



**Town of West Newbury
Select Board**

Monday, December 4, 2023 @ 5:30pm

381 Main Street, Town Office Building

www.wnewbury.org

RECORDING CLERK
2023-12-04-16:00

AGENDA

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

- ❖ MGL Ch. 30A §21(a) 3: To discuss strategy with respect to collective bargaining if an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares (*Dispatch Union collective bargaining agreement; DPW Highway Union collective bargaining agreement*);
- ❖ MGL Ch. 30A §21(a) 3: To discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares (*PFAS class action litigation*);
- ❖ 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 (*potential Intermunicipal Agreements with Newburyport re Middle Street Bridge, and Water*).

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

Open Session: 7:00pm by in-person attendance or remote participation (instructions below)

Announcements

- This meeting is being broadcast on local cable TV and recorded for rebroadcast on the local cable channels and on the internet. Meeting also accessible by remote participation; instructions below.
- Page School Musical Performance & Holiday Luncheon – Thurs., Dec. 7th at 11:30am in the Annex. Free of charge, and all are welcome – but advance registration is required, 978-363-1104 or coa@wnewbury.org
- Thurs. Dec. 7th at 6:00 pm: Climate Change Resiliency Information Session, in-person (first floor hearing room) or via zoom – see Climate Change Resiliency Committee webpage for details
- Public information session (in-person and via zoom) regarding proposed Wetlands Bylaw – Wed., Dec. 6th at 6pm
- Call for volunteers! FY24 positions on Boards/Commissions/Committees. See www.wnewbury.org/volunteer
- Reminder to subscribe for emailed Town agendas/news/announcements at www.wnewbury.org/subscribe

Regular Business

- A. Public Comment. Limited to 2 minutes per resident on any topic. Please note that the Board will not discuss or take action at this meeting.
- B. Consent agenda – Request to approve the following:
 - a. Meeting minutes: Nov. 6, 2023; Nov. 13, 2023
- C. Town Manager Updates
 - a. Presentation of updated proposed Capital Improvements Program
 - b. Execution of Mutual Aid Agreement with NEMLEC (Northeast MA Law Enforcement Council)
 - c. Continuing work with Water Dept./BOWC re Water Hydraulic/Distribution Study
 - d. Ongoing/active projects/initiatives
- D. Department Updates/Discussion
 - a. Conservation: Certificate of Achievement awarded to Conservation Agent Michelle Greene by MA Association of Conservation Commissions
- E. Board/Commission/Committee Updates/Discussion (and Select Board liaison updates):
 - a. Review of Committee charge / function: Mill Pond Committee
 - b. River Road Resiliency Planning: drone field work scheduled for Wedn., Dec. 6th starting at 11am at eastern end of River Road (see Climate Change Resiliency Committee webpage for details)
 - c. Energy & Sustainability Committee: Green Communities FY23 Annual Report
- F. Action Items
 - a. Review draft outline for Water Department financial plan and consider referral to Finance Committee
 - b. Request for approval of ARPA funding to supplement prior Town Meeting appropriation for replacement of roof at Highway/Water Department garage
 - c. Review/approve Select Board FY25 budget policy direction
- G. General Discussion Items
 - a. Select Board letter sent regarding proposed Whittier Tech MSBA project
- H. Correspondence, including:
 - a. Correspondence from Comcast and Verizon regarding Cable License Agreements
- I. Future Agenda Items / Meeting follow-up assignments

Addendum to Meeting Notice regarding Remote Participation

Public participation in this meeting of the West Newbury Select Board will be available via remote participation. For this meeting, members of the public who wish to listen to the meeting may do so in the following manner:

Zoom Meeting

Phone: (646) 558 8656
 Meeting ID: <https://us06web.zoom.us/j/83919011686?pwd=ZFittFp1jeoiLMnindj56UQ4Yp6ijm.1>
 Passcode: 839 1901 1686
 Join at: 699844

Every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the West Newbury website an audio or video recording of proceedings as soon as practicable after the meeting.



SAGE CENTER

social | activities | growth | education



You're invited to our

**PAGE SCHOOL MUSICAL
PERFORMANCE**

& Holiday Luncheon

THURSDAY, DEC. 7 AT 11:30 AM

IN THE ANNEX

SERVING BAKED ZITI & GARDEN SALAD

The Page School 4th and 5th grade chorus and instrumental musicians will perform. All are welcome to attend.

Free of charge

Registration required at 978-363-1104 or
coa@wnewbury.org

Town Manager

From: Conservation
Sent: Wednesday, November 29, 2023 3:16 PM
To: Town Hall All
Cc: Molly Hawking [REDACTED]
Subject: West Newbury Draft Wetlands Bylaw for Review
Attachments: WN Wetlands Protection Bylaw Draft 11.21.2023.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

The West Newbury Conservation Commission has prepared a draft wetlands protection bylaw which it will propose to the Select Board and Finance Committee for the Spring 2024 Annual Town Meeting.

I wanted to provide a copy of the draft wetlands protection bylaw for your review and I encourage you to share the draft bylaw with any employees, boards, committees, or commissions that you work with so that they have the opportunity to review as well.

Feedback on this draft version of the bylaw is valuable and I encourage you to send any feedback you may have.

One thing I haven't prepared yet but hope to soon is an executive summary/guidance document for the draft bylaw. However, ahead of having that document available, some notable items to highlight in this version of the draft bylaw as compared to previous draft versions of the bylaw are:

- An overhaul of formatting and ordering of sections to create a bylaw that is easier to read and presents information in an order more aligned with how projects are permitted.
- Revisions of most sections to rewrite them in a more concise, easier to understand manner.
- A 200' buffer / Riverfront Area is *not* proposed around intermittent streams (section 2)
 - The bank of any stream, including intermittent streams, will have a 100' buffer zone under this bylaw as exists today under the Wetlands Protection Act (section 2.2)
 - Perennial streams and rivers will have a 200' riverfront area extending from the Mean Annual High Water Line or bank, whichever is higher, under this bylaw as exists today under the Wetlands Protection Act (section 2.3)
- The 100' buffer zone *is* proposed as a resource area under the bylaw as it was in past versions (section 2.1)
 - The 100' buffer zone is regulated under the Wetlands Protection Act but because it is not a resource area under the Act, it does not have design specifications or performance standards in the state regulations for activities proposed in the buffer zone.
 - Regulations of the Commission under the bylaw would include design specifications and/or performance standards for activities proposed in the buffer zone and other resource areas.
 - The regulations will include undisturbed vegetative buffers extending from the edge of resource areas (section 12)
- The bylaw specifically exempts needing a permit for any of the activities currently exempt in the Wetlands Protection Act and Regulations and as may be amended by MA DEP (section 3.1)
- The bylaw specifically exempts needing a permit for routine mowing and maintenance of existing lawns, gardens, and landscaped areas if these areas were lawfully in existence upon the effective date of the bylaw or lawfully created under the bylaw (section 3.5)
- A process for amending an Order of Conditions has been added to the bylaw. This process is the policy provided by DEP which the bylaw codifies (section 8.6)

- A more defined process for which the Commission can issue fines and for which a person can appeal fines or have fines suspended (section 11.5)
- The effective date has been revised from the 1st of the year following the approval of the attorney general to the 1st of the month following approval of the attorney general. This change will likely provide 3-6 months' notice of the effective date of the bylaw (based on recent AG review times) while not creating a rush of permit applications ahead of the effective date. (section 15).

The Commission is also hosting a hybrid in-person/Zoom info session on 12/6 at 6PM to go over the draft bylaw which we hope you can attend.

If you have any comments, questions, or feedback on the bylaw, please submit them to me and I will ensure they are provided to the Commission for its review.

Thank you,

Michelle Greene
Conservation Agent
Town of West Newbury
381 Main Street
West Newbury, MA 01985
Office: (978) 363-1100 x126
Mobile: (978) 891-0238
conservation@wnewbury.org

Don't let your decoration lead to destruction! Some berries used in wreaths and planters for their bright colors, like Asiatic bittersweet and multiflora rose, can spread invasive plants to your property where the plants can wreak havoc by forming impenetrable thickets that harbor ticks, growing vines that strangle and pull-down trees, and depleting your land's biodiversity. Learn more about these plants, including how to identify them, [here](#) and



**Town of West Newbury
Select Board Meeting**

Monday, November 6, 2023 @ 7:00pm
381 Main Street, Town Office Building

www.wnewbury.org

Meeting Minutes

Open Session: Chairwoman Reed opened the session at 7:01pm.

Participation at the Meeting:

Rick Parker, Wendy Reed, Chris Wile- Select Board
Angus Jennings- Town Manager
Jim Blatchford- Town Clerk
Maureen Curtin- Assistant Assessor
Rich Baker, Loretta Harrigan- Board of Assessors
Bob Janes- Historical Commission, Board of Water Commissioners representative
Heather Conner- COA Applicant
Nancy Lee- COA Applicant
Rob Phillips- Finance Committee representative

Announcements

- **This meeting is being broadcast on local cable TV and recorded for rebroadcast on the local cable channels and on the internet. Meeting also accessible by remote participation; instructions below**
- **Pentucket Regional School District "State of Our School District" meeting- Tuesday, Nov. 7th at 6pm**
- **Project fair/forum re MVP/River Road project, and Route 113 corridor planning-Thursday, Nov. 9th 5:30-8pm**
- **Special Select Board meeting re proposed Whittier Tech School Building Project- Monday, Nov. 13th at 6pm**
- **Project fair/forum re MBTA Communities initiative- Wednesday, Nov. 15th 5:30-8pm**
- **SAGE Center newsletter and upcoming events!**
- **Historical Comm. Tales of Our Town: West Newbury in Winter: Sleighs, Sleds, Skates, Skis, Family, & Friends**
- **Notice of Award: \$1M Mass Works grant awarded to support reconstruction of the Middle Street Bridget**
- **Call for volunteers! FY24 positions on Boards/Commissions/Committees. See www.wnewbmv.org/volunteer**
- **Reminder to subscribe for emailed Town agendas/news/announcements at www.wnewbucy.org/subscribe**

Regular Business

- A. Joint meeting w/Board of Assessors to consider appointment of William Studzinski to open Board of Assessors seat**
See Exhibit A, p. 25. Richard Baker of the Board of Assessors talked about Studzinski's background in real estate in response to queries about the candidate's qualifications. Former Board Member Jenn Poliseno had moved out of the area, resulting in the opportunity for a new appointee. **Wile motioned to appoint Studzinski to the Board of Assessors. The motion was properly seconded. The motion passed unanimously. (3 Yes, 0 No, 0 Abstain). The Board of Assessors then approved of Studzinski's appointment.**
- B. Applications for appointment to Council on Aging: Heather Conner; Nancy Lee**
See Exhibit Ba, p. 27, and Exhibit Bb, p. 28. Conner spoke to her experience with Meals on Wheels and how she enjoyed it, and how the enjoyment provoked her to seek a bigger opportunity. Lee spoke to her workplace experience in healthcare access, and that now in retirement she would be able to better to engage with the community. **Parker motioned to appoint Conner to the Council. The motion was properly seconded.** Parker asked if Lee would be willing to volunteer with COA, particularly assisting with Medicare-related matters. Lee agreed readily to volunteering. **The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

Item D was taken out of order at this time.

- C. Select Board review of Committees' charge/ function: Historical Commission**
See Exhibit C, p. 29. Bob Janes was invited to speak to the Board about the Commission's work. He highlighted the recently-completed repainting of Old Town Hall on Main St., stating that a Commission member researched the historical colors of the structure, and this informed the choice of paint colors. Other initiatives undertaken lately were the nearly-completed historical structure surveys and work in the Quaker Cemetery which resulted in the discovery of a previously overlooked headstone. In the documents provided to the Select Board from the Commission, it was suggested the Town step up upkeep of cemeteries in Town (such as the Almshouse Cemetery and the Quaker Cemetery). Janes also said there were a number of cemeteries on privately owned land, and he urged the Town develop a mechanism to make sure that those burial grounds are taken care of, despite being on private property. Reed wondered if it would be possible to use CPA funds to purchase an easement. On the same topic, Jennings said he had reached out to Town Counsel but had not heard back regarding this matter concerning A, the Town's responsibilities to upkeep these cemeteries (should they meet the threshold for care defined under state law), and B, if the cemetery did not meet the threshold, what notice should be provided to property owners whose land includes burial grounds. Wile suggested organizing a living history "event" or similar with West Newbury long-time residents. Reed asked Janes about the possibility of fusing the Historic District Commission and Historical Commission together, but he admitted he had not given it much thought. Janes did suggest there could be some overall benefit. Before concluding the Item, Wile urged any listeners to consider joining the Commission, as it is short one member. **No motion was made at this time.**

- D. Update re MDOT installation of new overhead sign on Bridge St. approaching Rocks Village Bridge**
See Exhibit D, p. 32. At a prior meeting, the Board had decided to discuss the installation of a sign and strike bar

Select Board Open Session Meeting November 6, 2023.

Minutes approved XXXX

Posted Agenda on November 3, 2023 at the Town's Offices and the Town's Official Website www.wnewbury.org

further before putting it in. It was also discovered that the sign's location needed to be modified slightly, according to Reed, and therefore public input was being encouraged on the topic. Comments received revealed that there was not strong desire in the community for its installation. Audience members and Town officials discussed the sign and the pros and cons of putting it in. Parker opined that a sensing system would have been more effective than a strike bar, but with no other options on the table, a strike bar was optimal. The frequent strikes and closures, and the ensuing repairs, sometimes numbered in the millions of dollars. **Wile motioned to request the state not install the sign. The motion was properly seconded.** Parker reiterated his hope that "something more" would be introduced to help mitigate the striking problems. Reed wanted to revisit the issue as well, with a future consideration of a notification warning system. **The motion passed (2 Yes, Parker No, 0 Abstain).**

Item C was taken up at this time.

E. Request for authorization to pursue Massachusetts Automated External Defibrillator Equipment Program Grant - Chief Dwyer

See Exhibit E, p. 34. The Grant would allow for the purchase of two vehicle-based AEDs. **Parker motioned to authorize pursuit of the Grant. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

F. Request for authorization to pursue grant to purchase My Senior Center Touch Screen- Council on Aging

See Exhibit F, p. 36. Jennings explained MySeniorCenter Touch was a platform to help SAGE Center keep track of statistics, financials, and other metrics. Per the Manager, COA Director Christine Marshall was keeping track of these metrics in an Excel file, but she wants to upgrade to the "industry standard", the standard this product. Wile reminded the room that it cost \$1,500 to use annually. **Wile motioned to authorize pursuit of the Grant. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

G. Request for use of American Rescue Plan Act (ARPA) funds for Water pump replacement-BOWC

See Exhibit G, p. 44. Reed wondered why ARPA funds were appropriate for this replacement. Janes explained that one pump was not functioning at optimal capacity. The discussion turned to figuring out how to plan financially for pump maintenance and replacement, with a staggered approach. The replacement of the pump in question was not worked into the Capital Plan for the Water Department, but replacement of the problem unit at this time would mean that the Town would not be overtaxing one working unit if the other failed completely. Reed expressed reservations about putting further ARPA funds toward the Department since so much of the funds had already been allotted to them. The Board felt that waiting until Spring Town Meeting to request money for a replacement and working with the present setup was preferable to spending money at this time. Wile asked if there was a warranty on the most recently replaced unit but it did not appear that there was. **Parker motioned to deny the request for funds. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).**

H. Confirm proposed revisions to PRSD Regional Agreement, for regional review at Nov. 7th meeting

See Exhibit H, p. 54. Reed turned the floor over to the Town Manager. Jennings said West Newbury's slides on the Regional Agreement would be integrated into PRSD's slide deck. He highlighted a small change in the slides since the last time the Board viewed it. Jennings was nominated by Reed to present the slides. Parker suggested that on page 57 of the Regional Agreement (which dealt with posting locations), that the West Newbury posting location be specified as something other than "Town Hall" so as not to confuse West Newbury residents. The Board hoped that a regional finance committee could be restarted, as it had previously existed and been very helpful. **No motion was made at this time.**

I. Preview of upcoming meetings re proposed Whittier Tech school building project, incl. special meeting with West Newbury Select Board on Nov. 13th, and Whittier Tech public forum at Annex on Dec. 6th

See Exhibit I, p. 75. The District's public meeting in December had been scrapped, but a joint meeting with Whittier representatives would take place on November 13th which was still open to the public. Reed suggested using the time at the current meeting to prepare questions. Wile affirmed his support for trade schools, but agreed that budgeting for most Towns in the District would be very difficult. He likened the current process to the Pentucket Middle High School building project, which initially failed due to its large size and price tag- and he wondered if there were other options that Whittier could present beyond the ultimatum of renovate or replace currently facing the communities. Wile also found the present proposed design from Whittier to be overpriced, overdesigned, and oversized compared to other area technical schools. He also stated there was a "problem" creating the formula for funding for the project, with Haverhill having the greatest number of students but only paying 42% of the cost. Parker lamented the intense public exposure of the building project issue in the brief window of the last few months. He also rued the lack of a "close coupling" between Whittier and the Towns in the District that has created a false impression of conditions at the school. Parker continued by saying that with the sudden, urgent need to rebuild or renovate, many communities have been left feeling blindsided, referencing the letter from the Town of Rowley on this topic. Jennings chimed in saying that information has been received by West Newbury from Whittier over the years but it would require closer analysis of that data to determine the strength or weakness of that which the school had supplied. Reed said she wanted to know what the process would be to revise the Whittier Regional Agreement- was there a periodic review process? She also was curious if the new building would enable the school to expand its curricula. Blatchford recapped questions Jennings had about the timeline of the building process. The MSBA required a yes or no vote from the community on funding within 120 of the MSBA's approval of the building project. For the November 13th meeting, Jennings told the Board that Whittier would give a presentation on the project, and then follow up with a Q&A session. Wile asked for the email address of the West Newbury Whittier School Committee member so that the Committeeman could be brought in for the meeting on the 13th. **No motion was made at this time.**

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

See Exhibit J, p. 85. Reed noted that the Board of Assessors was missing from the list, and volunteered to be the liaison for it. Parker reported that the Energy and Sustainability was discussing pursuing three potential sites for solar panels (two at the DPW site on Main St., and one on the roof of the West Newbury Housing Authority). Parker said it

was a challenge to find a company to support the project. He relayed that the Director of the Authority, Tracy Watson, was already exploring solar options independently. The Housing Authority site would save the community money, provide green energy, and also offer backup power supplies to the residents/Town Offices. The challenge of relocating those living in affordable housing for the construction would pose a major issue for this option. Reed provided an update on the Open Space and Conservation Commission, saying that a procedural manual was being developed to regulate the creation of trails on Town-owned property, with eventual engagement with other stakeholders for feedback. **No motion was made at this time.**

K. Meeting minutes: Oct. 16, 2023

See Exhibit K, p. 87. Wile motioned to approve the Minutes as amended. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain).

Town Manager Updates

L. Update on preparation of updated Capital Improvements Program

See Exhibit L, p. 91. Jennings provided an update on the CIP, saying he has not yet rolled in Page School and Water Capital Projects into the Program, and added that there still needs to be reconciliation between the water projects listed on the Priorities Matrix and those in the hydrologic study from the Summer. Getting everyone to feel confident in the Water Capital Plan is something the Manager has taken on since work from contracted vendors has not been as envisioned, and even now there is no deadline for the completed project. Additionally, these problems have been compounded by a lackluster water rates study. This is leading to additional work in an effort to make sure the results will be usable for financial planning. Parker asked if the Board of Water Commissioners fully understood the scope of these issues and Jennings said no, feeling that he and the Commissioners were almost pursuing “different targets”. All three members of the Select Board expressed frustration with the lack of results and the continued payment to Tata & Howard for the shoddy work. **No motion was made at this time.**

M. Town Manager workplan / priorities for remainder of calendar year 2023

See Exhibit M, p. 92. Jennings provided the Board with a list of priorities regarding the remainder of the calendar (not fiscal) year. He touched on the near-complete status of Annual Audit, the upcoming Project Fairs and Forums (November 9 and 15), the Capital Improvements Program, employee trainings, the Saw Mill Brook land acquisition, personnel evaluations, and other upcoming items to wrap up. **No motion was made at this time.**

N. NHESP response to submitted "checklist" regarding routine maintenance of Ash Street

See Exhibit N, p. 93. The Town Manager told the Board that it needed to be submitted by January 31st, and felt it would be helpful to have the Board look at the traffic control plan. It was decided to return to the matter in January 2024. **No motion was made at this time.**

O. Update on recent Parks & Rec Commission discussion of Pickleball

See Exhibit O, p. 96. Reed said that she felt that there was a misunderstanding on the part of the Park and Rec Commission, confirming that the facilities for the games would be available to more than just West Newbury senior citizens. Wile expressed his concerns on how the scheduling for pickleball was being advertised. Wile reported his observations from attending a game and said the noise levels were minimal. Parker pointed out that ironically when the basketball courts that the pickleball games are being played on were being put in, there was a similar uproar about noise. The Board felt that the DPW building being vetted for a permanent court was a nonstarter. They bandied about pros and cons of other paved and nonpaved areas in Town for a court. **No motion was made at this time.**

P. Ongoing MassDEP review of resident appeal of ConCom approval to install water level control device at Macey's Pond

See Exhibit P, p. 99. Reed expressed confusion with DEP's involvement in the process, and asked if Health Agent Paul Sevigny was managing the project or Michelle Greene the Conservation Agent. The device in question would regulate the height of the water at Macey's Pond despite interference from beavers. **No motion was made at this time.**

Q. Updates on other ongoing/active projects/initiatives

See Exhibit Q, p. 103. Reed pointed out that the Water Commissioner's report was not included in the Town Clerk's Town Meeting Report. Blatchford said he would be willing to add it to the Report. Additionally, Jennings announced that the School Building Committee was wrapping up its work and would meet as needed in the future. He shared with Wile, Parker, and Reed the final sets of their minutes. The proceedings were briefly interrupted by an errant stinkbug. The Board concluded Item Q with discussion of ChargePoint usage. Jennings floated the idea of returning eventually to the discussion of adjusting cost-to-charge. Parker said that West Newbury charged a hire rate than other Towns in the areas. **No motion was made at this time.**

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

Wile requested that a future Agenda include an update on the Long Hill APR, ARPA funds and their potential usage on the Middle Street Bridge, and a request to the Finance Committee to do an analysis of Free Cash versus Stabilization Funds. **No motion was made at this time.**

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

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

<https://www.youtube.com/watch?v=yXe7j6P2Gxo>



**Town of West Newbury
Select Board
Monday, November 13, 2023 @ 6:00pm
381 Main Street, Town Office Building
www.wnewbury.org
AGENDA**

Open Session: Chairwoman Reed opened the Session at 6:00pm.

