

MEETING NOTICE-WEST NEWBURY
FINANCE COMMITTEE
JOINT MEETING WITH SELECT BOARD

REC'D W. NEWBURY CLERK
23 SEP 11 PM 4:56

Date & Time: Thursday, September 14, 2023. 6:00pm
Location: 1910 Building 1st Floor Hearing Room
In-person attendance or remote participation (instructions below)
By: Rob Phillips, Chair

AGENDA

1. Call to Order
2. Public Comment
3. Approval of Finance Committee Minutes
Meeting of August 16, 2023
Meeting of July 13, 2023
4. Review and discuss articles for fall Special Town Meeting to be held on Oct. 23, 2023
5. Communications
6. Review schedule of future Finance Committee meeting dates (Sept. 18, joint meeting with Select Board; Sept. 27; Oct. 4)
7. Adjournment

Addendum to Meeting Notice regarding Remote Participation

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

Zoom Meeting

Phone: (646) 558 8656

Meeting ID: 889 4553 2051

Passcode: 684228

Join at:

<https://us06web.zoom.us/j/88945532051?pwd=Z1IwU21rMkVtWDFyY2dHbUk1RnlRdz09>

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

Please note: Article numbers included below are solely for ease of reference. As the final slate of warrant articles is set by Select Board vote, the specific article numbers used here **may change**.

GENERAL GOVERNMENT MATTERS

ARTICLE 1. To hear and act upon the reports of Town officers and committees, or take any other action relative thereto. *By request of the Select Board.*

APPROPRIATIONS

ARTICLE 2. To see if the Town will vote to transfer from available funds the sum of \$_____.00 to reduce the current year tax rate, or take any other action relative thereto. *By request of the Select Board.*

ARTICLE 3. To see if the Town will vote to amend Line Items as set forth in the Fiscal Year 2024 Town Omnibus Budget adopted under the Motion for Article 4 of the Annual Town Meeting on April 24, 2023, as follows:

- 3 – Town Manager Technology Expenses; (increase from \$70,032 to \$76,455)
- 9 – Board of Registrars Salary & Wages; (increase from \$6,800 to \$8,400)
- 9 – Board of Registrars Expenses; (increase from \$8,250 to \$10,170)
- 22 – Essex North Shore Ag & Tech School; (increase from \$46,327 to \$94,110)

and vote to raise and appropriate a sum or sums of money as may be necessary to defray the expenses of the Town for Fiscal Year 2024, or take any other action relative thereto. *By request of the Town Manager (Select Board?).*

ARTICLE 4. To see if the Town will vote to amend the Expenses line in the FY24 Water Department budget, to reduce the budgeted line item from \$445,027.00, as set forth in the Fiscal Year 2024 Water Budget adopted under the Motion for Article 6 of the Annual Town Meeting on April 24, 2023, to \$375,027.00, or take any other action relative thereto. *By request of the Board of Water Commissioners.*

ARTICLE 5. To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$67,514.00 for the Pension Liability Stabilization Fund, or take any other action relative thereto. *By request of the Select Board.*

ARTICLE 6. To see if the town will vote to transfer and/or appropriate from available funds the sum of \$_____.00 for costs associated with potential well field development, to include all necessary expenses associated there with. *By request of the Select Board(?).*

ARTICLE 7. To see if the Town will vote to transfer from available funds the sum of \$25,000.00 for the purpose of engaging consultant support relative to the FY25 assessing revaluation, including all incidental and related expenses, or take any other action relative thereto. *By request of the Board of Assessors.*

ARTICLE 8. To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$28,000.00 to fund the purchase of police/fire audio recording, playback and archiving equipment for use by Police, Fire and Dispatch personnel, including associated training and setup costs, or take any other action relative thereto. *By request of the Police Chief.*

ARTICLE 9. To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$7,400.00 to fund the purchase of gas meters for use by Fire personnel and other first responders, including associated training and setup costs, or take any other action relative thereto. *By request of the Fire Chief Engineer.*

ARTICLE 10. To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$15,000.00 to fund the purchase of a portable speed monitoring trailer, including associated training and setup costs, and pedestrian safety signs, or take any other action relative thereto. *By request of the Police Chief.*

ARTICLE 11. To see if the town will vote to transfer and/or appropriate from available funds the sum of \$10,000.00 for costs associated with the costs associated with undertaking a stormwater drainage and infrastructure engineering study for the neighborhood generally bounded by Main Street (Route 113), Bachelor Street, Meetinghouse Hill Road, and Maple Street, or take any other action relative thereto. *By request of the Town Manager (Select Board(?)).*

ARTICLE 12. To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$25,000.00 to fund professional invasive species management on town owned land, or take any other action relative thereto. *By request of the Conservation Agent (Select Board(?)).*

ARTICLE 13. Funds for invasive species intern/steward program, for early summer 2024. To see if the Town will vote to transfer from available funds the sum of \$3,500.00 for all costs and expenses pertaining to identifying, mapping and remediating invasive species on public lands in the Town of West Newbury, including all incidental and related expenses, or take any other action relative thereto. *By request of the Conservation Agent (Select Board(?)).*

ARTICLE 14. To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$11,700.00 to fund the completion of an interior building scan of the Page School, including associated setup, compilation and temporary access costs, or take any other action relative thereto. *By request of [redacted] (?).*

ARTICLE 15. Funding for acquisition of a Conservation Restriction on a portion of 114 Ash Street. *(Proposal will rely on approval by the Community Preservation Committee).*

ARTICLE 16. To see if the Town will vote to transfer from available funds the sum of \$2,430.00 to fund the payment of unpaid bills incurred from the previous fiscal year, or take any other action relative thereto. *By request of the Town Manager.*

BY-LAWS - OTHERS

ARTICLE 17. To see if the Town will vote to amend the West Newbury Zoning By-law by revising Section 2 Definitions, and by adding a new Section 6.2 Accessory Dwelling Unit (ADU) Bylaw; and further to authorize the Town Clerk's office to make any non-substantive, ministerial changes to numbering and formatting to ensure consistency with the remainder of the By-law, or take any other action relative thereto. *By request of the Planning Board.*

ARTICLE 18. To see if the Town will vote to amend the West Newbury Zoning By-law by deleting in its entirety existing Section 7 (including 7.1.-7.4) and replacing it with a new Section 7 (including 7.1-7.9), Nonconforming Uses and Structures; and further to authorize the Town Clerk to make any non-substantive, ministerial changes to numbering and formatting to ensure consistency with the remainder of the Zoning By-law, or take any action relative thereto. *By request of the Building Inspector (Planning Board?).*

ARTICLE 19. To see if the Town will vote to amend Section XL of the Town Bylaws by adding sections 5.7.1 thru 5.7.5 in order to establish a revolving fund for revenues and expenses associated with Council on Aging programs:

- 5.7.1 Council on Aging Program Revolving Fund.
- 5.7.2 Department. There shall be a separate fund called the Council on Aging Program Revolving Fund.
- 5.7.3 Revenues. The town accountant shall establish the Council on Aging Program Revolving Fund as a separate account and credit to the fund all the monies received in connection with fees charged for programs, events, trips and transportation.
- 5.7.4 Purposes and Expenditures. During each fiscal year, the Town may incur liabilities against and spend monies from the Council on Aging Program Revolving Fund for the payment of expenses for programs, events, trips, transportation and related expenses. The Council on Aging Director shall have authority to expend from such fund a maximum of \$30,000 per fiscal year.
- 5.7.5 Fiscal Years. The Council on Aging Program Revolving Fund shall operate for fiscal years that begin on or after July 1, 2023 and shall continue until such time as Town Meeting votes to eliminate the fund.

By request of the Council on Aging.

ARTICLE 20. To see if the Town, in accordance with Massachusetts General Laws Chapter 44, Section 53E½, and Section XL of the By-laws of the Town of West Newbury, will fix the maximum amount that may be spent during the fiscal year beginning on July 1, 2023 for the revolving funds established in town bylaws, as set forth below for certain departments, boards, committees, agencies or officers, with such expenditure limits to be applicable for each fiscal year until such time as Town Meeting votes, prior to July 1 for the ensuing fiscal year, to revise the same; or take any other action relative thereto:

- Section 5.7 Council on Aging Revolving Fund \$ 30,000.00

By request of the Council on Aging.

ARTICLE 21. To see if the Town will vote to amend the West Newbury Town Bylaws to delete in its entirety Section XXXIX Short Term Rentals Bylaw, and further, to authorize the Town Clerk to make any non-substantive, ministerial changes to numbering and formatting, so as to ensure consistency with the rest of the Town Bylaws, as necessary, or take any other action relative thereto. *By request of the Select Board.*

ARTICLE 22. To see if the Town will vote to repeal the Personnel Bylaw, adopted at the third session of the 1999 Annual Town Meeting, in its entirety. *By request of the Select Board.*

ARTICLE 23. To see if the Town will vote to accept the provisions of Mass. Gen. Laws Ch. 59 Sec. 21A regarding certification stipends to Assessors. *By request of the Town Manager (Select Board?).*

ARTICLE 24. To see if the Town will vote to accept the provisions of Mass. Gen. Laws Ch. 41 Sec. 19K regarding certification stipends to Town Clerks. *By request of the Town Manager (Select Board?).*

ARTICLE 25. To see if the Town will vote to accept the provisions of Mass. Gen. Laws Ch. 41 Sec. 108P regarding certification stipends to Treasurer/ Collectors. *By request of the Town Manager (Select Board?).*

ARTICLE 26. To see if the Town will vote to establish a special purpose stabilization fund pursuant to Mass. Gen. Laws Ch. 40, Sec. 5B, to be known as the Opioid Settlement Stabilization Fund, to supplement and strengthen resources for prevention, harm reduction, treatment, and recovery, in accordance with the purposes and subject to the requirements in the Massachusetts Abatement Terms; and, vote to accept the fourth paragraph of Mass. Gen. Laws Ch. 40, Sec. 5B, which allows the dedication, without further appropriation, of all of the receipts from settlements on behalf of the Town with persons and entities involved in the sale, distribution and manufacture of opioid products. *By request of the Town Accountant (Select Board?).*

ARTICLE REQUEST FORM

ARTICLE: To see if the Town will transfer Free Cash to offset the FY24 tax rate

AMOUNT REQUESTED: TBD

CONTACT PERSON: Town Manager

PHONE NUMBER: 978-363-1100 x115

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

Over the past several years, the Town has approved a funding transfer at the Fall STM in order to offset the year's tax rate. (In 6 of those years, the source was Free Cash; in FY21, the Town instead approved an allocation of Overlay Surplus). The Finance Department is working to prepare an estimate of the FY24 tax rate, taking into account the approved Town budget, estimates of the updated Assessed Values, estimates of potential New Growth, and estimates of FY24 non-property tax revenues (i.e. excise, fees, etc.). This estimate will be provided once available. It is recommended that the Select Board include a placeholder article on the STM warrant in order to preserve the Board's option - if it wishes to do so - to transfer Free Cash in order to offset the current year tax rate.

What factors affect the timing of this purchase?

A Fall STM would be needed in order to affect the FY24 tax rate.

When should this Article be sunsetted - how long will the project take?

FY24

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

N/A

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

No

Please attach additional pages or other supporting documentation.

Town Manager

From: Town Manager
Sent: Tuesday, August 29, 2023 7:56 PM
To: Walsh, Jennifer
Subject: FY24 Tax Recap model

I built the estimated value below into the Recap Model on the shared server. (I manually added it to Cell B-5).

I also roughed in a FY24 New Growth value (see Line 27 in the "Levy Limit" tab).

With these additions, and without proofing elsewhere in the model, it's showing an est. FY24 tax rate of 10.92 (down from 11.03) with no transfer of Free Cash. I still intend to recommend including a placeholder warrant article to preserve this option, but unless there are other changes that need to be made to the Recap Model this is the estimate I would intend to discuss at Tuesday's SB mtg. I'll probably keep it a verbal update since these estimates are so preliminary at this point.

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

From: Christian Kuhn <chief.assessor@wnewbury.org>
Sent: Tuesday, August 29, 2023 10:57 AM
To: Town Manager <townmanager@wnewbury.org>
Subject: FY24 Town Valuation Estimate

Hello Angus

It will be weeks before I can get something more accurate to you so I'll give you an estimate based on my preliminary sales study data. The taxable value for the town, including personal and real estate is:

\$1,472,565,500

Christian Kuhn, RES, MAA
Chief Assessor
Town of West Newbury
381 Main Street
West Newbury, MA 01985
978-363-1100 x116

ARTICLE REQUEST FORM

ARTICLE: Funds to replace three (3) laptops for Select Board members

AMOUNT REQUESTED: \$6,423.00

CONTACT PERSON: Angus Jennings, Town Manager

PHONE NUMBER: 978-363-1100 x115

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

The Select Board laptops were expected to be replaced in the FY25 budget year. Recently, one of the Board members' laptops failed irreparably, and the other two members' laptops are aging. (All 3 units were initially purchased at the same time). The approved FY24 operating budget does not carry sufficient contingency in either the Town Manager Information Technology expense line (which is the expense line typically used to purchase replacement computers), or in the Select Board expenses line, to fund the replacement of all three laptops.

What factors affect the timing of this purchase?

This funding will allow the Town to replace the three laptops without need to propose a draw from the Finance Committee Reserve Fund.

When should this Article be sunsetted - how long will the project take?

FY24

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

None

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

No

Please attach additional pages or other supporting documentation.

ARTICLE REQUEST FORM

ARTICLE: Funding for 2024 January 23rd Special Election (Whittier Regional Override)

AMOUNT REQUESTED: \$3,600.00

CONTACT PERSON: James Blatchford, Town Clerk

PHONE NUMBER: 978-363-1100 x110

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

The Whittier Regional Technical Vocational High School will be conducting a 2 1/2 override vote to fund the new building it is proposing to build. All election related expenses for this election will be fully reimbursed by the Whittier District.

What factors affect the timing of this purchase?

This additional election was unanticipated when I proposed the Board of Registrars budget for FY24

When should this Article be sunsetted - how long will the project take?

End of FY24 - The election will be conducted in January 23, 2024

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

N/A

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

N/A

Please attach additional pages or other supporting documentation.

Whitter Special Election

Est.

Election Workers	\$ 1,600.00
LHS Voting Machines Ballots/Coding/etc.	\$ 1,000.00
ES&S AutoMark	\$ 700.00
Sending fabs/cards	\$ 20.00
Absentee Ballots (est. 300)	\$ 200.00
Total Estimate	\$ 3,520.00

ARTICLE REQUEST FORM

ARTICLE: Essex North Shore Agricultural and Technical School District budget amendment.

AMOUNT REQUESTED: \$47,783.00

CONTACT PERSON: Jennifer Walsh, Town Accountant

PHONE NUMBER: 978-363-1100 ext 112

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

The line item for Essex North Shore Agricultural and Technical School in the FY24 omnibus budget was determined using an estimated enrollment of 2 students. Currently, there are 4 West Newbury students enrolled including 3 incoming 9th graders. A budget amendment is needed to reflect actual enrollment.

ENSATSD Student Enrollment

Grade	Tuition	Transportation	Special Ed	Budgeted	Differential
10	\$ 20,405.00	\$ 1,750.00	\$ 2,745.00	\$ 23,163.50	\$ 1,736.50
9	\$ 20,405.00	\$ 1,750.00		\$ 23,163.50	\$ (1,008.50)
9	\$ 20,405.00	\$ 1,750.00	\$ 2,745.00	\$ -	\$ 24,900.00
9	\$ 20,405.00	\$ 1,750.00		\$ -	\$ 22,155.00
				\$ 46,327.00	\$ 47,783.00
				<i>Total Cost</i>	<i>\$ 94,110.00</i>

What factors affect the timing of this purchase?

At the time that the annual budget is proposed, and approved, actual enrollment numbers are not known (or knowable). Actual enrollment becomes official on October 1.

When should this Article be sunsetted - how long will the project take?

N/A. (As a proposed budget amendment, this would apply to the FY24 operating budget. Not a "sunset.")

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

N/A

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

N/A

Please attach additional pages or other supporting documentation.

ARTICLE REQUEST FORM

Fall ST.M

ARTICLE: To see if the town will vote to transfer \$70,000.00 from the budget line item for Newburyport Water back to Free Cash to lower the FY-24 Water Expenses.

AMOUNT REQUESTED: \$70,000.00

CONTACT PERSON: Mark Marlowe

PHONE NUMBER: 363-1100 ext. 128

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

The DOR does not foresee the Water revenues will cover the budgeted expenses so lowering the current Water budget will show lower anticipated expenditures on the tax recap sheet and not interfere with setting the tax rate.

What factors affect the timing of this purchase?

None

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

None

WNWater

From: Town Manager
Sent: Friday, August 18, 2023 4:05 PM
To: Water Superintendent; WNWater
Cc: Town Accountant; Bob Janes (icepick185@gmail.com); Jack Duggan (jduggan1@endicott.edu); Corcoran, Larry; Selectboard
Subject: Correspondence w MassDOR re water budget/revenues

Mark/Jodi/BOWC,

Following from last Thursday's BOWC mtg, it sounds like the BOWC's intent – in order to ensure FY24 water operating budget is fully funded – is to bring forward an article at the Fall STM to reduce the operating budget (and perhaps also to authorize transfer from Retained Earnings to cover any remaining gap). The approved FY24 water budget is ~\$1.06M.

I asked Jenny to reach out to MassDOR just to be sure that, as this work is done, we arrive at a balance between budgeted expenses and projected revenues that will be acceptable to MassDOR when the time comes to get our FY24 tax rate certified (generally, late Nov/early Dec).

Please see correspondence below. Based on this, it sounds like a budget reduction of \$70k – or a combination of budget reduction plus transfer of Retained Earnings equaling or exceeding \$70k – is the magic number. If Jenny learns anything new from MassDOR we'll be back in touch, but I wanted to share this latest update.

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

From: Town Accountant <townaccountant@wnewbury.org>
Sent: Wednesday, August 16, 2023 11:51 AM
To: Town Manager <townmanager@wnewbury.org>
Subject: FW: Tax Recap **EXTERNAL EMAIL**

FYI. My inclination is to reduce user charges to 880,000 (again, this may still be high due to the amount of rain) but can wait until we hear back from Bobbi Jo...

This would result in a \$70,000 deficit that needs to be made up.

From: Colburn, Bobbi J. (DOR) <colburnb@dor.state.ma.us>
Sent: Wednesday, August 16, 2023 11:44 AM
To: Town Accountant <townaccountant@wnewbury.org>
Subject: RE: Tax Recap **EXTERNAL EMAIL**

Hi Jenny,

Generally, any increase to enterprise revenues over the prior year's actuals needs to have supporting documentation. I see that the revenue estimates for User Charges and Misc Revenue are increasing, but you say they did not raise rates. What makes the town think that the higher revenue will come in over what was received in FY23? I will run this by my supervisor, but he is at an offsite meeting today, so he won't look at it until tomorrow at the earliest.

Bobbi

From: Town Accountant <townaccountant@wnewbury.org>
Sent: Wednesday, August 16, 2023 11:31 AM
To: Colburn, Bobbi J. (DOR) <colburnb@dor.state.ma.us>
Subject: RE: Tax Recap **EXTERNAL EMAIL**

This Message Is From an External Sender
 This message came from outside your organization.

Good morning, Bobbi. Sorry to bother you with this but I was hoping that you could take a look at the estimated revenues from the water department and let me know if you see this as acceptable. They did not increase their rates.

As you may recall, we had an issue with this last year. We know that the water department will need to bring an article to fall town meeting to either reduce their operating budget or supplement it with other funds, or both. Prior to that, we want to be sure estimated revenues is on track:

ENT	2020	2021	2022	2023	4-year AVG
Water Interest & Demands	3,494.54	4,158.01	5,294.89	4,421.74	4,342.30
Water User Charges	825,341.31	1,052,015.74	903,679.78	880,156.94	915,298.44
Water System Development Rev	37,500.00	6,000.00	4,500.00	12,000.00	15,000.00
Water Earnings on Investments	33,701.16	6,823.99	2,277.98	25,583.19	17,096.58
Water Miscellaneous Revenue	92,771.13	109,739.24	84,958.98	82,220.07	92,422.36
Water BAN Premium				2,997.47	2,997.47
	992,808.14	1,178,736.98	1,000,711.63	1,007,379.41	1,044,159.67

As always, thank you for your help.

Best,
 Jenny

ARTICLE REQUEST FORM

ARTICLE: To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of \$67,514 for the Pension Liability stabilization fund, or take any other action related thereto.

AMOUNT REQUESTED: \$67,514.00

CONTACT PERSON: Angus Jennings, Town Manager

PHONE NUMBER: 978-363-1100 x111

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

This Article proposes transfer of \$67,514 from Free Cash into the Pension Liability Stabilization Fund. This fund is intended to set aside money to pay for the Town's unfunded pension obligations. The Town's Financial Reserves policy recommends annual appropriation of 10% of the following year's Pension Assessment toward this Stabilization Fund, and the Town has made these recommended appropriations annually for the past several years.

What factors affect the timing of this purchase?

This will allow the Town to plan and save ahead to meet this obligation when the Town finances permit, thereby avoiding the need for abrupt tax increases.

When should this Article be sunsetted - how long will the project take?

FY24

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

None

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

No

Please attach additional pages or other supporting documentation.

Town Manager

From: Rob Phillips <rob-phillips@verizon.net>
Sent: Wednesday, August 16, 2023 12:06 PM
To: Town Manager
Subject: Pension Liability Stabilization Fund
Attachments: WNFC Essex Regional Retirement 8.16.23.xlsx

The attached is what the FinCom will be discussing tonight. I sent this and the ERRS Actuarial Valuation Results: Funding Schedule (page 23 of the January 1, 2022 Segal report).

WN FinCom
Essex Regional Retirement System Funding

Year	FY ending 6/30	Column 6 ADC (rounded)	WN Rate	WN Portion	Add to Reserve	AVG Rate of Return 3%	Withdraw from Reserve	Reserve Balance	Raised by Taxation	Percent Increase	Percent Increase w/o Reserve
	2023	44,513,000	0.0181	805,420	10%	3%		340,000	805,420		
1	2024	47,406,000	0.0142	675,135	67,514	10,200		417,714	675,135	-16%	-16%
2	2025	50,487,000	0.0162	816,264	81,626	12,531		511,871	816,264	21%	21%
3	2026	53,769,000	0.0162	869,326	86,933	15,356	(35,000)	579,160	834,326	2%	7%
4	2027	57,264,000	0.0162	925,833	92,583	17,375	(75,000)	614,118	850,833	2%	7%
5	2028	60,986,000	0.0162	986,009	98,601	18,424	(120,000)	611,143	866,009	2%	6%
6	2029	64,950,000	0.0162	1,050,098	105,010	18,334	(165,000)	569,487	885,098	2%	6%
7	2030	67,548,000	0.0162	1,092,102	109,210	17,085	(190,000)	505,781	902,102	2%	4%
8	2031	70,250,000	0.0162	1,135,788	113,579	15,173	(215,000)	419,534	920,788	2%	4%
9	2032	73,060,000	0.0162	1,181,219	118,122	12,586	(240,000)	310,242	941,219	2%	4%
10	2033	75,983,000	0.0162	1,228,478	122,848	9,307	(270,000)	172,397	958,478	2%	4%
11	2034	79,022,000	0.0162	1,277,612	127,761	5,172	(300,000)	5,330	977,612	2%	4%
12	2035	67,063,000	0.0162	1,084,261	108,426	160	(113,916)	0	970,345	-1%	-15%
	2036	14,716,000	0.0162	237,925				0	237,925	-75%	-78%

Gross Reserve	12,560,049	1,232,212	151,703	(1,723,916)	10,836,134
Net After Reserve	(1,723,916)				
Net After Reserve	10,836,134				

By state statute, the 102 public pension funds are required to be fully funded by 2040. The expenses being realized by us currently reflect obligations incurred in the past. Funding deficiencies have been recognized for the past 45 or so years.

These schedules show adding to and deducting from the Pension Liability Stabilization Fund (see Reserve columns F & H or S & U).

Column B & C or O & P are from ERRS Actuarial Valuation Results (1/1/2022). The next valuation report will be released in 2024, around September.

Column D or Q (WN Rate) are actual for 2023 & 2024; the "going forward" uses an average of those (1.62). It is suggested that a 3-year rolling average be used going forward once 2025 is known. The effective "WN Rate" depends upon many factors and will change annually.

Column E in **BOLD** is actual for 2023 & 2024; calculated at .0162 of Column C or Q going forward.

Scenarios presented are an attempt to smooth the expenses per year while recognizing that later years would have a higher cost due to "inflation".

Adding 10% is current policy but that policy does not denote any drawdown from the fund.

This schedule proposes a drawdown (withdraw from reserve) with the reserve being depleted in the last year of "fully funded" (2035).

2036 is where a clean, fully funded pension expense is first seen. Please note how relatively small 2036 is compared to the prior years.

As said, 2040 is the required date by statute for fully funding the pension reserve but the ERRS has elected 2035 which provides a buffer.

If a "WN Rate" higher than 1.62 is eventually used does not affect the smoothness of the scenario; it just changes the absolute dollars, not their proportions one to another.

