



## Town of West Newbury Board of Selectmen

Monday, December 10, 2018 @ 6:00pm  
381 Main Street, Town Office Building  
[www.wnewbury.org](http://www.wnewbury.org)

### AGENDA

#### **Executive Session:** 6pm in the Second Floor Hearing Room

- MGL Chapter 30A §21(a) 2: To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel;
- MGL Chapter 30A §21(a) 3: To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares;
- MGL Chapter 30A §21(a) 6: To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body;
- Acceptance of Executive Session minutes dated October 15, 2018

#### **Open Session:** 7pm in the First Floor Hearing Room

**Announcements:** This meeting is being broadcast on local cable TV and recorded for rebroadcast on the local cable channels and on the internet.

- Winter parking ban starts December 1<sup>st</sup> and is in effect through April 30<sup>th</sup>, 2019.
- Cultural Council is looking for community input to help improve/expand arts and cultural opportunities in town. Link to survey available on Town website – News and Announcements, or on the Cultural Council page.
- Planning Board has an opening for an Associate Member. Interested parties should send a letter of interest to the West Newbury Planning Board or email Town Planner Leah Zamberardi at [lzamberardi@wnewbury.org](mailto:lzamberardi@wnewbury.org).
- Bicentennial Committee is mailing out invitations to the Black-Tie Gala Celebration on Saturday, February 23, 2019. Please keep watch for it in the mail and respond with payment.
- Bicentennial Committee is buying a block of tickets for Red Sox Day at Fenway Park for August 9, 2019. If interested, please contact the committee via email at [wnbirthday@wnewbury.org](mailto:wnbirthday@wnewbury.org).

#### **Regular Business**

- A. Committee appointments
  - a. Requests for one appointment to Personnel Advisory Committee: Paul Boyer, Kristine Tierney
  - b. Request for appointment to the Bicentennial Committee: Jocelyn Fassett
  - c. Request for appointment to Energy Advisory Committee: Elisa Grammer
- B. Class II Used Car License Renewals
- C. Town policy on rental of town facilities: Review of insurance requirements for individuals
- D. Cont. discussion on funding for the new school and potential prepayment of town share
- E. Cont. review of draft updates to the Open Space & Recreation Plan
- F. Discussion of CPC timeline for Annual Town Meeting project proposals
- G. Designation of Town Manager for monitoring agent responsibilities for Local Initiative Program (LIP) units on Follinsbee Lane
- H. Acceptance of Minutes dated October 29, 2018

#### **Town Manager Updates**

- I. Review schedule options for joint meeting with the Towns of Merrimac and Groveland
- J. Update on installation of signs regarding dogs and leash law at Indian Hill Reservoir
- K. Review of layout options for First Floor Hearing Room upon installation of monitor for presentations
- L. Review and confirm Selectmen meeting schedule, early 2019
- M. Follow up meeting assignments
- N. Placing items for future agendas



# TOWN OF WEST NEWBURY

## APPLICATION FOR APPOINTMENT

The Town appreciates your interest in serving. Please complete this form and return to: Board of Selectmen, 381 Main Street, West Newbury, MA 01985 or e-mail to: [selectmen@wnewbury.org](mailto:selectmen@wnewbury.org)  
For additional information please call 978-363-1100, ext. 115.

Name: Paul Boyer

Address: [REDACTED]

e-mail: [REDACTED]

Mobile phone: [REDACTED] Home phone: [REDACTED]

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

Current or past committees served on: None

Relevant skills, expertise and education: Current HR Systems Manager at Shawmut Construction in Boston

10-15 years experience in strategy, planning and systems related to  
benefits, compensation, performance and other HR related activities

All board or committee vacancies will be filled by citizens deemed most qualified to serve in a particular capacity. I also understand that in the event that I am appointed to a position, my activities will be governed by the Massachusetts Conflict of Interest Law, Open Meeting Law, Public Records Law, the Bylaws of The Town of West Newbury and all other applicable federal, state and local laws or regulations.

Signature: [Handwritten Signature]

Date: 11/29/18



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**APPLICATION FOR APPOINTMENT**



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For additional information please call 978-363-1100, ext. 115.

Name: Kristine Tierney  
Address: [REDACTED]  
e-mail: [REDACTED]  
Mobile phone: [REDACTED] Home phone: N/A

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

Current or past committees served on: None

Relevant skills, expertise and education: I have experience as the Student Intern Coordinator for the New England Region for my agency of employment where I worked closely with our Headquarters Human Resources Division providing me experience and familiarity with the guidelines associated with announcing of vacancies, application procedures, and selection processes. I continue to provide guidance in this area. I have also

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Signature: *Kristine Tierney* Date: 11/30/2018

received training in Equal Employment Opportunity (EEO) procedures and currently hold a collateral duty of EEO Counselor with my agency of employment.



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For additional information please call 978-363-1100, ext. 115.

Name: Jocelyn Fassett  
Address: [REDACTED] West Newbury, MA 01985  
e-mail: [REDACTED]  
Mobile phone: [REDACTED] Home phone: [REDACTED]

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

Current or past committees served on: VP, Operations, somldog, a 501C-3 nonprofit org.  
focused education, advocation, and responsible dog ownership in Somerville, MA.

Relevant skills, expertise and education: I managed two 5K run/walks, four festivals and other  
events that included vendors, police details, permits and city cooperation and partnerships  
with sponsors. I owned planning & marketing for the events and opportunity drawings for  
prizes. I hold a B.A. in English and have been a professional project manager for 18 years.

All board or committee vacancies will be filled by citizens deemed most qualified to serve in a particular capacity. I also understand that the event that I am appointed to a position, my activities will be governed by the Massachusetts Conflict of Interest Law, Open Meeting Law, Public Records Law, the Bylaws of The Town of West Newbury and all other applicable federal, state and local laws or regulations.

Signature: [Handwritten Signature]

Date: 9/23/18

**From:** [KC Swallow](#)  
**To:** [Mary Winglass](#)  
**Subject:** FW:  
**Date:** Thursday, December 06, 2018 9:13:37 AM

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Hi Mary,

This is the email from Nicole Francoeur saying she needed to drop off the committee. It was agreed to by the rest of the committee. Do I need to get you something more?

KC

**From:** Nicole Francoeur [mailto: [REDACTED]]  
**Sent:** Thursday, June 28, 2018 2:19 PM  
**To:** KC Swallow; Dr. Stephen Swallow ([REDACTED])  
**Subject:**

KC and Stephen,

I hope you're both well!

I am writing to let you know that I need to take a step back from the committee. This summer is my busiest season in my new job leading into my year-round events that will take place in early September. I feel guilty not be able to make many meetings, but this new job has me managing 2 committees that meet in the evenings bi-weekly and frequently conflict with our committee meetings or lack of childcare for additional nights out.

I would love to hop back into the game during crunch time early next year. And will absolutely make myself available for any event-planning specific consulting or the committee. Id love to help review any timelines, or event materials, or be an extra set of eyes on anything even though my current commitment level will not allow for active involvement on a regular basis. I dont want my schedule to disrupt the committee or hold you back for voting, etc. And of course, I dont want there to be any resentment or ill-will due to my lack of time investment. Im so sorry but feel its the best decision in the moment.

Please please dont hesitate to reach out. If i can help you select any vendors, or give suggestions, etc I am more than happy to on an adhoc basis.

I hope you both and the committee understand my current position and hopefully I will be able to join you again in the new year or at the very least be a great champion and volunteer towards your efforts in the coming months.

Thank you for all your hard work and I cant wait to see whats in store!!

With a heavy heart, Nicole



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For additional information please call 978-363-1100, ext. 115.

Name: Elisa Grammer

Address: [REDACTED] West Newbury, MA

e-mail: [REDACTED]

Mobile phone: [REDACTED] Home phone: \_\_\_\_\_

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

Energy Advisory Committee (have been in touch w them)

Current or past committees served on: Historical Comn, River Access Com, ConCom (minutes taker), Finance Com

Relevant skills, expertise and education: LLM in energy/environmental law; decades of Washington, DC experience at NRC, DOE, etc, and in private practice representing municipal electric & gas interests,

large electric producers & consumers, natural gas & oil companies,

pro bono legal work for environmental/consumer interests before MA state agencies

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Signature:  Date: November 23, 2018

**From:** [Liz Callahan](#)  
**To:** [Mary Winglass](#)  
**Cc:** [Richard Parker](#); [Selectmen](#); [Grammer Elisa](#)  
**Subject:** Re: Grammer WNEAC application  
**Date:** Monday, November 26, 2018 12:20:29 PM

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Mary,

I am writing to let you know that Rick Parker and I are very supportive of Elisa Grammer's application to join the West Newbury Energy Advisory Committee and ask that you convey our support to the Selectmen as they consider her request to join the Committee.

Thank you.

Sincerely,

Liz Callahan  
WNEAC Chairperson

Sent from my iPhone

> On Nov 23, 2018, at 4:18 PM, Elisa Grammer <[\[REDACTED\]](#)> wrote:

>

>

> Attached please find an application to join the Energy Advisory Committee

> --

> Elisa J. Grammer

>

> [\[REDACTED\]](#)

>

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

> <GrammerEACapplicatn.pdf>



B

# Town of West Newbury

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

## Class II Used Car License Applicants:

I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all state taxes required under law.

[Redacted Signature]

\*Signature of Individual  
Or Corporate Name (Mandatory)

By: Corporate Officer

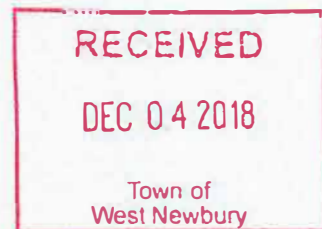
JAMES D. PEARSON SR.  
Print Name and Address

[Redacted Social Security #]  
\*\*Social Security # or Federal ID #

12/4/18  
Date

\*This license will not be issued unless the applicant signs this certification clause.

\*\*Your social security number will be furnished to the Massachusetts Department of Revenue to determine whether you have met tax filing or tax payment obligations. Licensees who fail to correct their non-filing or delinquency will be subject to license suspension or revocation. This request is made under the authority of M.G.L. c. 62C s49A.







The Commonwealth of Massachusetts  
 Department of Industrial Accidents  
 Office of Investigations  
 600 Washington Street  
 Boston, MA 02111  
 www.mass.gov/dia

**Workers' Compensation Insurance Affidavit: Builders/Contractors/Electricians/Plumbers**  
**Applicant Information** **Please Print Legibly**

Name (Business/Organization/Individual): PEARSON AUTOMOTIVE

Address: 330 MAIN ST.

City/State/Zip: W. NEWBURY MA, 01985 Phone #: [REDACTED]

**Are you an employer? Check the appropriate box:**

- |   |  |
|---|--|
| <p>1. <input checked="" type="checkbox"/> I am an employer with <u>1</u> employees (full and/or part-time).*</p> <p>2. <input type="checkbox"/> I am a sole proprietor or partnership and have no employees working for me in any capacity. [No workers' comp. insurance required.]</p> <p>3. <input type="checkbox"/> I am a homeowner doing all work myself. [No workers' comp. insurance required.]†</p> | <p>4. <input type="checkbox"/> I am a general contractor and I have hired the sub-contractors listed on the attached sheet. These sub-contractors have employees and have workers' comp. insurance.‡</p> <p>5. <input type="checkbox"/> We are a corporation and its officers have exercised their right of exemption per MGL c. 152, §1(4), and we have no employees. [No workers' comp. insurance required.]</p> |
|---|--|

**Type of project (required):**

- 6.  New construction
- 7.  Remodeling
- 8.  Demolition
- 9.  Building addition
- 10.  Electrical repairs or additions
- 11.  Plumbing repairs or additions
- 12.  Roof repairs
- 13.  Other AUTOMOBILE SERVICE

\*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.

† Homeowners who submit this affidavit indicating they are doing all work and then hire outside contractors must submit a new affidavit indicating such.

‡ Contractors that check this box must attached an additional sheet showing the name of the sub-contractors and state whether or not those entities have employees. If the sub-contractors have employees, they must provide their workers' comp. policy number.

**I am an employer that is providing workers' compensation insurance for my employees. Below is the policy and job site information.**

Insurance Company Name: TWIN CITY FIRE INSURANCE CO.

Policy # or Self-ins. Lic. #: [REDACTED] Expiration Date: JUNE 25, 2019

Job Site Address: 330 MAIN ST. City/State/Zip: WEST NEWBURY, MA.

**Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date).** Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

**I do hereby certify under the pains and penalties of perjury that the information provided above is true and correct.**

Signature: [REDACTED] Date: 12/4/18

Phone #: [REDACTED]

**Official use only. Do not write in this area, to be completed by city or town official.**

City or Town: \_\_\_\_\_ Permit/License # \_\_\_\_\_

Issuing Authority (circle one):  
 1. Board of Health 2. Building Department 3. City/Town Clerk 4. Electrical Inspector 5. Plumbing Inspector  
 6. Other \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone #: \_\_\_\_\_

COPY FOR TOWN OF W. NEWBURY



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
12/04/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> PAYCHEX INSURANCE AGENCY INC 76210705 150 SAWGRASS DRIVE ROCHESTER NY 14620	<b>CONTACT NAME:</b>	
	<b>PHONE (A/C, No, Ext):</b> (877) 287-1312	<b>FAX (A/C, No):</b> (888) 443-6112
	<b>E-MAIL ADDRESS:</b>	
	<b>INSURER(S) AFFORDING COVERAGE</b>	
		<b>NAIC#</b>
<b>INSURER A:</b> The Twin City Fire Insurance Company		29459
<b>INSURER B:</b>		
<b>INSURER C:</b>		
<b>INSURER D:</b>		
<b>INSURER E:</b>		
<b>INSURER F:</b>		

**INSURED**  
 JAMES D PEARSON SR DBA PEARSONS HONDA SERVICE  
 PO BOX 331  
 WEST NEWBURY MA 01985-0431

**COVERAGES**      **CERTIFICATE NUMBER:**      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR <hr/> GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:						EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)
	UMBRELLA LIAB EXCESS LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE DED    RETENTION \$						EACH OCCURRENCE AGGREGATE
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	76 WEG NQ1415	06/25/2018	06/25/2019	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT      \$100,000 E.L. DISEASE - EA EMPLOYEE      \$100,000 E.L. DISEASE - POLICY LIMIT      \$500,000

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES** (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
 Those usual to the Insured's Operations.

<b>CERTIFICATE HOLDER</b> THE TOWN OF WEST NEWBURY 381 MAIN ST WEST NEWBURY MA 01985-1450	<b>CANCELLATION</b> SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE <i>Susan S. Castorena</i>

BOND DEPARTMENT

AGENCY: 20-0576 West Newbury Ins Agency Inc

CONTINUATION CERTIFICATE	BOND <span style="background-color: black; color: black;">[REDACTED]</span>
--------------------------	---

**Principal:**  
 JAMES PEARSON DBA PEARSON'S AUTOMOTIVE  
 330 Main St  
 W Newbury, MA 01985

**Obligee:**  
 Town of West Newbury  
 381 Main St  
 W Newbury MA 01985

**Bond Term in Months:** 12

**Effective Date:** 12/31/2017

**Expiration Date:** 12/31/2018

**Penalty Amount:** \$25,000

**Type of Bond:** License

**Classification:** Used Car Dealer One Year Term MIADA

**Remarks:**

It is hereby agreed that the captioned numbered Bond is continued in force in the above amount for the period of the continued term stated above and is subject to all the covenants and conditions of said Bond.

This continuation shall be deemed a part of the original Bond, and not a new obligation, no matter how long the Bond has been in force or how many premiums are paid for the Bond, unless otherwise provided for by statute or ordinance applicable.

In witness whereof, the company has caused this instrument to be duly signed, sealed and dated as of the above "continuation effective date".

NGM INSURANCE COMPANY

*pd \$17500  
CR# 18584  
12/4/17*

By:

*[Handwritten Signature]*

Attorney-in-fact



*COPY FOR TOWN OF W. NBURY.*

This Continuation Certificate needs to be filed with the obligee. No other proof of renewal has been sent to any other party.

Agency Bill

# TOWN OF WEST NEWBURY

## Schedule of Departmental Payments to the Treasurer

Dept \_\_\_\_\_ Selectmen \_\_\_\_\_ Number \_\_\_\_\_ Date 12/4/2018  
 Acct # 4420 Acct Description \_\_\_\_\_ Other Licenses \_\_\_\_\_

From/Check #	Source	Amount
#19308	Pearsons Automotive 2019 Used Car Dealer License	\$20.00
<b>TOTAL</b>		<b>\$20.00</b>

The above is a detailed list of monies collected by me, amounting in the aggregate amount of  
Twenty Dollars ----- 00/100 Dollars  
 for the week ending 12/8/2018 which I have paid to the Treasurer,  
 whose receipt I hold therefore:

Mary Wingless  
 Signature

Executive Admin  
 Title

Received of Selectmen the sum of  
Twenty and 00/100 Dollars

filed in my office on:
 

RECEIVED  
 DEC 04 2018  
 Stamp  
 WEST NEWBURY

Susan Yeames  
 Assistant Treasurer Collector



RECEIVED

DEC - 7 2018

# Town of West Newbury

BOARD OF SELECTMEN  
TOWN OF WEST NEWBURY

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

## Class II Used Car License Applicants:

I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all state taxes required under law.

