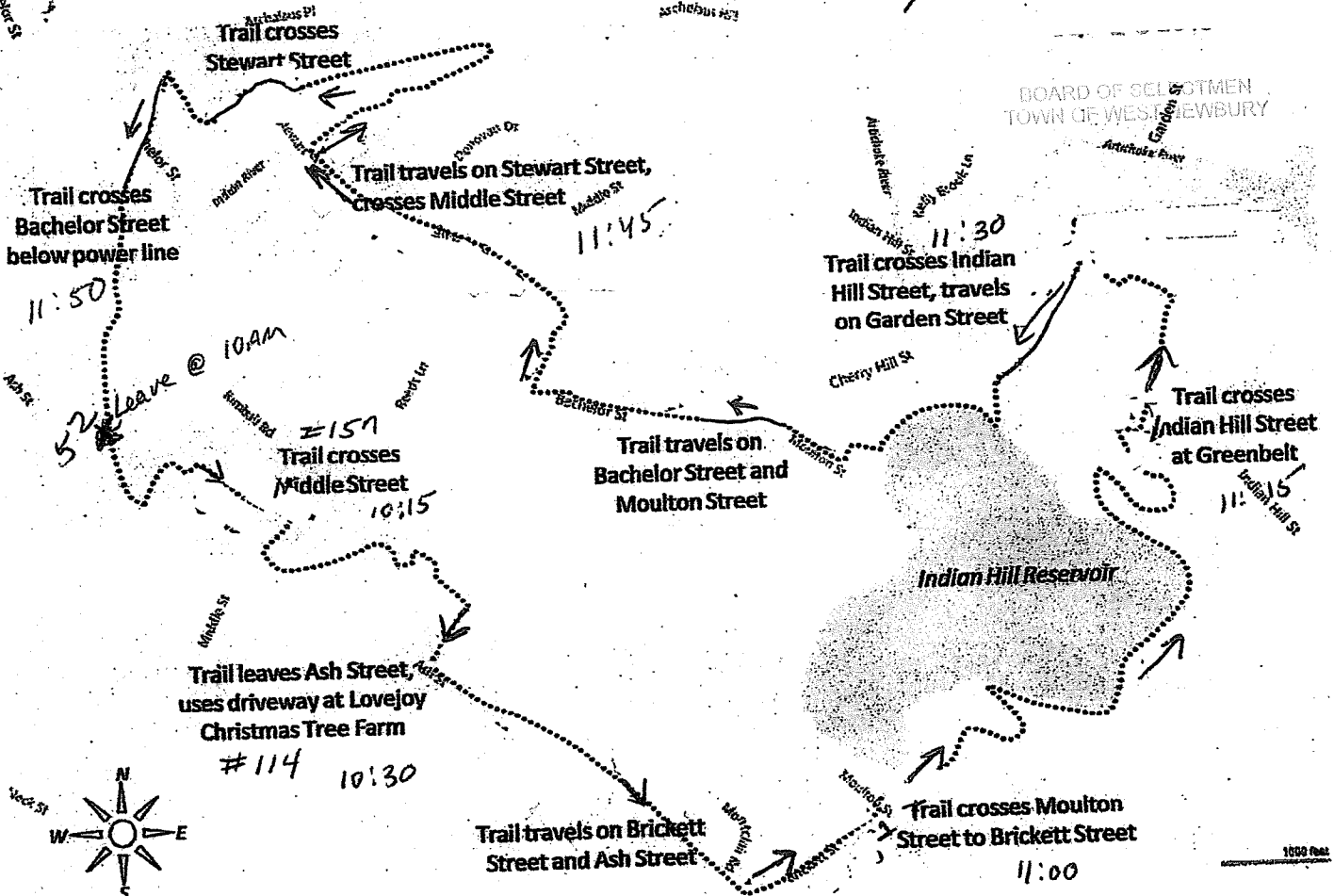
Horse Route for Myopia Hunt Club

Date: November 12, 2019

10:00 to noon

RECEIVED

BOARD OF SELECTMEN
TOWN OF WEST NEWBURY



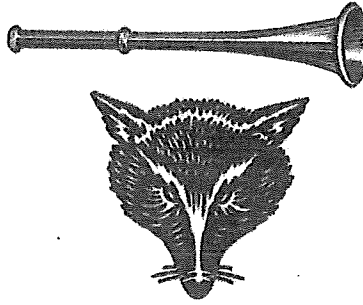
Trail Map Prepared for
West Newbury Police Department

Copyright ©2017 Prepared on Oct 2, 2017 by:

WEST NEWBURY
OPEN SPACE COMMITTEE
Visit: www.westnewburyopenspace.net

508
284 4022
Mary

Cindy Foote
One Poorhouse Lane
West Newbury, MA 01985
978-510-1155/978-609-4960
Cindyfoote50@gmail.com



MAP DIRECTIONS FROM 52 ASH STREET ON TUESDAY, NOVEMBER 12, 2019
10:AM-NOON

Approximately 15 horses and hounds will leave #52 Ash St at 10:am

We will proceed through woods and cross Middle St at # 157 10:15

We will come out just after #114 Ash Street and proceed down road to Brickett. 10:30

Cross over Brickett into #102 Moulton st. 11:00

Proceed through woods to Green Belt parking lot on Indian Hill St. 11:15

Cross Indian Hill St traveling along Garden St. 11:30

Cross at corn field on Middle St to Stewart St 11:45

Cross Bechelor St below power lines travel back to #52 Ash St. noon



Special Event Application

Organization or Group Myopia Hunt
Person Making Reservation Cindy Forte



Reason for Event _____

Number of attendees 10-15

Check Appropriate Block:

Resident Non-resident
 Fund Raising Group Non-Profit Commercial Other

Submit your application (with all maps, diagrams and attachments as required).

Provide a Schedule of Events along with a Sketch Plan which addresses:

1. The location of the event on the property Pipestave
2. For road or walk race, a detailed map of the route on file
3. Features and attractions horses & hounds
4. Participant circulation _____
5. Proposed parking including how you will handle overflow parking lot @ pipestave
6. Any proposed road closures NO

7. Location of trash receptacles and dumpsters n/A

8. Location of temporary toilet facilities n/A

9. Accessible routes for the disabled or mobility impaired n/A

10. Locations, size and number of any tents, trailers or temporary structures
10 +/-

11. Location, size, and description of any signage or banners
n/A

12. If food will be served or sold at the event, you must contact the West Newbury Board of Health to discuss Food and Beverage regulations before you submit your application. If required, your food permit must be submitted before final approval of the Special Event.
n/A

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Cindy Forte 10/3/19
Individual/Authorized Signature for Group Date

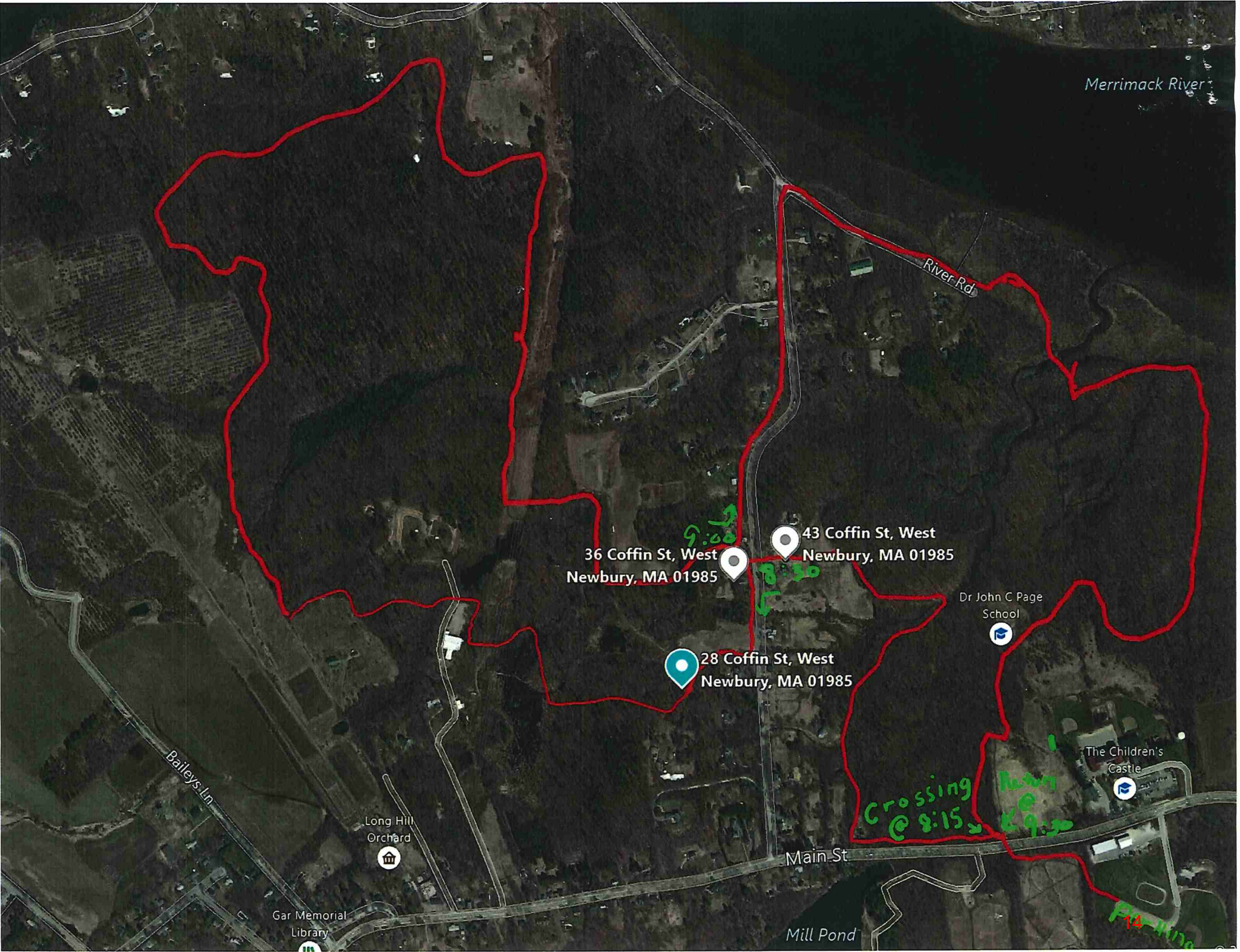
Chief of Police's Signature: no issues Date: 10/19/19
Requests and comments: via email

Fire Chief's Signature: Approved via email Date: 10.15.19

Requests and comments: If you need any FD or EMS services call chief Dwyer


Approval granted if signed here by Board of Selectmen: Date: _____

Requests and comments:



Merrimack River

River Rd

36 Coffin St, West
Newbury, MA 01985

43 Coffin St, West
Newbury, MA 01985

28 Coffin St, West
Newbury, MA 01985

Dr John C Page
School

The Children's
Castle

Baileys Ln

Long Hill
Orchard

Gar Memorial
Library

Main St

Mill Pond

Crossing
@ 8:15

8:30

14-1110

Town Manager

From: Town Manager
Sent: Thursday, October 17, 2019 5:27 PM
To: David Archibald; Glenn Kemper; Rick Parker
Subject: Fwd: Updates from this morning's School Building Working Group mtg

FYI

Begin forwarded message:

From: townmanager@wnewbury.org
Date: October 17, 2019 at 4:39:53 PM EDT
To: Denise Demboski <ddembkoski@grovelandma.com>, Carol McLeod
 <cmcleod@townofmerrimac.com>
Subject: Updates from this morning's School Building Working Group mtg

Summary of my notes from this morning's mtg at Dore & Whittier below. (Working from my handheld device because office internet still down).

Both cost estimates have been reconciled.

Estimated costs at this stage of design are \$121M+/- . Compared to estimate at schematic design of \$118M. This creates the need to value engineer (VE) ~\$3.2M. (They say this isn't too bad compared to what they've seen on other projects).

Next step: VE for next stage of design.

There will be a "design update conference" Tuesday 10/22 at 10am at D&W offices; then info will be provided later that evening at Building Committee meeting. That (10/22) agenda will be:

- 1) cost estimating process
- 2) reconciliation results
- 3) VE items - path to meet budget
- 4) other
 - a) permitting update
 - b) neighborhood meeting 10/30
 - c) preconstruction survey of neighbors
 - d) traffic study (internal circulation) authorization

D&W will present a list of potential VE items that will get the project back to budget. Each will be categorized 1 to 4, 1 being "low hanging fruit" and 4 being least favored/not recommended.

Building Committee will be asked to vote VE recommendations at their subsequent mtg. (This would normally occur on 11/12 but, because 11/11 is a holiday pushing the WN Board of Selectmen mtg to 11/12, this date is a challenge. Do Groveland or Merrimac also have this issue? There was prelim talk of looking at having the Bldg Comm mtg the prior week; rescheduling our BOS mtg is also a potential option. To keep the project moving D&W may favor pushing the 11/12 mtg earlier anyway, so we'll see how that turns out. If either/both of you also have conflicts on 11/12 that will be taken into account).

The VE decisions will eat up some of the design and pricing contingency built into the budget. If in the future there are market issues that substantially affect costs (such as tariffs), this will become a problem.

In other news:

Site walk w WN ConCom tomorrow noon to review wetlands deliberations. Notice of Intent to be filed by 10/31.

Planning Board site plan review applications to be filed by 10/30.

Neighborhood mtg 10/30:

Letter to neighbors (500' abutters) currently being finalized. Mailing labels printed. Letters to be sent soon.

Topics: what neighbors can expect (construction hours, noise, dust etc); communications protocol/point of contact; design update/Q&A

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

Sent from my mobile device

Town Manager

From:
Sent:
To:

Subject:
Attachments:

Good Afternoon,

I am following up from our meeting last night with a few items. First, I have attached minutes from the meeting last night. We covered a lot of ground and I hope I captured it with enough detail. Second, last night we agreed that our November meeting would be on Wednesday the 13th at 5:30pm (due to the Veterans Day holiday Monday and town business being conducted on the 12th). We anticipate this to be a lengthy meeting so we are starting an hour earlier than normal. Third, there are two opportunities for committee members to participate in project conversations on November 6th. At 9am Dore & Whittier and Vertex will lead a conversation to review the design development drawings. This is an in depth look at the details that are present in the drawings for all aspects of the project. A second conversation will begin at 1pm to discuss the VE list. This will be an item by item analysis of the suggested items that could be reduced or eliminated to close the 3.2 million dollar gap between the Schematic Design estimate and the Design Development estimate. If you were not able to attend the meeting last night this may be a bit out of context for you - I hope a read through the minutes will help it all make sense.

To make sure we have the right sized spaces available for these meetings we are asking that you RSVP. You can do that by clicking this link and registering your response. Thank you and please let me know if you have any questions.

RSVP Link

https://docs.google.com/forms/d/e/1FAIpQLSckvRF5TVYtkwSxj63wAA4YKkPCO6MobbwMCSGR7E95LDBsgA/viewform?usp=sf_link

Jonathan

Summary

Nov 6th 9am - Design Development Documents

Nov 6th 1pm - VE Item Analysis

Nov 13th 5:30pm - Next Building Committee* Note the earlier start time

The Right-To-Know Law provides that most e-mail communications, to or from School District employees regarding the business of the School District, are government records available to the public upon request. Therefore, this e-mail communication may be subject to public disclosure. This e-mail is intended solely for the person or entity to which it is addressed and may contain confidential and/or privileged information. Any review, dissemination, copying, printing, or other use of this e-mail by persons or

PRSD Building Committee

Meeting date & place: 6:30 pm, October 22, 2019 High School Cafeteria

Building Committee Members Present: Jonathan Seymour, Kim Jackson, Wayne Adams, Greg Towson, Greg Hadden, Bill O'Neil, Bill Daley, Carol Mcleod, Stephanie Seeley, Dena Trotta, Emily Dwyer, Angus Jennings, Justin Bartholomew

Owner's Project Manager: Steve Theran, Vertex

Designer: Brad Dore, Dore & Whittier

Construction Manager: Jon Rich, Kirk Balcom, W.T. Rich

Minutes

Minutes from the 9.10.19 building committee meeting were approved by the building committee members present (Angus Jennings abstained).

In a related note D&W, Vertex and the district met with the MSBA Tuesday morning for a Design Status Meeting. In the meeting we were able to give an update on some minor design changes which have occurred since Schematic Design. We were also able to give an update on the Design Development report and cost estimation process. The MSBA project managers then reviewed next steps in Module 6, 7 and 8. The MSBA stated that they were pleased with our progress and felt that our budget estimation, cost reconciliation and VE process all seemed to be on target. They commented that several recent projects were experiencing a greater challenge trying to reconcile and VE costs that were much larger than what we were experiencing.

New Business

- A. **Cost Estimation Process** – Brad Dore explained the process used to estimate project costs, which is part of the Design Development milestone and submission to the MSBA. Over the past month Dore & Whittier's estimator, PM&C along with WT Rich's estimate team both worked on separate cost estimates. The two estimates had predictable variations which lead to the reconciliation process.
- B. **Reconciliation Results** – On October 15 and 16 the two cost estimates were reconciled. This process entails the 2 estimate teams, along with the designer and OPM meeting to look at the specific items where they differed. At the end of the process they reconciled the estimate to be \$121,734,752. This was about 3.2 million over the budget of \$118,540,836 established during the schematic design estimate process.
- C. **VE Items, Path to meet the budget** - D&W, Vertex, Greg Hadden, Greg Labrecque, Jonathan Seymour and Justin Bartholomew met to review a list of possible VE (value engineering) options to close the 3.2 million gap between the DD and SD estimates. After spending a day and reviewing about 100 items, we are confident that we have a path to reduce project scope and keep the project at 118 million. A final determination of which items will be changed to close the gap will be a decision made by the Building Committee. In preparation for this decision to be made all committee members are invited to attend a meeting on November 6th beginning at 1pm (this process will likely take hours to complete) to review these items in detail in preparation for discussion and decision in November. We also discussed the date of the November meeting. The second Tuesday in November follows the Veterans Day holiday, as a result each town will be pushing their selectman's

meeting to Tuesday, November 12th. The committee agreed to hold the November building committee meeting on 11.13.19 and to begin at 5:30pm instead of 6:30pm due to an anticipated longer than normal agenda related to the VE discussion/decision.