WN FinCom
Essex Regional Retirement System Funding

Year	FY ending 6/30	Column 6 ADC (rounded))	WN Rate	WN Portion	Add to Reserve	AVG Rate of Return 3%	Withdraw from Reserve	Reserve Balance	Raised by Taxation	Percent Increase	Percent Increase w/o Reserve
	2023	44,513,000	0.0181	805,420	15%	3%		340,000	805,420		
1	2024	47,406,000	0.0142	675,135	101,270	10,200		451,470	675,135	-16%	-16%
2	2025	50,487,000	0.0162	816,264	122,440	13,544		587,454	816,264	21%	21%
3	2026	53,769,000	0.0162	869,326	130,399	17,624	(45,000)	690,476	824,326	1%	7%
4	2027	57,264,000	0.0162	925,833	138,875	20,714	(95,000)	755,066	830,833	1%	7%
5	2028	60,986,000	0.0162	986,009	147,901	22,652	(145,000)	780,619	841,009	1%	6%
6	2029	64,950,000	0.0162	1,050,098	157,515	23,419	(200,000)	761,552	850,098	1%	6%
7	2030	67,548,000	0.0162	1,092,102	163,815	22,847	(235,000)	713,214	857,102	1%	4%
8	2031	70,250,000	0.0162	1,135,788	170,368	21,396	(270,000)	634,979	865,788	1%	4%
9	2032	73,060,000	0.0162	1,181,219	177,183	19,049	(305,000)	526,211	876,219	1%	4%
10	2033	75,983,000	0.0162	1,228,478	184,272	15,786	(345,000)	381,269	883,478	1%	4%
11	2034	79,022,000	0.0162	1,277,612	191,642	11,438	(385,000)	199,349	892,612	1%	4%
12	2035	67,063,000	0.0162	1,084,261	162,639	5,980	(367,968)	0	716,293	-20%	-15%
	2036	14,716,000	0.0162	237,925				0	237,925	-67%	-78%

**Gross
Reserve
Net After
Reserve**

12,560,049	1,848,319	204,650	(2,392,968)
(2,392,968)			
10,167,081			

10,167,081

Section 2: Actuarial Valuation Results

Funding schedule

(1) Fiscal Year Ended June 30	(2) Employer Normal Cost	(3) Amortization of ERI (2002) Liability	(4) Amortization of ERI (2003) Liability	(5) Amortization of Remaining Liability	(6) Actuarially Determined Contribution (ADC): (2)+(3)+(4)+(5)	(7) Total UAL at Beginning of Fiscal Year	(8) Percent Increase in ADC Over Prior Year
2023	\$9,856,270	\$10,049	\$9,333	\$34,637,093	\$44,512,745	\$432,172,282	--
2024	10,165,422	10,501	9,753	37,220,397	47,406,073	425,341,913	6.50%
2025	10,484,183	10,974	10,191	39,982,120	50,487,468	415,268,350	6.50%
2026	10,812,848	11,468	10,650	42,934,187	53,769,153	401,533,620	6.50%
2027	11,151,722	11,984	11,129	46,089,313	57,264,148	383,677,727	6.50%
2028	11,501,123	12,523	11,630	49,461,042	60,986,318	361,194,872	6.50%
2029	11,861,372	0	0	53,089,057	64,950,429	333,529,354	6.50%
2030	12,232,806	0	0	55,315,640	67,548,446	300,071,118	4.00%
2031	12,615,768	0	0	57,634,616	70,250,384	261,888,361	4.00%
2032	13,010,614	0	0	60,049,785	73,060,399	218,551,507	4.00%
2033	13,417,709	0	0	62,565,106	75,982,815	169,596,843	4.00%
2034	13,837,432	0	0	65,184,696	79,022,128	114,523,959	4.00%
2035	14,270,171	0	0	52,793,011	67,063,182	52,793,011	-15.13%
2036	14,716,326	0	0	0	14,716,326	0	-78.06%

Notes:

Fiscal 2023 Actuarially Determined Contribution set equal to budgeted amount

Actuarially Determined Contributions are assumed to be paid on July 1

Item (2) reflects 2.75% growth in payroll, plus an additional 0.15% adjustment to total normal cost to reflect the effects of mortality improvement due to generational mortality assumption

Projected normal cost does not reflect the impact of pension reform for future hires

Projected unfunded actuarial accrued liability does not reflect the recognition of deferred investment gains/losses

ARTICLE REQUEST FORM

ARTICLE: Funding to undertake testing of one or more privately-owned sites to determine suitability as potential new sources for public water supply

AMOUNT REQUESTED: TBD - research ongoing as of 9/12/23

CONTACT PERSON: Angus Jennings, Town Manager

PHONE NUMBER: 978-363-1100 x115

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

The Board of Water Commissioners (BOWC) and the Water Dept. have been working for many years to identify a new source of public water, and have conducted water quality and/or water quantity testing on several sites (both Town-owned and privately-owned). A great deal of time and money has been expended to explore the potential for development of a wellfield at 31 Dole Place. As part of the Select Board's due diligence regarding whether to propose that site for public acquisition in the future, a peer review of prior engineering, permitting and cost estimating work is now underway. The peer review report includes recommendations for additional site testing that would need to be conducted at 31 Dole Place in order to update prior testing needed for permitting of the site as a public water supply by MassDEP (the previous testing having expired in 2022) and to conduct additional testing (such as for PFAS) that is now required but was not required when the site was previously tested in 2022. In addition to continued consideration of the property at 31 Dole Place, the Town (through the BOWC and the Select Board) continues to evaluate other sites (both publicly- and privately-owned) for their potential viability as future public water supply sites. The funding proposed through this Article is intended to support the costs for additional water quality and/or water quantity testing at one or more locations over the course of the remainder of FY24 and through FY25.

What factors affect the timing of this purchase?

Securing funding at the Fall Special Town Meeting will enable the BOWC and the Select Board to continue ongoing investigations regarding potential new public water supply sites.

When should this Article be sunsetted - how long will the project take?

End of FY25

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

Legal costs would be incurred relative to potential acquisition of privately-owned land. Any such costs incurred would be payable from the operating budget.

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

Site testing is exploratory. If any site is brought forward for proposed public acquisition, at a future Town Meeting, it would be reviewed as a capital project.

Please attach additional pages or other supporting documentation.

MEMORANDUM

TO: Angus Jennings, Town Manager and Mark Marlowe, Water Superintendent; Town of West Newbury

FROM: Kevin MacKinnon, PG, CG, PH-GW and Sarah Ridyard, PE; Weston & Sampson

DATE: 8/31/2023

SUBJECT: Dole Place Wellfield Peer Review

1. Background

For the past several years, the Town of West Newbury (The Town) has been evaluating the public acquisition of a privately-owned parcel at Dole Place for the purpose of use as a public water source through the development of new drinking water well(s) to be connected to the Town's existing water system. Presently, the Town's water system consists of one wellfield that supplies approximately 70% of the Town's water needs annually based on data provided by the Town from 2014-2022, and an interconnection to Newburyport that allows the Town to purchase the remainder of water needed at retail cost. An intermunicipal agreement dated 1980 governs the amount of water available for purchase from Newburyport and the payment terms.

The Town of West Newbury has expressed interest in achieving water independence to limit purchasing water from Newburyport. Currently, there are two interconnections to West Newbury's water system: one from Newburyport to supplement daily supply to West Newbury and a second interconnection from Groveland to supply emergency water if needed. Newburyport currently uses the Artichoke Reservoir, primarily located in West Newbury, as their primary water source.

The subject parcel proposed for a new groundwater source for the Town of West Newbury is located at 31 Dole Place, adjacent to the Merrimack River in a residential neighborhood. The current use of the property is residential with a single-family home and secondary garage structure located on the property, which is cleared of most vegetation and trees.

Previous evaluation of the parcel conducted by Tata & Howard in 2016-2017 indicated approximately 1 MGD of drinking water could be available to the Town from a potential wellfield at this site, which would meet the Town's current and projected water needs for the foreseeable future. Any excess water could potentially be sold to a neighboring municipality depending on an agreement reached between the two

towns and subject to permitting through the Massachusetts Department of Environmental Protection (MassDEP) and Department of Conservation and Recreation (DCR).

Due to the proximity of the proposed Dole Place wellfield to the Merrimack River, sea level rise and resilience is of concern. Discussion with the Town indicated an assumption that future sea level rise, in the year 2100, would equal 6' above the current FEMA 100-year flood elevation used for other planning in the local area.

The purpose of this study is to provide peer review of the work completed to date in order to evaluate the potential of the parcel at 31 Dole Place to develop a drinking water source for the Town of West Newbury. A report was developed in 2021 to summarize Tata & Howard's work on the evaluation that included budgetary cost estimates for the development of the wellfield at the Dole Place parcel, and infrastructure updates necessary to provide water from the Town of West Newbury to one or more neighboring communities. The contents of this report were examined as well as other materials provided by the Town related to the site evaluation performed to date, as well as recommended next steps.

2. Water Quantity Evaluation

Dole Place Wellfield Pumping Test and Results (2016)

Weston & Sampson conducted a thorough review of the Tata & Howard Source Final Report (BRP WS 19 permit application) submitted to MassDEP on June 22, 2016, for a new groundwater source of supply located on Dole Place in West Newbury, Massachusetts. A five-day pumping test was conducted between February 4th and February 9th, 2016 by Tata & Howard in support of the new source permitting process required by MassDEP. According to the report, the pumping test was conducted using three clusters of small diameter wells to simulate a final wellfield in this location. The test wells were reportedly pumped at a combined rate of approximately 427 gpm (135 gpm in Well Cluster TW-1, 137 gpm in Well Cluster TW-4, and 155 gpm in Well Cluster TW-5) throughout the five-day pumping test.

The Source Final Report (BRP WS19) submitted to the DEP and reviewed by Weston & Sampson, unfortunately, did not include many of the required elements detailed in Chapter 4 of the Massachusetts Guidelines and Policies for Public Water Systems. Specifically, Chapter 4, Section 4.6.1 Report Contents.

The missing report contents and deficiencies include:

- Ambient (pre long term pumping test) water level / potentiometric fluctuation trends
- Surveyed site plan showing the location and elevation of all test wells
- Proof of stabilization at the conclusion of the pumping test
- Evaluation of the hydrogeology (including aquifer characteristics) based upon data generated during the prolonged pumping test and recovery
- Failure to remove the ambient aquifer trend and tidal influence from the pumping test dataset
- Zone II delineation was determined using a pumping test dataset that was not stabilized or corrected for external influences (ambient aquifer trend and tidal influence)

As a result of the missing data collection and analysis, Weston & Sampson has several concerns. Since stabilization was not reached (or proven), Weston & Sampson believes the following DEP-approved aspects of this project are uncertain:

- Water quality results may not be representative of long-term steady-state pumping conditions.
- Weston & Sampson does not agree with the approach taken to calculate the approvable yield of this site; however, Weston & Sampson does agree that the approved yield is sustainable. The concerns with the approach include:
 - Pumping wells did not meet the DEP requirements for stabilization (<0.04 ft of drawdown in 24 hours of pumping)
 - Pumping test data was not corrected for ambient aquifer trend, or filtered for tidal impacts, or precipitation event.
 - Specific capacity used in the calculation was an average based on high and low tide. If the data were corrected as stated above and filtered for tidal influence, one (1) specific capacity value should be used to represent each of the pumping wells.
- Zone II delineation was conducted using an uncorrected data set from a pumping test that had not stabilized. Mass balance calculations from the Tata & Howard delineated Zone II suggest that 60% of the water withdrawn from this source is a result of induced infiltration from the Merrimack River. No other hydraulic or water quality parameters support that assumption, which means the Zone II is either 1) incorrect or 2) the pumping test was not conducted long enough to reach stabilization.

Recommendations

Based on our review of the Dole Place Wellfield Pumping Test Report and the analysis conducted by Tata & Howard, Weston & Sampson believes the site is capable of pumping the approved withdrawal rate of 684 gpm (0.98 MGD) but offers the following recommendations for future testing to better understand the steady state water quality characteristics of the source water:

- Conduct a long-term pumping test (5 days or greater) until it can be confirmed that stabilization was achieved.
- An accurate analysis of pumping-test data requires consideration of several standard corrections of the pumping test data set to ensure the data set is representative of the hydraulic response in the aquifer to pumping from the pumping well(s). In this case, data corrections should have included ambient aquifer trends, precipitation (recharge events) and tidal influence.
- A complete survey of all monitoring points to obtain reference elevations so groundwater and surface water levels can be converted to groundwater elevations.
- Perform a basic evaluation of aquifer parameters, which includes estimations of hydraulic conductivity, transmissivity and storativity.
- Refine conceptual hydrogeologic model of the Dole Place Wellfield aquifer.

3. Water Quality Evaluation

Water Quality Results (2016)

During the February 2016 pumping test, water quality samples were collected at test wells TW1, TW4 and TW5 at 31 Dole Place by Maher Services, who subcontracted Nashoba Analytical for analysis of water quality parameters. The test well water quality results are presented in Table 1. The only parameter at the time of sample collection and analysis that failed to meet a state or federal Maximum Contaminant Level (MCL) was pH. Sodium was above the Massachusetts Office of Research and Standards Guideline (OSRG) Massachusetts Drinking Water Guideline of 20 mg/L for all three samples with an average value of 31.7 mg/L. For comparison, the 2022 Annual Water Quality Report for West Newbury indicated the current water system had a maximum value of 68.2 mg/L for sodium from the West Newbury wellfield. No total coliform, volatile organic compounds, or synthetic organic contaminants were detected in the three samples. Per- and polyfluoroalkyl substances (PFAS) were not analyzed in the 2016 analysis.

Table 1. Summary of Sampling Results from February 2016

Contaminant	TW1	TW4	TW5	MCL/SMCL
Total Coliform (per 100 mL)	0	0	0	0/Absent
E. coli (per 100 mL)	-	-	-	0/Absent
Radionuclides				
Gross Alpha (pCi/L)	2.4 +/- 1.1	0.8 +/- 0.7	0.7 +/- 0.8	15
Uranium (pCi/L)	1.1	1	ND ¹	30
Radon (pCi/L)	273	283	302	10,000**
Radium 226 (pCi/L)	0 +/- 0.08	0.1 +/- 0.1	0.2 +/- 0.1	5 combined
Radium 228 (pCi/L)	1.8 +/- 0.6	0.8 +/- 0.5	0.5 +/- 0.5	
Inorganic				
Antimony (mg/L)	ND	ND	ND	0.006
Arsenic (mg/L)	0.003	ND	0.003	0.010
Barium (mg/L)	0.006	0.008	0.004	2
Beryllium (mg/L)	ND	ND	ND	0.004
Cadmium (mg/L)	ND	ND	ND	0.005
Chromium (mg/L)	ND	ND	ND	0.1
Cyanide (mg/L)	ND	ND	ND	0.2
Fluoride (mg/L)	ND	ND	ND	4.0
Mercury (mg/L)	ND	ND	ND	0.002
Nickel (mg/L)	ND	ND	ND	0.1
Selenium (mg/L)	ND	ND	ND	0.05
Sodium (mg/L)	42.3	25.5	27.3	20*
Thallium (mg/L)	ND	ND	ND	0.002
Nitrate (mg/L)	2	1.4	1.8	10
Nitrite (mg/L)	ND	ND	ND	1
Secondary				
Aluminum (mg/L)	ND	ND	ND	0.2
Calcium (mg/L)	36.8	26.2	28.5	NS ²
Copper (mg/L)	ND	0.004	ND	1
Iron (mg/L)	0.022	0.013	0.009	0.3

Magnesium	5.3	4.7	4.1	NS
Manganese (mg/L)	ND	ND	ND	0.05
Potassium (mg/L)	3.8	2.7	2.6	NS
Silver (mg/L)	ND	ND	ND	0.1
Zinc (mg/L)	ND	0.004	ND	5
Alkalinity (mg/L)	77	60	62	NS
Chloride (mg/L)	93.7	60.2	58.1	250
Color (C.U)	0	0	0	15
Hardness (mg/L as CaCO ₃)	114	85	88	NS
Odor (TON)	ND	ND	ND	3
pH	7.4	6.3	6.8	6.5 – 8.5
Sulfate (mg/L)	20.8	12.5	15.7	250
TDS (mg/L)	244	178	188	500
Turbidity (NTU)	ND	ND	ND	NS
Synthetic Organic (µg/L)	ND	ND	ND	All
Volatile Organic (µg/L)	ND	ND	ND	All
Miscellaneous				
Perchlorate (µg/L)	2.0	ND	ND	2.0
Conductivity (µmhos/L)	570	400	412	NS

¹ND: Non-detect (result was below the detection limit for the testing method)

²NS: Not Specified

*ORSG MassDEP guideline for sodium

**MassDEP MCL for radon, EPA proposed MCL for radon is 300 pCi/L

Recent Regulatory Updates

In the years since the water quality sampling was performed at Dole Place there have been several regulatory updates regarding drinking water on both a state and national level. Most notably for this project, updates related regulations to PFAS and the Lead and Copper Rule.

PFAS

In 2016, the EPA announced the first health advisory (non-enforceable) regarding PFAS, which advised the sum of PFOS and PFOA be no higher than 70 parts per trillion (ppt) for drinking water. On June 15, 2022, the EPA announced a second health advisory for four PFAS in drinking water. After considering the public and industry's input, the EPA released proposed MCLs for six PFAS on March 14, 2023, with anticipation of approval by the end of 2023. The proposed MCLs listed PFOS and PFOA at 4 ppt each, and a Hazard Index based on synergistic effects of no more than 1.0 for PFNA, PFHxS, PFBS, and GenX. Unlike the previous health advisories, these proposed MCLs will be enforceable, prompting each state to adapt drinking water treatment processes to meet these regulations. The proposed rule will require public water systems to monitor for these six PFAS, notify the public of the levels of these PFAS, and reduce the levels of these six PFAS in drinking water if they exceed the proposed standards (EPA 2016; 2022, and 2023).

Table 2. Federal EPA Progression on PFAS Regulations

PFAS	2016 Health Advisory	2022 Health Advisory	2023 Proposed MCLs
PFOS	$\Sigma \leq 70$ ppt	0.02 ppt	4 ppt
PFOA		0.004 ppt	4 ppt
PFNA	NA	NA	Hazard Index* 1.0 (unitless)
PFHxS	NA	NA	
PFBS	NA	10 ppt	
GenX	NA	1,000 ppt	

$$* \text{Hazard Index} = \frac{\text{GenX}}{10 \text{ ppt}} + \frac{\text{PFBS}}{2,000 \text{ ppt}} + \frac{\text{PFNA}}{10 \text{ ppt}} + \frac{\text{PFHxS}}{9 \text{ ppt}}$$

In October 2020, Massachusetts published MCLs on six PFAS in drinking water, stating the sum of the six must not exceed 20 ppt. The six currently regulated PFAS in Massachusetts are PFOS, PFOA, PFHxS, PFNA, PFHpA, and PFDA, which MassDEP refers to as “PFAS6” (MassDEP, 2020). There is overlap between the proposed federal MCLs and the Massachusetts’s current MCLs, however, Massachusetts does not currently regulate PFBS or GenX, and the EPA does not currently intend to regulate the two perfluoro carboxylic acids (PFCAs), PFHpA (7 carbons) and PFDA (10 carbons) that Massachusetts currently regulates. Current MCLs in four New England states in drinking water are shown in Table 3.

Table 3. Current PFAS MCL Regulations in Four New England States

PFAS	Massachusetts	Maine	Vermont	New Hampshire
PFOS	$\Sigma \leq 20$ ppt	$\Sigma \leq 20$ ppt	$\Sigma \leq 20$ ppt	15 ppt
PFOA				12 ppt
PFHxS				18 ppt
PFNA				11 ppt
PFHpA				NA
PFDA				NA
PFBS	NA	NA	NA	NA
GenX	NA	NA	NA	NA

Lead and Copper Rule

On December 16, 2021, the U.S. EPA announced final revisions to the National Primary Drinking Water Regulations for lead and copper under the authority of the Safe Drinking Water Act – called the Lead and Copper Rule Revisions (LCRR). The revisions include requirements for inventory of lead service lines and replacement plans for community systems and non-transient non community (NTNC) systems, establishment of a 90th percentile system wide trigger level of 10 parts per billion (ppb) of lead (in addition to the system-wide 90th percentile action level of 15 ppb), and requirements for community systems to offer testing to schools and childcare facilities. These changes highlight the emphasis on lead and copper for current and future regulatory updates.

The MassDEP will likely require West Newbury to re-establish its Optimal Water Quality Parameters (OWQP’s) once the new source comes online, given the significant changes and potentially different water quality considerations. OWQP’s are established by collecting water samples from the finished water line, all other entry points (for example, source water and post treatment), and from sites within

the distribution system, with the number of points within the distribution system based on the population served by the system. The details of the sampling plan and number of samples are specific to the system and must be determined through discussion with MassDEP once the new source is online.

Recommendations for Sampling

It has been over seven years since water quality sampling and analysis has been done at this site. The water quality data must be updated for the New Source Approval from MassDEP. It is recommended that the Town update water quality data with a new suite of water quality sampling and analysis to both update existing data and provide additional insight for infrastructure planning. The sampling shall include all previous parameters sampled, and the additional items noted in the list below. Crucial parameters for water quality and water treatment considerations at the wellfield include:

- PFAS sampling at a minimum should include at least 18 PFAS from EPA Methods 537 or 537.1. The following eight compounds, a combination of MA's PFAS6 and EPA's proposed MCL, must be included in the analysis: PFBS, PFHxS, PFOS, PFHpA, PFOA, PFNA, PFDA, and HFPO-DA (GenX).
- UV254 to indicate aromatic organic materials, which are precursors to disinfection byproducts (DBPs). Surface waters typically have higher concentrations of natural organic matter (NOM) than groundwater. Unfavorable or high UV254 absorbance may impact disinfection methods and treatment processes.
- Total Organic Carbon (TOC), Dissolved Organic Carbon (DOC), inorganics (iron and manganese), pH, radionuclides (radium), perchlorate, and nitrogen are typical water quality parameters that contribute to a variety of health based MCLs and filtration infrastructure needs. If granular activated carbon (GAC) filtration, common for PFAS removal in drinking water, is utilized at the site, iron and manganese can foul the vessels, lessening the removal of PFAS and other contaminants of concern. If there are high radionuclide or radium concentrations, GAC filter media may be considered a radioactive hazardous waste.
- Microparticulate Analysis (MPA) is recommended for an initial indication of the potential of this source to be Groundwater Under the Direct Influence of Surface Water (GWUDI) as defined by EPA's Surface Water Treatment Rule (SWTR). The determination of whether or not the source is GWUDI will be made based on MPA samples taken twice during a twelve-month period once the source is online; once between August 15 and October 15 (fall) and again between April 1 and May 30 (spring). Depending on whether the site is GWUDI or not will determine the log removal and chlorine contact time necessary, as well as the potential need for filtration in the treatment process. Per 310-CMR 22 Drinking Water, 4-log inactivation of viruses and 3-log inactivation of giardia cysts is required for groundwater under direct influence of surface water. Pressure filters typically account for 2-log credit.
- Corrosivity is a crucial water quality parameter to conform with EPA's Lead and Copper Rule to prevent leaching. Per EPA Optimal Corrosion Control document 816-B-16-003, factors affecting corrosivity and lead and copper leaching are:
 - Alkalinity, pH, and dissolved inorganic carbon (DIC)
 - Hardness (calcium and magnesium)
 - Dissolved oxygen (DO)
 - Ammonia, chloride, and sulfate
 - Natural organic matter (NOM)

- Iron, aluminum, and manganese
- Temperature
- All water quality test methods should conform to most recent State and EPA Methods for drinking water analysis.

Potential Implications of Results

Depending on the results from updated water quality sampling and analysis, certain treatment processes and infrastructure may be required to meet MCLs and improve water quality for a groundwater source located at the project site. Typical treatment of certain water quality parameters is shown in Table 4.

Table 4. Water Quality Parameters, Treatment Technologies, and Concerns	
Water Quality Parameter	Treatment Technology or Concerns
PFAS	Ion Exchange (IX) Resin and/or Granular Activated Carbon (GAC).
UV254	Change in disinfection methods and/or organics removal: processes to avoid DBPs formation.
TOC, DOC, inorganics (iron and manganese), radionuclides (radium)	Green sand filtration or GAC, high radionuclides may cause GAC media to be considered radioactive hazardous waste.
MPA Analysis	4-log inactivation for viruses and 3-log inactivation for giardia cysts if GWUDI (disinfection). Pressure filters typically account for 2-log credit
Corrosivity	Control of corrosivity is crucial to prevent lead and copper leaching. Corrosion control is typically accomplished through chemical addition.

4. Permitting

DEP Permits

Required Actions

Weston & Sampson consulted with Jim Persky and Duane LeVangie of MassDEP regarding the next steps required to renew the approval of the Dole Place Wellfield on behalf of the Town. The Dole Place Wellfield was officially approved on May 23, 2017 and the letter states that the approval is only valid for 5 years. Because it has been more than 5-years since the approval letter was obtained, the Town must complete another 5-day pumping test and collect water quality samples for parameters previously analyzed as well as additional parameters, such as PFAS, that were not collected in 2016. Prior to conducting another pumping test on the Dole Place Wellfield, MassDEP requires a brief pumping test proposal to be submitted that outlines the following:

- Updated Zone II land use evaluation
- Proposed pumping test sampling schedule and list of constituents to be sampled

- Proposed wellfield configuration including test well construction and location of discharge
- Proposed withdrawal rate

Recommended Actions

In addition to MassDEP requirements outlined above, Weston & Sampson recommends the following actions:

- Design and construct final pumping wellfield based on final production well standards prior to the pumping test
- Consider a long-term pumping test (more than 5 days) to confirm stabilization criteria is met
- Collect Microscopic Particulate Analysis (MPA) to confirm whether groundwater is under the direct influence of surface water
- Collect water quality field parameters from both the Merrimack River and the pumping wells (temperature, pH, Oxidation Reduction Potential, specific conductivity, dissolved Oxygen) daily for the duration of the pumping test both to meet regulatory requirements and to have an indicator of the influence of the surface water on the water quality of the groundwater.

MEPA Permitting

Weston & Sampson reviewed the available permitting documents for the Massachusetts Environmental Policy Act (MEPA) for the proposed wellfield at 31 Dole Place. In June 2016 an Environmental Notification Form (ENF) was submitted to the Executive Office of Energy and Environmental Affairs by Tata & Howard on behalf of the Town of West Newbury for the site. The ENF identified a water withdrawal of 868,000 gallons per day for the site, in exceedance of the MEPA threshold of 100,000 gallons per day, which necessitated the review of this potential project by MEPA.

The ENF Determination for the project was issued on August 19, 2016 by the Executive Office of Energy and Environmental Affairs. The project was determined to not require an Environmental Impact Report (EIR) at that time. The MEPA regulations at 301 CMR 11.10 dictate that if more than 5 years have elapsed since any work, including "non-construction related work or activity" then a new ENF shall be filed.

On August 16, 2023 Weston & Sampson met with Jennifer Hughes of the MEPA office for a virtual Teams meeting to discuss the project and next steps from the MEPA perspective. It was discussed that the Determination was issued more than five years ago, but the Town has been actively pursuing the purchase and evaluation of this property throughout the time since 2016 without a lapse of time occurring. Jennifer Hughes followed up after the meeting with additional detail. Because the subject project was determined to not require an EIR and the Town has been actively pursuing the project during the time since the Determination was issued, the Determination would still be valid from 2016 provided the project has not changed from the impacts documented in the 2016 ENF. If the proposed project has changed, for example if the building size increases due to additional treatment required, a Notice of Project Change should be filed with MEPA.

Since the 2016 ENF Determination the MEPA process has undergone several changes. Most notably, the inclusion of Environmental Justice as an area of concern for MEPA review, as well as additional

review of climate change considerations. Weston & Sampson reviewed the Environmental Justice communities mapping available from the Executive Office of Energy and Environmental Affairs (<https://mass-eoeea.maps.arcgis.com/apps/webappviewer/index.html?id=1d6f63e7762a48e5930de84ed4849212>) and determined there are no Environmental Justice communities located within the 1 mile radius of the project, however there are several within the 5 mile radius. The proposed project is not anticipated to have significant impacts on these communities, but this should be reviewed further once the extent of the proposed project is defined.

It was noted during this meeting that priority habitat overlaps the project site. It is recommended that the National Heritage and Endangered Species Program of the MA Division of Fisheries and Wildlife be contacted to confirm that the priority habitat located on the site will not be impacted by the project.

Additional Permits During Construction

In addition to permitting actions recommended above, there are local permitting considerations during construction. Local permits applicable to this project as identified in the Town's bylaws (as of January 2023, accessed online via the Town's website) would include a Street Opening Permit, a Trench Permit, and a Building Permit.

