



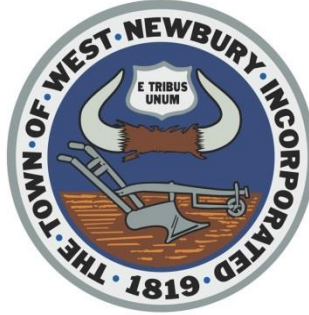
Town of West Newbury, Massachusetts

Annual Town Meeting

April 29, 2024, 7:00 p.m.

Dr. John C. Page Elementary School
Cafetorium

694 Main Street
West Newbury



April 29, 2024

Dear Fellow Residents of West Newbury:

The Finance Committee, along with the Town Manager, has prepared this booklet to assist the voters in making decisions at both the annual and special town meetings this month. The voters in attendance at these meetings form the legislative branch of our town government. Thank you for your participation.

The moderator will facilitate the proper conduct of these two meetings. It is typical that the first money articles to be taken up will be on the special town meeting warrant. These money articles most often rely on transfers and/or appropriations from available funds. Funds appropriated at special town meeting become available immediately, so are helpful for near-term expenses. This would contrast with articles like the Town's operating budget which rely on raising the money to be spent through taxation, and for which funds do not become available until July 1st (the first day of fiscal year 2025). In the end, it is the amount to be raised from taxation which affects your tax bill. That said, all spending decisions should be equally vetted. If we do not spend wisely from free cash, our stabilization or CPA funds, then we have diminished our savings accounts for little or no good purpose.

The special town meeting warrant will have twenty-three articles dealing with new expenditures of town funds. There will also be a housekeeping article related to opioid settlement funds as well as an article extending the sunset dates on some previously approved expenditures.

On the annual town meeting warrant there are, as usual, a few articles dealing with the election of town offices, the reports from town officers or committees, and fixing the amounts that revolving funds may expend. A couple of articles relate to our Community Preservation Fund, one involving our Affordable Housing Trust. There are eleven articles which rely on transfers and/or appropriation from available funds. Five involve the expenditure of funds, three for capital items and two for studies. Two will move money from free cash to increase existing stabilization funds which will reduce the amount needed to be raised by taxation in the future. Four move funds to offset expenses that otherwise would need to be raised by taxation currently.

There are also two articles to establish new stabilization funds, five by-law articles, and one article to accept an opt-in provision of the Commonwealth general laws. None of these articles involve expenditures, but each one is important in its own way. Policy and by-law articles can have a great impact on the fabric of our town and may also affect how we go about the town's business. While no expenditures are required, please remember that at a minimum the efficient operation of the town must be kept in mind. Also, costs may eventually attach themselves to even the seemingly most innocuous of warrant articles, including by-laws and policy amendments.

Before we return to the two operating budgets which will be before you at town meeting, there are two citizen petitions. One is asking that the Select Board file a home rule petition with the state legislature (the "General Court") seeking to lower the voting age to 16 for town elections, town meetings, caucuses, and such. The second would authorize the Select Board to dispose, by sale or lease, of the so-called Mullen property pursuant to a Request for Proposal process, and requests \$100,000 to fund costs related to creation of a zoning district for the Mullen and/or Soldiers and Sailors

properties. The intent of the petition is to zone Mullen and/or Soldiers and Sailors under chapter 40R and/or chapter 40A, section 3A (MBTA).

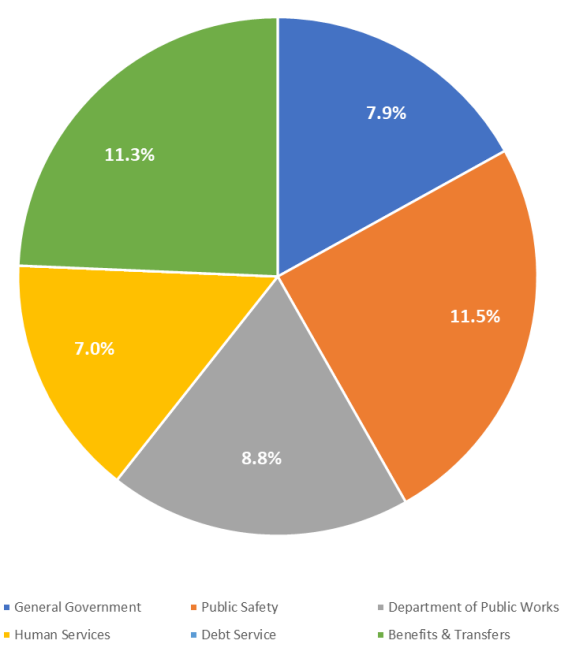
There are two operating budgets presented at every annual town meeting. The first is article 4, the Town's annual budget. This is where funds will be raised via taxation to defray the expenses of the Town for the ensuing fiscal year. The format presented in this booklet for your review and use at the town meeting is the familiar one. Actuals for three fiscal years by line item within categories are shown. The Select Board's budget as presented to the Finance Committee is then shown. The Finance Committee's proposed FY25 budget is next shown, which is the budget being proposed at Town Meeting. Columns exist for dollar amount and percentage changes comparing FY25 to FY24.