- D. Permitting Update** – We have begun the permitting process with West Newbury and Groveland for planning, zoning and conservation. Meetings and site walks are in process, we will continue to update the committee on this process at the next meeting.
- E. Neighborhood meeting** – We have invited all neighbors within 500’ of school property to attend an informational meeting with the designer, OPM and school officials. This meeting will be held on October 30th at 7:30pm and is intended to answer anticipated questions and establish a communication process when questions arise.
- F. Preconstruction survey of neighbors** – A process used in many similar projects is to hire a company to conduct a preconstruction survey of neighboring homes. This process establishes existing conditions and serves as a baseline should any damage occur related to construction. The committee felt this was a good idea and WT Rich will begin the process.
- G. Traffic Study** – Based on the mixed reviews of the traffic and site flow proposed at the September meeting, along with an anticipated request for a traffic study that could come from the planning board process, we are requesting approval for a traffic study. The proposal would cost a maximum of \$11,000 which includes time for presentations at several meetings which were detailed on the proposal handed out at the meeting. These meetings may or may not be necessary and could reduce the cost to about \$6,000. The committee approved moving forward with the traffic study.
- H. Review of Design Drawings** – The design development report being sent to the MSBA on October 23rd contains a set of drawings which represent 50% completion of the work to be done. Any committee member interested is invited to a meeting with the designer, OPM and district to review these drawings in detail. The meeting will be at Dore and Whittier’s office in Newburyport on November 6th from 9am-12pm.
- I. Design Development Submission to MSBA** – The committee unanimously approved and authorized the Owners Project Manager, Vertex, to submit the Design Development Report to the MSBA.

Adjournment – The meeting adjourned at 7:40pm.

MEETING MINUTES



Meeting Date / Time: **October 17, 2019 / 10:00 am**
 Project Name: **Pentucket Regional School District Building Project**
 Project Number: **17-0762**
 Subject: **Working Group**
 Attendees:

Justin Bartholomew (JB)	PRSD Superintendent
Jonathan Seymour (JS)	Pentucket HS Principal
Ken Kelley (KK)	Pentucket MS Principal
Wayne P. Adams (WA)	Pentucket
Greg Labrecque (GL)	Business Manager
Greg Hadden (GH)	PRSD Facilities Director
Jon Lemieux (JL)	Vertex
Steve Theran (ST)	Vertex
Dena Trotta (DT)	PRSD, School Committee Vice-Chair
Lisa O'Connor (LO)	PRSD, School Committee Chair
Angus Jennings	Town Manager, West Newbury
Carol McLeod	Finance Directory, Merrimac
Denise Dembkoski	Finance Director, Groveland
Jonathan Rich (JR)	W.T.Rich Company, Inc (WTR), CEO
Kirk Balcom (KB)	WTR, Project Manager
Bill Brown	Brown + Sardina (B+S)
Joe Strayer	B+S
Bert Comins	West Newbury Conservation Agent
Leah Zambernardi	West Newbury Town Planner
Brad Dore (BD)	Dore & Whittier Architects Inc. (D+W)
Jason Boone (JBo)	D+W
Mark Marshall (MM)	D+W
Josh Hagan (JH)	D+W, Job Captain
Nick Beck (NB)	D+W
Giovanna Chaisson (GC)	D+W, Interiors
Margaret Daly (MD)	D+W, Interiors
Abdias Jimnian (AJ)	D+W
María Fernández-Donovan (MFD)*	D+W, Project Manager
Formatting - ,	Attending / NOT Attending

ITEM	ACTION BY	DESCRIPTION:
1.1	Record	<p>Project Cost Estimate Status</p> <p>Brad D. gave a summary of the Estimate Reconciliation and the next steps. Brad noted that based on the meetings, that the estimates are over the budget, but this is not unusual and that there is a list of Value Engineering (VE) items to reduce cost. The Design Team and the Owner will need to review and rank the VE List to make decisions for final development of the project.</p> <p>The current plan will be to provide the full list as part of the MSBA Submission, and then make final decisions and ultimately the Building Committee will vote on items to be accepted and incorporated into the project. The design Team would like the votes to be completed at the November Building Committee Meeting.</p> <p>Jon R. noted that there can benefit to a sub-committee to decide on many of the VE items. Brad D. responded that while this is true and items can effectively accepted by a smaller group the full list will need to be presented to the Building Committee, at least for confirmation.</p>
1.2	Record	<p>Permitting:</p> <p>Brad D. reviewed the current plan and upcoming schedule for the permitting process. (Find attached schedule following these minutes)</p>
1.3	Record	<p>Neighborhood Meeting:</p> <p>The agenda for the upcoming meeting with Neighbors and Abutters was discussed. The topics will include Personnel for the project, expected lines of communication, Schedule, and a review of what people can expect during construction, including work hours. (full detailed agenda was issued in Minutes for 10-10 Working Group)</p> <p>Angus J. Noted that there should not be any limits placed on work hours below those in the Town By-laws.</p>
1.4	D+W	<p>Design Development Page Turner:</p> <p>It has been suggested by Vertex (OPM) that there should be meetings with the owner and design team to review the Design Development documents. It was decided that the Building Committee The Building Inspectors will also be notified of these meetings, should anyone wish to attend. The Meetings will be scheduled for November 6, 2019 at the D+W Office. D+W to coordinate the schedule and invitation.</p>

The above notes reflect the summary of our meeting. Please contact me with any comments or corrections. After 10 days, we will accept these minutes as an accurate record of our discussion.

Sincerely,
DORE + WHITTIER
 Josh Hagan – Job Captain

Attachments: Permitting Update (Schedule)

Copy: File
Attendees
Building Committee, MM, MD, BT, NB, GSC



Permitting Update

- | | |
|----------------------------------------|--------------------------------------------------------------------------------|
| Friday Oct. 11, 2019 | Provide existing and proposed site plans to Groveland and West Newbury ConComs |
| Tuesday, Oct. 15 | Provide LEC material to Groveland and West Newbury ConComs |
| Friday Oct. 18,
12:00p | Pentucket Site Walk-through with
West Newbury ConCom |
| Saturday, Oct. 26
(To be confirmed) | Pentucket Site Walk-through with Groveland ConCom |
| By October 31 | Notice of Intent - NOI |



Permitting Update

- Tues, Oct. 15 West Newbury Planning Board Meeting:
Review criteria for the Site Plan per the Dover Amendment
- WED, Oct 30, Neighborhood Meeting at 7:30p**
- Wed, Oct 30 Submit Complete Site Plan Review Application** and Plans to
Groveland and West Newbury Planning Boards.
 Variances:
 1) Height at 35' (based on R1 zoning)- for school building
 2) Land and Stormwater Disturbance Management
 3) Stadium Parking.
- Wed, Nov 6 Pre-Application Conference with West Newbury Planning Board
to schedule Planning Board Public Hearing
- Tues, Dec 3 West Newbury Planning Board Site Plan Review Public Hearing



Town of West Newbury

381 Main Street

West Newbury, Massachusetts 01985

Wayne S. Amaral, Director of Public Works

978-363-1100, Ext. 120

DPWDirector@wnewbury.org

Memorandum

To: Angus Jennings, Town Manager
 From: Wayne S. Amaral, Director of Public Works
 Date: October 4, 2019
 Re: Bridge Street – Speed Limit Review

Some months back you requested a review of the posted speed limits on Bridge Street based on a request from residents of the street. I have conducted a minor traffic engineering reviewing of the roadway and have determined the following;

Background:

Recently the town had been contacted by residents of Bridge Street expressing their concerns about the current vehicle speeds observed on their street. The main focus is the section of the roadway posted for 40 miles per hour. They believe this speed is unsafe and causes excessive noise.

There is currently a MassDOT permit Special Speed Regulation No. 6062 that established a 40 miles per hour speed limit on the majority of the roadway except where the roadway approaches Main Street and The Rock Village Bridge, where the speeds are reduced to 25 miles per hour.

Street Characteristic:

Bridge Street is about 4,000 feet in length with a recently repaved 28-foot wide roadway. The roadway is marked with a 12.5-foot wide travel lane in each direction with a 2.5-foot paved shoulder. This street connects the Town of Merrimac / City of Haverhill to Route 113 (Main Street) and is a major connector road with the majority of the vehicle volume trips being non-residents of the street.

There is a number of residential homes on the street that may seem to classify the roadway as thickly settled, but I believe the length does not meet the MassDOT definition. Most houses are set back from the roadway and the non-residential edge of roadway is tree lined farms and a cemetery.

There is a significant incline on the roadway that runs consistently on much of the length of Bridge Street. This incline is the main contributor to the noise complaints. As vehicles proceed up the steep incline their engines require more power and a result, more engine noise.

Data Collection:

I have collected three hours (AM peak, midday off-peak and PM peak) of speed data and sampled over 500 vehicles. The data showed an average 85-percentile speed of 42 miles per hour and a 50-percentile speed of 39 miles per hour. These speeds are within the permitted posted speed limit of the street.

Conclusion:

The majority of Main Street / Route 113 is posted 35 miles per hour and I see no reason why the speed limit on Bridge Street should be greater than Main Street / Route 113. I would recommend we petition MassDOT to permit Bridge Street in the section covered in MassDOT permit Special Speed Regulation 6062 to 35 miles per hour.

The reduction in speed would be more uniformed for the surrounding roads and increase the safety of the roadway.

Sincerely,

Wayne S. Amaral
Director of Public Works

cc: Jeff Durand, Police Chief

Attachments
Appendix A - Speed Data Collection Spreadsheet

West Newbury DPW - Speed Data Collection Summary

TOWARD BRIDGE ST

Street Name BRIDGE ST @ STEEN AVE

Direction NORTH BOUND

Date: 7-25-2019

Time 8AM - 9AM

Recorded Speed in MPH	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	Sub-Total	
10																						
11																						
12																						
13																						
14																						
15																						
16																						
17																						
18																						
19																						
20																						
21																						
22																						
23																						
24																						
25																						
26																						
27																						
28																						
29	X																					1
30	X	X	X																			3
31	X	X	X	X																		4
32	X	X																				2
33	X	X																				2
34	X	X	X	X	X																	5
35	X	X	X	X																		4
36	X	X	X	X	X	X	X															7
37	X	X	X	X	X	X	X	X														8
38	X	X	X	X	X	X	X	X	X	X	X	X	X									13
39	X	X	X	X	X	X	X	X														6
40	X	X	X	X	X	X	X	X														8
41	X																					1
42	X	X	X	X																		4
43	X	X																				2
44	X	X	X	X																		4
45																						0
46																						0
47	X																					1
48	X	X																				2
49																						0
50	X																					1
51																						0
Total																						78

85 Percentile Speed is 42 MPH
 50 Percentile Speed is 38 MPH
 Speed Data collected by WSA

Appendix A

West Newbury DPW - Speed Data Collection Summary

TOWARD MAIN ST

Street Name BRIDGE ST @ STAN AVE

Direction SOUTH BOUND

Date: 7-25-2019

Time 8AM-9AM

Recorded Speed in MPH	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	Sub-Total	
10																						
11																						
12																						
13																						
14																						
15																						
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20																						
21																						
22																						
23																						
24																						
25																						
26																						
27																						
28																						
29	X																					1
30																						0
31	X	X																				2
32	X																					1
33	X																					1
34	X	X	X	X																		4
35	X	X	X	X	X																	5
36	X	X	X	X	X	X																6
37	X	X	X																			3
38	X	X	X	X	X	X																6
39	X	X	X	X	X	X																6
40	X	X	X	X	X	X	X	X	X	X												10
41	X	X	X	X	X	X	X															7
42	X	X	X	X																		4
43	X	X	X																			3
44	X	X	X	X	X	X																6
45	X	X	X	X																		4
46	X	X																				2
47	X																					1
48																						0
49																						0
50	X																					1
51																						
Total																						73

85 Percentile Speed is 44 MPH
 50 Percentile Speed is 40 MPH
 Speed Data collected by WSM

Appendix A

West Newbury DPW - Speed Data Collection Summary

TOWARD BRIDGE

Street Name BRIDGE ST @ STAN RVE

Direction NORTH Bound

Date: 7-27-2019

Time 1PM-2PM

Recorded Speed in MPH	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	Sub-Total	
10																						
11																						
12																						
13																						
14																						
15																						
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22																						
23																						
24																						
25																						
26																						
27																						
28																						
29																						
30	X	X																				2
31	X	X	X	X	X	X																6
32	X	X	X	X																		4
33	X	X	X	X	X	X																6
34	X	X	X	X																		4
35	X	X	X	X	X	X	X															7
36	X	X	X	X	X																	5
37	X	X	X	X	X	X	X	X	X	X	X	X	X	X								14
38	X	X	X	X	X	X	X	X	X	X	X	X	X	X								13
39	X	X	X	X	X	X	X	X	X	X	X	X	X	X								11
40	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X							14
41	X	X	X	X	X	X	X	X	X	X												10
42	X	X	X	X	X																	5
43	X	X	X	X	X	X	X															7
44	X																					1
45	X	X																				2
46	X																					1
47																						0
48																						0
49	X																					1
50	X																					1
51	X																					1
Total																						115

85 Percentile Speed is 42 MPH

50 Percentile Speed is 38 MPH

Speed Data collected by WGA

Appendix A

West Newbury DPW - Speed Data Collection Summary

TOWANA MAIN ST

Street Name BRIDGE STREET AVE

Direction SOUTH BOUND

Date: 7-24-2019

Time 1PM-2PM

Recorded Speed in MPH	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	Sub-Total	
10																						
11																						
12																						
13																						
14																						
15																						
16																						
17																						
18																						
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22																						
23																						
24																						
25																						
26																						
27																						
28																						
29																						
30																						
31	X																					1
32	X	X																				2
33	X	X																				2
34	X	X	X	X	X	X	X															7
35	X	X	X	X	X	X	X															6
36	X	X	X	X	X	X	X															7
37	X	X	X	X	X	X	X															7
38	X	X	X	X	X	X	X	X														8
39	X	X	X	X	X	X	X															5
40	X	X	X	X	X	X	X	X	X													9
41	X	X	X	X																		4
42	X	X	X	X																		3
43	X	X	X	X	X																	5
44	X	X																				2
45	X	X																				2
46	X																					1
47	X																					1
48																						
49																						
50																						
51																						
Total																						72

85 Percentile Speed is 42 MPH
 50 Percentile Speed is 38 MPH
 Speed Data collected by WJR

Appendix A

DOWN HILL
TOWARD RIVER

West Newbury DPW - Speed Data Collection Summary

Street Name BRIDGE ST @ STEAD AVE

Direction NORTHBOUND

Date: 7-30-2019

Time 4PM-5PM

Recorded Speed in MPH	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	Sub-Total	
10																						
11																						
12																						
13																						
14																						
15																						
16																						
17																						
18																						
19																						
20																						
21																						
22																						
23																						
24																						
25																						
26																						
27																						
28	X																					1
29	X																					1
30																						
31	X	X	X	X	X																	5
32	X	X																				2
33	X	X																				2
34	X	X	X	X	X																	6
35	X	X	X																			3
36	X	X	X	X																		4
37	X	X	X	X	X																	5
38	X	X	X	X	X																	5
39	X	X	X	X	X	X																6
40	X	X	X	X	X	X	X	X	X	X												10
41	X	X	X	X	X	X	X	X	X	X	X											9
42	X	X	X	X	X	X	X	X	X	X	X											6
43	X	X	X	X	X	X																5
44	X	X	X																			3
45	X	X	X																			3
46																						0
47																						0
48	X	X																				2
49																						
50																						
51																						
Total																					78	

85 Percentile Speed is 43 MPH
 50 Percentile Speed is 39 MPH
 Speed Data collected by WSA

Appendix A

UP HILL
TOWARD ROUTE 113

West Newbury DPW - Speed Data Collection Summary

Street Name BRIDGE ST & STEED AVE
 Direction SOUTH BOUND Date: 7-30-2019 Time 4PM-5PM

Recorded Speed in MPH	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	Sub-Total	
10																						
11																						
12																						
13																						
14																						
15																						
16																						
17																						
18																						
19																						
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21																						
22																						
23																						
24																						
25																						
26																						
27																						
28																						
29																						
30	X																					1
31	X	X	X																			3
32	X	X	X	X																		4
33	X	X	X	X																		4
34	X	X	X	X	X	X	X															7
35	X	X	X	X	X	X	X	X	X	X	X											11
36	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X					17
37	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X				16
38	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X				17
39	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X			20
40	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	19
41	X	X	X	X	X	X	X	X	X	X	X	X										11
42	X	X	X	X	X	X	X	X	X	X	X	X	X									17
43	X	X	X	X	X	X	X	X	X		X											8
44	X	X	X	X	X	X	X	X	X	X												9
45	X	X																				2
46																						0
47	X																					1
48																						0
49																						0
50																						0
51	X	X																				2
	Total																				164	

85 Percentile Speed is 42 MPH
 50 Percentile Speed is 39 MPH
 Speed Data collected by WSA

Appendix A



Town of West Newbury

381 Main Street

West Newbury, Massachusetts 01985

Wayne S. Amaral, Director of Public Works

978-363-1100, Ext. 120

DPWDirector@wnewbury.org

Memorandum

To: Angus Jennings, Town Manager
 From: Wayne S. Amaral, Director of Public Works
 Date: October 4, 2019
 Re: Church Street – Speed Limit Review

Some months back you requested a review of the posted speed limits on Church Street based on a request from residents of the street. I have conducted a minor traffic engineering reviewing of the roadway and have determined the following;

Background:

Recently the town had been contacted by residents of Church Street expressing their concerns about the current vehicle speeds observed on their street and the confusion regarding the various different speed limits on the roadway. The existing posted speed limits range from 25 miles per hour to 40 miles per hour and also varies on direction of travel.

Street Characteristic:

Church Street is about 5,200 feet in length with a paved 30-foot wide roadway. The roadway is marked with 11-foot wide travel lanes in each direction and a 4-foot paved shoulder. This street connects the Town of Merrimac / City of Haverhill by Bridge Street to Route 113 (Main Street) and is a major connector road with the majority of the vehicle volume trips being non-residents of the street.

There is a number of residential homes on the street that may seem to classify the roadway as thickly settled in some sections, but I believe the length does not meet the MassDOT definition. Most houses are set back from the roadway and some of the non-congested residential sections of the roadway are tree lined with little activity.

Data Collection:

I have collected three hours (AM peak, midday off-peak and PM peak) of speed data and sampled over 450 vehicles. The data showed an average 85-percentile speed of 42 miles per hour and a 50-percentile speed of 38 miles per hour. East bound vehicle speeds are within the permitted posted speed limit, while the west bound speeds were higher than the permitted posted speed limits of the street.

Conclusion:

The majority of Main Street / Route 113 is posted 35 miles per hour and with the recent request to post Bridge Street the same, I would recommend we petition MassDOT to rescind all the existing approved Special Speed Limits for Church Street and request 25 miles per hour zones at each approaches to Main Street and Bridge Street for a distance of 500 feet and the remaining section between these two zones be posted 35 miles per hours.

The uniformity in the speed limit will eliminate any confusion caused by multiple different speed limits on any one street and will increase the safety of the roadway.