A memorandum prepared by West Newbury's Conservation Agent in March 2023 documents actions to be taken for wetlands permitting on the local level. It was noted that there is an open Enforcement Order on the property related to tree clearing in 2013 which would need to be addressed as part of any new work on the property. It was also noted that proposed work for this project may fall within the buffer zone of wetlands located adjacent to the property and additional wetlands delineation should be performed in order to determine the necessary next steps for proceeding. In addition, the project would be subject to the Massachusetts Stormwater Standards.

5. Sea Level Rise Implications

Weston & Sampson conducted an evaluation on the potential effects of Sea Level Rise (SLR) impacts on groundwater and surface water elevations near the Dole Place Wellfield. The evaluation was conducted to assess potential impacts on both infrastructure as well as safe yield and water quality of the source of supply under normal operating conditions (mean higher high water). As requested by the Town, the evaluation was conducted using the assumption that sea level rise during a 100-year flood condition in the year 2100 would equal six (6) feet above the current (2023) FEMA 100-year flood elevation. It is important to understand the consequences of the 100-year flood condition with respect to the proposed infrastructure needed to support the withdrawal, and the Town would like to incorporate the projected sea level rise into its evaluation for this.

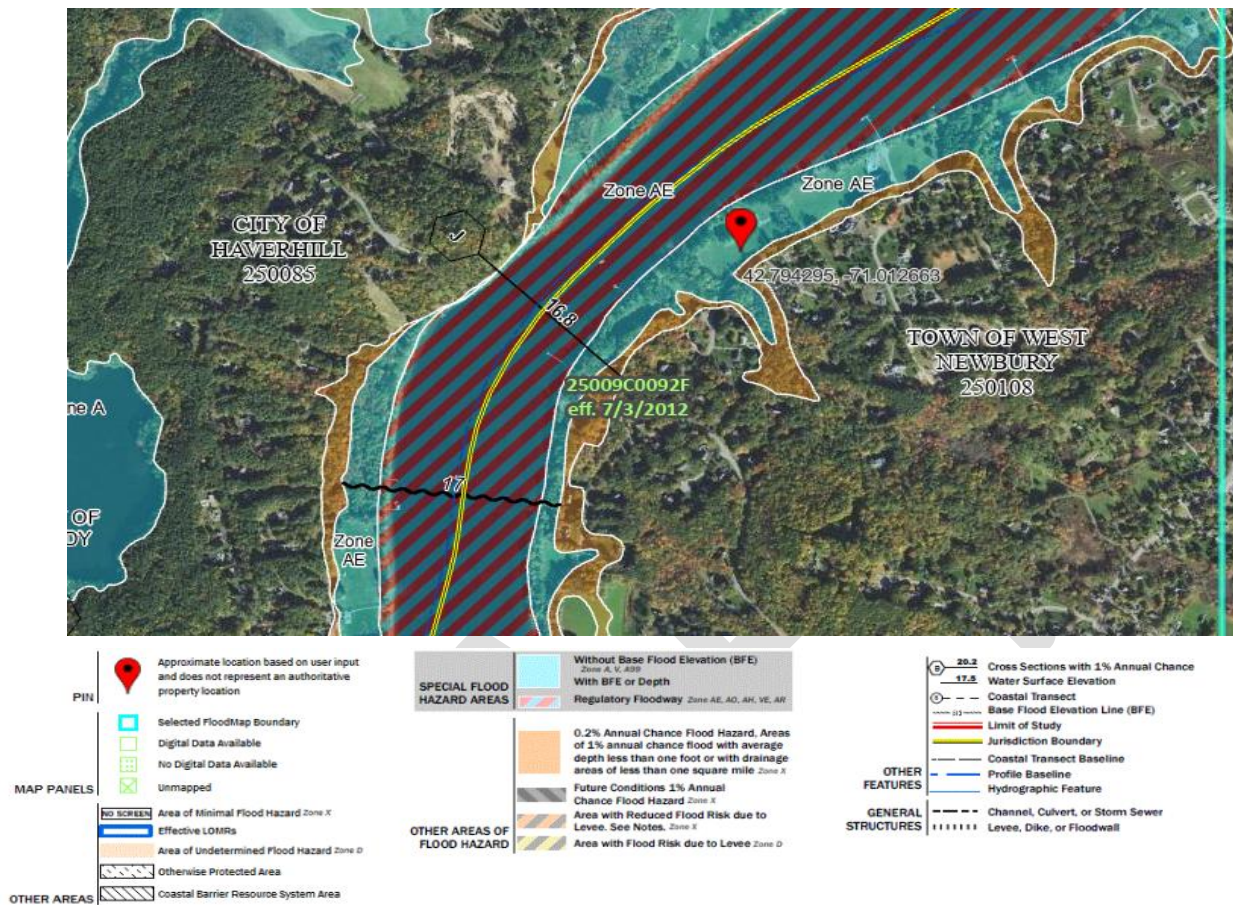
Potential Impact on Groundwater Elevations

Groundwater elevations in 2100 (town recommendation) were evaluated to understand the implications to the safe yield of the aquifer and water quality of the source water for the proposed source of supply under a 100-year flood condition and under normal operating conditions (mean higher high water).

The change (or rise) in groundwater elevations were calculated by using the relationship between the tidally influenced Merrimack River and the groundwater conditions under the 2016 observed conditions during the pumping test and applying that relationship to the predicted river elevations in both 2100 and 2070. Much of the information required for this evaluation was missing from the Tata & Howard Report because an assumed datum was used to estimate relative groundwater elevations. Weston & Sampson used the most recent LiDAR ground elevation data obtained from MassGIS to estimate elevations at the test wells based on the NAVD88 datum. The minimum and maximum observed groundwater levels provided in the report from February 2016 were used in conjunction with LiDAR surface elevations to estimate a range of groundwater elevations at the Dole Place Wellfield site throughout the pumping period. These elevations were then compared to the stage of the Merrimack River at USGS stream gage Newburyport, MA – 01100870 for the same period record as the pumping test. This evaluation showed that for every foot the Merrimack River increases due tidal changes, groundwater elevations increase by approximately 0.08 ft.

Town Recommended Approach: The current 100-year flood elevation of the site is currently 16.8 feet NAVD88 and was determined based on the FEMA Mapping Firm panel 25009C0092F as shown in **Exhibit A** below. The Town requested that Weston & Sampson assess the possible impacts to future elevated groundwater elevations resulting from sea level rise (SLR) by projecting the 100-year flood plain elevation with an additional 6 feet based on the 2070 sea level rise projection. Weston & Sampson's assumption is that this condition represents a 100-year flood condition in 2100.

Exhibit A: FEMA Flood Map



The current 100-year flood plain elevation with an additional 6 feet to represent the 100-year flood elevation in 2100 is equivalent to a water level elevation of 22.8 feet NAVD88. It should be noted that the Dole Place Wellfield is located within a FEMA special flood hazard area (Zone AE) as shown in **Exhibit A** and **Figure 1**. In order to illustrate our findings, a cross-section was developed representing the current groundwater conditions and projected SLR conditions (**Figure 2**). As a conservative approach, Weston & Sampson anticipates the land surface that parallels the Merrimack River to eventually be overtopped causing groundwater elevations to be impacted and rise at the same rate as SLR. Therefore, the projected SLR value was superimposed onto the current condition groundwater elevations. Based on the mapping of the FEMA Flood Hazard Areas (**Figure 1**) and projections explained above, the entire Dole Place Wellfield is expected to be overtopped by approximately 6.8 feet from rising river levels during a 100-year flood. This approach should be considered highly conservative and representative of a flood condition only.

Under the Town’s recommended approach, the entire site would be underwater during a flood condition unless all surface infrastructure is raised 2 feet over the expected 100-year flood elevation in 2100. This represents raising the wellhead(s) and associated infrastructure 8.8 feet above current ground surface.

Under the Massachusetts State Hazard Mitigation and Climate Adaptation Plan, the groundwater elevations in 2070 would rise approximately 0.36 feet. The impact from the resultant SLR-induced groundwater elevation rise would be de minimums on the safe yield of the wellfield, the water quality of the source water, and the associated infrastructure.

6. Recommendations

Assuming the Town decides to pursue the parcel for the development of a groundwater source, the following are recommended next steps for the Town.

Preliminary Steps (Fall 2023-Spring 2024)

The Town can take steps in the short term to move forward with the analysis of the parcel for use as a groundwater source, including the following:

- Submit to MassDEP a brief pumping test proposal that outlines the following:
 - Updated Zone II land use evaluation
 - Proposed pumping test sampling schedule and list of constituents to be sampled
 - Proposed wellfield configuration including test well construction and location of discharge
 - Proposed withdrawal rate and length of test
- Following the pumping test proposal submission, a long-term pumping test and water quality sampling should be performed incorporating the recommendations in Sections 2 and 3 above.
- Survey of the site can be conducted to obtain topographic elevation data and update previously used values for groundwater elevation developed with an assumed datum.

Additionally, the following steps can be taken in the short term to move forward with permitting of the project:

- Additional wetlands delineation should be performed to understand the extent of wetlands and buffer zones for the property.
- National Heritage and Endangered Species Program of the MA Division of Fisheries and Wildlife should be contacted to confirm that the priority habitat located on the site will not be impacted by the project.

Once the additional pumping test and water quality sampling are completed, there will be additional clarity as to the treatment requirements for the potential drinking water source. Treatment requirements will dictate the size of the building and scope of the design which will inform the need to update MEPA permitting for the project and move towards design and construction of the infrastructure necessary for a wellfield at 31 Dole Place.

Figure 1



- February 2016 Tata & Howard Monitoring Point
- Observation Well
 - Pumping Well
 - Staff Gauge/Piezometer Pair
 - M324TaxPar
- FEMA Flood Zone Designations
- AE: 1% Annual Chance of Flooding, with BFE
 - AE: Regulatory Floodway
 - X: 0.2% Annual Chance of Flooding



FIGURE 1

WEST NEWBURY, MA
DOLE WELLFIELD

FEMA MAP

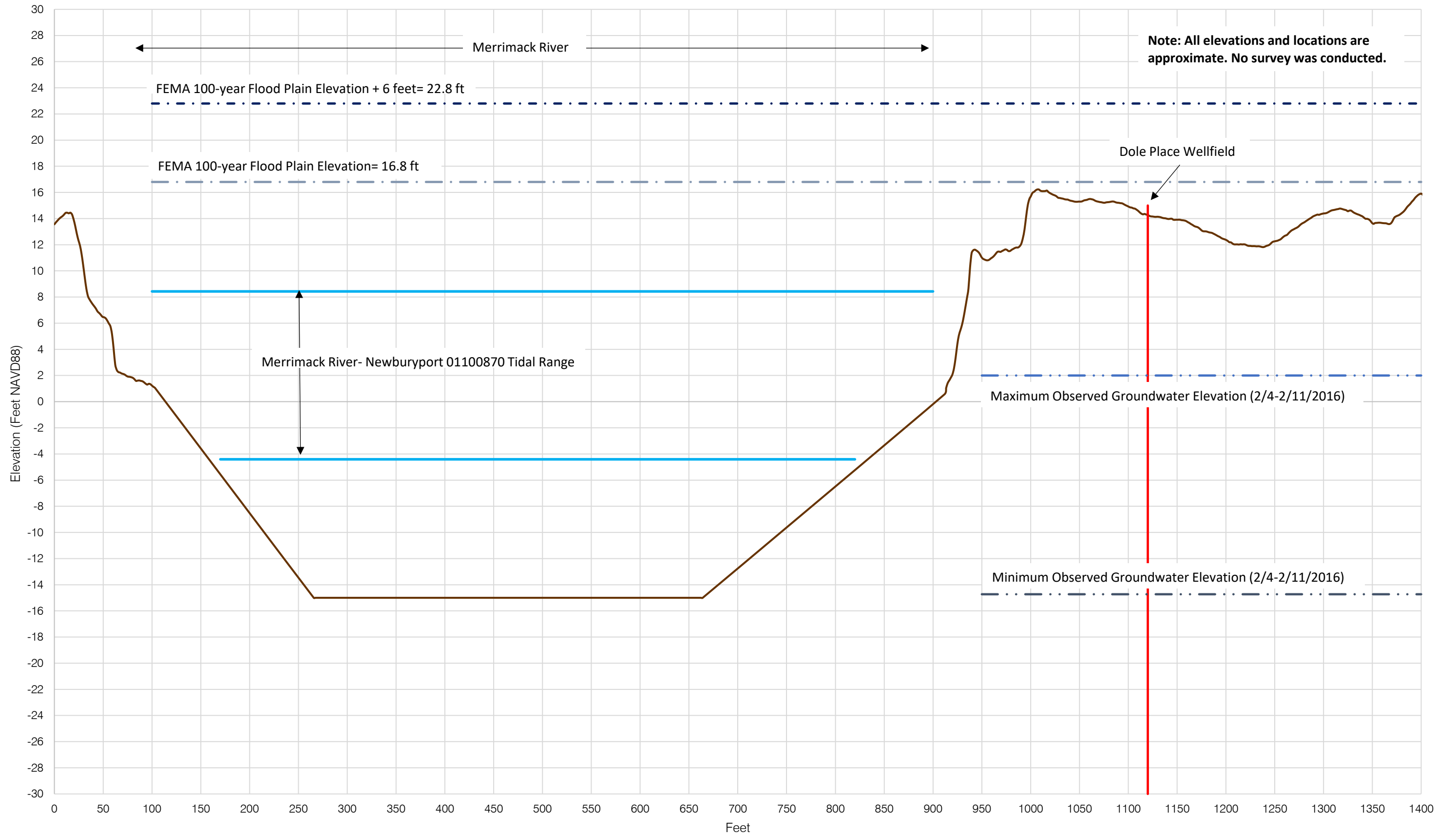
AUGUST 2023 SCALE: NOTED

Figure 2

NW

Figure 2. Dole Place Wellfield Cross-Section

SE



ARTICLE REQUEST FORM

ARTICLE: FY25 REVALUATION CONSULTANT SUPPORT COSTS

AMOUNT REQUESTED: \$25,000.00

CONTACT PERSON: CHRISTIAN KUHN

PHONE NUMBER: X116

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

The assessing department is preparing for the FY25 Bureau of Local Assessment(BLA) Certification of Real and Personal Property Values. Most of the work involved in this process can be completed by in house staff. There are specialized classes of property which will need outside consultation in order to satisfy BLA standards. These classes of property are the personal property and utility valuations.

What factors affect the timing of this purchase?

The FY25 valuations will begin in the spring of 2024. Securing funding at this town meeting will allow for a quick start to the project.

When should this Article be sunsetted - how long will the project take?

End of Fiscal Year 2025

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

none

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

no

Please attach additional pages or other supporting documentation.



Muddy River Advisors, LLC
PO Box 67362
Chestnut Hill, MA 02467

August 10, 2023

Mr. Christian Kuhn, RES, MAA
Chief Assessor
Town of West Newbury
381 Main Street
West Newbury, MA 01985

Re: Proposal for FY2025 Utility Property Valuation Analysis and Report

Dear Mr. Kuhn:

I am pleased to submit this proposal to you on behalf of Muddy River Advisors, LLC to assist the Board of Assessors in the valuation of the following utility personal property accounts for Fiscal Year 2025:

- Boston Gas Company/ Essex Gas Co./ National Grid
- Massachusetts Electric Company/ National Grid
- New England Power Company/ National Grid

Muddy River Advisors, LLC will prepare a valuation analysis based on a reproduction cost new less depreciation study for the locally valued electric distribution or transmission and gas distribution companies listed above operating in the town of West Newbury as of January 1, 2024. The analysis will be consistent with the reinstated decision of the Appellate Tax Board in *Boston Gas v. City of Boston* promulgated on April 21, 2011 and the requirements for regulated utility valuation outlined in the Massachusetts Department of Revenue Guidelines for the development of a Minimum Reassessment Program and the DOR's Local Finance Opinion (LFO-2019-1) on Assessing Utility Properties. Our findings will be delivered in the form of a USPAP compliant personal property appraisal report for each account. Along with the analysis and report, Muddy River Advisors, LLC will provide the supporting documentation for presentation to utility companies, local boards, and the Department of Revenue.

The valuation analysis will include a reproduction cost new, less an allowance for physical and functional obsolescence. Reproduction costs will be derived using a trended original cost method. Utilities are required to maintain records of the direct and indirect costs of constructing their systems within an accounting structure provided under federal and state regulation using published FERC asset categories. The historical costs maintained in this accounting structure can be trended to estimate the cost new of the installed property as of the valuation date by use of a cost index. The analysis will include use of the Handy-Whitman Index for the North Atlantic Region, published by Whitman, Requardt & Associates,

LLP, which tracks the changes in construction cost for utility property over time to calculate the trended original cost, or reproduction cost new as of the assessment date.

Physical depreciation of the property will be estimated using an overall age-life technique used for market-valuation purposes (not book or tax accounting depreciation). This formula uses the ratio of an asset's actual age to its useful life to measure its physical deterioration as of the assessment date. Service lives will be determined using generally accepted industry schedules as reported to state and federal regulatory agencies modified by a residual percent good factor for all assets still in service. Since many assets remain in use beyond their service life for regulatory accounting purposes, a maximum depreciation allowance of 80% (20% good) will be used for the reported assets.

Functional obsolescence is defined as the loss in value or usefulness of a property caused by inefficiencies or inadequacies of the property itself, when compared to a more efficient and less costly replacement property that new technology has developed. Functional obsolescence will be estimated by separating curable from incurable factors. Curable functional obsolescence, due to excess capital costs, will be measured by calculating the difference between the reproduction cost new and an estimate of replacement cost new for all assets or by examining the appropriate replacement cost indexes published by the Federal Bureau of Labor Statistics (BLS). For gas distribution mains the replacement cost new will be estimated using Marshall & Swift construction cost manuals and the company's reported fixed assets. When believed to be present, incurable functional obsolescence, based on excess maintenance or operating costs associated with the existing system's assets, will be estimated using a technique that subtracts the present value of future excess maintenance/operating costs from the cost remaining after the allowance for functional curable and physical depreciation. The present value discount rate will be based on historic industry yield requirements.

Economic obsolescence for utility property, which includes the impact of regulation of the utility company's earnings on the market value of the property, will also be considered, but not separately estimated. Under the ATB's reinstated Boston Gas decision, economic obsolescence is effectively accounted for by blending the Reproduction Cost New Less Depreciation (RCNLD) of the property, before an allowance for economic obsolescence with its net book value, with each approach given equal weight (50/50). This averaging of the RCNLD and net book value of the property, based on existing case law, results in the fair market value for the regulated utility personal property for assessment purposes because it recognizes the nature of the rate-base return structure and related economic obsolescence.

We will prepare the RCNLD analysis and appraisal reports as described above for the personal property of the three locally assessed utility accounts in the town of West Newbury for a fixed price of **\$8,500**.

In addition, any consulting work, including time related to defense of values, we would provide at a standard hourly rate of \$250 per hour including normal travel and business expenses, subject to approval by the West Newbury Assessors. We can also offer the services of Mr. David Cornell, MAI, CAE as a review appraiser as part of a defense of values process, should you be interested, at that same rate. Mr. Cornell's resume is attached along with those of Mr. Ronald Rakow and myself.

Thank you for the opportunity to submit this proposal. If you have any questions, or need additional information, please let me know.

If you are prepared to accept our proposal and execute this letter as a consulting services agreement, please countersign below and return a copy to us.

Sincerely,



Gary J. McCabe, CAE

Muddy River Advisors, LLC
Email: gmccabe@muddyriveradvisors.com
Cell Phone: 617-733-4165

Accepted on behalf of the Board of Assessors:

By: _____ Date: _____

Name: _____ Title: _____

GARY J. McCABE, CAE

MUDDY RIVER ADVISORS, LLC

PO Box 67362

CHESTNUT HILL, MA 02467

GMCCABE@MUDDYRIVERADVISORS.COM

CELL PHONE: 617-733-4165

MUDDY RIVER ADVISORS, LLC

Mr. McCabe is a principal in the consulting practice that focuses on providing utility company personal property valuation analysis and reports to a variety of municipal clients. His work includes replacement cost and depreciation analyses for regulated gas and electric distribution systems for property tax purposes.

TOWN OF BROOKLINE, MASSACHUSETTS

Chief Assessor & Chairman, Board of Assessors - Retired

Mr. McCabe served as Chief Assessor and Chairman of the Board of Assessors for the Town of Brookline from 2007-2019. Brookline is a neighboring community to the City of Boston, with a population of 55,000 residents. It has 18,000 properties with a fiscal year 2020 assessed value of \$25 billion and a tax levy of \$225 million.

AMERICAN TOWER CORPORATION – Boston, MA

Director, Property Taxes

American Tower Corporation is a publicly traded company (AMT) on the New York Stock Exchange (NYSE). It is a leading independent wireless and broadcast communications infrastructure company, with a portfolio at the time of approximately 20,000 towers in the United States, Mexico, and selected markets in Brazil.

DELOITTE & TOUCHE, LLP – Boston, MA

Property Tax Manager

Deloitte & Touche, LLP is a global provider of professional services in; audit, tax, consulting, and financial advice, and serves more than one-half of the world's largest companies, as well as other national enterprises, public institutions, small local clients, and successful, emerging industries companies.

MASSACHUSETTS DEPARTMENT OF REVENUE – BUREAU OF LOCAL ASSESSMENT – Boston, MA

Bureau Chief

The Bureau of Local Assessment (BLA) is responsible for oversight of local assessment practices and certification of market level assessment standards. Performance measures include statistical testing of assessment levels using sales ratio studies and on-site procedural audits. The BLA is also responsible for the annual assessment of personal property owned by certain public utility companies, and other property tax studies.

CITY OF WORCESTER, MASSACHUSETTS – Worcester, MA

Deputy Tax Assessor

The City of Worcester is the 3rd largest city in New England. Mr. McCabe was responsible for the annual revaluation of real and personal property as required by full & fair cash value standards of Massachusetts.

PROFESSIONAL MEMBERSHIPS, EDUCATION & AWARDS

International Association of Assessing Officers (IAAO): Member since 1985, Certified Assessment Evaluator (CAE) designee. Senior National Instructor. Committee work; Representatives, Research, Professional Development, Technical Standards. Awards; Member of the Year, Associate Member of the Year, Distinguished Research & Development Award, Outstanding Technical Essay Award, Professional Development Lifetime Achievement Award. IAAO Fellow & member of Fellows Council. IAAO Representative to the International Property Measurement Standards Coalition (IPMSC) 2017-2023.

Member/speaker; International Property Tax Institute (IPTI), Massachusetts Board of Real Estate Appraisers (MBREA), Wichita State University-National Tax Association Conference – Appraisal for Ad Valorem Taxation of Communications, Energy & Transportation Property. IAAO Conference speaker, Lincoln Institute of Land Policy; Electric Utility Deregulation & Property Taxation (1999), National Conference of State Tax Judges (2022).

Publications; *Journal of Property Tax Assessment & Administration, Fair & Equitable* (IAAO)

Education; Northeastern University, Boston, MA - AS.BA Business Administration & Civil Engineering

CONSULTING PRACTICE – MUDDY RIVER ADVISORS, PLEASANT LAKE ADVISORS (2011-PRESENT)

The consulting practices focus on providing real estate and personal property advisory services to a variety of clients, including government agencies and private firms. This work also includes advising government and private sector clients on municipal finance and tax policy issues and business tax incentives.

LINCOLN INSTITUTE OF LAND POLICY, CAMBRIDGE MA (2018-PRESENT)

FELLOW, DEPARTMENT OF VALUATION AND TAXATION

Collaborates with Lincoln Institute on research and education projects with the goal of advancing property tax policy and valuation practices both nationally and internationally.

CITY OF BOSTON, ASSESSING DEPARTMENT, BOSTON, MA (1984-2018)

COMMISSIONER

- Established and maintained market-based assessments for 150,000 properties with a total assessed value of \$150 billion and annual revenue over \$2 billion.
- Initiated a series of administrative, operational, and systems initiatives that significantly improved the efficiency and financial performance of the Department.
- Managed staff of 90 and a budget of \$7 million.

DIRECTOR OF RESEARCH AND STANDARDS

- Planned and directed the development and implementation of valuation standards (e.g., statistical valuation models, cost and income tables, capitalization rates) necessary to generate assessments.
- Directed the Department's data processing and office automation operations.

DIRECTOR OF TAX POLICY

- Administered a payment-in-lieu-of-tax system for non-profit institutions, including the implementation of policy guidelines and negotiation of agreements.
- Formulated and pursued the Boston's fiscal legislation and evaluated the fiscal impact of proposed state legislation on local governments.

PROFESSIONAL MEMBERSHIPS, EDUCATION & AWARDS

International Association of Assessing Officers (IAAO): Member since 1990, Chair, Research Committee, John C. Donehoo Award 2013, Presidential Citation, 2004, Chair, Host Committee, International Conference, 2004.

Massachusetts Association of Assessing Officers (MAAO): Member since 1990, Wilson Award, 2006

Speaker: IAAO and MAAO Conferences, Institute for Professionals in Taxation (IPTI), Lincoln Institute of Land Policy, Appraisal Institute, Massachusetts Municipal Association (MMA), Nation Conference of State Legislators, Urban Institute, National League of Cities, and others.

Publications: Land Lines (Lincoln Institute of Land Policy), City and Town (Massachusetts Department of Revenue), Journal of Property Tax Assessment and Administration and Fair and Equitable Magazine (IAAO)

Education: Boston University, Boston, MA - BA Economics
Harvard University, Cambridge, MA - Certificate in Administration and Management

David Cornell, MAI, CAE



100 White Pine Lane Manchester, NH 03102 | 603-203-5517 | David@cornellconsultants.com

Cornell Consultants, LLC ***President (2016-present)***

Mr. Cornell serves as the president of Cornell Consultants, LLC, a real estate appraisal and consulting firm serving public and private clients specializing in complex valuation issues. Professional appraisal experience includes: apartments, super-regional malls, hotels, shopping centers, mixed use properties, single and multi-tenant office buildings, single and multi-tenant industrial buildings, big box retail stores, mass appraisal of residential and commercial properties, regulated and non-regulated utility properties, hydropower facilities, nuclear power plant, vacant land, and special use properties.

NH Department of Revenue Administration ***Assistant Director, Municipal and Property Division (2010-2016)***

Mr. Cornell oversaw property assessments for about 240 assessing districts in the State of New Hampshire. This included overseeing the districts' use of mass appraisal techniques to determine the overall real estate value for each district and calculating property tax rates.

City of Manchester, Manchester, NH ***Chair, Board of Assessors (2006-2010)***

Mr. Cornell oversaw the entire Assessing Department and was responsible for ensuring that all residential, commercial, and industrial properties in the City of Manchester were properly assessed. The City of Manchester has approximately 32,000 parcels and a market value of approximately of \$10 billion.