The bottom-line grand total of the omnibus budget is an increase in spending of about 4.6% over last year. Last year, the increase in FY24 was about 3.8% over FY23. The increase last year for schools was 8.2%. Schools being just a bit above 50% of the budget, they represented all the increase last year. This was not unexpected. Indeed, the three towns collectively supported this large increase at the Pentucket Regional schools. The rest of town government (non-education) did not increase at all overall. This year is different. The schools have come in at a very modest increase of about 1.8%. This also was not unexpected as the Superintendent and the School Committee had committed to not forcing Groveland and Merrimac into overrides. Our school systems continue to suffer abysmal support from the Commonwealth under its current flawed school funding formula. What the Superintendent and the School Committee have accomplished under these circumstances is commendable. But schools, just like the rest of town government, need adequate resources to perform their appointed tasks. Close attention will need to be paid to the needs of the schools and the resources provided both by us and by the Commonwealth. It is not the best of times for school funding.

The Water Department budget reflects increased costs in debt service due mainly to the Church/Prospect project, the water purchases from Newburyport and retirement expenses related to their staff. In total, the controllable expenses under the direction of the Water Superintendent have increased only 1.8%. The non-controllable expenses are up 59.6%. Together, all expenses are up 27.2%. The new water rates which will be billed in October will cover the expenses and produce a surplus. Surpluses are necessary to provide funds for future projects. Thanks to support from the Select Board, the current Church/Prospect project has \$625,000 of Federal American Rescue Plan Act (ARPA) funding applied to it, thereby offsetting costs to water ratepayers. The next project will likely draw upon retained Water surpluses to keep the amount of debt service lower. Water purchases from Newburyport have averaged about \$158,000 over the past several years. The budget has been set at \$150,000 this year. The Town is investigating possible additional well fields which over time may provide some level of water independence and reduced costs. The cost to produce water at our current wellfields is well below what Newburyport charges us.

Proposed FY25 Budget Breakdown by Category		
Budget Category	Proposed FY25 Budget	% of Total
General Government:	1,475,379	7.9%
Public Safety:	2,161,458	11.5%
Education:	10,027,164	53.5%
Dept. of Public Works:	1,639,609	8.8%
Human Services:	1,308,248	7.0%
Debt Service:	0	0.0%
Benefits & Transfers:	2,117,294	11.3%
TOTAL:	18,729,152	

Proposed FY25 Town Operating Budget (not incl. Education)



As stated previously regarding the Town's financial standing: our AAA bond rating, clean audit reports, lack of debt (non-Water) and strong retained surplus balances attest to the accomplishments of this legislative body (you), the executive branch (Select Board, Town Manager) and all those who work on our behalf.

“We make a living by what we get. We make a life by what we give.”
- Winston Churchill

Rob Phillips, Jr., Chair

The West Newbury Finance Committee

Rob Phillips, Jr., chair
Ross Capolupo, secretary
Daniel Innes

Dennis LaMalfa
James Sperelakis
Angus G. Jennings, ex officio

Reading Votes for Town Meeting Warrant Articles.

Votes for town meeting warrant articles follow the format of **(Yay-Nay-Abstention)** for the given article. For example:

Select Board Recommendation: **Approve: 2-1-0**

This states that two Select Board members approved the article, one disapproved, no abstentions.

FinCom Recommendation: **Disapprove: 2-3-1**

This states that two FinCom members approved the article, three disapproved, one abstention.

WHAT TO EXPECT AT TOWN MEETING

This section is intended to share some information about the preliminary plans for the Monday, April 29, 2024 Annual and Special Town Meeting.

Please note that, unlike in recent years, this spring’s Town Meeting will be held at the Page School. Attendance at the 2023 Annual Town Meeting approached maximum capacity at the Annex, and the Page cafetorium offers greater capacity in case of attendance exceeding last year’s meeting.

Please know that the primary concern of all Town officials is to conduct the meeting in a way that protects the health and safety of everyone, while at the same time upholding our town meeting traditions and standards of participatory democracy. Following is a summary of some of the measures to help conduct town meeting safely and efficiently.

Multiple Sessions: If it does not prove possible to complete the business of both town meetings on Monday, April 29th, Town Meeting could be adjourned to a second date and time. In this instance, the Moderator will advise voters at the Town Meeting of when the adjourned session would resume, and this information will be posted promptly on the Town’s website and Facebook page. While this has not been necessary for the past many years, it is a contingency for which town officials have prepared.

Face Coverings: Attendees may choose to wear face coverings over both their nose and mouth. The Town will provide face coverings on request, for those who do not have them. Anyone who requests separate seating for medical reasons will be assigned to sit in a designated location in which only those with face coverings will be permitted. Attendees in this designated location will be afforded full access to the proceedings.

Main Motion: A designated speaker will read the main motions under the articles. Then we will move to debate.