  
\_\_\_\_\_

President  
\_\_\_\_\_

\*Signature of Individual  
Or Corporate Name (Mandatory)  
RTI ENTERPRISES INC

By: Corporate Officer

RAMI ISSA 289 MAIN ST W NEWBURY MA 01985  
\_\_\_\_\_

Print Name and Address

  
\_\_\_\_\_

12/7/18  
\_\_\_\_\_

\*\*Social Security # or Federal ID #

Date

\*This license will not be issued unless the applicant signs this certification clause.

\*\*Your social security number will be furnished to the Massachusetts Department of Revenue to determine whether you have met tax filing or tax payment obligations. Licensees who fail to correct their non-filing or delinquency will be subject to license suspension or revocation. This request is made under the authority of M.G.L. c. 62C s49A.



The Commonwealth of Massachusetts  
 Department of Industrial Accidents  
 Office of Investigations  
 600 Washington Street  
 Boston, MA 02111  
 www.mass.gov/dia

**Workers' Compensation Insurance Affidavit: Builders/Contractors/Electricians/Plumbers**  
**Applicant Information** **Please Print Legibly**

Name (Business/Organization/Individual): RTI ENTERPRISES INC DBA MAIN STREET AUTO  
 Address: 289 MAIN ST  
 City/State/Zip: WEST NEWBURY MA 01985 Phone #: [REDACTED]

**Are you an employer? Check the appropriate box:**

- |  |   |
|--|---|
| <p>1. <input checked="" type="checkbox"/> I am an employer with <u>2</u> employees (full and/or part-time).*</p> <p>2. <input type="checkbox"/> I am a sole proprietor or partnership and have no employees working for me in any capacity. [No workers' comp. insurance required.]</p> <p>3. <input type="checkbox"/> I am a homeowner doing all work myself. [No workers' comp. insurance required.] †</p> | <p>4. <input type="checkbox"/> I am a general contractor and I have hired the sub-contractors listed on the attached sheet. These sub-contractors have employees and have workers' comp. insurance. ‡</p> <p>5. <input type="checkbox"/> We are a corporation and its officers have exercised their right of exemption per MGL c. 152, §1(4), and we have no employees. [No workers' comp. insurance required.]</p> |
|--|---|

**Type of project (required):**

6.  New construction  
 7.  Remodeling  
 8.  Demolition  
 9.  Building addition  
 10.  Electrical repairs or additions  
 11.  Plumbing repairs or additions  
 12.  Roof repairs  
 13.  Other AUTO REPAIR

\*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.  
 † Homeowners who submit this affidavit indicating they are doing all work and then hire outside contractors must submit a new affidavit indicating such.  
 ‡ Contractors that check this box must attach an additional sheet showing the name of the sub-contractors and state whether or not those entities have employees. If the sub-contractors have employees, they must provide their workers' comp. policy number.

**I am an employer that is providing workers' compensation insurance for my employees. Below is the policy and job site information.**

Insurance Company Name: AIM MUTUAL INSURANCE CO  
 Policy # or Self-ins. Lic. #: [REDACTED] Expiration Date: 12/1/19  
 Job Site Address: 289 MAIN ST City/State/Zip: WEST NEWBURY MA 01985

**Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date).** Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

**I do hereby certify under the pains and penalties of perjury that the information provided above is true and correct.**

Signature: [Signature] Date: 12/7/18  
 Phone #: (978) 363 2971

**Official use only. Do not write in this area, to be completed by city or town official.**

City or Town: \_\_\_\_\_ Permit/License # \_\_\_\_\_

**Issuing Authority (circle one):**

1. Board of Health 2. Building Department 3. City/Town Clerk 4. Electrical Inspector 5. Plumbing Inspector  
 6. Other \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone #: \_\_\_\_\_



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
12/07/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b>	West Newbury Insurance Agency, Inc. 322 Main St. P.O. Box 150 West Newbury, MA 01985
	<b>INSURED</b> RTI ENTERPRISES INC DBA MAIN STREET AUTO 289 MAIN STREET WEST NEWBURY, MA 01985

<b>CONTACT NAME:</b> RICK PINCIARO	
<b>PHONE (AC, No, Ext):</b> 9783636286	<b>FAX (AC, No):</b> (978) 363-1228
<b>E-MAIL:</b>	
<b>ADDRESS:</b>	
<b>INSURER(S) AFFORDING COVERAGE</b>	
<b>INSURER A:</b> AIM MUTUAL INSURANCE CO	
<b>INSURER B:</b>	
<b>INSURER C:</b>	
<b>INSURER D:</b>	
<b>INSURER E:</b>	
<b>INSURER F:</b>	

**COVERAGES**                          **CERTIFICATE NUMBER:**                          **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

NSR LTR	TYPE OF INSURANCE	ADDL ISBRS INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	<b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJ. <input type="checkbox"/> LOC OTHER:					EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COM/OP AGG
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY  EXCESS LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE DED    RETENTION \$					COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident) EACH OCCURRENCE AGGREGATE
<b>A</b>	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y / N <input checked="" type="checkbox"/> N    N/A	1125858 <b>MASS ONLY COVERAGE</b>	12/01/2018	12/01/2019	<input type="checkbox"/> PER STATUTE <input checked="" type="checkbox"/> OTHER E.L. EACH ACCIDENT    \$    1,000,000 E.L. DISEASE - EA EMPLOYEE    \$    1,000,000 E.L. DISEASE - POLICY LIMIT    \$    1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 104, Additional Remarks Schedule, may be attached if more space is required)

**CERTIFICATE HOLDER**  
TOWN OF WEST NEWBURY  
381 MAIN STREET  
WEST NEWBURY, MA 01985

**CANCELLATION**  
SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

**MASSACHUSETTS USED CAR DEALER'S BOND**

WE HEREBY THESE PRESENTS, that we,  
RTI ENTERPRISES INC DBA MAIN STREET AUTO

of 289 MAIN STREET West Newbury MA 01985,

as Principal, and

NGM Insurance Company

4601 Touchton Rd East Ste 3400 Jacksonville, FL 32245-6000

authorized to do business in the Commonwealth of Massachusetts, as Surety, are held and firmly bound unto

Town of West Newbury 381 Main St W Newbury, MA 01985

as Obligee, for the benefit of all natural persons who suffer loss as defined by Chapter 140, Section 58 of the General Laws as amended by Chapter 422 of the Acts of 2002, by reason of purchase of a motor vehicle from the said Principal, in the sum of

Twenty Five Thousand and 00/100 Dollars

(\$25,000.00), for which payment, well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors and assignees, jointly and severally, firmly be these presents.

Whereas the said Principal is a Dealer having an established place of business at

289 MAIN STREET West Newbury MA 01985

in the Commonwealth of Massachusetts, and is required to furnish a bond in accordance with Chapter 140, Section 58.

Now, therefore, the condition of this obligation is such that if the said Principal shall faithfully observe the provisions of Chapter 140, Section 58, then this obligation shall be void and of no effect; otherwise it shall remain in full force and virtue. The aggregate liability of the Surety shall in no event exceed the amount of this bond regardless of the number of claims against the bond or the number of years the bond remains in force.

The Foregoing Agreement is Subject to the Following Conditions and Limitations:

- Section 1. Recovery Against this bond may be made by any natural person who obtains a final judgment in court against the dealer for an act or omission on which the bond is conditioned if the act or omission occurred during the term of the bond. No suit may be maintained to enforce any liability on the bond unless brought within one year after the event giving rise to the cause of action.
  - Section 2. Notice of any suit under this bond must be made in writing to the Obligee (written acknowledgement of receipt of said notice by the Obligee to be prima facie evidence of compliance with this requirement of notice).
- The Surety may cancel said bond by giving thirty (30) days notice in writing by U.S. First Class mail to the Obligee and this bond shall be deemed cancelled.

Effective this 7th day of December, 2018.

Witness

RTI ENTERPRISES INC DBA MAIN STREET AUTO (Seal)

By [Redacted Signature]  
Principal

Witness

NGM Insurance Company

By [Handwritten Signature]  
Surety Ricky J Pinciario Attorney-in-Fact





KNOW ALL MEN BY THESE PRESENTS: That NGM Insurance Company, a Florida corporation having its principal office in the City of Jacksonville, State of Florida, pursuant to Article IV, Section 2 of the By-Laws of said Company, to wit:

"SECTION 2. The board of directors, the president, any vice president, secretary, or the treasurer shall have the power and authority to appoint attorneys-in-fact and to authorize them to execute on behalf of the company and affix the seal of the company thereto, bonds, recognizances, contracts of indemnity or writings obligatory in the nature of a bond, recognizance or conditional undertaking and to remove any such attorneys-in-fact at any time and revoke the power and authority given to them."

does hereby make, constitute and appoint Ricky J Pinciaro its true and lawful Attorney-in-fact, to make, execute, seal and deliver for and on its behalf, and as its act and deed bond number S-873191 dated December 7, 2018 on behalf of \*\*\*\* RTI ENTERPRISES INC DBA MAIN STREET AUTO \*\*\*\* in favor of Town of West Newbury for Twenty Five Thousand and 00/100 Dollars (\$ 25,000.00 ) and to bind NGM Insurance Company thereby as fully and to the same extent as if such instrument was signed by the duly authorized officers of NGM Insurance Company; this act of said Attorney is hereby ratified and confirmed.

This power of attorney is signed and sealed by facsimile under and by the authority of the following resolution adopted by the Directors of NGM Insurance Company at a meeting duly called and held on the 2nd day of December 1977.

Voted: That the signature of any officer authorized by the By-Laws and the company seal may be affixed by facsimile to any power of attorney or special power of attorney or certification of either given for the execution of any bond, undertaking, recognizance or other written obligation in the nature thereof; such signature and seal, when so used being hereby adopted by the company as the original signature of such officer and the original seal of the company, to be valid and binding upon the company with the same force and effect as though manually affixed.

WITNESS WHEREOF, NGM Insurance Company has caused these presents to be signed by its Vice President, General Counsel and its corporate seal to be hereto affixed this 11th day of January, 2016.

NGM INSURANCE COMPANY By:



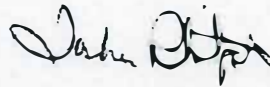
Bruce R. Fox  
Vice President, General Counsel and Secretary



State of Florida,  
County of Duval

On this 11th day of January, 2016 before the subscriber a Notary Public of State of Florida in and for the County of Duval duly commissioned and qualified, came Bruce R. Fox of NGM Insurance Company, to me personally known to be the officer described herein, and who executed the preceding instrument, and he acknowledged the execution of same, and being by me fully sworn, deposed and said that he is an officer of said Company, aforesaid: that the seal affixed to the preceding instrument is the corporate seal of said Company, and the said corporate seal and his signature as officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Company; that Article IV, Section 2 of the By-Laws of said Company is now in force.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by official seal at Jacksonville, Florida this 11th day of January, 2016.



Tasha Ann Prihod  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# FF915117  
Expires 10/3/2019

Giordano-Ramos, Vice President of NGM Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney executed by said Company which is still in force and effect. IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Company at Jacksonville, Florida this 7th day of December, 2018.



WARNING: Any unauthorized reproduction or alteration of this document is prohibited.

TO CONFIRM VALIDITY of the attached bond please call 1-800-225-5646.

TO SUBMIT A CLAIM: Send all correspondence to 55 West Street, Keene, NH 03431 Attn: Bond Claims.

# TOWN OF WEST NEWBURY

## Schedule of Departmental Payments to the Treasurer

Dept \_\_\_\_\_ Selectmen \_\_\_\_\_ Number \_\_\_\_\_ Date 12/7/2018  
 Acct # 4420 Acct Description \_\_\_\_\_ Other Licenses \_\_\_\_\_

From/Check #	Source	Amount
#103	RTI Enterprices, Inc/Main St Auto 2019 Used Car Dealer License	\$20.00
<b>TOTAL</b>		<b>\$20.00</b>

The above is a detailed list of monies collected by me, amounting in the aggregate amount of  
Twenty Dollars ----- 00/100 Dollars  
 for the week ending 12/8/2018 which I have paid to the Treasurer,  
 whose receipt I hold therefore:

Mary Winglass  
 Signature

Exec. Admin  
 Title

Received of Selectmen the sum of  
Twenty and 00/100 Dollars

filed in my office on: 
 RECEIVED  
 DEC 07 2018  
 Stamp  
 WEST NEWBURY

Susan James  
 Assistant Treasurer Collector

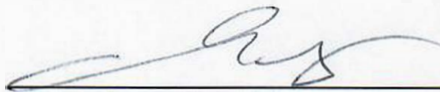


# Town of West Newbury

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

## Class II Used Car License Applicants:

I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all state taxes required under law.

  
\_\_\_\_\_

\*Signature of Individual  
Or Corporate Name (Mandatory)

  
\_\_\_\_\_

By: Corporate Officer

MICHAEL DILRY S CRAMP RD ST WEST NEWBURY MA 01985

Print Name and Address

  
\_\_\_\_\_

\*\*Social Security # or Federal ID #

12/7/18

Date

\*This license will not be issued unless the applicant signs this certification clause.

\*\*Your social security number will be furnished to the Massachusetts Department of Revenue to determine whether you have met tax filing or tax payment obligations. Licensees who fail to correct their non-filing or delinquency will be subject to license suspension or revocation. This request is made under the authority of M.G.L. c. 62C s49A.



The Commonwealth of Massachusetts  
 Department of Industrial Accidents  
 Office of Investigations  
 600 Washington Street  
 Boston, MA 02111  
 www.mass.gov/dia

**Workers' Compensation Insurance Affidavit: Builders/Contractors/Electricians/Plumbers**  
**Applicant Information** **Please Print Legibly**

Name (Business/Organization/Individual): CRAWF NICK AUTO LLC

Address: 5 CRAWF NICK ST

City/State/Zip: WEST NEWBOROUGH MA 01985 Phone #: [REDACTED]

**Are you an employer? Check the appropriate box:**

- |  |   |
|--|---|
| <p>1. <input checked="" type="checkbox"/> I am an employer with <u>1</u> employees (full and/or part-time).*</p> <p>2. <input type="checkbox"/> I am a sole proprietor or partnership and have no employees working for me in any capacity. [No workers' comp. insurance required.]</p> <p>3. <input type="checkbox"/> I am a homeowner doing all work myself. [No workers' comp. insurance required.] †</p> | <p>4. <input type="checkbox"/> I am a general contractor and I have hired the sub-contractors listed on the attached sheet. These sub-contractors have employees and have workers' comp. insurance. ‡</p> <p>5. <input type="checkbox"/> We are a corporation and its officers have exercised their right of exemption per MGL c. 152, §1(4), and we have no employees. [No workers' comp. insurance required.]</p> |
|--|---|

**Type of project (required):**

6.  New construction
7.  Remodeling
8.  Demolition
9.  Building addition
10.  Electrical repairs or additions
11.  Plumbing repairs or additions
12.  Roof repairs
13.  Other AUTO SALES

\*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.

† Homeowners who submit this affidavit indicating they are doing all work and then hire outside contractors must submit a new affidavit indicating such.

‡ Contractors that check this box must attach an additional sheet showing the name of the sub-contractors and state whether or not those entities have employees. If the sub-contractors have employees, they must provide their workers' comp. policy number.

**I am an employer that is providing workers' compensation insurance for my employees. Below is the policy and job site information.**

Insurance Company Name: TRAVELERS INS.

Policy # or Self-ins. Lic. #: [REDACTED] Expiration Date: 2/10/19

Job Site Address: 5 CRAWF NICK ST W. NEWBOROUGH MA 01985 City/State/Zip: WEST NEWBOROUGH MA 01985

**Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date).**

Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

**I do hereby certify under the pains and penalties of perjury that the information provided above is true and correct.**

Signature: [Signature] Date: 12/7/18

Phone #: (978) 363-8393

*Official use only. Do not write in this area, to be completed by city or town official.*

City or Town: \_\_\_\_\_ Permit/License # \_\_\_\_\_

Issuing Authority (circle one):

1. Board of Health 2. Building Department 3. City/Town Clerk 4. Electrical Inspector 5. Plumbing Inspector  
 6. Other \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone #: \_\_\_\_\_



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
12/07/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement.

PRODUCER: Salem Five Insurance Services, LLC
CONTACT NAME:
PHONE: (781) 933-3100
FAX: (781) 933-9048
E-MAIL ADDRESS: insurance.services@salemfive.com
INSURER(S) AFFORDING COVERAGE: INSURER A: Travelers Cas Ins Co of AM
INSURER B: Travelers Ind Co of AM
INSURED: Crane Neck Auto LLC

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

Table with columns: INSR LTR, TYPE OF INSURANCE, ADDL INSD, SUBR WVD, POLICY NUMBER, POLICY EFF, POLICY EXP, LIMITS. Rows include Commercial General Liability, Automobile Liability, Umbrella Liab, Workers Compensation and Employers' Liability, Building, and BPP.

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER: Town of West Newbury
CANCELLATION: SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

**BOND DEPARTMENT**

AGENCY: 20-0260 Salem Five Ins Services

<b>CONTINUATION CERTIFICATE</b>	<b>BOND</b> <span style="background-color: black; color: black;">[REDACTED]</span>
---------------------------------	--

**Principal:**  
Crane Neck Auto LLC  
5 Crane Neck Street  
West Newbury, MA 01985

**Obligee:**  
Town of West Newbury  
381 Main St  
W Newbury MA 01985

**Bond Term in Months:** 12      **Effective Date:** 4/18/2018      **Expiration Date:** 4/18/2019  
**Penalty Amount:** \$25,000      **Type of Bond:** License  
**Classification:** Used Motor Vehicle Dealer MA

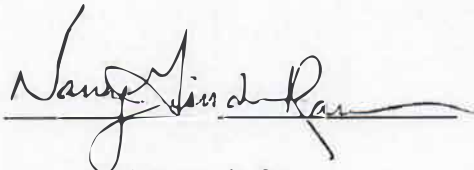
**Remarks:**

It is hereby agreed that the captioned numbered Bond is continued in force in the above amount for the period of the continued term stated above and is subject to all the covenants and conditions of said Bond.