Education

Master of Business Administration, Plymouth State University, Plymouth, NH
Graduate Certificate, Investment & Finance, Plymouth State University, Plymouth, NH
Bachelor of Science, Business Administration, Liberty University, Lynchburg, VA

Licenses & Affiliations

Appraisal Institute Designated Member - MAI Designation
Appraisal Institute NH Chapter - President (2017 - 2018); Board of Directors (2014 - present)
International Association of Assessing Officers - Certified Assessment Evaluator (CAE)
Maine Board of Real Estate Appraisers - Certified General Appraiser (CG-3764)
Microsoft - Microsoft Certified Trainer (MCT); Certified Excel Expert
New Hampshire Association of Assessing Officials - Certified New Hampshire Assessor
New Hampshire Department of Revenue - Certified Property Assessor Supervisor
New Hampshire Real Estate Appraiser Board - Certified General Appraiser (NHCG-863)
The Appraisal Foundation - AQB Certified USPAP Instructor



August 17, 2023

Mr. Christian Kuhn
Assessor's Office
381 Main Street
West Newbury, MA 01985

Dear Mr. Kuhn,

Real Estate Research Consultants, Inc. (RRC) is pleased to submit this proposal to you for the provision of its personal property revaluation services for your municipality for fiscal year 2025.

Personal property revaluation

This personal property revaluation includes the complete listing and valuation of each existing personal property account, as well as the discovery, listing and valuation of each new personal property account.

The services provided in this revaluation include:

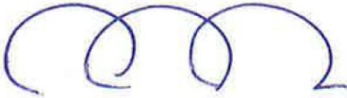
- Calculations of valuations for each new and existing account through the complete personal property listing at each location, coupled with the implementation of a new pricing manual reflecting current prices as of January 1st. Through this process, each individual item of personal property on every account will be valued and depreciated.
- Review of all Forms of List to extract pertinent information relative to the personal property tax base for each existing account.
- Out of business accounts are identified, verified and removed from the tax file.
- New personal property growth will be provided in a growth report format, by account.
- Applications for abatement will be reviewed and, if necessary, visited, and then recommendations on how to proceed will be made.
- Full telephone support pertaining to any personal property questions.
- Creation of an updated data file that reflects all account activity over the course of the year.
- Review and valuation of wireless and cable accounts.
- Provision of all personal property certification reports to the DOR and assistance in the certification process.

The cost for the services as listed above would be **\$60.00** per account.

Additionally, we will perform the conversion of our RRC software at **no cost** to you for fiscal year 2025. You will begin paying annual software support at a cost of **\$1,500.00/year** for fiscal year 2026.

Please feel free to contact me with any comments or questions. Your consideration in this matter is greatly appreciated.

Sincerely,



Brian J. Pelletier
President



ARTICLE REQUEST FORM

ARTICLE: Police/Fire Audio Recording System

AMOUNT REQUESTED: \$28,000

CONTACT PERSON: Chief Michael Dwyer

PHONE NUMBER: 978-363-1213

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

This equipment is used by the fire and police to record, playback and archive emergency telecommunications and radio transmissions. Some equipment that we are replacing has been in use since the public safety building was constructed in 2003. Other equipment has been provided to the town by the state and will no longer be supplied.

What factors affect the timing of this purchase?

Historically this equipment has been provided to towns primarily to work with E911 workstations. We have two in our dispatch center. The state is no longer allowing local departments to connect additional communications into these systems. We are currently investigating funding options through the state to offset this final cost to the town.

When should this Article be sunsetted - how long will the project take? 2 years

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

We are looking at various options to use funding we receive through the state currently for annual costs and

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

Please attach additional pages or other supporting documentation

QUOTATION

Quote No: Q-2023-EXA-0019

Date: 6/1/2023

HindSight 4 - Multimedia Logging Recording System

For /End Customer:

West Newbury MA Police
Sgt. Rich Parenteau
401 Main Street
West Newbury, MA 01985
978-363-1212
parenteau@westnewburysafety.org

Customer Requirements

West Newbury MA Police MA would like to add a Recorder to record local communications.
The six (6) analog Kenwood Radio channels will be recorded from the select audio of the two (2) Zetron Consoles providing audio to the Exacom Recorder.
Four (4) analog business lines require recording.
Two (2) Playback License are required. Additional users can be given access by Administrator permissions.
There is no requirement for: text, video, Screen Capture, QA, Rapid SoS, CAD or direct connection to PSAP/E911
This quote assumes West Newbury will provide all power and network wiring to the location where EXACOM recorder resides.
This quote provides pricing for Remote installation, configuration, and training support.

Exacom Proposed Solution Summary

Qty	Part No:	Model No:	Description	Unit Price	Qty Sub-Total
1	9000161-02	HSM-60	HindSight 60 Series Multi Media Recording Platform (includes HindSight Core Software, 16GB RAM, 2-1TB Drives - 1 TB RAID 1, Windows Server 2022, Microsoft SQL Server 2022 Std, Monitor/Spkr/CD/DVD/KB/Mouse)	\$ 7,200.00	\$ 7,200.00
1	9000715	HS-S-Analog-8	HindSight 8-Channel Analog Card (for analog phone lines)	\$ 2,000.00	\$ 2,000.00
8	9002600	HS-AD-CL	HindSight Single-Channel A/D SW License	\$ 250.00	\$ 2,000.00
1	9002221	HS-I-Zetron-MAXX	HindSight Zetron (MAX Dispatch) Console System Integration	\$ 4,995.00	\$ 4,995.00
2	9002602	HS-P25CL	HindSight Single-Channel P25-RoIP License	\$ 600.00	\$ 1,200.00
1	9000709	HS-D-Nic	Dual NIC Card	\$ 390.00	\$ 390.00
2	9002412	HS-CUL	HindSight Concurrent User Client License	\$ 695.00	\$ 1,390.00
1	9002288	ExaHealth	ExaHealth: HindSight health and monitoring service. Supports SNMP and Email notifications.	\$ -	\$ -
1	9002289	ExaBackup	ExaBackup: Backup software for HindSight.	\$ -	\$ -

Equipment List Price: \$ 19,175.00

Equipment Sub-Total: \$ 19,175.00

Remote support, Installation, Configuration and Training: \$ 2,740.00

1	9004000	HS-SUP-E	ExaCare: HW/SW Warranty/Service Year 1 (Remote support - Essentials)	\$	2,109.25
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ExaCare Extended Warranty Hardware & Software Support: per year for years 2-6 automatically renewable at annual rate of \$ 2,109.25

Solution Sub-Total: \$ 24,024.25

Sales Tax (See note 9): \$ -

Solution Total: \$ 24,024.25

RECOMMENDED: NAS for Recording Backup

Exacom recommends this option OR customer-provided NAS for backup of recordings

Qty	Part No:	Model No:	Description	Unit Price	Qty Sub-Total
1	9000517-01	HS-MS-BU2	HindSight 60 series Storage Backup (NAS) Solution w/ HS Backup Software – Minimum 2TB RAID 1 (equivalent or larger)	\$ 3,495.00	\$ 3,495.00

NAS Addition List Price: \$ 3,495.00

NAS Addition Subtotal: \$ 3,495.00

1	9004000	HS-SUP-E	ExaCare HW/SW Warranty/Service Year 1 for NAS (Remote support - Essentials):	\$	454.35
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ExaCare Extended Warranty Hardware & Software NAS Support: per year for years 2-6 automatically renewable at annual rate of \$ 454.35

Sales Tax (See note 9): \$ -

NAS Addition TOTAL \$ 3,949.35

Total Solution Cost including Recommended NAS \$ 27,973.60

Recommended Software Integrations	Unit Price
RapidSOS Integration for HindSight 4 Traditionally, RapidSOS caller data is only visible during live calls. Our integration with RapidSOS allows your agency to archive that information and allows you new to ways to access that data during live calls, as well.	\$ 9,995.00

Contact us for more information about these options and how they can help you!

Exacom Proposed Solution Specific Notes:

1. All pricing is in US dollars. West Newbury is responsible for all tax (unless exempt) expenses.....including shipping costs

General Notes:

1. Prices are in US dollars, FOB Manchester, NH
2. Shipping charges will be prepaid by ALLCOMM and added as a separate line item on your invoice unless otherwise indicated in MPA. Customer is responsible for all customs and duties. All government tariffs, identified before and/or after the quote process and paid by ALLCOMM will be passed onto the End Customer at cost, with no Exacom mark up.
3. Quotation is valid for 45 days.
4. ExaCare will auto-renew annually until the server reaches 6 years old age (based on ship date). Please indicate this on PO.
5. Software patches and minor releases are only available with current and up-to-date support contract.
6. A hardware / software refresh must be purchased before the server has reached 6 years of age (based on ship date) to continue with Exacom's full level of ExaCare support.
7. A HW/SW Refresh is only available when ExaCare is purchased for each server for years 1-6.
8. HW/SW Support is delivered remotely, only, via telephone, email and VPN, if available.
9. Sales Tax can only be waived if purchaser provides ALLCOMM with a copy of their Tax Exemption Certificate prior to purchase.
10. First year of ExaCare on new systems starts on the ship date and ends 15 months later. For add-on software, ExaCare starts on the earlier of the date of install or 90 days after shipping and ends 1 year from start date.
11. Ears 104 comes with 1 year HW/SW ExaCare Warranty and Service.
12. Ears 104 ExaCare support beyond 1st year will be billed at Exacom T&M rates. Travel will be passed through to customer at cost if required.

Payment Terms: Net 30, Unless MPA on File

Ship Date: 30-45 Days ARO

Submitted By:	<i>Joe Lamoly</i>	Date:	6/1/2023
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Joe Lamoly

Approved By:	Signature:	Date:	
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Signature of Authorized Personnel

Printed Name and Title

Approved Total Cost:	\$
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Select Solution Total cost with or without Recommended Options

Extended warranty plans for years 2 – 6:

Qty	Part No:	Model No:	Description	Unit Price	Qty Sub-Total
1	9004000	HS-SUP-E	EXACOM/1-Year Ext-Warranty Hardware and Software Maintenance - Support per year for years 2-6 (<u>without</u> NAS)	\$ 2,109.25	\$ 2,109.25
1	9004000	HS-SUP-E	EXACOM/1-Year Ext-Warranty Hardware and Software Maintenance - Support per year for years 2-6 (<u>with</u> NAS)	\$ 2,563.60	\$ 2,563.60

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COVID-19 and Exacom Status

Exacom is monitoring the COVID-19 situation closely and has put in place the necessary measures to protect its employee owners and customers. These measures follow the recommendations of our Federal and State government agencies, as well as the relevant Government recommendations in the countries where we do business. Until now, the COVID-19 virus has had limited impact on Exacom's orders and ability to service our customers. We have identified supply chain risks for all recording product lines, and we are actively working with our suppliers to mitigate these risks. However, we want to be up-front about the way this unusual circumstance is affecting our business and customers.

Our on-site install and training services will be conducted when permitted by local, state and federal guidelines allow. For areas where that is not permitted, we will work with our customers to either reschedule on-site install at dates to be determined or to help our customers to self-install remotely whenever possible.

Regarding our new orders, the impact on our deliveries has been very limited up until now. However, without good visibility on the availability of the necessary components to build our keys, we are investigating various contingency plans, if required.

Due to these unusual circumstances, we suggest that our customers share with us their forecasted recordings needs as soon as they are able. This will help us forecast demand and coordinate supply to mitigate any delays and ensure the best service possible.

ARTICLE REQUEST FORM

ARTICLE: Air Monitoring Equipment

AMOUNT REQUESTED: \$7,400

CONTACT PERSON: Chief Michael Dwyer

PHONE NUMBER: 978-363-1120

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

First responders use gas meters to evaluate homes and other occupied spaces for the presence of carbon monoxide, explosive gas levels and other toxic chemicals that are present during a building fire. The current meters we use are no longer serviceable and are beyond useful life (over 10+ years old).

First responders will benefit from the newer technology used to keep them safe in dangerous environments. We are also requesting funding to purchase single gas meters that will be attached to our medical bags.

These will constantly monitor for carbon monoxide and hydrogen cyanide levels. We will purchase 2-4 gas meters, charging stations to be used in our vehicles, calibration equipment, and 2 – single CO meters and 2 – single HCN meters.

What factors affect the timing of this purchase?

The current meters are no longer meeting testing and certification standards due to the age of the equipment.

When should this Article be sunsetted - how long will the project take? 1 year

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

Training and set up will be included. Maintenance costs will be included in our budget.

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

Please attach additional pages or other supporting documentation.



Quote

Industrial Protection Services, LLC

33 Northwestern Dr., Salem, NH 03079
 125 Roberts Rd, Ste 4, South Portland, ME 04106
www.ipp-ips.com

Date: **14-Aug-2023**

QUOTE #081023-02

Bill To: Attn: Fire Chief Michael Dwyer
 West Newbury Fire Department
 403 Main St
 West Newbury, MA 01985

Ship to: SAME

Salesperson	Shipping Method	Purchase Order No
Cliff Plourde	Destination	

Qty	Item #	Description	Each Price	Line Total
		Qrae 3 MultiGas Monitor		
2	M020-11111-111	Monitor, QRae 3 - Pumped 4 Gas (O2/LEL/CO/H2S) Standard Kit	998.00	1,996.00
Includes monitors and sensors as specified with basic accessories: Calibration adapter, internal filters, external filters, travel charger, A/C Wall cord, lithium-ion battery pack, ProRae Studio II Software, CD-Rom, Quick Reference Guide.				
2	M02-0303-000	Charging Cradle, Truck Mount (QRae 3)	468.00	936.00
2	JP12v55X21-000	Automotive Charging Adapter 12v, cigarette plug (All MR,QRae 3, Qrae II, Plus & TRPro)	23.85	47.70
1	T02-0203-000	AutoRae 2 Cradle for QRae 3, Automated Calibration Station	1,875.00	1,875.00
Includes: AutoRae 2 Cradle for Qrae 3 - Stand Alone Mode, Demand Flow Regulator Head, 116 Liter 4-in-1 Mix Calibration Gas and Tubing				
2	BWS1-Z-Y	Single Gas Monitor, BW Solo, Hydrogen Cyanide (HCN) 0-100ppm w/Steel Alligator Clip/Ring, calibration test cap & hose, CD Manual, Wireless Ready	481.00	962.00
Units feature Yellow Rubber housing, Digital Display, Audible/Visual/Vibrate Alarms, includes a function (Cal) test adapter. 1 year warranty on HCN sensor.				

2	BWC2R-M	Monitor, Single Gas CO; BW Clip Real-time: 2-year low maintenance personal detector. Real-time Display (Low 35 ppm / High 200 ppm) Range 0-300ppm	226.00	452.00
Manual Calibration Supplies for Single Gas Monitors				
1	F105110PN	Calibration Gas Cylinder, Hyd Cyanide HCN - 10ppm Bal (N2), 34L	248.00	248.00
1	H1016100PA	Calibration Gas Cylinder, Carbon Monoxide 100ppm/Bal Air, 34 Liters, CGA-600 Thread (For use with BW CO Monitors)	72.00	72.00
1	NLB-518	Calibration Regulator Head, Constant Flow w/Control Knob, 1.0 lpm Flow (CGA C-10 Fitting), Mfr: Norlab	135.00	135.00
Note:For orders that include Calibration Gas Cylinders. Cal Gas ships via UPS or FedEx Ground Hazmat Service. Applicable upcharges apply pass thru				
ALL PRICING GOOD FOR 30 DAYS UNLESS OTHERWISE NOTED				

Cliff Plourde

Email: cplourde@ipp-ips.com
 Cell: 603-533-6004 Office: 800-696-4740

Quoted Freight Charges

\$ 6,723.70

BW Clip Series

Maintenance-Free Single-Gas Detectors

The most user-friendly, reliable and cost-effective way to ensure safety, compliance and productivity.

The BW Clip Series of single-gas detectors provides up to three years maintenance-free operation: Just turn on the device and it runs continuously – no need for calibration, sensor replacement, battery replacement or battery charging. That means great reliability and no downtime.

Plus, with the two-year version for H₂S or CO, you can put the device in a hibernation case when you're not using it for a week or more – and extend its life by that period of time.

Choose from two detectors; both of which are compact, lightweight and easy to handle, while tough enough for harsh environments and extreme temperatures:

- BW Clip – provides standard operation and no calibration
- BW Clip Real Time – includes a real-time gas level display and the ability to calibrate the device.

Both detectors are compatible with the IntelliDoX instrument management system.

Use our unique advanced technology for safety, compliance and productivity.

- **Surecell™**: unique dual reservoir sensor design dramatically improves instrument performance, response time, and longevity compared to traditional electrochemical sensors and consistently delivers reliable instrument performance under the harshest environmental conditions
- **Reflex Technology™**: advanced automated self-test function routinely checks the operating condition of the sensor to increase safety, up-time, and overall worker confidence
- **IntelliDoX**: instrument management system
 - The quickest bump test in the industry
 - Configuration of alarm set points and more
 - Performing different tests for up to five BW Clip detectors at once – for maximum productivity
 - Easy and accurate record-keeping



Configurable Options:

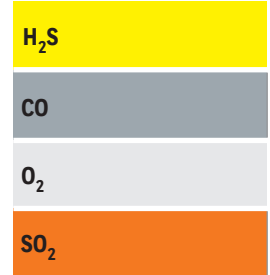
- Configuration of high and low alarm set points before the device is activated
- Adjustment of alarm set points and other parameters as needed throughout the lifespan
- Option to enable the noncompliance indicator, which flashes red when a bump test is due or a gas event occurs
- Option to display gas reading during alarm (BW Clip only)
- User settable bump test reminder
- User settable calibration reminder (BW Clip Real Time only)
- Option to display the Real Time Clock




FEATURES & BENEFITS

- | | | | | |
|---|---|--|--|--|
| <ul style="list-style-type: none"> • Maintenance-free: no sensor or battery changes necessary • Compact, lightweight design with one-button operation | <ul style="list-style-type: none"> • Designed for a range of harsh environments and extreme temperatures • Hibernation mode with case accessory or IntelliDoX | <ul style="list-style-type: none"> • Automated self-test of battery, sensor and electronics • Wide-angle flash, which alerts simultaneously with audible and vibrating alarm | <ul style="list-style-type: none"> • Automatic logging of the 35 most recent gas events and bump test results • Affordable, with low cost of ownership | <ul style="list-style-type: none"> • Device Management with Honeywell SafetySuite |
|---|---|--|--|--|

BW Clip Series Specifications

Easy gas identification with color coded labels and LCD indication:



BW CLIP SERIES SPECIFICATIONS	
SIZE	1.6 x 2.0 x 3.4 in. / 4.1 x 5.0 x 8.7 cm
WEIGHT	3.2 oz. / 92 g
TEMPERATURE	H ₂ S: -40 to +122°F / -40 to +50°C CO: -22 to +122°F / -30 to +50°C O ₂ : -4 to +122°F / -20 to +50°C SO ₂ : -22 to +122°F / -30 to +50°C
HUMIDITY	5% - 95% RH (non-condensing)
ALARMS	Visual, vibrating, audible (95 dB) • Low, High
TESTS	Activated detectors automatically perform one internal diagnostic test every 24 hours
TYPICAL BATTERY LIFE	Two years (H ₂ S, CO, O ₂ or SO ₂) or three years (H ₂ S or CO) depending on the version
EVENT LOGGING	35 most recent events
INGRESS PROTECTION	IP 66/67
CERTIFICATIONS AND APPROVALS	 Class I, Div. 1, Gr. A, B, C, D. Class I, Zone 0, Gr. IIC ATEX: II 1G Ex ia IIC T4 Ga IECEX: Ex ia IIC T4 Ga  European Conformity  American Bureau of Shipping ERIC Ex CU TR Ex (Customs Union)
WARRANTY	Two or three years from activation (given normal operation), plus one year shelf life (6 months for O ₂). Up to three years for two-year H ₂ S and CO detectors when used with the hibernation feature, limited to 24 months of detector operation.

SENSOR SPECIFICATIONS

GAS	MEASURING RANGE	LOW ALARM LEVEL	HIGH ALARM LEVEL
2 OR 3 YEAR DETECTOR			
H ₂ S	0 - 100 ppm	10 ppm	15 ppm
CO	0 - 300 ppm	35 ppm	200 ppm
2 YEAR DETECTOR			
O ₂	0 - 25.0 % by vol.	19.5 %	23.5 %
SO ₂	0 - 100 ppm	5 ppm	10 ppm

ALARM SETPOINTS ARE USER ADJUSTABLE BEFORE AND AFTER ACTIVATING THE DETECTOR.
SET POINTS SHOWN ARE MOST COMMON DEFAULT VALUES. ADDITIONAL DEFAULT VALUES ARE AVAILABLE.

Optional Accessories

- Hibernation Case
- Hard Hat Clip
- IntelliDoX instrument management system

For a complete list of kits and accessories, please contact Honeywell.

For more information

www.honeywellanalytics.com

Europe, Middle East, Africa

gasdetection@honeywell.com

Americas

detectgas@honeywell.com

Asia Pacific

analytics.ap@honeywell.com

Technical Services

EMEA: HAexpert@honeywell.com

US: ha.us.service@honeywell.com

AP: ha.ap.service@honeywell.com

Device Management with
Honeywell SafetySuite



honeywellanalytics.com/SafetySuite

HONEYWELL BW™ SOLO

Serviceable Single-Gas Detector

The next-generation single-gas detector that helps you reduce cost, ensure compliance and know your workers are protected.

Honeywell BW™ Solo has everything you expect – plus additional features to make your compliance easier and more cost-effective than ever. All with a reliable life span, one-button operation and small, lightweight profile. Honeywell BW™ Solo is:

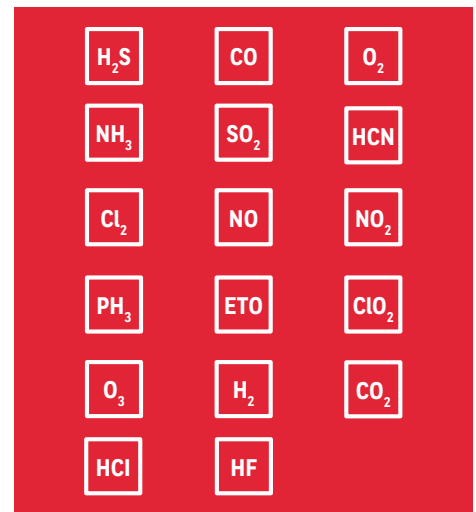
- The easiest single-gas detector to service, with no need to take it apart to replace sensors, batteries and sensor filters. That means long life and low cost.
- Complete with an extensive selection of sensor options. Count on comprehensive detection, whether you're monitoring for common or exotic hazards.
- The first single-gas detector with the 1-Series sensor for CO, H₂S, O₂ and CO₂. That means high accuracy, lower costs and faster sensor response time for the gases you monitor most often.
- Compatible with IntelliDoX. Save time and centralize data with automated bump testing, calibration and instrument management. Use IntelliDoX docking stations with Honeywell SafetySuite Device Configurator software to maintain and monitor your entire fleet from practically anywhere.



Easy to handle



Easy to read



FEATURES AND BENEFITS

For even more time-saving convenience – plus remote visibility on alarms – choose the wireless version. And manage it from your smartphone.

Pair the wireless Honeywell BW™ Solo with our Safety Communicator mobile app and detector readings are sent instantly to Honeywell's real-time monitoring software – Honeywell Safety Suite – which can be accessed from any device with an internet connection, and get remote visibility on worker safety and location.

You can also use the wireless Honeywell BW™ Solo to share gas data with the desktop software – no dock required.

Other Honeywell BW™ Solo features:

- Option to activate IntelliFlash™ or non-compliance flash
- Ability to assign detectors to workers and locations
- Easy-to-read display for multiple languages
- Data logging with rolling 24-hour peak reading

	BW™ SOLO & BW™ SOLO WIRELESS	BW™ SOLO LITE*
SENSOR TYPE	1-Series and 4-Series	4-Series only
DATALOGGING	Yes	–
EVENTLOGGING	50 Events	5 Events
LANGUAGES SUPPORTED	11	5
WORKER & LOCATION ASSIGNMENT	Yes	–

*Not available in North America.

Honeywell BW™ Solo Technical Specifications

TECHNICAL SPECIFICATIONS	
SIZE	7.0 x 6.7 x 3.6 cm (2.7 x 2.6 x 1.4 in) (1-Series sensor models) 7.0 x 6.7 x 4.1 cm (2.7 x 2.6 x 1.6 in) (4-Series sensor models)
WEIGHT	103 to 116 g (3.6 to 4.1 oz), depending on installed sensor
HUMIDITY	0% - 95% RH (non-condensing)
INGRESS PROTECTION	IP66/68
ALARMS AND TYPE	Visual, vibrating, audible (95 dB); Low, High, TWA, STEL, non-compliance
SELF-TEST	Sensor integrity, circuitry, battery and audible/visual alarms on activation; battery (continuous)
TYPICAL BATTERY LIFE	12 months (6 months for 1-Series O ₂), 2 months for 1S CO ₂
CONNECTED WORKER	• Bluetooth™ Low Energy (BLE) – Ability to connect to the Honeywell Safety Communicator and Device Configurator apps
USER OPTIONS	<ul style="list-style-type: none"> Reset TWA, STEL and Peak readings Change High, Low, TWA and STEL alarm setpoints Latching alarms Enable IntelliFlash and non-compliance indicators Set calibration and/or bump test reminders Assign worker and location assignments Language select: English, French, Spanish, German, Italian, Russian, Japanese, Chinese, Korean, Portuguese, Dutch (<i>Honeywell BW™ Solo Lite*</i>: English, Russian, Japanese, Chinese and Korean only)
CERTIFICATIONS AND APPROVALS	<p>UL : Class I, Division 1, Groups A, B, C, D T4 Class II, Division 1, Groups E, F, G T4 Class I, Zone 0, AEx/Ex ia IIC T4 Ga -40°C ≤ Tamb ≤ 60°C</p> <p>ATEX: Sira 18ATEX2243 CE 2460 Ex II 1G Ex ia IIC T4 Ga Ex I M1 Ex ia I Ma -40°C ≤ Tamb ≤ 60°C</p> <p>IECEX: IECEx SIR 18.0058 Ex ia IIC T4 Ga / Ex ia I Ma -40°C ≤ Tamb ≤ 60°C</p> <p>Inmetro: DNV 19.0109 Ex ia IIC T4 Ga -40°C ≤ Ta ≤ 60°C</p> <p>FCC ID: SU3BWS1</p> <p>IC: 20969-BWS1</p> <p>RED: RE-D Directive 2014/53/EU</p> <p>ABS: Type Approved 21-2143903-PDA</p> <p>For additional certifications, please review the manual or consult Honeywell Analytics.</p>
WARRANTY	3 years for 1-Series detectors and sensors (H ₂ S, CO, O ₂ , CO ₂) 2 years for 4-Series detectors and sensors (1 year for NH ₃ , Cl ₂ , O ₃ , ETO, ClO ₂ , HCl, HF sensors)

DUE TO ONGOING RESEARCH AND PRODUCT IMPROVEMENT, SPECIFICATIONS ARE SUBJECT TO CHANGE WITHOUT NOTICE.



INTELLIDOX DOCKING SYSTEM

IntelliDoX combines smart-docking modules with our instrument management system to provide automated testing and record keeping.