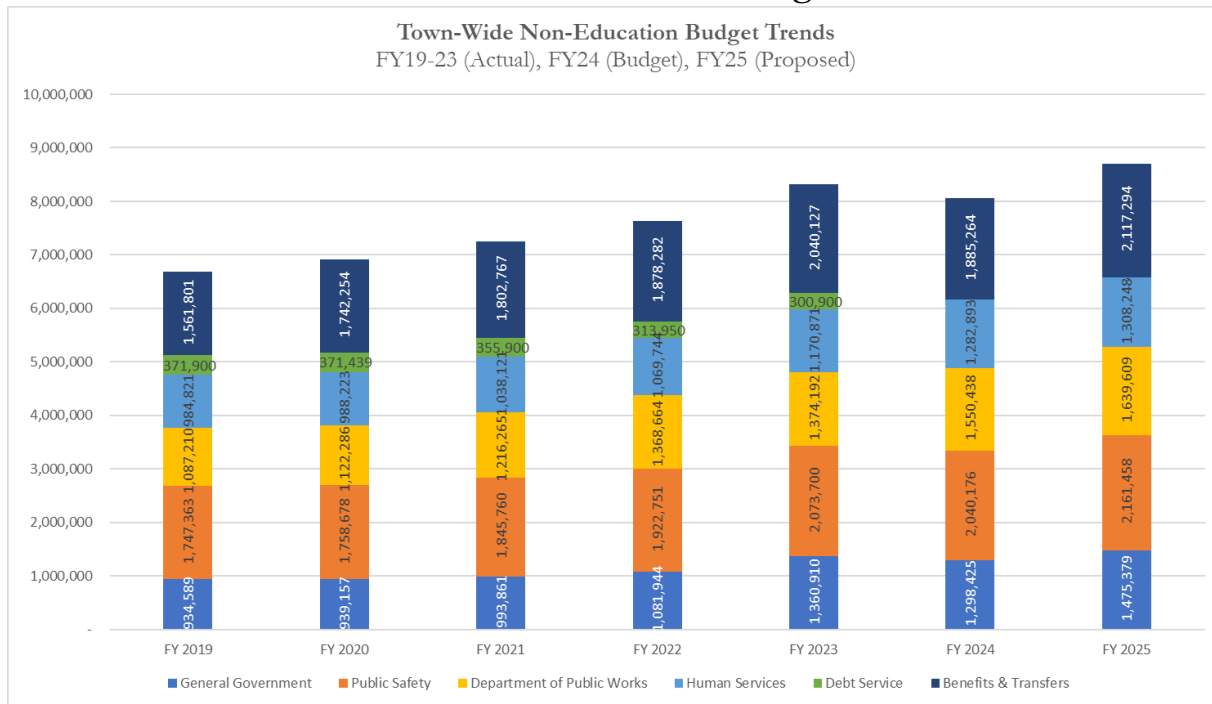
Meeting Efficiency: A number of steps will be taken to help facilitate a quick, efficient, and orderly meeting.

**If the Recommended FY25 Budget is approved,
Proposed FY25 Expense Budget Breakdown**

<u>Town Department</u>	<u>Budget (FY25)</u>	<u>% of Total</u>	<u>Each \$1,000 of your property tax dollars will buy:</u>
EDUCATION	10,027,164	53.5%	\$ 535.38
DPW	1,639,609	8.8%	\$ 87.54
POLICE DEPARTMENT	1,299,568	6.9%	\$ 69.39
ESSEX COUNTY RETIREMENT FUND	911,931	4.9%	\$ 48.69
BOARD OF HEALTH	689,530	3.7%	\$ 36.82
EMPLOYEES' HEALTH INSURANCE	527,440	2.8%	\$ 28.16
LIBRARY	432,950	2.3%	\$ 23.12
TOWN MANAGER	420,861	2.2%	\$ 22.47
NET TRANSFERS - STABILIZATION	400,000	2.1%	\$ 21.36
FINANCE DEPARTMENT	363,055	1.9%	\$ 19.38
PUBLIC SAFETY DISPATCH	341,366	1.8%	\$ 18.23
FIRE DEPARTMENT	328,091	1.8%	\$ 17.52
INSURANCE AND BONDS	212,538	1.1%	\$ 11.35
BOARD OF ASSESSORS	168,227	0.9%	\$ 8.98
TOWN CLERK	157,614	0.8%	\$ 8.42
INSPECTION DEPARTMENT	140,476	0.8%	\$ 7.50
COUNCIL ON AGING	129,338	0.7%	\$ 6.91
CONSERVATION COMMISSION	104,704	0.6%	\$ 5.59
PLANNING BOARD	87,921	0.5%	\$ 4.69
TOWN COUNSEL	82,127	0.4%	\$ 4.38
MEDICARE INSURANCE (FICA)	64,185	0.3%	\$ 3.43
FINANCE COMMITTEE	52,000	0.3%	\$ 2.78
ANIMAL CONTROL OFFICER	34,856	0.2%	\$ 1.86
VETERANS	29,598	0.2%	\$ 1.58
RECREATION	26,232	0.1%	\$ 1.40
BOARD OF REGISTRARS/ELECTIONS	21,950	0.1%	\$ 1.17
SELECT BOARD	15,960	0.1%	\$ 0.85
EMERGENCY MANAGEMENT	12,601	0.1%	\$ 0.67
HARBORMASTER	4,500	0.0%	\$ 0.24
UNEMPLOYMENT COMPENSATION	1,200	0.0%	\$ 0.06
BOARD OF APPEALS	700	0.0%	\$ 0.04
HISTORICAL COMMISSION	600	0.0%	\$ 0.03
MODERATOR	260	0.0%	\$ 0.01
OPEN SPACE COMMITTEE	0	0.0%	\$ -
CULTURAL COUNCIL	0	0.0%	\$ -
DEBT SERVICE	0	0.0%	\$ -
TOTAL	\$ 18,729,152	100.0%	\$ 1,000.00