This continuation shall be deemed a part of the original Bond, and not a new obligation, no matter how long the Bond has been in force or how many premiums are paid for the Bond, unless otherwise provided for by statute or ordinance applicable.

In witness whereof, the company has caused this instrument to be duly signed, sealed and dated as of the above "continuation effective date".

NGM INSURANCE COMPANY

By:   
Attorney-in-fact



This Continuation Certificate needs to be filed with the obligee. No other proof of renewal has been sent to any other party.

Direct Bill

# TOWN OF WEST NEWBURY

## Schedule of Departmental Payments to the Treasurer

Dept \_\_\_\_\_ Selectmen \_\_\_\_\_ Number \_\_\_\_\_ Date 12/7/2018  
 Acct # 4420 Acct Description \_\_\_\_\_ Other Licenses \_\_\_\_\_

From/Check #	Source	Amount
#10576	Crane Neck Auto	\$20.00
	2019 Used Car Dealer License	
<b>TOTAL</b>		<b>\$20.00</b>

The above is a detailed list of monies collected by me, amounting in the aggregate amount of  
Twenty Dollars ----- 00/100 Dollars  
 for the week ending 12/8/2018 which I have paid to the Treasurer,  
 whose receipt I hold therefore:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

Received of \_\_\_\_\_ the sum of \_\_\_\_\_ Dollars

filed in my office on:

\_\_\_\_\_  
Stamp

\_\_\_\_\_  
Assistant Treasurer Collector



# 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](mailto:townmanager@wnewbury.org)

C

TO: Board of Selectmen  
FROM: Angus Jennings, Town Manager  
DATE: December 6, 2018  
RE: Rental of town facilities policy: Review of insurance requirements for individuals

---

Mary and I met with Cabot Risk Strategies last week to review our 2019 renewal of property & casualty insurance, and took the opportunity to discuss the policy questions discussed at the Board's November 26<sup>th</sup> meeting.

In the meeting, and in follow-up written correspondence, it was recommended that the Town require a certificate of insurance from any group that is using a Town-owned facility. This recommendation was the same, whether the Town receives compensation for the rental or not. It was, however, agreed that the current requirement for limits of liability of \$1M occurrence/\$3M aggregate could be reasonably reduced to \$1M occurrence/\$2M aggregate.

Our representative did suggest, as a way of reducing users' inconvenience – and quite possibly cost – of securing their own one-day event policy the option of a Tenant User Liability Insurance Program. A so-called TULIP policy could be obtained by the Town for the insured *facilities*, then each tenant/user/lessee would be required to apply for liability coverage for their specific event.

This is introduced for Board consideration, and policy direction.



## Town Manager

---

**From:** Selectmen  
**Sent:** Monday, November 26, 2018 10:12 AM  
**To:** Town Manager  
**Subject:** FW: Monday night's vote on Annex usage

Forwarding an email from Frank Sisto

*Mary Winglass, Executive Administrator*  
Town of West Newbury  
Town Office Building  
381 Main Street  
West Newbury, MA 01985  
(978) 363-1100 x115  
[mwinglass@wnewbury.org](mailto:mwinglass@wnewbury.org)

---

**From:** Frank Sisto [REDACTED]  
**Sent:** Wednesday, November 21, 2018 9:57 PM  
**To:** Selectmen <selectmen@wnewbury.org>  
**Subject:** Monday night's vote on Annex usage

Good evening gentlemen:

Just wanted to pass along a note of thanks for passing the waiver for the current pending chess tournaments in the Annex. I understand it applies only to the Feb and March events, I will hold off on scheduling anything further pending developments from your meeting with town insurers on General Liability.

I am unclear what the catalyst was to ever call these (or any other events in the Annex) into warranting a separate policy. The Town's General Liability policy is there for precisely this reason, to cover general usage. Should folks be doing anything that runs afoul of the General Policy (eg, I don't know, a motorcycle race in the Annex), then yes I can see a separate policy above and beyond. But a kids birthday party? Or a chess tournament?

Angus Jennings passed along a question to me, re: whether we can get a certificate of insurance from the US Chess Federation (USCF). We cannot.

Per Angus, my understanding is the Selectmen view our efforts as being affiliates of a larger organization. When you can, I'd like to get some clarification on that phrase "affiliation with an organization".

If it's any guidance, the efforts of myself and Alex are solely our own. We are not contractors of, do not get expenses reimbursed by, or receive any remuneration from the USCF. We simply run tournaments and the USCF rates the events for players for a national rating, for keeping visibility to the game as well as try to expose chess to some of the youth in the district (we've had plenty of locals who were visitors, but sadly none have converted into tournament players).

Everyone have a good Thanksgiving.

Frank



# TENANT USER LIABILITY INSURANCE PROGRAM (TULIP) FACILITY UNDERWRITING QUESTIONNAIRE

## PROGRAM DESCRIPTION

This insurance program has been designed for persons or organizations renting or leasing this facility/premises to conduct short term special events that meet the following criteria:

- Total event attendance is 3,000 or less
- Maximum number of consecutive event days is 10 (not including set-up or tear down)

Coverage is provided by a carrier rated A+ (Superior) by A.M. Best Company.

## INELIGIBLE OPERATIONS

Operations not eligible for this program include, but are not limited to the following:

- Activist rallies/marches/protests
- Air shows/events
- Animal obedience training
- Any events including organized athletic events/competitions
- Any events and/or concerts – involving rap, hip-hop, heavy metal or electronic music
- Any events held on an airport premises
- Any events honoring national and/or local celebrities or professional athletes
- Any events involving in or on water activities
- Any events providing overnight accommodations
- Battle reenactments
- Bonfires
- Christmas tree sales/lots
- Cinematography and photography for commercial use
- Circuses
- Color party, foam party or raves
- Food eating contests
- Fraternity or sorority events (except alumni association off-site events that have prior approval by K&K)
- Geocaching events
- Gun and/or knife shows
- Haunted attractions/events
- Health fairs/expositions
- Mazes (corn, hay or fence)
- Parades (or any event involving a parade)
- Political events (except private fundraising auctions, benefits, dances, dinners)
- Pumpkin chuckin events
- Rodeos
- Seances
- Tailgating events (unless reported prior and approved by K&K)
- Tractor pulls
- Union meetings
- Walks/running events

## ELIGIBLE OPERATIONS

This following event operations are eligible for this program. If you do not see your event listed, please contact K&K for eligibility.

Class 1 Private Invitation Events	Class 2 Open to the Public Events
<ul style="list-style-type: none"> <li>• Achievement celebrations</li> <li>• Anniversary party</li> <li>• Award banquets or presentations</li> <li>• Baby shower</li> <li>• Banquets</li> <li>• Baptism</li> <li>• Bar mitzvahs or bat mitzvahs</li> <li>• Birthday party</li> <li>• Business dinner, lecture, seminar, meeting, party or banquet</li> <li>• Celebrations (holiday)</li> <li>• Charity or fundraising event (auction, benefit, dance or dinner)</li> <li>• Debuts or debutante balls</li> <li>• Dinners, luncheons or showers</li> <li>• Graduation party</li> <li>• Lectures</li> <li>• Meetings (clubs or business)</li> <li>• Memorial service</li> <li>• Parties (retirement, house, anniversary, engagement or graduation)</li> <li>• Quinceañera</li> <li>• Recitals (dance or musical)</li> <li>• Reunion (class, family or military)</li> <li>• Seminars</li> <li>• Social gatherings or receptions</li> <li>• Wedding ceremony, shower reception or rehearsal dinner</li> </ul>	<ul style="list-style-type: none"> <li>• Auctions (property or real estate)</li> <li>• Bingo games (for charity fundraising only)</li> <li>• Car, RV or boat shows (static displays only)</li> <li>• Celebrations (holiday)</li> <li>• Charity events (auction, benefit, dance or dinner)</li> <li>• Concerts-other than rap, hip hop, heavy metal or electronic – call for approval</li> <li>• Conventions</li> <li>• Festivals or Fairs (harvest, craft, ethnic, job or art)</li> <li>• Flea market or swap meets</li> <li>• Graduation ceremonies</li> <li>• Lectures or workshops</li> <li>• Pageants</li> <li>• Picnics (no in or on water activity)</li> <li>• Reunions (class, family)</li> <li>• Rummage sales</li> <li>• School band or drill team competitions</li> <li>• School carnivals (no inflatables/rides)</li> <li>• Shows (animals-arena setting only, antique, art, baby, business, consumer, craft or fashion)</li> <li>• Speaking engagements</li> <li>• Walking tours (garden, holiday, parade of homes, historical sites) - single location</li> </ul>

## EXCLUSIONS

The following represent only some of the exclusions contained in this policy.

- Abuse, molestation, harassment or sexual conduct
- All operations listed as ineligible
- Amusement devices (e.g.: rides, slides, inflatables, bungees, climbing walls, dunk tanks-does not apply to structures that are not designed to bounce on, slide on, ride on or tunnel through)
- Animals (injury or death to any animal or injury, death or property damage caused by your animal)
- E-commerce
- Employment-related practices
- Events held at multiple locations (except for weddings)
- Fireworks
- Operations of concessionaires, exhibitors and/or vendors at your event
- Petting zoos
- Room and board liability/overnight camping
- Saddle animals
- Violation of statutes that govern emails, faxes, phone calls or other methods of sending materials or information

## PROGRAM GUIDELINES

### Commercial General Liability Limits of \$1,000,000 to \$5,000,000 available.

- The policy will be issued to the Sports, Leisure and Entertainment Risk Purchasing Group dba: Tenant Users, as endorsed, "name of the facility".
- Coverage applies only when the facility is being rented to and being used by tenants/users/lessees for short term special events that are specifically endorsed to the policy. All events are subject to review and approval by the K&K.
- The tenant/user/lessee are the named insured on the policy. Coverage limits apply separately to each tenant/user/lessee added to the policy. The facility owner/operator is named as an additional insured on the policy at no additional charge.
- An initial deposit from the facility owner/operator will be required in order for this program to be initiated. Each event submitted by the facility will then be credited against the deposit. Additional funds will be required periodically from the facility owner to maintain an adequate deposit balance.
- This is a pre-reporting program. Each tenant/user/lessee is required to complete a questionnaire to apply for liability coverage and the form must be received by K&K prior to the inception of the event. K&K will review the event(s) prior to processing to confirm program eligibility. If the event is eligible, the premium due for the event will be charged against the deposit payment and an endorsement will be issued confirming coverage has been bound and submitted to the facility owner for distribution.
- The expected attendance will determine the premium for each event being held at the facility. Premiums/rates are per event/per total attendance. An event is considered 10 consecutive days or less. Nonconsecutive event days are to be considered separate events.
- Events with attendance greater than 3,000 but less than 12,000 can visit our short term special event program at [www.eventinsurance-kk.com](http://www.eventinsurance-kk.com) to obtain a brochure/application or may contact us at 1-877-648-6404.

### TO OBTAIN A QUOTE

#### COMPLETE THE ATTACHED QUESTIONNAIRE AND SEND VIA:



E-MAIL [info@eventinsurance-kk.com](mailto:info@eventinsurance-kk.com)



FAX 1-260-459-5502



QUESTIONS Call 1-877-648-6404



WEB For more information or applications view us online at [www.kandkinsurance.com](http://www.kandkinsurance.com)



# Tenant User Liability Insurance Program (TULIP) Facility Questionnaire

Insuring the world's fun!

Completion of this enrollment form confirms your desire to obtain insurance through the Sports, Leisure and Entertainment Risk Purchasing Group. A risk purchasing group (RPG) provides group purchasing power for similar risks resulting in potential advantageous coverage terms, competitive rates, risk management bulletins, and rewards for favorable group loss experience. An RPG administration fee may be charged. The submission of this enrollment form and/or the acceptance of payment does not guarantee coverage. Certain operations are not eligible for coverage by this program. We reserve the right to decline any request for coverage.

### TO AVOID PROCESSING DELAYS, PLEASE:

1. Complete all sections (print legibly) 2. Sign and date where required

## GENERAL INFORMATION

Facility/Premises owner (as it should appear on the policy): \_\_\_\_\_  
 (The legal name of the business or organization; typically the name that would appear on any contracts or agreements)

Doing business as (DBA): \_\_\_\_\_  
 (additional names under which the named insured operates)

Mailing address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Contact name: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

Cell: (\_\_\_\_) \_\_\_\_\_ Fax: (\_\_\_\_) \_\_\_\_\_

E-mail: \_\_\_\_\_

Website: \_\_\_\_\_

## EVENT INFORMATION

1. Event Information: Estimated number of events to be held annually? \_\_\_\_\_

2. Indicate the types of events held at facility (check all that apply):

<input type="radio"/> Award presentations	<input type="radio"/> Fairs or festivals	<input type="radio"/> Rummage sales
<input type="radio"/> Auctions	<input type="radio"/> Flea markets or swap meets	<input type="radio"/> School band or drill team competitions
<input type="radio"/> Banquets	<input type="radio"/> Graduation ceremony	<input type="radio"/> School carnivals (no inflatables/rides)
<input type="radio"/> Bar or bat mitzvahs	<input type="radio"/> Job fairs	<input type="radio"/> Shows (animals-arena setting only, antique, art, business, baby, business, consumer, craft or fashion)
<input type="radio"/> Bazaars	<input type="radio"/> Lectures	<input type="radio"/> Speaking engagements
<input type="radio"/> Bingo games (charity fundraising only)	<input type="radio"/> Meetings	<input type="radio"/> Walking tours
<input type="radio"/> Car, boat, or RV shows (static display only)	<input type="radio"/> Pageants	<input type="radio"/> Wedding or wedding reception
<input type="radio"/> Concerts – call for approval (Type: _____)	<input type="radio"/> Parties (private or open to public)	<input type="radio"/> Other (subject to approval): _____
<input type="radio"/> Conventions	<input type="radio"/> Picnics (no in or on water activity)	
<input type="radio"/> Debuts or debutante balls	<input type="radio"/> Poetry readings	
<input type="radio"/> Dinners, luncheons or showers	<input type="radio"/> Quinceañeras	
	<input type="radio"/> Recitals (dance or music)	
	<input type="radio"/> Memorial service	
	<input type="radio"/> Reunions	

3. The facility will automatically be named as an additional insured on the policy. Please indicate the exact language needed to name the facility as an additional insured:  
 \_\_\_\_\_  
 \_\_\_\_\_

4. Indicate the limit of liability to be quoted:  \$1,000,000  \$2,000,000  Other: \$ \_\_\_\_\_

5. Provide the following:

- Copy of lease/rental agreement, including hold harmless agreement
- A diagram of the facility and surrounding area
- Hard copy loss runs for 4 years prior

K&K Insurance Group, Inc. • P.O. Box 2338 • Fort Wayne, IN 46801-2338 • 1-877-648-6404 • Fax 1-260-459-5502  
 Website [www.kandkinsurance.com](http://www.kandkinsurance.com) • E-mail [info@eventinsurance-kk.com](mailto:info@eventinsurance-kk.com)

K&K Insurance Group, Inc. is a licensed insurance producer in all states (TX license #13924); operating in CA, NY and MI as K&K Insurance Agency (CA license #0334819)