Participation at the Meeting:

Rick Parker, Wendy Reed, Chris Wile- Select Board
Angus Jennings- Town Manager
Jim Blatchford- Town Clerk
Rob Phillips, Jim Sperelakis- Finance Committee representatives
Maureen Lynch- WRTVHS Superintendent
Kara Kosmes- WRVTHS Business Manager
Robert Hardy- WRVTHS Facilities Director
Kevin Bowe, Christopher Linck, others- residents

Announcements

- **This meeting is being broadcast on local cable TV and recorded for rebroadcast on the local cable channels and on the internet. Meeting also accessible by remote participation; instructions below.**
- **Project fair/forum re MBTA Communities initiative – Wednesday, Nov. 15th 5:30-8pm**
- **Annual Tree Lighting Thursday, November 30th at 6:30pm on the Training Field**
- **SAGE Center will be hosting the Page School Musical Performance and Luncheon Dec 7th at 11:30 in the Annex**
- **Call for volunteers! FY24 positions on Boards/Commissions/Committees. See www.wnewbury.org/volunteer**
- **Reminder to subscribe for emailed Town agendas/news/announcements at www.wnewbury.org/subscribe**

Regular Business

A. Proposed Whittier Technical High School Building Project: Superintendent Maureen Lynch

Whittier Tech. opened the presentation with an informational video about the building, which Lynch said was on their website. Lynch and her colleagues highlighted shortcomings of the present building to the Board as well as attendance numbers in day, night, and spring programs, as well as aspects of the Whittier curriculum. The cost to the School District, per Lynch, is \$364,000,000 for a renovation, or \$264,000,000 for a rebuild. The Superintendent offered a look at the building project timeline, beginning in 2014. Lynch showed off some renderings of the proposed interior and exterior of the new building. The District-wide vote on building funding would take place on January 23, 2024, but if the vote failed, the Superintendent outlined immediate and long term renovations needed to keep the school compliant/repairable.

Parker opened the Select Board Q&A by noting how the cost of a new school was spread out over 30 years, but renovation costs were spread out over a much shorter period (a decade) meaning the impact of the renovation would be very intense in the 10 year period. Wile asked about how interest rates would impact the amount the District's communities would pay. Wile asked about the way cost per community was calculated, highlighting the wide difference between Salisbury and Georgetown as an example. Kosmes explained it had to do with the split between residential and commercial taxpayers in each Town and City (if commercial properties were paying in, it would mean less coming directly out of the taxpayer's pockets). Wile suggested looking at leveling out the payment formula to make it more equitable, and to ensure passage of the building project. Discussion then turned to the cost per square foot of assorted technical high schools versus Whittier's, and the cost of the proposed designs the Whittier team picked from.

Reed asked about what options Whittier had explored regarding their failing sewage treatment plant: had the school considered tying into neighboring communities? Lynch said that tying in would not be feasible. Reed followed up by asking why the School District had chosen to do a District-wide vote versus a Town Meeting-based election. Lynch said that passage of a new school could be torpedoed by just one Town Meeting voting the project down, versus a simple majority vote in a District-wide ballot.

Parker spoke to the need for HVAC tradesmen in response to adapting for climate change, and was curious if the new building would allow for greater flexibility in accommodating additional or growing programs at Whittier. Lynch said that this had been considered as part of the process. She and Reed discussed how the admissions process worked at the school, and what the West Newbury population of the school was.

Rob Phillips asked for clarity on some of the numbers he discovered in the Whittier materials. He followed up asking about when Whittier had requested its School District members set up a Stabilization Fund for a future funding (Lynch said 2016, but no official dollar figures were attached to the project at the time of this request).

Nathan Kelly, West Newbury resident and Whittier teacher, testified in support of rebuilding the building. He spoke to his experience being on the West Newbury Finance Committee during the process of funding the Pentucket rebuild, and offered his rationale for the Committee's support at the time for the new Pentucket Regional Middle High School which he felt was the exact same logic to support a new Whittier Tech. High School.

Jim Sperelakis asked Lynch about the disruptions to students with the building project underway, assuming, correctly, that students would stay in the old building until the new structure was ready.

Kevin Bowe said he was "disturbed" that Lynch went over the one page in the presentation with financials in 30 seconds, and vented on the admissions process. Additionally, he took umbrage with the poor communication. Parker said he felt similar

regarding communication efforts by Whittier.

An unidentified woman, a West Newbury resident and Whittier educator, spoke to the strengths and benefits of the high school, which was followed by an unidentified man speaking in favor of the rebuilding project as well.

Christopher Linck brought up the cost-per-student ratio burdening communities, and what other “alternatives” the Select Board had looked into.

Wile asked about the Tax Analysis, and whether these numbers would evolve. Lynch said that it would not remain static, evolving with capital assessments and interest rates, but not with each Town’s enrollment numbers in the District.

Bowe asked if Whittier would be increasing overall enrollment in a new building, but Lynch said they were not trying to pull from other Town’s shrinking school districts. They then discussed the enrollment numbers at Whittier, wait lists, and issues of access to the school’s education.

Parker urged the School District provide the Towns and Cities more regular communication (annually or biannually). He also defended Whittier’s decision to conduct a popular vote in January versus through Town Meetings as the logical course of action to see passage of funding through.

After the audience and speakers from Whittier left, the Board and Manager discussed how best to make their position on the matter known. Jennings recommended laying out points in a memo on their own (and not signing onto a regional letter). Jennings said he agreed with Parker’s defense of the popular vote method, responding to the letter from the Town of Rowley which disliked this methodology. Parker also said that the letter mischaracterized the terms of finding the money, pointing out that the Towns and Cities would have two years to fundraise. Reed said that she felt that even with Towns planning their five year finances, the Whittier election/project caught many by surprise- and Wile echoed that sentiment. It would pose difficult questions for Towns trying to fund other major capital expenses at the same time. Discussion continued on cost-per-student and the regional workforce supply that Whittier provides, as well as the timeline of the building project and the silence from Whittier on the process (and opportunities missed to learn more about it).

Jim Sperelakis asked if the Finance Committee and Select Board should formulate their own opinion on the election/project and get it out to the public, though there was general concern about the quick potential turnaround time and aggregating the appropriate information. Reed encouraged Parker and Wile to bring their ideas to the next meeting for a letter regarding the project, and welcomed Finance Committee input as well. They decided to distribute the information by mail.

**B. Follow up meeting assignment; placing items for future agendas
No motion was made at this time.**

Wile motioned to adjourn. The motion was properly seconded. The motion unanimously passed. (3 Yes, 0 No, 0 Abstain). The session adjourned at 8:10pm.

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

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

Town Manager

From: Wendy Reed
Sent: Thursday, November 16, 2023 10:59 AM
To: Town Manager
Subject: Re: NEMLEC MOU

I agree that you have the authority to sign, but was wondering if you would include this as a Manager's update. It's been a few months since that discussion and a reminder would be good as well as for the contract to be part of the packet and available to the public.

Get [Outlook for iOS](#)

From: Town Manager <townmanager@wnewbury.org>
Sent: Thursday, November 16, 2023 10:36:00 AM
To: Wendy Reed <wreed@wnewbury.org>
Subject: NEMLEC MOU

Hi – since the Select Board already voted (on Aug 7) to authorize Police to join NEMLEC I think I'd have authority to sign attached, but let me know if you think this needs any further Board review. 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

From: Michael Dwyer <dwyer@westnewburysafety.org>
Sent: Thursday, November 16, 2023 9:35 AM
To: Town Manager <townmanager@wnewbury.org>
Cc: Executive Assistant <exec.assistant@wnewbury.org>
Subject: FW: MOU

Angus,

Please review the attached NEMLEC interagency mutual aid/assistance agreement. If you have any questions, please let me know. Sue will drop off a printed copy for our signatures.

Thank you,
 Mike

From: James DiGianvittorio <jdigi@nemlec.org>
Date: Monday, November 13, 2023 at 11:24 AM

To: Rosemarie Tieri <rtieri@nemlec.org>, Michael Dwyer <dwyer@westnewburysafety.org>

Cc: James DiGianvittorio <jdigi@nemlec.org>

Subject: MOU

Mike,

We need to have you and your Town Administrator sign off on the MOU and return it to me and I will have Chief Keefe do the same.

I will then return a signed copy back to you.

Jim

James DiGianvittorio
Executive Director

This e-mail message, and any attachment to it, may contain confidential and/or legally privileged information. If you are not the intended recipient, or the employee or agent responsible for delivering this message to the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original e-mail message. Any disclosure, copying, distribution, or use of the contents of information received in error is strictly prohibited. If you are the intended recipient, please be advised that the content of this message is subject to access, review and disclosure by the sender's E-mail System Administrator.

LAW ENFORCEMENT SENSITIVE: Please note that if an Email I send is marked LAW ENFORCEMENT SENSITIVE and YOU are not a member of LAW ENFORCEMENT - YOU MAY NOT VIEW THAT PARTICULAR EMAIL.



**NORTH EASTERN MASSACHUSETTS LAW ENFORCEMENT
COUNCIL
INTERAGENCY MUTUAL AID/ASSISTANCE AGREEMENT**

This document is a mutual law enforcement agreement among the municipal communities who are members of the North Eastern Massachusetts Law Enforcement Council (hereinafter referred to as “NEMLEC” or “the Council”) that have executed this Agreement and have bound their departments in accordance herewith so as to increase and improve the capability to provide protection of life and property, thereby preserving the safety and welfare within the geographical area or region of these communities. This Agreement is adopted in accord with Chapter 40, Section 8G and other relevant provisions of the Massachusetts General Laws. The implementation of this Agreement will be under the direction of the NEMLEC whose membership consists of the chief executive officers from the member municipal communities.

PURPOSE:

- To provide mutual aid programs for the member police departments because of terrorist or enemy action, natural disaster, unusual occurrence including but not limited to fire, flood, storm, earthquake, landslide, aircraft accident, search or rescue operations, other natural or man-caused incidents requiring exceptional police action, school or workplace violence, riot, mob action, civil disturbance, demonstration, urban insurgency or any situation threatening the peace and tranquility of the requesting party’s jurisdiction.
- To provide for the preparation and implementation of a comprehensive, coordinated mutual assistance plan for the police departments in NEMLEC which will enhance the law enforcement capability of the region.
- To provide for a system for the receipt of, and dissemination of, information, data and directives within the Council and to coordinate services between the Council and other law enforcement officials at the local, state, and federal levels.

- To provide close and effective cooperation and assistance in combating criminal activity within the region as covered by this agreement and the operational procedures that are promulgated by the Council.

AGREEMENT:

The signers of this agreement agree to the following:

1. To abide by the by-laws adopted and which may be amended or revised from time to time by the North Eastern Massachusetts Law Enforcement Council.
2. To abide by the rules, regulations, policies and procedures, and any other protocols outlining the perimeters and guidelines under which member agencies will operate with respect to their involvement and participation as a Member Agency of the North Eastern Massachusetts Law Enforcement Council.
3. To adopt and endorse the standards of conduct for which the members of their agency will be bound while performing duties and activities that fall within the scope of the Northeastern Massachusetts Law Enforcement Council.

DEFINITIONS:

When used in this agreement, various words and phrases shall be defined as follows:

Sender or Sending Department : a member Department sending aid and assistance.

Receiver or Receiving Department : a member Department receiving aid and assistance.

Executive Board: is comprised of those Police Chiefs who have been chosen by the Council members to serve as officers for the Council in accordance with the By-Laws promulgated by the Council.

Control Chief: Police Chief chosen by the Executive Board of the Council to manage and direct the activities of a particular operational component. Each and

every operational component of the Council shall have at least one Control Chief designated to manage and direct the component.

Assistant Control Chief: Police Chief chosen by the Executive Board of the Council to provide administrative assistance to the Control Chief of an operational component of the Council for which he was selected. In the absence of the Control Chief, it shall be the Assistant Control Chief who acts as Control Chief's designee in managing and directing the operational component for which he has been selected.

Mutual Aid: In accord with M.G.L. c. 41, § 99, officers activated under this mutual aid agreement shall have the same immunities and privileges as when acting within their respective cities and towns.

Council Members: the Chief of Police of a member Department, or in his absence, his designee. Each Chief of Police shall designate an alternate member of his Department who shall have full authority to act in the absence of the Chief.

Police Officer or Officer: For purposes of this Agreement, the term "Police Officer or Officer" is used to refer to those individuals who are considered full-time police officers, who have satisfied the provisions of M.G.L. c. 41, § 96B.

REQUESTS FOR ASSISTANCE AND CHAIN OF COMMAND:

A. The parties hereto agree to furnish to a requesting Department mutual assistance and logistical support only with the approval of each Sender's Chief of Police or designated representative and provided such law enforcement assistance and logistical support is within the capability of the Sending Department at the time the specific request is made.

B. Except as hereinafter provided, a request for assistance shall be made only to a Member Chief or his designee. No assistance shall be given without the authorization of the Sender's Member Chief or his designee. The Member Chief or his designee shall have sole and final say as to whether and to what extent personnel and equipment shall be sent to assist Requesting Department.

C. It shall be the duty of the Sender's Chief of Police to issue necessary orders and direct all assisting police personnel to place themselves under the operational control of the Chief of Police of the department requesting mutual assistance.

D. The Receiving Department shall file a complete written report with the Control Chief within 72 hours after making and receiving requests, indicating the time and nature of the request and giving complete details as to the response made. In addition to including said reports in the Control Chief's quarterly filing with the Executive Board pursuant to the By-Laws promulgated by the Council, upon request, the Control Chief shall also provide a copy of the report to the Sending Departments and shall review all actions taken.

E. The Chief of Police, or his designated representative, of the Receiver shall have and exercise overall command control of any Sender's police officers participating in mutual assistance.

F. The nature of the emergency, or unusual occurrence as determined by the Receiver's Chief of Police, shall be a consideration in determining where the Sender's personnel shall be deployed. In the event of natural disaster the Sender's personnel shall be generally deployed on the scene of the disaster. In the event of a civil disturbance, the Sender's personnel generally shall be deployed as supporting units.

G. All parties to this agreement shall be alerted by the most expeditious communications system of the possible need for mutual assistance and, if necessary, the need to have the various departments placed on a Standby Alert status. A "Tactical Alert Notice" in accordance with existing operational readiness plans, shall be used as a means of alerting all parties that an unusual occurrence is either anticipated or already in progress. The decision to call a "Tactical Alert" is that of the Receiver's Chief of Police or his designated representative.

H. The request for assistance shall state, as a minimum:

- a. The nature of the emergency, its specific location, and estimate duration.
- b. The type and number of personnel requested.
- c. The type of logistical support needed.
- d. The name, and location of the senior police officer to whom the Sender's personnel shall report.

I. All personnel acting pursuant to a request for assistance under the scope of this agreement, or who are performing law enforcement duties outside of their territorial jurisdiction and as part of an operational unit under the auspices of the Council, shall operate in adherence to the Chain of Command established by the Council and in adherence to its rules, regulations, policies and procedures.

J. Police officers from a Sending Department shall have the full authority of police officers in all other jurisdictions while responding to a request for aid or assistance under this Agreement.

PERSONAL, LIABILITY, AND INDEMNIFICATION (OR WAIVERS):

- A. Police officers of a Sender are considered as being on duty from the time said officer responds to a mutual aid call until he returns to his origination point; he is considered on duty for his own town or city and if injured or killed during that period, his employer (Sender) shall be liable for all benefits due to him or his widow or dependents under applicable laws and collective bargaining agreements.
- B. Sender agrees to cover all salary and overtime expenses incurred by its officers, unless the Receiver receives reimbursement for the costs associated with the operation, in which case the Receiver agrees to distribute that reimbursement to the sending agencies in an equal proportional amount to defray the costs incurred by the sending agencies. As set forth above, in case of disability or death caused in the performance of his duty or sickness resulting from said performance, the officer or his widow or dependents shall be entitled to benefits to which he or they are entitled in his own department or agency under applicable laws and collective bargaining agreements, and such benefits shall be paid by the Sender.
- C. Unless otherwise specifically provided in this Agreement, all expenses incurred by the Sender in rendering assistance shall be paid by the Sender provided they were reasonably necessary in carrying out the purposes of this agreement, unless the Receiver receives reimbursement for such expenses, in which case the Receiver agrees to reimburse the sending agencies in an equal proportional amount to defray the costs incurred by the sending agencies. In case of any dispute between the Sender and the Receiver, the Council shall determine the reasonableness of the expense incurred.
- D. Nothing herein shall prevent any Sender from assuming the cost of any loss, damage, salary, overtime, or expense incurred in responding to a request for assistance under this Agreement. A determination by a Sender to not seek reimbursement for loss, damage, salary, overtime,

or other expense following one or more responses to requests for assistance shall not operate to waive the right of the Sender to seek such reimbursement at any future time.

- E. Except as otherwise provided herein, during the course of rendering mutual aid assistance as providing for by this Agreement, the Sender department shall be responsible for the operation of its equipment and for any damage caused or received thereto, and for any personal injury caused by a member of the Sender to a third party. This section is subject to, and does not waive, any and all applicable limitations or immunities on governmental liability under state and federal law.
- F. Each Member party shall waive any and all claims and causes of action against all other parties hereto which may arise out of their activities while rendering and/or receiving aid under this Agreement, to the extent that each party may legally waive such claims. Each member agrees to indemnify, defend, and hold harmless each other member department and/or city or town from any and all liability, loss or damage, which such other party becomes legally obligated to pay, including reasonable counsel fees as a result of claims, demands, costs, or judgments against such other party arising out of the negligent or intentional conduct of the indemnitor in connection with activities under this Agreement. This indemnification is subject to, and does not waive, any and all applicable limitations or immunities on governmental liability under state and federal law.
- G. Each member municipal community agrees to provide police liability insurance. In the event that a participating municipal community desires to self-insure these exposures, upon request, the Council shall be provided with a letter so indicating. All deductibles are responsibility of the named insured.

COMMUNICATIONS AND EQUIPMENT:

- A. In rendering mutual assistance, Receiver and Sender shall use and be responsible for furnishing their own equipment, except where emergencies or unusual occurrences dictate the sharing of equipment between parties. Special emphasis by all parties will be placed on the mutual sharing of police communications equipment.
- B. Each Receiver department shall be responsible and liable for damages suffered by or caused to Sender's property during the course of

rendering mutual assistance, to the extent that the Sender's insurance does not cover the loss.

- C. Nothing herein shall prevent any Sender from assuming such loss, damage, expense or other cost.

TERMINATION OF ASSISTANCE:

Terminating emergency mutual assistance: At the conclusion of any emergency, the supervisor or commanding officer on the scene (as designated by the Receiver's Chief of Police) shall have the responsibility for relieving the Sender's personnel to return to their origination point.

TERMS OF THE AGREEMENT:

This Interagency Mutual Aid / Assistance Agreement (hereinafter referred to as the "Agreement") shall remain in effect until terminated by all parties hereto. Should any party to this agreement wish to withdraw from the Agreement, it may do so by notifying all other parties in writing.

Should any signatory Chief of Police retire or otherwise leave office, the President of the Council will request of his successor a written statement that he accepts all the terms and conditions of this Agreement. All such statements shall become an attachment hereto.

Any law enforcement agency that is not originally a party to this Agreement may become a party by sending a written request to the President of the Council. Such request shall be executed in accordance with the By-Laws that have been promulgated the Council.

This Agreement may be amended only with the written approval of each Council Member who is then a party to it.

SIGNATURE

This agreement is to be signed on behalf of each member by the Mayor, City or Town Manager or Administrator, or Chairman of the Board of Selectmen having authority to enter into such an agreement and the Chief of Police.

The original of this document will be retained in the files of the President. Copies of this document will be maintained in the files of each member department.

Angus Jennings, Town Manager
Duly authorized by 3-0 vote of Select Board on 8/7/23

Date

Michael Dwyer, Chief of Police

Date

Patrick Keefe
President
North Eastern Massachusetts Law Enforcement Council

Date



NORTHEASTERN MASSACHUSETTS LAW ENFORCEMENT COUNCIL
BY-LAWS

While this document may contain the use of male gender pronouns, it is NEMLEC’s intent to remain gender neutral and that he may be substituted with she at any time.

ARTICLE I--Name

The name of this council is the Northeastern Massachusetts Law Enforcement Council, Inc. (hereinafter referred to as “NEMLEC” or “the Council”).

ARTICLE II--Mission

The mission of the organization is as follows:

The Northeastern Massachusetts Law Enforcement Council is committed to providing the highest quality of support and supplemental public safety services to its police chiefs through a regional partnership of member communities.

NEMLEC provides mutual law enforcement assistance and logistical support to its member agencies because of terrorist threats or actions, enemy action, natural disaster, unusual occurrence, including but not limited to fire, flood, storm, earthquake, landslide, aircraft accident, search and rescue operations, other natural or man-made disasters requiring exceptional police action, riot, mob action, civil disturbance, demonstration, urban insurgency or any situation threatening the peace and tranquility of the requesting party’s jurisdiction or which may be beyond the resources or capabilities of the member agency. In addition, the mission of this organization is to provide for a system of receipt and dissemination of information, data and directive pertaining to the law enforcement services between local, state and federal law enforcement agencies.

ARTICLE III—Membership Provisions

Section 1. *Member Agencies.*

NEMLEC may be comprised of accepted municipal police departments located in selected counties within the Commonwealth of Massachusetts, known as member agencies. Each member agency will be afforded full voting rights and shall have one vote regardless of size. Police departments from the counties of Middlesex and Essex, and three designated municipalities, Chelsea, Revere, Winthrop, are eligible to apply for full membership.