For more information

www.safety.honeywell.com

Honeywell Gas Analysis and Safety

9680 Old Bailes Rd, Fort Mill, SC 29707
(803) 835-8000

Contact us

US:
Tel. 800.430.5490
Fax. 800.322.1330

Canada:
Tel. 888.212.7233
Fax. 888.667.8477

GAS_Honeywell BW Solo_DS | Rev C | 1/22
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SENSOR SPECIFICATIONS			
GASES	STANDARD MEASURING RANGE	RESOLUTION	OPERATING TEMPERATURE
H ₂ S (1S)	0-200 ppm	0.1 ppm	-40°C to +60°C (-40°F to +140°F)
CO (1S)	0-2000 ppm	1 ppm	-40°C to +60°C (-40°F to +140°F)
CO ₂ (1S)	0-50,000 ppm	100 ppm	-20°C to +60°C (-4°F to +140°F)
O ₂ (1S)	0-30% v/v	0.1% v/v	-40°C to +60°C (-40°F to +140°F)
Cl ₂ (4S)	0-50 ppm	0.1 ppm	-20°C to +40°C (-4°F to +104°F)
ClO ₂ (4S)	0-1 ppm	0.01 ppm	-20°C to +40°C (-4°F to +104°F)
CO-H (4S)	0-2000 ppm	0.5 ppm	-30°C to +50°C (-22°F to +122°F)
ETO (4S)	0-100 ppm	0.1 ppm	-30°C to +50°C (-22°F to +122°F)
H ₂ (4S)	0-1000 ppm	2 ppm	-20°C to +50°C (-4°F to +122°F)
HCl (4S)	0-30 ppm	0.7 ppm	-20°C to +40°C (-4°F to +104°F)
H ₂ S (EXT. RANGE) (4S)	0-500 ppm	0.1 ppm	-40°C to +50°C (-40°F to +122°F)
HCN (4S)	0-100 ppm	0.1 ppm	-20°C to +50°C (-4°F to +122°F)
HF (4S)	0-10 ppm	0.2 ppm	-20°C to +40°C (-4°F to +104°F)
NH ₃ (4S)	0-100 ppm	1 ppm	-20°C to +40°C (-4°F to +104°F)
NH ₃ (EXT. RANGE) (4S)	0-1000 ppm	1 ppm	-20°C to +40°C (-4°F to +104°F)
NO (4S)	0-250 ppm	0.2 ppm	-30°C to +50°C (-22°F to +122°F)
NO ₂ (4S)	0-100 ppm	0.1 ppm	-20°C to +50°C (-4°F to +122°F)
O ₃ (4S)	0-1 ppm	0.01 ppm	-20°C to +40°C (-4°F to +104°F)
PH ₃ (4S)	0-5 ppm	0.1 ppm	-20°C to +50°C (-4°F to +122°F)
SO ₂ (4S)	0-100 ppm	0.1 ppm	-40°C to +50°C (-40°F to +122°F)
H ₂ S (4S)*	0-100 ppm	0.1 ppm	-20°C to +50°C (-4°F to +122°F)
CO (4S)*	0-1000 ppm	1 ppm	-20°C to +50°C (-4°F to +122°F)
O ₂ (4S)*	0-30% v/v	0.1% v/v	-20°C to +50°C (-4°F to +122°F)

1S = 1-Series sensor / 4S = 4-Series sensor

*Honeywell BW™ Solo Lite only (not available in North America)

**THE
FUTURE
IS
WHAT
WE
MAKE
IT**

Honeywell
57

QRAE 3

Wireless 4-Gas Monitor

QRAE 3 is a wireless compact monitor for one to four gases.

The QRAE 3 provides detection and monitoring of Oxygen (O₂), Combustibles, and toxic gases that include Hydrogen Sulfide (H₂S), Carbon Monoxide (CO), Sulfur Dioxide (SO₂) and Hydrogen Cyanide (HCN). QRAE 3 can deliver wireless real-time instrument readings and alarm status 24/7. This provides better incident visibility and can improve response time.

- Man Down Alarm with real-time remote wireless notification¹
- Easy maintenance with fieldreplaceable sensors and pump
- Fully automated bump testing and calibration with AutoRAE 2
- Pumped or diffusion models available
- Large graphic display can rotate 180°

Applications

Confined space entry and general safety and compliance in:

- Industrial safety
- Oil and gas
- Fireground "Toxic Twins" detection
- Environmental
- Fire and Emergency response



Optional Accessories

- AutoRAE 2 Automatic Test and Calibration System
- External battery charger

FEATURES & BENEFITS

- Available in Diffusion or Pumped version
- IP-65/67 water- and dust-resistant case
- Strong, protective, concussion-proof design
- Real-time gas concentration readings and alarm status enabled by state-of-the-art wireless technology
- Unmistakable five-way local and remote wireless notification of alarm conditions
- Large graphical display icon-driven user interface through intuitive, simple-to-operate two-button user interface.
- Multi-language support: 18 languages encoded
- Easy access to pump, sensors, filter and battery compartment
- Device Management with Honeywell SafetySuite

QRAE 3 Specifications

INSTRUMENT SPECIFICATIONS	
SIZE	Diffusion: 5.5 "H x 3.2 "W x 1.5" W (140 mm x 82mm x 42mm) Pumped: 5.7 "H x 3.2 "W x 1.7" D (145 mm x 82 mm x 42mm)
WEIGHT	Diffusion: 12.9 oz (365 g with Li-ion battery and clip) Pumped: 14.5 oz (410 g with Li-ion battery, clip, and external filter)
SENSORS	Up to four field-replaceable sensors: • LEL: Catalytic bead for combustibles (built-in Correction Factor library) • Oxygen: Liquid electrolyte O ₂ • Toxic: electrochemical for H ₂ S, CO, SO ₂ , HCN
BATTERY	Rechargeable Li-ion
RUNNING TIME	<ul style="list-style-type: none"> • 14 hours continuous non-wireless, diffusion • 11 hours continuous non-wireless, pumped • 10 hours continuous with wireless, diffusion • 8 hours continuous with wireless, pumped Note: All battery specifications at 68° F (20° C); lower temperatures and alarm conditions will affect runtime.
DISPLAY GRAPHIC	Monochrome graphic display (128 x 80) Display size: 1.57" W x 1.06" H (40 x 27 mm) with backlighting Automatic or on-demand screen rotation
KEYPAD	Two-button operation
DIRECT READOUT	<ul style="list-style-type: none"> • Real-time reading of gas concentrations • Battery status • Pump status (if equipped with pump) • Wireless on/off and wireless reception quality • STEL, TWA, peak, and minimum values • Man Down and policy enforcement indicators
DATALOGGING	<ul style="list-style-type: none"> • Multi-tone 95dB buzzer (at 11.8" / 30 cm, typical), vibration alarm, and flashing red LEDs and on-screen indication of alarm conditions • Alarms: latching, non latching or manual override • Additional diagnostic alarm and display message for low battery • Pump stall alarm (pumped version only) • Man Down Alarm with pre-alarm and real-time remote wireless notification
DATALOGGING	<ul style="list-style-type: none"> • Continuous datalogging (3 months for 4 sensors at 1-minute intervals, 24/7) • User-configurable datalogging intervals (from 1 to 3,600 seconds)
COMMUNICATION AND DATA DOWNLOAD	<ul style="list-style-type: none"> • Data download and instrument set-up and upgrades on PC via Travel Charger • Wireless data and status transmission via built-in RF modem (optional)
WIRELESS NETWORK	Mesh RAE Systems Dedicated Wireless Network
WIRELESS FREQUENCY AND APPROVALS⁴	ISM license free band, 868Mhz or 900Mhz FCC Part15, CE R&TTE, ANATEL
WIRELESS RANGE (TYPICAL)	EchoView Host: LOS > 650 ft (200 m) ³ ProRAE Guardian and RAEMesh Reader: LOS > 650 ft (200 m) ³ ProRAE Guardian and RAELink3 Mesh: LOS > 330 ft (100 m) ³
EM IMMUNITY	EMI and ESD test: 100MHz to 1GHz 30V/m, no alarm Contact: ±4kV Air: ±8kV, no alarm
IP RATING	Pumped: IP-65 Diffusion: IP-67
CALIBRATION	Two-point calibration for zero and span (manual, or automatic with AutoRAE 2)

For more information

www.honeywellanalytics.com
www.raesystems.com

Europe, Middle East, Africa

Life Safety Distribution GmbH
Tel: 00800 333 222 44 (Freephone number)
Tel: +41 44 943 4380 (Alternative number)
Middle East Tel: +971 4 450 5800 (Fixed Gas Detection)
gasdetection@honeywell.com

Americas

Honeywell Analytics Distribution Inc.
Tel: +1 847 955 8200
Toll free: +1 800 538 0363
detectgas@honeywell.com
Honeywell RAE Systems
Phone: +1 408 952 8200
Toll Free: +1 888 723 4800

Asia Pacific

Honeywell Analytics Asia Pacific
Tel: +82 (0) 2 6909 0300
India Tel: +91 124 4752700
China Tel: +86 10 5885 8788-3000
analytics.ap@honeywell.com

Technical Services

EMEA: HAexpert@honeywell.com
US: ha.us.service@honeywell.com
AP: ha.ap.service@honeywell.com

Datasheet_QRAE3_DS-1095-08_EMEA-EN
05/18 ©2018 Honeywell International Inc.

INSTRUMENT SPECIFICATIONS	
SAMPLING PUMP	Built-in pump or diffusion Can sample through tubing up to 98ft (30m)
HAZARDOUS AREA APPROVAL	US and Canada: classified for use in Class I, Division 1, Groups A, B, C and D Europe: IECEx/ATEX (II 1G Ex ia IIC T4)
TEMPERATURE	-4° to 122° F (-20° to 50° C) for T4 temperature code
HUMIDITY	0% to 95% relative humidity (non-condensing)
ATTACHMENTS	Stainless-steel alligator clip Swivel belt clip (optional) Pouch (optional)
LANGUAGES	Arabic, Chinese, Czech, Dutch, English, French, German, Indonesian, Italian, Japanese, Korean, Norwegian, Polish, Portuguese, Russian, Spanish, and Swedish (language must be changed through ProRAE Studio II)
WARRANTY	2-year warranty on device ² 3-year warranty on LEL, O ₂ , CO, H ₂ S sensors ² 1-year warranty on SO ₂ , HCN sensors ²

Specifications are subject to change.

DEFAULT SENSOR SPECIFICATIONS		
GAS MONITOR	Range	Resolution
OXYGEN (O₂)	0 to 30.0%	0.1%
COMBUSTIBLE	0 to 100% LEL	1% LEL
CARBON MONOXIDE (CO)	0 to 500 ppm	1 ppm
HYDROGEN SULFIDE (H₂S)	0 to 100 ppm	0.1 ppm
SULFUR DIOXIDE (SO₂)	0 to 20 ppm	0.1 ppm
HYDROGEN CYANIDE (HCN)	0 to 50 ppm	0.2 ppm
AMMONIA (NH₃)	100 ppm	1 ppm
PHOSPHINE (PH₃)	20 ppm	0.01 ppm
CHLORINE (CL₂)	0 to 50 ppm	0.05 ppm
NITROGEN DIOXIDE (NO₂)	0 to 50 ppm	0.1 ppm

ORDERING INFORMATION

- Wireless¹ and non-wireless options available for all configurations
- Diffusion and pumped versions available for all configuration
- Refer to the Portables Pricing guide for monitor configuration and accessories

- 1 Additional equipment and/or software licenses may be required to enable remote wireless monitoring and alarm transmission
- 2 Against factory defects
- 3 Receiving >80%
- 4 Please contact RAE Systems for specific wireless certifications

Device Management with
Honeywell SafetySuite



honeywellanalytics.com/SafetySuite

ARTICLE REQUEST FORM

ARTICLE: Traffic Safety Equipment

AMOUNT REQUESTED: \$15,000

CONTACT PERSON: Chief Michael Dwyer

PHONE NUMBER: 978-363-1213

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

The WNPd regularly receives traffic related complaints throughout town. We are requesting this funding to purchase a speed trailer and pedestrian safety signs. The trailer can be used all through out the town, including areas of concern. We are also looking to purchase pedestrian signs that can be placed in the area of crosswalks on Main Street and signs to be used on Bachelor Street in the area of the parks.

What factors affect the timing of this purchase?

We no longer have stand alone speed monitoring equipment. Our last trailer/sign was over 20 years old. The most recent state grant to support traffic enforcement did not include funding for speed trailers as they previously did. We believe purchasing a mobile unit will provide better support to the WNPd and the community.

When should this Article be sunsetted - how long will the project take? 2 years

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

The trailer will need to be registered and insured.

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

Please attach additional pages or other supporting documentation



Sales Person: Melanie Clark
 Phone: 888-689-9222
 Fax: 270-685-6288
 Email:

QUOTE: 37370

Quote To: WEST NEWBURY POLICE DEPT. 401 MAIN ST WEST NEWBURY MA 01985 USA Phone: (978)363-1213 Fax: Email: Customer #: 19851	Ship To: WEST NEWBURY POLICE DEPT. 401 MAIN ST WEST NEWBURY, MA 01985 USA Phone #: (978)363-1213 Fax #: Email: Ship Via: Best Way GND
---	--

USD

Line	Part	Description	Rev
1	SCOUT-BAS	Street Scout trailer with two 12in-digit speed display and Slow Down message, tuning fork	-

Sales Kit

Kit Components					
Kit Seq.	Part Number	Description	Qty	Per	
1.001	903389	FORK, TUNING, 35MPH K	1	EA	
1.002	991207	TRAILER ASSY, STREET	1	EA	
1.003	910854	PALLET, SHIPPING, STRE	1	EA	
1.004	990856A	DISPLAY ASSY, 12"	1	EA	
1.005	910828	RADAR, DRU3 W/CABLE	1	EA	
1.006	910961	CHGR, BATT, 12V, 35A, 3	1	EA	
1.007	910922	SUPPORT, TRAILER, SHIP	1	EA	
			Quantity	1 EA	Unit Price 4,738.00 Ext Price: 4,738.00

Line	Part	Description	Rev
9	951720	BATT ASSY, GROUP 24	ND
		Quantity 1 EA Unit Price 307.81 Ext Price: 307.81	
10	951720	ADDITIONAL BATTERY	ND
		Quantity 1 EA Unit Price 307.81 Ext Price: 307.81	
11	951719	50 WATT SOLAR PANEL	ND
		Quantity 1 EA Unit Price 269.91 Ext Price: 269.91	
12	951770	SPEEDVIEW TRAFFIC DATA COLLECTION	-
		Quantity 1 EA Unit Price Ext Price:	
13	951783G01	BLUETOOTH	ND
		Quantity 1 EA Unit Price 150.00 Ext Price: 150.00	
14	951459RB	STROBE KIT	ND
		Quantity 1 EA Unit Price 731.88 Ext Price: 731.88	
15	951716	CHANGEABLE SPEED LIMIT SIGN ASSEMBLY	ND
		Quantity 1 EA Unit Price 486.08 Ext Price: 486.08	

MPH Industries, Inc.
316 East 9th Street
Owensboro KY 42303
Phone: 888-689-9222
Fax: 270-685-6288

Date: 6/29/2023
Expires: 8/28/2023
Reference:
Terms: NET 30 DAYS



Sales Person: Melanie Clark
Phone: 888-689-9222
Fax: 270-685-6288
Email:

QUOTE: 37370

Line	Part	Description	Rev
16	909742	12V/24HR TIMER	ND
	Quantity	1 EA	Unit Price 106.56 Ext Price: 106.56

Line	Part	Description	Rev
17	550004	\$0 Shipping per contract	
	Quantity	1 EA	Unit Price Ext Price:

Total: 7,098.05

Plus shipping and any applicable taxes

Thank you for an opportunity to quote.



"You're On Our Radar"

StreetScout™ Trailer

POLICE RADAR • POLICE LASERS • SURVEY LASERS • SPEED SIGNS

The **StreetScout™** - the newest addition to the MPH line of speed trailers offers an economical, lightweight, easy-to-deploy speed control trailer, designed for use in cities, suburban and rural applications. The StreetScout has all of the quality, features and reliability of our larger trailers with everything it needs and nothing that it doesn't.

Compact, yet highly visible

When in use with a MUTCD-compliant speed sign, the trailer stands at 6 ft. Before towing, the sign quickly folds down to reduce wind resistance. Two 12-inch LED digits are easily viewable to greater than 600 feet in direct line-of-sight. With the overspeed and optional flashing strobes, StreetScout will alert drivers to reduce their speed.

Because it works

Numerous studies have shown that MPH speed trailers are effective in reducing speeds of drivers, without requiring an officer to be present. Contact us today and let us show you how easy it is to begin controlling traffic speeds in your work zones, school zones, city streets and neighborhoods.



Features

Compact, lightweight design

Easy to program

Same proprietary radar technology used by Law Enforcement

Durable, trouble-free construction

High visibility

Built-in battery charger with optional solar panel

Tamper-resistant

Warranty

Benefits

Compact design allows for use in nearly any city or rural application. At only 400 lbs., this unit is easy to tow and deploy by one person in most cases.

Easy-to-follow operator instructions with each unit. Need more help? Check out our Youtube channel for a series of informative videos.

Factory programmed to target only approaching traffic.

Welded 11 gauge steel with square tubing. Durable powder-coated finish.

Two 12-inch digits with choice of amber or red super-bright, wide-angle LEDs. Viewable at over 600 ft. Optional over-speed flashing strobes will grab the attention and slow speeding drivers.

Easily recharge batteries from outside locked battery storage box. Extend battery life and operation times with solar panel power assist.

All electronics enclosed inside locked compartments.

Two-year (parts & labor) warranty on electronics, one-year warranty on the trailer body.

WWW.MPHINDUSTRIES.COM • 888.689.9222 • INFO@MPHINDUSTRIES.COM

StreetScout Specifications

- Overall dimensions: 52"W x 90"L (incl. tongue)
52"W x 48"L (w/o tongue)
- Overall height: 6 ft. (with sign deployed)
- Overall height: 48" (sign folded for towing)
- Weight: 400 lbs.
- Frame dimensions: 48"W x 48"L
- Frame material: 11 ga., 2" sq. steel tubing
- Coating: Rust-resistant undercoat with graffiti-resistant powder-coated topcoat.
- Tires & wheels: 8" wheels / 4.8-8 tires, locking lug nuts
- Suspension: Leaf springs
- Wiring: Concealed in frame
- Tongue: 2" ball, removable for added security
- Utility (battery) box: 13"H x 14.25"L x 37.5"W
- Jacks: 4 stabilizer jacks

Power

- Battery: One 12V deep-cycle battery
- Charger: Built-in 12V battery charger (easy access plug connection outside utility box)

Display

- Display enclosure: 19.5"H x 21.5"W x 5.5"L
- Access door: Water-proof, opens from front with one locking handle
- Display window: Tough, vandal-resistant Lexan™
- Speed digits: Two 12" digits
- Display type: Super-bright, wide-angle LEDs
- Viewing distance: Greater than 600 ft.
- Brightness: Full brightness in day, automatically dims for twilight use to extend battery life
- Battery status: Viewable from outside trailer
- Stealth mode: For covert traffic studies



Radar

- Radar type: Directional K band radar
- Range: 1,000 ft. for typical vehicles
- Compliance: Complies with FCC Part 15 (no license required)
- Operating Temp: -22° to +160°F

Options / Accessories

- **Strobe kit:** Highly visible flashers activate when overspeed setting is reached.
- **Traffic computer:** Stores speed and traffic volume data and generates reports and graphs.
- **Speed limit sign**
- **Battery options:** One additional 12V battery
- **Solar battery assist:** 20W or 50W panel
- **24/7 Timer**
- **Interior cabinet light**
- **Bluetooth® enabled communication**



MPH Industries, Inc.
316 East 9th Street
Owensboro, KY 42303
www.mphindustries.com
info@mphindustries.com
888-689-9222



applied concepts, inc.

855 E. Collins Blvd
 Richardson, TX 75081
 Phone: 972-398-3780
 Fax: 972-398-3781

National Toll Free: 1-800- STALKER

Inside Sales Partner: Diane Satoren
 +1-972-801-4843
 diane@stalkerradar.com

QUOTE
 # 2075571

Page 1 of 1
 Date: 06/27/23

Reg Sales Mgr: Dan Doyle
 972-398-3780
 dand@stalkerradar.com

Effective From : 06/27/2023 Valid Through: 09/25/2023 Lead Time: 60 working days

Bill To: West Newbury Police Dept 401 Main St West Newbury, MA 01985-1111	Customer ID: 029842 Accounts Payable	Ship To: West Newbury Police Dept 401 Main St West Newbury, MA 01985-1111	<i>UPS Freight LTL (4-6 Days)</i> Chief Michael Dwyer
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Grp	Qty	Package	Description	Wrnty/Mo	Price	Ext Price
1	1	821-1000-00	Stalker SAM Trailer	24	\$10,900.00	\$10,900.00

Ln	Qty	Part Number	Description	Price	Ext Price
1	1	015-2532-59	[253259] SAM Trailer with Top Display		\$0.00
2	1	200-1229-01	[414155] Traffic Stats Sensor, 2 Comm Ports		\$0.00
3	1	015-5345-00	[274714] SAM Trailer Solar Panel		\$0.00
4	1	015-2328-62	[232862] Red LED Light Bar-SAM/SAM-R		\$0.00
5	1	015-2354-40	[235440] Blue LED Light Bar-SAM/SAM-R		\$0.00
6	1	015-5603-00	[275565] Trailer Wheel Lock		\$0.00
7	1	200-1173-00	Traffic Analyst App, Thumb Drive, Manual		\$0.00
8	1	200-1448-00	SAM/SAM-R Trailer User Manual Kit w/USB Cable		\$0.00
9	1	006-0569-00	Certificate of Accuracy, Speed Sensor II		\$0.00
10	1	060-1000-24	24-Month Warranty		\$0.00
11	1	600-0022-01	SAM Trailer		\$0.00

Group Total \$10,900.00

Product	\$10,900.00	Sub-Total:	\$10,900.00
Discount	\$0.00	Sales Tax 0%	\$0.00
Payment Terms: Net 30 days		Shipping & Handling:	\$0.00
		Total: USD	\$10,900.00

State Contract # SP20-RadarLidar-X66

001

This Quote or Purchase Order is subject in all respects to the Terms and Conditions detailed at the back of this document. These Terms and Conditions contain limitations of liability, waivers of liability even for our own negligence, and indemnification provisions, all of which may affect your rights. Please review these Terms and Conditions carefully before proceeding.



Stalker SAM | Speed Awareness Monitor

Stalker's SAM trailers are powered by Precision Solar Controls and feature Stalker speed measurement accuracy in a rugged, dependable trailer platform.



- Optional Solar Panels

- 18" Amber LED characters - legible at up to 1000 ft.

- 4D Deep-cycle battery - provides over 18 days of operation and longer time between charges

- Stalker K-Band Doppler Radar

- New Optional Programmable LED Violator Alert

- Optional Integrated Statistics Package



- Hand-held controller



◀ Programmable LED Violator Alert (Optional)

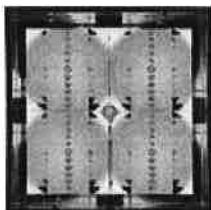


STALKER®

Power to Enforce.

LED Lamp Matrix and Pulse Modulation

At the heart of the Stalker SAM is Precision Solar Control's LED Lamp Matrix and LED Pulse Width Modulation. The LED Lamp Matrix concentrates and focuses the LEDs' light, allowing the motorist to see the sign at a greater distance and, thus, act on the speed warning quicker.



LED Pulse Width Modulation significantly increases the time between battery charges and powers the LEDs so that they remain at a consistent brightness throughout the battery's discharge cycle.

Stalker K-Band Radar

The speed measurement component is pure Stalker - accurate and durable. Stalker's Stationary Speed Sensor II radar has greater range, sensitivity, and tracking when compared to competitive signs' radar.



4D Deep-cycle 12-volt battery Provides over 18 days of continuous operation yielding longer operational time between battery charges.

Graffiti-resistant paint

The finish keeps the trailer looking clean and neat for a professional department image, while its all steel construction provides a sturdy platform and reduces damage sustained in the field.

Dedicated hand-held controller

Complete programming and diagnostic functions in the palm of your hand.



Four stabilizing/leveling jacks

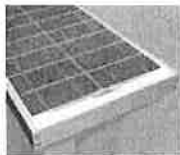
aid in proper placement and stability while allowing one officer to position the SAM on nearly any type of terrain.

Retractable/Removable tongue

Options:

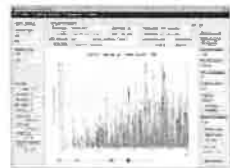
Top-mounted solar panel

The panels recharges a day's worth of battery use with only 2.5 hours of sunlight allowing for "infinite" field operation.



New Programmable LED Violator Alert

High powered LED Violator Alert flashes to warn motorists when they have exceeded a pre-set speed. Three (3) different user-programmable settings and choice of blue/red or white/white.



Integrated statistical package

gathers valuable traffic data for improved grant writing support and verification of the sign's impact on traffic speeds.

STALKER SAM

Specifications:

TRAILER

Width	64" (1.63m)
Length	116" (2.95m) tongue in travel position 57 1/2" (1.5m) tongue in display position
Height	91" (2.31m)
Weight	700 lbs. (317.5kg)
Main Frame	2" x 4" x .120" Steel Tubing

DISPLAY CABINET

Material Thickness	.156" ABS Plastic
Width	36" (.91m)
Height	25 1/2" (.65m)
Depth	5 1/4" (.13m)
Lexan Window Thickness	.125"
Cabinet Temperature Delta	± 20°

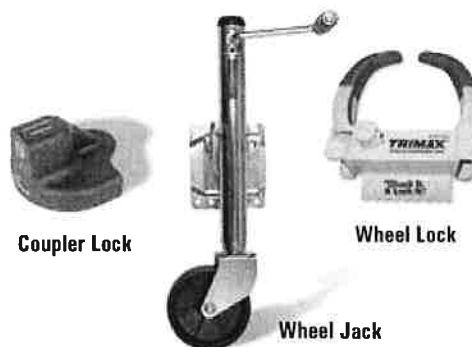
ENERGY SOURCE

Battery Bank	4D Deep-Cycle Battery 18 days @ 78°F (25°C)
--------------	--

RADAR - STALKER STATIONARY SPEED SENSOR II - 24.125 GHz

Detection Distance	Up to 1,200' (365 m)
Beam Width	30° x 32°

Accessories:



Coupler Lock

Wheel Lock

Wheel Jack

STALKER®

Power to Enforce.

applied concepts, inc.
855 East Collins Blvd. ■ Richardson, Texas 75081
972.398.3780 ■ Fax 972.398.3781



006-0455-00 Rev F

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800-STALKER



Perma-Line Corp



Quote

REMIT ADDRESS
 P.O. Box 1022
 Easton, MA 02334-1022

Date	Quote #
7/31/2023	23495

Phone # 508-588-6240

E-mail steve@perma-line.com

Fax # 508-587-2110

Web Site www.perma-line.com

Name / Address
West Newbury Police Dept 401 Main Street West Newbury, MA 01985

Ship To
West Newbury Police Dept 401 Main Street West Newbury, MA 01985

Terms	Rep
Net 30	

Qty	Item	Description	Unit Rate	Total
1	IRCY	Impact Recovery Crosswalk Markers 254-R1-6-P Complete w/ Lime Yellow Green State Law- White w/ Red Yield to Ped Symbol Within Crosswalk w/ Portable Base	415.95	415.95
1	IRCY	Impact Recovery Crosswalk Markers 254-R1-6-P Complete w/ Lime Yellow Green State Law- White w/ Red Yield to Ped Symbol Within Crosswalk w/ SURFACE MOUNT & HARDWARE Thanks, Ray	399.95	399.95

Subtotal	\$815.90
Sales Tax (0.0%)	\$0.00
Total	\$815.90

ARTICLE REQUEST FORM

ARTICLE: Drainage Study for 330's Main Street Area

AMOUNT REQUESTED: Proposal from Horsley Witten requested. Estimated at \$10K

CONTACT PERSON: Angus Jennings

PHONE NUMBER: 978-363-1100 X111

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

The drainage area for a large undeveloped parcel behind 335 Main Street feeds a small stream which goes underground at the property border of 335 Main Street. It then flows beneath the resident's driveway and out to the Main Street drainage system. Intense rainfall storms on August 8, 11 and 18 resulted in extensive flooding of yards, building structures and Main Street in this area due to what appears to be a blockage of the underground drainage system. The resident's driveway has been severely damaged and is no longer usable mid way up. With each rain event, more gravel and debris has been washed into Main Street and neighboring yards. There is a water main running along the side of Main Street in this area that has been undermined by the flooding. MassDOT has been out to the site several times and initially connected the underground drainage from the property to the Main Street drainage system. Because they don't have easements in this area, they are not able to initiate investigation or repair other than in the roadway. Completing a drainage study will provide the Town with information about the volume of stormwater in this geographic area, the requirements of a drainage system that will adequately protect property and Main St in this area and the suitability of the existing drainage system to provide that. Recommendations for improvements would also be made. This will benefit the property owners on both sides of Main Street as well as protect public health and safety by eliminating the risk of damage to the town water supply and Main Street during high intensity rainfall events.