Sincerely,

Wayne S. Amaral
Director of Public Works

cc: Jeff Durand, Police Chief

Attachments
Appendix A - Speed Data Collection Spreadsheet

West Newbury DPW - Speed Data Collection Summary

TOWARD BRIDGE

Street Name CHURCH ST e #50

Direction EAST BOUND

Date: 7-30-2019

Time 8AM-9AM

Recorded Speed in MPH	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	Sub-Total	
10																						
11																						
12																						
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28																						
29																						
30																						
31																						
32	X	X																				2
33	X	X																				2
34	X	X	X	X																		4
35	X																					1
36	X	X	X	X	X	X																6
37	X	X	X	X	X	X	X	X														8
38	X	X	X	X	X	X	X	X														7
39	X	X	X	X	X	X	X	X	X	X	X	X	X									13
40	X	X	X	X	X	X	X	X	X	X	X	X										17
41	X	X	X	X	X	X	X	X														8
42	X	X	X	X	X																	5
43	X	X	X	X	X																	5
44	X	X	X																			3
45	X																					1
46																						0
47	X																					1
48																						
49																						
50																						
51																						
Total																						78

85 Percentile Speed is 42 MPH

50 Percentile Speed is 39 MPH

Speed Data collected by WSD

Appendix A

West Newbury DPW - Speed Data Collection Summary

TOWARD MAIN ST

Street Name CHURCH ST e#50

Direction WEST BOUND

Date: 7-30-2019

Time 8AM-9AM

Recorded Speed in MPH	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	Sub-Total
10																					
11																					
12																					
13																					
14																					
15																					
16																					
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22																					
23																					
24																					
25																					
26																					
27																					
28																					
29																					
30																					
31																					
32	X	X	X	X	X																5
33	X	X	X	X	X	X															6
34	X	X	X																		3
35	X	X	X	X	X	X	X	X													8
36	X	X	X	X	X	X	X	X													8
37	X	X	X	X	X	X	X	X													8
38	X	X	X	X	X	X	X	X	X	X	X	X									12
39	X	X	X	X	X	X	X	X	X	X	X	X									12
40	X	X	X	X	X	X															6
41	X	X	X	X	X																5
42	X	X	X	X	X	X	X	X													8
43	X	X																			2
44	X	X	X	X																	4
45	X	X																			2
46	X	X																			2
47																					
48																					
49																					
50																					
51																					
Total																					91

85 Percentile Speed is 42 MPH
 50 Percentile Speed is 38 MPH
 Speed Data collected by WSX

Appendix A

West Newbury DPW - Speed Data Collection Summary

TOWARD BRIDGE

Street Name CHURCH ST e #50

Direction EAST BOUND

Date: 7-25-2019

Time 12:30-1:30 PM

Recorded Speed in MPH	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	Sub-Total	
10																						
11																						
12																						
13																						
14																						
15																						
16																						
17																						
18																						
19																						
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22																						
23																						
24																						
25																						
26																						
27																						
28																						
29	X																					
30																						1
31	X																					0
32	X	X																				1
33	X	X	X	X	X																	2
34	X	X	X	X																		5
35	X	X	X	X																		4
36	X	X	X	X	X	X	X															7
37	X	X	X	X	X	X	X	X														8
38	X	X	X	X																		4
39	X	X	X	X	X	X	X	X														8
40	X	X	X	X	X																	5
41	X	X	X	X																		4
42	X	X	X																			3
43	X	X	X	X																		4
44	X	X																				2
45																						0
46	X																					1
47	X																					1
48																						0
49																						0
50																						0
51	X	X																				2
Total																						66

85 Percentile Speed is 43 MPH
 50 Percentile Speed is 38 MPH
 Speed Data collected by WJA

Appendix A

West Newbury DPW - Speed Data Collection Summary

TOWNS MAIN ST

Street Name CHURCH ST #50

Direction WEST BOUND

Date: 7-25-2019

Time 12:30 - 1:30 PM

Recorded Speed in MPH	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	Sub-Total	
10																						
11																						
12																						
13																						
14																						
15																						
16																						
17																						
18																						
19																						
20																						
21																						
22																						
23																						
24																						
25																						
26																						
27																						
28																						
29																						
30																						
31	X																					1
32																						0
33	X																					1
34	X																					1
35	X	X	X	X																		4
36	X	X	X	X	X	X	X	X	X													8
37	X	X	X	X																		4
38	X	X	X	X	X	X	X															7
39	X	X																				2
40	X	X	X	X																		4
41	X	X	X	X	X																	5
42	X	X	X	X	X	X	X	X														8
43	X	X	X																			3
44	X																					1
45																						0
46	X																					1
47	X																					1
48	X																					1
49																						0
50	X																					1
51																						
Total																						53

85 Percentile Speed is 43 MPH
 50 Percentile Speed is 39 MPH
 Speed Data collected by WGR

Appendix A

West Newbury DPW - Speed Data Collection Summary

TOWARD BRIDGE

Street Name CHURCH St 50

Direction EAST BOUND

Date: 7-23-2019

Time 4PM-5PM

Recorded Speed in MPH	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	Sub-Total	
10																						
11																						
12																						
13																						
14																						
15																						
16																						
17																						
18																						
19																						
20																						
21																						
22																						
23																						
24																						
25																						
26																						
27																						
28																						
29																						
30	X																				1	
31	X	X																			2	
32	X																				1	
33	X																				1	
34	X	X	X	X	X	X															6	
35	X	X																			2	
36	X	X	X	X	X	X	X	X	X	X											10	
37	X	X	X	X	X	X	X	X	X	X											7	
38	X	X	X	X	X	X	X	X	X	X	X	X	X	X							14	
39	X	X	X	X	X	X	X	X	X	X	X	X									12	
40	X	X	X	X	X	X															6	
41	X	X	X	X																	5	
42	X	X	X	X																	4	
43	X																				1	
44	X	X	X																		3	
45	X	X																			2	
46																						
47																						
48																						
49																						
50	X																				1	
51																						
Total																						75

85 Percentile Speed is 41 MPH
 50 Percentile Speed is 38 MPH
 Speed Data collected by WSA

Appendix A

West Newbury DPW - Speed Data Collection Summary

TOWARDS MAIN ST

Street Name CHURCH ST e #50

Direction WEST BOUND

Date: 7-23-2019

Time 4PM-5PM

Recorded Speed in MPH	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	Sub-Total	
10																						
11																						
12																						
13																						
14																						
15																						
16																						
17																						
18																						
19																						
20																						
21																						
22																						
23																						
24																						
25																						
26																						
27																						
28																						
29	X																					1
30	X																					0
31	X																					1
32	X																					0
33	X																					1
34	X	X	X																			2
35	X	X	X	X	X	X	X	X	X													9
36	X	X	X	X	X	X		X	X	X												6
37	X	X	X	X	X	X	X	X	X	X	X	X										12
38	X	X	X	X	X	X	X	X	X	X	X	X	X									12
39	X	X	X	X	X	X	X	X	X	X	X	X	X									10
40	X	X	X	X																		4
41	X	X	X	X	X																	5
42	X	X	X	X	X	X	X	X	X													8
43	X	X	X	X																		4
44	X	X	X	X	X																	5
45	X	X	X																			3
46																						0
47	X																					1
48	X																					1
49	X	X																				2
50																						
51																						
Total																						88

85 Percentile Speed is 43 MPH
 50 Percentile Speed is 38 MPH
 Speed Data collected by WSA

Appendix A

ARTICLE REQUEST FORM Page 1 of 2

ARTICLE: Preservation and Restoration of the Soldiers & Sailors Memorial Building (Carr Post)

AMOUNT REQUESTED: \$1,500,000.00 from CPA Funds:

\$ 141,100.33 from Historic Resources Reserve

\$108,899.67 from Undesignated Fund Balance

1,250,000.00 to be bonded.

CONTACT PERSON: Angus Jennings, Town Manager

978-363-1100, X111, townmanager@wnewbury.org

Jean Nelson, CPC Administrator

978-363-1100 X131; cpc@wnewbury.org

Why should the Town make this purchase? What needs will be met? Who will benefit?
Please see CPA Applications and Narrative for an explanation of the project.

Article: To see if the Town will vote to appropriate \$1,500,000.00, or any lesser amount, to pay costs of preserving, restoring and making extraordinary repairs to the Soldiers and Sailors Memorial Building (Carr Post), including but not limited to, interior and exterior preservation and restoration of the building, installation of a subsurface sewage disposal system, installation of walkways and signage, hazardous materials remediation, replacement of electrical, plumbing, HVAC and fire alarm systems, and for the payment of all other costs incidental and related thereto; to determine whether this amount shall be raised by taxation, transfer from available funds, including amounts in the Community Preservation Fund, borrowing or otherwise, or to take any other action relative thereto. *By request of the Board of Selectmen and the Community Preservation Committee*

The Community Preservation Committee voted to approve the Application for Funding for the Preservation and Restoration of the Soldiers & Sailors Memorial Building (Carr Post) submitted by the Angus Jennings, Town Manager, on behalf of the Board of Selectmen at their meeting on October 23, 2019. Present and voting were Ray Cook, Mary Harada, Bob Janes, Judy Mizner, Rick Parker, and Sherry Pruyn, Chair. The vote in favor was unanimous. The exact dollar amounts of the motion are included above.

What factors affect the timing of this purchase N/A

When should this Article be sunsetted--how long will the project take? N/A.

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

Does this Article involve improvement, preservation or creation of tangible Town-owned assets and projects which 1) have useful life of at least five years; 2) cost over \$20,000 and or 3) for which the Town is authorized to borrow funds? If so, please confirm that this item is on the Capital Improvements Committee Schedule for future capital investments. N/A

Please attach additional pages or other supporting documentation.

Article Request Form submitted by Jean Nelson, Community Preservation Committee Administrator, on October 25, 2019.



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

TO: Angus Jennings, Town Manager
Jean Nelson, CPC Administrator

FROM: Michael Morris, Interim Town Accountant

DATE: October 23, 2019

RE:

We have recently reviewed various funds available for appropriation or transfer at the upcoming Special Town Meeting. The document "Special Town Meeting Impacts on Town Accounts" should be updated as follows to provide the most current balances in the CPA funds.

Community Housing	\$280,979
Historical	\$141,700
Open Space	\$148,308
Undesignated	\$1,634,664
Reserve	\$267,581
Total CPA Funds	\$2,473,232

I reviewed the audited financial statements (drafts), various records in the town financial systems, and reports which have been filed with the Commonwealth for the annual reporting of CPA funds activity. This report is called the CP2 form which is filed with the Department of Revenue yearly. All three of these sources included the same balance for the Historical account at the end of the Fiscal Year 2019, which was \$100,534. When the amount of the transfer appropriated for the Fiscal Year 2020 was added in the amount of \$41,166 the balance should be \$141,700. I recommend the report be changed and the resulting offset be made to the Undesignated Account.

I also met with Jean Nelson, who provided additional documentation, which was consistent with the amount of \$141,700. I discussed this with our auditors who agree with the amount in the Historical account and the other accounts as well.

Please note the adjustments do not reduce the total amount available in the CPA Fund. The only adjustments are to the Historical and Undesignated accounts. If any further information is needed please feel free to contact me.



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: Community Preservation Committee; Finance Committee
FROM: Angus Jennings, Town Manager
DATE: October 8, 2019
RE: Proposed funding, Soldiers & Sailors Memorial Building Preservation and Restoration

This memo is submitted to supplement the Application for Project Funding currently pending before the CPC, Project Name "Preservation and Restoration of the Soldiers & Sailors Memorial Building (Carr Post)."

At their regularly scheduled meeting on September 30th, the Board of Selectmen voted 3-0 to support a financing proposal comprised of \$250,000 from existing CPC funds with the balance of project costs proposed for borrowing. The source of proposed up-front funds will be proposed to comprise the entire balance in the CPA Historical reserve, as of June 30, 2019 (once that figure is verified by the Town Accountant), with the balance to come from CPA Undesignated funds. These numbers will be included in the Motion to be made at Town Meeting. As soon as I receive information regarding the June 30, 2019 balances I will provide them to the CPC and Finance Committee.

The Board's rationale for this funding structure is that the up-front funds would allow us to execute a contract for design services without waiting for the bonds to be issued, which at best would take a couple of months after the Town Meeting vote. Regarding borrowing the majority of funds, interest rates are low so it's a good time to borrow; and, the Board favors spreading the cost across a longer period of time so that future taxpayers are fairly charged for an asset/amenity that they would enjoy (rather than prior/current taxpayers bearing the full cost).

The enclosed amortization table was prepared by the Town's Financial Advisor Hilltop Securities, and estimates the annual debt service assuming 20-year borrowing at 2.5%.

The language of the proposed Town Meeting Warrant Article is attached, along with the latest draft of the Town Meeting Motion prepared by Bond Counsel and with edits by Town Counsel and the CPC Administrator.

Thank you for consideration of this proposal, which we understand will be taken up for continued consideration at the upcoming CPC meeting on Thursday, October 17th at 7:30 PM.

cc: Board of Selectmen; Carr Post Building Committee

Town of West Newbury, Massachusetts

Projected Historic Building Costs:	\$ 1,500,000	(TBD)
Less: CPA Fund Balance Applied	250,000	
Total Borrowing:	\$ 1,250,000	
Projected Interest Rate on Bonds:	2.50%	
CPA Surcharge Receipts (FY 2019):	327,336	
10% Commitment to Open Space:	32,734	
10% Commitment to Historic Resource:	32,734	
10% Commitment to Affordable Housing:	32,734	
CPA State Matching Funds (FY 2018):	102,706	
Total CPA Revenues (FY 2018):	\$ 430,042	

Community Preservation Act Debt Model - Level Debt Service

Fiscal Year	A Existing Open Space Debt Service	B Plus: Existing Historic Resource Debt Service	C Plus: Existing Affordable Housing Debt Service	D Equals: Total Existing Debt Service Supported by CPA Revenues (A+B+C)	E Additional Commitment of Surcharge Receipts			F (\$327,336 Annual Surcharge - (D+E))	G Projected Debt Service (see page 2)	H Total Existing + Projected Debt Service Supported by CPA Revenues (D+G)	I Estimated Coverage of CPA Surcharge Revenues over (less) CPA Commitments + Projected Debt Service (Annual Surcharge - E - H)	Fiscal Year Ending
					Additional Open Space Surcharge Commitment to Meet 10% Requirement	Additional Historic Resource Surcharge Commitment to Meet 10% Requirement	Additional Affordable Housing Surcharge Commitment to Meet 10% Requirement					
2020	-	-	-	-	32,734	32,734	32,734	229,135	-	-	229,135	6/30/2020
2021	-	-	-	-	32,734	32,734	32,734	229,135	81,250	81,250	147,885	6/30/2021
2022	-	-	-	-	32,734	32,734	32,734	229,135	80,000	80,000	149,135	6/30/2022
2023	-	-	-	-	32,734	32,734	32,734	229,135	78,750	78,750	150,385	6/30/2023
2024	-	-	-	-	32,734	32,734	32,734	229,135	82,500	82,500	146,635	6/30/2024
2025	-	-	-	-	32,734	32,734	32,734	229,135	81,125	81,125	148,010	6/30/2025
2026	-	-	-	-	32,734	32,734	32,734	229,135	79,750	79,750	149,385	6/30/2026
2027	-	-	-	-	32,734	32,734	32,734	229,135	78,375	78,375	150,760	6/30/2027
2028	-	-	-	-	32,734	32,734	32,734	229,135	82,000	82,000	147,135	6/30/2028
2029	-	-	-	-	32,734	32,734	32,734	229,135	80,500	80,500	148,635	6/30/2029
2030	-	-	-	-	32,734	32,734	32,734	229,135	79,000	79,000	150,135	6/30/2030
2031	-	-	-	-	32,734	32,734	32,734	229,135	77,500	77,500	151,635	6/30/2031
2032	-	-	-	-	32,734	32,734	32,734	229,135	81,000	81,000	148,135	6/30/2032
2033	-	-	-	-	32,734	32,734	32,734	229,135	79,375	79,375	149,760	6/30/2033
2034	-	-	-	-	32,734	32,734	32,734	229,135	77,750	77,750	151,385	6/30/2034
2035	-	-	-	-	32,734	32,734	32,734	229,135	81,125	81,125	148,010	6/30/2035
2036	-	-	-	-	32,734	32,734	32,734	229,135	79,375	79,375	112,109	6/30/2036
2037	-	-	-	-	32,734	32,734	32,734	229,135	82,625	82,625	115,359	6/30/2037
2038	-	-	-	-	32,734	32,734	32,734	229,135	80,750	80,750	113,484	6/30/2038
2039	-	-	-	-	32,734	32,734	32,734	229,135	78,875	78,875	111,609	6/30/2039
2040	-	-	-	-	32,734	32,734	32,734	229,135	82,000	82,000	114,734	6/30/2040
Total	\$ -	\$ -	\$ -	\$ -					\$ 1,603,625	\$ 1,603,625		

Assumptions:

✦ Projections include CPA revenues for FY 2019.