Section 2. *Associate Member Agencies.*

NEMLEC shall also be comprised of other law enforcement and/or criminal justice agencies, known as associate members. An associate member shall enjoy all of the benefits of NEMLEC and shall contribute its input, expertise, and resources when requested. Associate members shall not be considered for purposes of establishing a quorum, shall have no right to vote, and shall not be present or participate in any executive session called by the Council. Other law enforcement and/or criminal justice agencies from the counties of Middlesex and Essex, and three designated municipalities, Chelsea, Revere and Winthrop, are eligible to apply for associate membership.

Section 3. Written applications for membership shall be submitted to the Council through its Executive Board. Each application shall be referred to the Membership Committee, who shall make a recommendation to the Council. The membership committee is composed of the Second Vice President (Chair) and the members of the Standards Committee.

Section 4. As a precondition to membership in NEMLEC after January 1, 2004, a municipal member's city or town government must have either (i) accepted the provisions of Chapter 40, §8G of the General Laws, or (ii) opted in to the Statewide public safety mutual aid agreement in accordance with Chapter 40, Section 4J. The municipal member agency's city or town clerk must provide an attestation of acceptance to said provisions or a copy of the opt in letter prior to approval of membership by NEMLEC. A municipal agency whose membership in the Council commenced prior to January 1, 2004, and whose city or town has not yet accepted the provisions of Chapter 40, §8G, shall take all steps necessary to secure the acceptance of Chapter 40, §8G as soon as is reasonably possible. In the event any member agency city or town declines to accept Chapter 40, §8G or otherwise refuses to execute the Mutual Aid Agreement pursuant to Section 4 of this Article, the member agency shall execute a written mutual aid agreement with each member agency.

Section 5. As a precondition to membership in NEMLEC, a municipal member agency must execute a Mutual Aid Agreement of the Council with the Executive Board. The chief executive officer of the municipal member agency will be the signatory on behalf of the municipal member agency.

Section 6. As a condition of membership in NEMLEC, each member agency shall enroll in the process to become accredited by the Massachusetts Police Accreditation Commission, or other applicable accreditation body, and remain compliant with accreditation standards and requirements.

Section 7. NEMLEC's fiscal year shall begin on July 1st and end on June 30th each year.

Section 8. All member agencies agree to pay the annual dues that will be assessed each year by the Executive Board after demand is made. Any member agency may be suspended for non-payment of dues for a period of four months from the due date, at the end of which time membership may thereupon cease, at the discretion of the Council pursuant to the provisions of Section 11 of this Article.

Section 9. All member agencies agree to commit a portion of their resources as described herein in Article V.

Section 10. Membership in the Council shall continue during the life of NEMLEC, provided that dues and assessments are regularly paid, and members comply with the membership requirements as set forth herein. Any member community may withdraw from this agreement and participation in the Council by providing 90 days written notice to the President of such withdrawal.

Section 11. Membership may be terminated only by a concurring vote of two-thirds of all members of the Council present and voting. Such termination shall not be declared until the member agency has been given full opportunity to be heard by the Executive Board in accordance with the rules of procedure adopted by it. Refer to the Membership Obligations and Accountability Standards for hearing procedures (Section 4. Alternatives). No chief executive officer representing a member agency that has lodged a complaint against the member agency under review shall be qualified to vote.

Section 12. Upon request, member agencies will be required to show proof of police liability insurance coverage. In the event a community is self-insured, the member shall produce a letter attesting to that fact. In all other cases a certificate of insurance must be submitted within a reasonable time upon request.

ARTICLE IV—Voting, Representation, Officer Duties and Management

Section 1. The Council shall be governed by an Executive Board, which shall consist of the following officers: a President, a First Vice President, a Second Vice President, a Secretary/Clerk, a Treasurer, a Member -at- Large, and the Past President. At least four members of the Executive Board shall constitute a quorum for an executive board meeting. Notwithstanding the provisions of this article, in the event of an emergency the President may take any and all actions necessary after seeking the advice and consent of at least one other member of the Executive Board.

Section 2. Beginning with the monthly Council meeting that is to be held in November, 2020 the officers for First Vice President and Second Vice President shall be elected to a two-year term of office by a majority of the votes of the membership either in person or by proxy. The remaining positions of Secretary, Treasurer and Member-At-Large shall be elected the following year by the same means so that the positions on the E-Board shall be staggered. The elected officers' terms shall take effect on January 1st following the election. Officers may be reelected at the time when their term of office is due to expire. ¹

Section 3. In addition to the duties of the President as set forth within this section, the President shall preside at all meetings and shall have general management of the affairs of the

¹ A motion to amend Section 2 was passed at the September 2020 monthly membership meeting to allow for the staggering of E-Board positions, more specifically the positions of 1st & 2nd Vice Presidents.

Council and shall perform all duties incidental to his office. The President is responsible for carrying out the following activities:

- a. Coordinate continued long and short-range planning for the development and growth of the Council
- b. Coordinate, integrate, and implement law enforcement planning and activities of the Mutual Aid Agreements that have been entered into by Council members
- c. Carry out, individually or through designating personnel as appropriate, the purposes and objectives of the Council
- d. The President is the residing chair of the Executive Board and presides over and facilitates monthly membership meetings.
- e. The President provides overall direction for the organization
- f. The President is responsible for the implementation of the Strategic Plan

Section 4. The First Vice President shall, in the absence or incapacity of the President, perform the duties of that office. The First Vice President shall oversee all operational units of NEMLEC and shall oversee and coordinate all Control Chiefs. The First Vice President shall act as a liaison between the Control Chiefs and the membership. The First Vice President is responsible for carrying out the following activities:

- a. The First Vice President shall, in the absence or incapacity of the President, perform the duties of that office
- b. To support the President in administration his position.
- c. The First Vice President oversees the activity of all operational units

Section 5. The Second Vice President shall oversee all administrative components and standing committees of NEMLEC. The Second Vice President shall serve as the standing chair of the Membership Committee and shall oversee a biennial audit of the membership commitment provided by each member department. The Second Vice President is responsible for carrying out the following activities:

- a. Establish and sustain sound administrative practices and standards utilizing the following management tools and resources: membership participation, policy and procedures, professional development and technology.
- b. Oversees the activities of all NEMLEC committees: Technology, Membership, Standards, and Professional Development
- c. Serves as Chair of the Membership Committee, evaluating and making recommendation regarding suitability of candidate departments for membership.
- d. Oversees biennial audit of the membership commitment provided by each member department.

Section 6. The Secretary/Clerk shall keep the minutes or cause a complete and accurate copy of the minutes to be kept and maintained of all Council meetings and Executive Board meetings. The Secretary/Clerk shall provide minutes of each Council meeting from the prior month to the membership in advance of each monthly meeting and shall provide notice of all meetings of the Council and for Strategic Planning meetings in accordance with Article IV of these bylaws. The Secretary/Clerk shall serve as the Keeper of Records for NEMLEC and shall be

responsible for the collection and maintenance of all NEMLEC documents and records. The Secretary/Clerk shall assist the Treasurer with collection and retention of documentation for consideration by the Finance Committee. The Secretary/Clerk is responsible for carrying out the following activities:

- a. The Secretary/Clerk shall keep the minutes or cause a complete and accurate copy of the minutes to be kept and maintained of all Council meetings and Executive Board meetings.
- b. The Secretary/Clerk shall provide minutes of each Council meeting from the prior month to the membership in advance of each monthly meeting and shall provide notice of all meetings of the Council and for Strategic Planning meetings in accordance with Article IV of these bylaws.
- c. The Secretary/Clerk shall serve as the Keeper of Records for NEMLEC and shall be responsible for the collection and maintenance of all NEMLEC documents and records.
- d. The Secretary/Clerk shall assist the Treasurer with collection and retention of documentation for consideration by the Finance Committee.
- e. The Secretary shall be one of two representatives from the Executive Board on the Finance Committee.

Section 7. The Treasurer shall be the chief financial officer of the corporation, shall oversee its financial affairs, books of account, accounting records and procedures. The Treasurer shall keep full and accurate records of all financial transactions. The Treasurer shall be responsible for overseeing all reports and filings required by the Commonwealth of Massachusetts, the Internal Revenue Service and any other governmental agency. The Treasurer shall serve as the standing chair of the Finance Committee and oversee its activities. The Treasurer shall provide the membership with a written financial report at least once annually. The Treasurer is responsible for carrying out the following activities:

- a. prepares annual budgets and financial reports
- b. manages bank accounts and daily operating expenditures
- c. approves all purchases per policy, executing Purchase Orders, paying of all financial bills and obligations of the organization, and communicating with vendors
- d. ensures all contracts with financial obligations are current
- e. manages and invests all Council funds ensuring that all mandated documents to Federal and Local entities are complete
- f. ensures all financial matters are communicated in a timely manner to the Executive Board and Members.

Section 8. A Member-at-Large serves the board's strategic needs as determined by the president at any given time. Members-at-large may have various responsibilities and projects, short or long term during their elected two-year term. A member-at-large is a full voting member of the Executive Board.

Section 9. The Past President shall serve as a liaison to law enforcement councils and other agencies as directed by the President. The Past President shall also serve as the coordinator and liaison for legislative initiatives relating to public safety issues and shall serve as standing

chair of the By-Law Review Committee. The Past President is responsible for carrying out the following activities:

- a. Provides guidance and historical context to the sitting President, as requested by the President
- b. Carries out the objectives of the Strategic Plan as directed by the President and/or E-Board
- c. Perform duties as assigned by the President
- d. Acts as Liaison for Legislative Affairs for the Council, meeting with government and other officials as needed to further the agenda and goals of the Council, if/as assigned

Section 10. Members of the Council shall meet on the second Wednesday of every month. At the request of the President or the Executive Board, the President may call a special meeting or conference call of the Council upon due notice given to each member. Due notice shall mean two weeks or, if not practical, as soon as possible, via email to all members. Such notice shall be sent to the chief executive officer of each member agency. At least 50% of the Council shall constitute a quorum for a special or general meeting. Conference call or electronic voting may be allowed. No other business shall be transacted at such special meetings, other than that stated in the notice, unless there is unanimous consent from all members who are present to do so. The Council shall maintain complete and accurate minutes of all its meetings and those shall be kept under the control of the Secretary.

Section 11. Vacancies in any offices shall be filled for the unexpired term by a majority vote of the Council at any special meeting called for that purpose or at any regular meeting within ninety (90) days.

Section 12. The Council shall meet on the second Wednesday of each month, or whenever called together by the President, upon due notice given to each member of the Council. The E-Board reserves the right at the June membership meeting to cancel the July meeting pending there is no new business requiring action.

Section 13. The Executive Board shall have the authority to make decisions affecting the council, excluding the election of officers and decisions involving membership in NEMLEC. The Board may add, delete or change the by-laws at any time with the consent of a majority of the Council membership present and voting. The Board shall adopt such rules and regulations for the conduct of its meetings and management of the affairs of the Council, as they may deem proper. This section shall not supersede or modify decision-making authority codified elsewhere within the by-laws or policies.

Section 14. The Executive Board shall have the authority to raise revenue in the form of dues, fees, grants or other means as well as expending such funds for the best interest of the Council.

Section 15. The Executive Board shall have the authority to hire or retain such individuals or groups whose expertise will benefit the Council.

Section 16. The Executive Board by meetings, mail, email or by other means will make efforts to update members on the Council's operations on a regular basis.

Section 17. The Executive Board shall authorize the organization of committees and appointment of committee chairpersons.

Section 18. The committee chair, or their designee, of each Council committee shall report committee activities monthly to the Council.

Section 19. The Executive Board shall maintain complete and accurate minutes of all of its meetings and said minutes shall be maintained in the office of the Council.

Section 20. The Executive Board shall have the following responsibilities in addition to its other duties:

- a. Study and attempt to resolve by appropriate action any disputes involving the Council.
- b. Make findings and recommendations to the member agencies hereto for appropriate action to be taken to implement or carry out operational aspects of the Council.
- c. Ensure that lists of special law enforcement equipment, specially trained personnel and all law enforcement personnel and equipment or other resources are maintained and stored at the offices of the Council.
- d. Inform the chief executive officers of the member agencies and their designees regarding any changes with respect to the affairs of the Council.
- e. Foster working relationships or partnerships with those elected and/or appointed government officials, and other law enforcement agencies or regional groups to improve, enhance and/or facilitate the mission of the council.
- f. Facilitate the sharing of law enforcement information among Federal, State, City and Town law enforcement agencies and organizations.
- g. Plan and coordinate joint tactical training exercises as needed or appropriate with the Massachusetts State Police, Massachusetts National Guard, Massachusetts Emergency Management Agency, local and regional Fire, EMS, and/or Hazmat operations, other law enforcement councils, regional task forces, and other civil agencies to evaluate handling identifiable safety risks and hazards.
- h. Ensure that all future planning establishes a high priority on the continual improvement and enhancement of the Council for the benefit of its member agencies and its mission.

- i. Maintain liaison with any of the State's or regional task forces that have been established to promote greater protections of the member agencies' communities, to ensure participation and implementation of improvement programs developed as part of any state or regional law enforcement plans.
- j. Establish policy for future regional law enforcement and public safety efforts.

ARTICLE V—Resource Commitments

Section 1. Each member agency will commit ten percent (10%) of their agency's personnel resources to the Council's operations. This ten percent (10%) figure will be calculated by multiplying 10% of the agency's total number of **full-time** sworn personnel by eight hours on a monthly basis. (Example: Law Enforcement Agency A has twenty-six (26) sworn officers. Multiply $26 \times .10 = 2.6$; then multiply $2.6 \times 8 = 20.8$; rounded off, the agency would contribute 21 hours of staff hours per month.) Those staff hours may be contributed in any combination of personnel and hours committed during the course of the month. Member agencies assign personnel to NEMLEC position in units, committees or groups, which have values assigned to them. Personnel who meet the required commitment standards (as codified in Membership Accountability Policy) automatically receive that value/credit for their agency. For Example: An agency may assign two personnel to RRT (value = 8 hours per person) and one to STARS (8 hours). That agency receives 24 hours credit each month towards their commitment.

Section 2. The Executive Board may change the method of calculating the percentage of personnel commitment at any time, based upon a demonstrated need to do so.

Section 3. Nothing will preclude a member agency from contributing additional resources than what has been established as the minimum level of commitment.

ARTICLE VI—Organizational and Operational Structure

Section 1. The Council will be comprised of organizational components including operational units and committees that will be charged with carrying out specific functions and activities that are designed to (1) augment the resources of its member agencies, (2) assist them in meeting their operational needs, and (3) guide and direct the Council's operations and activities.

Section 2. All operational units shall be under the direct command and oversight of a Control Chief. Nothing within these by-laws precludes any operational unit from having Assistant Control Chiefs assigned in carrying out the command and oversight of an operational unit. The members of the Executive Board shall select the Control Chiefs.

Section 3. All operational units shall have at least one Officer-In-Charge (OIC) designated to provide direct supervision and direction to the members who have been assigned to the unit. An OIC shall be a qualified sworn law enforcement officer, who has been selected by the Control Chief or, in his/her absence, the Assistant Control Chief(s). The OIC's will report to their respective Control Chief(s).

- a. All OICs shall ensure that an annual equipment inventory is completed, and that a list of all unit assets is sent to the Council office.

Section 4. All operational units shall have at least one Executive Officer (XO) designated to provide administrative support to the members including the keeping of records and the tracking of personnel attendance for trainings and callouts. The XO shall report to the OIC.

- a. A copy of the attendance records shall be submitted to the Council office quarterly for review by the Standards Committee and, if needed, the Executive Board.
- b. Copies will also be made available for the individual member's employing agency.

Section 5. The Control Chief may designate other supervisory roles to members of the operational unit for which he has oversight for the purpose of carrying out specific functions associated with the operational unit, and/or to provide a supportive role to the Unit Commander(s).

Section 6. Each operational unit is required to develop its own set of rules, policies and procedures, and operational guidelines that are unique to the mission of that particular unit and consistent of those standards and accepted law enforcement practices that have been established by the Executive Board. These guidelines shall be reviewed annually and updated if needed. All such written directives are to be approved by the Standards Committee as well as the Executive Board.

Section 7. Each operational unit is required to prepare an after-action report on their involvement in any activity. These after-action reports are to summarize the nature of the activity, the identity of the requesting party, if any, the activities performed by the members of the operational unit, the identity of the members of the operational unit who participated in the activity, and an overview of actions of the activity or outcome of the incident. This includes any recommendations or suggestions that may be appropriate toward future activities. These after-action reports are to be completed by the respective OIC, or his designee, and submitted to the Control Chief for review within seventy-two hours of the termination of the activity. The Control Chief will be responsible for providing copies of the after-action report to the Council office within ten days of the activity for distribution to members.

Section 8. No employee of a member agency may serve on any of the Council's operational units without the expressed permission of that individual's chief executive officer. All personnel being selected by his/her chief executive officer is subject to the successful completion of the application process that has been adopted by the particular operational unit. Qualifications for unit membership will be reviewed and approved by the Standards Committee prior to its implementation. Unit members are permitted to serve on no more than one unit at a time.

Section 9. Continued membership within an operational unit is subject to and contingent upon the approval of the respective operational unit Control Chief. That operational unit's Control Chief may remove members who do not abide by the standards of conduct, attendance, performance, and/or decorum that has been established for the particular operational unit, from

said unit. As part of each operational unit's written directive system, the standards of conduct, attendance, performance and decorum for the unit's members being assessed must be fully described. Any inappropriate behavior or failure to perform at the prescribed level may be considered sufficient grounds for immediate suspension or dismissal from an operational unit. In a situation where an individual is being removed from an operational unit, it is the responsibility of the Control Chief of that unit to notify the individual's chief executive officer and Executive Board of such suspension or removal.

Section 10. It is implicitly understood that all members of any operational unit will operate under the direct supervision of their unit's designated supervisory personnel and adhere to the chain of command that has been established for that operational unit. Failure to do so will be considered grounds for suspension or removal from the unit.

- a. Determine that adequate strength is maintained on the Regional Response Team, and any other operational components of the Council.
- b. Establish training requirements for the Regional Response Team, any regional investigative unit that may be formed under the auspices of the Council, and any other operational units that fall within the purview of the Council.

ARTICLE VII—Responsibilities of Member Agencies

Section 1. The chief executive officer of each member agency must promulgate his own protocols with respect to calling out any of NEMLEC's operational units. These protocols should identify the internal notification process that is to take place with respect to making the decision to call out the specific operational unit, who within the agency has the authority to make such a decision, and incorporate the operational unit's protocols to be followed when calling out the specific operational unit. The chief executive officer, or his designee, must exhaust his/her own resources prior to activating a NEMLEC Operational Unit.

Section 2. In situations where the chief executive officer or an authorized designee makes a request for the assistance of one of the Council's operational units, it is understood that the chief executive officer or his designated representative will oversee the unit's activities, and direct how the unit's resources are to be utilized. There will be a command structure in place within the operational unit, where the unit's commander will communicate directly with the individual who has been designated from the requesting agency as being in charge of the operation. It is therefore understood that the requesting agency will designate a representative who will coordinate and direct the activities of the responding operational unit, and provide such law enforcement assistance and logistical support as may be required utilizing incident command protocols.

Section 3. Each chief executive officer of a member agency agrees to abide by the conditions set forth within the Mutual Aid Agreement that has been executed by his community, in addition to the by-laws of this Council, its rules, policies and procedures, and operational guidelines including incident command protocols. Failure to comply with said written directives may require

corrective action in accordance with the NEMLEC Membership Obligations and Accountability Policy.

Section 4. Each agency's chief executive officer agrees to abide by the selection process established by the Executive Board in selecting a member of his/her agency to serve on an operational unit of the Council. The chief executive officer acknowledges that his/her personnel, while serving in their respective roles within the Council's operational units, shall be subject to the supervisory and command structure of that operational unit. The chief executive officer further acknowledges that he/she will abide by any decision made to suspend or remove a member of his/her agency from an operational unit as deemed to be appropriate and proper by the Executive Board. The chief executive also agrees to ensure all unit personnel agree to and will remain in compliance with the unit membership obligations, as codified in Addendum C of the Membership Obligations and Accountability Policy.

Section 5. Each chief executive officer agrees to bring any dispute or disagreement with the Council to the Executive Board for resolution of said dispute or disagreement. If the aggrieved chief executive officer is a member of the Executive Board, he/she further agrees to recuse himself from any Executive Board discussion and decisions while the Executive Board is resolving the dispute or disagreement. This does not preclude the aggrieved chief from providing testimonial evidence regarding the disagreement.

Section 6. Each chief executive officer agrees to establish protocols for those members of his agency who are members of one of the Council's operational units, whereby those members will first seek authority to respond on a call-out from their chief executive officer or his designated representative who has authority to grant such permission. This requirement has been established for two reasons: (1) ensure that members responding on a call-out situation has made someone from their own agency aware of the fact that they are responding on the call-out; and (2) to satisfy the requirements under Chapter 41, § 99 of the Massachusetts General Law with respect to exchanging the request and acceptance of mutual aid where the responding personnel will have the "same immunities and privileges as when acting within their respective cities and towns" while responding to another community.

Section 7. Each chief executive officer retains the right to deny permission for his members to respond on a call-out, if in his opinion such permission would create a hardship with respect to the operations of his own agency.

Section 8. It is understood that if there were any criminal complaints or allegations of misconduct lodged against a member of a responding operational unit in regard to the operation within the jurisdiction of the requesting agency, the requesting chief executive officer would be responsible for the investigation into the allegations of criminal involvement or misconduct. The requesting chief executive officer shall provide the findings to the Control Chief of the operational unit and the chief executive officer of the department to which the accused personnel belongs.

ARTICLE VIII---*Property and Equipment*

All property and equipment of NEMLEC shall be under the control, and at the disposal of, the Council. All property and equipment shall be included in the NEMLEC inventory and where possible, tagged with a NEMLEC inventory sticker.