Source: Angus Jennings, Town Manager, 4/14/24

Town-wide Non-Education Budget Trends



Source: Angus Jennings, Town Manager

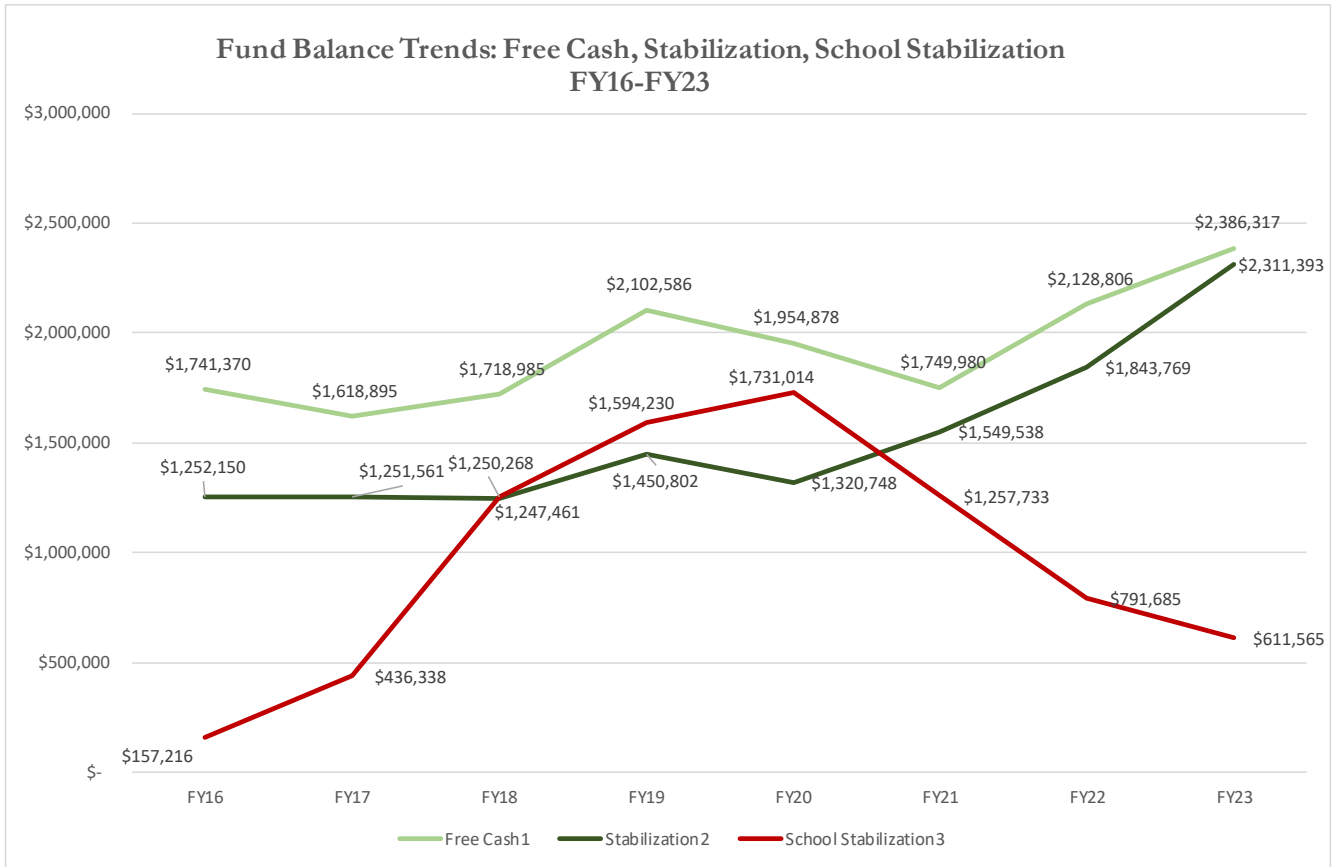
Town-wide Average Single Family Assessed Value and Tax Bill

Town of West Newbury, FY11-FY24

Fiscal Year	Total Single Family Value	Single Family Parcels	Average Single Family Home Value	Average Single Family Tax Bill	Average Dollar Change from Prior Year	% Change from Prior Year
2024	\$1,220,004,900	1,400	\$871,432	\$9,429	\$438	4.9%
2023	\$1,140,364,400	1,399	\$815,128	\$8,991	\$236	2.7%
2022	\$936,075,900	1,391	\$672,952	\$8,755	\$38	0.4%
2021	\$814,289,900	1,390	\$585,820	\$8,717	\$366	4.4%
2020	\$804,428,300	1,389	\$579,142	\$8,351	\$50	0.6%
2019	\$785,068,500	1,378	\$569,716	\$8,301	\$451	5.7%
2018	\$738,617,100	1,370	\$539,137	\$7,850	\$140	1.8%
2017	\$721,692,600	1,362	\$529,877	\$7,710	\$67	0.9%
2016	\$708,878,300	1,357	\$522,386	\$7,643	\$171	2.3%
2015	\$644,831,600	1,354	\$476,242	\$7,472	\$220	3.0%
2014	\$616,881,300	1,344	\$458,989	\$7,252	\$96	1.3%
2013	\$607,427,900	1,337	\$454,322	\$7,156	\$414	6.1%
2012	\$602,788,900	1,326	\$454,592	\$6,742	\$233	3.6%
2011	\$627,563,400	1,319	\$475,787	\$6,509	\$162	2.6%

Source: West Newbury Assessing Department

Tracking Key General Fund Balance Trends



Source: Angus Jennings, Town Manager, April 14, 2024

Fund Balance Trends, FY16-FY23			
Fiscal Year	Free Cash ¹	Stabilization ²	School Stabilization ³
FY16	\$ 1,741,370	\$1,252,150	\$ 157,216
FY17	\$ 1,618,895	\$1,251,561	\$ 436,338
FY18	\$ 1,718,985	\$1,247,461	\$ 1,250,268
FY19	\$ 2,102,586	\$1,450,802	\$ 1,594,230
FY20	\$ 1,954,878	\$1,320,748	\$ 1,731,014
FY21	\$ 1,749,980	\$1,549,538	\$ 1,257,733
FY22	\$ 2,128,806	\$1,843,769	\$ 791,685
FY23	\$ 2,386,317	\$2,311,393	\$ 611,565