Title:

Town of West Newbury, Massachusetts
 Community Preservation Act Debt Model - Level Debt Service
 General Obligation Bonds Dated 2/15/20

LEVEL DEBT SERVICE SCHEDULE

<u>Fiscal Year</u>	<u>Principal</u>	<u>Coupon</u>	<u>Interest</u>	<u>Total P+I</u>
6/30/2021	50,000	2.50%	31,250	81,250
6/30/2022	50,000	2.50%	30,000	80,000
6/30/2023	50,000	2.50%	28,750	78,750
6/30/2024	55,000	2.50%	27,500	82,500
6/30/2025	55,000	2.50%	26,125	81,125
6/30/2026	55,000	2.50%	24,750	79,750
6/30/2027	55,000	2.50%	23,375	78,375
6/30/2028	60,000	2.50%	22,000	82,000
6/30/2029	60,000	2.50%	20,500	80,500
6/30/2030	60,000	2.50%	19,000	79,000
6/30/2031	60,000	2.50%	17,500	77,500
6/30/2032	65,000	2.50%	16,000	81,000
6/30/2033	65,000	2.50%	14,375	79,375
6/30/2034	65,000	2.50%	12,750	77,750
6/30/2035	70,000	2.50%	11,125	81,125
6/30/2036	70,000	2.50%	9,375	79,375
6/30/2037	75,000	2.50%	7,625	82,625
6/30/2038	75,000	2.50%	5,750	80,750
6/30/2039	75,000	2.50%	3,875	78,875
6/30/2040	80,000	2.50%	2,000	82,000
Total	1,250,000		353,625	1,603,625

Tax Rate Options and Shifts

CLASS	TOTAL VALUE	%		
Residential	952,112,846	97.3203%	R O %	
Open Space	0	0.0000%		97.3203%
Commercial	8,211,185	0.8393%	C I P %	
Industrial	2,101,400	0.2148%		
Personal Property	15,904,090	1.6256%		2.6797%
Total	978,329,521	100.0000%		

Residential Exemption

# Eligible Parcels	
Res Parcel Count	
Res Exemption %	

Total Res Value Net of Exemption

--

Small Commercial Exemption

# Eligible Parcels	
Total Value of Eligible Parcels	
Com Exemption %	

Total C & I Value Net of Exemption

10,312,585

Single Tax Rate	14.57
-----------------	-------

Maximum Allowable Levy (City/Town only)	14,766,020.00
Estimated Levy	14,257,377.00

Estimated Levy cannot exceed the Maximum Allowable Levy (City/Town only)

CIP Shift

Enter the desired CIP Shift from table below (Col. A):	1.000	Use 1.00 for a Single Tax Rate (no shift)
Residential Factor Selected:	100.0000	

Estimated Levy Limit Calculations

Fiscal Year **2019**

FOR BUDGET PLANNING PURPOSES

TO CALCULATE THE FY 2018 LEVY LIMIT

A. FY 2017 Levy Limit	<u>13,212,301</u>	
A1. Add Amended FY 2017 Growth	<u>0</u>	
B. ADD (IA + IA1) X 2.5%	<u>330,308</u>	
C. Add FY 2018 New Growth	<u>110,872</u>	
C1. Add FY 2018 New Growth Adjustment	<u>0</u>	
D. Add FY 2018 Override	<u>0</u>	
E. FY 2018 Subtotal	<u>13,653,481</u>	
F. FY 2018 Levy Ceiling	<u>23,660,482</u>	I. \$ 13,653,481 FY 2018 Levy Limit

TO CALCULATE THE FY 2019 LEVY LIMIT

A. FY 2018 Levy Limit from I. above	<u>13,653,481</u>	
A1. Add Amended FY 2018 Growth	<u>0</u>	
B. ADD (IIA + IIA1) X 2.5%	<u>341,337</u>	
C. Add FY 2019 New Growth	<u>143,338</u>	
C1. Add FY 2019 New Growth Adjustment	<u>0</u>	
D. Add FY 2019 Override	<u>0</u>	
E. FY 2019 Subtotal	<u>14,138,156</u>	
F. FY 2019 Levy Ceiling	<u>24,458,238</u>	II. \$ 14,138,156 FY 2019 Levy Limit

TO CALCULATE THE FY 2019 MAXIMUM ALLOWABLE LEVY

A. FY 2019 Levy Limit from II. above	<u>14,138,156</u>
B. FY 2019 Debt Exclusion(s)	<u>627,864</u>
C. FY 2019 Capital Expenditure Exclusion(s)	<u>0</u>
D. FY 2019 Stabilization Fund Override	<u>0</u>
E. FY 2019 Other Adjustment	<u>0</u>
F. FY 2019 Water/Sewer	<u>0</u>
G. FY 2019 Maximum Allowable Levy	<u>\$ 14,766,020</u>

**DIVISION OF LOCAL SERVICES
TAX RATE RECAP & BUDGETING TOOL**

City/Town/District of:

Fiscal Year:

I. TAX RATE SUMMARY

la. Total amount to be raised (from Page 2 IIe)	\$ 19,109,685.65
lb. Total estimated receipts and other revenue sources (from Page 2 IIIe)	4,852,308.65
lc. Tax levy (Ia minus Ib)	\$ 14,257,377.00
ld. Distribution of Tax Rates and levies	

CLASS	(b) Levy percentage (from Options worksheet)	(c) IC above times each percent in col (b)	(d) Valuation class by (from Options worksheet)	(e) Tax Rates (c) / (d) x 1000	(f) Levy by class (d) x (e) / 1000
Residential	97.3203%	13,875,316.55	952,112,846	14.57	13,872,284.17
Net of Exempt					
Open Space	0.0000%	0.00	0		
Commercial	0.8393%	119,663.12	8,211,185	14.57	119,636.97
Net of Exempt					
Industrial	0.2148%	30,624.09	2,101,400	14.57	30,617.40
SUBTOTAL	98.3744%		962,425,431		14,022,538.54
Personal	1.6256%	231,773.24	15,904,090	14.57	231,722.59
TOTAL	100.0000%		978,329,521		14,254,261.13

Line 1C doesn't equal Total Column F

II. Amounts to be raised

Ila. Appropriations (col. (b) through col. (g) from Page 4)	<u>18,856,890.65</u>
Ilb. Other amounts to be raised	
1. Amounts certified for tax title purposes	0.00
2. Debt and interest charges not included on page 4	0.00
3. Final awards	0.00
4. Total overlay deficit	0.00
5. Total cherry sheet offsets (see cherry sheet 1-ER)	7,604.00
6. Revenue deficits	0.00
7. Offset receipts deficits Ch. 44, Sec. 53E	0.00
8. CPA other unappropriated/unreserved	0.00
9. Snow and ice deficit Ch. 44 Sec. 31D	0.00
10. Other: <input type="text"/>	0.00
TOTAL Ilb (Total lines 1 through 10)	<u>7,604.00</u>
Ilc. State and county cherry sheet charge (C.S. 1-EC)	<u>80,191.00</u>
Ild. Allowance for abatements and exemptions (overlay)	<u>165,000.00</u>
Ile. Total amount to be raised (Total Ila through Ild)	<u>19,109,685.65</u>

III. Estimated receipts and other revenue sources

IIIa. Estimated receipts - State	
1. Cherry sheet estimated receipts (C.S. 1-ER Total)	387,119.00
2. Massachusetts school building authority payments	0.00
TOTAL IIIa	<u>387,119.00</u>
IIIb. Estimated receipts - Local	
1. Local receipts not allocated (Page 3, col. (b), Line 24)	1,359,495.00
2. Offset receipts (See Schedule A-1)	0.00
3. Enterprise funds (See Schedule A-2)	795,099.00
4. Community Preservation Funds (See Schedule A-4)	1,363,210.00
TOTAL IIIb	<u>3,517,804.00</u>
IIIc. Revenue sources appropriated for particular purposes	
1. Free cash (Page 4, col. (c))	244,100.00
2. Other available funds (Page 4, col. (d))	463,285.65
TOTAL IIIc	<u>707,385.65</u>
IIId. Other revenue sources appropriated specifically to reduce the tax rate	
1. a. Free cash..appropriated on or before June 30, <input type="text"/>	0.00
1. b. Free cash..appropriated on or after July 1, <input type="text"/>	240,000.00
2. Municipal light source	0.00
3. Other source : <input type="text"/>	0.00
TOTAL IIId	<u>240,000.00</u>
IIIe. Total estimated receipts and other revenue sources (Total IIIa through IIId)	<u>4,852,308.65</u>

IV. Summary of total amount to be raised and total receipts from all sources

a. Total amount to be raised (from Ile)	<u>19,109,685.65</u>
b. Total estimated receipts and other revenue sources (from IIIe)	4,852,308.65
c. Total real and personal property tax levy (from Ic)	14,257,377.00
d. Total receipts from all sources (total IVb plus IVc)	<u>19,109,685.65</u>

PAGE 3 LOCAL RECEIPTS NOT ALLOCATED *

	(a) Actual Receipts <u>FY2019</u>	(b) Estimated Receipts <u>FY2020</u>
→ 1. Motor vehicle excise	\$ 806,885.00	\$ 810,000.00
→ 2. Other excise		
a. Meals	0.00	0.00
b. Room	0.00	0.00
c. Other	1,140.00	1,600.00
d. Cannabis	0.00	0.00
→ 3. Penalties and interest on taxes and excises	40,657.00	40,895.00
→ 4. Payments in lieu of taxes	13,203.00	14,000.00
5. Charges for Services - water	0.00	0.00
6. Charges for Services - sewer	0.00	0.00
7. Charges for Services - hospital	0.00	0.00
8. Charges for Services - solid waste fees	0.00	0.00
9. Other charges for services	0.00	0.00
10. Fees	0.00	0.00
a. Cannabis Impact Fee	0.00	0.00
11. Rentals	143,168.00	145,000.00
12. Departmental revenue - Schools	0.00	0.00
13. Departmental revenue - Libraries	0.00	0.00
14. Departmental revenue - Cemeteries	0.00	0.00
15. Departmental revenue - Recreation	0.00	0.00
16. Other departmental revenue	17,004.00	17,000.00
17. Licenses and permits	253,113.00	220,000.00
18. Special assessments	0.00	0.00
→ 19. Fines and forfeits	12,631.00	15,000.00
→ 20. Investment income	90,414.00	70,000.00
21. Medicaid Reimbursement	0.00	0.00
→ 22. Miscellaneous recurring (please specify)	89,655.00	26,000.00
23. Miscellaneous non-recurring (please specify)	136,016.00	0.00
24. TOTALS	\$ 1,603,886.00	\$ 1,359,495.00

* Do not include receipts in columns (a) or (b) that were voted by the City/Town/District Council or Town Meeting as offset receipts on Schedule A-1, enterprise funds on Schedule A-2, or revolving funds on Schedule A-3. Written documentation must be submitted to support increases / decreases of estimated receipts to actual receipts.

→ Written documentation must be submitted to support increases/decreases of current year estimated receipts to prior year estimated receipts to be used in calculating the municipal revenue growth factor.

PAGE 4 CERTIFICATION OF APPROPRIATIONS AND SOURCES OF FUNDING

APPROPRIATIONS							AUTHORIZATIONS			
City/Town Council or Town Meeting Dates	FY*	(a) Total Appropriations Of Each Meeting	(b) ** From Raise and Appropriate	(c) From Free Cash (B-1)	(d) From Other Available Funds (B-2)	(e) From Offset Receipts, (A-1)	(f) From Enterprise Funds (A-2)	(g) From Community Preservation Funds (A-4)	MEMO ONLY	
									(h) *** Departmental Revolving Funds	(i) Borrowing Authorization Other
04/29/19	2020	16,876,155.00	15,669,396.00				795,099.00	411,660.00		
04/29/19	2020	321,800.00	321,800.00						22,286.00	
04/29/19	2020	67,000.00		67,000.00					79,350.00	
04/29/19	2020	22,285.65			22,285.65					
04/29/19	2020	90,000.00			90,000.00					
04/29/19	2020	20,583.00						20,583.00		
04/29/19	2020	76,000.00			76,000.00					
04/29/19	2020	45,000.00			45,000.00					
04/29/19	2020	230,000.00			230,000.00					
04/29/19	2019	25,000.00						25,000.00		
04/29/19	2019	17,000.00						17,000.00		
04/29/19	2019	200,000.00						200,000.00		
04/29/19	2019	75,000.00						75,000.00		
04/29/19	2019	5,500.00		5,500.00						
04/29/19	2019	12,000.00		12,000.00						
11/04/19	2020	11,500.00		11,500.00						
11/04/19	2020	66,000.00		66,000.00						
11/04/19	2020	50,000.00		50,000.00						
11/04/19	2020	9,500.00		9,500.00						
11/04/19	2020	7,600.00		7,600.00						
11/04/19	2020	15,000.00		15,000.00						
11/04/19	2020	613,967.00						613,967.00		
Totals		18,856,890.65	15,991,196.00	244,100.00	463,285.65	0.00	795,099.00	1,363,210.00		
		Must Equal Cols. (b) thru (e)								

* Enter the fiscal year to which the appropriation relates, i.e., current fiscal year or next fiscal year.

** Appropriations included in column (b) must not be reduced by local receipts or any other funding source. Appropriations must be entered gross to avoid a duplication in the use of estimated or other sources of receipts.

*** Include only revolving funds pursuant to Chapter 44, Section 53 E 1/2.

Fall 2019 Special Town Meeting Motions – DRAFT

Article 2 I move that the Town transfer the sum of \$11,000.00 from Free Cash to fund additional testing for the post-closure of the Steele Landfill. Any remaining funds will be closed out to the general fund at the close of Fiscal Year 2020.

Article 3 I move that the Town transfer the sum of \$66,000.00 from Free Cash to fund the planning, design and installation of a gas migration interception trench for the post-closure of the Steele Landfill, including all costs related thereto. Any remaining funds will be closed out to the general fund at the close of Fiscal Year 2021.

Article 4 I move that the Town transfer the sum of \$50,000.00 from Free Cash to fund all costs associated with the initial implementation of a multi-year plan to remove or otherwise address high hazard trees in West Newbury. Any remaining funds will be closed out to the general fund at the close of Fiscal Year 2020.

Article 5 I move that the Town transfer the sum of \$9,500.00 from Free Cash to fund the purchase and installation of a small salter unit for an existing DPW truck. Any remaining funds will be closed out to the general fund at the close of Fiscal Year 2020.

Article 6 I move that the Town transfer the sum of \$5,000.00 from Free Cash to fund all costs pertaining to the installation of two additional in-line dehumidifiers in the G.A.R. Memorial Library. Any remaining funds will be closed out to the general fund at the close of Fiscal Year 2020.

Article 7 I move that the Town transfer the sum of \$2,600.00 from Free Cash to be added to the FY 20 Omnibus Budget Line Item 26 Department of Public Works Town Buildings Operating Expenses.

Article 8 I move that the Town transfer from Community Preservation Act Funds, a total of \$363,367.00, comprised of \$280,978.95 from the Community Housing Reserve and \$82,388.05 from the Undesignated Fund Balance, for kitchen and bath modernization at 1 thru 6 Hills Court and 1 thru 6 Boynton Court, West Newbury, in conformity with the Application for Funding filed with the Community Preservation Committee.

Article 9 I move that the Town transfer from Community Preservation Act Funds, Historic Resources Reserve, the sum of \$600.00 for the purchase and installation of an historical marker to recognize and commemorate former West Newbury resident, Julian D. Steele, in conformity with the Application for Funding filed with the Community Preservation Committee.

Article 10 I move that the Town appropriate \$1,500,000 to pay costs of preserving, restoring and making extraordinary repairs to the Soldiers and Sailors Memorial Building (Carr Post), including but not limited to, interior and exterior preservation and restoration of the building, installation of a subsurface sewage disposal system, installation of walkways and signage, hazardous materials remediation, replacement of electrical, plumbing, HVAC and fire alarm systems, and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, (i) \$250,000 shall be transferred from amounts in the Community Preservation Fund, with \$141,100.33 from the CPA Historic Resources Reserve Fund and \$108,899.67 from the CPA Undesignated Fund Balance, and (ii) the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$1,250,000.00 under and pursuant to M.G.L. c. 44, §7(1), M.G.L. c. 44B (the Community Preservation Act), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Article 11 I move that the Town transfer the sum of \$15,000.00 from Free Cash to be added to the FY20 Omnibus Budget Line Item 39 Unemployment Compensation Expense.

Article 12 I move that the Town transfer the sum of \$400,000.00 from Free Cash to reduce the current year tax rate.

Article 13 I move that the Town amend Section 2. Definitions of the Zoning Bylaws of the Town of West Newbury by amending existing definitions and adding new definitions as set forth in *Appendix A-2019 Special Town Meeting-STM Article #13*, pp. 10-12 of the Finance Committee Booklet, November 4, 2019.

Article 14 I move that the Town amend the Zoning Bylaws of the Town of West Newbury in order to clarify reference to the State’s Wetlands Protection Act by adding the term “Section 40” to “Massachusetts General Laws, Chapter 131” or any abbreviation of that citation as set forth in *Appendix A-2019 Special Town Meeting Article #14*, p. 13 of the Finance Committee Booklet, November 4, 2019.

Article 15 I move that the Town amend Section 4. B of the Zoning Bylaws of the Town of West Newbury by deleting existing Section 4.B.1.b regarding agriculture, horticulture, floriculture and viticulture and replacing it with language aligned with M.G.L. Ch. 40A §3 as set forth in *Appendix A-2019 Special Town Meeting Article #15*, p. 14 of the Finance Committee Booklet, November 4, 2019.

Article 16 I move that the Town amend Section 5.A.4 of the West Newbury Zoning Bylaws by removing reference to “Section 8.A” and replacing it with “Section 8” and by deleting the words, “not to exceed four (4) units in Section 5.A.4.a and replacing them with the words, “three (3) or four (4) units”, as set forth in *Appendix A-2019 Special Town Meeting Article #16*, p. 15 of the Finance Committee Booklet, November 4, 2019.

Town Manager

From: [REDACTED] <[REDACTED]@[REDACTED]>
Sent: Wednesday, October 9, 2019 6:41 PM
To: Town Manager
Subject: Re: Drakes Landing CR

No the Conservation Commission and the State approved it. It's a "fill in the blank" form. The approval letter from the state is attached to that emails.

Sent from my iPhone

On Oct 9, 2019, at 6:19 PM, Town Manager <townmanager@wnewbury.org> wrote:

Hi Melissa – has the BoS previously reviewed and approved this CR as to form? I'm meeting w the Chair now and he has no recollection. Thanks

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

Sent: Wednesday, October 9, 2019 11:16 AM
To: Town Manager <townmanager@wnewbury.org>
Cc: [REDACTED] Conservation <conservation@wnewbury.org>; Howard Hall
Subject: FW: Drakes Landing CR

Sorry for the repeat email everyone, I used a very old email for Angus. (Angus please see email below).

From: Melissa Robbins`
Sent: Wednesday, October 9, 2019 11:13 AM
To: 'Angus Jennings' <ajennings@westfordma.gov>
Cc: Patricia Gagne [REDACTED] <conservation@wnewbury.org>; Howard Hall
Subject: Drakes Landing CR

Hi Angus, I hope this email finds you well.

We finally received our approval to sign from the Commonwealth of Massachusetts for the Conservation Restriction at Drakes Landing. I have attached the letter from the state with approval for signature along with this email.

The Conservation Commission has voted to sign this document and we are just waiting for a couple of the Commission members to sign in front of a notary. I have copied Bert on this email to confirm the same.

Next, I need the Board of Selectmen to sign this before I send it back to the state for their signature. I do need it signed in triplicate (Page 15). Can you put this on your next agenda for signature?

Thank you Angus, please call me if you have any questions.

-Melissa

Melissa E. Robbins, Esq.

<image001.jpg>

Deschenes & Farrell, P.C.