ARTICLE IX---*Conduct of Meetings*

The meetings shall be conducted under the rules and procedures contained in Robert's Rules of Order Revised.

ARTICLE X---*Indemnification of Executive Board Members*

Any person made a party to any action, suit or proceeding by reason of the fact that he or she, his or her testator or interstate, is or was a member of the Executive Board of the Council shall be indemnified by the Council against judgments, including attorney's fees, actually and necessarily incurred as a result of such action or proceeding, or any appeal therein, if such person acted in good faith for a purpose which he or she reasonably believed to be in the best interests of the Council and, in criminal actions or proceedings, in addition, had no reasonable cause to believe that his or her conduct was unlawful. Such rights of indemnification shall not be deemed exclusive of any other rights to which members of the Executive Board may be entitled apart from this Article.

ARTICLE XI---*Dissolution*

The Council may be dissolved by the consent of two-thirds plus one of the members in good standing at a special meeting called for such purpose. All assets and liabilities of the organization shall be disposed of to active members in equal shares and pursuant to the vote of the Executive Board as affirmed by a majority of the members.

ARTICLE XII---*Amendments*

The By-laws of this Council may be amended by a majority vote of the members of the Council present and voting at any monthly meeting provided such notice of such amendment shall have been sent to all members of the Council by the Secretary, at the direction of the President, at least two weeks prior to such meeting.

These By-Laws as adopted shall supercede and replace any existing or previously adopted By-Laws.

These By-Laws are hereby adopted this 9th day of October, 2019.

From: Madeline Noonan <madeline@mcoaonline.com>
Sent: Wednesday, November 29, 2023 6:42 PM
To: COA <coa@wnewbury.org>
Subject: FY24 SIG FDP Notification

Dear Christine,

Thank you for taking the time and effort to submit your FY24 Field Demonstration Project SIG proposal for the **Senior Center Modernization** project area.

We had substantial interest this year, with requests totaling over \$2.1 million. We are pleased to inform you that your proposal has been approved for funding in the amount of **\$5,000**.

MCOA will be following up to issue your contract next week.

Thank you for your commitment and dedication to the older adults you serve in your community.

On behalf of the MCOA Review Committee Team,

Maddie



Madeline Noonan (pronouns: she/her/hers)
Assistant Director

Massachusetts Councils on Aging (MCOA)
116 Pleasant Street, Suite 306
Easthampton, MA 01027-2781

Cell: (413) 326-6479
madeline@mcoaonline.com

Town Manager Priorities / Workplan – remainder of 2023 – UPDATED DRAFT of 12/4/23

- 1) Finalize/close out FY23 Audit – COMPLETE
- 2) Project Fair & Forum (11/9 and 11/15) – COMPLETE
- 3) Update/circulate CIP; initiate CIC process – NEARLY COMPLETE; TO BE PRESENTED ON 12/4
- 4) Management training / professional development plan for 9 employees – UNDERWAY
- 5) New budgeting software (ClearGov)
 - a. Learn – MANY TRAININGS STILL NOT COMPLETED
 - b. Train others – NOT STARTED
- 6) FY24 budget
 - a. Budget message/policy direction – DRAFT BEFORE BOARD ON 12/4
 - b. Budget packet to DHs and BCC Chairs – DRAFT UNDERWAY
 - c. Prepare TM-led sections of budget – NOT STARTED
 - d. Re-tool DPW budget to reflect restructure – NOT STARTED
- 7) Budget/staffing plan for 2024 summer rec program – PENDING PARKS & REC COMM MTG
- 8) Middle Street Bridge financial plan – WORK ONGOING
- 9) Water financial plan – WORK ONGOING
- 10) Water draft MOU with Newburyport – WORK ONGOING
- 11) Close on purchase of Sawmill Brook property – CLOSING SCHEDULED FOR DEC 15
- 12) ARPA plan – SUMMARY COMPLETED IN NOVEMBER
- 13) Page School Conditions Assessment – WORK ONGOING
- 14) Staff (and personal) training re-use of GIS mobile stormwater app (MVPC) – COMPLETE
- 15) Goal-setting session with SB – NOT SCHEDULED; PROCESS ONGOING
- 16) Set FY24 tax rate – LOCAL PROCESS COMPLETE; MASSDOR REVIEW ONGOING
- 17) Personnel evaluations
 - a. Establish process and timeline – WORK ONGOING
 - b. Circulate to DHs (12) and supervising Boards (4) – NOT STARTED
 - c. Conduct evals and oversee/ensure others' conduct of evals – NOT STARTED
- 18) Finalize any job descriptions that remain in draft form – A LOT OF WORK REMAINS
- 19) Policy development
 - a. Remote work – DRAFT AWAITING TOWN MANAGER REVIEW/EDITS
 - b. Procurement; Procurement Conflict of Interest – DRAFT AWAITING TOWN MANAGER REVIEW/EDITS
 - c. Employee Reimbursement – DRAFT AWAITING TOWN MANAGER REVIEW/EDITS
- 20) Prepare for Union contract negotiations
 - a. Police – WORK ONGOING
 - b. Dispatch – WORK ONGOING
- 21) Coordinated project/priority list of open items with Greenbelt – DRAFT AWAITING TOWN MANAGER REVIEW/EDITS
- 22) Ash Street management plan – NOT STARTED; DUE LATE JANUARY
- 23) Attend 2-day conference (Nov 16-17, MA Muni Mgmt. Assn Fall Conference) – DID NOT ATTEND
- 24) Use 56.5 hrs of FY23 vacation time – TOOK PART OF ONE DAY OFF; ABOUT 50 HRS REMAIN

The following items were not on earlier (Nov 16) list but are now part of work plan:

- 25) Page School HVAC: secure funding; execute contract – WORK ONGOING

- 26) DPW Union contract – pursue amendments – WORK ONGOING
- 27) Hire new DPW Experienced Operator – OFFER LETTER AGREED; EXPECTED TO START DEC 19
- 28) Review draft scope/RFP for replacement of phone systems in Town Offices and Public Safety Complex – DRAFT AWAITING TOWN MANAGER REVIEW
- 29) Cont’d work on checklist for proposed new public trails – WORK ONGOING; MEETING TOMORROW
- 30) Send enforcement letter re houseboat moored on river – DRAFT COMPLETE; MEETING WITH CONSERVATION, HARBORMASTER, POLICE CHIEF UPCOMING TO FINALIZE AND SEND
- 31) Finalize Water Distribution Study – WORK ONGOING; HAD CALL WITH T&H ON DEC 1
- 32) Cont’d engagement with MVP River Road process – ONGOING
- 33) Ensure preparation of work scope to solicit pricing for design, permitting for Coffin Street culvert replacements – WORK DELEGATED; WILL RELY ON OVERSIGHT/COORDINATION TO COMPLETE
- 34) Finalize scope and execute contract with Horsley-Witten for amendments to Stormwater Bylaw and other Town Bylaws – WORK ONGOING
- 35) Pursue amended Ocean Meadow trail easement to reflect actual trail location – ONGOING; MEETING WITH CONSERVATION AGENT AND HOMEOWNERS ASSN PRESIDENT THIS WEEK
- 36) Hazard Mitigation Planning process – WORKSHOP SCHEDULED FOR TOMORROW
- 37) Work with B2Q and Facilities to calibrate schedule for Town Offices heating – MEETING SCHEDULED FOR TOMORROW

General contract submission confirmation

The following General Contract submission was successfully received.

**Planned date of publish is
11/29/2023**

Awarding Agency

Agency Name and Address:	Town of West Newbury Water Department, Town Clerk's Office, 381 Main Street, West Newbury, Massachusetts, 01985
Project Number:	
Estimated Cost:	2,233,350
Contractor Qualification:	Highway Division

Required for DCAMM contracts over \$150,000, Highway Division contracts over \$50,000. Add categories to the Project description below.

Contact Information

Name:	Steven Daunais - Tata & Howard, Inc.		
Phone:	508-925-7569	Fax	508-449-9400
Email Address:	sdaunais@tataandhoward.com Notify email address listed when final publish date assigned.		

Contract Information

Project:	The Work of this Contract generally consists of furnishing and installing approximately 7,400 linear feet of 8-inch diameter ductile iron water main in Church Street, from the intersection with Main Street to the intersection with Ferry Lane, and in Prospect Street, from the intersection with and Main Street to the intersection with Church Street including associated service connections, fittings, hydrants, valves, and appurtenances. Part of the work will take place withing the State Highway Layout owned and operated by the Massachusetts Department of Transportation (MassDOT) and is subject to the requirements in the MassDOT Highway Access Permit issued for the project.		
Plans/Specifications Available:	Thursday, 11/29/2023 - 12:00 pm, electronically through Tata & Howard, Inc. by contacting Steven Daunais at sdaunais@tataandhoward.com.		
General Bid Deadline*:	12/20/2023	Time	10:00 AM
Sub Bid Deadline:		Time	
Sub Bid Categories:			



Massachusetts Association of Conservation Commissions

protecting wetlands, open space and biological diversity through education and advocacy

November 21, 2023

Select Board
Town of West Newbury
381 Main Street
West Newbury, MA 01985

RECEIVED

NOV 28 2023

TOWN MANAGER
TOWN OF WEST NEWBURY

Dear Select Board:

I am very pleased to inform you that Michelle Green associated with the West Newbury Conservation Commission, successfully completed eight units of the Massachusetts Association of Conservation Commissions (MACC) Fundamentals for Massachusetts Conservation Commissioners training program, and has received a Certificate of Achievement for that accomplishment.

The Fundamentals program provides conservation commissioners and others with the basic knowledge and practical tools essential to carry out the many responsibilities of administering the Wetlands Protection Act and open space planning. Such training promotes sound, consistent fact-based decision-making and builds respect for conservation commission decisions. Each person who completes the course validates the wisdom of locally-based protection of wetlands and open space for current and future generations.

We congratulate Michelle for undertaking this training, as well as you and the West Newbury Conservation Commission for recognizing the value of training in commission work and supporting this important training for your commission. Enclosed is a media release announcing Michelle's achievement for forwarding to your local newspaper.

We believe participation in continuing education on wetland and open space issues is an essential aspect of the work of conservation commission members and staff. We hope you will encourage commissioners to participate and assure that the commission budget includes adequate funding for the modest training fees necessary for participation.

Sincerely,
Massachusetts Association of Conservation Commissions

Dorothy A. McGlincy

Executive Director
Email: dorothy.mcglincy@maccweb.org

Enclosure

cc: West Newbury Conservation Commission



Ea

Town of West Newbury

Select Board

selectboard@wnewbury.org

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

Appointed Boards, Commissions and Committees

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



Board, Commission, Committee Review

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

Name of BCC	Mill Pond Committee																														
Current Membership with Officers noted	<h3 style="margin: 0;">Committee Members</h3> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #1a3d4d; color: white;"> <th style="width: 50%;">Name</th> <th style="width: 20%;">Title</th> <th style="width: 30%;">Term</th> </tr> </thead> <tbody> <tr> <td>Matthew Shwom</td> <td>Chairperson</td> <td>7/1/22 to 6/30/25</td> </tr> <tr> <td>Deborah R. Hamilton</td> <td>Secretary</td> <td>7/1/22 to 6/30/25</td> </tr> <tr> <td>Zip Corning</td> <td></td> <td>7/1/23 to 6/30/26</td> </tr> <tr> <td>Paul Delaney</td> <td></td> <td>7/1/23 to 6/30/24</td> </tr> <tr> <td>Robin Pendergast</td> <td></td> <td>7/1/22 to 6/30/24</td> </tr> <tr> <td>Jennifer Costain</td> <td></td> <td>7/1/23 to 6/30/26</td> </tr> <tr> <td>Jason Goldweber</td> <td></td> <td>to 6/30/24</td> </tr> <tr> <td>Associate Member Vacant</td> <td></td> <td>to 6/30/24</td> </tr> <tr> <td>Associate Member Vacant</td> <td></td> <td>to 6/30/24</td> </tr> </tbody> </table>	Name	Title	Term	Matthew Shwom	Chairperson	7/1/22 to 6/30/25	Deborah R. Hamilton	Secretary	7/1/22 to 6/30/25	Zip Corning		7/1/23 to 6/30/26	Paul Delaney		7/1/23 to 6/30/24	Robin Pendergast		7/1/22 to 6/30/24	Jennifer Costain		7/1/23 to 6/30/26	Jason Goldweber		to 6/30/24	Associate Member Vacant		to 6/30/24	Associate Member Vacant		to 6/30/24
Name	Title	Term																													
Matthew Shwom	Chairperson	7/1/22 to 6/30/25																													
Deborah R. Hamilton	Secretary	7/1/22 to 6/30/25																													
Zip Corning		7/1/23 to 6/30/26																													
Paul Delaney		7/1/23 to 6/30/24																													
Robin Pendergast		7/1/22 to 6/30/24																													
Jennifer Costain		7/1/23 to 6/30/26																													
Jason Goldweber		to 6/30/24																													
Associate Member Vacant		to 6/30/24																													
Associate Member Vacant		to 6/30/24																													
Length of Terms	above																														
Meeting Schedule	Meetings will be scheduled monthly with an expected schema of quarterly in-person meetings and the others held virtually																														
Location of Meetings	In-person meetings may be held at the Town Offices or at the Mill Pond recreation building. Virtual meetings will be conducted with the town's Zoom account or other town-sponsored virtual meeting tool.																														
Responsibility for Posting Meeting Agenda	The committee Secretary or Chair will work with the Town Clerk to upload committee documents																														
Responsibility for Taking Meeting Minutes	The committee secretary – currently Deb Hamilton																														
Responsibility for Updating Website	The committee Secretary or Chair will work with the Town Clerk to update the website																														
Town Staff Liaison/Support (if any)	Wendy Reid, Select Board																														
BCC Charge (Review attached excerpt from the 2023 BCC	<p>Bylaw Reference: Town Bylaws Title IV, §6</p> <p>Other Reference: Mill Pond / Pipestave Hill Management Plan</p> <p>Charge: [Adopted at the Special Town Meeting of October 22, 1991, approved by the Attorney General January 7, 1992, and posted according to law January 9,</p>																														



Board, Commission, Committee Review

<p>Charge document and note any differences with your objectives)</p>	<p>1992. This Bylaw replaces the vote previously adopted under Article 30 of the 1976 Annual Town Meeting] The Town hereby establishes a Mill Pond Committee to plan, coordinate and carry out all projects and general maintenance of the Mill Pond Recreation Area, including any buildings and structures thereon. Said committee shall be appointed by the Board of Selectmen and shall consist of seven voting members and five or more associate members. Each member shall be appointed for a one-year term which shall expire on June 15 of each year. [Second paragraph adopted at the Special Town Meeting of October 22, 2007, approved by the Attorney General on November 13, 2007 and posted according to law on December 5, 2007] Beginning with the June 2008 appointments the Board of Selectmen shall appoint two voting members each to a one year term to expire on June 15, 2009, two voting members each to a two year term to expire on June 15, 2010, and three voting members each to a term to expire on June 15, 2011; thereafter all voting members shall be appointed to three year terms to expire on June 15 of the applicable year. Associate members shall continue to be appointed for one year terms which shall expire on June 15 of each year. In the event of a vacancy caused by the resignation, removal or inability to serve of any voting or associate member, the Board of Selectmen shall appoint a voting or associate member, as the case may be, to serve the balance of any such term. West Newbury Bylaws Chapter IV, §6</p>
<p>Accomplishments since the last Evaluation</p>	<p>Recruited 2 new members and changed committee chair; cleaned the MP building; trail maintenance; signage; movie night 6/15/23; bee control; dike repairs; removed water chestnuts from pond; cross-country – equine and runners; implemented dog waste removal process</p>
<p>Priorities for the Next Year</p>	<p>Management Plan:</p> <ul style="list-style-type: none"> • Review Conservation Restriction with Greenbelt • Review and update The Management Plan <p>Activities and Events:</p> <ul style="list-style-type: none"> • Sponsor 4 seasonal family events • Open MP Lodge to skaters and sledders on winter Saturdays • Host 2nd Annual Canicross with ECTA MARCH 30 • Host Similar equine events as prior years • Invite other groups to partner on events <p>Pond and Trail Use/Management:</p> <ul style="list-style-type: none"> • Review trail proposals, connect trails with Sawmill Brook parcel • Complete new trail marking signage • Address invasive species • Repair a gravel section of trail from MP parking lot to the upper field • Implement an interim strategy to prevent parking along the pond edge
<p>Two Year Priorities</p>	<ul style="list-style-type: none"> • Edge the driveway along the Pond to avoid parking and erosion • All-access trail – will the project progress? • Update kiosks/make them more dynamic (e.g. QR codes for fundraising) • Eval green heating for the MP building



Board, Commission, Committee Review

Five Year Priorities	<ul style="list-style-type: none"> • Repair or replace dock • Upgrade section of all-access trail as warranted • Add/replace benches • Upgrade lower field parking lot • Address MP parking
How can the Select Board/Town Manager better support the work of this BCC?	<ul style="list-style-type: none"> • Active Select Board Liaison to facilitate communication and collaboration across committees and town departments (Wendy assigned) • Look for grants and other funding sources.. • Maximize use of Town assets, including project manager, events calendar
Are there other BCC whose work overlaps with yours?	<ul style="list-style-type: none"> • Open Space Committee • Conservation Commission • Tree Committee • Parks and Rec
Is there other input you wish to provide?	
Completed by	The Mill Pond Committee
Date	10/25/2023



Town of West Newbury Massachusetts

E.b.

Published on *Town of West Newbury MA* (<https://www.wnewbury.org>)

[Home](#) > Public Viewing of Drone Flight along the Merrimack River, part of MVP Action Grant supporting Resiliency Planning for River Road area

Public Viewing of Drone Flight along the Merrimack River, part of MVP Action Grant supporting Resiliency Planning for River Road area

Wednesday, December 6th at 11 am



Residents are welcome to come watch the Town's consulting staff (GEI) fly a drone to capture photos and videos of the banks of the Merrimack River. The drone footage will be used to document areas of erosion and bank instability as part of the River Road Vulnerability Assessment.

To watch the flight, please park at the trailhead parking at the eastern end of River Road and follow the trail towards the Indian River. GEI staff and members of the Town's [Climate Change Resiliency Committee](#) and Town staff will be on site to discuss the drone operation. The first flight location will be from nearby the Indian River Bridge beginning around 11 am on Wednesday, December 6th. From there, GEI staff will be headed west down River Road for additional drone flight locations throughout the day.

To learn more about this project, visit www.wnewbury.org/2023MVPGrant

If you have any questions or would like to learn more, email climate@wnewbury.org

Source URL: <https://www.wnewbury.org/home/news/public-viewing-drone-flight-along-merrimack-river-part-mvp-action-grant-supporting>

Green Community Information

Municipality: West Newbury

Baseline Fiscal Year: 2011

Criterion 1: As-of-Right Siting

Criterion 1 is met by a municipality passing zoning in designated locations for the as-of-right siting of renewable or alternative energy generating facilities, research and development facilities, or manufacturing facilities.

Type of as-of-right siting approval received: Solar PV

Have any significant changes been made to the zoning district(s) for which the community received Green Communities designation? Yes

Criterion 2: Expedited Permitting

Criterion 2 is met by a municipality adopting an expedited permitting process of one year at most, under which facilities interested in locating their facility in a designated renewable zone may be sited within the municipality.

Type of expedited permitting approval received: Local

Clean Energy Project Permitting

This table shows any changes made in FY2023 to clean energy projects on record that have been accepted for approval under the zoning for which the community received Green Community Designation.

Name	Type	Description	Status	Decision Date
{none}				

Criterion 3: Energy Use Baseline & Energy Use Reduction Plan

To demonstrate compliance with Criterion 3, municipalities must:

- Establish an energy use baseline inventory for municipal buildings and facilities (which can include schools, water, wastewater treatment plants and pumping stations, and open space), street and traffic lighting, and vehicles; and
- Adopt an Energy Reduction Plan (ERP) demonstrating a reduction of 20 percent of energy use after five years of implementation.

Community Baseline Year: **FY2011**

Energy Reduction Progress

Category	Baseline (FY2011)	FY2021	FY2022	FY2023
NULL				
Use (MMBTU)		5	7	7
%Diff from Baseline				
Building				
Use (MMBTU)	10,331	9,912	8,885	9,161
%Diff from Baseline		-4.05%	-14.00%	-11.33%
Open Space				
Use (MMBTU)	12	12	2	7
%Diff from Baseline		2.76%	-78.73%	-36.12%
Street/Traffic Lights				
Use (MMBTU)	147	143	142	144
%Diff from Baseline		-2.90%	-3.09%	-2.15%
Vehicle				
Use (MMBTU)	2,380	2,066	2,263	2,079
%Diff from Baseline		-13.18%	-4.92%	-12.64%
Water/Sewer				
Use (MMBTU)	541	676	700	664
%Diff from Baseline		24.98%	29.48%	22.90%
Adjustments				
Building Stock Changes	0	-552	-483	-524
Regional School Districts				
Totals	13,410	12,262	11,516	11,538
% Diff from Baseline		-8.6%	-14.1%	-14%

Energy Conservation Measures (ECMs)

Changes made to the community's ECM record for FY2023

Location	ECM Name	Status	Start Date	End Date
West Newbury GAR Memorial Library	Window Replacement	Active	12/2/2016	
GAR Memorial Library	EMS	Planned		
GAR Memorial Library	envelope upgrade - roof insulation	Planned		

Location	ECM Name	Status	Start Date	End Date
General town government Town Office Bldg	2nd/Final Phase of HVAC Control Upgrade	Planned	6/23/2023	
Town Office Bldg	2nd/Final Phase of HVAC Control Upgrade	Planned	6/1/2023	
Town Office Bldg	2nd/Final Phase of HVAC control upgrade	Planned	6/1/2022	
Town Office Bldg	Installation of two double-port EV Charging Stations	Active	11/20/2021	
Town Office Bldg	Upgrade of building HVAC controls from pneumatic to DDC-EMS.	Active	4/21/2021	
Town Office Bldg	2nd/Final Phase of HVAC control upgrade	Planned		
Town Office Bldg	EMS	Planned		
Town Office Bldg	HVAC equipment	Planned		
Town Office Bldg	envelope upgrade	Planned		
Public Safety	EMS	Planned		
Public Safety	HVAC thermostat and equipment upgrade	Planned		
Public Safety	destratification turbines	Planned		
Public Safety	envelope upgrade	Planned		
Police vehicles	Replacement of Police with Ford Hybrid Interceptor Utility AWD	Planned	6/1/2022	
Police vehicles	Purchase of Hybrid Ford Explorer Police Cruiser to replace standard ICE Police Cruiser	Active	12/20/2021	
Police vehicles	Replacement of Police with Ford Hybrid Interceptor Utility AWD	Complete		5/22/2023
School Department Page Elementary School	Installation of two double-port EV Charging Stations	Active	11/19/2021	
Page Elementary School	destratification turbines	Planned		
Page Elementary School	ECM motors in walk-in refrigerators	Planned		

Top 5 Buildings per Energy Use

In FY2023, municipal operations used 11,538 MMBtu of energy. The five buildings below accounted for 75% of the community's overall energy use.