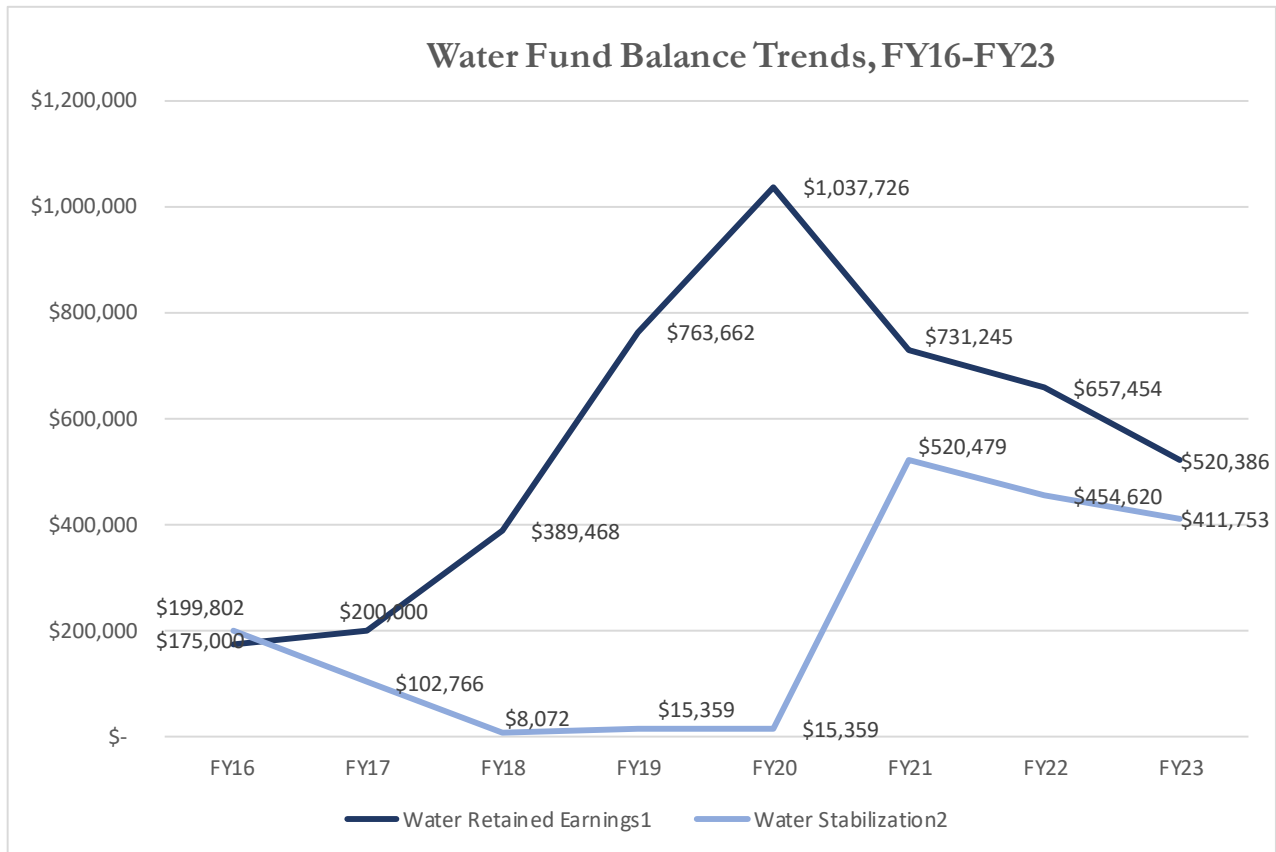
Stabilization + Free Cash
\$ 1,252,150
\$ 1,251,561
\$ 1,247,461
\$ 1,450,802
\$ 1,320,748
\$ 1,549,538
\$ 1,843,769
\$ 2,311,393

¹ Source: MA DOR Form B-1, FY16-FY23.

² Source: Year-End Fund Balance Reports/Town Accountant.

³ Source: Finance Committee Town Meeting booklets, FY16-23.

Tracking Key Water Enterprise Fund Balance Trends



Source: Angus Jennings, Town Manager, April 14, 2024

Water Fund Balance Trends, FY16-FY23						
Fiscal Year	Water Retained Earnings ¹		Water Stabilization ²	Water Stabilization + Retained Earnings		
FY16	\$	175,000	\$	199,802	\$	374,802
FY17	\$	200,000	\$	102,766	\$	302,766
FY18	\$	389,468	\$	8,072	\$	397,540
FY19	\$	763,662	\$	15,359	\$	779,021
FY20	\$	1,037,726	\$	15,359	\$	1,053,085
FY21	\$	731,245	\$	520,479	\$	1,251,724
FY22	\$	657,454	\$	454,620	\$	1,112,074
FY23	\$	520,386	\$	411,753	\$	932,139

¹ Source: Finance Committee Town Meeting booklets, FY16-17; MA DOR Retained Earnings Calculations, FY18-FY23.

² Source: Finance Committee Town Meeting booklets, FY16-23.

**TOWN OF WEST NEWBURY
COMMONWEALTH OF MASSACHUSETTS
WARRANT – ANNUAL TOWN MEETING
MONDAY, APRIL 29, 2024 @ 7:00pm**

Essex, ss.