515 Groton Road, Suite 204

Westford, MA 01886

Phone: 978-496-1177 x 105

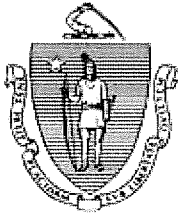
Fax 978-577-6462 or 978-577-6638

Melissa@dfpclaw.com

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<https://www.facebook.com/pages/Deschenes-Farrell-PC/119613508052307>



The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Charles D. Baker
GOVERNOR

Karyn E. Polito
LIEUTENANT GOVERNOR

Kathleen A. Theoharides
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1181
<http://www.mass.gov/eea>

September 16, 2019

Melissa Robbins
Deschenes & Farrell, PC
515 Groton Rd
Westford 01886-

Re: Draft Conservation Restriction Approved

CR Reference No.: 16507

CR Number: WEST NEWBURY #020

CR Address: 365 Main Street

Town: WEST NEWBURY

Dear Melissa:

Please find a copy of the conservation restriction that has been reviewed by EEA legal and cleared for local signatures attached to this email. Do not make any substantive changes without informing us. Minor changes such as formatting or to correct typos or misspellings do not require notification.

Please proceed with obtaining signatures of the Grantor, Grantee, and municipality. Once obtained, please return one hard copy of the CR to me - you may keep the original signature pages. Please ensure the final signature pages and exhibits are complete with all dates filled in and signatures properly notarized. Please also carefully review the MA Deed Indexing Standards (2018) to ensure the CR will be accepted for recording. For example, documents must be single-sided per standard 16-1. Once received, the CR will be forwarded to Secretary Theoharides for final review. Once signed, we will return the CR to you in the manner indicated on your original application form.

I look forward to finalizing this. Please remember to use the CR Reference Number and CR Number given above in all correspondence or inquiries.

Sincerely,
John Gioia
Conservation Restriction Reviewer
Division of Conservation Services
100 Cambridge Street, Suite 900
Boston, MA 02114

GRANTOR: Cottage Advisors MA, LLC

GRANTEE: Town of West Newbury by and through its Conservation Commission

ADDRESS OF PREMISES: Main Street, West Newbury, MA

FOR GRANTOR’S TITLE SEE: Deed recorded with the Southern Essex District Registry of Deeds dated September 21, 2017 at Book 36193, Page 199 and Book 36193, Page 202.

CONSERVATION RESTRICTION

Cottage Advisors MA, LLC, a Massachusetts foreign limited liability company, having a principal place of business located at 487 Groton Road, Westford, MA, 01886 being the being the sole owner, for its successors and assigns (“Grantor”), acting pursuant to Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws, grant with QUITCLAIM COVENANTS to the Town of West Newbury, a municipal corporation of Essex County, Massachusetts with a usual place of business at 381 Main Street, West Newbury MA 01985, its successors and permitted assigns, acting by and through its Conservation Commission, by authority of Chapter 40 Section 8C of the Massachusetts General Laws, (“Grantee”), for less than One Hundred Dollars, IN PERPETUITY AND EXCLUSIVELY FOR CONSERVATION PURPOSES, the following Conservation Restriction on land located in West Newbury, Massachusetts containing a 18.531 acre portion of a 26.1 acre parcel (“Premises”), which Premises is more particularly described in Exhibit A and shown in the attached plan in Exhibit B (the “Plan”), both of which are incorporated herein and attached hereto.

I. PURPOSES:

This Conservation Restriction is defined in and authorized by Sections 31-33 of Chapter 184 of the General Laws and otherwise by law. The purpose of this Conservation Restriction is to assure that the Premises will be maintained in perpetuity for conservation purposes, in a natural, scenic and undeveloped condition, and to prevent any use or change that would impair or interfere with its conservation and preservation values (“conservation values”).

This Conservation Restriction is required by the following permits: a Special Permit for Open Space Preservation Development recorded at the South Essex Registry of Deeds at Book 36089, Page 093, and the Modification to the Special Permit recorded with said registry at Book 36461, Page 356 hereinafter collectively the “Special Permit” and the Certificate of Vote for Site Plan Review for Open Space Development recorded at said registry at Book 458, Page 26 which created

“Drakes Landing” consisting of 34 condominium units on 26.1 acres in the Residence C Zoning District, which Drakes Landing is the 26.1-acre property within which the Premises is located. Drakes Landing, together with the Premises (hereinafter, collectively, the “Property”) is further subject to a Massachusetts Department of Environmental Protection (MassDEP) Bureau of Resource Protection Wetlands Order of Conditions (hereinafter the “Order of Conditions”), which Order of Conditions specifies activities that the Grantor must undertake in order to protect wetland resource areas of the Property, including areas on the Premises, that may be impacted by the construction allowed by the Special Permit, and which Order of Conditions is recorded at the Essex South Registry of Deeds at Book 36608 Page 186 and also referred to as MassDEP File #78-679. The Premises with the units and all improvements is shown on a plan recorded at the Essex South Registry of Deeds at Book 464, Page 93 (hereinafter called the “Site Plan”).

The conservation values of the Premises include the following:

- Open Space Preservation:
 - Scenic Vistas and View sheds: The protection of the Premises contributes to the protection of the scenic and natural character of the surrounding neighborhood and the protection of the Premises will enhance the open-space value of these lands.
 - The preservation of the Premises will preserve the scenic views of the Premises with gently sloped open fields and meadows as well as vegetated buffer areas adjacent to two main wetland areas located within the low-laying areas of the Premises. The preservation of the Premises will also allow parcel owners residing in Drakes Landing and abutters along Main Street to maintain a generous view across the Premises to other open land owned by the Town of West Newbury. The scenic landscape from Main Street is listed on the Town of West Newbury’s 2018 Open Space and Recreation Plan (the “Open Space Plan”) as a Scenic Resource and Unique Environment.
 - Passive Recreation: Public access trails for passive recreation, education, and nature study will be allowed on portions of the Premises as more specifically shown on the Plan as areas marked ‘Trail’. The Premises will provide significant scenic, and recreational value to residents of Drakes Landing as well as the general public. The recreational opportunities available on the Premises will help to satisfy one of the goals of the Open Space Plan as the Premises will provide new trails that will create an opportunity for passive recreational activities for the public of all ages. Passive recreation including trails is seen as an important amenity to the public in accordance with the Open Space Plan. Trails can make communities more livable, create an opportunity to improve local economy through tourism, preserve open space, and provide opportunities for physical activity to improve physical fitness and mental health.
 - Protection of Water Quality:
 - The Premises will allow for the further protection of water quality, water supply, groundwater supply, and will aid in the prevention of storm water damage and pollution and Drakes Landing as well as abutting lots.

- (3) Placing, filling, storing or dumping of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, waste or other substance or material whatsoever; or installing underground storage tanks;
- (4) Cutting, removing or otherwise destroying trees, grasses or other vegetation;
- (5) Activities detrimental to drainage, flood control, water conservation, water quality, erosion control, soil conservation, wildlife habitat, or archaeological conservation;
- (6) Use, parking or storage of vehicles including motorcycles, mopeds, all-terrain vehicles, trail bikes, or any other motorized vehicles on the Premises except for vehicles necessary for public safety personnel (i.e., fire, police, ambulance, other government officials) in carrying out their lawful duties or as necessary for the mobility impaired;
- (7) Subdivision; conveyance of a part or portion of the Premises alone, or division or subdivision of the Premises (as compared to conveyance of the Premises in its entirety which shall be permitted), and no portion of the Premises may be used towards any future building or development requirements on this or any other parcel;
- (8) The use of the Premises for commercial, business, residential or industrial use;
- (9) The disruption, removal, or destruction of the stone walls or granite fence posts on the Premises;
- (10) Any other use of the Premises or activity thereon which is inconsistent with the purpose of this Conservation Restriction or which would materially impair its conservation values.

B. Reserved Rights and Exceptions

The Grantor reserves the right to conduct or permit the following activities and uses on the Premises, but only if such uses and activities do not materially impair the conservation values or purposes of this Conservation Restriction. The activities and uses set out in Paragraph II.B. 1, II.B.2, II.B.3, II.B.4, II.B.5, II.B.6, II.B.7, II.B.9, and II.B.11, below may be undertaken only pursuant to a plan submitted to and approved by the Grantee.

- (1) Passive Outdoor Recreational Activities. Hiking, cross-country skiing and other non-motorized passive outdoor recreational activities, but not horse-back riding, that do not materially alter the landscape, do not degrade environmental quality, and do not involve more than *de minimis* use for commercial recreational activities.
- (2) Recreational Events. Temporary recreational events, such as organized trail runs and walks along the marked trail areas, which shall be open to the general public (hereinafter, "Recreational Events"), provided that such Recreational Events occur on no more than 20 days per year.

- (3) Vegetation Management. In accordance with generally accepted forest management practices, selective *de minimis* removing of brush, pruning and cutting, but not clear cutting, mowing, and all other vegetation management activities as required by the Special Permit and in the Operation and Maintenance Manual incorporated into the Order of Conditions to prevent, control or remove hazards, disease, insect or fire damage, or to preserve the present condition of the Premises, including vistas, (from Main Street and the Development) fence lines and trails and meadows.
- (4) Non-native or nuisance species. The removal of non-native or invasive species, the interplanting of native species, and the control of species in a manner that minimizes damage to surrounding, native species and preserves water quality.
- (5) Wildlife Habitat Improvement. Measures designed to restore native biotic communities, or to maintain, enhance or restore wildlife, wildlife habitat, including selective planting of native trees, shrubs and plant species; or to restore/protect rare or endangered species in consultation with the Massachusetts Natural Heritage and Endangered Species Program.
- (6) Archaeological Investigations. The conduct of archaeological activities, including without limitation survey, excavation and artifact retrieval, following submission of an archaeological field investigation plan and its approval by the Massachusetts Historical Commission, or appropriate successor agency;
- (7) Trails. The marking, clearing and maintenance of existing unpaved trails, shown on the Plan as 'Trail'. With prior approval of the Grantee, the construction of new trails or the relocation or alteration of existing trails, provided that any construction, relocation, or alteration results in trails that are no wider than six (6) feet;
- (8) Signs. The erection, maintenance and replacement of a minimal number of signs with respect to hunting, trespass, trail access, boundary lines, identity and address of the occupants, sale of the Parcel, the Grantee's interest in the Parcel, and the protected conservation values;
- (9) Fences. The placing of sight pervious fences (non-chain link) that do not interfere with the passage of wildlife or the conservation purposes or values of this Conservation Restriction and do not impair the scenic character of the landscape.
- (10) Vehicles. The use and temporary parking of motorized vehicles necessary for work required under the Special Permit or Order of Conditions, including, but not limited to, maintenance of drainage, infrastructure and utilities as approved by the Special Permit. Trailhead parking shall also be allowed in the parking area designated on the Site Plan.
- (11) Infrastructure and Utilities Installed. Infrastructure, amenities and utilities located on the Premises, as approved by the Special Permit and as approved by the West Newbury Board of Health, and also as shown on the Site Plan, shall be allowed to be changed, maintained, replaced or repaired in the same or similar locations as shown on the Site Plan. However, following said maintenance, repair or replacement, the area shall be restored to its

previously undisturbed condition. Utilities may be exchanged from one utility to another, i.e., propane to natural gas, as long as the area is restored to its previously undisturbed condition and provided such actions comply with the Special Permit and the Order of Conditions, as applicable. All utilities shall be installed underground.

- (12) Wetlands Order of Conditions. All actions and activities required or authorized by the Order of Conditions, provided that any such action required or authorized by the Order of Conditions is consistent with the purposes of this Conservation Restriction and is undertaken to maintain or enhance the conservation values of this Conservation Restriction; and
- (13) Permits. The exercise of any right reserved by Grantor under this Paragraph B shall be in compliance with zoning, the Wetlands Protection Act, and all other applicable federal, state and local laws, rules, regulations, and permits. The inclusion of any reserved right requiring a permit from a public agency does not imply that the Grantee or the Commonwealth takes any position whether such permit should be issued.

C. Notice and Approval.

Whenever notice to or approval by Grantee is required, Grantor shall notify Grantee, by a method requiring proof of receipt, in writing not less than 60 days prior to the date Grantor intends to undertake the activity in question. The notice shall describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity in sufficient detail to permit the Grantee to make an informed judgment as to its consistency with the purposes of this Conservation Restriction. Where Grantee's approval is required, Grantee shall grant or withhold approval in writing within 60 days of receipt of Grantor's request. Grantee's approval shall not be unreasonably withheld but shall only be granted upon a showing that the proposed activity shall not impair the purposes of this Conservation Restriction.

Subject to any applicable law or regulation, failure of Grantee to respond in writing within 60 days shall be deemed to constitute approval by Grantee of the request as submitted, so long as the request sets forth the provisions of this section relating to deemed approval after 60 days in the notice, the requested activity is not prohibited herein, and the activity will not impair the conservation values or purposes of this Conservation Restriction.

III. LEGAL REMEDIES OF THE GRANTEE

A. Legal and Injunctive Relief.

The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including, without limitation, relief requiring restoration of the Premises to their condition prior to the time of the injury complained of (it being agreed that the Grantee will have no adequate remedy at law). The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantee for the enforcement of this Conservation Restriction. Grantee agrees to cooperate for a reasonable period of time prior to resorting to legal

means in resolving issues concerning violations provided Grantor ceases objectionable actions and Grantee determines there is no ongoing diminution of the conservation values of the Conservation Restriction.

Grantor covenants and agrees to reimburse to Grantee all reasonable costs and expenses (including reasonable counsel fees) incurred in enforcing this Conservation Restriction or in taking reasonable measures to remedy, abate or correct any violation thereof, provided that a violation of this Conservation Restriction is acknowledged by Grantor or determined by a court of competent jurisdiction to have occurred. In the event of a dispute over the boundaries of the Conservation Restriction, Grantor shall pay for a survey and to have the boundaries permanently marked.

B. Non-Waiver.

Enforcement of the terms of this Conservation Restriction shall be at the discretion of Grantee. Any election by the Grantee as to the manner and timing of its right to enforce this Conservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

C. Disclaimer of Liability

By acceptance of this conservation restriction, the Grantee does not undertake any liability or obligation relating to the condition of the Premises pertaining to compliance with and including, but not limited to, hazardous materials, zoning, environmental laws and regulations, or acts not caused by the Grantee or its agents.

D. Acts Beyond the Grantor's Control

Nothing contained in this Conservation Restriction shall be construed to entitle the Grantee to bring any actions against the Grantor for any injury to or change in the Premises resulting from causes beyond the Grantor's control, including but not limited to fire, flood, storm and natural earth movement, or from any prudent action taken by the Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Premises resulting from such causes. In the event of any such occurrence, the Grantor and Grantee will cooperate in the restoration of the Premises, if desirable and feasible.

IV. ACCESS

The Grantor hereby grants to the Grantee, or its duly authorized agents or representatives, the right to enter the Premises upon reasonable notice and at reasonable times, for the purpose of inspecting the Premises to determine compliance with or to enforce this Conservation Restriction. The Grantor also grants to the Grantee, after notice of a violation and failure of the Grantor to cure said violation, the right to enter the Premises for the purpose of taking any and all actions with respect to the Premises as may be necessary or appropriate to remedy or abate any violation hereof, including but not limited to the right to perform a survey of boundary lines.

Public access to the Premises is allowed pursuant to the terms and conditions contained in that certain instrument entitled "GRANT OF TRAIL EASEMENT" from the Grantor to the Grantee dated _____ recorded at the Southern Essex District Registry of Deeds in Book _____, Page _____. Nothing in this Conservation Restriction shall be construed to limit the rights granted to the Grantee or the public in said "GRANT OF TRAIL EASEMENT". The public shall have the right to use all trail areas shown as "Trail" on the Plan.

Grantor has the right to control, limit, or prohibit by posting and other reasonable means activities or uses of the Premises not authorized in Section II(B)(1).

The Grantor's right to grant public access across the Premises is subject to the restrictions described in this Conservation Restriction. Any public use which is permitted by the terms of this Conservation Restriction constitutes permission to use the Premises for purposes described in the Massachusetts General Laws Chapter 21, Section 17C and the Grantor and Grantee hereto benefit from exculpation from liability to the extent provided in such section. The Grantee may require the Grantor to post the Premises against any use that may result in rutting or erosion or other damage to the natural resources of the Premises.

V. EXTINGUISHMENT

A. If circumstances arise in the future such as render the purpose of this Conservation Restriction impossible to accomplish, this restriction can only be terminated or extinguished, whether in whole or in part, by a court of competent jurisdiction under applicable law after review and approval by the Massachusetts Secretary of Energy and Environmental Affairs. If any change in conditions ever gives rise to extinguishment or other release of the Conservation Restriction under applicable law, then Grantees, on a subsequent sale, exchange, or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds in accordance with paragraph B below, subject, however, to any applicable law which expressly provides for a different disposition of the proceeds and after complying with the terms of any gift, grant, or funding requirements. Grantees shall use its share of the proceeds in a manner consistent with the conservation purpose set forth herein.

B. Proceeds. Grantor and Grantee agree that the donation of this Conservation Restriction gives rise to a real property right, immediately vested in the Grantee, with a fair market value that is at least equal to the proportionate value that this Conservation Restriction bears to the value of the unrestricted property. Such proportionate value of the Grantee's property right shall remain constant. Any proceeds will be distributed only after complying with the terms of any gift, grant, or other funding requirements.

C. Grantor/Grantee Cooperation Regarding Public Action. Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantor and the Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses incurred by the Grantor and the Grantee shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between the Grantor and Grantee in accordance with

paragraph V. B – above, after complying with the terms of any law, gift, grant, or funding requirements. If a less than fee interest is taken, the proceeds shall be equitably allocated according to the nature of the interest taken. The Grantee shall use its share of the proceeds like a continuing trust in a manner consistent with the conservation purposes of this grant.

VI. DURATION & ASSIGNABILITY

A. Running of the Burden. The burdens of this Conservation Restriction shall run with the Premises in perpetuity and shall be enforceable against the Grantor and the successors and assigns of the Grantor holding any interest in the Premises.

B. Execution of Instruments. The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction; the Grantor, on behalf of itself and its successors and assigns, appoints the Grantee their attorney-in-fact to execute, acknowledge and deliver any such instruments on its behalf. Without limiting the foregoing, the Grantor and its successors and assigns agree themselves to execute any such instruments upon request.

C. Running of the Benefit. The benefits of this Conservation Restriction shall run to the Grantee, shall be in gross and shall not be assignable by the Grantee, except in the following instances:

As a condition of any assignment, the Grantee shall require that the purpose of this Conservation Restriction continues to be carried out; that the Assignee is not an owner of the fee in the Property, and the Assignee, at the time of the assignment, qualifies under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder, and is a donee eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the General Laws of Massachusetts. Any assignment will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

VII. SUBSEQUENT TRANSFERS

The Grantor agrees to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument which grants any interest in all or a portion of the Premises, including a leasehold interest and to notify the Grantee not less than twenty (20) days prior to the execution of such transfer. Failure to do any of the above shall not impair the validity or enforceability of this Conservation Restriction. Any transfer will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

The Grantor shall not be liable for violations occurring after their ownership. Liability for any acts or omissions occurring prior to any transfer and liability for any transfer if in violation of this Conservation Restriction shall survive the transfer. Any new owner shall cooperate in the restoration of the Premises or removal of violations caused by prior owner(s) and may be held responsible for any continuing violations.