Building Name	Energy Consumption MMBtu (% of overall energy use)
1. Page Elementary School	5,682 (49%)
2. Town Office Bldg	1,103 (10%)
3. Public Safety Complex	1,080 (9%)
4. GAR Memorial Library	404 (4%)
5. Town Hall	357 (3%)

Top 5 Buildings per Emissions

In FY2023, there were 803 MTCO_{2e} emitted from municipal operations. The five buildings below accounted for 75% of the community's overall emissions.

Building Name	Emissions MTCO _{2e} (% of overall emissions)
1. Page Elementary School	412 (51%)
2. Public Safety Complex	66 (8%)
3. Town Office Bldg	66 (8%)

Building Name	Emissions MTCO2e (% of overall emissions)
4. GAR Memorial Library	28 (4%)
5. Town Hall	26 (3%)

Top 5 Buildings per Energy Use Intensity (EUI)

Energy Use Intensity (EUI) is calculated by dividing the total energy consumed by the building in a year by the building's square footage. EUI is a measure of a building's energy efficiency – like miles per gallon for cars – and can be a good indicator of buildings needing efficiency upgrades.

Building Name	Size (Square Feet)	Energy Consumption MMBtu	EUI (kBtu per ft ²)
1. Garden St Fire Sta	1,200	90	75
2. Town Hall	6,000	357	59
3. Public Safety Complex	19,185	1,080	56
4. Town Office Bldg	20,477	1,103	54
5. GAR Memorial Library	8,069	404	50

Energy Narrative:

Note that while reviewing MEI data it was discovered that the electric utility meter for National Grid Account 9066102000 for the (Town Office Building) "Annex" has not been providing monthly readings since April 2022. NG has been notified and will rectify, but energy usage for the inoperative period will be estimated and back-billed to the Town.

The HVAC controls DDC EMS upgrade of the Town Office Building and Senior Center (a.k.a. SAGE Center) has been completed and the Town should begin to see benefit from that. There are several projects that the Town may consider over the next few years, including a comprehensive energy analysis (building envelope and energy consuming systems) of the greatest energy consuming buildings used for Town purposes (Town Office Building, Public Safety Complex, GAR Memorial Library - NOT Page School) and planning for net-zero GHG for those largest users of energy. A Page School Building Conditions Assessment is currently underway, and the Town will be making decisions on how to work with that structure going forward, with energy related systems a major consideration.

The Town has made and should continue to make significant progress on light-medium duty vehicle fuel efficiency improvement and conversion to EV. 3 of 5 police SUV cruisers are now hybrids and the Building & Grounds Dept. (part of DPW) recently (in FY2024) took delivery of an EV Ford Lightning E150 pick-up truck, replacing an ICE-powered Ford Ranger. Will be considering energy efficient/EV upgrades to other mid/light duty vehicles as they come up for replacement. There are not yet suitable alternatives for heavier duty vehicles.

Criterion 4: Fuel Efficient Vehicles

Fleet Changes for FY2023

Criterion 4 requires all departments within a Green Community to purchase fuel-efficient vehicles for municipal use, whenever such vehicles are commercially available and practicable.

Status	Model Year	Make	Model	Trim
Removed -	2007	Chevrolet	Silverado 2500HD Classic	

Has the municipality transferred any vehicles from one department to another? **No**

Criterion 5: Stretch Code Adoption

Criterion 5 requires that municipalities minimize the life-cycle cost of all newly constructed homes and buildings. DOER recommends communities do this by adopting the Stretch Code (225 CMR 22 and 23).

Is Stretch Code still in effect? **Yes**

Has the community adopted the Specialized Opt-in Stretch Code? **No**

How many occupancy permits were issued for new commercial construction over 100,000 sq.ft.? **0**

Stretch Code Narrative:

In conversation, West Newbury's Building Commissioner notes that the Stretch Code is now accepted, and that homeowners and builders generally understand the reason for its implementation without complaint.

Other Notes

Additional Measures Narrative:

Municipal aggregation: An October 2022 Town Meeting vote authorized the Select Board to investigate municipal aggregation of electricity supply for West Newbury residents. Aggregation allows the town to negotiate electricity supply agreements on behalf of residents as an alternative to the default National Grid basic service and to include optional supply mix(es) providing higher percentage(s) of renewable generation. With input from the Town's regional planning agency, Merrimack Valley Planning Commission, the Energy and Sustainability Committee (ESC) recommended hiring Colonial Power Group of Marlborough, MA as a consultant. The Select Board approved an agreement in June 2023. It will likely take 2+ years to work through the process, including both DOER's and DPU's reviews.

Solar Site Feasibility Study: The ESC developed a list of town-owned properties to be evaluated for potential solar project development. It contracted with B2Q Associates to evaluate the feasibility of solar projects at those sites. The study was in progress at the end of June. As of 12/1/23, the study has been received and reviewed, and ESC is in dialog with Power Options / Solect regarding two specific locations.

ESC members provided technical support to the Planning Board in drafting an updated bylaw on large ground mounted solar photovoltaic installations, increasing Zoning As-of-Right area to include any Lot that any portion of is located within one thousand (1,000) feet of necessary supportive infrastructure as mapped by the electric utility company servicing the town and so long as that Lot is not a High Conservation Value parcel defined as having 50% or more of the parcel identified as BioMap Core Habitat or Critical Natural Landscapes as mapped by MassWildlife and the Nature Conservancy at the time of application.

ESC members conducted initial discussions and research on a future project to purchase West Newbury streetlights from National Grid and convert them to LED lamps. Progress on the project is pending availability of Town personnel resources to competitively bid and procure the project.

The ESC is also considering residential energy usage in town, working on ways to engage with and further incentivize homeowners to improve/reduce their homes' energy systems and install additional RE, with the target of net-zero GHG for the community.

Renewable Energy Narrative:

For FY2023, DPW solar=4566 kWh, Main St. Solar=561,635 kWh, Total Town Consumption = 1,118,422 kWh, Page School Consumption = 488,100 kWh

Total RE % of total Town electricity consumption inclusive of Page School = 50.6%

Total RE % of total Town electricity consumption exclusive of Page School = 89.8%

Onsite RE Generation = ~ 0.8 %

(Virtually) Net Metered RE Generation = ~ 99.2%

None of this is through purchase of RECs.

The report must be signed by the community's Chief Executive Officer. The Chief Executive Officer is defined as the manager in any city having a manager and in any town having a city form of government, the mayor in any other city, and the board of selectmen in any other town unless some other officer or body is designated to perform the functions of a chief executive officer under the provisions of a local charter or laws having the force of a charter. Any signatures of designees will be considered an attestation that the signatory has been designated the designee by the municipality.

I confirm that I have reviewed this report and verify all information is true.

Angus Jennings

Print Name

Town Manager

Title



Signature

12/1/2023

Date

West Newbury Water Department Financial Plan

WORKING DRAFT of December 2, 2023

Angus Jennings, Town Manager

Charge: Create a long-range, comprehensive financial plan for the West Newbury Water Department, including participation by the Board of Water Commissioners.

Adopted as part of Article 5 of Annual Town Meeting conducted on April 24, 2023

Outline:

- I. Purpose, Scope and Time Horizon of Financial Plan
- II. Background / Statement of Challenges
 - a. Summarize key findings of Local Financial Impact Review entitled “Costs, Regulation, and Financing of Massachusetts Water Infrastructure: Implications for Municipal Budgets” issued by Office of the Massachusetts State Auditor, January 17, 2017, esp. as relates to West Newbury Water Department.
 - b. West Newbury water rates and typical household impact (comparative; cite to Appendices).
 - c. Absence of active Intermunicipal Agreement (IMA) with Newburyport, and resultant uncertainty regarding future water supply and costs.
 - d. New unfunded mandates (recent, i.e. expanded lead/copper testing; and proposed/anticipated, i.e. PFAS testing/treatment) and potential/projected impact on future operating costs.
 - e. New (committed) capital obligations not reflected in FY24 operating budget (i.e. Church/Prospect), incl. known/projected annual debt service.
 - f. Projected future capital needs necessary to maintain current infrastructure (i.e. main replacement plan, and other water capital needs unrelated to development of potential new water source), incl. estimated/potential annual debt service.
 - g. Potential costs to develop new local water source, incl. resultant annual debt service (est.).
 - h. Lack of opportunities for State or Federal funding to support capital needs.
 - i. Few programs.
 - ii. Eligibility restrictions on known programs (i.e. Drinking Water SRF).
 - i. Projected future balances, Water Stabilization Fund and Water Retained Earnings.
 - j. Projected impact on West Newbury water ratepayers (rates, per-household costs) if all known and projected capital costs are borne entirely by water enterprise fund revenues.
 - i. Projected annual revenue needs, FY25-28, Water Rate Study, August 2023 (DRAFT)
 - ii. Estimated potential annual revenue needs, FY29+ (somewhat qualitative, based on estimates of potential timing and costs associated with future water main

replacements, as well as contingency in event a new local water source is identified and developed).

- III. Legal context for West Newbury Water Department operations and financing
 - a. Ch. 38 of the Acts of 1936, An Act authorizing the town of West Newbury to supply itself and its inhabitants with water and validating action taken in relation to such water supply prior to such authorization.¹
 - b. Ch. 403 of the Acts of 1908, An Act relative to the water supply of the City of Newburyport.²
 - c. Ch. 97 of the Acts of 2017, An Act Establishing a Town Manager in the Town of West Newbury.³
 - d. West Newbury Town Bylaws, including:
 - i. Title XXXIII Public Water Supply Bylaw
 - ii. Title XXIII Water Use Restriction Bylaw
 - e. MassDOR Division of Local Services: Informational Guidance Release (IGR) No. 22-16, Enterprise Funds.
 - f. Relevant MassDEP Regulations (esp. as relates to new unfunded mandates, i.e. recently increased requirements re lead/copper testing, and associated impact on operating costs).
 - g. Former 1980 IMA with Newburyport (not in effect legally, but relevant as a reference as it continues to inform both communities' planning, incl. with MDEP, re water volumes).
- IV. Policy Options regarding future Water Dept. financial management
 - a. Revised Water rate structure and fees (incl. but not necessarily limited to: conservation rate, usage threshold and rate differential; tie-in fees / system development charges)
 - i. Note that mechanism to change some of financial structure may benefit from adoption of more robust local Water Bylaw and Regulations.
 - b. Potential for improved (wholesale) water rates, and improved stability of costs to purchase water, via new IMA with Newburyport (and/or Groveland?)
 - c. Opportunities for enhanced regional collaboration, incl. potential effects on operating and/or capital costs.
 - d. Opportunities (if any) to improve competitiveness for State and Federal funds.
 - e. Potential for General Fund to take on some responsibility for Water Dept. capital needs.
- V. Recommendations
- VI. Data Appendices (some of below to instead/also be incorporated into body of plan)
 - a. Water Fund Balance Trends, FY16-23
 - i. MassDOR Certified Retained Earnings
 - ii. Water Stabilization Fund Balances
 - iii. Water OPEB Stabilization Fund Balances

¹ <https://archive.org/details/actsresolvespass1936mass/page/38/mode/2up>

² <https://archive.org/details/actsresolvespass1908mass/page/348/mode/2up>

³ https://www.wnewbury.org/sites/g/files/vyhlf1436/f/uploads/chapter_97_of_the_acts_of_2017.pdf

- b. West Newbury Water Department Expense Budget History, FY15-24
 - i. including amount and percentage allocation to different budget categories (i.e. salary/wages, expenses, debt service, etc.)
 - ii. amount paid to Newburyport, FY18-23
- c. Water Revenues, Projected and Actual, FY12-23
- d. Water Usage Trends: Pumped, Purchased, Total, 1999-2022
- e. West Newbury Water Department Rate History, 1994-2023
- f. Estimated Annual Water Costs, Average Household, History (time span will depend on availability of avg. household water usage records from Water Dept).
- g. Comparative Regional Water Rates (most recent available)



Town of West Newbury
SLFRF - State and Local Fiscal Recovery Funds ARPA
Project Request Form

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

Date:	November 9th, 2023
Project Name:	Highway/Water Dept Garage Roof Replacement
Project ID: (accounting use only)	
Expense Category:	
Description of Project: (50-250 words)	Remove and replace asphalt shingles on approximately 7400 square feet of rounded roof at the Highway/Water dept garage. Project was originally expected to be completed in-house but now far exceeds the departments bandwidth.
Estimated Project cost	\$57,500 (\$85,000 total - \$27,500 funded by ATM Article)
Status of completion:	Ready to be put out to bid - Spring 2024 completion date
Which FY will these expenses occur:	FY24

Dept head approval/Date

Ben P. [Signature] 11-13-23

Select Board approval/Date

Accounting approval/Date

SCOPE OF WORK
ROOF REPLACEMENT OF THE HIGHWAY GARAGE
TOWN OF WEST NEWBURY

1.0 INTRODUCTION:

A. The Town of West Newbury is seeking one qualified Contractor to perform work of replacing a new roof at the Highway Garage located at 693 Main Street, West Newbury, MA 01985.

B. Estimated total quantity of the finished area(s) is 7400 square feet.

C. The Scope of Work consists of:

Roofing – Asphalt Shingles

1. Removal of existing roof down to roof deck
2. Furnish and install full ice and water shield at all roof sections
3. Furnish and install aluminum drip edge at perimeter
4. Furnish and install new architectural asphalt shingles (GAF Timberline or equivalent)
5. Nail all shingles

Trim – Rake and Fascia

1. Clad existing rear fascia board in new white aluminum

Dumpster

1. A dumpster will be delivered to the site for debris removal

2.0 GENERAL REQUIREMENTS:

A. The Contractor shall provide all necessary managerial, administrative, and direct labor personnel, and as well as all necessary transportation, equipment, tools, supplies, and materials required to perform the work.

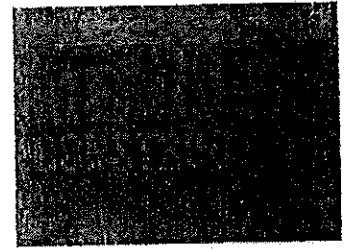
B. All materials and adhesives must comply with the Massachusetts State Building Code for Public Buildings.

C. The Contractor may meet on-site with the Facilities Manager to review the Scope of Work. Please contact Brian Richard, Facilities Manager, at 978-914-2546 or brichard@wnewbury.org to schedule an on-site meeting.

3.0 HOURS OF PERFORMANCE:

A. Normal business hours of the Department of Public Works is 7:00 A.M to 3:00 P.M Monday-Friday.

Meadows Construction Company LLC
4 New Pasture Road
Newburyport, MA 01950
Phone: 978.465.4735
Jared@MeadowsConstructionCompany.com



August 25, 2023

Brian Richard
693 Main St
West Newbury, MA
978.914.2546
brichard@wnewbury.org

Project Details

Roofing - Asphalt Shingles

- Remove existing roof down to roof deck.
- Furnish and install full ice and water shield at all roof sections.
- Furnish and install aluminum drip edge at perimeter.
- Furnish and install new architectural asphalt shingles. GAF Timberline or equivalent
- Hurricane nail all shingles.

APPLY ICE & WATER SHIELD GRACE
Trim - Rake and Fascia

- Clad existing rear fascia board in new white aluminum.

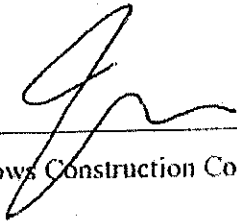
Dumpster

- A dumpster will be delivered to the site for debris removal.

Proposal Notes

Payment 1/3 down, 1/3 after 50% completion, balance due upon completion. Any rotted sheathing can be replaced at \$7 per square foot if needed. Not a prevailing wage job
Includes all labor, staging, dumpsters and material for quoted work.

Total Price: \$72,500.00


Meadows Construction Company LLC Signature / Date

8/25/23

Customer Signature / Date

Roofing Proposal

WM. TRAHANT JR. CONSTRUCTION, INC.
5TH GENERATION ROOFING
 PO BOX 350
 LYNN, MA 01905
 (781) 599-1211 • (781) 844-1069
 E-MAIL: TRAHANTROOFING1@GMAIL.COM

CSL #101220
 H.I. LIC. #178945

PROPOSAL SUBMITTED TO Town of West Newbury	PHONE 978 914 2546	DATE 8-28-2023
STREET 694 Main St	JOB NAME Brian	
CITY, STATE and ZIP CODE West Newbury 01985	E-MAIL B.Richard@WNewbury.ORG	

We hereby submit specifications and estimates for:

SHINGLE ROOF

Strip entire roof up to 2 layers

Reshingle/new construction

Replace any bad boards up to 100 linear feet

Install GAF Stormguard first **6** feet up roof

Install GAF Stormguard in all valleys and along dormers

Install secure grip synthetic underlayment on remainder of roof

Install eight inch drip edge White Black Brown Mill

Install ridge vent **TBD** Roof vents **TBD** **WARRANTY!**

Flash or re-flash chimney(s) Install new pipe flanges

Install GAF Timberline HDZ

Color choice

<input type="checkbox"/> Barkwood	<input type="checkbox"/> Hickory	<input type="checkbox"/> Patriot Red	<input type="checkbox"/> Slate
<input type="checkbox"/> Biscayne Blue	<input type="checkbox"/> Hunter Green	<input type="checkbox"/> Pewter Gray	<input type="checkbox"/> Weathered Wood
<input type="checkbox"/> Charcoal	<input type="checkbox"/> Mission Brown	<input type="checkbox"/> Shakeswood	<input type="checkbox"/> Williamsburg Slate
<input type="checkbox"/> Fox Hollow Gray	<input type="checkbox"/> Oyster Gray		

Other:

Clean up all debris

Labor and materials guaranteed 100% for five years

All shingle roofs are nailed by hand.

We hereby submit specifications and estimates for:

FLAT/RUBBER ROOF

Sweep entire roof clean Strip entire roof

Mechanically fasten down insulation board

1/2 Fiber 1 ISO 1/2 Rigid Custom

Install 060 Rubber Roofing on entire roof

Install metal flashing around perimeter of building

Flash chimney(s), pipe(s) and wall(s)

Edge caulk all seams

Install new copper center drain

Please call with any
Questions
781-844-1069
Ken

We Propose hereby to furnish material and labor — complete in accordance with above specifications, for the sum of:

Total Price (\$ **60,000.00**)

****PLEASE COVER ALL VALUABLES IN ATTIC AS DEBRIS MAY FALL THROUGH ROOF BOARDS; ALSO SOME LANDSCAPING MAY GET TRAMPLED.**

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

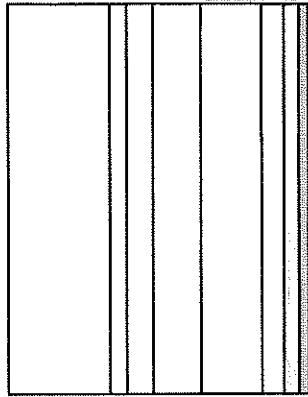
Authorized Signature 

Acceptance of Proposal — The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature _____

Date of Acceptance: _____
Please mail yellow copy to above address.

Signature _____



In this 3D model, facets appear as semi-transparent to reveal overhangs.

Building: 4

PREPARED FOR

Contact: Ken Richards
 Company: Trahant Roofing
 Address: 62 Sculpin Way
 Swampscott, MA 01907
 Phone: 7818441069

TABLE OF CONTENTS

Images	1
Length Diagram	4
Pitch Diagram	5
Area Diagram	6
Notes Diagram	7
Penetrations Diagram	8
Report Summary	9

MEASUREMENTS

Total Roof Area = 7,393 sq ft
 Total Roof Facets = 8
 Predominant Pitch = 5/12
 Number of Stories <= 1
 Total Ridges/Hips = 85 ft
 Total Valleys = 0 ft
 Total Rakes = 176 ft
 Total Eaves = 169 ft
 Total Penetrations = 1
 Total Penetrations Perimeter = 8 ft
 Total Penetrations Area = 4 sq ft

Measurements provided by www.eagleview.com



Certified Accurate

www.eagleview.com/Guarantee.aspx

IMAGES

The following aerial images show different angles of this structure for your reference.