## FACILITY INFORMATION

Facility	Location 1	Location 2	Location 3
<b>Name of facility</b>			
<b>Address</b>			
<b>Type of facility</b>	<input type="radio"/> Amphitheatre <input type="radio"/> Coliseum <input type="radio"/> Conv. Center <input type="radio"/> Stadium <input type="radio"/> Sports Arena <input type="radio"/> Theatre <input type="radio"/> Other: _____	<input type="radio"/> Amphitheatre <input type="radio"/> Coliseum <input type="radio"/> Conv. Center <input type="radio"/> Stadium <input type="radio"/> Sports Arena <input type="radio"/> Theatre <input type="radio"/> Other: _____	<input type="radio"/> Amphitheatre <input type="radio"/> Coliseum <input type="radio"/> Conv. Center <input type="radio"/> Stadium <input type="radio"/> Sports Arena <input type="radio"/> Theatre <input type="radio"/> Other: _____
<b>Year built</b>			
<b>Square footage/capacity</b>			
<b># of rooms available for rent</b>			
<b>Construction type</b>	<input type="radio"/> Jointed masonry <input type="radio"/> Frame <input type="radio"/> Non combustible <input type="radio"/> Masonry noncombustible <input type="radio"/> Modified fire resistive <input type="radio"/> Fire resistive	<input type="radio"/> Jointed masonry <input type="radio"/> Frame <input type="radio"/> Non combustible <input type="radio"/> Masonry noncombustible <input type="radio"/> Modified fire resistive <input type="radio"/> Fire resistive	<input type="radio"/> Jointed masonry <input type="radio"/> Frame <input type="radio"/> Non combustible <input type="radio"/> Masonry noncombustible <input type="radio"/> Modified fire resistive <input type="radio"/> Fire resistive
<b>Fire protection type</b>			
<b>Permanent/Temporary seating capacity</b>	Permanent: _____ Temporary: _____	Permanent: _____ Temporary: _____	Permanent: _____ Temporary: _____
<b>Indicate who is responsible for:</b>			
<b>Food/Food sales</b>	<input type="radio"/> Facility <input type="radio"/> Other <input type="radio"/> Subcontractor <input type="radio"/> Tenant	<input type="radio"/> Facility <input type="radio"/> Other <input type="radio"/> Subcontractor <input type="radio"/> Tenant	<input type="radio"/> Facility <input type="radio"/> Other <input type="radio"/> Subcontractor <input type="radio"/> Tenant
<b>Alcohol</b>	<input type="radio"/> Facility <input type="radio"/> Other <input type="radio"/> Subcontractor <input type="radio"/> Tenant	<input type="radio"/> Facility <input type="radio"/> Other <input type="radio"/> Subcontractor <input type="radio"/> Tenant	<input type="radio"/> Facility <input type="radio"/> Other <input type="radio"/> Subcontractor <input type="radio"/> Tenant
<b>Décor</b>	<input type="radio"/> Facility <input type="radio"/> Other <input type="radio"/> Subcontractor <input type="radio"/> Tenant	<input type="radio"/> Facility <input type="radio"/> Other <input type="radio"/> Subcontractor <input type="radio"/> Tenant	<input type="radio"/> Facility <input type="radio"/> Other <input type="radio"/> Subcontractor <input type="radio"/> Tenant
<b>Security</b>	<input type="radio"/> Facility <input type="radio"/> Other <input type="radio"/> Subcontractor <input type="radio"/> Tenant	<input type="radio"/> Facility <input type="radio"/> Other <input type="radio"/> Subcontractor <input type="radio"/> Tenant	<input type="radio"/> Facility <input type="radio"/> Other <input type="radio"/> Subcontractor <input type="radio"/> Tenant
<b>Parking</b>	<input type="radio"/> Facility <input type="radio"/> Other <input type="radio"/> Subcontractor <input type="radio"/> Tenant	<input type="radio"/> Facility <input type="radio"/> Other <input type="radio"/> Subcontractor <input type="radio"/> Tenant	<input type="radio"/> Facility <input type="radio"/> Other <input type="radio"/> Subcontractor <input type="radio"/> Tenant
<b>Ticket sales</b>	<input type="radio"/> Facility <input type="radio"/> Other <input type="radio"/> Subcontractor <input type="radio"/> Tenant	<input type="radio"/> Facility <input type="radio"/> Other <input type="radio"/> Subcontractor <input type="radio"/> Tenant	<input type="radio"/> Facility <input type="radio"/> Other <input type="radio"/> Subcontractor <input type="radio"/> Tenant
<b>Maintenance</b>	<input type="radio"/> Facility <input type="radio"/> Other <input type="radio"/> Subcontractor <input type="radio"/> Tenant	<input type="radio"/> Facility <input type="radio"/> Other <input type="radio"/> Subcontractor <input type="radio"/> Tenant	<input type="radio"/> Facility <input type="radio"/> Other <input type="radio"/> Subcontractor <input type="radio"/> Tenant
<b>Is a certificate of insurance on file from all subcontractors?</b>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
<b>Are parking lots well lit?</b>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
<b>Response time (ambulance)</b>	_____ minutes	_____ minutes	_____ minutes
<b>Years of experience (current management)</b>			

**Applicable in AL, AR, DC, LA, MD, NM, RI and WV**

Any person who knowingly (or willfully)\* presents a false or fraudulent claim for payment of a loss or benefit or knowingly (or willfully)\* presents false information in an application for insurance is guilty of a crime and may be subject to fines and confinement in prison. \*Applies in MD Only.

**Applicable in CO** It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado Division of Insurance within the Department of Regulatory Agencies.

**Applicable in FL and OK** Any person knowingly and with intent to injure, defraud, or deceive any insurer files a statement of claim or an application containing any false, incomplete, or misleading information is guilty of a felony (of the third degree)\*. \*Applies in FL Only.

**Applicable in KS** Any person who knowingly and with intent to defraud, presents, causes to be presented or prepares with knowledge or belief that it will be presented to or by an insurer, purported insurer, broker or any agent thereof, any written, electronic, electronic impulse, facsimile, magnetic, oral, or telephonic communication or statement as part of, or in support of, an application

for the issuance of, or the rating of an insurance policy for personal or commercial insurance, or a claim for payment or other benefit pursuant to an insurance policy for commercial or personal insurance which such person knows to contain materially false information concerning any fact material thereto; or conceals, for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act.

**Applicable in KY, NY, OH and PA** Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim containing any materially false information or conceals for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties\* (not to exceed five thousand dollars and the stated value of the claim for each such violation)\*. \*Applies in NY Only.

**Applicable in ME, TN, VA and WA** It is a crime to knowingly provide false, incomplete or misleading information to an insurance company for the purpose of defrauding the company. Penalties (may)\* include imprisonment, fines and denial of insurance benefits. \*Applies in ME Only.

**Applicable in NJ** Any person who includes any false or misleading information on an application for an insurance policy is subject to criminal and civil penalties.

**Applicable in OR** Any person who knowingly and with intent to defraud or solicit another to defraud the insurer by submitting an application containing a false statement as to any material fact may be violating state law.

The following exclusions are contained in the commercial general liability coverage provided by this program. Abuse, molestation, harassment or sexual conduct; Aircraft/hot air balloon; Airport; Amusement devices (the ownership, operation, maintenance or use of: any mechanical or non-mechanical ride, slide, water slide, any inflatable recreation device, any bungee operation or equipment, any vertical device or equipment used for climbing- either permanently affixed or temporarily erected or dunk tank. Amusement device does not include any video arcade or computer games or structures that are not designed to bounce on, slide on, ride on or tunnel through); Animals (injury or death to any animal, or injury, death or property damage caused by an animal owned, rented or hired by you); Asbestos; Commercial general liability standard exclusions (CG0001 04/13 edition); E-commerce consulting; Employment-related practices; Events held outside the United States; Events held at multiple locations (except for weddings); Events with over 12,000 in total attendance; Fireworks; Fungi or bacteria; Lead; Nuclear energy liability; Operations of concessionaires, exhibitors and/or vendors at your event; Performers; Petting zoos; Room and board liability/overnight camping; Saddle animals; Snowmobile; Violations of statutes that govern emails, faxes, phone calls of sending materials or other methods of information; Those operations listed as ineligible: Activist rallies/marches/protests; Air shows/events; Animal obedience training; Any events involving athletic events/competitions; Any events held on an airport premises; Any events and/or concerts - involving rap, hip-hop, heavy metal or electronic music; Any events honoring national and/or local celebrities or professional athletes; Any events providing overnight accommodations; Any events involving in or on water activities; Balloon festivals; Bonfires; Christmas tree sales/lots; Cinematography and photography for commercial use; Circuses; Color party, foam party or raves; Battle reenactments; Dance competition; Food eating contests; Fraternity or sorority events (except alumni association off-site events that have been prior approved by K&K); Geocaching events; Gun and/or knife shows; Haunted attractions/events; Health fairs/expositions; Mazes (corn, hay or fence); Events involving vehicle(s) in, or while in practice for, or while being prepared for, or qualifying for, or while testing for any racing, speed, demolition, distance, or stunting activity ; Parades (or any event involving a parade); Political events (except private fundraising auctions, benefits, dances, dinners); Pumpkin chuckin events; Rodeos (any rodeo activity including, but not limited to, bronco or bull riding, steer roping, team roping, barrel racing or horseback riding); Seances; Tractor pulls; Tailgating events (unless reported prior and approved by K&K); Union meetings; Walks/running events.

**Warranty and Disclosure Statement:** I understand that the insurance company, in determining whether to provide insurance coverage, will rely on the information contained in this form and all other information being submitted. I hereby warrant, represent and confirm that, to the best of my knowledge, all information provided is complete, true and correct.

I am aware that the insurance company expects accurate reporting for my premium calculation, and should my figures exceed my estimates during the coverage term I will make arrangements to pay the additional premium. I understand that my book and records may be examined or audited by the insurance company at any time during the coverage period and up to three years thereafter. Intentional misrepresentation or misreporting may jeopardize coverage. K&K reserves the right to decline/void any ineligible coverage.

I further acknowledge that, I have reviewed all information provided with this enrollment form and understand the exclusions which apply, as well as the activities and operations for which coverage is not provided. The information I provided on this enrollment form becomes a part of the insurance contract.

**Compensation and Other Disclosure Information:** K&K Insurance Group, Inc. ("K&K") is an insurance producer licensed in your state. Insurance producers are authorized by their license to confer with insurance purchasers about the benefits, terms and conditions of insurance contracts; to offer advice concerning the substantive benefits of particular insurance contracts; to sell insurance; and to obtain insurance for purchasers. The role of the producer in any particular transaction involves one or more of these activities. Compensation will be paid to the producer, based on the insurance contract the producer sells. Depending on the insurer(s) and insurance contract(s) the purchaser selects, compensation will be paid by the insurer(s) selling the insurance contract or by another third party. Such compensation may vary depending on a number of factors, including the insurance contract(s) and the insurer(s) the purchaser selects. In addition, K&K may charge a fee for administrative services. Your signature on your application, quote form, check, credit card and/or other authorization for payment of your premium, will be deemed to signify your consent to and acceptance of the terms and conditions including the compensation, as disclosed above, that is to be received by K&K. The insurance purchaser may obtain information about compensation expected to be received by the producer based in whole or in part on the sale of insurance to the purchaser, and compensation expected to be received based in whole or in part of any alternative quotes presented to the purchaser by the producer, by emailing a written request to warranty@kandkinsurance.com.

In addition, premiums paid by clients to K&K for remittance to insurers, client refunds and claim payments paid to K&K by insurance companies for remittance to clients are deposited into fiduciary accounts in accordance with applicable insurance laws until they are due to be paid to the insurance company or Client. Subject to such laws and the applicable insurance company's consent, where required, K&K will retain the interest or investment income earned while such funds are on deposit in such accounts.

In placing, renewing, consulting on or servicing your insurance coverages K&K and its affiliates may participate in contingent commission arrangements with insurance companies that provide for additional contingent compensation, if, for example, certain underwriting, profitability, volume or retention goals are achieved. Such goals are typically based on the total amount of certain insurance coverages placed by K&K with the insurance company or the overall performance of the policies placed with that insurance company, not on an individual policy basis. As a result, K&K may be considered to have an incentive to place your insurance coverages with a particular insurance company. Where K&K participates in contingent commission arrangements with insurance companies, K&K may be entitled to additional commission in the range of 0 to 5% depending upon whether and when specified thresholds are achieved.

Our liability to you, in total, for the duration of our business relationship for any and all damages, costs, and expenses (including but not limited to attorneys' fees), whether based on contract, tort (including negligence), or otherwise, in connection with or related to our services (including a failure to provide a service) that we provide in total shall be limited to the lesser of \$2,500,000 or the singular annual limit of the policy of insurance procured by us on your behalf from which your damages arise.

This liability limitation applies to you, our client, and extends to our client's parent(s), affiliates, subsidiaries, and their respective directors, officers, employees and agents (each a "Client Group Member" of the "Client Group") wherever located that seek to assert claims against K&K, and its parent(s), affiliates, subsidiaries and their respective directors, officers, employees and agents (each an "K&K Group Member" of the "K&K Group"). Nothing in this liability limitation section implies that any K&K Group Member owes or accepts any duty or responsibility to any Client Group Member.

If you or any of your Group Members asserts any claims or makes any demands against us or any K&K Group Member for a total amount in excess of this liability limitation, then you agree to indemnify K&K for any and all liabilities, costs, damages and expenses, including attorneys' fees, incurred by K&K or any K&K Group Member that exceeds this liability limitation.

Aon Corporation, our ultimate parent company, and its affiliates have from time to time sponsored and invested in insurance and reinsurance companies. While we generally undertake such activities with a view to creating an orderly flow of capacity for our clients, we also seek an appropriate return on our investment. These investments, for which Aon is generally at-risk for potential price loss, typically are small and range from fixed-income to common stock transactions. In such case, the gains or losses we make through your investments could potentially be linked, in part, to the results of treaties or policies transacted with you. Please visit the Aon website at [http://www.aon.com/market\\_relationships](http://www.aon.com/market_relationships) for a current listing of insurance and reinsurance carriers in which Aon Corporate and its affiliates hold any ownership interest.

**Applicant business name** (from page 3): \_\_\_\_\_

**Applicant or agent signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Printed name:** \_\_\_\_\_ **Title:** \_\_\_\_\_

**If an agent:** Check here to acknowledge you are signing on behalf of the named insured

**AGENTS: YOU MUST CONTINUE TO NEXT PAGE AND COMPLETE AGENT WARRANTY SECTION**  
**Enrollments cannot be accepted unless this section is completed**

**AGENTS:**

Please complete the information below.

Agency name: \_\_\_\_\_ Agent/contact name: \_\_\_\_\_

Agency complete mailing address: \_\_\_\_\_

Agency telephone: (\_\_\_\_) \_\_\_\_\_ Agency fax: (\_\_\_\_) \_\_\_\_\_

Agent/contact e-mail address: \_\_\_\_\_ Tax I.D. \_\_\_\_\_

I represent and warrant as an insurance producer that I currently maintain, and will maintain, all individual, corporate or agency licenses or permits to conduct insurance business in the state coverage for this insured is being written. I further represent and warrant that I currently maintain errors and omissions insurance with a minimum limit of \$1,000,000 for myself, my officers, and employees. If requested by K&K, I will provide K&K with reasonably satisfactory evidence of all of the above mentioned items.

A 10% commission is available to licensed agents for this program. Please remit net payment of premium. Commissions are not to be calculated on any fees to the total premium.

I understand that agents do not have authority to issue binders or a certificate of insurance on behalf of this program.

**Agent signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_





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

**D**

Angus Jennings, Town Manager  
978-363-1100, Ext. 111 Fax 978-363-1826  
[townmanager@wnewbury.org](mailto:townmanager@wnewbury.org)

TO: Board of Selectmen  
FROM: Angus Jennings, Town Manager  
DATE: December 6, 2018  
RE: School construction financing

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At its October 29<sup>th</sup> meeting, the Board reviewed a summary slide regarding the school funding stabilization fund and a project financing model. That evening, Chairman Kemper requested that the complete backup be provided to support the Board's full understanding of the methodology and assumptions that underpin the model.

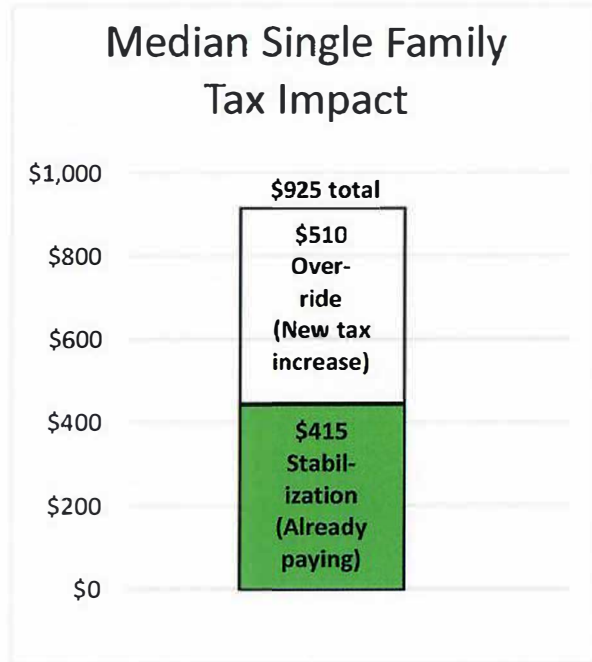
The complete backup is enclosed, and provided for Board review and discussion. I have also provided supplemental materials dating back to the initial establishment of the stabilization fund.

The Finance Department has also researched, and continues to research, one question raised that evening, regarding whether there may be the option for the Town to secure its share of construction financing independently then pay PSRD its share up-front, to take advantage of the Town's favorable bond rating. I will report on our findings at Monday's meeting.

# West Newbury School Capital Funding – DRAFT

Pentucket Has Not Voted a Final Building Cost - **Numbers Will Change**

This is a projection of the potential West Newbury impact,  
based on PRSD's published amounts



## West Newbury's Taxes Estimated to Increase An Average of \$510

You can ballpark your property tax increase by multiplying your assessed value by 0.001

### Assumptions:

- ◇ Median value home of \$531,350 (October 2018)
- ◇ Town Meeting will continue to contribute retiring debt to the school stabilization fund over the life of the borrowing
- ◇ Does not include projection of future non-school debt
- ◇ Total project cost of \$151.1 MM
  - ◇ District share of \$95.2 MM
  - ◇ West Newbury share of \$25.0 MM
- ◇ West Newbury annual debt service of \$1.6 MM
  - ◇ 30 year bond, with a 5% interest rate

## School Building Policy Framework

In FY16, total P&I payments (excl. Water, Septic and Dunn) were \$684,000.

The rationale of the School Stabilization Fund is to maintain level budgeting for debt service, even as debt service is retired, with the difference being allocated to the School Stabilization Fund on an annual basis.

The goal of building up the School Stabilization Fund is to have a source to draw from in order to offset the property tax impact of an override and debt service associated with a proposed Middle/High School.