VIII. ESTOPPEL CERTIFICATES

Upon request by the Grantor, the Grantee shall, within sixty (60) days execute and deliver to the Grantor any document, including an estoppel certificate, which certifies the Grantor's compliance or non-compliance with any obligation of the Grantor contained in this Conservation Restriction.

IX. NON-MERGER

The parties intend that any future acquisition of the Premises shall not result in a merger of the Conservation Restriction into the fee. The Grantor agrees that it will not grant, and the Grantee agrees that it will not take title, to any part of the Premises without having first assigned this Conservation Restriction to a non-fee owner that is qualified under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder and is eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the General Laws of Massachusetts in order to ensure that merger does not occur and that this Conservation Restriction continues to be enforceable by a non-fee owner.

X. AMENDMENT

If circumstances arise under which an amendment to or modification of this Conservation Restriction would be appropriate, Grantor and Grantee may jointly amend this Conservation Restriction; provided that no amendment shall be allowed that will affect the qualification of this Conservation Restriction or the status of Grantee under any applicable laws, including Section 170(h) of the Internal Revenue Code of 1986, as amended, or Sections 31-33 of Chapter 184 of the General Laws of Massachusetts. Any amendments to this conservation restriction shall occur only in exceptional circumstances. The Grantee will consider amendments only to correct an error or oversight, to clarify an ambiguity, or where there is a net gain in conservation value. All expenses of all parties in considering and/or implementing an amendment shall be borne by the persons or entity seeking the amendment. Any amendment shall be consistent with the purposes of this Conservation Restriction, shall not affect its perpetual duration, shall be approved by the Secretary of Energy and Environmental Affairs and if applicable, shall comply with the provisions of Article 97 of the Amendments to the Massachusetts Constitution, and any gifts, grants or funding requirements. Any amendment shall be recorded in the Essex South Registry of Deeds.

XI. EFFECTIVE DATE

This Conservation Restriction shall be effective when the Grantor and the Grantee have executed it, the administrative approvals required by Section 32 of Chapter 184 of the General Laws have been obtained, and it has been recorded in a timely manner in the Essex South Registry of Deeds.

XII. NOTICES

Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage pre-paid, addressed as follows:

To Grantor:

Cottage Advisors MA, LLC
487 Groton Road
Westford, MA 01886
Attn: Howard Hall

With a Copy to:

Deschenes & Farrell, P.C.
515 Groton Road
Westford, MA 01886
Attn: Melissa E. Robbins

To Grantee:

Conservation Commission
Town of West Newbury
381 Main Street
West Newbury, MA 01985

or to such other address as any of the above parties shall designate from time to time by written notice to the other or, if notice is returned to sender, to an address that is reasonably ascertainable by the parties.

XIII. GENERAL PROVISIONS

A. Controlling Law. The interpretation and performance of this Conservation Restriction shall be governed by the laws of the Commonwealth of Massachusetts.

B. Liberal Construction. Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in favor of the grant to effect the purpose of this Conservation Restriction and the policy and purposes of Chapter 184, Sections 31, 32, and 33 of the Massachusetts General Laws. If any provision in this instrument is found to be ambiguous, any interpretation consistent with the purpose of this Conservation Restriction that would render the provision valid shall be favored over any interpretation that would render it invalid.

C. Severability. If any provision of this Conservation Restriction or the application thereof to any person or circumstance is found to be invalid, the remainder of the provision of this Conservation Restriction shall not be affected thereby.

D. Entire Agreement. This instrument sets forth the entire agreement of the parties with respect to this Conservation Restriction and supersedes all prior discussions, negotiations, understandings or agreements relating to the Conservation Restriction, all of which are merged herein.

XIV. MISCELLANEOUS

A. Pre-existing Public Rights. Approval of this Conservation Restriction pursuant to Chapter 184, Section 32 of the Massachusetts General Laws by any municipal officials and by the Secretary of Energy and Environmental Affairs is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.

B. Homestead. The Grantor attests that there is no residence on or abutting the Premises (including exclusions) that is occupied or intended to be occupied as a principal residence by a spouse, former spouse, or children of the grantor, or a spouse, former spouse, or children of a beneficiary of the trust, if Premises is owned by a trust.

C. Subordination. The Grantor shall record at the appropriate Registry of Deeds simultaneously with this Conservation Restriction all documents necessary to subordinate any mortgage, promissory note, loan, lien, equity credit line, refinance assignment of mortgage, lease, financing statement or any other agreement which gives rise to a surety interest affecting the Premises.

D. Attached hereto and incorporated herein by reference are the following:

Signature pages:

Grantor

Grantee Acceptance

Approval by West Newbury Board of Selectmen

Approval of the Secretary of Energy and Environmental Affairs.

Exhibits:

Exhibit A: Legal Description of Premises

Exhibit B: Conservation Restriction Plan

WITNESS my hand and seal this ____ day of _____, 2019,

Cottage Advisors MA, LLC
By Howard J. Hall, Its Manager, duly authorized

COMMONWEALTH OF MASSACHUSETTS

Essex South ss:

On this ____ day of _____, 2019, before me, the undersigned notary public, personally appeared _____, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

ACCEPTANCE OF GRANT BY WEST NEWBURY CONSERVATION COMMISSION

We, the undersigned, being a majority of the Conservation Commission of the Town of West Newbury, Massachusetts, hereby certify that at a public meeting duly held on _____, 2019 the Conservation Commission voted to approve and accept the foregoing Conservation Restriction from Cottage Advisors MA, LLC pursuant to M.G.L. Chapter 184 Section 32 and Chapter 40 Section 8C and do hereby accept the foregoing Conservation Restriction.

**WEST NEWBURY CONSERVATION
COMMISSION:**

Dawne Fusco, Chair

Judith Mizner

Wendy Reed, Clerk

Thomas M. Atwood

Margaret Hawkins

COMMONWEALTH OF MASSACHUSETTS

Essex South ss:

On this _____ day of _____, 2019, before me, the undersigned notary public, personally appeared _____, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

APPROVAL OF WEST NEWBURY BOARD OF SELECTMEN

We, the undersigned, being a majority of the Board of Selectmen of the Town of West Newbury, hereby certify that at a public meeting duly held on _____, 2019, the Board voted to approve the foregoing Conservation Restriction from Cottage Advisors MA, LLC, to the Town of West Newbury acting by and through its Conservation Commission in the public interest pursuant to Section 32 of Chapter 184 of the General Laws of Massachusetts.

WEST NEWBURY BOARD OF SELECTMEN:

David Archibald, Chairman

Glen A. Kemper

Richard Parker

COMMONWEALTH OF MASSACHUSETTS

Essex South ss:

On this _____ day of _____, 2019, before me, the undersigned notary public, personally appeared _____, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

**APPROVAL BY SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
COMMONWEALTH OF MASSACHUSETTS**

The undersigned, Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby certifies that the foregoing Conservation Restriction from Cottage Advisors MA, LLC, to the Town of West Newbury acting by and through its Conservation Commission has been approved in the public interest pursuant to Massachusetts General Laws, Chapter 184, Section 32.

Dated: _____, 2019

KATHLEEN. A THEOHARIDES
Secretary of Energy and Environmental Affairs

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss:

On this ____ day of _____, 2019, before me, the undersigned notary public, personally appeared KATHLEEN A. THEOHARIDES, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

EXHIBIT A

Legal Description of Premises

The Premises subject to this Conservation Restriction is the entirety of land located in the Town of West Newbury, Essex County, Commonwealth of Massachusetts, containing a total of 18.531 acres, shown a on a plan of land entitled “Conservation Restriction Plan”, dated June 6, 2017, revised through March 22, 2018, prepared by Cammett Engineering, Inc., 297 Elm Street, Amesbury, MA, said plan recorded at the Southern Essex District Registry of Deeds as Plan No. _____ of 2019 , and more accurately described below:

REST OF PAGE INTENTIONALLY LEFT BLANK

Street Address: Drakes Landing, 365 Main Street, West Newbury, MA

CONSERVATION RESTRICTION DESCRIPTION

Beginning at an iron pipe found on the southerly sideline of Main Street as shown on a plan titled “Conservation Restriction Metes & Bounds Plan, Drakes Landing, Conservation Restriction Open Space Preservation Development, 365 Main Street, West Newbury, MA”, scale 1”=100’, January 23, 2019, prepared by Cammett Engineering, Inc., 297 Elm Street, Amesbury, MA, Cammett Job # 16072:

Thence running South 16° 02’ 23” East a distance of 346.90 feet along land now or formerly of Fiske R. and Katherine M. Gove to a granite bound;

Thence turning and running North 68° 45’ 10” East a distance of 82.61 feet along land now or formerly of Fiske R. and Katherine M. Gove to a drill hole;

Thence turning and running South 15° 57’ 40” East a distance of 764.86 feet along land now or formerly of the West Newbury Housing Authority and of the Town of West Newbury to a drill hole in a stone wall;

Thence turning and running South 15° 59’ 01” East a distance 419.78 feet along land now or formerly of the Town of West Newbury to a point in a stone wall;

Thence turning and running South 15° 46’ 57” East a distance of 55.85 feet along land now or formerly of the Town of West Newbury to a point in a stone wall;

Thence turning and running South 15° 56’ 23” East a distance of 106.80 feet along land now or formerly of the Town of West Newbury to a point in a stone wall;

Thence turning and running South 14° 58’ 46” East a distance of 47.86 feet along land now or formerly of the Town of West Newbury to a point in a stone wall;

Thence turning and running South 15° 57’ 09” East a distance of 91.63 feet along land now or formerly of the Town of West Newbury to a point in a stone wall;

Thence turning and running South 15° 22’ 41” East a distance of 40.40 feet along land now or formerly of the Town of West Newbury to a point in a stone wall;

Thence turning and running South 16° 49’ 00” East a distance of 36.49 feet along land now or formerly of the Town of West Newbury to a drill hole at an intersection of stone walls;

Thence turning and running North 73° 04’ 36” East a distance of 61.10 feet along land now or formerly of the Town of West Newbury to a point in a stone wall;

Thence turning and running North 73° 06' 14" East a distance of 86.31 feet along land now or formerly of the Town of West Newbury to a point in a stone wall;

Thence turning and running North 70° 55' 04" East a distance of 76.77 feet along land now or formerly of the Town of West Newbury to a point in a stone wall;

Thence turning and running North 75° 07' 19" East a distance of 68.98 feet along land now or formerly of the Town of West Newbury to a point in a stone wall;

Thence turning and running South 14° 46' 04" East a distance of 723.00 feet along land now or formerly of Theodore A. III and H. Jane Olsson to a point; (Error on recorded plan. Plan shows 722.97 feet.)

Thence turning and running North 53° 33' 06" West a distance of 187.00 feet along land now or formerly of Joseph B. Jr. and Beverly A. Murphy to a point;

Thence turning and running North 60° 05' 25" West a distance of 60.24 feet along land now or formerly of Joseph B. Jr. and Beverly A. Murphy to a point;

Thence turning and running North 75° 23' 53" West a distance of 59.12 feet along land now or formerly of Joseph B. Jr. and Beverly A. Murphy to a point;

Thence turning and running South 88° 06' 07" West a distance of 92.95 feet along land now or formerly of Joseph B. Jr. and Beverly A. Murphy to a point in a stone wall;

Thence turning and running North 15° 29' 28" West a distance of 78.24 feet along a stone wall and along land now or formerly of David D. and Beth B. Koopman to a point in a stone wall;

Thence turning and running North 14° 35' 59" West a distance of 172.77 feet along a stone wall and along land now or formerly of David D. and Beth B. Koopman to a drill hole in a stone wall;

Thence turning and running South 73° 08' 42" West a distance of 173.92 feet along land now or formerly of David D. and Beth B. Koopman to an iron rod;

Thence turning and running South 17° 12' 15" East a distance of 491.20 feet along land now or formerly of David D. and Beth B. Koopman to a point;

Thence turning and running South 72° 47' 45" West a distance of 50.00 feet along land now or formerly of Micah and Laurie Spielvogel to a point;

Thence turning and running North 17° 12' 15" West a distance of 278.20 feet along land now or formerly of Micah and Laurie Spielvogel to a point;

Thence turning and running North 56° 16' 56" West a distance of 276.13 feet along land now or formerly of Micah and Laurie Spielvogel to a drill hole in a stone wall;

Thence turning and running North 20° 58' 35" West a distance of 16.64 feet along land now or formerly of the Roman Catholic Archbishop of Boston to a point in a stone wall;

Thence turning and running North 18° 35' 04" West a distance of 70.41 feet along land now or formerly of the Roman Catholic Archbishop of Boston to a point in a stone wall;

Thence turning and running North 18° 27' 13" West a distance of 102.76 feet along land now or formerly of the Roman Catholic Archbishop of Boston to a point in a stone wall;

Thence turning and running North 18° 53' 12" West a distance of 33.11 feet along land now or formerly of the Roman Catholic Archbishop of Boston to a drill hole in a stone wall;

Thence turning and running South 69° 43' 11" West a distance of 220.98 feet along land now or formerly of the Roman Catholic Archbishop of Boston to an iron rod;

Thence turning and running North 36° 09' 41" West a distance of 220.17 feet along land now or formerly of the Roman Catholic Archbishop of to an iron pipe at land now or formerly of Timothy and Jessa Haynes and land now or formerly of Nathan Dennis;

Thence turning and running North 10° 31' 56" East a distance of 601.15 feet along land now or formerly of Nathan Dennis to an iron rod;

Thence turning and running North 18° 28' 56" West a distance of 275.14 feet along land now or formerly of Nathan Dennis to a point;

Thence turning and running North 19° 20' 45" West a distance of 31.43 feet along land now or formerly of Nathan Dennis to an iron rod in a stone wall;

Thence turning and running North 65° 39' 41" East a distance of 134.64 feet along land now or formerly of William Bradley Buschur & Margaret Hawkins to an iron rod;

Thence turning and running North 15° 01' 25" West a distance of 713.08 feet along land now or formerly of William Bradley Buschur & Margaret Hawkins, land now or formerly of Karen A. Scotti & William Scannell, and land now or formerly of Shane D. and Maura K. Callery to an iron rod;

Thence turning and running North 64° 32' 45" East a distance of 90.00 feet along land now or formerly of the Town of West Newbury to an iron rod;

Thence turning and running North 19° 58' 02" West a distance of 105.00 feet along land now or formerly of the Town of West Newbury to an iron rod at the southerly sideline of Main Street;

Thence turning and running North $66^{\circ} 16' 15''$ East a distance of 1.65 feet along said Main Street to a point;

Thence turning and running along a nontangential curve to the right with a central angle of $56^{\circ} 06' 54''$, a radius of 24.49 feet and length of 23.99 feet along the inner boundary of the Conservation Restriction to a point;

Thence turning and running South $16^{\circ} 41' 37''$ East a distance of 69.28 feet along the inner boundary of the Conservation Restriction to a point;

Thence turning and running along a curve to the right with a central angle of $25^{\circ} 17' 34''$, a radius of 185.50 feet and length of 81.89 feet along the inner boundary of the Conservation Restriction to a point;

Thence turning and running South $09^{\circ} 17' 34''$ West a distance of 21.67 feet along the inner boundary of the Conservation Restriction to a point;

Thence turning and running South $15^{\circ} 28' 45''$ West a distance of 20.05 feet along the inner boundary of the Conservation Restriction to a point;

Thence turning and running South $09^{\circ} 17' 34''$ West a distance of 8.49 feet along the inner boundary of the Conservation Restriction to a point;

Thence turning and running South $03^{\circ} 06' 22''$ West a distance of 20.05 feet along the inner boundary of the Conservation Restriction to a point;

Thence turning and running South $09^{\circ} 17' 34''$ West a distance of 30.42 feet along the inner boundary of the Conservation Restriction to a point;

Thence turning and running along a nontangential curve to the left with a central angle of $23^{\circ} 55' 23''$, a radius of 214.50 feet and length of 89.56 feet along the inner boundary of the Conservation Restriction to a point;

Thence turning and running South $14^{\circ} 37' 21''$ East a distance of 143.62 feet along the inner boundary of the Conservation Restriction to a point;

Thence turning and running along a curve to the left with a central angle of $19^{\circ} 19' 00''$, a radius of 214.50 feet and length of 72.32 feet along the inner boundary of the Conservation Restriction to a point;

Thence turning and running South $33^{\circ} 56' 21''$ East a distance of 88.47 feet along the inner boundary of the Conservation Restriction to a point;

Thence turning and running along a curve to the right with a central angle of $19^{\circ} 00' 17''$, a radius of 185.50 feet and length of 61.53 feet along the inner boundary of the Conservation Restriction to a point;

Thence turning and running South $14^{\circ} 56' 04''$ East a distance of 61.23 feet along the inner boundary of the Conservation Restriction to a point;

Thence turning and running South $20^{\circ} 44' 24''$ West a distance of 17.32 feet along the inner boundary of the Conservation Restriction to a point;

Thence turning and running South $73^{\circ} 28' 00''$ West a distance of 37.70 feet along the inner boundary of the Conservation Restriction to a point;

Thence turning and running South $14^{\circ} 59' 56''$ East a distance of 76.04 feet along the inner boundary of the Conservation Restriction to a point;

Thence turning and running South $65^{\circ} 39' 48''$ West a distance of 131.73 feet along the inner boundary of the Conservation Restriction to a point;

Thence turning and running South $18^{\circ} 38' 59''$ East a distance of 31.71 feet along the inner boundary of the Conservation Restriction to a point;

Thence turning and running South $26^{\circ} 02' 44''$ East a distance of 176.55 feet along the inner boundary of the Conservation Restriction to a point;

Thence turning and running North $63^{\circ} 16' 22''$ East a distance of 89.39 feet along the inner boundary of the Conservation Restriction to a point;

Thence turning and running South $09^{\circ} 20' 28''$ East a distance of 228.84 feet along the inner boundary of the Conservation Restriction to a point;

Thence turning and running South $18^{\circ} 56' 34''$ East a distance of 272.41 feet along the inner boundary of the Conservation Restriction to a point;

Thence turning and running South $08^{\circ} 26' 26''$ West a distance of 219.79 feet along the inner boundary of the Conservation Restriction to a point;

Thence turning and running South $47^{\circ} 17' 06''$ East a distance of 166.07 feet along the inner boundary of the Conservation Restriction to a point;