Top View

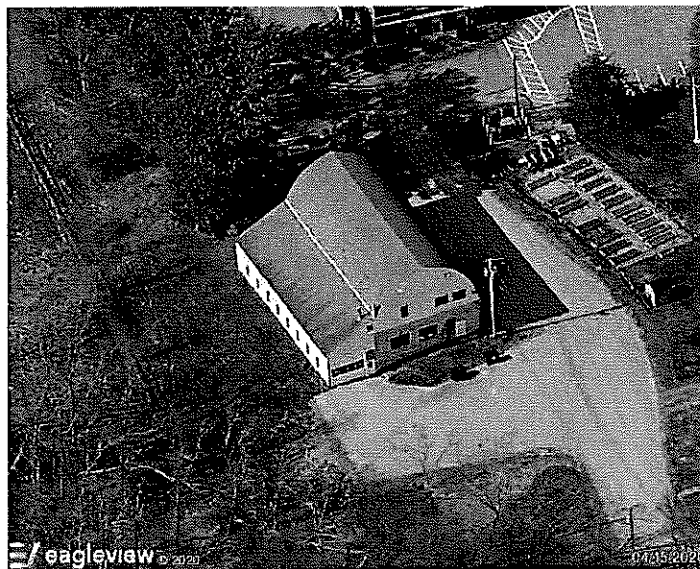


IMAGES

North Side



South Side



IMAGES

East Side



West Side

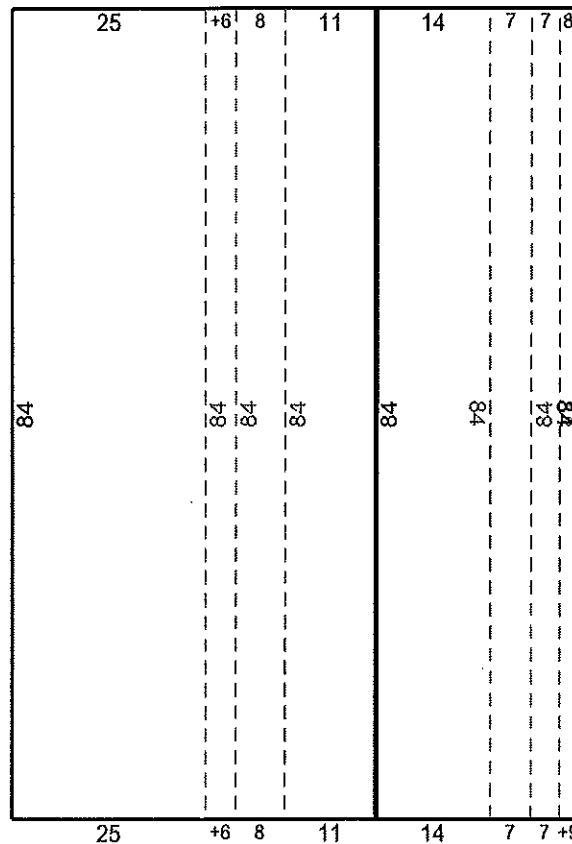


LENGTH DIAGRAM

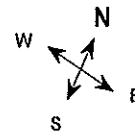
Total Line Lengths:
Ridges = 85 ft
 Hips = 0 ft

Valleys = 0 ft
 Rakes = 176 ft
 Eaves = 169 ft

Flashing = 0 ft
 Step flashing = 0 ft
Parapets = 0 ft



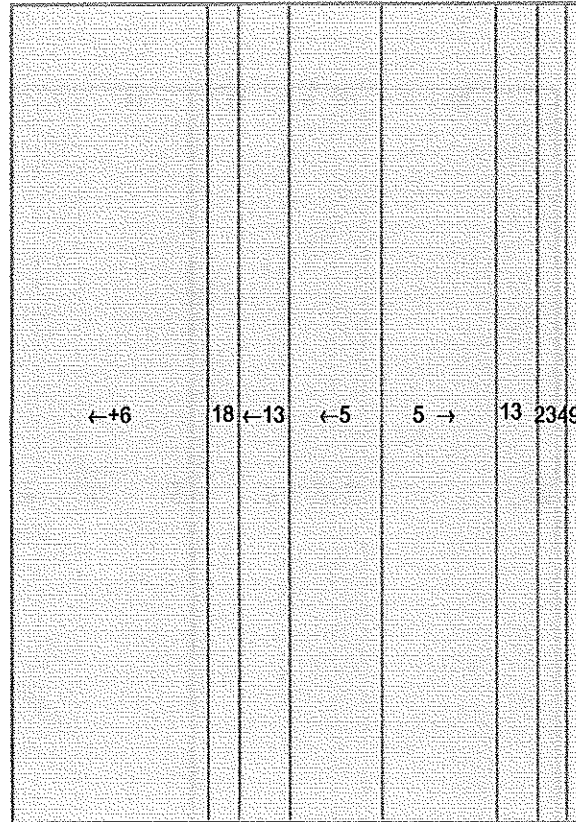
© 2023 Eagle View Technologies, Inc., All Rights Reserved.



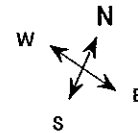
Note: This diagram contains segment lengths (rounded to the nearest whole number) over 5.0 Feet. In some cases, segment labels have been removed for readability. Plus signs preface some numbers to avoid confusion when rotated (e.g. +6 and +9).

PITCH DIAGRAM

Pitch values are shown in inches per foot, and arrows indicate slope direction. The predominant pitch on this roof is 5/12



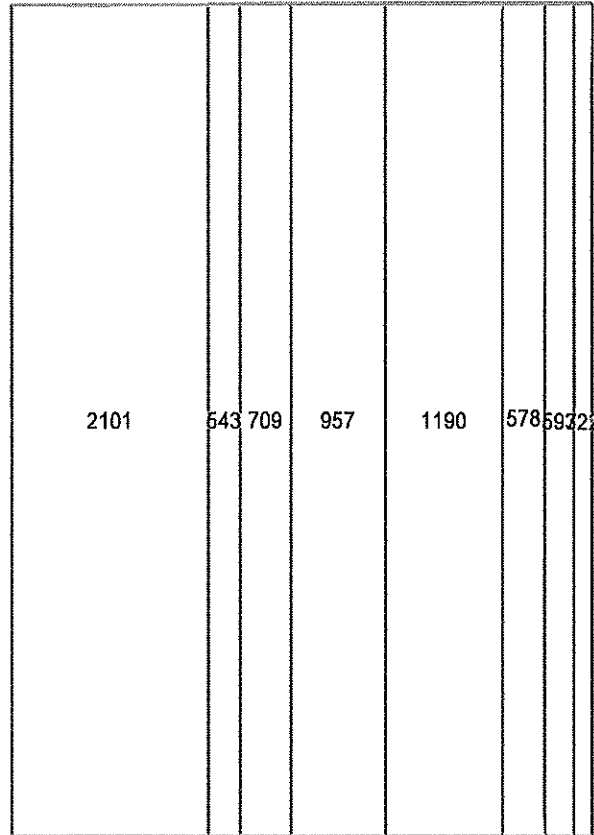
© 2023 Eagle View Technologies, Inc. All Rights Reserved.



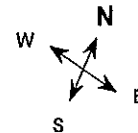
Note: This diagram contains labeled pitches for facet areas larger than 20.0 square feet. In some cases, pitch labels have been removed for readability. Blue shading indicates a pitch of 3/12 and greater.

AREA DIAGRAM

Total Area = 7,393 sq ft, with 8 facets.



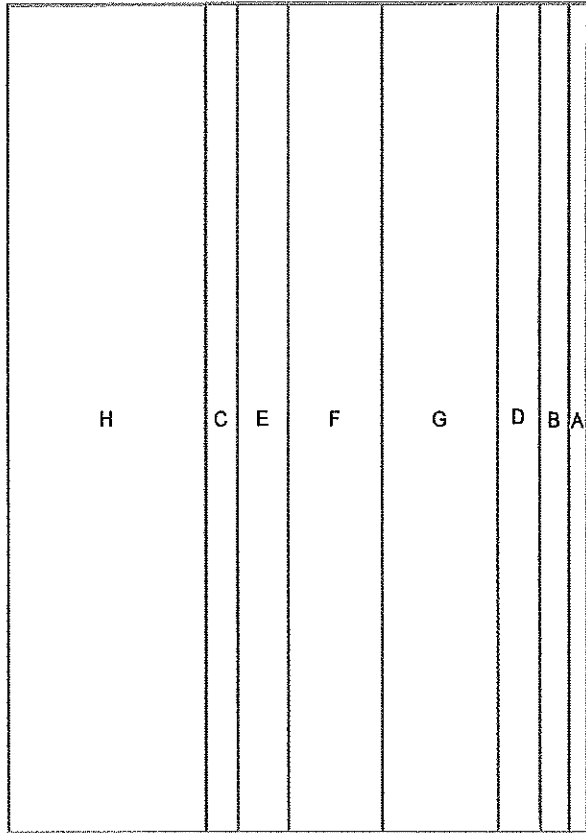
©2023 Eagle View Technologies, Inc.. All Rights Reserved.



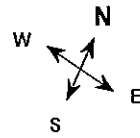
Note: This diagram shows the square feet of each roof facet (rounded to the nearest Foot). The total area in square feet, at the top of this page, is based on the non-rounded values of each roof facet (rounded to the nearest square foot after being totaled).

NOTES DIAGRAM

Roof facets are labeled from smallest to largest (A to Z) for easy reference.



©2023 Eagle View Technologies, Inc. All Rights Reserved



PENETRATIONS NOTES DIAGRAM

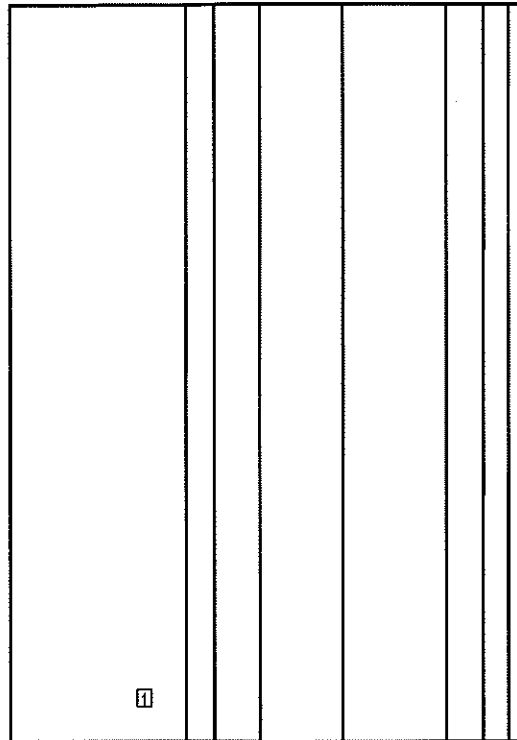
Penetrations are labeled from smallest to largest for easy reference.

Total Penetrations = 1

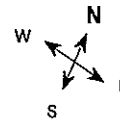
Total Penetrations Area = 4 sq ft

Total Penetrations Perimeter = 8 ft

Total Roof Area Less Penetrations = 7,389 sq ft



©2023 Eagle View Technologies, Inc., All Rights Reserved.



REPORT SUMMARY

All Structures

Areas per Pitch						
Roof Pitches	5/12	6/12	13/12	18/12	23/12	49/12
Area (sq ft)	2146.8	2100.6	1287.6	542.8	592.6	722.5
% of Roof	29%	28.4%	17.4%	7.3%	8%	9.8%

The table above lists each pitch on this roof and the total area and percent (both rounded) of the roof with that pitch.

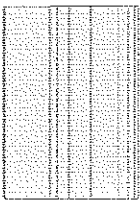
Waste Calculation Table							
Waste %	0%	10%	12%	15%	17%	20%	22%
Area (sq ft)	7,393	8132.3	8280.2	8502.0	8649.8	8871.6	9019.5
Squares	73.9	81.3	82.8	85.0	86.5	88.7	90.2

This table shows the total roof area and squares (rounded up to the nearest decimal) based upon different waste percentages. The waste factor is subject to the complexity of the roof, individual roofing techniques and your experience. Please consider this when calculating appropriate waste percentages. Note that only roof area is included in these waste calculations. Additional materials needed for ridge, hip, valley, and starter lengths are not included.

Penetrations									
	1								
Area (sq ft)	4								
Perimeter (ft)	8								

Any measured penetration smaller than 3.0x3.0 Feet may need field verification. Accuracy is not guaranteed. The total penetration area is not subtracted from the total roof area.

All Structures Totals



Total Roof Facets = 8
Total Penetrations = 1

Lengths, Areas and Pitches

Ridges = 85 ft (1 Ridges)
 Hips = 0 ft (0 Hips)
 Valleys = 0 ft (0 Valleys)
 Rakes[†] = 176 ft (16 Rakes)
 Eaves/Starter[‡] = 169 ft (2 Eaves)
 Drip Edge (Eaves + Rakes) = 345 ft (18 Lengths)
 Parapet Walls = 0 (0 Lengths)
 Flashing = 0 ft (0 Lengths)
 Step flashing = 0 ft (0 Lengths)
 Total Penetrations Area = 4 sq ft
 Total Roof Area Less Penetrations = 7,389 sq ft
 Total Penetrations Perimeter = 8 ft
 Predominant Pitch = 5/12
Total Area (All Pitches) = 7,393 sq ft

Property Location

Longitude = -70.9622163
 Latitude = 42.8080702

Notes

This was ordered as a commercial property. There were no changes to the structure in the past four years.

TRAHAWT ROOFING

\$ 60,000

† Rakes are defined as roof edges that are sloped (not level).
 ‡ Eaves are defined as roof edges that are not sloped and level.

This vote requires a two-thirds (2/3) majority approval to pass.

Rationale for Approval: *As our DPW director has noted, and our Capital Improvements Committee has discussed, the Page School has a long list of repairs and upgrades that have been previously estimated at \$3.3 million. However, there are actually many other issues have not been officially identified. This study is necessary to address the overall needs of the Page School and get an estimated cost to remedy those needs.*

Both Article #14 and Article #15 are intended to provide the Town with a more comprehensive cost of maintaining Page School. Once the Town has a realistic idea of the magnitude of the cost to repair and maintain the Page School, this information can be used to start a discussion pertaining to the future of Page School. In the recent past, a significant sum has been expended to upgrade some of the deficiencies of Page School. The information from these studies will be of great help for the Town to determine if we should continue with costly repairs to a failing structure or start planning for a new elementary school in West Newbury.

Funding source: *Capital Stabilization*

Sunset Date: *6/30/24*

ARTICLE 16: *To see if the Town will vote to transfer from available funds the sum of \$27,500 to fund roof replacement at the former Highway Garage, located on Assessors parcel R23-23, at 694 Main Street, or take any other action related thereto. By request of the DPW Director.*

FinCom Recommendation:

Approve: 4-1-0

Select Board Recommendation:

Approve: 2-1-0

This vote requires a two-thirds (2/3) majority approval to pass.

Rationale for Approval: *The existing roof at the garage is over 30 years old and starting to fail. The DPW Director has advised that the roof supports and plywood backing is still in good condition, with minor repairs needed in a few places. As a result, it seems that the roof only needs shingle removal and replacement, minor trim work, and gutter replacement. This work would extend the useful life of this building, which is in active use by both the Water Department and the Buildings & Grounds division of the DPW.*

Funding source: *Capital Stabilization*

Sunset Date: *6/30/24*

ARTICLE 17: *To see if the Town will vote to transfer from available funds the sum of \$35,900 to fund the Department of Public Works (DPW) work station relocation from the Highway Divisions Garage, located on Assessors parcel R22-3, located at 693 Main Street to the former Highway Garage, located on Assessors parcel R23-23, at 694 Main Street, or take any other action related thereto. By request of the DPW Director.*

FinCom Recommendation:

Approve: 4-1-0

Select Board Recommendation:

Approve: 3-0-0

This vote requires a two-thirds (2/3) majority approval to pass.

Property Survey/Inventory, with any remaining funds to be closed out to the general account fund balance at the close of Fiscal Year 2023.

The motion was seconded by Select Board member David Archibald.

With there being no discussion, the Town Moderator called for a vote and declared that the Motion carried.

ARTICLE 14.

The Finance Committee recommended approval of this Article 5-0-0.

Select Board member Richard Parker moved that the Town vote to transfer from Free Cash the sum of \$25,000 to fund an evaluation/audit of the brick exterior/lintels of the Page School, with any remaining funds to be closed out to Free Cash at the close of Fiscal Year 2024.

The motion was seconded by Select Board member David Archibald.

With there being no discussion, the Town Moderator called for a vote and declared that the Motion carried unanimously.

ARTICLE 15.

The Finance Committee recommended approval of this Article 5-0-0.

Select Board member Richard Parker moved that the Town vote to transfer from the Capital Stabilization Fund the sum of \$85,000 to fund a Structural Safety and Component Assessment Study for Page School, with any remaining funds to be closed out to the Capital Stabilization Fund at the close of Fiscal Year 2024.

The motion was seconded by Select Board member David Archibald.

The Town Moderator stated that, because this was a request for authorization of stabilization funding, passage of the article requires a 2/3 vote. With there being no discussion, the Town Moderator called for a vote and declared that the Motion carried unanimously.

ARTICLE 16.

The Finance Committee recommended approval of this Article 4-1-0.

Select Board member Richard Parker moved that the Town vote to transfer from the Capital Stabilization Fund the sum of \$27,500 for all costs and expenses pertaining to roof replacement at the former Highway Garage, with any remaining funds to be closed out to the Capital Stabilization Fund at the close of Fiscal Year 2024.

The motion was seconded by Select Board member Wendy Reed.

The Town Moderator stated that, because this was a request for authorization of stabilization funding, passage of the article requires a 2/3 vote. With there being no discussion, the Town Moderator called for a vote and declared that the Motion carried with a clear 2/3 majority with 1 person in opposition.

ARTICLE 17.

The Finance Committee recommended approval of this Article 4-1-0.

Select Board member Richard Parker moved that the Town vote to transfer from the Capital Stabilization Fund the sum of \$35,900 for all costs and expenses pertaining to the Department of Public Works (DPW) work station relocation from the Highway Divisions Garage, with any remaining funds to be closed out to the Capital Stabilization Fund at the close of Fiscal Year 2024.

The motion was seconded by Select Board member David Archibald.

The Town Moderator stated that, because this was a request for authorization of stabilization funding, passage of the article requires a 2/3 vote. With there being no discussion, the Town Moderator called for a vote and declared that the Motion carried unanimously.

ARTICLE 18.

The Finance Committee recommended approval of this Article 4-1-0.

Select Board member Richard Parker moved that the Town vote to transfer from the Capital Stabilization Fund the sum of \$65,000 for all costs and expenses pertaining to the replacement of the Town Offices telecommunications system, with any remaining funds to be closed out to the Capital Stabilization Fund at the close of Fiscal Year 2024.

The motion was seconded by Select Board member David Archibald.

The Town Moderator stated that, because this was a request for authorization of stabilization funding, passage of the article requires a 2/3 vote. With there being no discussion, the Town Moderator called for a vote and declared that the Motion carried with a clear 2/3 majority with 1 person in opposition.

ARTICLE 19.

The Finance Committee recommended approval of this Article 4-1-0.

Select Board member Richard Parker moved that the Town vote to transfer from the Capital Stabilization Fund the sum of \$56,000 for all costs and expenses pertaining to the replacement of a pickup truck for the Facilities Division of the Department of Public



F.c.

Town of West Newbury

Select Board FY '24 Budget Policy Direction

Approved December 5, 2022

To insure the growing and continued financial health of the Town of West Newbury, provide the public with confidence that Town officials respect their responsibility for fiscal stewardship and demonstrate to taxpayers and bond rating agencies that the Town has thoughtfully prepared for its future, the Select Board present to our employees, Boards, Commissions and Committees the following guidance in preparing the FY24 budget.

1. We propose a FY24 operating budget that will limit the overall increase in the expense budget to no more than 2.5%, not including any school budget increases including related to the Pentucket Middle/High School override. If, in order to meet this budgetary goal, the proposed budget includes any changes in organizational structure, employee head count, hours of operation and/or budgeted level of service, these changes should be specified.
2. We will carry out a clear, transparent public process for finance committee and public review of the proposed FY24 budget, taking into account information from taxpayers, town officials, department heads, Boards/ Commissions/ Committees, and residents.
3. We propose to recommend that Town Meeting continue to draw-down the balance in the School Stabilization fund in FY24 based on a multi-year plan to mitigate the taxpayer impact of the Middle/High School project.
4. We propose that updates and revisions to the Capital Improvement Program be presented by the Town Manager in accordance with the timeline requirements in the Capital Improvements Committee Bylaw. We propose that the Capital Improvements Committee and the Town Manager evaluate whether an appropriation of \$500,000 from the operating budget into the Capital Stabilization Fund is an appropriate amount when taking into account FY24 and future years' anticipated capital funding needs.
5. We propose that the FY24 budget process identify which Town and/or Water capital project costs or other eligible expenses will be paid in full or in part through the Town's allocation of Federal American Rescue Plan Act (ARPA) funds, with a priority on one-time capital projects and related expenses.
6. We propose that the Town Manager and Department Heads both continue to consider, and expand consideration of, potential opportunities to regionalize some town services, if this can be achieved at cost savings while maintaining or enhancing current levels of service, including exploring potential opportunities that may not be ready for implementation in time for FY24.
7. We propose that Department Heads and Boards/Commissions/Committees review, for programs and services that generate fees, the existing fee structures, their comparability to other municipalities in the region, and the sufficiency of projected fee revenues to cover or suitably offset the underlying town operating costs for such fee-supported programs and services.
8. We propose that the FY24 budget should take into account the estimated impacts, if any, of any newly effective requirements imposed by statute, bylaw, regulation or policy, and should specify the estimated impact of any such newly effective requirements. These estimates should take into account the anticipated impacts of any new statute, bylaw, regulation or policy that is known to affect FY24 or is proposed to take effect during FY24.
9. We propose that, for each section of the proposed budget, the proposed budget specify the individual(s) or the Board/Commission/Committee that will have authority to expend the budgeted funds.

Approved by the Select Board
December 5, 2022



Town of West Newbury

Select Board FY '25 Budget Policy Direction

Review Draft December 4, 2023

To insure the growing and continued financial health of the Town of West Newbury, provide the public with confidence that Town officials respect their responsibility for fiscal stewardship and demonstrate to taxpayers and bond rating agencies that the Town has thoughtfully prepared for its future, the Select Board present to our employees, Boards, Commissions and Committees the following guidance in preparing the FY25 budget.