To any of the Constables of the Town of West Newbury:

In the name of the Commonwealth, you are hereby required to notify and warn all the inhabitants of the Town of West Newbury, who are qualified to vote in the elections and Town affairs, to meet in the **Page School, located at 694 Main Street, at 7:00 p.m. on Monday, April 29, 2024**, to act upon or take any other action relative to all but the first of the following articles.

Also, to meet in the Annex at 379 Main Street on Monday, May 6, 2024 to act on Article 1, which calls for the election of Town Officials. Polls will be open at 7:00 a.m. and will close at 8:00 p.m.

GENERAL GOVERNMENT MATTERS

ARTICLE 1: To give their votes to the election of the following offices:

Term Position Seat(s):
Three Years Selectman (1)
Three Years School Committee (1)
Three Years Assessor (1)
Five Years Planning Board (1)
Three Years Water Commissioner (1)
Three Years Board of Health (1)
Three Years Park & Recreation Commissioner (1)
One Year Park & Recreation Commissioner (1)
Five Years Housing Authority (1)
Three Years Moderator (1)
Three Years Library Trustees (3)
Three Years Constable (1)

By request of the Select Board.

ARTICLE 2: 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.*

ARTICLE 3: To see if the Town will vote to transfer and/or appropriate the sum of \$200,000.00 from the School Stabilization Fund to pay a portion of the Town share of debt services associated

with the building of the Pentucket Middle/High School, or take any other action relative thereto.
By request of the Select Board.

FinCom Recommendation:

Approve: 5-0-0

Select Board Recommendation:

Approve: 3-0-0

Rationale for Approval: *This fund was created to help defray the impacts of the Middle/High School building project. In FY2024, the Select Board proposed and was approved to transfer \$200,000 from this account to pay a portion of the Town's share of debt service for this project, which reduced the current year tax rate. For FY2025, the Select Board is again proposing to transfer the sum of \$200,000 from this fund. Transferring the same amount as in FY24, and potentially in future years going forward, allows for a longer duration of funds to reduce the tax impact than the larger dollar amounts transferred prior to FY2023. Once the funds in this account are fully expended, the total cost burden of this project will be felt in the annual operating budget. Spreading out the benefit of these funds over more years is intended to provide for a smoother transition for taxpayers.*

Funding Source: *School Stabilization Fund*

Sunset Date: *N/A*

ARTICLE 4: To determine what sums of money the Town will raise and appropriate for defraying the expenses of the Town for ensuing fiscal year and for the payment of Town debt, or take any other action relative thereto. *By request of the Select Board.*

FY25 Omnibus Budget							
	FY 2022	FY 2023	FY 2024	FY 2025		Change from FY24	
	Expended	Expended	Approved Budget	Select Board	FinCom Proposed	\$	%
GENERAL GOVERNMENT							
1 MODERATOR							
Salary	200	200	200	200	200	-	0.0%
Expenses	30	60	60	60	60	-	0.0%
SUBTOTAL	230	260	260	260	260	-	0.0%
2 SELECT BOARD							
Salary & Wages	29,821	30,116	-	-	-	-	n/a
Professional and Technical Services	4,000	10,000	10,000	10,000	10,000	-	0.0%
Operating Expenses	6,788	14,000	3,940	7,060	5,960	2,020	51.3%
SUBTOTAL	40,609	54,116	13,940	17,060	15,960	2,020	14.5%
3 TOWN MANAGER							
Town Manager Salary	153,875	156,952	160,091	163,299	163,299	3,208	2.0%
Salary & Wages	72,092	73,541	71,504	142,338	142,338	70,834	99.1%
Technology Expenses	53,427	67,061	76,455	82,645	82,645	6,190	8.1%
Expenses, Comms (bldg), Dues/Subscr/Cont. Ed	38,616	24,553	23,035	33,179	28,979	5,944	25.8%
Vehicle Allowance	3,600	3,600	3,600	3,600	3,600	-	0.0%
SUBTOTAL	321,610	325,707	334,685	425,061	420,861	86,176	25.7%
4 FINANCE DEPARTMENT							
Salary & Wages	193,218	270,594	259,141	264,645	264,645	5,504	2.1%
Annual Audit	20,500	20,500	22,000	23,000	23,000	1,000	4.5%
Tax Title and Foreclosure	-	800	2,050	4,746	4,746	2,696	131.5%
Postage Expense	14,437	16,430	16,200	19,000	19,000	2,800	17.3%
Finance Dept Expenses	24,748	27,280	24,945	47,164	47,164	22,219	89.1%
Training and Travel	1,613	2,000	2,000	4,500	4,500	2,500	125.0%
SUBTOTAL	254,516	337,604	326,336	363,055	363,055	36,719	11.3%
5 FINANCE COMMITTEE							
Salaries	-	-	-	-	-	-	-
Expenses	1,312	2,000	2,000	2,000	2,000	-	0.0%
Reserve Fund	-	80,000	40,000	50,000	50,000	10,000	25.0%
SUBTOTAL	1,312	82,000	42,000	52,000	52,000	10,000	23.8%
6 ASSESSING DEPARTMENT							
Salary & Wages	127,109	132,081	138,792	141,647	141,647	2,855	2.1%
Expenses	46,779	51,699	26,580	26,580	26,580	-	0.0%
SUBTOTAL	173,888	183,780	165,372	168,227	168,227	2,855	1.7%
7 SPECIAL COUNSEL							
Legal Fees and Expenses	53,677	65,124	82,349	82,127	82,127	(222)	-0.3%
SUBTOTAL	53,677	65,124	82,349	82,127	82,127	(222)	-0.3%
8 TOWN CLERK							
Salary & Wages	112,969	135,144	141,749	142,314	142,314	565	0.4%
Operation of Fax/Copier Machine	5,507	6,370	6,620	6,800	6,800	180	2.7%
Expenses	6,824	7,500	8,225	8,500	8,500	275	3.3%
SUBTOTAL	125,300	149,014	156,594	157,614	157,614	1,020	0.7%
9 BOARD OF REGISTRARS/ELECTIONS							
Town Clerk Compensation	200	200	200	200	200	-	0.0%
Bd of Registrars Salary & Wages	2,965	9,900	8,400	11,250	11,250	2,850	33.9%
Bd of Registrars Expenses	7,800	8,000	10,170	10,500	10,500	330	3.2%
SUBTOTAL	10,965	18,100	18,770	21,950	21,950	3,180	16.9%
10 CONSERVATION COMMISSION							
Salary & Wages	25,713	60,281	69,280	91,075	91,075	21,795	31.5%
Land Steward/Internship Wages				7,500	7,500	7,500	n/a
Expenses	6,181	6,351	7,226	6,129	6,129	(1,097)	-15.2%
SUBTOTAL	31,894	66,632	76,506	104,704	104,704	28,198	36.9%
11 PLANNING BOARD							
Salary & Wages	59,319	66,155	73,071	81,061	81,061	7,990	10.9%
Expenses	6,151	9,220	5,300	5,100	5,100	(200)	-3.8%
MVPC Assessment	1,705	1,748	1,792	1,760	1,760	(32)	-1.8%
SUBTOTAL	67,175	77,123	80,163	87,921	87,921	7,758	9.7%