**School Construction Cost Financing Workbook, DRAFT**

		<u>Source</u>
Construction cost	\$ 151,100,000	PRSD, 9/20/18
MSBA share	\$ 60,440,000	PRSD, 9/20/18
Phasing costs	\$ 200,000	PRSD, 9/20/18
District offices	\$ 4,300,000	PRSD, 9/20/18
<b>District share of cost:</b>	<b>\$ 95,160,000</b>	PRSD, 9/20/18
Annual debt service	\$ 6,157,498	30 years at 5% interest

**Cost Share by Town**

<u>Town</u>	<u>Capital</u>	<u>Interest</u>	<u>%</u>
West Newbury	\$ 25,033,726	\$ 23,561,837	26.3%
Groveland	\$ 36,376,512	\$ 34,237,710	38.2%
Merrimac	\$ 33,749,762	\$ 31,765,402	35.5%
	<u>\$ 95,160,000</u>		

**Cost Share by Town, Debt Service**

West Newbury	\$ 1,619,852
Groveland	\$ 2,353,807
Merrimac	\$ 2,183,839
	<u>\$ 6,157,498</u>

School Stabilization Fund Debt Service Model

Base Year	FY (year-end)	Current Debt	Appropriation	School	School	Amount raised
		Service Obligations	to School Stabilization	Stabilization Projected Balance (gross)	Stabilization Spent	
	FY16	\$ 684,000				
	FY17	\$ 527,000	\$ 157,000			\$ 157,000
	FY18	\$ 406,100	\$ 277,900	\$ 1,250,268		\$ 277,900
	FY19	\$ 369,000	\$ 315,000	\$ 1,565,268		\$ 315,000
	FY20	\$ 362,200	\$ 321,800	\$ 1,887,068		\$ 321,800
	FY21	\$ 355,400	\$ 328,600	\$ 2,215,668	\$ 362,685	\$ 1,852,983
	FY22	\$ 313,950	\$ 370,050	\$ 2,585,718	\$ 725,369	\$ 1,497,664
	FY23	\$ 297,950	\$ 386,050	\$ 2,971,768	\$ 725,369	\$ 1,158,344
	FY24	\$ -	\$ 684,000	\$ 3,655,768	\$ 725,369	\$ 1,116,975
	FY25	\$ -	\$ 684,000	\$ 4,339,768	\$ 725,369	\$ 1,075,606
	FY26	\$ -	\$ 684,000	\$ 5,023,768	\$ 725,369	\$ 1,034,236
	FY27	\$ -	\$ 684,000	\$ 5,707,768	\$ 725,369	\$ 992,867
	FY28	\$ -	\$ 684,000	\$ 6,391,768	\$ 725,369	\$ 951,497
	FY29	\$ -	\$ 684,000	\$ 7,075,768	\$ 725,369	\$ 910,128
	FY30	\$ -	\$ 684,000	\$ 7,759,768	\$ 725,369	\$ 868,758
	FY31	\$ -	\$ 684,000	\$ 8,443,768	\$ 725,369	\$ 827,389
	FY32	\$ -	\$ 684,000	\$ 9,127,768	\$ 725,369	\$ 786,019
	FY33	\$ -	\$ 684,000	\$ 9,811,768	\$ 725,369	\$ 744,650
	FY34	\$ -	\$ 684,000	\$ 10,495,768	\$ 725,369	\$ 703,281
	FY35	\$ -	\$ 684,000	\$ 11,179,768	\$ 725,369	\$ 661,911
	FY36	\$ -	\$ 684,000	\$ 11,863,768	\$ 725,369	\$ 620,542
	FY37	\$ -	\$ 684,000	\$ 12,547,768	\$ 725,369	\$ 579,172
	FY38	\$ -	\$ 684,000	\$ 13,231,768	\$ 725,369	\$ 537,803
	FY39	\$ -	\$ 684,000	\$ 13,915,768	\$ 725,369	\$ 496,433
	FY40	\$ -	\$ 684,000	\$ 14,599,768	\$ 725,369	\$ 455,064
	FY41	\$ -	\$ 684,000	\$ 15,283,768	\$ 725,369	\$ 413,694
	FY42	\$ -	\$ 684,000	\$ 15,967,768	\$ 725,369	\$ 372,325
	FY43	\$ -	\$ 684,000	\$ 16,651,768	\$ 725,369	\$ 330,956
	FY44	\$ -	\$ 684,000	\$ 17,335,768	\$ 725,369	\$ 289,586
	FY45	\$ -	\$ 684,000	\$ 18,019,768	\$ 725,369	\$ 248,217
	FY46	\$ -	\$ 684,000	\$ 18,703,768	\$ 725,369	\$ 206,847
	FY47	\$ -	\$ 684,000	\$ 19,387,768	\$ 725,369	\$ 165,478
	FY48	\$ -	\$ 684,000	\$ 20,071,768	\$ 725,369	\$ 124,108
	FY49	\$ -	\$ 684,000	\$ 20,755,768	\$ 725,369	\$ 82,739
	FYS0	\$ -	\$ 684,000	\$ 21,439,768	\$ 725,369	\$ 41,369
	FYS1	\$ -	\$ 684,000	\$ 22,123,768	\$ 725,369	\$ 0
			<u>\$ 21,308,400</u>			

Debt Service Schedule		Sources				
FY	Debt Svc Due	Stabilization		Free Cash	Total Sources	Delta
		Fund	Override			
FY19	\$ -	\$ -			\$ -	\$ -
FY20	\$ -	\$ -			\$ -	\$ -
FY21	\$ 809,926	\$ 362,685	\$ 448,000		\$ 810,685	\$ 759
FY22	\$ 1,619,852	\$ 725,369	\$ 895,000		\$ 1,620,369	\$ 517
FY23	\$ 1,619,852	\$ 725,369	\$ 895,000		\$ 1,620,369	\$ 517
FY24	\$ 1,619,852	\$ 725,369	\$ 895,000		\$ 1,620,369	\$ 517
FY25	\$ 1,619,852	\$ 725,369	\$ 895,000		\$ 1,620,369	\$ 517
FY26	\$ 1,619,852	\$ 725,369	\$ 895,000		\$ 1,620,369	\$ 517
FY27	\$ 1,619,852	\$ 725,369	\$ 895,000		\$ 1,620,369	\$ 517
FY28	\$ 1,619,852	\$ 725,369	\$ 895,000		\$ 1,620,369	\$ 517
FY29	\$ 1,619,852	\$ 725,369	\$ 895,000		\$ 1,620,369	\$ 517
FY30	\$ 1,619,852	\$ 725,369	\$ 895,000		\$ 1,620,369	\$ 517
FY31	\$ 1,619,852	\$ 725,369	\$ 895,000		\$ 1,620,369	\$ 517
FY32	\$ 1,619,852	\$ 725,369	\$ 895,000		\$ 1,620,369	\$ 517
FY33	\$ 1,619,852	\$ 725,369	\$ 895,000		\$ 1,620,369	\$ 517
FY34	\$ 1,619,852	\$ 725,369	\$ 895,000		\$ 1,620,369	\$ 517
FY35	\$ 1,619,852	\$ 725,369	\$ 895,000		\$ 1,620,369	\$ 517
FY36	\$ 1,619,852	\$ 725,369	\$ 895,000		\$ 1,620,369	\$ 517
FY37	\$ 1,619,852	\$ 725,369	\$ 895,000		\$ 1,620,369	\$ 517
FY38	\$ 1,619,852	\$ 725,369	\$ 895,000		\$ 1,620,369	\$ 517
FY39	\$ 1,619,852	\$ 725,369	\$ 895,000		\$ 1,620,369	\$ 517
FY40	\$ 1,619,852	\$ 725,369	\$ 895,000		\$ 1,620,369	\$ 517
FY41	\$ 1,619,852	\$ 725,369	\$ 895,000		\$ 1,620,369	\$ 517
FY42	\$ 1,619,852	\$ 725,369	\$ 895,000		\$ 1,620,369	\$ 517
FY43	\$ 1,619,852	\$ 725,369	\$ 895,000		\$ 1,620,369	\$ 517
FY44	\$ 1,619,852	\$ 725,369	\$ 895,000		\$ 1,620,369	\$ 517
FY45	\$ 1,619,852	\$ 725,369	\$ 895,000		\$ 1,620,369	\$ 517
FY46	\$ 1,619,852	\$ 725,369	\$ 895,000		\$ 1,620,369	\$ 517
FY47	\$ 1,619,852	\$ 725,369	\$ 895,000		\$ 1,620,369	\$ 517
FY48	\$ 1,619,852	\$ 725,369	\$ 895,000		\$ 1,620,369	\$ 517
FY49	\$ 1,619,852	\$ 725,369	\$ 895,000		\$ 1,620,369	\$ 517
FY50	\$ 1,619,852	\$ 725,369	\$ 895,000		\$ 1,620,369	\$ 517
FY51	\$ 1,619,852	\$ 725,369	\$ 895,000		\$ 1,620,369	\$ 517
	<u>\$ 49,405,490</u>		<u>\$ 27,298,000</u>			

**Pentucket Enrollment by Town**

	<u>#</u>	<u>%</u>
West Newbury	629	26.3%
Groveland	914	38.2%
Merrimac	<u>848</u>	35.5%
TOTAL	<u><u>2391</u></u>	100%

Numbers as of 10/1/18, submitted to State for certification; will be certified later this fall (probably December)

Source: *Marianne Naffah, 10/9/18*

**West Newbury Single Family Home Values**

as of 10/5/2018

Average	\$	569,716
Median	\$	531,350
25th percentile	\$	433,525
50th percentile	\$	531,350
75th percentile	\$	651,950
100th percentile (highest value)	\$	2,657,300



<b>TAX RATE IMPACT FOR AN INCREASE OF:</b>				<b>\$895,000</b>			
<u>Fiscal Year</u>	<u>West Newbury's Prior Valuation</u>	<u>Total Tax Levv</u>	<u>Total Tax Levv with Increase</u>	<u>Current Tax Rate</u>	<u>Projected Tax Rate with Increase</u>	<u>Difference in Tax Rate Due to Increase</u>	<u>% Increase</u>
2019	\$ 946,419,298	\$ 13,803,481	\$ 14,698,481	\$14.58	\$15.53	<b>\$0.95</b>	<b>6.5%</b>

\*\* The tax rate impact is based on the fiscal year FY19 estimated values and estimated tax rate.

<b>SINGLE FAMILY IMPACT OF AN ASSESSMENT INCREASE</b>							
<u>Fiscal Year</u>	<u>Median Single Family Home Value</u>	<u>Current Tax Rate</u>	<u>Median Single Family Tax Bill Before</u>	<u>Tax Rate on New Valuation</u>	<u>Median Single Family Tax Bill After</u>	<u>**Median Single Family Increase in Tax Dollars</u>	<u>**Median Single Family % Increase</u>
2019	\$531,350	\$14.58	\$7,750	\$15.53	\$8,252	<b>\$502</b>	<b>6.5%</b>
<u>Fiscal Year</u>	<u>Single Family Home Value</u>	<u>Current Tax Rate</u>	<u>Single Family Tax Bill Before</u>	<u>Tax Rate on New Valuation</u>	<u>Single Family Tax Bill After</u>	<u>Single Family Increase in Tax Dollars</u>	<u>Single Family % Increase</u>
2019	\$100,000	\$14.58	\$1,458	\$15.53	\$1,553	<b>\$95</b>	<b>6.5%</b>
2019	\$200,000	\$14.58	\$2,917	\$15.53	\$3,106	<b>\$189</b>	<b>6.5%</b>
2019	\$250,000	\$14.58	\$3,646	\$15.53	\$3,883	<b>\$236</b>	<b>6.5%</b>
2019	\$300,000	\$14.58	\$4,375	\$15.53	\$4,659	<b>\$284</b>	<b>6.5%</b>
2019	\$350,000	\$14.58	\$5,105	\$15.53	\$5,436	<b>\$331</b>	<b>6.5%</b>
2019	\$400,000	\$14.58	\$5,834	\$15.53	\$6,212	<b>\$378</b>	<b>6.5%</b>
2019	\$500,000	\$14.58	\$7,292	\$15.53	\$7,765	<b>\$473</b>	<b>6.5%</b>
2019	\$600,000	\$14.58	\$8,751	\$15.53	\$9,318	<b>\$567</b>	<b>6.5%</b>
2019	\$700,000	\$14.58	\$10,209	\$15.53	\$10,871	<b>\$662</b>	<b>6.5%</b>
2019	\$800,000	\$14.58	\$11,668	\$15.53	\$12,424	<b>\$757</b>	<b>6.5%</b>

\*\* The median single family home value is as of 10/5/18

Debt Amortization - Total		
Annual Calculation		
<b>Inputs</b>		
Loan		95,160,000
Number of years		30
Annual Interest Rate		5.00%
Future Value		0
<b>Calculated Amounts</b>		
Number of Periods (semi-annual)		60
Interest Rate (semi-annual)		2.50%
<b>Will calculate the following payment</b>		
Pmt	\$3,078,749	
Semi-Annual Payment		3,078,749
	D.S.C.	3.235%
Principal Amount		95,160,000
Other		0
Total Principal		95,160,000
Total Interest	\$	89,564,949
Semi-Annual Payment:		3,078,749
Annual Payment		6,157,498

Debt Service Schedule						Semi-Annual	Annual Interest
FY	Period	Interest	Principal	Principal Balance	Payment		
				95,160,000			
FY21	1	\$ 2,379,000	\$ 699,749	\$ 94,460,251	\$ 3,078,749	\$ 4,740,306	
	2	\$ 2,361,506	\$ 717,243	\$ 93,743,008	\$ 3,078,749		
FY22	3	\$ 2,343,575	\$ 735,174	\$ 93,007,834	\$ 3,078,749	\$ 4,668,771	
	4	\$ 2,325,196	\$ 753,553	\$ 92,254,281	\$ 3,078,749		
FY23	5	\$ 2,306,357	\$ 772,392	\$ 91,481,889	\$ 3,078,749	\$ 4,593,404	
	6	\$ 2,287,047	\$ 791,702	\$ 90,690,187	\$ 3,078,749		
FY24	7	\$ 2,267,255	\$ 811,494	\$ 89,878,692	\$ 3,078,749	\$ 4,518,222	
	8	\$ 2,246,967	\$ 831,782	\$ 89,046,910	\$ 3,078,749		
FY25	9	\$ 2,226,173	\$ 852,576	\$ 88,194,334	\$ 3,078,749	\$ 4,431,031	
	10	\$ 2,204,858	\$ 873,891	\$ 87,320,443	\$ 3,078,749		
FY26	11	\$ 2,183,011	\$ 895,738	\$ 86,424,705	\$ 3,078,749	\$ 4,341,679	
	12	\$ 2,160,618	\$ 918,132	\$ 85,506,573	\$ 3,078,749		
FY27	13	\$ 2,137,664	\$ 941,085	\$ 84,565,489	\$ 3,078,749	\$ 4,251,307	
	14	\$ 2,114,137	\$ 964,612	\$ 83,600,877	\$ 3,078,749		
FY28	15	\$ 2,090,022	\$ 988,727	\$ 82,612,149	\$ 3,078,749	\$ 4,159,325	
	16	\$ 2,065,304	\$ 1,013,445	\$ 81,598,704	\$ 3,078,749		
FY29	17	\$ 2,039,968	\$ 1,038,782	\$ 80,559,923	\$ 3,078,749	\$ 4,065,365	
	18	\$ 2,013,998	\$ 1,064,751	\$ 79,495,171	\$ 3,078,749		
FY30	19	\$ 1,987,379	\$ 1,091,370	\$ 78,403,802	\$ 3,078,749	\$ 3,947,374	
	20	\$ 1,960,095	\$ 1,118,654	\$ 77,285,147	\$ 3,078,749		
FY31	21	\$ 1,932,129	\$ 1,146,620	\$ 76,138,527	\$ 3,078,749	\$ 3,835,592	
	22	\$ 1,903,463	\$ 1,175,286	\$ 74,963,241	\$ 3,078,749		
FY32	23	\$ 1,874,081	\$ 1,204,668	\$ 73,758,573	\$ 3,078,749	\$ 3,718,045	
	24	\$ 1,843,964	\$ 1,234,785	\$ 72,523,788	\$ 3,078,749		
FY33	25	\$ 1,813,095	\$ 1,265,654	\$ 71,258,134	\$ 3,078,749	\$ 3,594,548	
	26	\$ 1,781,453	\$ 1,297,296	\$ 69,960,838	\$ 3,078,749		
FY34	27	\$ 1,749,021	\$ 1,329,728	\$ 68,631,110	\$ 3,078,749	\$ 3,464,799	
	28	\$ 1,715,778	\$ 1,362,971	\$ 67,268,138	\$ 3,078,749		
FY35	29	\$ 1,681,703	\$ 1,397,046	\$ 65,871,092	\$ 3,078,749	\$ 3,328,481	
	30	\$ 1,646,777	\$ 1,431,972	\$ 64,439,121	\$ 3,078,749		
FY36	31	\$ 1,610,978	\$ 1,467,771	\$ 62,971,349	\$ 3,078,749	\$ 3,185,262	
	32	\$ 1,574,284	\$ 1,504,465	\$ 61,466,884	\$ 3,078,749		
FY37	33	\$ 1,536,672	\$ 1,542,077	\$ 59,924,807	\$ 3,078,749	\$ 3,034,797	
	34	\$ 1,498,120	\$ 1,580,629	\$ 58,344,178	\$ 3,078,749		
FY38	35	\$ 1,458,604	\$ 1,620,145	\$ 56,724,033	\$ 3,078,749	\$ 2,876,705	
	36	\$ 1,418,101	\$ 1,660,648	\$ 55,063,385	\$ 3,078,749		
FY39	37	\$ 1,376,585	\$ 1,702,165	\$ 53,361,220	\$ 3,078,749	\$ 2,710,625	
	38	\$ 1,334,031	\$ 1,744,719	\$ 51,616,502	\$ 3,078,749		
FY40	39	\$ 1,290,413	\$ 1,788,337	\$ 49,828,165	\$ 3,078,749	\$ 2,538,117	
	40	\$ 1,245,704	\$ 1,833,045	\$ 47,995,120	\$ 3,078,749		
FY41	41	\$ 1,199,878	\$ 1,878,871	\$ 46,116,249	\$ 3,078,749	\$ 2,352,784	
	42	\$ 1,152,906	\$ 1,925,843	\$ 44,190,406	\$ 3,078,749		
FY42	43	\$ 1,104,760	\$ 1,973,989	\$ 42,216,417	\$ 3,078,749	\$ 2,160,171	
	44	\$ 1,055,410	\$ 2,023,339	\$ 40,193,078	\$ 3,078,749		
FY43	45	\$ 1,004,827	\$ 2,073,922	\$ 38,119,156	\$ 3,078,749	\$ 1,957,805	
	46	\$ 952,979	\$ 2,125,770	\$ 35,993,386	\$ 3,078,749		
FY44	47	\$ 899,835	\$ 2,178,915	\$ 33,814,471	\$ 3,078,749	\$ 1,745,196	