1. We propose a FY25 operating budget that will limit the overall increase in the expense budget to no more than __%, not including any school budget increases including related to the Pentucket Middle/High School override. If, in order to meet this budgetary goal, the proposed budget includes any changes in organizational structure, employee head count, hours of operation and/or budgeted level of service, these changes should be specified.
2. We will carry out a clear, transparent public process for finance committee and public review of the proposed FY25 budget, taking into account information from taxpayers, town officials, department heads, Boards/ Commissions/ Committees, and residents. Budget preparation and presentation shall take advantage of the newly acquired grant-funded ClearGov budgeting platform.
3. We propose to recommend that Town Meeting continue to draw-down the balance in the School Stabilization fund in FY25 based on a multi-year plan to mitigate the taxpayer impact of the Middle/High School project.
- 3-4. We propose that the presentation of the FY25 operating budget include a section to illustrate post-FY25 operating budgets taking into account both known future costs (including but not limited to debt service based on Town borrowing, and borrowing for which the Town bears some responsibility, such as regarding Pentucket and Whittier Tech debt), and estimated/projected future costs. Estimates or projections of post-FY25 costs should clearly present the assumptions on which they are based.
- 4-5. We propose that updates and revisions to the Capital Improvement Program be presented by the Town Manager in accordance with the timeline requirements in the Capital Improvements Committee Bylaw. We propose that the Capital Improvements Committee and the Town Manager evaluate whether an appropriation of \$~~500~~600,000 from the operating budget into the Capital Stabilization Fund, as was incorporated in the current year FY24 operation budget, is an appropriate amount when taking into account FY25 and future years' anticipated capital funding needs.
- 5-6. We propose that the FY25 budget process identify which Town and/or Water capital project costs or other eligible expenses will be paid in full or in part through the Town's allocation of Federal American Rescue Plan Act (ARPA) funds, with a priority on one-time capital projects and related expenses.
7. We propose that the structure of the FY25 DPW operating budget be revised to reflect the reorganization of the department into separate divisions, as was undertaken during FY24, to ensure clarity in allocation of funds across the different divisions and departmental operating costs.
8. We propose that the amount of the FY25 Legal Services operating budget take into account what amount(s) of next year's projected legal expenses may reasonably be offset through payment from sources other than the operating budget (perhaps including but not necessarily limited to: Elliot Fund; Affordable Housing Trust; and Cable PEG funds).
9. We propose that the FY25 operating budget include a clear statement of what resources it would make available, if any, toward the oversight and maintenance of publicly accessible trails located on Town land and/or within publicly accessible easements. We further propose that the budget estimate what additional funding would be needed to significantly increase available resources toward these functions.

10. We propose that the FY25 operating budget account for projected costs associated with the anticipated execution of new Collective Bargaining Agreements (CBAs) with each of the Police and Dispatch Unions, both having CBAs set to expire at the end of the current FY24.

~~6-11.~~ We propose that the Town Manager and Department Heads both continue to consider, and expand consideration of, potential opportunities to regionalize some town services, if this can be achieved at cost savings while maintaining or enhancing current levels of service, including exploring potential opportunities that may not be ready for implementation in time for FY25.

~~7-12.~~ We propose that Department Heads and Boards/Commissions/Committees review, for programs and services that generate fees, the existing fee structures, their comparability to other municipalities in the region, and the sufficiency of projected fee revenues to cover or suitably offset the underlying town operating costs for such fee-supported programs and services.

~~8-13.~~ We propose that the FY25 budget should take into account the estimated impacts, if any, of any newly effective requirements imposed by statute, bylaw, regulation or policy, and should specify the estimated impact of any such newly effective requirements. These estimates should take into account the anticipated impacts of any new statute, bylaw, regulation or policy that is known to affect FY25 or is proposed to take effect during FY25.

~~9-14.~~ We propose that, for each section of the proposed budget, the proposed budget specify the individual(s) or the Board/Commission/Committee that will have authority to expend the budgeted funds.

Approved by the Select Board
December XX, 2023



Town of West Newbury

381 Main Street

West Newbury, Massachusetts 01985

Angus Jennings, Town Manager

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

townmanager@wnewbury.org

FY25 Budget Schedule – DRAFT

December 4	Select Board review/adopt FY25 Budget Policy Direction
December 4	Town Manager proposed FY25 Capital Improvements Program (CIP) presented to Select Board; CIP referred to Capital Improvements Committee
December 11	Budget Package sent to Dept. Heads, Town Officers, Boards, Commissions and Committees (B/C/Cs)
January 11 ¹	Requested FY25 Expense Budgets, and proposed FY25 Capital items, for all Dept. Heads or Town Officers due to Town Manager and Town Accountant
January 18 ²	Requested FY25 Expense Budgets, and proposed FY25 Capital items, for all B/C/Cs due to Town Manager and Town Accountant
January (various)	Review by Town Manager and Town Accountant, including budget working sessions. (Depts. and B/C/Cs will be contacted individually to schedule your reviews, if/as needed)
DATE TBD (?)	Joint meeting of all 3 Pentucket towns' Select Boards and Finance Committees to preview anticipated PRSD school budget
January 29	Town Meeting Warrant closes. <u>Article requests due to Select Board.</u>
February 5 (or Jan 29)	Town Manager proposed FY25 budget, with Town Manager budget message and proposed FY25 departmental and organizational structure, presented to Select Board.
February 5	Select Board referral of proposed FY25 budget to Finance Committee ³
February 8	Capital Improvements Committee meeting to review proposed Capital Program and FY25 projects. Capital Improvements Committee to schedule 1 or more add'l meetings in Feb. and/or March as needed.
Feb-March (DATES TBD)	Finance Committee meetings to review proposed budget. Departments and B/C/Cs will be notified regarding timing of meetings related to your section(s) of the budget.
DATE TBD	Pentucket School Committee to vote Regional School District Assessments
DATE TBD	Joint meeting of all 3 Pentucket towns' Select Boards and Finance Committees to review proposed PRSD school budget
March 18	Capital Improvements Committee report due to Select Board
DATE TBD	Finance Committee Referral of Proposed FY24 Budget to Town Meeting
BY April 15	Posting of Warrants (14 days prior)
BY April 15	Publication of Finance Committee booklet
April 29, 7pm	Annual and Special Town Meetings
May-June	Select Board approval of FY25 Wage/Salary Schedule

¹ If this date presents a problem for any department, please let Angus and Jenny know and we can work with you.

² This date is later than the due date for budgets prepared by Department Heads, to allow extra time for the B/C/Cs (i.e. Library Trustees, Board of Health, Planning Board, Conservation Commission) to prepare and review proposed budgets. If this timeline is not achievable for any specific B/C/C, please contact Angus and Jenny no later than January 11. (Note: the Water Commission's proposed budget typically comes in later in the cycle. As an enterprise budget, it does not affect the bottom-line operating budget, so could be received as late as Jan. 29th.)

³ Per the Town Manager Act Sec. 4(j): "The [select board] shall review the annual proposed budget prepared by the town manager and make changes as the [select board] deems advisable. The town manager shall present the budget which incorporates the changes of the [select board] to the finance committee and the town meeting." Therefore the budget as proposed to Finance Committee will reflect any changes as may be directed by the Board.



Town of West Newbury

Select Board

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

November 29, 2023

Maureen Lynch, Superintendent
 Whittier Regional Vocational Technical High School
 115 Amesbury Line Road
 Haverhill, MA 01830

RE: Whittier Regional Vocational Technical High School Building Project

Dear Superintendent Lynch,

We greatly appreciated you joining us for a special Select Board meeting on November 13, 2023 to review the Whittier School Building Project. We as a board fully support the role of vocational programming in the education of the young people of West Newbury and throughout our region. Although we were asked to sign onto a letter of opposition to this project and the voting approach prepared by other members of Whittier's region, we decided to share our comments and suggestions in a separate letter. Our hope is that we can offer constructive feedback on the project and its path forward so that it will gain the support of all regional members and ultimately be successful.

At the outset, we want to say that we do not think renovation of the building is a wise or cost-efficient option. We agree that the only logical choice is to construct a new building with updated equipment and facilities that will last well into the future. The fact that the MSBA will only provide funding for a new building, thereby reducing the cost to region members, is evidence that renovation is not a desirable choice.

We therefore understand the decision to take advantage of the option for a majority rule regional vote. Given the relatively small proportion of students attending Whittier in many of the region towns, the project is unlikely to pass if individual town votes are taken. The consequence of this choice must also be understood, however. To communities that already feel that they have been blindsided by the cost of this project, having a regional vote makes it seem that their authority as a municipal entity is being undermined. In light of the public outcry over the cost of this project, it also remains a distinct possibility that even a regional vote may fail. That would force the option of rehabilitation, ending up costing taxpayers considerably more and resulting in an unsatisfactory facility for vocational programming. Given the urgency of a successful vote for this building project, it is imperative that a pause in the schedule as proposed occurs. We propose that a formal request be submitted to the MSBA asking for a

delay on their vote in order to allow Whittier time to provide the proper outreach and consideration of regional member concerns. If they are willing and able to consider this, the following could be accomplished without the building project having to start over in the MSBA process:

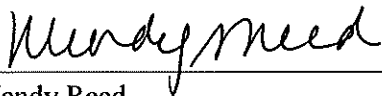
- Allowing regional members to add these costs to their five-year capital plans and educate voters about long term costs
- The opportunity for clarification about alternative design and site options to reduce costs
- Establishment of regular communication updates to municipal officials and their residents
- Identification of potential additional sources of funding
- Review and revision of the Whittier Regional Agreement by members

If the request for such a pause was successful, we envision a kickoff meeting with municipal officials from all member towns and cities. A list of questions would be provided to Whittier ahead of time so that specific and thoughtful answers could be provided at this meeting. It would be important to consider and be responsive to these questions as an opportunity to educate the voters and move the project forward efficiently. Municipal officials and taxpayers seem to accept the need for a new school. They want to know what other designs were considered, why they were not chosen and what the cost impact of this was, though. We understand that the Building Committee and consultants have spent a lot of time evaluating the options. It's difficult for those being asked to pay for the project to just accept the final design without an understanding of what other options were considered, though.

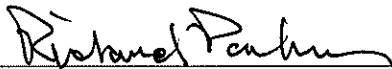
Please let us know if there's a role we can play in supporting a proposal to the MSBA for pausing the project. Given that this has the potential to turn the significant opposition to this project around and build consensus among the 11 members of the region, it seems well worth the delay in final approval of the project.

Sincerely,


West Newbury Select Board



Wendy Reed
Select Board Chair



Richard Parker
Select Board Vice Chair

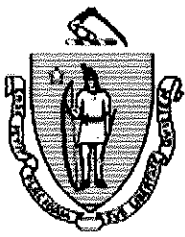


Christopher Wile
Select Board Clerk

cc: Chip O'Connor, WN Representative to Whittier School Committee
Kassandra Gove, Mayor Amesbury
Amy Smith, Chair, Board of Selectmen Georgetown
Daniel MacDonald, Chair, Board of Selectmen, Groveland
James Fiorentini, Mayor Haverhill
Melinda Barrett, Mayor-Elect Haverhill
Sarah Player, Chair, Select Board, Ipswich
Sean Reardon, Mayor Newburyport
Chris Manni, Chair, Select Board, Merrimac
Alicia Greco, Chair, Select Board, Newbury
Cliff Pierce, Chair, Board of Selectmen, Rowley
Ronalee Ray-Parrott, Chair, Board of Selectmen, Salisbury
Massachusetts School Building Authority
Senator Bruce Tarr
Representative Adrienne Pusateri Ramos

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

1000 Washington Street, Suite 600
Boston, MA 02118-6500
Telephone: (617) 305-3580
www.mass.gov/dtc



MAURA T. HEALEY
GOVERNOR
KIMBERLEY DRISCOLL
LIEUTENANT GOVERNOR

RECEIVED

NOV 13 2023

TOWN MANAGER
TOWN OF WEST NEWBURY

YVONNE HAO
SECRETARY
EXECUTIVE OFFICE OF
ECONOMIC DEVELOPMENT
LAYLA R. D'EMILIA
UNDERSECRETARY
KAREN CHARLES
COMMISSIONER

November 9, 2023

Chairman Board of Selectmen
Town Hall
381 Main Street
West Newbury MA 01985

Re: License Expiration Notice

Dear Chairman:

According to the Department of Telecommunications and Cable's (Department) records, your cable television license (license) with Comcast Cable Communications, Inc. expires on 12/31/2026. Federal law provides for a formal renewal process that begins between 36 and 30 months before a license expires. As the Issuing Authority, you may begin the process of determining your community's cable-related needs and review Comcast Cable Communications, Inc.'s performance under the current license. This is known as the "ascertainment process." You must notify Comcast Cable Communications, Inc. if you elect to begin the ascertainment process. You may also be required to begin the ascertainment process if you receive a notice from Comcast Cable Communications, Inc. invoking the formal renewal process; you must begin the ascertainment process within six months of receiving such notice.

You may want to form a cable advisory committee (CAC) as part of the formal renewal process and delegate to it certain duties. If you form a CAC, please provide the Department with the name and contact information for at least one CAC member. I have enclosed a fact sheet describing the typical responsibilities of a CAC, and please see M.G.L. c. 268A concerning potential conflicts of interest for both municipal officials and CAC members.

For your convenience, the Department has prepared a "Practical Guide to Cable Television License Renewal" that is available at www.mass.gov/dtc. The Department is also available to advise you regarding your duties and rights during the renewal process. While we cannot assist you with substantive negotiations, we would be happy to meet with you and/or your CAC to discuss procedural requirements.

If you would like to schedule a meeting or if you have any questions regarding the renewal process, please contact the Department at 617-305-3580 or dte.efiling@mass.gov.

Sincerely,

Shonda D. Green
Department Secretary



COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

Cable Advisory Committee

Under Massachusetts regulations, an Issuing Authority ("IA"), such as the mayor of a city or the board of selectmen of a town, may appoint a Cable Advisory Committee ("CAC") to advise the IA throughout the licensing process. 207 C.M.R. § 3.01(3). In many instances, the CAC remains as an active committee throughout the term of the license. Currently, there are over 280 CACs in the Commonwealth. The composition of the CAC is determined by the IA, including the number of members on the CAC.

The IA may, at its discretion, define the role and responsibilities of the CAC to the extent permitted under G.L. c. 166A. Thus, there is almost complete local control as to the tasks assigned to an advisory committee, so long as these tasks do not conflict with the statutory requirements of the IA in G.L. c. 166A. While an IA may delegate to a CAC the authority to negotiate a license agreement, an IA may not delegate authority to execute such an agreement. CAC responsibilities vary according to the current status of the license or the objectives of the IA. The following list includes some typical responsibilities assigned to CACs in the Commonwealth:

- Inform and educate the public about cable television service;
- Assess the cable needs of the community and recommend policy changes;
- Conduct regular meetings with cable company representatives to discuss matters of mutual interest;
- Report to the IA on company compliance with the license;
- Supervise the cable operator's response to complaints;
- Respond to citizen's questions regarding the cable television system; and
- Keep abreast of community programming issues.

CACs are considered "governmental bodies" within the purview of the Massachusetts Conflict of Interest law, G.L. c. 268A.

Recognizing that CACs fulfill an important and valuable link between the IA, the licensee, and the citizens of the community, the Department of Telecommunications and Cable ("Department") seeks to build positive professional relationships with the CACs. The Department's staff works closely with local committees to educate them on the licensing process and improve information-sharing.

The Department's program includes an informational presentation available to communities. Please contact the Department to schedule a presentation or to discuss any cable licensing matter.

CABLE TELEVISION LICENSE RENEWAL PROCESS

A PRACTICAL GUIDE

Updated March 2015

**Prepared by the Massachusetts Department of
Telecommunications and Cable**

**1000 Washington Street, Suite 600
Boston, MA 02118-6500
617-305-3580
www.mass.gov/dtc**

INTRODUCTION

This Practical Guide is presented by the Massachusetts Department of Telecommunications and Cable (“Department”) in our supervisory role with respect to cable television licensing. Under both federal and Massachusetts law, no cable operator may construct and/or operate a cable television system in a community without first obtaining a license. In Massachusetts, the city manager, mayor or board of selectmen is responsible for issuing a license and, hence, is designated as the Issuing Authority. Since Massachusetts law limits the term of a license, Issuing Authorities must periodically review and renew licenses. The Department oversees the licensing renewal process, which has been established under federal law, and supplemented by our regulations.

By establishing a formal renewal process, Congress sought to protect a municipality’s right to a cable system that is responsive to the needs and interests of the local community. Congress also sought to protect cable operators, which have invested in infrastructure in a community, from an unfair denial of a renewal license. The Department’s goal in developing this Practical Guide is to ensure that both municipalities and cable operators are aware of their rights and responsibilities as they contemplate license renewal and to guide them through the process.

In this Practical Guide, the Department first presents an overview of the role of government in cable television licensing. We describe each level of regulatory oversight with a focus on the resources available to Issuing Authorities. Next, the Department outlines the formal renewal process, highlighting the rights and responsibilities of each party under that process. Lastly, we discuss an alternative method by which parties may negotiate informally to reach an agreement. Since there are no procedural protections in informal negotiations, we recommend that this method be used only where there are no contested issues between the parties.

The guidance we provide herein offers both Issuing Authorities and cable operators direction on the most prudent manner in which to proceed under the rules established by Congress so that each party's rights and interests are protected. The information in this Practical Guide is necessarily general in nature. The Practical Guide is not a substitute for particularized advice from an attorney. In addition, federal and Massachusetts laws and regulations are subject to change. Therefore, persons should refer to the current Massachusetts General Laws, the Code of Massachusetts Regulations, the federal Communications Act of 1934, as amended, or the appropriate federal rules and regulations, or they may consult the Department with case-specific questions.

THE ROLE OF GOVERNMENT

Licenses to construct and/or operate cable television systems are granted by the “Issuing Authority” of a city or town. Pursuant to section 1 of chapter 166A of the Massachusetts General Laws, the Issuing Authority is the mayor of a city, the board of selectmen of a town, or the city manager of a city with a plan D or E charter. The Issuing Authority decides initially whether to go forward with the licensing process, recommends services and terms to be included in the license, and decides whether to grant a license. Upon license renewal, the Issuing Authority reviews the performance of the cable operator, determines the services and terms to be included in the renewal license, and decides whether to grant a renewal license.

The Issuing Authority takes these actions within the framework provided by federal and state law. Congress has enacted a series of laws that establish many of the substantive and procedural requirements governing cable television licensing. For example, federal law requires that each operator obtain a license to service a particular area, and that the license be non-exclusive. Federal law also specifically addresses local access programming and franchise fees. Further, federal law establishes the process by which licenses are granted and renewed. The Federal Communications Commission (“FCC”) is charged with ensuring that cable operators and licensing authorities comply with federal law.

In addition to federal oversight regulation, many states have enacted laws regarding cable television regulation. In Massachusetts, the Department oversees cable television licensing and ensures that municipalities and cable operators comply with both federal and state law, particularly where state law is more restrictive than federal law. For example, state law limits the term of a license to 15 years for an initial license and ten years for a renewal license. The Department also acts as an appellate body, as a cable operator may appeal to the Department for review of an Issuing Authority decision.

Since it is the Department’s enabling legislation and regulations promulgated thereunder that establish the regulatory framework for Issuing Authorities to follow, the Competition Division has created the position of Municipal Liaison to bridge these two bodies. The Municipal Liaison’s chief function is to assist municipal officials as they work through the licensing process. The Municipal Liaison will meet with local governments to explain the statutory and regulatory requirements. The Department maintains, as public records available for inspection, a copy of each license granted in Massachusetts. In addition, we maintain, on our website, an electronic library of many of the licenses executed in Massachusetts. By providing this assistance, the Department seeks to ensure that Issuing Authorities act in compliance with federal and state law to obtain a license that best serves the needs of the community.

THE FORMAL RENEWAL PROCESS

Under federal and Massachusetts law, cable operators may not provide cable television service without obtaining a license from the Issuing Authority. Congress anticipated that cable operators would seek renewal licenses in order to continue providing cable television service in areas where money has been invested in infrastructure. Congress also recognized that municipalities should review the performance of a cable operator and ensure that the operator continues to meet the community's needs and interests. Thus, Congress established a formal renewal process that considers each of these interests. By following the formal renewal process, Issuing Authorities protect their right to a cable television system that serves the needs and interests of the community and cable operators protect their investment from a unfair denial of a renewal license. An Issuing Authority or cable operator must explicitly invoke the protections of the formal renewal process. Generally, each party must notify the other that it intends to proceed under the formal process.

The framework set forth by federal law provides a 36-month period in which to conduct license renewal proceedings. This 36-month period is often referred to as the "Renewal Window." The process consists of two phases: 1) reviewing the cable operator's performance under the current license and ascertaining the needs and interests of the community ("Ascertainment"); and 2) applying the results of the first phase to the review of the cable operator's proposal. The Department recommends that a municipality complete the first phase within 24 months. At most, the ascertainment phase should not extend longer than 30 months. This timeframe affords the municipality sufficient time to review and consider the cable operator's proposal and make a determination whether to grant renewal of the license before the current license expires.

PHASE I -ASCERTAINMENT

COMMENCEMENT

The formal renewal process must begin between 36 and 30 months prior to expiration of the license. The Issuing Authority may commence the formal renewal process on its own initiative and must inform the cable operator that it has done so. While there is no specific action that an Issuing Authority must take in order to demonstrate it has commenced the formal renewal process, the Issuing Authority should perform some tangible act to begin to ascertain the community's cable-related needs and interests. For example, the Issuing Authority could begin to survey the community or hold a public hearing.

Most often, the cable operator will request, in writing, that the Issuing Authority commence the renewal process. The cable operator will make this request between 36 and 30 months prior to the expiration of the license. If the cable operator requests that the Issuing Authority commence the renewal process, the Issuing Authority must begin ascertaining the community's cable-related needs and interests within six months of receiving the cable operator's request.

In either case, the letter requesting commencement of the formal license renewal process or advising that a community has commenced the formal renewal process is called a "Renewal Letter." The Renewal Letter is often referred to as the "626 letter" (626 refers to the section of the federal Communications Act that sets forth the franchise renewal process).

The protections of the formal renewal process must be invoked in a timely manner, that is between 36 and 30 months prior to the expiration of the current license. If neither the Issuing

Authority nor the cable operator requests commencement of the formal process within this period, the opportunity to conduct the renewal license under the formal renewal process expires and neither party is able to claim the protections provided by federal law.