Thence turning and running North $76^{\circ} 16' 02''$ East a distance of 69.19 feet along the inner boundary of the Conservation Restriction to a point;

Thence turning and running North $57^{\circ} 12' 24''$ East a distance of 120.33 feet along the inner boundary of the Conservation Restriction to a point;

Thence turning and running North 50° 00' 47" East a distance of 49.48 feet along the inner boundary of the Conservation Restriction to a point;

Thence turning and running North 07° 05' 37" East a distance of 98.49 feet along the inner boundary of the Conservation Restriction to a point;

Thence turning and running North 38° 20' 27" West a distance of 137.97 feet along the inner boundary of the Conservation Restriction to a point;

Thence turning and running North 16° 35' 12" West a distance of 264.72 feet along the inner boundary of the Conservation Restriction to a point;

Thence turning and running North 29° 59' 11" East a distance of 135.20 feet along the inner boundary of the Conservation Restriction to a point;

Thence turning and running North 16° 41' 43" West a distance of 318.06 feet along the inner boundary of the Conservation Restriction to a point;

Thence turning and running North 28° 06' 06" West a distance of 49.07 feet along the inner boundary of the Conservation Restriction to a point;

Thence turning and running North 61° 40' 31" West a distance of 108.98 feet along the inner boundary of the Conservation Restriction to a point;

Thence turning and running North 76° 22' 52" West a distance of 33.20 feet along the inner boundary of the Conservation Restriction to a point;

Thence turning and running South 14° 47' 44" West a distance of 116.34 feet along the inner boundary of the Conservation Restriction to a point;

Thence turning and running along a nontangential curve to the right with a central angle of 62° 27' 20", a radius of 19.00 feet and length of 20.71 feet along the inner boundary of the Conservation Restriction to a point;

Thence turning and running North 22° 48' 36" West a distance of 5.57 feet along the inner boundary of the Conservation Restriction to a point;

Thence turning and running South 67° 11' 24" West a distance of 4.50 feet along the inner boundary of the Conservation Restriction to a point;

Thence turning and running North 22° 48' 36" West a distance of 81.77 feet along the inner boundary of the Conservation Restriction to a point;

Thence turning and running along a curve to the right with a central angle of 07° 52' 32", a radius of 189.50 feet and length of 26.05 feet along the inner boundary of the Conservation Restriction to a point;

Thence turning and running North 14° 56' 04" West a distance of 85.06 feet along the inner boundary of the Conservation Restriction to a point;

Thence turning and running along a curve to the left with a central angle of 19° 00' 17", a radius of 210.50 feet and length of 69.82 feet along the inner boundary of the Conservation Restriction to a point;

Thence turning and running North 33° 56' 21" West a distance of 88.47 feet along the inner boundary of the Conservation Restriction to a point;

Thence turning and running along a curve to the right with a central angle of 19° 19' 00", a radius of 189.50 feet and length of 63.89 feet along the inner boundary of the Conservation Restriction to a point;

Thence turning and running North 14° 37' 21" West a distance of 143.62 feet along the inner boundary of the Conservation Restriction to a point;

Thence turning and running along a curve to the right with a central angle of 23° 55' 23", a radius of 189.50 feet and length of 79.12 feet along the inner boundary of the Conservation Restriction to a point;

Thence turning and running North 09° 18' 02" East a distance of 98.19 feet along the inner boundary of the Conservation Restriction to a point;

Thence turning and running along a curve to the left with a central angle of 25° 59' 39", a radius of 210.50 feet and length of 95.50 feet along the inner boundary of the Conservation Restriction to a point;

Thence turning and running North 16° 41' 37" West a distance of 80.21 feet along the inner boundary of the Conservation Restriction to a point;

Thence turning and running along a nontangential curve to the right with a central angle of 30° 08' 15", a radius of 28.49 feet and length of 14.99 feet along the inner boundary of the Conservation Restriction to a point on the southerly sideline of Main Street;

Thence turning and running North 66° 16' 15" East a distance of 107.91 feet along Main Street to a point;

Thence turning and running North 59° 06' 15" East a distance of 9.18 feet along Main Street to an iron pipe and the point of beginning;

The said Conservation Restriction Area contains ±807,200 square feet or ±18.531 acres.

**Town of West Newbury
Board of Selectmen
Minutes of Meeting
Monday, September 30, 2019
First Floor Hearing Room**

ATTENDANCE

Board of Selectmen	David Archibald, Glenn Kemper, Richard Parker
Town Manager	Angus Jennings
Town Clerk/Town Counsel	Michael McCarron
DPW Director	Wayne Amaral
Board of Health	Robert Janes Chairman, Paul Sevigny Health Agent
Planning Board	Brian Murphey, Tim Cronin, Richard Bridges
Open Space Committee	John Dodge
Energy Advisory Committee	Elizabeth Callahan
Others in Attendance	Jennifer Solis, Stephanie Frontiera

The meeting was called to order at 7:11 p.m. by Chairman David Archibald.

ANNOUNCEMENTS

- This meeting is being broadcast on local cable TV and recorded for rebroadcast on the local cable channels and on the internet.
- Apple Harvest Road Race next Sunday, October 6, 2019 with several road closures, dinner on Saturday October 5, 2019 at the Annex, tickets will be available at the door.
- Water Department: Brake's Hill Water Tank site work to begin Monday, September 30, 2019. Sample letter to residents contained in Agenda packets.
- Upcoming Events: Merrimack Valley Planning Commission – Smart Growth Summit October 29, 2019.
- Opportunities for FY 20 Committee appointments posted online at <https://www.wnewbury.org/board-selectmen/pages/2019-20-volunteer-oportunities>.
- FY 20 Senior Tax Work-off program: interested residents contact Theresa Woodbury at Council on Aging Office.

REGULAR BUSINESS

- A.) Request for authorization to install wayfinding signage within public rights-of-way – Dave Read East Coast Greenway.

B.) Request for DPW labor and materials to install wayfinding signage- Dave Read East Coast Greenway.

Discussion took place regarding this project. Dave Read explained that this project is bikeable and ADA accessible. The route from the Canadian border to Key West is a 3,000 mile trail. It contains both roadways and trails. Angus suggested authorizing the installation of signs with DPW labor and materials subject to DPW director and budget availability. Wayne Amaral DPW Director would contact Dig Safe and his staff would be available contingent on winter weather conditions. There would be an estimated 11 signs with a cost of \$1,150.00 for cost of signage and labor. This project is 30% complete. Selectman Parker suggested that this may be an opportunity for volunteer labor.

Motion was made by Selectman Kemper to authorize the signs and installation as per the direction of the DPW Director.

Yes 3, No 0

C.) Review of proposed warrant articles for Special Town Meeting

a.) Proposed DPW articles: high hazard trees; salter, library dehumidifiers; and Town Buildings operating costs.

DPW Director Wayne Amaral is seeking a 5 year plan with \$50,000.00 per year devoted to tree removal. He prepared a detailed report of the trees involved with ranking by condition of these trees. This list is contained in the Agenda packets. His current budget of \$20,000.00 is not sufficient to complete the list of affected trees.

The proposed salter for \$9,500.00 could be attached to the dump truck. This would not require a CDL license. Currently there are 3 CDL drivers in this department. This would allow 5 or 6 people to salt during inclement weather and would be used in smaller municipal parking lots and small areas.

\$7,600.00 for Library dehumidifiers and Town Buildings operating costs. The library was concerned about mold and air quality. Dehumidifiers were installed, duct work was cleaned and new rugs were installed. This request is to reimburse the DPW budget which was drained by these repairs. Selectman Parker requested a listing of new equipment and the date of installation. He also inquired about the increased energy usage due to the dehumidifiers. Wayne replied that the energy usage would most likely even out due to the lack of temperature adjustment. Angus reported that the duct cleaning and carpet installation were overdue. The dehumidifiers were an extra cost.

b.) Proposed Board of Health articles regarding Steele Landfill post-closure costs.

The DEP has issued a monthly gas testing at the landfill. This order was not issued until after the April, 2019 Town Meeting. If the Town were to fail complying with this order there is the potential of the DEP issuing fines for noncompliance. This request also contains funds to install

a gas vent stretch along Middle Street. Paul Sevigny stated that monthly testing will need to be conducted. Once the trench is installed if the data shows frequency of testing can be lowered DEP would allow that. He stated that he did not know how long that might be. The cutoff trench will vent the gas being omitted. He reported that the town has only been testing this site for 10 years and believes that gas omissions may be at their peak. DEP requirements letter and cost estimate spreadsheet are contained in the agenda packets.

c.) Proposed Zoning Bylaw amendments proposed by the Planning Board.

Chairman Archibald asked if the proposed changes were due to change in Massachusetts General Laws. Brian Murphey responded that there were not changes to the law but rather the Planning Board's wish to remove archaic language. Brian also reported that the Planning Board made adjustment to advertised language on the advice of Town Counsel. Proposed deletions and insertions are contained in the agenda packets.

D.) Meeting with Planning Board regarding public safety sign – requested by Planning Board.

Discussion took place regarding the illuminated sign at the Public Safety Complex. Brian Murphey informed the Board of Selectmen that the Planning Board was concerned that the sign does not meet the criteria in current bylaw. This board was also advised by Town Counsel that they would need to seek an outside opinion as he represents the Building Inspector. Chairman David Archibald reminded everyone that there were multiple public meetings prior to the sign being installed where any person could have voiced opposition. Angus reported that white text was now in use. The timing of turning the sign on and off had also been adjusted. The brightness of the sign was also turned down.

E.) Review of projects for potential Green Communities grant application – Energy Advisory Committee.

Liz Callahan was seeking the Board's input as to whether the committee should pursue streetlight replacement with LED lamps or an electric vehicle charging station. This input would then be taken into consideration with potential grant applications. Wayne Amaral stated that a larger number of lights would be necessary to realize a cost savings on the street light proposal. Selectman Kemper suggested that the town could replace part of the current fleet with electric vehicles. Discussion then took place as to which town property location might be advantageous. Suggested locations were the public safety complex, the library, Pipestave/DPW. The primary mission of this initiative would be to serve the town first and secondary access would be the public. Discussion took place as to how to curb abuse of this station. Selectman Parker stated that the applicable charge would be on a user's card. He also stated that there would be 11 charging stations at the new school and that conduit was being added to facilitate future installations.

F.) Interview with finalist candidate for Town Accountant/Business Manager position.

Angus gave background information on Stephanie Frontiera the finalist candidate for this position. The Board asked questions of the candidate and about her interest in this position. The job description and interview questions are contained in the agenda packet.

Motion made by Selectman Kemper, seconded by Selectman Parker to authorize the Town Manager to enter into negotiations for the position of Town Accountant/Business Manager.

Yes 3, No 0

G.) Review of Soldiers & Sailors Memorial (Carr Post) CPC proposal; discussion of financing options.

After discussion of various potential methods of financing this project the board settled on financing this project through Community Preservation Funds. Angus suggested that the costs that will need to be incurred would need to be estimated prior to bonding this project. Town Clerk/Town Counsel Michael McCarron estimated design costs at approximately \$200,000.00.

Motion made by Selectman Kemper that the \$250,000.00 up front funds needed to begin this project be taken from CPC funds as follows: \$150,000.00 Historical Preservation; \$100,000.00 in Undesignated Funds. The balance of the funds to be borrowed.

Yes 3, No 0

H.) Consideration to re-open Special Town Meeting warrant, and potential article to fund installation of tables and benches at Mill Pond to commemorate Bicentennial.

After discussion regarding this item and that the staff had an issue as they are adhering to Massachusetts General Law regarding appropriation and expenditure of funds the following motion was made:

Motion made by Selectman David Archibald to reopen the Special Town Meeting Warrant, seconded by Selectman Richard Parker.

Yes 1, No 2 (Selectman Archibald favorable)

I.) Review of draft warrant for Special Town Meeting.

A draft of the warrant for the Special Town Meeting was presented to the Board. This draft was contained in the agenda packets.

J.) Discussion of recommended bridge type for Middle Street Bridge.

Motion was made by Selectman Kemper, seconded by Selectman Parker that the Middle Street Bridge type should be the option with a sidewalk of the two types presented.

Yes 3, No 0

K.) Municipal Vulnerability Preparedness Working Group Update – Selectman Parker

Selectman Parker updated the board on this issue. He explained that understanding the risks and planning to mitigate them with a predefined state process is the goal. This will be completed by fiscal year end 6/30/2019.

L.) Appointment of EMA personnel, Police, ADA Coordinator and Deputy ADA Coordinator.

Selectman Glenn Kemper made a motion, seconded by Selectman Parker that Leeann Delp be appointed EMA Director with a term expiring 6/15/20.

Yes 3, No 0

Selectman Glenn Kemper made a motion, seconded by Selectman Parker to approve the list of appointees from the memo received 9/30/2019 with the EMA and ADA appointment list.

Yes 3, No 0

M.) Meeting Minutes September 16, 2016; September 9, 2019; January 30, 2019.

Motion was made by Selectman Kemper, seconded by Selectman Parker to approve the abovementioned minutes.

Yes 3, No 0

TOWN MANAGER UPDATES

N.) Updated Planning Board Fee Schedule approved September 3, 2019.

Angus brought forward a detailed fee schedule that had been previously approved by the Board. This schedule is contained in the agenda packets.

O.) Follow up meeting assignments.

Discussion took place regarding town business taking place on town emails rather than personal emails. There was a reported issue whereby people clicked the Open Space Committee Link and had an issue. Town Clerk/Town Counsel Michael McCarron mentioned that the Library and Police have their own webpages. Angus made sure that the issue was corrected.

Motion was made by Selectman Kemper, seconded by Selectman Parker to adjourn the meeting at 10:12 p.m.

Yes 3, No 0

Respectfully submitted, Mary DiPinto

Town of West Newbury

Board of Selectmen

Minutes of Meeting

September 23, 2019 Open Session

ATTENDANCE

City of Newburyport	Matthew Coogan, Chief of Staff, Jon-Eric White, City Engineer
Town of West Newbury	Selectman David Archibald, Glenn Kemper, Richard Parker, Angus Jennings Town Manager, Michael McCarron Town Clerk/Town Counsel, Wayne Amaral DPW Director
BSC Group	Peter Reed P.E., Director of Transportation; Micah Morrison P. E., S.E. Manager of Structural Engineering
Residents	Tom Leonard, William Beard, John McGrath, John Connors, Preston Rogers, Dana Bridges, Matt Gagnon, Bob Thomasino, Bethany Groff-Doreau, Rich Baker, Forbes Durey, Byron Lane (resident of Newburyport), Polly McDowell, Jim Speralakis, Mary Cash Prudie, Bert Knowles and several other residents.

The Meeting was called to order at 7:19 by Chairman David Archibald.

ANNOUNCEMENTS

- This meeting is being broadcast on local cable TV and recorded for rebroadcast on the local cable channels and on the internet.
- Board of Assessors has completed FY 20 property revaluation. Taxpayers are invited to inspect values for review and discuss changes in proposed values at the Assessor's Office 381 Main Street from September 23-26, 2019 from 8:00 a.m. to 4:30 p.m., and September 27, 2019 from 8:00 a.m. to noon. Proposed valuations viewable in person and on the Assessor's page on Town website.
- Essex County Creates calendar; and Essex County Arts & Culture Summit September 27, 2019 from 9:00 a.m. to 4:00 p.m. in Beverly.
- Opportunities for FY 20 Committee appointments posted online at <https://wnewbury.org/board-selectmen/pages/2019-20-volunteer-opportunities>.

REGULAR BUSINESS

- A.) Joint Public Meeting with City of Newburyport officials regarding Middle Street/Plummer Spring Road Bridge: engineering consultant (BSC Group) presentation of design alternatives and preliminary cost estimates; public comments and questions, potential recommendation of preferred design alternative to advance through engineering and permitting.

**Bridge Replacement Newburyport/West Newbury
(Plummer Spring Road/Middle St. over Artichoke
Reservoir)**

Partial funding through MassDOT municipal bridge grant

Town of West Newbury
Town Office Building
381 Main Street
West Newbury, MA 01985
September 23, 2019 @ 7:00 PM

Attendees: (Newburyport) Matthew Coogan, Jon-Eric White, (West Newbury) Selectmen-David Archibald, Chairman; Glenn Kemper; Richard Parker, Angus Jennings, Wayne Amaral, (BSC Group) Peter Reed, Micah Morrison

Purpose: Present the communities with information related to the status of the project. Answer questions and listen to residents' concerns related to the project. Town and City officials seek feedback on the various bridge types investigated in order to advance one bridge type to the design phase. A bridge type selection is required to move the project forward.

Summary of Discussed Topics

• **Rebuilding Bridge**

Resident asked if rebuilding was a choice or a must.

The pros and cons of the proposed bridge were debated through the Selectmen's meeting.

• **Weight Limit**

Resident commented that an 18-wheeler caused the bridge to fail. The question was raised on whether the proposed bridge would have a weight limit on the bridge.

*There would not be a weight limit on the proposed bridge. MassDOT requires that the proposed bridge be designed for statutory load (*AASHTO HL-93 Design Loading)*

• **Emergency Services and Evacuation Route**

Resident pointed out that without the bridge ambulances and emergency services have a longer response time.

*The bridge is also part of an emergency evacuation route for the Seabrook Nuclear Power Plant. (*Federal law mandates that evacuation routes be provided for communities within a 10-mile radius of the emergency planning zone.)*

• **Speed Limit and Truck Exclusion**

Residents brought up the issues of vehicular speed, does a wider road encourage speeding and is it possible for this route to have a truck restriction. Multiple residents that live on Middle Street brought up the benefits afforded by having the road closed, less traffic, safer for pedestrians, cycling and horseback riding.

The installation of possible traffic calming devices such as speed bumps was proposed. Possibly installing speed bumps in close proximity to the bridge to discourage speeding. The existing roadway width on the bridge is approximately 20', for safety the standard

roadway with is 24'-0" consisting of (2) 10' lanes and (2) 2' shoulders. This 4' increase in width provides for great vehicular and pedestrian safety compared to the existing condition. The proposed roadway width would be a standard 24'-0" on the bridge before tapering back to meet the existing roadway within the project limits.

In order to legally restrict/exclude trucks from using Middle St./Plummer Spring Rd. both communities would have to provide data and justification to MassDOT for their approval. Based on traffic counts taken before the bridge closure it would be difficult to provide adequate data to justify excluding trucks on Plummer Spring/Middle Street. Traffic counts indicate that of the approximately 930 vehicles, 32 are trucks - only 3.5%. (*Section 10A-9 of the Massachusetts Amendments to the 2009 Manual on Uniform Traffic Control Devices, Heavy Commercial Vehicle Exclusion. This section details the process and requirements for excluding trucks from a travel way.) It was also noted that "no trucks" signs on Turkey Hill road had been removed.