	48	\$	845,362	\$	2,233,387	\$	31,581,084	\$	3,078,749	
FY45	49	\$	789,527	\$	2,289,222	\$	29,291,862	\$	3,078,749	\$ 1,522,524
	50	\$	732,297	\$	2,346,453	\$	26,945,409	\$	3,078,749	
FY46	51	\$	673,635	\$	2,405,114	\$	24,540,296	\$	3,078,749	\$ 1,257,143
	52	\$	613,507	\$	2,465,242	\$	22,075,054	\$	3,078,749	
FY47	53	\$	551,876	\$	2,526,873	\$	19,548,181	\$	3,078,749	\$ 1,040,381
	54	\$	488,705	\$	2,590,045	\$	16,958,136	\$	3,078,749	
FY48	55	\$	423,953	\$	2,654,796	\$	14,303,341	\$	3,078,749	\$ 781,337
	56	\$	357,584	\$	2,721,166	\$	11,582,175	\$	3,078,749	
FY49	57	\$	289,554	\$	2,789,195	\$	8,792,980	\$	3,078,749	\$ 505,379
	58	\$	219,825	\$	2,858,925	\$	5,934,055	\$	3,078,749	
FY50	59	\$	148,351	\$	2,930,398	\$	3,003,658	\$	3,078,749	\$ 239,443
	60	\$	75,091	\$	3,003,658	\$	(0)	\$	3,078,749	
<u>TOTAL INTEREST</u>		\$	89,564,949							\$ 89,564,949

# **SPECIAL ARTICLE REQUEST FORM**

**ARTICLE:** To see if the Town will vote pursuant to Massachusetts General Laws, c. 40 §5B to create a special purpose municipal stabilization fund in order to fund future capital expenditures for school related building projects; and to raise and appropriate and/or transfer from available funds the sum of \$50,000 for such stabilization fund, or take any other action related thereto.

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**AMOUNT REQUESTED:** \$50,000 (Free Cash)

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**CONTACT PERSON:** The Board of Selectmen / Joe Anderson

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**PHONE NUMBER:** 978-363-1100 ext. 115

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

The intent of this Special Purpose Education Stabilization Fund is to service the debt on the future PRSD High School renovations or replacement. As current Town debt is retired over the next five years, the portion of taxes formerly used for that expense could be used for this Stabilization Fund. This could fund all or most of the building cost without having to increase the actual tax rate.

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**What factors affect the timing of this purchase?**

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

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**Please attach additional pages or other supporting documentation.**

Special Purpose Stabilization Funds: A Long-Term Planning Tool

The 1945 statute that initially authorized cities and towns to establish a stabilization fund restricted the use of any fund balance to capital expenditures. In 1991, permitted uses were expanded to include any lawful purpose, but funds could still not be reserved for a specific purpose. However, with the adoption of legislative amendments in 2003 to M.G.L. Ch. 40 s.5B, municipalities can now create multiple stabilization funds, assign a different purpose to each and take advantage of a new funding option.

As a result, at a time when cities and towns are faulted for operating in perpetual crisis mode, for allowing municipal assets to deteriorate, and for general short-sightedness, a special purpose stabilization fund can be an effective planning tool.

A fund might be established, for instance, to pay solely for the maintenance and repair of municipal buildings. Another might be created to supplement state highway funds, received under Chapter 90, and to cover the cost of an on-going street improvement program. A stabilization fund might be set-up to finance a government-wide vehicle replacement program. For example, if a community anticipated the need to purchase a \$400,000 fire truck in five years, it could reserve \$80,000 a year in a special purpose stabilization fund, and retain interest earned. In the past, municipalities would need state approval of special legislation to set -up such a reserve.

A special purpose stabilization fund:

- Encourages a community to think long-term. Programs to replace vehicles, maintain buildings and improve roads require an evaluation of all assets, formulation of a replacement or repair schedule, and calculation of long-term projected costs;
- Helps a community save money. Rather than pay cash, if the \$400,000 purchase price of fire truck were borrowed over 15 years, interest payments could add around \$150,000 to the total cost, depending on interest rates. Even if this additional cost would have a nominal tax rate impact, it can instead be a savings or expended elsewhere;
- Helps a community manage debt. A plan to accumulate cash over time and pay outright for a moderate-range capital expenditure helps preserve debt capacity for major, high-dollar purchases or projects. An approach that balances debt

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DEPARTMENT OF REVENUE

DIVISION OF LOCAL SERVICES

TECHNICAL ASSISTANCE SECTION

with pay-as-you-go practices, and protects against unforeseen costs is viewed in a positive light by credit rating agencies.

- Builds resident confidence in government. Special purpose stabilization funds directly address resident concerns and provide assurance that money appropriated for a particular purpose will be used for that purpose and will not be diverted.

Creation of the special purpose stabilization fund, and an appropriation to the fund, requires a two-thirds vote of a city council, town meeting or district prudential (or similar) committee. The vote must clearly define the purpose of each fund established. Now, under the new law, creating and appropriating to a general stabilization fund also requires two thirds vote.

There are two options for building balances in a special purpose stabilization fund. One is the traditional appropriation in a budget line-item, or in an article, from within the levy or from other general fund revenues. Balances can also be transferred-in from other existing accounts.

A second, new funding option is referred to as an override, but in fact, has characteristics of both a Proposition 2½ override and exclusion. Like an override, additional tax revenue can be raised year-after-year without town-wide or city-wide referendum votes beyond the year of inception. However, like an exclusion under Proposition 2½, the levy limit increase need not be permanent. Solely through the action each year of the selectmen, or city council, it can be continued, lowered or deferred entirely and resumed in a later year. In any event, each year, the amount available increases by 2½ percent.

### Option 1

The additional levy capacity that can be appropriated, or raised, by the override increases by 2½ percent each year. After the first year, the selectmen or city council may appropriate less than the originally approved amount. However, the lower amount then becomes the maximum that can be raised in subsequent years, plus 2½ percent annual escalations. A higher amount can only be raised with voter approval of another referendum. A year, or years, can be skipped. The selectmen, or city council, can choose not to appropriate to the stabilization fund through an override in any year. They can then, in later years, resume the override. However, the new allowed amount that can be raised would be the last amount raised plus 2½ percent.

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DEPARTMENT OF REVENUE

DIVISION OF LOCAL SERVICES

TECHNICAL ASSISTANCE SECTION

**Option 2**

For example, town meeting and town voters approve a \$100,000 override for a capital project stabilization fund in FY2008. In FY2009, \$102,500 ( $1.025 \times \$100,000$ ) is available for "appropriation" and that entire amount is "appropriated." For FY2010, \$105,062 ( $1.025 \times \$102,500$ ) is available, but only \$80,000 is "appropriated." The amount available in FY2011 now becomes \$82,000 ( $1.025 \times \$80,000$ ), but the selectmen choose to make no appropriation. The amount available in FY2012 is \$82,000 ( $1.025 \times$  last appropriation made, *i.e.*, \$80,000).

Ultimately, special purpose stabilization funds are most effective as a revenue source, or savings account, for anticipated expenditures. They work best when used to build moderate balances and to pay mid-level expenditures that the community will eventually have to make, like building maintenance, road repairs and vehicle purchases.

Building stabilization balances through an override unquestionably involves an increase to the tax levy but, as important, special purpose stabilization funds provide a response to resident concerns about the absence of long-term planning in municipal government. If considered thoughtfully and implemented prudently, they offer a vehicle that can help a community think and act in a forward looking manner, and effectively plan for future costs.

For more information, please see the DOR Information Guideline Release ([IGR 04-201](#)).





# Informational Guideline Release

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Property Tax Bureau  
Informational Guideline Release (IGR) No. 04-201  
January 2004

CREATION OF MULTIPLE STABILIZATION FUNDS  
AND  
PROPOSITION 2½ OVERRIDES FOR STABILIZATION FUNDS

Chapter 46 §§14 and 50 and Chapter 140 §§19 and 137 of the Acts of 2003  
(Amending G.L. Ch. 40 §5B and Ch. 59 §21C(g))

This Informational Guideline Release (IGR) informs local officials about new legislation that allows cities, towns and districts to create multiple stabilization funds for different purposes. The legislation also prohibits cities and towns from using the increased levy capacity resulting from a Proposition 2½ levy limit override approved for the purpose of making appropriations to any of those funds for any other spending purpose in a subsequent year without voter approval

Topical Index Key:

Accounting Policies and Procedures  
Appropriations  
Proposition 2½  
Special Funds

Distribution:

Accountants/Auditors  
Mayors/Selectmen  
City/Town Managers/Exec. Secys.  
Finance Directors  
Finance Committees  
City/Town Councils  
City Solicitors/Town Counsels

Informational Guideline Release (IGR) No. 04-201  
January 2004

**CREATION OF MULTIPLE STABILIZATION FUNDS**  
**AND**  
**PROPOSITION 2½ OVERRIDES FOR STABILIZATION FUNDS**

**Chapter 46 §§14 and 50 and Chapter 140 §§19 and 137 of the Acts of 2003  
(Amending G.L. Ch. 40 §5B and Ch. 59 §21C(g))**

**SUMMARY:**

These guidelines explain new legislation that gives cities, towns and districts the flexibility to create multiple stabilization funds for different purposes. The legislation amends G.L. Ch. 40 §5B, which previously provided for a single stabilization fund into which cities, towns and districts could appropriate monies to be reserved for future appropriation for any lawful purpose. Under the amendment, a community may now establish one or more stabilization funds for different purposes by a two-thirds vote of its legislative body. It may amend the purposes of those funds at a later time in the same manner. Appropriations both into and from the funds require a two-thirds vote of the legislative body. Previously, appropriations to the stabilization fund only required a majority vote. Interest earned on all stabilization funds remains with the funds. The interest provision had been inadvertently omitted when the statute was amended, but it was restored by a recent technical amendment and applies retroactively. Ch. 140 §§19 and 137 of the Acts of 2003.

In addition, a new paragraph has been included in G.L. Ch. 59 §21C(g), which authorizes a property tax levy limit override under Proposition 2½. Under this new provision, a city or town that has an override approved by its voters for the purpose of making appropriations to any stabilization fund must now allocate or dedicate the additional levy capacity resulting from that override to the same purpose in subsequent years. Ordinarily, monies from an override are only earmarked for the stated purpose in the fiscal year the override is effective. Two-thirds of the selectmen, town council or city council, with the mayor's approval if required by law, must vote to "appropriate" the additional capacity for the same stabilization fund purpose each year after the override takes effect. If "appropriated," the assessors must raise the amount in the tax rate and the municipality's levy limit is increased accordingly for that year. Voters may approve a change in the purpose for which the additional levy capacity can be used in future years. Approval of any change is by majority vote at a referendum.

These changes became effective July 31, 2003. They apply to any appropriation voted and levy limit override approved for a stabilization fund after that date.

PROPERTY TAX BUREAU

DANIEL J. MURPHY, CHIEF

GUIDELINES:

I. MULTIPLE STABILIZATION FUNDS

A. Creation of Funds

Stabilization funds may be created for one or more different purposes. G.L. Ch. 40 §5B. A fund may be created for a broad category of spending purposes, *e.g.*, any lawful purpose, capital budget purposes or purposes for which the community may borrow money. It may also be created for a specific purpose or project, *e.g.*, acquire a new fire truck or undertake a particular school construction project.

Creation of a fund requires a two-thirds vote of the legislative body of the city, town or district. The vote must clearly define the purpose(s) of the fund.

B. Pre-existing Fund

Any pre-existing stabilization fund balance should continue to be treated as a reserve for any lawful purpose, *i.e.* a "general" stabilization fund. The city, town or district can reallocate or earmark all or part of that balance to any new stabilization funds it creates by a vote to transfer monies from that "general" stabilization fund to the newly created fund. See Section I-D below.

C. Changing Fund Purpose

The purpose of a stabilization fund may be changed at any later time by a two-thirds vote of the legislative body. For example, if a community had established a fund in order to reserve monies to acquire a new fire truck and a balance remains after the purchase, the legislative body could vote to change the purpose to meet some new savings objective.

If a Proposition 2½ levy limit override was approved for the purpose of funding the particular stabilization fund, however, the city or town must also follow the referendum procedure explained in Section II-C below to be able to change the fund purpose and then continue using the additional levy capacity resulting from that override in future years.

D. Appropriations and Transfers

Appropriations into and from any stabilization fund require a two-thirds vote of the legislative body.

Monies may also be transferred from one stabilization fund to another by two-thirds vote. If the monies in the fund from which the transfer is made could not be appropriated directly for the purpose of the fund receiving the transfer, *e.g.*, a transfer of \$50,000 from a fund for a particular school construction project to a fund to construct a new senior center, the vote also serves as a change in purpose to the extent of the amount appropriated.

E. Investment and Interest

The treasurer may invest stabilization funds in national, savings or cooperative banks, Massachusetts trust companies, federal savings and loans associations located in Massachusetts or securities that are legal investments for savings banks under Massachusetts law.

All interest earned on the investment of stabilization funds belongs to the funds. The treasurer may pool monies from all stabilization funds for investment purposes, but the accounting officer must account for them separately in the general ledger and allocate interest earned on the pooled monies proportionately to each stabilization fund.

F. Limits on Funds

1. Annual Appropriations

Total annual appropriations to all stabilization funds are limited to 10 percent of the prior year's tax levy. This includes "appropriations" of additional levy capacity resulting from Proposition 2½ overrides approved for the funds. See Section II-B below. The limit on total appropriations may be exceeded with approval of the Director of Accounts.

2. Balance

The total of all stabilization fund balances cannot exceed 10 percent of a community's equalized valuation.

II. STABILIZATION FUND OVERRIDES

A. Presentation and Approval of Override Referendum

Cities and towns may ask voters to approve a Proposition 2½ levy limit override referendum for the purpose of funding any of the stabilization funds it establishes.

If approved, the additional levy capacity is earmarked for the same stabilization fund in the fiscal year the override is effective and subsequent years. G.L. Ch. 59 §21C(g).

Therefore, the amount of any override for a stabilization fund must be clearly identified, preferably by presenting a separate override question for each stabilization fund being funded. For example:

Shall the city/town of \_\_\_\_\_ be allowed to assess an additional \$100,000 in real estate and personal property taxes for the purposes of funding the municipal capital stabilization fund for the fiscal year beginning July 1, \_\_\_\_?

Shall the city/town of \_\_\_\_\_ be allowed to assess an additional \$100,000 in real estate and personal property taxes for the purposes of funding the school capital stabilization fund for the fiscal year beginning July 1, \_\_\_\_?

If the amount is included in an override for multiple purposes, however, the exact amount allocated to the particular stabilization fund must be stated. For example:

Shall the city/town of \_\_\_\_\_ be allowed to assess an additional \$1,000,000 in real estate and personal property taxes for the purposes of funding the town and school operating budgets, the municipal capital stabilization fund (\$100,000) and the school capital stabilization fund (\$100,000) for the fiscal year beginning July 1, \_\_\_\_?

**B. Appropriation of Override in Future Years**

1. Annual Appropriation Procedure

In the year the override is effective, the appropriation of the funds generated by the override to the particular fund is made by the usual appropriation procedure, *i.e.*, a two-thirds vote of the legislative body.

Each year thereafter, however, the selectmen, town council or city council, with the mayor's approval if required by law, must decide whether to "appropriate" any of the additional capacity resulting from the override for the same stabilization fund purpose. A two-thirds vote is required to make any "appropriation".

2. Appropriation Amount

All or some of the additional levy capacity may be "appropriated." In the first year after the override is effective, the additional levy capacity that may be appropriated is 102.5 percent of the override amount. In subsequent years, it is 102.5 percent of the amount of additional levy capacity appropriated in the last year it was appropriated.