FY25 Omnibus Budget							
	FY 2022	FY 2023	FY 2024	FY 2025		Change from FY24	
	Expended	Expended	Approved Budget	Select Board	FinCom Proposed	\$	%
12 BOARD OF APPEALS							
Salary & Wages	-	-	-	-	-	-	
ZBA Expenses	700	700	700	1,400	700	-	0.0%
SUBTOTAL	700	700	700	1,400	700	-	0.0%
13 OPEN SPACE COMMITTEE							
Expenses	69	750	750	750	-	(750)	-100.0%
SUBTOTAL	69	750	750	750	-	(750)	-100.0%
TOTAL GENERAL GOVERNMENT:	1,081,945	1,360,910	1,298,425	1,482,129	1,475,379	176,954	13.6%
PUBLIC SAFETY							
14 POLICE DEPARTMENT							
Salary & Wages	885,785	955,220	1,015,727	1,068,258	1,068,258	52,531	5.2%
Police OT Wages	101,301	69,883	71,468	120,000	120,000	48,532	67.9%
School Resource Officer	68,845	63,427	-	-	-	-	n/a
Police Expenses	99,984	105,560	108,560	111,310	111,310	2,750	2.5%
Police Cruiser	40,000	40,000	-	-	-	-	n/a
SUBTOTAL	1,195,915	1,234,090	1,195,755	1,299,568	1,299,568	103,813	8.7%
15 FIRE DEPARTMENT							
Fire Alarm Wages	68,213	94,448	95,374	156,911	156,911	61,537	64.5%
Fire Training/Drills	20,486	27,893	28,168	-	-	(28,168)	-100.0%
Fire Dept Other Wages	18,405	26,530	26,792	-	-	(26,792)	-100.0%
Fire Administration Wages	27,614	27,305	27,575	21,420	21,420	(6,155)	-22.3%
Fire Dept. Medical Exam	2,400	3,000	3,000	-	-	(3,000)	-100.0%
Hydrant/Fire Protection (to Water Dept)	77,207	77,207	81,510	81,510	81,510	-	0.0%
Fire Alarm Communications	11,601	11,000	12,500	-	-	(12,500)	-100.0%
Fire Expenses	56,941	46,000	46,000	68,250	68,250	22,250	48.4%
SUBTOTAL	282,867	313,383	320,919	328,091	328,091	7,172	2.2%
16 PUBLIC SAFETY DISPATCH							
Salary & Wages	219,917	285,034	270,778	275,776	275,776	4,998	1.8%
Municipal Dispatch OT Wages	22,853	25,765	26,480	35,000	35,000	8,520	32.2%
Expenses	23,552	27,590	30,590	30,590	30,590	-	0.0%
SUBTOTAL	266,322	338,389	327,848	341,366	341,366	13,518	4.1%
17 INSPECTION DEPARTMENT							
Salary & Wages	125,700	129,962	135,538	124,276	124,276	(11,262)	-8.3%
Expenses	7,019	9,000	9,000	9,000	9,000	-	0.0%
Inspectors' Vehicle Allowances	5,760	5,880	7,200	7,200	7,200	-	0.0%
SUBTOTAL	138,479	144,842	151,738	140,476	140,476	(11,262)	-7.4%
18 EMERGENCY MANAGEMENT AGENCY							
Salary & Wages	7,770	9,138	9,413	9,601	9,601	188	2.0%
Expenses	2,999	3,000	3,000	3,000	3,000	-	0.0%
SUBTOTAL	10,769	12,138	12,413	12,601	12,601	188	1.5%
19 ANIMAL CONTROL OFFICER							
Animal Control Expenses	25,898	26,858	27,503	34,856	34,856	7,353	26.7%
SUBTOTAL	25,898	26,858	27,503	34,856	34,856	7,353	26.7%
20 HARBORMASTER							
Salary & Wages	-	-	-	-	-	-	
Contracted Services	2,500	4,000	4,000	4,500	4,500	500	12.5%
SUBTOTAL	2,500	4,000	4,000	4,500	4,500	500	12.5%
TOTAL PUBLIC SAFETY:	1,922,750	2,073,700	2,040,176	2,161,458	2,161,458	121,282	5.9%