Sidewalks, Fishing

Multiple residents brought up that a large number of people fish from the bridge. It was also noted that before the existing bridge's closure it was an unsafe practice. The question was also raised if the installation of a sidewalk would encourage more people to fish from the bridge and people would still fish from both sides of the bridge. It was also noted that the cost of one pedestrian accident would be more than the cost of a sidewalk.

Alternative 2, a bridge with a sidewalk, lowers the probability of accidents by providing pedestrians with a safer location on the bridge (Alternative 1, is a bridge without a sidewalk). Although the addition of 2'-0" roadway shoulders does increase safety compared to the existing condition, the physical separation of the sidewalk from the road has a greater safety impact. The physical separation/barrier is accomplished through an 8" high curb and the sidewalk being elevated compared to the roadway. The concerns surrounding fishing from the bridge are valid and will not be solely solved by the installation of a sidewalk. Communities will investigate possibilities of fishing access outside of the bridge area.

A non-binding, representative show of hands vote was taken of the residents that attended the meeting on which alternative they preferred, Alternative 1 without a sidewalk and Alternative 2 with a sidewalk. A large majority of the residents preferred Alternative 2.

Lane markings

The question was raised on if the road must have a double yellow center line painted on the proposed roadway. The use of a double yellow may give the perception of a wider roadway and increase speed.

The current roadway does not have a double yellow line centerline, the new roadway would not have to have a double yellow line centerline.

Grant Funding

A portion of the project is funded through a MassDOT Municipal Small Bridge grant. In addition, a MassWorks Infrastructure grant was applied for in August of 2019. MassWorks decision is anticipated in Fall of 2019.

Peter and Micah recommend one of the following alternatives:

Alternative 1	\$2,100,000.00	No Sidewalk
Alternative 2	\$2,600,000.00	Sidewalk

B.) Request to install signs on public property – Apple Harvest Road Race sponsors.

A motion was made by Chairman David Archibald, seconded by Selectman Richard Parker to allow signs on public property with the exceptions of Bridge Street, Church Street and Cammett Field Island.

Yes 3, No 0.

C.) Appointment of Interim Town Accountant.

Selectman Richard Parker made a motion to appoint Michael Morris as Interim Town Accountant on a temporary basis until a full time Accountant is appointed and begins work. Motion seconded by Selectman Glenn Kemper.

Yes 3, No 0

D.) Board of Selectmen review of proposed and potential warrant articles for November 4, 2019 Special Town Meeting, determination of which articles will appear on the Special Town Meeting Warrant, and vote to close the warrant.

Motion made by Selectman Glenn Kemper, seconded by Richard Parker to close the warrant for the Special Town Meeting Warrant.

Yes 3, No 0.

The articles reviewed are as follows:

ARTICLE 2. To see if the town will vote to raise and appropriate and/or transfer from available funds the sum of \$11,500.00 to fund additional frequency of testing for the post-closure of the Steele Landfill. By request of the Board of Health

ARTICLE 3. To see if the town will vote to raise and appropriate and/or transfer from available funds the sum of \$66,000.00 to fund the planning, design and installation of a gas migration interceptor trench for the post-closure of the Steele Landfill, and all related costs. By request of the Board of Health

ARTICLE 4. To see if the town will vote to raise and appropriate and/or transfer from available funds the sum of \$50,000.00 to fund all costs associated with the initial implementation of a multi-year plan to remove or otherwise address high-hazard trees in West Newbury. By request of DPW Director

ARTICLE 5. To see if the town will vote to raise and appropriate and/or transfer from available funds the sum of \$9,500.00 to fund the purchase and installation of a small salter unit on an existing DPW vehicle. By request of DPW Director

ARTICLE 6. To see if the town will vote to raise and appropriate and/or transfer from available funds the sum of \$5,000.00 to fund all costs pertaining to the installation of two additional in-line dehumidifiers in the G.A.R. Memorial Library. By request of DPW Director

ARTICLE 7. To see if the town will vote to raise and appropriate and/or transfer from available funds the sum of \$2,600.00 to supplement the FY20 Town Building Operating expense budget to offset incurred expenses. By request of DPW Director

19

DRAFT updated 10/10/19

2

ARTICLE 8. To see if the town will vote to transfer from the Community Preservation Act funds, a total of \$363,367.00, comprised of \$280,978.95 from Community Housing Reserve, and \$82,388.05 from Undesignated Fund Balance, for Kitchen and Bath Modernization at 1-6 Hills Court and 1-6 Boynton Court, in conformity with the Application for Funding filed, or take any other action relative thereto. By request of the West Newbury Housing Authority and the Community Preservation Committee

ARTICLE 9. To see if the town will vote to transfer from the Community Preservation Act Funds, Historic Preservation Reserve, the sum of \$600.00 for the purchase and installation of a historical marker to recognize and commemorate former West Newbury resident Julian D. Steele, in conformity with the Application for Funding filed, or take any other action relative thereto. By request of the Historical Commission and the Community Preservation Committee

ARTICLE 10. To see if the Town will vote to appropriate \$1,500,000.00, or any other amount, to pay costs of preserving, restoring and making extraordinary repairs to the Soldiers and Sailors Memorial Building (Carr Post), including but not limited to, interior and exterior preservation and restoration of the building, installation of a subsurface sewage disposal system, installation of walkways and signage, hazardous materials remediation, replacement of electrical, plumbing, HVAC and fire alarm systems, and for the payment of all other costs incidental and related thereto; to determine whether this amount shall be raised by taxation, transfer from available funds, including amounts in the Community Preservation Fund, borrowing or otherwise, or to take any other action relative thereto. By request of the Board of Selectmen and the Community Preservation Committee

ARTICLE 11. To see if the town will vote to transfer from available funds the sum of \$15,000.00 to fund the Unemployment Insurance expense line in the approved FY20 budget to pay expenses resulting from assessments levied during FY20 by the Massachusetts Department of Unemployment Assistance. By request of the Board of Selectmen

ARTICLE 12. To see if the town will vote to raise and appropriate and/or transfer from available funds the sum of \$400,000.00 to reduce the current year tax rate. By request of the Board of Selectmen

----- BY-LAWS -
OTHERS -----

ARTICLE 13. To see if the Town will vote to amend Section 2. Definitions of the West Newbury Zoning Bylaw by amending existing definitions or adding new definitions in the appropriate alphabetical order. By request of the Planning Board

ARTICLE 14. To see if the Town will vote to amend the existing term, "Massachusetts General Laws Chapter 131" each time it occurs in the West Newbury Zoning Bylaw, including

abbreviations of said term, by adding a reference to "Section 40" to clarify its reference to the state Wetlands Protection Act. By request of the Planning Board

ARTICLE 15. To see if the Town will vote to amend Section 4.B Exempt Uses of the West Newbury Zoning Bylaw by deleting existing Section 4.B.1.b. regarding agriculture, horticulture, floriculture and viticulture, and replacing it with updated language better aligning with M.G.L. Ch.40A, S.3. By request of the Planning Board

20

DRAFT updated 10/10/19

3

ARTICLE 16. To see if the Town will vote to amend Section 5.A.4. Uses Permitted in the Residence B and C Districts on a Special Permit Granted by the Planning Board of the West Newbury Zoning Bylaw, by removing reference to "Section 8.A." at the end of the first paragraph and replacing it with "Section 8", to clarify that the uses are subject Section 8.B. Site Plan Review; and by deleting the words "not to exceed four (4) units" in Section 5.A.4.a. and replacing them with the words "three (3) or four (4) units" to correct a scrivener's error. By request of the Planning Board

Motion to adjourn made by Selectman Glenn Kemper, seconded by Richard Parker.

Yes 3, No 0

Meeting adjourned at 9:04 p.m.

Respectfully submitted, Mary DiPinto



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: Finance Committee
 FROM: Angus Jennings, Town Manager
 DATE: July 26, 2019
 RE: FY21 budget process and timeline

Taking into account lessons learned in the FY20 budget cycle, I recommend changes to the FY21 budget process and calendar in order to more fully comply with the statute. The Town Manager legislation at Sec. 4(j) prescribes that the Town Manager budget proposed to the Finance Committee reflect the Board of Selectmen's changes:

Sec. 4(i) The board of selectmen shall be responsible for establishing and maintaining a written process for the preparation of the budget in the town. The board of selectmen shall annually issue not less than 1 written budget message, including fiscal guidelines and the timeline of budget makers, at the beginning of each budget cycle or at a time established by the town by-laws.

Sec. 4(j) The board of selectmen shall review the annual proposed budget prepared by the town manager and make changes as the board of selectmen deems advisable. The town manager shall present the budget **which incorporates the changes of the board of selectmen** to the finance committee and the town meeting.

In order to meet this requirement, a complete draft budget would need to be prepared and presented to the Board of Selectmen significantly prior to its submittal to the FinCom. If the Board's review process is to incorporate input from Department Heads and B/C/C Chairs, this would essentially duplicate the traditional FinCom process, and would substantially extend the overall timeline for budget review preparation.

During the FY20 budget process, the FinCom expressed that it would like to receive a proposed FY21 budget about a month earlier than the FY20 budget, which was submitted in February. In order to submit a proposed budget to the FinCom in January 2020, and to ensure that the proposed budget has already been reviewed and revised by the Board of Selectmen at that time, I would likely need to require initial department and B/C/C budget submittals to my office in September or early October.

To be clear, this is not how I would recommend structuring a budget process or calendar; however, it may be what is needed based on a literal reading of the statute. There may be an opportunity to modify this based on policy the Board of Selectmen could adopt that could set out a process/timeline not inconsistent with the statute. This will require Town Counsel review. It will be important to get all parties in agreement sooner than later to allow for adequate notice to departments and B/C/Cs.

cc: Board of Selectmen; Mike McCarron, Town Counsel

Excerpt from Budget Guidance packet dated 12/14/18, included for reference.

FY20 Budget Schedule

December 3	Board of Selectmen adopt FY20 Budget Message / Policy Direction
December 14	Town Manager sends Budget Package to Dept. Heads, Town Officers, Boards, Commissions and Committees (B/C/C)
January 11 ¹	Expense Budgets for all Dept. Heads or Town Officers due to Town Manager and Town Accountant
January 18	Town Manager proposed FY20 Capital Improvements Program due to Capital Improvements Committee and Board of Selectmen
January 18 ²	Expense and revenue Budgets for all Boards/Commissions/ Committees due to Town Manager and Town Accountant
Jan-Feb (Dates TBD)	Review by Town Manager including budget working sessions (Depts. and B/C/Cs will be contacted individually to schedule your Dept. or B/C/C).
February 13, 4 pm	Town Mtg. Warrant closes. <u>Article requests due to Board of Selectmen.</u>
February 15	Town Manager proposed FY20 budget, with Town Manager budget message and proposed FY20 departmental and organizational structure, due to Finance Committee and Board of Selectmen
Feb-March (Dates TBD)	Finance Committee meetings to review Town Manager proposed budget. Departments and B/C/Cs will be notified regarding timing of meetings related to your section(s) of the budget.
March 1 (as late as 15 th)	Pentucket Regional School District Assessment to be Voted
March 18	Capital Improvements Committee report due to Board of Selectmen
March 18	Board of Selectmen Endorsement of Proposed FY20 Budget
March 25	Joint meeting of Selectmen, Town Manager, Finance Committee, Town Counsel/Town Clerk, and Moderator
April 12	Posting of Warrants
April 12	Vote Draft Motions
April 29	Annual Town Meeting
Late Spring	Approve Employee Wage Schedule (based on approved budget numbers)

¹ Note: To account for the time it has taken my office to finalize this budget guidance document, this date has been extended beyond the January 4, 2019 date that was previously provided.

² This date is one week later than the due date for budgets prepared by Department Heads, to allow extra time for the Boards / Commissions / Committees to prepare and review proposed budgets. (Even if they have a Department Head, Departmental budgets typically endorsed by a B/C/C prior to submittal fall into this category, i.e. Water Commission, Library Trustees, Board of Health, Planning Board, Conservation Commission). If this timeline is not achievable for any specific B/C/C, please contact the Town Manager no later than January 11 to request an extension not to exceed one week.




MIIA HEALTH BENEFITS TRUST
Renewal Proposal 1/1/2020 - 12/31/2020
West Newbury

MONTHLY CONTRIBUTION RATES				
PRODUCTS		CURRENT	RENEWAL	
		RATES	RATES	INCREASE
Medex 2	Medex 2	\$166.41	\$164.75	-1.00%
	Blue Med Rx	\$158.02	\$163.54	3.49%
	Total	\$324.43	\$328.29	1.19%

Blue Medicare Rx rates represent PDP Option 26 (\$10/\$20/\$35 RX, 2x MO).

Renewal rates are based on continuing the current enrollment level.

Signature for Acceptance of Rates	Date
	10/24/19

TOWN OF WEST NEWBURY
REQUEST FOR TRANSFER FROM THE RESERVE FUND

Fiscal Year 2020

Date: 10/15/19

TO: Finance Committee

COPY

FROM: Angus Jennings, Town Manager

- 1) In accordance with Chapter 40, Section 6, of the Massachusetts General Laws, it is requested that \$ 17,614.00 be transferred from the Reserve Fund to the following account: DPW Town Buildings Improvements
- 2) A total of \$ 51,000.00 has been appropriated for or transferred to the above account during the current fiscal year is attached.
- 3) A list of all expenditures made or obligations incurred against the above account during the current fiscal year is attached.
- 4) The unobligated balance of the above account as of the date of this request is \$ 50,700.00
- 5) The amount requested is needed to: replace Page School Kitchen Food Steam Cooker
- 6) The need for the amount requested was unforeseen because: Unit failed recently despite continued equipment maintenance conducted by and on behalf of Pentucket facilities manager.
- 7) Funding of this request cannot wait until the next ATM because: The unit is essential to the preparation of school lunches.
- 8) The undersigned will meet with the Finance Committee to discuss this request at its regular meeting scheduled upon request.

Signed: 
Angus Jennings, Town Manager

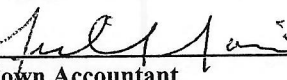
Board of Selectmen Notification
TO: Finance Committee

It is recommended that the above transfer request be because

Approved Denied

BOARD OF SELECTMEN

Chairman

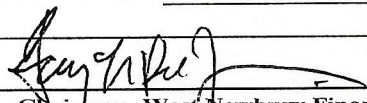
Signed: 
Town Accountant

Finance Committee Action:

Date: 10/23/19

Number of Committee Voting _____

The requested transfer of \$ 17,614.00 from the Reserve Fund to the Account is Approved Denied . If not approved, the rationale for the Committee's action was: _____


Chairman, West Newbury Finance Committee

MEETING MINUTES-WEST NEWBURY
FINANCE COMMITTEE

Date & Time: Wednesday October 23rd , 2019 7pm

Location : Town Senior Center 381 Main Street

Attendees: Gary L. Roberts Jr., Forbes Durey, Brad Beaudoin, Nathan Kelly, Greg Hadden, Angus Jennings, Jim Sperelakis, Richard Parker, Steve Swallow

AGENDA

1. Call to Order
2. Approval of Minutes

Minutes from 10/15/19 approved 5-0

3. Reserve Fund Transfer request

Greg Hadden(Pentucket Facilities Management)

In 2011-2012 there was a Green Repair Program with Paige School with MSBA allowing for repair to the Paige School roof, boilers, windows (around 800) among other things.

At the 10/15/19 FinCom meeting Roberts asked, “Who purchased the cafeteria steamer unit originally? The answer is that West Newbury purchased the unit originally. Additionally, the both the Paige school lease agreement(section 6) and the Pentucket Regional School District agreement(section 8) were reviewed by Jennings who noted that any “capital items”- those with a cost of at least \$10,000 and a useful life of 5 years or more are the responsibility of the Town. Hadden confirmed that this was consistent with purchases of similar kinds in the past in West Newbury as well as Merrimack and Groveland.

Roberts and Kelly noted their ultimate support for children to have hot lunches, however Kelly felt there was ambiguity between equipment costs paid by Pentucket vs capital equipment items which are the responsibility of the Town. Kelly would like to see the language of the above documents clarified. Durey noted that perhaps the definition of a capital item should be updated to match the Town’s definitions. Hadden noted that this would require an update to the Regional Town Agreement, which would be problematic as it would require all three member towns to meet and approve the changes.

Reserve Fund Transfer request for \$17,614 to purchase new Steamer unit for Paige school Vote 4-1 approve, Kelly dissenting

FinCom voted 5-0 to approve \$224 expense to pay for printing the 2019 Fall Town Meeting warrant.



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: Finance Committee
FROM: Angus Jennings, Town Manager
DATE: October 22, 2019
RE: Reserve Fund transfer request, Page School food steam cooker

This is a supplement to the Reserve Fund Transfer request submitted last week and initially reviewed at the Committee's October 15 meeting. Since the meeting last week, I met briefly with PRSD Facilities Manager Greg Hadden and Business Manager Greg Labrecque. I appreciate your continued consideration of this request at the special meeting scheduled for tomorrow evening at 7 pm.

My notes reflect a few Committee member comments and concerns from last week's meeting:

- 1) Concern about whether this expense is properly the Town's or the District's; potential precedent.
- 2) The fact that the unit is hard-wired into the kitchen wasn't seen by all as relevant; what's relevant is whether the Town or the District bought the equipment initially.
- 3) The \$10,000 figure in the Regional Agreement needs to be modernized.

With regard to the first item, it is my understanding that the interpretation of the relative Town / District responsibilities has been that the value threshold ("costing not less than \$10,000") and the useful life ("depreciable life of not less than 5 year") have been relied upon consistently over the years as triggering the Town's financial responsibility, notwithstanding the reference to "equipment" in the Page School lease. It is my understanding that this same approach has informed prior decisions of Groveland and Merrimac to fund certain expenses related to the PRSD schools in those towns.

With regard to the second item, it is my understanding that the kitchen equipment (including the steamer) was originally purchased by the Town, not the District.

Finally, with regard to the third item, that \$10,000 figure is established policy and will be relied upon unless/until it's modified by the parties in the future. The process to amend the regional agreement requires approval of all three towns' Selectboards, Town Meetings, and the School Committee, so can be expected to remain in place for some time to come. Work had already been ongoing to update the Page School capital plan to fully reflect known/potential capital needs, and this work will take into account items such as kitchen equipment that meets or exceeds the cost/useful life thresholds above.

Greg Hadden and I will both attend the meeting tomorrow night to answer any additional questions. Other than this memo, the enclosed information had all been circulated prior to the 10/15 meeting.

cc: *Wayne Amaral, DPW Director; Greg Hadden, PRSD Facilities Manager*