For example, a \$100,000 override is approved for a school capital project stabilization fund for fiscal year 2005 and the legislative body appropriates the same amount from that year's tax levy for that purpose. In FY2006, \$102,500 is available for "appropriation" by the selectmen, town council or city council, with the mayor's approval if required by law. That entire amount is "appropriated." In FY2007, \$105,062 (1.025 x FY2006 appropriation of \$102,500) is available, but only \$80,000 is "appropriated." The amount available in FY2008 now becomes \$82,000 (1.025 x FY2007 appropriation of \$80,000). No appropriation is made in FY2008, however. The amount available in FY2009 is \$82,000 (1.025 x last appropriation made, *i.e.*, FY2007 appropriation of \$80,000).

3. Tax Rate

The assessors must raise the amount "appropriated" in the tax rate. This "appropriation" is reported on page two of the tax rate recapitulation under "Other Amounts to Be Raised" and documented by a certified copy of the "appropriation" vote, as explained in the annual tax rate recapitulation instructions issued by the Bureau of Accounts.

4. Levy Limit Calculation

The municipality's levy limit for any year is increased by the amount of additional levy capacity that is appropriated for the stabilization fund purpose. The new limit must still be within overall levy ceiling of 2½ percent of the full and fair cash value of taxable property.

C. Change in Override Purpose

1. Presenting Referendum

The selectmen, town council or city council, with the mayor's approval if required by law, may ask the voters to approve a change in the purpose of the override. This change can result in the additional levy capacity being allocated to another stabilization fund or to any other municipal purpose. A two-thirds vote is required to place the referendum before the voters.

2. Referendum Form

The following question form should be used to present a referendum to change the override purpose:

Shall the city/town of \_\_\_\_\_ be allowed to change the purpose of a Proposition 2½ override referendum approved at an election held on \_\_\_\_\_, \_\_\_\_ for the (capital stabilization fund) to the following new purpose(s): \_\_\_\_\_ for the fiscal year beginning July 1, \_\_\_\_?

3. Referendum Approval

The referendum is approved if a majority of those voting on the question vote "yes."

4. Appropriation in Future Years

If the purpose of the override is changed to another stabilization fund, or other purpose, the additional levy capacity would have to be "appropriated" to the new purpose each year or the levy limit would be reduced. See Section II-B above.

**Town Manager**

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**From:** ppreeser <[REDACTED]>  
**Sent:** Wednesday, December 5, 2018 2:40 PM  
**To:** Mary Winglass  
**Cc:** Town Manager; Switzer Marlene; Jean Lambert; Jessica Azenaro; Wendy Reed; [REDACTED] John Dodge; Brad Buschur; Carlat Daniel; Leah Zambenardi  
**Subject:** State Requirements for Inventory of Open Space

Mary:

I understand that some of the Selectmen were concerned that the draft OSRP included too long a list of open space parcels as candidates for possible protection and use for permanent open space and recreational purposes. I have included a link to the state requirements of the OSRP and ask that you forward this e-mail to the Board of Selectmen with particular reference to the requirements of the open space inventory in Section 5. Nowhere is there a state requirement that a "Priority Parcel" list be included in the plan. <https://www.mass.gov/files/documents/2016/08/ns/osplanreq08.pdf>. We have done our best to address the requirements imposed by the State. West Newbury is in the enviable position of still having quite a lot of undeveloped real estate which meets the definition of open space which may have significant value as such and therefore needs to be included in the inventory.

We are revisiting the plan to address concern that there was inadequate attention given to active recreation. Comments are also being received from other boards and we will recirculate revisions we make based on their comments. The next draft is intended to be final, so I ask that the Board direct any additional comments they have on the OSRP already submitted to them directly to me as soon as possible so that we are in a position to have the State approve the plan early in the new year.

Should the Board have any questions, please let me know.

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Best,

Patricia Reeser  
Chair Open Space Committee



**Town Manager**

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**From:** Community Preservation Committee  
**Sent:** Wednesday, November 28, 2018 4:31 PM  
**To:** Admin; Assistant Assessor; Assistant Clerk; Brian Richard; COA; Community Preservation Committee; Gary Bill; Glenn Clohecy; Jane Krafton; Jay Smith; Joan Croteau; John Savage; Laurie Zywiak; Leah Zambenardi; Mary Winglass; Meredith Stone; Michael McCarron; Mike Gootee; Paul Sevigny; Residents Admin; Stan Kulacz; Susan Yeames; Town Manager; Waterworks; Susan Babb (sbabb@westnewburylibrary.org); areed@westnewburysafety.org; mike@dwynet.com; DPW Director; 'Patricia Reeser'; Tom Flaherty  
**Subject:** Applications for CPA Funds

Dear public officials,

Usually I send a reminder each year to urge you to submit applications for CPA funds earlier, rather than later, for the Spring Town Meeting.

**This message is your reminder!**

The CPC is meeting on December 20, 2018, and then on January 17, 2019. A February meeting in the past has been too late to include an article on the Warrant.

Please refer to the CPC web page for Guidelines, Application Forms, and general information. Note the first tab in the web page, "Appendix to Guidelines-Time and Cost Estimates", which has been a requirement since September, 2017.

If you know of any residents or groups which might have an eligible project, please ask them to contact me to discuss details and perhaps schedule a meeting with the CPC.

Link to CPC page:

<https://www.wnewbury.org/community-preservation-committee>

If you notice that I missed anyone, please forward.

Thank you,

Jean Nelson  
CPC Administrator  
978-363-1100 X131



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

G

Angus Jennings, Town Manager  
978-363-1100, Ext. 111 Fax 978-363-1826  
[townmanager@wnewbury.org](mailto:townmanager@wnewbury.org)

TO: Board of Selectmen  
FROM: Angus Jennings, Town Manager  
DATE: December 6, 2018  
RE: Designation of Town Manager for Monitoring Agent responsibilities

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We have received a complaint regarding a potential violation of the terms of affordable housing restrictions for a unit on Follinsbee Lane. We are in correspondence with the complainant to secure more details, and the basis for the complaint.

The Board of Selectmen is designated as the Monitoring Agent. To allow us to move with appropriate urgency, I request that the Board designate my office as your agent to carry forward our responsibilities.

## Town Manager

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**From:** Town Manager  
**Sent:** Thursday, December 6, 2018 6:20 PM  
**To:** [REDACTED]  
**Cc:** Leah Zambernardi (lzambernardi@wnewbury.org); Michael McCarron  
**Subject:** Affordable housing unit, [REDACTED] Follinsbee Lane

Gabrielle,

Leah forwarded the Association's concern to me and to Mike McCarron, our Town Counsel. As you may know, the Board of Selectmen is the designated Monitoring Agent for compliance with the terms of the affordable housing restrictions.

At Monday night's Board meeting, I will ask the Board to designate me as their agent for these purposes, since my office can act more nimbly than the Board. (I don't need a quorum, I'm just one person!). My office's role would not replace the Board's, but rather would supplement it, for operational purposes.

It will be most helpful if you can provide any backup information regarding the concern about the unit being rented out. In your (and/or the Association's) observation, does the unit continue to be occupied by the owner, with an additional tenant? Or, is it no longer occupied as the owner's primary residence?

The more detail you can provide will help us to move forward with our responsibilities as Monitoring Agent. If you'd prefer to talk it over by phone, I can be reached at the number below or, in my absence, Mike is at ext. 110.

Thanks,  
Angus

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

**Town of West Newbury**  
**Board of Selectmen**  
Monday October 29<sup>th</sup>, 2018 @ 6:00pm  
381 Main St. Town Office Building  
[www.wnewbury.org](http://www.wnewbury.org)

## **Open Session Minutes**

Chairman Kemper called the meeting to order at 6pm. Selectmen in attendance were Glenn A. Kemper, Chairman, Joseph H. Anderson Jr., and David W. Archibald.

**Chairman Kemper moved to go into Executive Session under MGL Chapter 30A §21(a) 2: To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel; MGL Chapter 30A §21(a) 3: To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares and to review Executive Session Minutes dated September 24, 2018 and October 1, 2018. Second by Selectman Anderson with a unanimous roll call vote: Anderson – aye, Archibald – aye, Kemper – aye.**

Chairman Kemper called the meeting back to order at 7:06 pm.

Others in attendance were Town Manager Angus Jennings, Town Counsel Michael McCarron, Executive Administrator Mary Winglass, Superintendent Justin Bartholomew.

Chairman Kemper read the following announcements: This meeting is being broadcast on local cable TV and recorded for rebroadcast on the local cable channels and on the internet.

- Early voting commenced on Oct 22<sup>nd</sup> and ends November 2<sup>nd</sup>.
- Election Day is Tuesday November 6<sup>th</sup> beginning a 7am-8pm in the Annex.
- Trick or Treat Wednesday October 31<sup>st</sup> is from 5:30-7:30pm
- Town office will be closed on Monday November 12<sup>th</sup> in observance of Veterans Day.
- Rural Policy Advisory Committee Listening Session Nov. 14<sup>th</sup> 6-8pm at Newbury Town Offices, 12 Kent Way Newbury, MA.
- FY2019 Tax Classification Hearing Tuesday November 13<sup>th</sup> at 7pm.
- Board of Assessors are holding two tax abatement sessions for seniors, disabled and veterans: the first session is Wednesday November 14<sup>th</sup> at 12pm held at the Council on Aging office at 381 Main St.

### Regular Business

- A. Cynthia Quinn: request to place Holiday Fair signs on town property

Cynthia Quinn was present on behalf of the Holy Redeemer Parish requesting to place two signs on town property to advertise the holiday fair. Signs are requested to be placed on the training field and the park on Church Street. Chairman Kemper informed Ms. Quinn that she would need to obtain permission from the Park and Recreation Commissioners to place a sign on Ferry Park.

Selectman Anderson added that no signs are approved on the training field except for the garden club who has been grandfathered for this use. The Board recommended placing the other sign at the entrance of Pipestave (on the left-hand side as you drive in) versus the Training Field.

**Chairman Kemper motioned for the placement of the signs to be in front of the church and at the entrance of Pipestave, on the south side. Second by Selectman Archibald and the motion carried with a unanimous vote.**

*Documentation: Email from Cindy Quinn*

Email Correspondence from Angela Treadwell-Palmer: Lacrosse Signs

Town Manager Angus Jennings explained that a request came in from Angela Treadwell-Palmer on October 18<sup>th</sup> therefore timely for this meeting but did not make it on the agenda. The Board reviewed the locations to place signs on town property as follows:

- 45 Church St (private property) – No approval required by BOS
- The park between Bridge and Church St – approval required by Parks and Recreation. Tom Flaherty of Parks & Recreation can be reached via email: [tomflhrt39@gmail.com](mailto:tomflhrt39@gmail.com)
- 1 Chase Street – (private property) – No approval required by BOS
- 5 Bridge Street (private property) – No approval required by BOS
- 243 Main St (private property) – No approval required by BOS
- At the entrance to Pipestave – The Board unanimously approved to allow a sign at this location
- On the island at the intersection of Stewart and Main St – The Board has consistently voted to not approve any signs at this location from all applicants.

**Chairman Kemper motioned for the placement of the lacrosse sign at the entrance to Pipestave. Second by Selectman Anderson and the motion carried unanimous.**

*Documentation: Email from Angela Treadwell-Palmer*

B. Police Department: Chief's retirement and appointment of Interim Police Chief as of effective date of retirement

Chairman Kemper read a letter dated October 11, 2018 from Police Chief Art Reed that after 34 year of service he has decided to retire at the end of his term dated January 24, 2018 and thanked the Board and Town for the opportunity to serve for three years. Town Manager Jennings will move forward with posting for this position and oversight of the hiring process. If we run out of time, the town will appoint an interim Police Chief as done in the past.

**Chairman Kemper motioned for Sgt. Jeffrey Durand to be placed as acting police chief until a permanent replacement. Second by Selectman Archibald with a unanimous vote.**

Town Manager Jennings added that he spoke with Sgt. Durand and he responded that he is willing to take on this role to help the town through this transition. Selectman Anderson added that during the budget process Sgt. Durand may need some assistance from the Town Manager.

*Documentation: Resignation letter from Police Chief Art Reed*

C. Review of West Newbury financing options for proposed new school construction

Present: Justin Bartholomew Superintendent for Pentucket Regional School District  
Discussion took place on a School Capital Funding (new school) projection to West Newbury residents based upon Pentucket Regional School District published amounts. Some budgeting consideration is to continuing capitalization from retirement debt which will require a vote annually at Town Meeting. The town currently has 1.25M in the school stabilization account and discussion took place on potentially pre-paying a portion to reduce the bond amount. Another fact to consider is that each year the population of the district will change from year to year. This exercise was done to create a model and as of now the numbers are all based upon an estimate.

*Documentation: Draft of West Newbury School Capital Funding*

- D. Myopia Hunt Special Event Application, November 6, 2018

The Board reviewed a Special Event Application to hold a fox hunt on November 6, 2018.

**Chairman Kemper motioned to approve the Myopia Special Event application for November 6, 2018. Second by Selectman Archibald with a unanimous vote.**

*Documentation: Special Event Application and Attachments*

- E. Cottages Advisors/Drake's Landing
  - a. Endorsement of application and all attachments, including deed restriction and affirmative fair marketing plan to DHCD for acceptance of Local Action Units in West Newbury Subsidized Housing Inventory
  - b. Approve authority to sign the Regulatory Agreement once approved as to form by DHCD

The Board of Selectmen discussed the town's subsidized housing inventory and the strict state regulations for units to be added to the local initiative program. Chairman Kemper brought up during the discussion that a tax payer relayed to him that he was told that in order to speak with the real estate agent about subsidized housing units they had to pay a \$3,000 non-refundable deposit. The Board was very concerned with this information and Town Manager Jennings responded that he will speak with the Chelmsford Housing Authority as they are responsible for implementing the affirmative fair marketing plan and ensuring all standards are met and laws are complied with.

**Selectman Archibald motioned to endorse the application and all attachments, including deed restrictions and affirmative fair marketing plan to DHCD for acceptance of Local Action Units in West Newbury Subsidized Housing Inventory. With a contingency that there is a further review of small issues by Town Counsel and the Town Manager. Chairman Kemper seconded the motion with an amendment to include the board also approving the regulatory agreement once approved by DHCD. Motion and amendment passed with a unanimous vote.**

*Documentation: Email from Melissa Robbins Esq.*

F. Acceptance of Meeting minutes dated September 24, 2018 and October 1, 2018

**Selectman Anderson motioned to approve the minutes of September 24<sup>th</sup> and Oct 1<sup>st</sup> 2018. Second by Selectman Archibald with a unanimous vote.**

### **Town Manager Updates**

The Board went out of order and Town Manager Jennings gave an update on work with Essex County Greenbelt to improve accuracy of Pipestave Hill/Mill Pond Conservation Restriction GIS shapefile (K)

K. Update on work with Essex County Greenbelt to improve the accuracy of Pipestave Hill/Mill Pond Conservation Restriction GIS Shapefile

The Town Manager provided an update to the Board on the progress working with Greenbelt to clarify the boundary issues of the conservation restrictions at Pipestave and Mill Pond. They are in progress of creating better delineation boundaries and will continue to work through this process with the agencies involved. Paul Delaney, member of the Mill Pond Committee was present and added the delineation may pre-date the soccer fields.

Town Manager will keep the Mill Pond Committee, Park & Recreation, Conservation Commission updated as progress continues and will request their input.

The Town Manager then gave an update on the process for proposing amendments to Pipestave/Mill Pond Management Plan (L)

*Documentation: Memo from Town Manager Re: Update on creation of Mill Pond/Pipestave Hill Conservation Restriction GIS shapefile*

L. Discussion on process for proposing amendments to Pipestave/Mill Pond Management Plan

Town Manager explained the process for amendments of the management plan and how this can be expected to proceed with a vote at the spring town meeting as the goal.

*Documentation: Memo from Town Manager Re: Process for proposing amendments to Pipestave/Mill Pond Management Plan*

G. Proposed revisions to FY19 Wage Classification Plan

Town Manager explained that the schedule did not change only the annualized pay schedule using a different methodology.

**Selectman Anderson motioned to approve the revised FY19 Wage Classification Plan. Second by Chairman Kemper with a unanimous vote.**

*Documentation: Memo from Town Manager Re: Proposed revisions to FY19 Wage Classification Plan*

H. Proposed amendments to Severe Weather Policy

The Board reviewed proposed amendments from the Town Manager to the Severe Weather policy as “housekeeping” to further implement the transition to a Town Manager form of government. Selectman Anderson proposed adding to the policy, for guidance purposes, to follow the Governor’s Office closing due to inclement weather. Another proposed amendment is to include notification to the members of the Board of Selectmen.

**Selectman Kemper moved to accept the changes to the policy as proposed by Town Manager and to include notification to the Selectmen. Second by Selectman Anderson with a unanimous vote.**

*Documentation: Memo from Town Manager and amended policy*

I. Treasurer’s report on improved interest rates on larger balance accounts.

The Board reviewed a memo from Town Manager Angus Jennings with information on improved interest rates, to reflect current market conditions, on the town’s large balance accounts. Treasurer Sue Yeames and Town Manager Jennings were successful in securing a number of changes.

*Documentation: Memo from Town Manager Re: Treasurer’s report on improved interest rates on large balance accounts*

J. Proposed review and evaluation of Town Offices’ layout, administrative needs and staffing

Chairman Kemper and Town Manager proposed to delay this review to a future date.

**(K and L, see above)**

M.



M. Review of stormwater management MS4 Notice of Intent filed with EPA on 9/30/18

Town Manager Jennings state that at this time this is informational only, no action required but to be aware of the work involved and what the town is obligated to complete with this filing to the EPA.