What factors affect the timing of this purchase?

There is an immediate need to remedy this situation, however, until the scope of the problem and possible solutions have been identified, there is no path forward for the Town. Once the extent of the problem has been defined, the Town will work with MassDOT to effect a solution.

When should this Article be sunsetted - how long will the project take?

This study should be completed by the end of the calendar year and sunset at the end of FY24.

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

There are no ancillary costs

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

No

Please attach additional pages or other supporting documentation.

See attached letter from the resident at 335 Main Street

From: Manuel Sanchez-Felix

Sent: Tuesday, August 29, 2023 8:26:22 PM

To: bruce.tarr@masenate.gov <bruce.tarr@masenate.gov>

Cc: Anne Sanchez-Felix; Manuel Sanchez-Felix; Selectboard <selectboard@wnewbury.org>

Subject: Assistance with an issue involving MASS DOT related to flooding

Dear Bruce

My wife Anne and I are seeking your assistance with a situation that involves MASS DOT and the town of West Newbury.

Our intent is to resolve an issue that is impacting our neighbors, the town of West Newbury and us.

Situation

Our home has a seasonal stream that runs under our property and drive for about 300 feet. The stream is from a large wetland behind our property and we have a 1 ft pipe from our property that enters the MASS DOT storm drain that crosses the road underground and is transferred to a 2 ft pipe on our neighbors property across the road which allows the stream to run down hill to the Merrimack river.

As you are aware there have been three major rainstorms that have caused flooding on the 8th, 11th and the 18th of August.

These storms caused our drive to collapse (see picture 1) and the volume of water was so great that it caused our asphalt drive to be raised 4 inch to allow the water to exit onto the road. In addition, the stream became a river that ran overground across my neighbor's and my gardens, which caused flooding of our neighbor's rental property basement (up to the rafters causing >\$20K of damage), flooded the road (which required the police to divert traffic), flooded a local garage, washed away a sidewalk that under minded the town's main water pipe (that had to be resolved by MASS DOT). Please see video's 1 and 2 that show how extreme the flooding was.

We believe the issue has been compounded by MASS DOT repair to a storm drain which was not previously connected to pipe from my property and the pipe that goes across the road allowing the stream to flow (see picture 2). We believe that the repair now allows water from storm drain on the road to cause a back flow that stops the flow from the stream and which exacerbated the collapse of the my drive and flood water to travel above ground.

MASS DOT representatives have informed us that they can't do anything on our property to resolve the issue because there is no easement. West Newbury Town have stopped us from excavating our drive to investigate the issue because they claim this is a conservation issue and it requires a trained engineer to make an assessment. We have attempted to hire several

engineers, but they have informed us that they have so much work it will take 3 to 4 months before they are available.

Irrespective of the above the larger issue is that we have a substantial wet land above my property that will transfer large amounts of water and MASS DOT has a 1 foot pipe transferring the flow from both the stream that run down my drive and the water from the road.

Link to pictures and videos

<https://1drv.ms/f/s!AnjFCmOvrl1UhxmOyPtPUev5AkLt?e=i6vV1j>

Request

Can you assist in discussions with MASS DOT and West Newbury Town.

We are willing to provide an easement to our property for MASS DOT resolve the issue. MASS DOT also needs to resolve the issue with the 1 foot pipe that goes across the road, by either exchanging it to a 2 ft pipe or a better solution of running the storm drain down the hill to the stream that crosses the road at the bottom of our hill and using a 36 in pipe.

We also need the town to allow the digging of a retention pond in the wetlands above our properties to slow down the water flow. The neighbor who owns the wet land properties is prepared to do this, but it will require a \$30-\$50K survey to generate the justification. This could be covered by MASS DOT if they accepted the easement to our property.

We are trying to do the right thing and help ensure the issue does not occur for the town, our neighbor's, and ourselves. We could run a 1 foot pipe from the top of our property to the MASS DOT storm drain, but we fear that this will not resolve the issue and it will undermined the road and flooding will continue.

The excuse given to us by MASS DOT for not increasing the size of the pipe across the road is that the storm is a once in 100 years. We had 3 of these storms this year and one in 2021. With climate extremes becoming the norm this model is incorrect.

Thank you reading our email. We will be happy to discuss this further with you.

Anne (RN) and Manuel Sanchez-Felix (PhD, FRSC)

August 8, 2023
Storm/Flooding Briefing

At approximately 11:30 am heavy rains caused significant flooding throughout the town. PD units were dispatched to the areas hardest hit (see below).

Municipal leaders were notified, and social media was utilized to update the community.

No roads were closed. No reported power outages.

Local resources: DPW, MASS DOT, EMA, PD, FD and BOH.

FD responded to 333 Main Street and 22 Maple Street to assist residents with basement pump outs.

162 Middle Street – flooding in roadway from property on sited by the Board of Health.

Area between 333 Main Street and 322 Main Street Route 113. Serious roadway flooding. Local DPW and Mass DOT responded for cleanup. DOT District 4 responded to the area to inspect damage to the sidewalk westbound area of 322 Main.





Undermined section of the sidewalk 322 Main Street. Area of sidewalk has been closed by local and State DOT.

322 Main Street runoff from roadway on the east side of the building. Contact made with the property owner.



Main Street – westbound prior to #322.



173 Main Street. Driveway runoff, gravel in the roadway. Mass DOT responded with street sweeper.

Farm Lane area of new construction possibly #3 Farm Lane. Runoff from construction site mud in the roadway. Health Agent contacted contractor and they be cleaning the roadway with a street sweeper.





River Road between Kimball Field and #127. Significant runoff causing flooding. Highway will be inspecting for further damage.



Runoff from Chestnut Hill Street at the corner of Farm Lane.

ARTICLE REQUEST FORM

ARTICLE: Request for funding for professional invasive species management on town owned land

AMOUNT REQUESTED: \$25,000.00

CONTACT PERSON: Carol Decker/Michelle Greene

PHONE NUMBER:

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

The Town has invested approximately \$6-\$7 million on the acquisition of land for open space to date with money only recently having been allocated for land management (invasive plant interns in summer 2022 & summer 2023, creation of a full time conservation agent/land agent position in FY24, and \$20,000 for professional invasive plant management in FY24). The open space land acquired by West Newbury is currently being degraded by invasive plants which have been increasing in population size and density due to a changing climate.

This investment is a continuation of initial efforts to manage and preserve the town's open space for the current and future residents of West Newbury, the current and future members of other communities who enjoy and use this open space, and for native wildlife and pollinator habitat. Managing invasive plants is a lengthy process sometimes taking up to 5 years of effort to manage a single area of infested land.

What factors affect the timing of this purchase?

At the 2023 spring ATM, \$20,000 was allocated for professional management of invasive plants on town owned land. The permitting process for this work has been significantly longer than anticipated and as of 8/29/2023, permitting is still not complete as a DEP file number has not been assigned. This has delayed the start of work which was planned to get underway beginning July 2023. This article proposes another \$20,000 for professional management of invasive plants and includes \$5,000 for an outside consultant to complete and manage the permitting process freeing up staff resources. Timing this article for fall town meeting allows the town to engage a consultant for the permitting work and begin the permitting process this winter which should allow plenty of time for permits to be issued and for the work to begin by spring/early summer 2024 when invasive plants are not dormant and treatment has a higher success rate.

When should this Article be sunsetted - how long will the project take?

6/30/25: Allows for a full year of treatment (permitting winter 23-spring 24, management spring-fall 24, recheck spring 25)

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

No ancillary costs are anticipated. The final requested amount will cover management of invasive plants in a defined geographic area or areas.

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

No

Please attach additional pages or other supporting documentation.

Additional Information for Fall STM professional invasive plant management article

Locations:

- TBD, the “invasive plant working group” comprised of the conservation agent/land agent, town manager, and representatives from OSC, CCRC, and WN2 are meeting 9/7/2023 and will discuss which parcels to propose for management. These parcels may be new parcels, the group may want to continue management on parcels funded by the spring 2023 ATM article (Cherry Hill Conservation Land at the corner of Cherry Hill & Moulton Street, the Indian Hill Fields at the corner of Indian Hill Street & Middle Street & along the Riverbend Trail from River Rd to Way to the River), or the group may want to see a combination of efforts on these parcels and new parcels.

Quick points:

- The town has invested approximately \$6-\$7 million on land acquisition to date and only recently has a small amount of money been invested to manage and care for this land.
- \$20,000 to manage this land is an investment of less than 0.5% of the cost that West Newbury has spent to date to acquire land.
- The up to \$20,000 amount was determined based on the current contract the town has entered for this service. The RFB will be worded that \$20,000 is the maximum amount of any contract awarded.

Why invasive plant management:

- Invasive plants threaten to outcompete native plants. This has a multitude of impacts from reducing plant biodiversity at a location, to reducing suitable habitat for pollinators and birds, to altering soil chemistry and the hydrology of a site making restoration efforts in the future more difficult.
- Dense populations of invasive plants detract from the public values of open space parcels by creating impassable thickets, harboring ticks, and detracting from the aesthetics of the parcel by blocking viewpoints.

Why may herbicides be used as part of the professional management:

- Responsible application of herbicides approved for use in wetland areas applied by licensed professionals often offer the only meaningful management option for aggressive invasive plants.
 - Herbicides are effective in reaching plant roots and rhizomes killing the “powerhouse” of the plant. Cutting or pulling invasive plants often only removes the visible portions of the plant leaving the roots and rhizomes to send out new plants, sometimes with increased vigor, in the spring.
 - Mowing or burning can sometimes reduce the density of an invasive plant population but does nothing to kill plant roots or rhizomes. Additionally, mowing can sometimes help an invasive plant population to spread by spreading seeds and plant matter which can sprout new populations.
- Any herbicide application will be done by a state licensed professional under strict conditions to minimize the potential for herbicide drift and with care to only apply herbicides to invasive plants in defined locations.

ARTICLE REQUEST FORM

ARTICLE: Partial funding of Summer 2024 invasive plant interns or seasonal land stewards

AMOUNT REQUESTED: \$3,500.00

CONTACT PERSON: Michelle Greene, Conservation Agent

PHONE NUMBER: 978-891-0238 / conservation@wnewbury.org

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

The town approved \$8,000 for funding an invasive plant internship at the Fall 2021 STM and 2 interns were hired and supervised by the Conservation Agent for Summer 2022 with support from citizens representing OSC, CCRC, and WN2. The internship was successful and invasive plant populations were mapped on the majority of town owned land parcels. \$8,000 was funded for the invasive plant internship at the Fall 2022 STM and the 2023 internship wrapped up in August after another successful summer which focused on continued mapping and significant management at the Cherry Hill parcels. Invasive plant management is not a one time event and successfully managing an area requires continuous monitoring and removal of sprouting invasives. Additionally, there are many other projects on town owned land that could be done by seasonal summer staff such as conservation restriction baseline monitoring, trail maintainance, and habitat improvements outside of invasive plant management on town owned land. Because of this, there are discussions of changing from an invasive plant internship in Summer 2024 to hiring two seasonal land stewards who could provide additional management services on town owned land.

What factors affect the timing of this purchase?

There is interest to hire seasonal interns or stewards in Summer 2024. Due to college and high school student schedules, interns or stewards are typically available June (FY24) through the middle of August (FY25). For FY25, the internship or stewardship is planned to be funded as a line item in the Conservation budget at the Spring ATM however, as interns or stewards working next summer would begin work in June, FY24, the funds being requested in this article need to be allocated now so that they are available to pay the interns or stewards when they begin work, as soon as June 3, 2024, before FY25 funding becomes available.

When should this Article be sunsetted - how long will the project take?

FY25

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

All costs are included in the attached budget however, this article proposes funding for only one month of an internship or stewardship. The remainder of the budget for the internship or stewardship will be included in the FY25 Conservation budget as will the full budget for the internship or stewardship in subsequent years if the town decides to continue this.

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

N/A

Please attach additional pages or other supporting documentation.

Worksheet for estimated max salary for 2 seasonal land stewards or interns for June 2024

Max length of internship/stewardship:	13 weeks (6/3/2024 – 8/26/2024)
Max hours per week interns would work:	40 hours per week (20 hrs/wk for x2 interns)
Max hours worked over the course of summer:	800 hours (40 hrs/wk x 13 weeks)
Max hourly wage paid to interns:	\$18.24/hr (Grade I, step 3)
Max salary for summer:	\$9,484.80 (total for 2 interns if both at Grade I step 3)
Max mileage reimbursed for summer:	\$218 (avg 3 miles driven per day per intern, 4 days a week for 13 weeks = 312 miles to be reimbursed for estimated at \$0.70 per mile (2023 IRS rate \$0.655/mile, 2024 rate not yet released)
Max cost for 2 interns for summer 2024:	\$9,702.80 (this does not include any supplies to be accounted for in FY25 budget)
Max cost for 2 interns in FY24 (June 2024):	\$3,500.00 (est.)

ARTICLE REQUEST FORM

ARTICLE: Funds for interior building scan to supplement ongoing Page School Facilities Assessment

AMOUNT REQUESTED: \$11,700.00

CONTACT PERSON: Angus Jennings, Town Manager

PHONE NUMBER: 978-363-1100 x115

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

This is an optional expense that was proposed as an add/alt service within the proposal from Gienapp Architects to conduct the Page School Facilities Assessment, which is now ongoing. This interior scan could be helpful to communicate the results of the Facilities Assessment (which is expected to be complete in early calendar year 2024) within public meetings. While many of the Town and Pentucket staff and volunteers who have been closely involved with this study have had the opportunity to walk through the Page School on several occasions, it is not realistic to expect that all West Newbury residents/voters will have this same opportunity, and its resultant familiarity with the facility. This 3-D scan could offer value in helping to communicate the results of the study in a way that is clear and compelling.

What factors affect the timing of this purchase?

This 3-D scan would complement the Facilities Assessment study, now underway. If this scan is not pursued at this time, and if it is later determined to be beneficial, a proposal could be brought forward at a later date.

When should this Article be sunsetted - how long will the project take?

FY25

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

If the scan is undertaken, the proposed funding amount would cover 6 months of cloud-based hosting of the 3-D scan. If the Town wanted access to the scan past the initial 6-month period, this would cost \$100/month.

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

No

Please attach additional pages or other supporting documentation.

Additional information regarding the Facilities Assessment can be found on the Town website at:

<https://www.wnewbury.org/home/town-projects/pages/page-school-conditions-assessment-study>

July 13, 2023

Angus Jennings, Town Manager
Town of West Newbury
381 Main Street
West Newbury, MA 01985

via *email*: townmanager@wnewbury.org

**RE: Page Elementary School Conditions Assessment
Proposal for Matterport Scan**

Dear Mr. Jennings:

Gienapp Architects is pleased to submit our proposal to provide Matterport building scanning at the John C. Page Elementary School. This proposal, along with our standard Terms and Conditions, may serve as our contract.

Basis and Intent

The Matterport building scanning technology will be used to document the existing facility conditions for the Town. The town will have digital access to the scan in the form of a virtual 3D space that can be walked-through.

Scope of Services

We will perform a Matterport building scan of the entire Page School building, and the Children's Castle. Our services are summarized as follows:

1. Acclimate / Set Up

During this phase, we will:

- 1.1. Set up the Matterport device to prepare for building scanning.

2. Scan, Compilation, Access

During this phase, we will:

- 2.1. Scan: Make numerous site visits as required to scan the entire building.
 - 2.1.1. There is a "stop and scan" that takes place on approximately a 10'x10' grid within the building, into each room, etc.
- 2.2. Compilation: Prepare and upload scans to the Matterport cloud so the building can be viewed via virtual walk-through.
- 2.3. Access: Keep the virtual space accessible on the Matterport cloud for use by the Town.
 - 2.3.1. Access is hosted on the Matterport cloud. Access can be made inactive and then re-activated over time. For instance, the Town may want access "now" for a period of time, then it can be made inactive until some future project, when it could be made active again.
 - 2.3.2. This proposal includes 6 months of accessibility included in the fee. Access to the virtual space after the initial 6 months will be an additional cost.



Fee and Payment

We propose to provide Matterport building scanning services for a lump sum fee allocated as follows:

<u>Phase</u>	<u>Fee</u>
1 Acclimate / Set Up	\$ 1,500
2 Scan, Compilation, Access	\$ 10,200
TOTAL	\$ 11,700

* Includes 6 months of access to the virtual scan.

After the initial 6 months of access to the virtual scan, access can be purchased in 6-month increments:

Cost to Access per Month	\$ 100
Purchasing Incrememnts	6 Months
TOTAL	\$ 600 per 6 Months

Fees for services included in this Proposal are valid for a period of ninety (90) calendar days after the date of issuance. If Notice to Proceed is not received within this period, fees may be subject to adjustment.

Invoices will be based on milestones and monthly progress. Services will be provided in accordance with the attached Schedule of Terms and Conditions.

Returning one signed copy of this Proposal may serve as your Notice to Proceed. We can prepare a more formal contract if needed.

Conclusion

We are pleased to offer our services for this interesting project. Please do not hesitate to contact me with any questions or if you would like to proceed.

Sincerely,

Accepted



Dale Gienapp, AIA
Gienapp Architects, LLC

for **Town of West Newbury** DATE

Encl. Schedule of Terms and Conditions, 2023



Schedule of Terms and Conditions of Letter Agreement Between Owner and Architect

2023

1. ADDITIONAL SERVICES For services performed at the Owner's request, which are outside the scope of services described in the attached letter, the Architect shall be compensated in accordance with the rates set forth therein but such compensation shall not be included within any maximum or upset stated in the attached letter.
2. REIMBURSABLE EXPENSES In addition to the Architect's compensation, he shall be reimbursed at cost plus 15% for printing copies of documents except those exclusively for the use of the Architect and his consultants, out of state fees of other consultants engaged by the Architects at the Owner's request; overnight mailing/shipping, and for fees paid by the Architect to governmental authorities in connection with the project. Incidental postage, faxing and 'letter size' copies are overhead and not reimbursable.
3. PAYMENTS are due upon receipt of invoices, unless otherwise agreed. After 30 days unpaid invoices shall bear interest at two points above prime, and the Architect shall be entitled to reimbursement of all collection costs, including legal fees. The Architect shall also be entitled to suspend services if payment is overdue.
4. TERMINATION The letter agreement between the Owner and the Architect may be terminated by either party in case of substantial breach by the other, upon 7 days written notice.
5. DISPUTES All claims, disputes, and other matters in question arising out of or relating to this agreement or the breach thereof shall be finally decided by a civil action filed in any court in Essex County, Massachusetts.
6. OWNERSHIP AND USE OF DOCUMENTS All documents produced by the Architect are instruments of services, and the originals thereof and the copyright therein shall remain the property of the Architect. The Owner may use such documents for the construction of the project but only after payment to the Architect for having produced them, and subject to the following conditions: (a) the Owner shall not elaborate, change, or incorporate the documents into documents prepared by anyone other than the Architect, without the Architect's consent; (b) if the Owner proceeds to construct the project without engaging the Architect for customary construction phase services, such construction will be at the Owner's sole risk, and the Owner will release and hold harmless the Architect from all responsibility in connection therewith.
7. ESTIMATES The Architect has no control over construction cost or contractors' prices. Any cost estimates are made by him on the basis of his experience and judgment as a design professional, but he cannot and does not guarantee that contractors' proposals, bids, or costs will not vary from those estimates.
8. OWNER'S RESPONSIBILITIES The Owner shall furnish such legal, accounting, and insurance counseling services as may be required for the project and shall provide the Architect with all existing information relating to the project, which the Architect may request. The Architect shall be entitled to rely upon the completeness and accuracy of such services and information.
9. RISK ALLOCATION In recognition of the relative risks and benefits of the project to both the Client and the Architect, the Client agrees, to the fullest extent permitted by law, to limit the Architect's total liability to the Client, for any and all damages or claim expenses, (including attorneys' fees) arising out of this agreement, from any and all causes, to the total amount of \$100,000, the amount of the Architect's fee (whichever is greater) or other amount specified and agreed upon under Special Conditions.
10. ARCHITECT'S ROLE DURING CONSTRUCTION If requested by the Owner to perform construction phase services, the Architect shall endeavor to guard the Owner against defects and deficiencies in the work of the contractor, but it is generally understood that the contractor, not the Architect, is responsible for the acts or omissions of any contractor or subcontractor, or for the failure of any of them to carry out their contractual duties and responsibilities.
11. MISCELLANEOUS PROVISIONS This agreement represents the complete and integrated agreement between the parties, supersedes all prior agreements, may be amended only in writing, and is binding upon the parties, their successors, assigns, and legal representatives. This agreement shall be interpreted and governed in accordance with the laws of the Commonwealth of Massachusetts.



ARTICLE REQUEST FORM

ARTICLE:

AMOUNT REQUESTED: \$ 175,000

CONTACT PERSON: Graham Bacheller

PHONE NUMBER: grahambach@hotmail.com

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

The goal of this project is to help permanently preserve Evergreen Farm, a 36-acre property on the edge of the Crane Pond Wildlife Management Area that has been a beloved tree farm for many years.

CPA funds would be used to acquire a Conservation Restriction (CR) on approximately 14 acres – acreage that includes the majority of the active farmland. If CPA funds are approved, the Conservation Restriction would be jointly purchased by the Town of West Newbury and Essex County Greenbelt Association (Greenbelt). The CR would forever extinguish the ability to subdivide and develop the property, while allowing farming to continue. After the Conservation Restriction is in place, a total of approximately 18 acres (including 4+/- unrestricted acres with the existing home and barns) would be sold to a private buyer. The acquisition of the CR, the sale to a private buyer (already identified) of the 18 acres, plus the sale of approximately 18 acres to MassWildlife (owner/manager of Crane Pond Wildlife Management Area), will fund the total acquisition of the property, which would be entirely facilitated by Greenbelt. Greenbelt will pay for associated due diligence, including an appraisal, survey, and title examination. The acquisition will preserve important farmland soils, rare species habitat, and expand the connected landscape of conserved land in this are of town. West Newbury residents and beyond will benefit from the preservation West Newbury's rural heritage and increased climate resilience through the protection of intact forests and wetlands.

What factors affect the timing of this purchase?

Purchase timing for the CR may be delayed by the CR approval process with the Executive Office of Energy and Environmental Affairs.

It is anticipated that the Conservation Restriction purchase can close by June 2024.

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

Legal costs for Town of West Newbury conservation restriction review.

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

No

Please attach additional pages or other supporting documentation.



171 River Road Trust
38 acres +/-

18 ac +/-
Proposed Dept. of
Fish & Game
Purchase

14 ac +/- Proposed
Greenbelt & Town
Conservation Restriction
Purchase

4 ac +/-
unrestricted

Crane Pond Wildlife Mgt Area
(Dept. of Fish & Game)



Evergreen Farm Trust
36 acres +/-



0 100 200 400 Feet

Map for illustrative purposes only. Boundaries are approximate and based on most currently-available assessor's data. 2013 Orthophotos; 1:5,000. All data other than Greenbelt properties from MassGIS. Map by Greenbelt, dated 6.15.23



 Evergreen Farm Trust
 MA Dept of Fish & Game

Town Manager

From: Shirin Everett <SEverett@k-plaw.com>
Sent: Monday, September 11, 2023 4:02 PM
To: Town Manager
Subject: West Newbury: Warrant Article for 114 Ash St (CPA Funds Contingent on Appraisal)

Angus,

You have informed me that the Town wishes to appropriate \$175,000 in CPA funds for the purchase of a conservation restriction (CR) on a certain parcel of land (which CR is to be co-held with Essex County Greenbelt), but the appraisal of the CR will not be ready by the time Town Meeting is asked to appropriate the funds. You have requested an opinion as to whether the vote under the article may be contingent on the appraisal supporting the purchase price of the CR.

As you know, GL c.44B, s.5(f) states that no “real property, or interest therein, shall be acquired by any city or town for a price exceeding the value of the property as determined by such city or town through procedures customarily accepted by the appraising profession as valid” (emphasis added). Typically, appraisals are obtained prior to the CPC vote so that the CPC can vote to recommend a certain sum and Town Meeting can appropriate CPA funds in that amount, but nothing in the CPA expressly requires the Town to obtain an appraisal prior to the CPC vote or Town Meeting. In my opinion, the CPC may recommend that Town Meeting appropriate \$175,000 for the purchase of the CR contingent on an appraisal, and Town Meeting may appropriate the CPA funds before an appraisal is prepared, provided, however, that the Town (a) completes the appraisal before it purchases the CR (or enters into a binding agreement to purchase the CR that is not contingent on the appraisal), and (b) does not expend more than the appraised sum. Of course, if the appraisal is lower than the sum appropriated by Town Meeting, the Town cannot expend more than the appraised amount. If the appraisal is higher, a new Town Meeting will have to be obtained to appropriate the additional funds.

In terms of the Town Meeting vote, it is my opinion that since the Town is prohibited by law from expending funds in excess of an appraisal, it is not necessary for the Town Meeting vote to expressly include the contingency, although there is no harm including it either. Should the Town wish to make the Town Meeting vote contingent, the motion under the article should state that the expenditure (rather than the appropriation) of CPA funds is contingent on the appraisal, as an appropriation of funds can be contingent only on a ballot question. For example, the vote taken under the article could state that “...provided, however, that no funds shall be expended until an appraisal has been prepared and no funds shall be expended in excess of the appraisal”.