ASCERTAINMENT

Ascertainment is a series of actions taken by the Issuing Authority by which the Issuing Authority reviews the cable operator's performance under the existing license and identifies the cable-related needs and interests of the community. Many Issuing Authorities find it helpful to appoint a committee to assist in gathering information about a cable operator's performance and the community's needs and interests. The size and make-up of the cable advisory committee ("CAC") is determined by the Issuing Authority, and its members may include both residents and non-residents of the community. A CAC is considered a governmental body within the purview of the Massachusetts conflict of interest laws, at General Laws chapters 268A and 268B, and is subject to the guidelines contained therein.

The Issuing Authority, in appointing a CAC, should define the CAC's role and duties. Under Massachusetts law, only the Issuing Authority may make the final licensing decision. However, this does not preclude the Issuing Authority from relying on the CAC's recommendations.

An Issuing Authority and its CAC may choose a wide variety of methods to assess the cable operator's past performance and determine the future needs and interests of the community. An Issuing Authority may:

- Hold a public hearing. While a public hearing is required after receipt of the cable operator's proposal as part of the Issuing Authority's deliberative process, some municipalities choose to hold additional hearings during the ascertainment phase to solicit input from the community with respect to the cable operator's performance as well as the future needs and interests of the community;
- Conduct a municipality-wide survey;
- Meet with community organizations such as schools, senior citizen centers, and police and fire services to determine their proposed needs;
- Review the current license held by the cable operator in the municipality to determine, for example, which terms and conditions have been particularly beneficial to the community;
- Review the cable operator's financial forms (CTV Forms 200 and 400);
- Review consumer complaint records, including CTV Form 500 and municipal records;
- Obtain and review a map of the service area (often referred to as a street or strand map) to determine, in part, whether there are unserved parts of the community;
- Tour the cable operator's technical facilities (i.e., headend) and PEG access studio; and
- Review licenses granted by other communities in Massachusetts (many have been filed electronically and are available at the Department's web page).

There is no law or regulation that explicitly establishes a deadline by which an Issuing Authority must complete ascertainment. The Department has interpreted federal law as requiring Issuing Authorities to complete ascertainment no later than six months prior to the current license expiration date. The better practice, however, is to ensure that ascertainment is complete 12 months prior to license expiration in order to maximize the amount of time an Issuing Authority has to review a cable operator's proposal. Under federal law, a cable operator may not submit a formal renewal proposal until the Issuing Authority has completed ascertainment. This timeline allows a cable operator to respond to the results of the ascertainment studies in preparing its proposal. Upon receipt of the proposal, an Issuing Authority has only four months, or until the expiration of the current license, whichever occurs first, to make a determination on the proposal. Prolonging completion of the ascertainment thus reduces the amount of time during which an Issuing Authority may review and deliberate on a cable operator's proposal.

Under Massachusetts regulations, the Issuing Authority must notify the cable operator in writing upon completion of ascertainment. In its written notification, the Issuing Authority must specifically state the date that ascertainment was complete. The Issuing Authority should provide its ascertainment results as a part of a Request for Proposals ("RFP"). Presenting the ascertainment results to the cable operator is critical in demonstrating the community's needs and without it, a proposal in response to an RFP may not accurately represent the community's needs.

As part of the RFP, the Issuing Authority may provide the cable operator with a draft license in its RFP that contains terms and conditions consistent with the ascertainment results. The Issuing Authority should provide a reasonable deadline for the cable operator to respond to the RFP, that is, to submit what is known as the Formal Renewal Proposal. Generally, a period of at least 30 days is considered a reasonable response time. However, in establishing a deadline for responses, the Issuing Authority must be aware of the length of time remaining before the current license expires.

PHASE II -REVIEW OF PROPOSAL

After the Issuing Authority has completed ascertainment, the cable operator may (on its own initiative) or must (within the time frame established by the Issuing Authority in the RFP) submit its renewal proposal. The cable operator submits its proposal on the Department's Form 100 and often supplements it with additional information.

Upon receipt of the proposal, the Issuing Authority must:

- 1) provide prompt public notice that the cable operator has submitted a renewal proposal; and
- 2) during the four-month period that begins upon the receipt of the proposal, renew the franchise or issue a preliminary assessment that the franchise should not be renewed; and
- 3) at the request of the cable operator or on its own, commence an administrative proceeding to consider whether:
 - A) the cable operator has substantially complied with the material terms of the existing franchise and with applicable law;

- B) the quality of the cable operator's service, including signal quality, response to consumer complaints, and billing practices, but without regard to the mix or quality of cable services or other services provided over the cable system, has been reasonable in light of community needs;
- C) the cable operator has the legal, financial, and technical ability to provide the services, facilities, and equipment as set forth in the cable operator's proposal; and
- D) the cable operator's proposal is reasonable to meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

If the Issuing Authority determines, upon initial review of the proposal, that it will accept the cable operator's proposal and grant the license, there is no need to commence an administrative proceeding. Nonetheless, under the Department's regulations, the Issuing Authority must conduct a public hearing to allow the public an opportunity to comment on the cable operator's proposal.

The administrative proceeding is an evidence gathering proceeding that must be conducted so as to afford both the Issuing Authority and cable operator due process, including the right to introduce evidence, question witnesses, and require the production of evidence. If the Issuing Authority bases the preliminary denial of the renewal proposal on criteria (A) or (B), the Issuing Authority must provide the cable operator with notice of non-compliance and an opportunity to cure.

At the conclusion of the administrative proceeding, the Issuing Authority must issue a written decision granting or denying the cable operator's proposal for renewal.

GRANTING A RENEWAL LICENSE

If the Issuing Authority determines that the cable operator satisfies each of the four criteria, and decides to grant a renewal license to the cable operator, the Issuing Authority must issue a public, written statement detailing the reasons for the grant of the renewal. The Issuing Authority must file a copy of the issuing statement, renewal license, and license application (Form 100) with the Department within seven days of granting the license. In addition, the Department requests that the Issuing Authority also submit the license in electronic format.

DENYING A RENEWAL LICENSE

If the Issuing Authority determines that the cable operator has failed to satisfy one or more of the criteria, and has not cured any claimed non-compliance, the Issuing Authority must issue a written statement detailing the reasons for its denial within 14 days of the decision to deny. The written decision must include the basis for the denial, that is, identify which of the four criteria the cable operator did not satisfy. The Issuing Authority must file a copy of this statement along with the renewal proposal (Form 100) with the Department.

APPEAL OF ISSUING AUTHORITY DECISION

A cable operator who is aggrieved by a decision of an Issuing Authority to deny a renewal license may appeal to the Department for review of that decision. Any such appeal must be filed within 30 days of the date of the Issuing Authority decision.

INFORMAL NEGOTIATIONS

While Congress established the formal renewal process, Congress also determined that where Issuing Authorities and cable operators are able to negotiate an agreement outside of the formal renewal process, they should be allowed to do so in a manner that best fits the parties' needs. That is, where a municipality has a good working relationship with a cable operator and there are no compliance issues, the parties are not required to follow the formal process. Rather, the parties may negotiate an agreement informally. Since there are no procedural safeguards in informal negotiations, this method should be used only where there are no contested issues between the parties.

When negotiating informally, a cable operator may submit a proposal for the renewal of a license at any time, and the Issuing Authority may, after affording the public adequate notice and an opportunity to be heard, grant or deny such a proposal. By negotiating informally, parties avoid the time requirements of the formal process. For example, Issuing Authorities are not obligated to review a cable operator's proposal within 120 days, as required under the formal process. However, even with informal negotiations, state law requires that the Issuing Authority hold a public hearing on the cable operator's proposal.

There is no regulatory requirement that an Issuing Authority conduct ascertainment if it chooses to negotiate with a cable operator rather than follow the formal process. Nevertheless, the Issuing Authority's negotiating position can only be enhanced if it has ascertainment results to substantiate its requests. It is highly recommended that an Issuing Authority conduct some form of ascertainment prior to entering into negotiations with a cable operator.

In practice, cable operators in Massachusetts will often request an Issuing Authority to commence the formal renewal process, but simultaneously request that the parties negotiate informally. Thus, the parties actually enter into informal negotiations while conducting the formal renewal process. While this is acceptable, there are two potential areas where confusion may result:

1) The Nature of the Proposal - Formal Proposal versus Informal Proposal

There is a distinction between a proposal submitted for discussion purposes and one that is submitted as a formal renewal proposal, namely, the submission of the formal renewal proposal triggers the 120-day review period. In order to avoid any confusion or violation of process, an Issuing Authority negotiating informally should ensure that the cable operator identify any informal proposal submitted as "Informal" or "For Informational Purposes Only."

2) "Reservation of Rights"

As indicated above, often a cable operator will request that the parties negotiate informally, while "reserving its rights" under the formal renewal process. In essence, the cable operator protects itself from an unfair license denial, but is relieved of following the strict time requirements of the formal process. The Issuing Authority is similarly relieved of the strict requirements of the formal process, including the requirement to conduct ascertainment. However, it is unlikely that a decision to deny a license will stand without appropriate ascertainment to support it. Thus, it is recommended that an Issuing Authority conduct ascertainment even when negotiating informally. Moreover, if informal negotiations do not result in a renewal license, the cable operator may revert back to the formal process, and submit a formal renewal proposal for the Issuing Authority's consideration. The review is

limited to 120 days under federal law. Therefore, in order to ensure that sufficient time exists for the Issuing Authority to review a formal proposal, the Department recommends that an Issuing Authority complete ascertainment 12 months prior to the license expiration date, but absolutely no later than six months prior to the license expiration date.

Informal negotiations may be a productive and efficient means for many Issuing Authorities and cable operators to reach mutually agreeable license terms, particularly where the parties have developed a solid professional relationship. However, where a party which has agreed to proceed informally has "reserved its rights" under the formal renewal process, both parties should proceed with the understanding that the requirements of the formal process may become applicable.

REFERENCES

RELEVANT LAWS AND REGULATIONS

Massachusetts General Laws, Chapter 166A

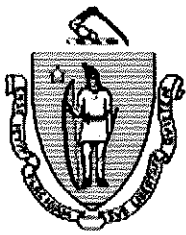
Code of Massachusetts Regulations, 207 C.M.R. §§ 3.00-10.00

United States Code, 47 U.S.C. § 546

ADDITIONAL RESOURCES

Information regarding cable television licensing may be found on the Department's website at <https://www.mass.gov/cable-television-information>. The Department's website also provides several licenses in electronic format that are available for download.

A comprehensive glossary of cable-related terms is available on the Department's website at <https://www.mass.gov/service-details/glossary-of-cable-terms>.



**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

1000 Washington Street, Suite 600
Boston, MA 02118-6500
Telephone: (617) 305-3580
www.mass.gov/dtc

MAURA HEALEY
GOVERNOR
KIM DRISCOLL
LIEUTENANT GOVERNOR

YVONNE HAO
SECRETARY OF HOUSING AND
ECONOMIC DEVELOPMENT
EDWARD A. PALLESCHI
UNDERSECRETARY
KAREN CHARLES
COMMISSIONER

March 7, 2023
Chairman Board of Selectmen
Town Hall
381 Main Street
West Newbury MA 01985

RECEIVED
MAR 20 2023
TOWN MANAGER
TOWN OF WEST NEWBURY

Re: License Expiration Notice

Dear Chairman:

Six months ago, the Department of Telecommunications and Cable (Department) notified you that your cable television license (license) with Verizon New England, Inc. expires on 9/7/2025. If either you as the Issuing Authority or Verizon New England, Inc. invoked the formal renewal process, you should have started the ascertainment process to determine your community's cable-related needs and review Verizon New England, Inc.'s performance under the current license.

Even if you and Verizon New England, Inc. have agreed to forgo the formal renewal process, you should have an ascertainment process. By ascertaining your cable needs early in the renewal process, you will benefit from sufficient time to review the proposal submitted by Verizon New England, Inc.. The Department recommends that the Issuing Authority complete its ascertainment process at least twelve months, and no later than six months, prior to the expiration of its cable license.

The Department is available to advise you regarding your duties and rights during the renewal process. While we cannot assist you with substantive negotiations, we would be happy to meet with you and/or your Cable Advisory Committee to discuss procedural requirements. If you would like to schedule a meeting or if you have any questions, please contact the Department at 617-305-3580 or dtc.efiling@mass.gov.

Sincerely,

Shonda D. Green
Department Secretary



111 Main Street, 6th Floor
White Plains, NY 10601

Pamela N. Goldstein
Associate General Counsel
Video Franchising
Verizon Consumer Group
(914) 821-9702
pamela.goldstein@verizon.com

By U.S. Postal Service Certified Mail

January 24, 2023

Town of West Newbury
381 Main Street
West Newbury, MA 01985
Attention: Select Board

RECEIVED
JAN 27 2023
TOWN MANAGER
TOWN OF WEST NEWBURY

**Re: Franchise Renewal Notice Requesting Commencement of Formal
Renewal Proceedings under Section 626 of the Communications Act**

Dear Select Board members:

Verizon New England Inc. ("Verizon") appreciates the opportunity to provide competitive cable service in the Town of West Newbury (the "Town"). Our records indicate that the cable television renewal license granted by the Town and held by Verizon expires on September 7, 2025. Section 626 of the Communications Act of 1934, as amended, delineates formal procedures to be followed to renew cable television licenses that must be invoked 30 – 36 months prior to license expiration or certain protections may be lost. As we are now in that time frame, by way of this letter Verizon gives notice that it seeks renewal of its cable television renewal license and respectfully requests that the Town commence renewal proceedings pursuant to Section 626(a).

While Verizon seeks to preserve its rights under the formal renewal process, the Communications Act also authorizes franchise renewal through good faith, informal negotiations. Section 626(h) contemplates an alternative renewal process that also affords public notice and opportunity for comment but does not require strict adherence to the substantive and procedural requirements outlined in the statute. I have enclosed a copy of Section 626 of the Communications Act for your review. The informal approach may be mutually beneficial. With the understanding that proceeding in this manner will not waive any of the rights of the parties under the formal process, Verizon is agreeable to discussing the terms of a renewal agreement with the Town on an informal basis at a mutually convenient time.

Verizon is proud to serve the residents of West Newbury. We will contact you shortly to schedule a meeting to determine how best to proceed. We look forward to meeting with you and working with you on the license renewal.

Yours sincerely,

Pamela N. Goldstein

Enclosure: Communications Act Section 626 (47 U.S.C. § 546)

(B) in the event of a final decision of the franchising authority denying the renewal proposal, the operator has demonstrated that the adverse finding of the franchising authority with respect to each of the factors described in subparagraphs (A) through (D) of subsection (c)(1) of this section on which the denial is based is not supported by a preponderance of the evidence, based on the record of the proceeding conducted under subsection (c) of this section.

(f) Finality of administrative decision

Any decision of a franchising authority on a proposal for renewal shall not be considered final unless all administrative review by the State has occurred or the opportunity therefor has lapsed.

(g) "Franchise expiration" defined

For purposes of this section, the term "franchise expiration" means the date of the expiration of the term of the franchise, as provided under the franchise, as it was in effect on October 30, 1984.

(h) Alternative renewal procedures

Notwithstanding the provisions of subsections (a) through (g) of this section, a cable operator may submit a proposal for the renewal of a franchise pursuant to this subsection at any time, and a franchising authority may, after affording the public adequate notice and opportunity for comment, grant or deny such proposal at any time (including after proceedings pursuant to this section have commenced). The provisions of subsections (a) through (g) of this section shall not apply to a decision to grant or deny a proposal under this subsection. The denial of a renewal pursuant to this subsection shall not affect action on a renewal proposal that is submitted in accordance with subsections (a) through (g) of this section.

(i) Effect of renewal procedures upon action to revoke franchise for cause

Notwithstanding the provisions of subsections (a) through (h) of this section, any lawful action to revoke a cable operator's franchise for cause shall not be negated by the subsequent initiation of renewal proceedings by the cable operator under this section.

(June 19, 1934, ch 652, title VI, §626, as added Pub. L. 98-549, §2, Oct. 30, 1984, 98 Stat. 2791; amended Pub. L. 102-385, §18, Oct. 5, 1992, 106 Stat. 1493.)

REFERENCES IN TEXT

For "the effective date of this subchapter", referred to in subsec. (d), as 60 days after Oct. 30, 1984, except where otherwise expressly provided, see section 9(a) of Pub. L. 98-549, set out as an Effective Date note under section 521 of this title.

AMENDMENTS

1992—Subsec. (a), Pub. L. 102-385, §18(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: "During the 6-month period which begins with the 36th month before the franchise expiration, the franchising authority may on its own initiative, and shall at the request of the cable operator, commence proceedings which afford the public in the franchise area appropriate notice and participation for the purpose of

"(1) identifying the future cable-related community needs and interests; and

"(2) reviewing the performance of the cable operator under the franchise during the then current franchise term."

Subsec. (c)(1), Pub. L. 102-385, §18(b), inserted "pursuant to subsection (b) of this section" after "renewal of a franchise" and substituted "date of the submission of the cable operator's proposal pursuant to subsection (b) of this section" for "completion of any proceedings under subsection (a) of this section".

Subsec. (c)(1)(B), Pub. L. 102-385, §18(c), substituted "mix or quality" for "mix, quality, or level".

Subsec. (d), Pub. L. 102-385, §18(d), inserted "that has been submitted in compliance with subsection (b) of this section" after "Any denial of a proposal for renewal" and substituted "or the cable operator gives written notice of a failure or inability to cure and the franchising authority fails to object within a reasonable time after receipt of such notice" for "or has effectively acquiesced".

Subsec. (e)(2)(A), Pub. L. 102-385, §18(e), inserted "other than harmless error," after "franchising authority".

Subsec. (i), Pub. L. 102-385, §18(f), added subsec. (i).

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-385 effective 60 days after Oct. 5, 1992, see section 28 of Pub. L. 102-385, set out as a note under section 325 of this title.

EFFECTIVE DATE

Section effective 60 days after Oct. 30, 1984, except where otherwise expressly provided, see section 9(a) of Pub. L. 98-549, set out as a note under section 521 of this title.

§ 546. Renewal**(a) Commencement of proceedings; public notice and participation**

(1) A franchising authority may, on its own initiative during the 6-month period which begins with the 36th month before the franchise expiration, commence a proceeding which affords the public in the franchise area appropriate notice and participation for the purpose of (A) identifying the future cable-related community needs and interests, and (B) reviewing the performance of the cable operator under the franchise during the then current franchise term. If the cable operator submits, during such 6-month period, a written renewal notice requesting the commencement of such a proceeding, the franchising authority shall commence such a proceeding not later than 6 months after the date such notice is submitted.

(2) The cable operator may not invoke the renewal procedures set forth in subsections (b) through (g) of this section unless—

(A) such a proceeding is requested by the cable operator by timely submission of such notice; or

(B) such a proceeding is commenced by the franchising authority on its own initiative.

(b) Submission of renewal proposals; contents; time

(1) Upon completion of a proceeding under subsection (a) of this section, a cable operator seeking renewal of a franchise may, on its own initiative or at the request of a franchising authority, submit a proposal for renewal.

(2) Subject to section 544 of this title, any such proposal shall contain such material as the franchising authority may require, including proposals for an upgrade of the cable system.

(3) The franchising authority may establish a date by which such proposal shall be submitted.

(c) Notice of proposal; renewal; preliminary assessment of nonrenewal; administrative review; issues; notice and opportunity for hearing; transcript; written decision

(1) Upon submittal by a cable operator of a proposal to the franchising authority for the renewal of a franchise pursuant to subsection (b) of this section, the franchising authority shall provide prompt public notice of such proposal and, during the 4-month period which begins on the date of the submission of the cable operator's proposal pursuant to subsection (b) of this section, renew the franchise or, issue a preliminary assessment that the franchise should not be renewed and, at the request of the operator or on its own initiative, commence an administrative proceeding, after providing prompt public notice of such proceeding, in accordance with paragraph (2) to consider whether—

(A) the cable operator has substantially complied with the material terms of the existing franchise and with applicable law;

(B) the quality of the operator's service, including signal quality, response to consumer complaints, and billing practices, but without regard to the mix or quality of cable services

or other services provided over the system, has been reasonable in light of community needs;

(C) the operator has the financial, legal, and technical ability to provide the services, facilities, and equipment as set forth in the operator's proposal; and

(D) the operator's proposal is reasonable to meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

(2) In any proceeding under paragraph (1), the cable operator shall be afforded adequate notice and the cable operator and the franchising authority, or its designee, shall be afforded fair opportunity for full participation, including the right to introduce evidence (including evidence related to issues raised in the proceeding under subsection (a) of this section), to require the production of evidence, and to question witnesses. A transcript shall be made of any such proceeding.

(3) At the completion of a proceeding under this subsection, the franchising authority shall issue a written decision granting or denying the proposal for renewal based upon the record of such proceeding, and transmit a copy of such decision to the cable operator. Such decision shall state the reasons therefor.

(d) Basis for denial

Any denial of a proposal for renewal that has been submitted in compliance with subsection (b) of this section shall be based on one or more adverse findings made with respect to the factors described in subparagraphs (A) through (D) of subsection (c)(1) of this section, pursuant to the record of the proceeding under subsection (c) of this section. A franchising authority may not base a denial of renewal on a failure to substantially comply with the material terms of the franchise under subsection (c)(1)(A) of this section or on events considered under subsection (c)(1)(B) of this section in any case in which a violation of the franchise or the events considered under subsection (c)(1)(B) of this section occur after the effective date of this subchapter unless the franchising authority has provided the operator with notice and the opportunity to cure, or in any case in which it is documented that the franchising authority has waived its right to object, or the cable operator gives written notice of a failure or inability to cure and the franchising authority fails to object within a reasonable time after receipt of such notice.

(e) Judicial review; grounds for relief

(1) Any cable operator whose proposal for renewal has been denied by a final decision of a franchising authority made pursuant to this section, or has been adversely affected by a failure of the franchising authority to act in accordance with the procedural requirements of this section, may appeal such final decision or failure pursuant to the provisions of section 555 of this title.

(2) The court shall grant appropriate relief if the court finds that—

(A) any action of the franchising authority, other than harmless error, is not in compliance with the procedural requirements of this section; or