*Documentation: Memo from Town Manager: Review of Stormwater management MS4 Notice of Intent (NOI) filed with EPA*

N. Review of communication protocols between Board and staff between meetings

The Board approved a trial communications protocol between the Board and staff between meetings on August 3<sup>rd</sup> to be revisited on October 29<sup>th</sup>. Selectman Anderson responded the level of communication is much less than last year. Selectman Archibald added that he would like to see communication from the State of Massachusetts as it pertains to the town. The Selectmen agreed to continue on to see how the protocol progresses during the transition period.

*Documentation: Memo from Town Manager Re: Discussion of communication protocols between Board and staff between meetings*

O. Personnel Update: hiring of a minute's clerk for the Planning Board and Board of Selectmen

Town Manager Jennings informed the Selectmen that he hired Kat Hines and she will start by preparing minutes of this meeting.

P. Follow up meeting assignments

- The Chairman asked for more information to be available about the new school funding model
- Information about the Rural Policy will be added to the Towns website
- Notifying Parks and Rec about the signs being placed at Ferry Park

Q. Future agenda Items

- The Chairman asked to have a discussion with the two surrounding town Boards of Selectmen about the new middle school/high school.
- Update on Page school generator and sink
- DLS financial policies
- FY20 Budget
- Update on River Access Committee and Harbor Committee
- Joint meeting with Finance Committee
- Update from Town Manager after meeting with the Superintendent and two other Finance Managers about the regional agreement

- Discussion of traffic safety at Georgetown Rd and Crane Neck intersection
- Cont. review of CPA surcharge as proposed by Tom Atwood

**Chairman Kemper motioned to adjourn the meeting at 8:44pm. Second by Selectman Archibald with a unanimous vote.**

Respectfully Submitted,

*Mary Winglass, Executive Administrator*



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

I

Angus Jennings, Town Manager  
978-363-1100, Ext. 111 Fax 978-363-1826  
[townmanager@wnewbury.org](mailto:townmanager@wnewbury.org)

TO: Board of Selectmen  
FROM: Angus Jennings, Town Manager  
DATE: December 6, 2018  
RE: Schedule options for joint meeting with Towns of Merrimac and Groveland

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At its November 13<sup>th</sup> meeting, the Board met with Superintendent Bartholomew to discuss the Pentucket Regional School District Regional Agreement.

This discussion summarized effort now underway, at the direction of the School Committee, that is focused on contingency/backup planning in the event that one of the Schools in the District were to become unavailable or unusable due to a failure in a structure, major mechanical system, etc. This scenario would become more probable in the event that the present School Building effort does not move forward, or is substantially delayed.

In this eventuality, we and the communities' students will all be much better served upon advance planning and agreement to specific contingency plans based on a range of potential outcomes.

Another area of focus is expected to be the composition and responsibilities of the Regional Finance Advisory Committee defined in Section XII of the Agreement.

This will be a continuing effort, and in addition to the School Committee the Boards of Selectmen in all three towns will be key contributors to the deliberations. Any changes to the Regional Agreement will require majority votes from all three Town Meetings. Superintendent Bartholomew set out an objective that amendments be considered to allow for consideration at the April 2019 Annual Town Meeting, subject to reaching consensus among the various parties in the meantime.

Dr. Bartholomew would like to host a meeting with all three Town's Boards of Selectmen to discuss this, as well as to advance communications regarding the School Building project. Please bring your calendars to Monday's meeting, as we would like to let him know if we prefer a day or early evening meeting and which day of the week is best. We are looking for a date in January.

In the meantime, I will be meeting with the other Towns' Finance Directors the last week of December.



# 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](mailto:townmanager@wnewbury.org)

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TO: Board of Selectmen  
FROM: Angus Jennings, Town Manager  
DATE: December 7, 2018  
RE: Update on installation of signs regarding dogs and leash law at Indian Hill Reservoir

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Following on the attached correspondence, I spoke with Mayor Holaday earlier this week. Her concern, with regard to dogs at the reservoir, would be primarily (if not exclusively) to do with whether there are uncollected animal droppings that could affect the water source.

The DPW Director met with the Newburyport Water Superintendent and visited the site, and this does look to be a problem. Newburyport will move forward with installation of signage regarding picking up after your dog.

## Town Manager

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**From:** Town Manager  
**Sent:** Friday, November 30, 2018 1:03 PM  
**To:** Glenn Kemper; David Archibald; Joe Anderson  
**Cc:** Michael McCarron; Mary Winglass  
**Subject:** Update on leash law signage at reservoir  
**Attachments:** Map of proposed sign location Indian Hill Reservoir.pdf; Map of proposed sign locations Moulton Street Reservoir.pdf; IMG\_0251.JPG

Board,

This is to update you on work since the Board's 10/15 vote to add signage at the reservoir.

Following the meeting I confirmed with each of you via email the intent in terms of the locations of the directed signs, as well as the language to appear on the signs. I obtained permission from Greenbelt and Newburyport (via Mayor Holaday) to install signage on the land owned by each of them.

In the meantime, Sue Y. and I met w Lark Madden on Wednesday re the Investment Advisory Committee; and afterward he shared with me his concern re whether the imposition of a leash requirement goes beyond the language in the Animal Bylaw ("Any dog which is not held firmly on a leash or under the immediate control of the owner..."). (Animal Bylaw beginning pg. 16 online [here](#)).

I met w Mike M. yesterday to review the concern, and again this morning to confirm my understanding of his advice. His opinion (unwritten) re the BoS authority to establish or enforce restrictions that go beyond the specific language of the Animal Bylaw varies depending on location.

Because the northernmost location on Moulton St is under the care and custody of the BoS, Mike advised that the Board does have discretion to adopt restrictions that go beyond the bylaw; however it should be understood that any such restrictions would not be binding on a future Board, which could lift or modify them. He has the same opinion re the land on Indian Hill Street.

The situation for the land owned by Newburyport is not as clear. Mike has advised that the Town would be within its rights to post signage stating "leash law in effect" and Mayor Holaday did previously state that she had no issue with the sign. However I plan to follow up with her to ensure that she's fully aware of the details of the request. (In her response email authorizing installation of signs she said "No issue with sign - important for people to pick up after their dogs!") Knowing that, if signs are installed, her office is almost certain to receive calls and complaints, I want to confirm she's fully apprised of the situation.

Mike has further advised that the Town's authority to enforce any such restriction on that property specifically would also rely on the landowner's (Newburyport's) consent to do so. I have not asked for that consent, and suggest this warrants further Board discussion. I have been advised that, over the years, the Town has not been in the practice of sending the ACO out to proactively enforce the Animal Bylaw. I see it as a policy question re whether the Board would like to change that practice, whether with regard to these properties and/or more broadly.

I would like to include an update on this situation on the agenda for the 12/10 BoS mtg.

In the meantime, the signs themselves were delivered to DPW today, but included a vendor error ("affect" not "effect"). Before we re-order them, I'd like to reconfirm that the language that appears is what the Board intends.

Obviously I've paraphrased Mike's advice and he may wish to further clarify; however I wanted to get you this update now as I'm aware this is a topic of active discussion in the community.

Thanks,  
Angus

*Angus Jennings, Town Manager*  
Town of West Newbury

**WEST NEWBURY  
LEASH LAW  
IN AFFECT  
ALL DOGS  
MUST BE  
LEASHED**

# Town of West Newbury Moulton Street Reservoir



## Legend

- MVPC Boundary
- Parcels
- Roads
  - Interstate
  - Major Road
  - Local Road
- Trails
- Easements
- Streams

10/22/2018  
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1:9,600



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Projection: WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

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# Town of West Newbury Entrance to Indian Hill Reservoir

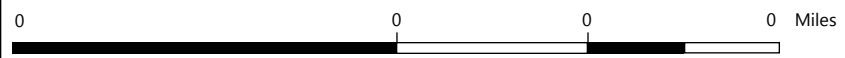


## Legend

- MVPC Boundary
- Parcels
- Roads
  - Interstate
  - Major Road
  - Local Road
- Trails
- Easements
- Hydrographic Features
  - Streams
  - Wetlands

11/1/2018  
© Merrimack Valley Planning Commission

1: 960



Projection: WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

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**K**

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TO: Board of Selectmen  
FROM: Angus Jennings, Town Manager  
DATE: December 6, 2018  
RE: Layout options for First Floor Hearing Room upon installation of monitor

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At the Board's prior direction, in consultation with the Cable Advisory Committee Chairman, and upon researching product options, we recently purchased a new TV monitor for installation in the Hearing Room to facilitate public presentations.

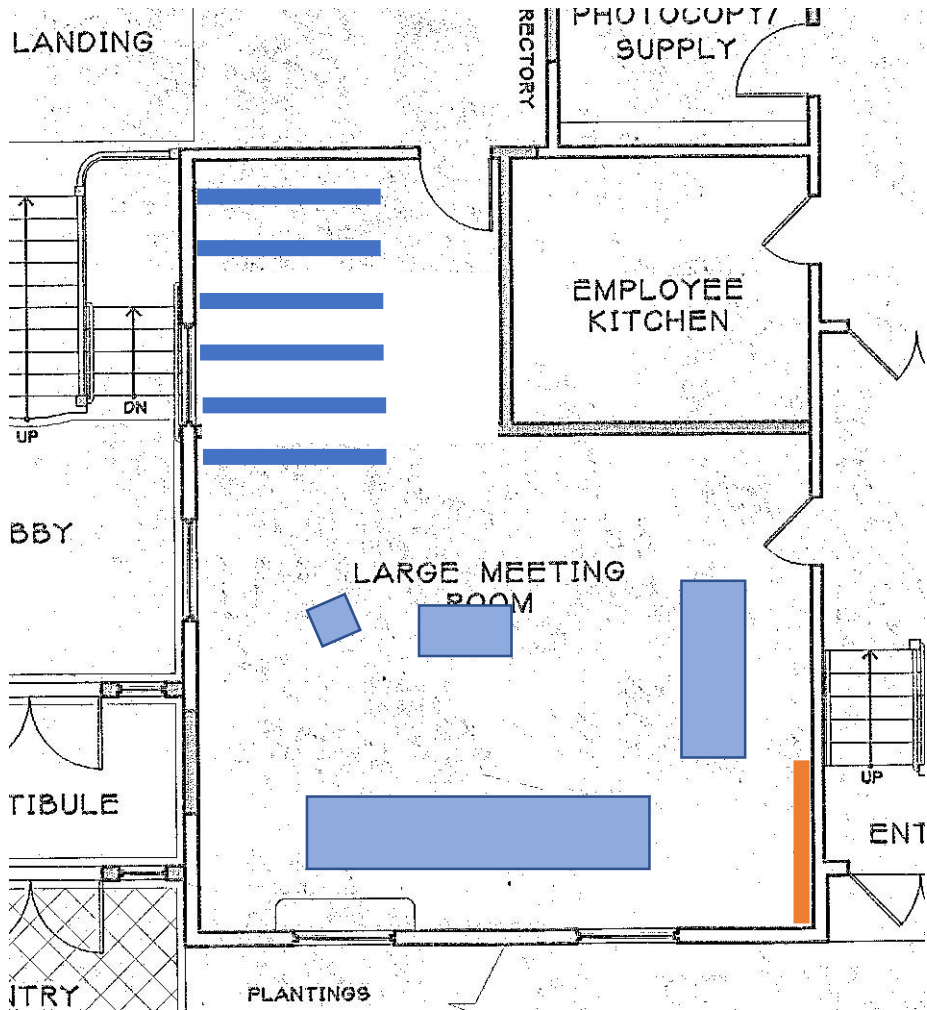
The DPW Director will oversee installation, in coordination with IT and our A/V personnel.

We have prepared two alternate scenarios, and would like to invite the Board's preference prior to installation:

1. Installation on the wall abutting the stairwell, behind the current staff table. In this scenario, the staff table would be moved to the opposite side of the Board table, swapping places with the presenters' podium, and the public seating would remain unchanged.
2. Installation on the outer wall, behind the current Board meeting table. In this scenario, the Board table, the staff table, and the public seating would all be rotated 90°.

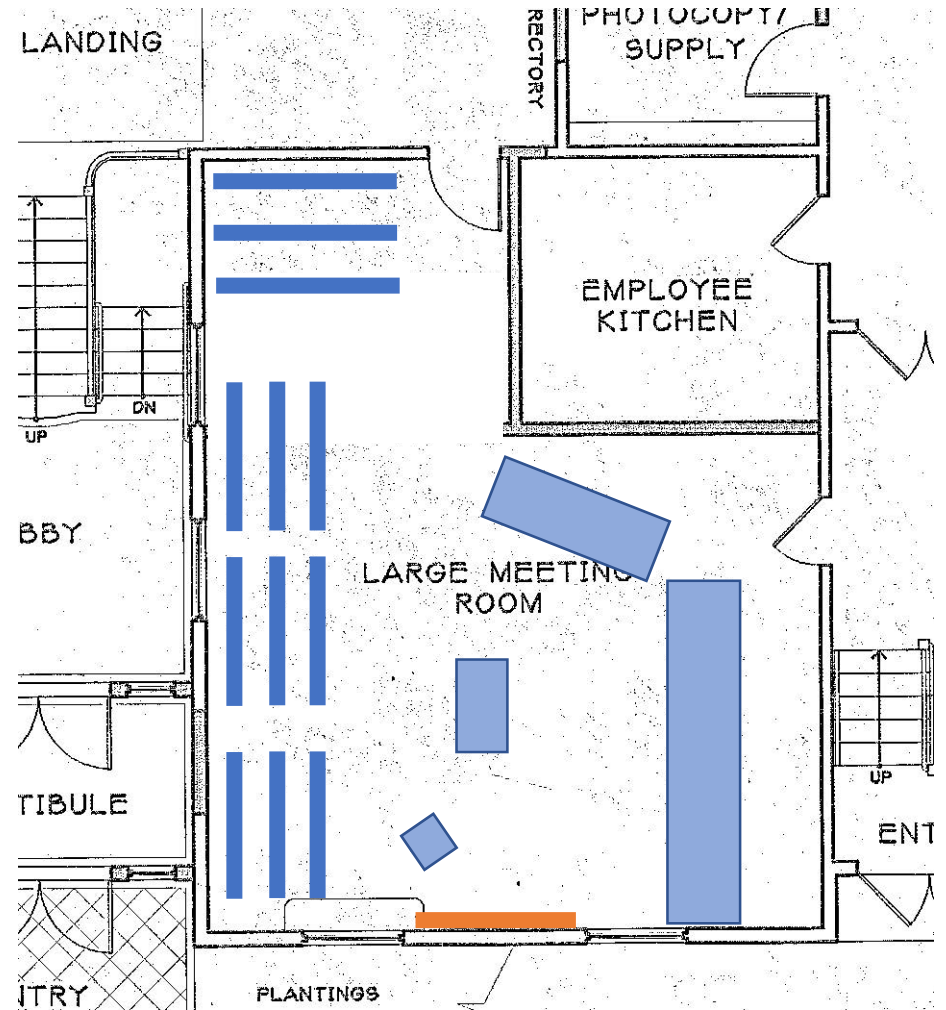
Both potential locations have been marked in painter's tape on the hearing room walls. There seem to be pros and cons to both options – but once a direction is set, and the unit is installed, it is expected to greatly enhance and facilitate both staff and others' ability to present materials in a way that is clear to the Board and to the public.

# Scenario 1



Not to scale

# Scenario 2



## LEGEND

- Monitor
- Tables
- Row of chairs



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**West Newbury Board of Selectmen**  
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**FY2019 Meeting Schedule and Submission Deadlines**  
**Meetings held in the First Floor Hearing Room**

*All agenda item requests must be submitted to the Selectmen/Town Managers Office per the submission deadline  
Dates, times and location are subject to change. Please call or email the Selectmen's Office to confirm*

<b>MEETING DATE</b>	<b>SUBMISSION DEADLINE</b>
<b>Monday, January 7, 2019 at 7pm</b>	<b>Wednesday, January 2, 2019 by 12pm</b>
<b>Tuesday, January 22, 2019 at 7pm</b>	<b>Wednesday, January 16, 2019 by 12pm</b>
<b>Monday, February 4, 2019 at 7pm</b>	<b>Wednesday, January 30, 2019 by 12pm</b>
<b>Tuesday, February 19, 2019 at 7pm</b>	<b>Wednesday, February 13, 2019 by 12pm</b>
<b>Monday, March 4, 2019 at 7pm</b>	<b>Wednesday, February 27, 2019 by 12pm</b>
<b>Monday, March 18, 2019 at 7pm</b>	<b>Wednesday, March 13, 2019 by 12pm</b>
<b>Monday, April 1, 2019 at 7pm</b>	<b>Wednesday, March 27, 2019 by 12pm</b>
<b>Tuesday, April 16, 2019 at 7pm</b>	<b>Wednesday, April 10, 2019 by 12pm</b>
<b>Monday, April 29, 2019 at 7pm</b>	<b>Wednesday, April 24, 2019 by 12pm</b>
<b>Monday, May 13, 2019 at 7pm</b>	<b>Wednesday, May 8, 2019 by 12pm</b>
<b>Tuesday, May 28, 2019 at 7pm</b>	<b>Wednesday, May 22, 2019 by 12pm</b>
<b>Monday, June 10, 2019 at 7pm</b>	<b>Wednesday, June 5, 2019 by 12pm</b>
<b>Monday, June 24, 2019 at 7pm</b>	<b>Wednesday, June 19, 2019 by 12pm</b>