Please let me know if have any questions.

Shirin Everett, Esq.

KP | LAW

101 Arch Street, 12th Floor

Boston, MA 02110

O: (617) 654 1731

C: (617) 697-5115

F: (617) 654 1735

severett@k-plaw.com

www.k-plaw.com

ARTICLE REQUEST FORM

ARTICLE: Prior fiscal year unpaid bills that are deemed to be legal obligations of the Town.

AMOUNT REQUESTED: \$2,430.00

CONTACT PERSON: Jennifer Walsh, Town Accountant

PHONE NUMBER: 978-363-1100 ext 112

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

To see if the Town will vote to transfer from available funds the sum above to pay the following unpaid bills incurred from previous fiscal year(s), or take any other action in relation thereto. In accordance with MGL Chapter 44, Section 64, unpaid bills from a prior fiscal year can only be paid from current year appropriations with the specific approval of Town Meeting. For Special Town Meetings a 9/10ths vote is required.

DEPARTMENT	VENDOR	AMOUNT
DPW	Merrimack Valley Glass & Mirror	\$240.00
DPW	Merrimack Valley Glass & Mirror	\$150.00
DPW	The Hiller Companies, LLC	\$480.00
DPW	The Hiller Companies, LLC	\$680.00
DPW	The Hiller Companies, LLC	\$480.00
Town Clerk	LHS Associates	\$400.00

What factors affect the timing of this purchase?

N/A

When should this Article be sunsetted - how long will the project take?

N/A

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

N/A

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

N/A

Please attach additional pages or other supporting documentation.

ARTICLE REQUEST FORM

ARTICLE: Accessory Dwelling Unit Zoning Bylaw

AMOUNT REQUESTED: N/A

Sue Brown, Town Planner

PHONE NUMBER: (978) 363-1100 X 125, townplanner@wnewbury.org

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

The West Newbury Planning Board is recommending a change to the town's Zoning Bylaw to allow for the creation of Accessory Dwelling Units (ADUs). ADU's are small residences that shares a single-family lot with a larger primary dwelling, sometimes referred to as an accessory, garden or in-law apartment. They can be within or attached to a single-family home, or detached such as in garage or carriage house.

Consistently the Town's long range plans including Comprehensive Plans, Community Development Plans and Housing Production Plans have called for diversifying the town's housing stock to create housing that meets local needs, with many specifically identifying accessory dwelling units as one strategy for achieving this goal.

The change to the Town's Zoning Bylaw will serve residents by allowing for the creation of less expensive housing options, an identified need of homeowners wishing to downsize but stay in Town and homeowners wishing to provide housing for family members (children or parents). The change would also allow homeowners with a means of obtaining rental income, another strategy for helping seniors and others remain in their homes. The change would encourage a more economic and efficient use of the Town's housing supply while respecting the residential character of West Newbury's neighborhoods.

What factors affect the timing of this purchase?

Given the dire need for more diverse and less expensive housing in West Newbury, the Board encourages action on this proposal immediately.

When should this Article be sunsetted - how long will the project take?

N/A

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

N/A

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

No

Please attach additional pages or other supporting documentation.

PROPOSED ACCESSORY DWELLING UNIT BYLAW

New Section 6.2 (change 6.2 – 6.4 to 6.3-6.5)

To see if the Town will vote to amend the Zoning Bylaw by

- (1) adding definitions for “Accessory Dwelling Unit”, Dwelling Unit, Single-Family Dwelling and Two-Family Dwelling to Section 2 Definitions
- (2) adding Accessory Dwelling Unit to Section 4.2, Permitted uses in All Districts and
- (3) adding Section 6.2 Accessory Dwelling Units, as follows:
- (4) changing Sections 6.2 to 6.3, 6.3 to 6.4 and 6.4 to 6.5)

§ ## Definitions (to be added)

ACCESSORY DWELLING UNITS - A subordinate Dwelling Unit within, attached to, or detached from, an existing single-family Dwelling Unit

DWELLING UNIT - A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

SINGLE-FAMILY DWELLING - A building designed or used exclusively as a residence and including only one dwelling unit.

TWO-FAMILY DWELLING - A building designed or used exclusively as a residence and including two dwelling units.

6.2 ACCESSORY DWELLING UNIT

6.2.1. Purpose. This section authorizing the provision of Accessory Dwelling Units is intended to:

- a. Increase the number of small dwelling units available in the Town;
- b. Increase the diversity of housing that may serve the needs of the current and future population of the Town including, but not limited to, young adults and senior citizens;
- c. Provide homeowners with a means of obtaining rental income; and
- d. Encourage a more economic and efficient use of the Town's housing supply while respecting the residential character of West Newbury's neighborhoods.

6.2.2. Use and Dimensional Regulations

- a. The Building Inspector may issue a Building Permit authorizing the installation and use of an Accessory Dwelling Unit within an existing or new owner-occupied, single-family dwelling, or in an existing or new structure accessory to an owner-occupied single-family dwelling, whether attached or detached, provided that it satisfies the requirements of this Section 6.2 and dimensional (Intensity of Use) requirements of Section 5.
 - i. The unit will be a complete, separate housekeeping unit containing both kitchen and bath and no more than two bedrooms.
 - ii. The Floor Area of an Accessory Dwelling Unit shall be no greater than nine hundred (900) square feet and shall never be enlarged beyond the nine hundred (900) square feet allowed by this bylaw without a Special Permit from the Planning Board.
 - iii. There shall be no more than one Accessory Dwelling Unit on a lot.
 - iv. The owners(s) of the residence of the principal dwelling must continue to occupy at least one of the dwelling units as their primary residence, except for temporary absences per 6.2.2.c.
 - v. Any new separate outside entrance serving an Accessory Dwelling Unit shall be clearly secondary to the entrance of the principal dwelling unit.
 - vi. No new curb cuts shall be allowed for an Accessory Dwelling Unit.
 - vii. Adequate off-street parking shall be provided.
 - viii. No Accessory Dwelling Unit shall be separated from the principal dwelling through a condominium or cooperative conversion process, or be held in separate ownership from the principal dwelling unit on the lot.
- b. Prior to issuance of a Building Permit, the owner must submit a notarized letter to the Building Inspector stating that they will occupy one of the dwelling units on the premises as their primary residence.
- c. An owner of a property containing an Accessory Dwelling Unit who is to be absent for a period of less than one year may rent the owner's unit as well as the second unit during the temporary absence provided:
 - i. Written notice thereof shall be made to the Building Inspector on a form prescribed by the Building Inspector.
 - ii. The owner shall be resident on the property for at least one year prior to and between such temporary absences.

- d. When a principal dwelling with an Accessory Dwelling Unit is sold, the new owner, if they wish to continue use of the Accessory Dwelling Unit, must within sixty (60) days of the sale, submit a notarized letter to the Building Inspector stating that they will occupy one of the dwelling units on the premises as their primary residence.

6.2.3. Special Permit

- a. Accessory Dwelling Units measuring in excess of 900 square feet of floor area or seeking relief from other criteria in Section 6.2.2. may be allowed, subject to a Special Permit from the Planning Board per section 11.2. of the West Newbury Zoning Bylaws.

6.2.4. Administration and Enforcement

- a. It shall be the duty of the Building Inspector to administer and enforce the provisions of this Bylaw.
- b. No building shall be constructed or changed in use or configuration, until the Building Inspector has issued a building permit. No building or dwelling unit shall be occupied until a certificate of occupancy has been issued by the Building Inspector.

ARTICLE REQUEST FORM

ARTICLE: Amendment to Non-Conforming Uses Zoning Bylaw

AMOUNT REQUESTED: N/A

CONTACT PERSON: Sam Joslin, Building Inspector/Zoning Enforcement Officer

PHONE NUMBER: (978) 618-4430

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

Currently any homeowner with a non-conforming structure or a structure on a non-conforming lot must get permission from the Board of Appeals to enlarge or change the structure whether or not it is a substantive change or more detrimental to the neighborhood.

The proposed change to the Non-Conforming Uses Bylaw allows the Building Inspector to determine if a proposed change to a non-conforming structure or a structure on a non-conforming lot is not substantially more detrimental to the neighborhood. This would allow the Building Inspector to grant a building permit to a homeowner to enlarge or change a non-conforming structure or to enlarge or change a structure on a non-conforming lot provided the enlargement or change does not create a new non-conformity or increase an existing non-conformity.

The change serves the community by creating a more efficient and fair permitting process.

What factors affect the timing of this purchase?

This is a continuation of the Planning Board and Building Inspector's efforts to improve the Zoning Bylaw and make administration and enforcement of the regulations more effective and efficient. The Planning Board encourages action on the article immediately.

When should this Article be sunsetted - how long will the project take?

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

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

Please attach additional pages or other supporting documentation.

To see if the Town will vote to amend the Town of West Newbury Zoning Bylaw by striking existing Section 7 (including 7.1.-7.4) and replacing it with the following new Section 7 (including 7.1-7.9), and further to authorize the Town Clerk to make any non-substantive, ministerial changes to numbering and formatting to ensure consistency with the remainder of the Zoning By-law, or take any action relative thereto:

Section 7. Nonconforming Uses and Structures

7.1 Nonconforming single- and two-family residential structures

7.1.1. Nonconforming single- and two-family residential structures may be reconstructed, extended, altered, or structurally changed upon a determination by the Building Inspector that such proposed reconstruction, extension, alteration, or change does not increase the nonconforming nature of said structure. Any one or more of the following circumstances shall not be deemed to increase the nonconforming nature of said structure:

- a. Alteration, reconstruction, extension or change to a structure located on a lot with insufficient lot area, which structure as altered, reconstructed, extended or changed will comply with all current setback, lot coverage, and building height requirements.
- b. Alteration, reconstruction, extension or change to a structure located on a lot with insufficient frontage, which structure as altered, reconstructed, extended or changed will comply with all current setback, lot coverage, and building height requirements.
- c. Alteration, reconstruction, extension or change to a structure which encroaches upon one or more required yard or setback areas, where the alteration, reconstruction, extension or change will comply with all current setback, lot coverage and building height requirements.
- d. Alteration, reconstruction, extension or change to an existing structure that does not meet the required setbacks for purposes of or extending along the existing nonconforming building setback line if said expansion or extension does not encroach upon another setback or create any new dimensional nonconformity.

7.1.2. In the event that the Building Inspector determines that the nonconforming nature of any single- or two-family structure would be increased by the proposed reconstruction, extension, alteration, or change, the Board of Appeals may, by special permit, allow such reconstruction, extension, alteration, or change where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

7.2 Nonconforming structures other than single- and two-family residential structures

7.2.1. The Board of Appeals may award a special permit to reconstruct, extend, alter, or change a nonconforming structure in accordance with this section only if it determines that such reconstruction, extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

7.3 Variance required

7.3.1. Except as provided in 7.1 above, the reconstruction, extension or structural change of a nonconforming structure in such a manner as to increase an existing nonconformity, or create a new nonconformity, shall require the issuance of a variance from the Board of Appeals.

7.4 Nonconforming uses

7.4.1. The Board of Appeals may award a special permit to change or extend a nonconforming use, including to another nonconforming use, in accordance with this article only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood.

7.5 Abandonment or non-use

7.5.1. A nonconforming use or structure which has been abandoned, or not used for a period of two years, shall lose its protected status and be subject to all of the provisions of this bylaw.

7.6 Reconstruction after catastrophe or demolition

7.6.1. A nonconforming structure may be reconstructed after a catastrophe or after demolition in accordance with the following provisions:

- a. Reconstruction of said premises shall commence within two years after such catastrophe or demolition.
- b. Building(s) as reconstructed shall be located on the same footprint as the original nonconforming structure, shall be only as great in floor area as the original nonconforming structure.
- c. In the event that the proposed reconstruction would 1) cause the structure to exceed the floor area of the original nonconforming structure; 2) exceed applicable requirements for yards, setback, and/or height; or 3) cause the structure to be located other than on the original footprint, the provisions of Section 7 shall apply.

7.7 Reversion to nonconformity

7.7.1. No nonconforming use or structure shall, if changed to a conforming use or structure, revert to a nonconforming use- or structure.

7.8 Lawfully existing uses and structures

7.8.1. This bylaw shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing on such bylaw, or amendments thereto, as required by MGL c. 40A, § 5. Such prior, lawfully existing nonconforming uses and structures may continue, provided that no modification of the use or structure is accomplished, unless authorized hereunder.

7.9 Commencement of Use or Construction

Construction or operations under a building or special permit shall conform to any subsequent amendment of the ordinance or by-law unless the use or construction is commenced within a period of not more than 12 months after the issuance of the permit and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

ARTICLE REQUEST FORM

ARTICLE: To see if the Town will vote to amend Section XL of the Town Bylaws in order to establish a revolving fund for revenues and expenses associated with Council on Aging programs

AMOUNT REQUESTED: N/A

CONTACT PERSON: Christine Marshall

PHONE NUMBER: (978) 363-1100 x136

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

A Council on Aging Revolving Fund will allow the COA to charge seniors for programs, events, trips and transportation. Revenue for these programs will be credited to the revolving fund and equal expenses will be paid from the revolving fund as available. The seniors of West Newbury and surrounding communities will benefit. A limit of \$30,000 is requested for this account.

What factors affect the timing of this purchase?

The Council on Aging will be able to offer more special events and trips when the revolving account is established.

When should this Article be sunsetted - how long will the project take?

Bylaw. The Revolving Fund shall continue until such time as Town Meeting votes to eliminate the fund.

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

N/A

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

N/A

Please attach additional pages or other supporting documentation.

ARTICLE REQUEST FORM

ARTICLE: Set maximum receipts and expenditures for Council on Aging Revolving Fund in FY24

AMOUNT REQUESTED: N/A (Costs are expended from non-tax receipts into the Revolving Funds)

CONTACT PERSON: Christine Marshall

PHONE NUMBER: (978) 363-1100 x136

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

Revolving funds are authorized annually at the Annual Town Meeting. With the establishment of the COA Revolving Fund authorization to use the Revolving Fund will allow the COA to charge seniors for programs, events, trips and transportation. Revenue for these programs will be credited to the revolving fund and equal expenses will be paid from the revolving fund as available. The seniors of West Newbury and surrounding communities will benefit.

What factors affect the timing of this purchase?

The Council on Aging will be able to offer more events and trips when the revolving account receives authorization of use.

When should this Article be sunsetted - how long will the project take?

N/A per MGL, this vote will apply to FY24

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

N/A

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

No

Please attach additional pages or other supporting documentation.

ARTICLE REQUEST FORM

ARTICLE: Repeal of Short-Term Rental Bylaw

AMOUNT REQUESTED: N/A

CONTACT PERSON: Town Manager

PHONE NUMBER: 978-363-1100 x115

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

The Short-Term Rentals Bylaw (Title XXXIX of the Town Bylaws) was adopted at the October 24, 2016 Special Town Meeting. Since that time no STR licenses have been granted. Since the adoption of the Bylaw 7 years ago, there have been many staffing changes (incl. the Town Manager, Building Inspector, and Town Planner, among others), and current staff find the existing bylaw to be flawed in several ways. It does not specify a clear process or timeline for Board review of licensing applications and, more importantly, it does not specify clear criteria or performance standards on which the Board would base an approval or denial of a license application. Following discussion of the STR Bylaw over the summer, the Board agreed that it makes sense to propose repeal of the STR Bylaw at this time. If the Board decides in the future that it would like to provide an option to license STRs, it would bring forward a new (and improved) bylaw at that time. (It should be noted that, in 2021, the MA Supreme Judicial Court affirmed a prior Land Court decision finding that, if not specifically permitted, STRs are not a permitted use in residential zoning districts. The court case was *Styller v. Zoning Board of Appeals of Lynnfield*, (Mass. June 7, 2021)).

What factors affect the timing of this purchase?

The Board favors proposing repeal of the STR Bylaw at this time in order to establish a clear policy position that STRs are not allowed in residential zoning districts in West Newbury. If it intended to restore a path for STR licensing in the future, it would propose a new Bylaw at a future Town Meeting in order to do so.

When should this Article be sunsetted - how long will the project take?

N/A

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

None.

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

No.

Please attach additional pages or other supporting documentation.

Current STR Bylaw begins on pg. 65 of Town Bylaws, at:

https://www.wnewbury.org/sites/g/files/vyhlif1436/f/uploads/2022_town_bylaws_-_as_of_1.25.23.pdf

**WEST NEWBURY SPECIAL TOWN MEETING
OCTOBER 24, 2016
FINAL VERSION OF BYLAW AS AMENDED
ARTICLE 14**

CHAPTER XXXIX SHORT TERM RENTALS

SHORT TERM PAYING GUEST IN HOMES

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

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

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

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

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

1. The property complies with applicable Board of Health regulations and Fire Department safety measures (fire/smoke alarms and CO monitors) and is in compliance with the State Sanitary Code, 105 C.M.R. § 410.00
2. A certificate of occupancy for the property is on file

3. Name of a local authorized agent who can act on behalf of the owner in the absence of the owner in the case of any problems, violations or emergencies should they arise while the owner is not present.
4. Agreement to maintain a guest registry showing the name of each guest and the night(s) of their stay. Said Registry shall include the home address of each guest and the make, model and license number for each automobile used by such guest. The registry shall be made available for review at any time at the request of a West Newbury Police Officer, the Health Agent of the Town of West Newbury and/or Board of Selectmen or any agent designated in Regulations promulgated by the Board of Selectmen.

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

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

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

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

COMPLAINTS AND ENFORCEMENT:

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

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



TOWN OF WEST NEWBURY

Board of Selectmen

381 Main Street
West Newbury, MA 01985
978-363-1100 ext. 110
978-363-1117 (Fax)
selectmen@wnewbury.org

SHORT TERM RENTAL APPLICATION

License Fee: \$10.00

New _____ Renewal _____

Date _____

The undersigned hereby applies to the Board of Selectmen for a short term rental license in accordance with the Bylaws of the Town of West Newbury.

Property Address _____

Owner _____

Telephone _____ E-Mail _____

24 Hour Emergency Telephone # _____

Contact Person _____

Description of Room(s) to be rented _____

Food Served: yes no

By signing this Application, the undersigned hereby certifies that the Property shall be rented in compliance with Chapter XXXIX Short Term Rentals of the Bylaws of the Town of West Newbury.

I hereby certify under the pains and penalties of perjury that the above is true and accurate information.

Signature of Applicant _____

ARTICLE REQUEST FORM

ARTICLE: Repeal of Personnel Bylaw

AMOUNT REQUESTED: N/A

CONTACT PERSON: Town Manager

PHONE NUMBER: 978-363-1100 x115

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

The Personnel Bylaw was adopted at the 1999 Annual Town Meeting, and has not been amended since. The Bylaw assigns responsibility to the Select Board "for the development of a human resources system which meets the needs of the Town", and further states that the Board "shall appoint a Personnel Advisory Committee to assist in carrying out its responsibility", to "be composed of such a number of members for such periods of time as the Board shall so determine." The adoption of the Town Manager Act in 2017 (Chapter 97 of the Acts of 2017) resulted in significant changes to the legal context for personnel administration. The Select Board continues to be the policy-setting entity for personnel policies, but the TM Act vests significant responsibilities in the Town Manager including (at Sec. 8(b)): "The town manager shall supervise all town departments and direct the day-to-day affairs of the town." and (at Sec. 8(e)): "The town manager shall oversee the town's personnel system and staff in accordance with town by-laws and shall oversee personnel evaluation policies and practices, employee benefit programs, enforcement of labor contracts, labor relations, collective bargaining, state and federal equal opportunities law compliance in the town and such other human resource obligations as designated by the [select] board." Since the Town Manager was hired and began work in 2018, the Select Board and the Town Manager have worked closely together, including with other personnel with responsibilities for personnel administration (incl. the Town Accountant, Treasurer/Collector, Dept. Heads, and Boards or Commissions with personnel oversight authority), to review and update the Personnel Policy. In practice, the Personnel Committee has met only rarely, and had not met at all for several years preceding the beginning of the Town Manager's tenure. The proposed Article to repeal the Bylaw is to help bring the Town Bylaws more into coordination with the Town Manager Act, and eliminate internal inconsistencies between the two.

What factors affect the timing of this purchase?

This proposal is intended to help clarify Town policy toward personnel policies and administration.

When should this Article be sunsetted - how long will the project take?

N/A

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

N/A

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

N/A

Please attach additional pages or other supporting documentation.

Current Personnel Bylaw can be found on Town website (under Bylaws, Policies and Procedures), at:

https://www.wnewbury.org/sites/g/files/vyhlf1436/f/uploads/personnel_bylaw_1.pdf

PERSONNEL BYLAW

[Adopted at the third session of the 1999 Annual Town Meeting]

PERSONNEL BYLAW

Section 1 Purpose and Intent

The purpose of the personnel bylaw is to establish fair and equitable personnel policies and to establish a system of personnel administration based on merit principles that ensure uniform, efficient application of personnel policies.

Section 2 Application

All town departments and positions shall be subject to the provisions of this bylaw and policies adopted pursuant to this bylaw, except elected Town officers and employees covered by a collective bargaining agreement (unless such agreement expressly incorporates this Bylaw by reference).

Section 3 Responsibility of the Board of Selectmen

The Board of Selectmen shall be responsible for the development of a human resources system which meets the needs of the Town. The Board of Selectmen shall appoint a Personnel Advisory Committee to assist in carrying out its responsibility. The Personnel Advisory Committee shall conduct such research and carry out such instructions as the Board of Selectmen shall direct including, but not limited to, review of compensation for employees, benefits, methods of selection of personnel, performance appraisal, and personnel procedures. The Personnel Advisory Committee shall be composed of such a number of members for such periods of time as the Board of Selectmen shall so determine. Members of the Personnel Advisory Committee may be removed upon a majority vote of the Board of Selectmen after notice to the Committee member and a public hearing if so requested.

Section 4 Personnel Policies

The personnel policies shall establish a personnel system which shall include, but need not be limited to, the following elements:

- (a) Method of administration. A system which assigns responsibility for the personnel system, including maintaining personnel records, implementing effective recruitment and selection processes, creating and maintaining a

compensation plan, monitoring the application of policies and periodic reviews and evaluation of the personnel system.

- (b) Classification and compensation plan(s), as deemed appropriate.
- (c) Recruitment and selection policies.
- (d) Record keeping system.
- (e) Rights and obligation of employees.
- (f) Other elements of a personnel system as deemed appropriate or necessary.

Section 5 Adoption of Policies

The Board of Selectmen is empowered and authorized by this bylaw to adopt personnel policies defining the rights, benefits and obligations of employees subject to this bylaw. Such policies shall become effective in accordance with the following procedure:

- (a) The Board of Selectmen may propose new, amended or revised policies; any such proposed policy may be proposed at any meeting of the Board of Selectmen.
- (b) Any proposed new, amended or revised policies shall be posted for a period of at least ten days after being proposed by the Board of Selectmen, during which time comments, information and questions regarding any proposed policy may be provided to the Board of Selectmen. A public hearing shall be held following the ten day posting period.
- (c) Any new, amended or revised policies shall become effective upon approval by a unanimous vote of the Board of Selectmen, unless a specific effective date is provided by the Board.
- (d) Copies of new or amended policies shall be posted in prominent locations within the Town Office Building.

Section 6 Severability

The provisions of this bylaw and the policies adopted pursuant to this bylaw are severable. If any bylaw provision or policy is held invalid, the remaining provisions of the bylaw or policy shall not be affected thereby.

Section 7 Effective Date

This bylaw shall take effect on the date of passage of the Personnel Policy. *[The Personnel Policy was adopted on August 23, 1999]*

ARTICLE REQUEST FORM

ARTICLE: Accept the provision of Mass General Law allowing for stipend to the Town or Assistant Assessor after recognized certification

AMOUNT REQUESTED: N/A

CONTACT PERSON: Town Manager

PHONE NUMBER: 978-363-1100 x115

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

To formalize what has been past practice of and to encourage and incentivize furthering education of current and future staff

What factors affect the timing of this purchase?

Accepting the MGL before the Annual Town Meeting will allow for budgeting if necessary

When should this Article be sunsetted - how long will the project take?

N/A

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

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

N/A

Please attach additional pages or other supporting documentation.

Part I

ADMINISTRATION OF THE GOVERNMENT

Title IX

TAXATION

Chapter 59

ASSESSMENT OF LOCAL TAXES

Section 21AADDITIONAL COMPENSATION OF ASSESSORS FOR COURSES
OF STUDY

Section 21A. In any city or town which accepts this section, an assessor or assistant assessor who has completed the necessary courses of study and training and has been awarded a certificate by the International Association of Assessing Officers as a certified assessment evaluator or who has been awarded a certificate by the Association of Massachusetts Assessors as a certified Massachusetts assessor shall receive as compensation from such city or town, in addition to the regular compensation paid by such city or town for services in such office, an amount equal to ten per cent of such regular compensation; provided, however, that in no event shall such additional compensation exceed one thousand dollars annually, if such assessor or assistant assessor is employed on a full-time basis, or five hundred dollars, if such assessor or assistant assessor is employed on a part-time basis. An assessor who has been awarded both certificates referred to above shall receive such additional compensation for only one of such certificates. In order to qualify for such additional compensation, an assessor or assistant assessor shall submit proof that he has been awarded either or both of the

aforesaid certificates to the mayor or the board of selectmen of such city or town. The additional compensation herein provided shall be prorated for any twelve month period in which an eligible person does not hold the office of assessor or assistant assessor for twelve consecutive months.

ARTICLE REQUEST FORM

ARTICLE: Accept the provision of Mass General Law allowing for stipend to the Town Clerk after recognized certification

AMOUNT REQUESTED: N/A

CONTACT PERSON: Town Manager

PHONE NUMBER: 978-363-1100 x115

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

To formalize what has been past practice of and to encourage and incentivize furthering education of current and future staff

What factors affect the timing of this purchase?

Accepting the MGL before the Annual Town Meeting will allow for budgeting if necessary

When should this Article be sunsetted - how long will the project take?

N/A

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

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

Please attach additional pages or other supporting documentation.

Part I ADMINISTRATION OF THE GOVERNMENT

Title VII CITIES, TOWNS AND DISTRICTS

Chapter 41 OFFICERS AND EMPLOYEES OF CITIES, TOWNS AND DISTRICTS

Section 19K ADDITIONAL COMPENSATION FOR TOWN CLERK

Section 19K. In any town, that accepts this section, a town clerk who has completed the necessary courses of study and training, and has been awarded a certificate by the Massachusetts Town Clerks' Association as a certified Massachusetts municipal clerk, shall receive as compensation from such town, in addition to the regular annual compensation paid by such town for services in such office, an amount equal to 10 per cent of such regular annual compensation, but not more than \$1,000 per year. In order to qualify for such additional compensation, a town clerk shall submit to the board of selectmen of such town proof of the award of such certificate. The additional compensation provided in this section shall be prorated for any 12 month period in which an eligible person does not hold the office of town clerk for 12 consecutive months. Such additional compensation shall discontinue when certification is discontinued or withdrawn.

ARTICLE REQUEST FORM

ARTICLE: Accept the provision of Mass General Law allowing for stipend to the Town Treasurer/Collector after recognized certification

AMOUNT REQUESTED: N/A

CONTACT PERSON: Town Manager

PHONE NUMBER: 978-363-1100 x115

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

To formalize what has been past practice of and to encourage and incentivize furthering education of current and future staff

What factors affect the timing of this purchase?

Accepting the MGL before the Annual Town Meeting will allow for budgeting if necessary

When should this Article be sunsetted - how long will the project take?

N/A

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

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

Please attach additional pages or other supporting documentation.

Part I	ADMINISTRATION OF THE GOVERNMENT
Title VII	CITIES, TOWNS AND DISTRICTS
Chapter 41	OFFICERS AND EMPLOYEES OF CITIES, TOWNS AND DISTRICTS
Section 108P	ADDITIONAL COMPENSATION FOR COLLECTORS OR TREASURERS

Section 108P. In any city, town or district that accepts this section, a collector or a treasurer who has completed the necessary courses of study and training and has been awarded a certificate by the Massachusetts Collectors and Treasurers Association as a certified Massachusetts municipal collector or a certified Massachusetts municipal treasurer or a certified Massachusetts district treasurer, shall receive as compensation from such city, town or district, in addition to the regular annual compensation paid by such city, town or district for services in such office, an amount equal to 10 per cent of such regular annual compensation, but not more than \$1,000 per year. A collector or treasurer who has been awarded both certificates referred to above shall receive such additional compensation for only one such certificate. In order to qualify for such additional compensation, a collector or treasurer shall submit to the mayor or the board of selectmen of such city or town, or the governing board of a district proof of the award of either or both such certificates. The additional compensation provided in this section shall be

prorated for any 12 month period in which an eligible person does not hold the office of collector or treasurer for 12 consecutive months. Such additional compensation shall be discontinued when certification is discontinued or withdrawn.

ARTICLE REQUEST FORM

ARTICLE: Opioid Settlement Stabilization Fund

AMOUNT REQUESTED: N/A

CONTACT PERSON: Jennifer Walsh, Town Accountant

PHONE NUMBER: 978-363-1100 x112

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

To see if the Town will vote to establish a special purpose stabilization fund pursuant to G.L. c. 40, s. 5B to be known as the Opioid Settlement Stabilization Fund to supplement and strengthen resources for prevention, harm reduction, treatment, and recovery, in accordance with the purposes and subject to the requirements in the Massachusetts Abatement Terms; and, vote to accept the fourth paragraph of Massachusetts General Laws Chapter 40, Section 5B, which allows the dedication, without further appropriation, of all of the receipts from settlements on behalf of the Town with persons and entities involved in the sale, distribution and manufacture of opioid products.

What factors affect the timing of this purchase?

To date, the Town has received \$3,846.12 in settlement funds. All money received or collected from any source by a city, town or district belongs to its general fund and can only be spent after appropriation unless a general or special law provides an exception. At present, there is no general or special law that provides an exception for these settlement proceeds. Creation of this special stabilization fund and acceptance of the fourth paragraph will allow future distributions to be deposited directly into the fund to be used for its intended purpose without further appropriation.

When should this Article be sunsetted - how long will the project take?

N/A

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

N/A

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

N/A

Please attach additional pages or other supporting documentation.

Executive Assistant

From: Town Accountant
Sent: Tuesday, August 29, 2023 4:20 PM
To: Town Manager
Subject: FW: West Newbury Questions **EXTERNAL EMAIL**
Attachments: Copy of Article request form template - Opioid Settlement Funds.xlsx; City&Town Opioid Settlement Ask DLS.pdf; igr17-20 Stabilization Funds.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

From: Town Accountant
Sent: Tuesday, August 29, 2023 4:17 PM
To: 'Angus Jennings' <townmanager@wnewbury.org>
Subject: FW: West Newbury Questions **EXTERNAL EMAIL**

Hi Angus,

The attached article request should probably be run by Town Counsel as well as but below was Bobbi's response.

Best,
Jenny

From: Colburn, Bobbi J. (DOR) <colburnb@dor.state.ma.us>
Sent: Tuesday, August 29, 2023 3:09 PM
To: Town Accountant <townaccountant@wnewbury.org>
Subject: RE: West Newbury Questions **EXTERNAL EMAIL**

Hi Jenny,

I can't give you specific recommendations on your article, as that is a local thing, but what I can tell is that you can establish it in one motion and then appropriate to it in another. You can do it in one motion as long as you have all the requirements in it, but I always found it easier to just do two separate votes. In the vote to establish, remember that you are establishing the stabilization fund for a spending purpose (not a receipt purpose), so you can put some of whatever the spending purposes are allowed (and you can then put etc. or something). It is ok to have some generalization in the spending purpose, but it shouldn't be too vague. Your town counsel should be able to help with this.

For the revenue that you receive. You can choose to dedicate at least 25% of the opioid settlement receipts to the stabilization fund. If you choose to do this, the funds would go directly into the fund (going forward from when the fund is established, not backwards), and you would not need to put them into the general fund, wait for free cash to be certified, and then appropriate. This is completely up to you if you want to do it. It is not required.

I am attaching the City & Town AskDLS that covers this subject as well as the IGR for stabilization funds for your reference.

I hope this helps. Please let me know if you have questions.

Bobbi

From: Town Accountant <townaccountant@wnewbury.org>
Sent: Tuesday, August 29, 2023 10:22 AM
To: Colburn, Bobbi J. (DOR) <colburnb@dor.state.ma.us>
Subject: RE: West Newbury Questions **EXTERNAL EMAIL**

This Message Is From an External Sender

This message came from outside your organization.

Good morning Bobbi,

I realize this is a busier-than-normal time for you but I am hoping you can take a look at the Article Request Form that I have completed for fall town meeting to establish a special stabilization fund for opioid settlement payments. Are you able to advise if this is written properly as well as if there can be one motion to establish the fund and appropriate the previously received funds from free cash to it, or otherwise?

Thanks as always,
Jenny

From: Colburn, Bobbi J. (DOR) <colburnb@dor.state.ma.us>
Sent: Monday, July 24, 2023 1:36 PM
To: Town Accountant <townaccountant@wnewbury.org>
Subject: RE: West Newbury Questions **EXTERNAL EMAIL**

Hi Jenny,

Please see my comment below. I hope they help, but let me know if you still have questions.

Bobbi

From: Town Accountant <townaccountant@wnewbury.org>
Sent: Monday, July 24, 2023 11:30 AM
To: Colburn, Bobbi J. (DOR) <colburnb@dor.state.ma.us>
Subject: West Newbury Questions **EXTERNAL EMAIL**

We received opioid settlement funds totaling \$3,846.12 in FY23 which were receipted to other miscellaneous revenue. We did not establish a special purpose stabilization fund nor did we classify as estimated receipts so will close to the general fund. Is there a procedure that will allow the Town to be able to use these funds in the future?

[Colburn, Bobbi J.] I am attaching a City & Town AskDLS that has the Opioid Settlement payments as the subject for your reference. But the quick answer is that unless you establish a special purpose stabilization fund you will need to record as miscellaneous non-recurring receipts in the general fund and wait until free cash is certified before you can appropriate from there.

Thanks so much for any help/advice you can give.

Best,

Jenny Walsh
Town Accountant
Town of West Newbury
381 Main Street
West Newbury, MA 01985
(978) 363-1100 x112

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this mail in error please notify the postmaster at dor.state.ma.us.



Informational Guideline Release

Bureau of Municipal Finance Law
 Informational Guideline Release (IGR) No. 17-20
 July 2017

Supersedes IGR 04-201 and Inconsistent Prior Written Statements

STABILIZATION FUNDS

(G.L. c. 40, § 5B and G.L. c. 59, § 21C(g))

This Informational Guideline Release (IGR) informs local officials about changes made by the Municipal Modernization Act that eliminate caps on stabilization fund balances and annual appropriations, change the quantum of vote for appropriations into stabilization funds, allow the dedication of certain revenue streams into stabilization funds and expand the depositories and investment options for stabilization fund reserves.

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

Supersedes IGR 04-201 and Inconsistent Prior Written Statements

STABILIZATION FUNDS

(G.L. c. 40, § 5B and G.L. c. 59, § 21C(g))

SUMMARY:

These guidelines inform local officials about amendments made to [G.L. c. 40, § 5B](#), which establishes city, town and district stabilization funds, by the Municipal Modernization Act statute that took effect on November 7, 2016. [St. 2016, c. 218, § 22](#).

Under [G.L. c. 40, § 5B](#), municipalities and districts may create one or more stabilization funds, which are special reserves into which monies may be appropriated and reserved for later appropriation for any lawful municipal purpose. Voters may also approve a Proposition 2½ override in order to fund appropriations for a particular stabilization fund. Monies accumulated in a stabilization fund carry over from one fiscal year to another, and interest remains with that fund.

The Municipal Modernization Act made four significant changes to [G.L. c. 40, § 5B](#). First, it eliminated caps on the amount that could be appropriated into the fund in any year and the aggregate balances of all stabilization funds. Previously, municipalities and districts could not appropriate into a stabilization fund in any year an amount exceeding 10 percent of the prior year's tax levy, or a larger amount, without the approval of the Director of Accounts, and the total reserved in all funds could not exceed 10 percent of the equalized valuation of the municipality or district. Second, appropriations made into the fund may now be approved by a majority vote, instead of a two-thirds vote. Appropriations from a stabilization fund must still be approved by a two-thirds vote. Likewise, a two-thirds vote is still needed to create a stabilization fund and to change its purpose. Third, the local treasurer has a broader range of investment options consistent with the 2014 amendments to municipal and district trust fund investments under [G.L. c. 44, § 54](#) and banking laws governing the Commissioner of Bank's authority to establish a list of sound investments for banking institutions. [St. 2014, c. 343](#). Finally, a new local acceptance provision was added as the fourth paragraph of [G.L. c. 40, § 5B](#). If accepted, the local legislative body, by a two-thirds vote, may dedicate to a stabilization fund certain revenue streams, including revenue from fees and charges, except revenues already reserved by law for particular purposes and locally assessed taxes and excises.

These guidelines are in effect and supersede Informational Guideline Release No. 04-201, *Creation of Multiple Stabilization Funds and Proposition 2½ Overrides for Stabilization Funds*, and any inconsistent prior written statements or documents.

GUIDELINES:

I. MULTIPLE STABILIZATION FUNDS

A. Creation of Funds

Stabilization funds may be created for one or more different purposes. [G.L. c. 40, § 5B](#). A fund may be created for a broad category of spending purposes, such as any lawful purpose, capital budget purposes or purposes for which the community may borrow money. Stabilization funds may also be created for a specific purpose or project, for example, to 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. 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 the legislative body votes to change the purpose of a stabilization fund for which revenue has been dedicated, the vote should also state whether the dedication continues after the purpose changes. See Section II-C-1 below regarding the minimum period a dedication is effective.

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 election procedure explained in Section III-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.

C. Appropriations and Transfers

Appropriations into any stabilization fund require a majority vote of the legislative body. Appropriations from a 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. When monies in the fund from which the transfer is made cannot be appropriated directly for the purpose of the fund receiving the transfer, for example, 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.

D. Investment and Interest

The treasurer may deposit stabilization funds in (1) a trust company, co-operative bank, or savings bank, if the trust company or bank is organized or exists under either the laws of the Commonwealth of Massachusetts, or of any other state, or may transact business in the Commonwealth, and has its main office or a branch office in the Commonwealth; and (2) a national bank, federal savings bank or federal savings and loan association, if the bank or association may transact business and has its main office or a branch office in the Commonwealth. Any state-chartered or federally-chartered bank used to deposit stabilization funds must be insured by the Federal Deposit Insurance Corporation (or its successor).

The treasurer may also invest stabilization funds in (1) participation units under [G.L. c. 29, § 38A](#) (Massachusetts Municipal Depository Trust established by the State Treasurer); or (2) securities that are legal investments for savings banks under Massachusetts law. Savings banks may legally invest in securities included in the annual legal list of investments established by the Commissioner of Banks under [G.L. c. 167, §§ 15A-15K](#), and permitted by [G.L. c. 167F, § 3](#). All investments in securities that are legal investments for savings banks must still meet the investment standard in [G.L. c. 44, § 55B](#) governing a treasurer's investment of public funds generally, which means those investments must be prudent.

All interest earned on the deposit and 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.

II. DEDICATION OF REVENUES TO STABILIZATION FUND

A. Purpose

Cities, towns and districts that accept the fourth paragraph of [G.L. c. 40, § 5B](#) may dedicate, without further appropriation, all, or a percentage of not less than 25 percent, of a particular fee, charge or other receipt to any stabilization fund established under [G.L. c. 40, § 5B](#).

B. Acceptance Procedure

Acceptance of the fourth paragraph of [G.L. c. 40, § 5B](#) is by majority vote of the legislative body of the city, town or district, subject to charter. [G.L. c. 4, § 4](#). (See attached sample acceptance vote.)

C. Dedication of Revenue Stream to a Stabilization Fund

1. Dedication Vote

After a city, town or district has accepted the fourth paragraph of [G.L. c. 40, § 5B](#), its legislative body may vote to dedicate a revenue source to a stabilization fund by a two-thirds vote. The vote must include the (1) specific revenue source being dedicated; (2) the percentage of that revenue source being dedicated, which must be at least 25 percent of the source; and (3) the fund into which the revenue source is being dedicated. A separate vote should be taken for each dedication. (See attached sample dedication vote.)

The vote must take place before July 1 of the fiscal year in which the dedication is to begin. A dedication may be terminated in the same manner, i.e., by a two-thirds vote of the legislative body, but cannot terminate unless it has been in effect for at least three fiscal years.

2. Dedicated Revenue Streams

Any fee, charge or other receipt may be dedicated to a stabilization fund, except:

a. Locally Assessed Taxes, Excises and Property Tax Surcharges

Real and personal property taxes, motor vehicle excises, boat excises, farm animal and machinery excises, classified forest, farm and recreational land and penalty taxes, community preservation surcharges and municipal water infrastructure surcharges cannot be dedicated to a stabilization fund.

b. Revenues Reserved by Law for Particular Purposes

Fees, charges or other receipts already reserved by law for expenditure for a particular purpose cannot be dedicated to a stabilization fund. This includes revenues dedicated by general laws or special acts and revenues dedicated because the city, town or district accepted a statute or otherwise acted under a statute to dedicate them.

For example, the legislative body could not dedicate those betterments and special assessment revenues reserved for debt service under [G.L. c. 44, § 53J](#), parking meter receipts reserved for certain parking related purposes if the city or town had accepted [G.L. c. 40, § 22A](#) or ambulance receipts if the city or town was reserving them for appropriation under [G.L. c. 40, § 5F](#).

This exception means that the fees, charges or other receipts that may be dedicated are revenues that would belong to the general fund. [G.L. c. 44, § 53](#).

3. Dedicated Revenue Accounting

Upon receipt of dedicated revenue, the accounting officer must credit the voted percentage to the designated stabilization fund and the remaining percentage, if any, to the general fund. No appropriation or other action is required.

4. Balance Available for Appropriation

The stabilization fund balance available for appropriation includes only the amount of the dedicated revenue actually received and credited to the fund.

D. Revocation of Acceptance

Acceptance may be revoked, but the city, town or district must wait until at least three years after acceptance. [G.L. c. 4, § 4B](#). Revocation is also by vote of the legislative body of the city, town or district, subject to charter.

Revocation terminates all dedications at the end of the fiscal year in which the revocation takes effect. See II-E below.

E. Effective Date of Acceptance or Revocation

Acceptance or revocation of the fourth paragraph of [G.L. c. 40, § 5B](#) is effective for the fiscal year that begins the next July 1, unless a later fiscal year is designated in the acceptance or revocation vote.

F. Notification of Acceptance or Revocation/Revenue Dedication or Termination

The city, town or district clerk must notify the Municipal Databank if the fourth paragraph of [G.L. c. 40, § 5B](#) is accepted or revoked, and if a revenue source is dedicated to a stabilization fund. (See "[Notification of Acceptance or Revocation/Revenue Dedication or Termination](#).") The notification should be made **as soon as possible** after the vote.

III. STABILIZATION FUND OVERRIDES

A. Presentation and Approval of Override Ballot Question

Cities and towns may ask voters to approve a Proposition 2½ levy limit override ballot question 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. c. 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 fiscal year the override is effective, the appropriation of the funds generated by the override into the particular stabilization fund is made by the usual appropriation procedure for stabilization funds under [G.L. c. 40, § 5B](#), i.e., a majority vote of the legislative body.

Each year thereafter, however, the selectboard, 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 subsequent fiscal year "appropriation" into a stabilization fund. [G.L. c. 59, § 21C\(g\)](#),

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.

Example

A \$100,000 override is approved for a school capital project stabilization fund for fiscal year 2017 and the legislative body appropriates the same amount from that year's tax levy for that purpose.

In FY2018, \$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 FY2019, \$105,062 (1.025 x FY2018 appropriation of \$102,500) is available, but only \$80,000 is "appropriated."

The amount available in FY2020 now becomes \$82,000 (1.025 x FY2019 appropriation of \$80,000). However, no appropriation is made in FY2020.

The amount available in FY2021 is \$82,000 (1.025 x last appropriation made, i.e., FY2019 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 Ballot Question

The selectboard, 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 ballot question before the voters.

2. Question Form

The following question form should be used to ask voters to change the override purpose:

Shall the city/town of _____ be allowed to change the purpose of a Proposition 2½ override question 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. Question Approval

The question 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 not be increased. See Section III-B above.

SAMPLES

(Samples should not be used without the advice of municipal or district counsel.)

DEDICATION OF REVENUES TO A STABILIZATION FUND

ACCEPTANCE

Legislative Body Vote

ARTICLE/ORDER. To see if the city/town/district will vote to accept the fourth paragraph of [Massachusetts General Laws Chapter 40, Section 5B](#), which allows the dedication, without further appropriation, of all, or a percentage not less than 25 percent, of particular fees, charges or receipts to a stabilization fund established under Massachusetts General Laws Chapter 40, Section 5B, to be effective for the fiscal year beginning on July 1, _____, or take any other action relative thereto.

MOTION. Moved/ordered that the city/town/district accept the fourth paragraph of [Massachusetts General Laws Chapter 40, Section 5B](#), which provides for the dedication, without further appropriation, of all, or a percentage not less than 25 percent, of particular fees, charges or receipts to a stabilization fund established under Massachusetts General Laws Chapter 40, Section 5B, to be effective for the fiscal year beginning on July 1, _____.

REVOCATION

Legislative Body Vote

ARTICLE/ORDER: To see if the city/town/district will vote to revoke its acceptance of the fourth paragraph of [Massachusetts General Laws Chapter 40, Section 5B](#), which allows the dedication, without further appropriation, of all, or a percentage not less than 25 percent, of particular fees, charges or receipts to a stabilization fund established under Massachusetts General Laws Chapter 40, Section 5B, to be effective for the fiscal year beginning on July 1, _____, or take any other action relative thereto.

MOTION: Moved/ordered that the city/town/district revoke its acceptance of the fourth paragraph of [Massachusetts General Laws Chapter 40, Section 5B](#), which provides for the dedication, without further appropriation, of all, or a percentage not less than 25 percent, of particular fees, charges or receipts to a stabilization fund established under Massachusetts General Laws Chapter 40, Section 5B, to be effective for the fiscal year beginning on July 1, _____.

REVENUE DEDICATION

Legislative Body Vote

ARTICLE/ORDER: To see if the city/town/district will dedicate all or a percentage, which may not be less than 25 percent, of the _____ to the _____ Stabilization Fund established under [Massachusetts General Laws Chapter 40, Section 5B](#), effective for fiscal year _____ beginning on July 1, _____ or take any other action relative thereto.

MOTION: Moved/ordered that the city/town/district dedicate ____% of the _____ to the _____ Stabilization Fund established under [Massachusetts General Laws Chapter 40, Section 5B](#), effective for the fiscal year _____ beginning on July 1, _____.

Example

ARTICLE/ORDER: To see if the city/town will dedicate all or a percentage, which may not be less than 25 percent, of the meals excise revenues collected under [Massachusetts General Laws Chapter 64L](#) to the Capital Purposes Stabilization Fund established under [Massachusetts General Laws Chapter 40, Section 5B](#), effective for fiscal year 2019 beginning on July 1, 2018, or take any other action relative thereto.

MOTION: Moved/ordered that the city/town dedicate 50% of the meals excise revenues collected under [Massachusetts General Laws Chapter 64L](#) to the Capital Purposes Stabilization Fund established under [Massachusetts General Laws Chapter 40, Section 5B](#), effective for fiscal year 2019 beginning on July 1, 2018.

Treatment of Opioid Settlement Payments

This month's *Ask DLS* features answers to frequently asked questions concerning municipal treatment of anticipated settlement payments from opioid defendants in connection with opioid settlements, including recent statewide opioid settlements. Please let us know if you have other areas of interest or send a question to cityandtown@dor.state.ma.us. We would like to hear from you.

1. Can a municipality that anticipates receiving settlement funds from the recent opioid settlements set up a special revenue account to record them?

No. All money received or collected from any source by a city, town or district belongs to its general fund and can only be spent after appropriation unless a general or special law provides an exception, i.e., expressly restricts use for a particular purpose or allows expenditure by a department or officer without appropriation. G.L. c. 44, § 53. At present, there is no general or special law that provides an exception for these settlement proceeds. Accordingly, statewide opioid settlement funds received by a municipality belong to its general fund.

2. Is the Legislature considering an amendment to create an exception to G.L. c. 44, § 53 for statewide opioid settlement funds paid to municipalities?

Yes. The Legislature is currently considering an amendment to G.L. c. 44, § 53 that would permit municipalities to deposit statewide opioid settlement funds in a separate fund, outside of the general fund, upon the approval of the Director of Accounts. Under the proposed amendment, municipalities would still be required to appropriate the funds for their intended purposes. The Division of Local Services linked to and summarized the proposed amendment in its May 19, 2022 issue of City & Town.

3. Can a municipality that received opioid settlement proceeds prior to June 30, 2022 make an appropriation directly from those proceeds for their intended purpose at a meeting of the legislative body?

No. Funds received prior to the end of FY22 (June 30, 2022) will close to the general fund. In the ordinary course, the funds will then become part of the free cash certified by the Director of Accounts and once certified, may be appropriated. Free cash is traditionally certified in late fall in most communities. If certified by the time a town has their fall town meeting, the funds could be appropriated at that time. If a town does not have a fall town meeting or free cash is not certified until after a fall town meeting, presumably the spring town meeting could then vote to make the appropriation. A city could likewise make an appropriation once free cash is certified. However, it is important to note that free cash can be appropriated for any lawful purpose and difficulties can therefore arise when mandating that the settlement portion of free cash must be used for

specific purposes. An additional issue arises if the community chooses not to certify their free cash or has a negative free cash balance.

4. How can a municipality that receives opioid settlement proceeds after July 1, 2022 use those funds in FY2023?

A city or town may classify settlement funds received in FY23 as general fund estimated receipts (Page 3 Local Receipts) and make an appropriation for the settlement purposes by amending their existing FY23 budget to reflect that new source of revenue before their tax rate is set. The amount they estimate should be the equivalent of what they raised and appropriated from taxation for the purpose, otherwise the excess will simply be reducing the tax levy.

5. If a municipality does not follow the above-described process, is there anything else they can do with these proceeds in FY2023?

If the settlement proceeds are received by March 31, 2023, a municipality can request that the Director of Accounts update their free cash certified as of the previous July 1 to include the unappropriated proceeds and make them available for appropriation on or before June 30, 2023. If the request is approved before the spring town meeting, the town could then make the appropriation at their spring town meeting or, in a city, at their subsequent regularly scheduled meeting.

6. Can a municipality vote to dedicate to a special purpose stabilization fund some or all of the opioid settlement funds it receives?

Yes. IGR 17-20 outlines the procedures that a municipality can follow to create and dedicate funds to a special purpose stabilization fund. If a municipality receives opioid settlement funds before establishing a stabilization fund, it would need to utilize the processes noted above to appropriate into the stabilization fund after it is created. IGR 17-20 notes the required votes of the legislative body to effectuate these actions.

7. Must amounts appropriated from free cash for opioid remediation purposes be closed to the general fund if they are not expended prior to the next year end?

No. These funds may be reserved as a fund balance reserved for continuing appropriations until the purpose of the appropriation has been fulfilled.

Parameters:

Block/Batch: Opioid payment/November 2022

Start: 11/3/2022

End: 11/3/2022

Receipt Detail - Posted

Block/Batch: Opioid		Post Date: 11/03/2022	Status: Posted	Created by: kagilbert	On: 11/08/2022	
Bank Account: 10222785		Description: Eastern-Deposit		Status: Active		
Deposit Date:		Last Edited by: kagilbert		On: 11/08/2022	Comments: Opioid JJ Settlement	
<u>Ledger</u>	<u>Receipt Code</u>	<u>Name</u>	<u>Category</u>	<u>Dept.</u>	<u>Dept. Name</u>	<u>Amount</u>
Rev	01-145-4840-000000	Other Misc Revenue		145	Treasurer	2,543.23
1 Receipt(s) for Batch Opioid payment/November 2022 totalling:						2,543.23
1 Receipt(s) in 1 Batch(es) totalling:						2,543.23

Parameters:

Block/Batch: Opioid Year 2 Payment/September 2022

Start: 9/30/2022

End: 9/30/2022

Receipt Detail - Posted

Block/Batch: Opioid Year 2		Post Date: 09/30/2022	Status: Posted	Created by: kagilbert	On: 10/05/2022	
Bank Account: 10222785		Description: Eastern-Deposit		Status: Active		
Deposit Date:		Last Edited by: kagilbert		On: 10/05/2022	Comments: Opioid Dist. Year 2 Payment	
<u>Ledger</u>	<u>Receipt Code</u>	<u>Name</u>	<u>Category</u>	<u>Dept.</u>	<u>Dept. Name</u>	<u>Amount</u>
Rev	01-145-4840-000000	Other Misc Revenue		145	Treasurer	667.63
1 Receipt(s) for Batch Opioid Year 2 Payment/September 2022 totalling:						667.63
1 Receipt(s) in 1 Batch(es) totalling:						667.63

Parameters:

Block/Batch: National Opioid/July 2022

Start: 7/18/2022

End: 7/18/2022

Receipt Detail - Posted

Block/Batch: National	Post Date: 07/18/2022	Status: Posted	Created by: kagilbert	On: 08/17/2022		
Bank Account: 10222785	Description: Eastern-Deposit	Status: Active				
Deposit Date:	Last Edited by: kagilbert	On: 08/17/2022	Comments: National Opioid Settlement			
<u>Ledger</u>	<u>Receipt Code</u>	<u>Name</u>	<u>Category</u>	<u>Dept.</u>	<u>Dept. Name</u>	<u>Amount</u>
Rev	01-145-4840-000000	Other Misc Revenue		145	Treasurer	635.26
1 Receipt(s) for Batch National Opioid/July 2022 totalling:						635.26
1 Receipt(s) in 1 Batch(es) totalling:						635.26