FY25 Omnibus Budget



	FY 2022	FY 2023	FY 2024	FY 2025		Change from FY24	
	Expended	Expended	Approved Budget	Select Board	FinCom Proposed	\$	%
EDUCATION							
21 PENTUCKET							
Pentucket Regional Sch Assessment	7,242,985	7,408,673	7,862,142	7,993,171	7,993,171	131,029	1.7%
Pentucket Capital Assessment	1,196,556	835,497	1,154,371	1,157,182	1,157,182	2,811	0.2%
Pentucket Assessment Page Phase II	493,338	485,238	479,838	474,438	474,438	(5,400)	-1.1%
SUBTOTAL	8,932,879	8,729,408	9,496,351	9,624,791	9,624,791	128,440	1.4%
22 WHITTIER							
Whittier Minimum Contribution	136,998	219,455	217,901	257,694	257,694	39,793	18.3%
Whittier Other Assessments	18,727	27,420	23,624	25,403	25,403	1,779	7.5%
Whittier Debt/Capital Assess	21,602	23,860	21,392	17,590	17,590	(3,802)	-17.8%
SUBTOTAL	177,327	270,735	262,917	300,687	300,687	37,770	14.4%
23 ESSEX NORTH SHORE AG & TECH							
Essex North Shore Agricultural & Technical School	41,234	43,213	94,110	101,686	101,686	7,576	8.1%
SUBTOTAL	41,234	43,213	94,110	101,686	101,686	7,576	8.1%
TOTAL EDUCATION:	9,151,440	9,043,356	9,853,378	10,027,164	10,027,164	173,786	1.8%
DEPARTMENT OF PUBLIC WORKS							
24 DEPARTMENT OF PUBLIC WORKS							
Salary & Wages	483,533	567,397	635,593	663,067	663,067	27,474	4.3%
DPW Overtime Wages	17,299	16,000	18,000	24,000	24,000	6,000	33.3%
Snow & Ice Removal	247,245	150,000	200,000	200,000	200,000	-	0.0%
Town Bldgs Operating Expenses	143,869	150,830	158,030	158,030	158,030	-	0.0%
Town Bldgs Improvements	41,438	51,000	51,000	51,000	51,000	-	0.0%
Street/Paving Repairs	59,693	55,000	55,000	55,000	55,000	-	0.0%
Highway, Sidewalk & Trees	203,126	205,215	219,580	280,000	250,000	30,420	13.9%
Stormwater management Expenses	10,226	15,500	15,500	15,000	15,000	(500)	-3.2%
Parks Expenses	12,080	14,250	16,485	18,025	18,025	1,540	9.3%
Electricity	14,884	15,000	28,790	44,087	44,087	15,297	53.1%
Road Machinery Operating Expen	80,886	70,000	84,000	84,000	84,000	-	0.0%
DPW Travel & Training	41,442	51,000	54,060	60,000	60,000	5,940	11.0%
Public Street Lights	6,000	6,000	6,000	6,000	6,000	-	0.0%
	6,943	7,000	8,400	11,400	11,400	3,000	35.7%
SUBTOTAL	1,368,664	1,374,192	1,550,438	1,669,609	1,639,609	89,171	5.8%
TOTAL PUBLIC WORKS:	1,368,664	1,374,192	1,550,438	1,669,609	1,639,609	89,171	5.8%
HUMAN SERVICES							
25 BOARD OF HEALTH							
Salary & Wages	126,498	129,621	134,918	137,616	137,616	2,698	2.0%
Public Health Nurse	5,700	8,175	6,000	6,000	6,000	-	0.0%
Waste Collection & Disposal Recycling	375,998	401,940	421,400	441,360	441,360	19,960	4.7%
Hazardous Waste Expense	1,670	10,000	45,000	43,000	43,000	(2,000)	-4.4%
Steele landfill monitoring Expenses	1,798	2,000	2,000	2,000	2,000	-	0.0%
	29,708	33,555	36,915	52,554	52,554	15,639	42.4%
	7,174	7,000	7,000	7,000	7,000	-	0.0%
SUBTOTAL	548,546	592,291	653,233	689,530	689,530	36,297	5.6%
26 COUNCIL ON AGING							
Salary & Wages	71,524	100,308	103,982	109,838	109,838	5,856	5.6%
Expenses	21,808	19,500	19,500	19,500	19,500	-	0.0%
SUBTOTAL	93,332	119,808	123,482	129,338	129,338	5,856	4.7%
27 VETERANS							
Soldiers Grave Expenses	3,632	3,592	3,592	4,700	4,700	1,108	30.8%
Memorial Day Expenses	1,661	2,200	2,320	1,600	1,600	(720)	-31.0%
Other Assessments-Veterans Services	5,816	4,400	6,000	5,000	5,000	(1,000)	-16.7%
Northern Essex Veterans Services	21,695	21,096	22,960	18,298	18,298	(4,662)	-20.3%
SUBTOTAL	32,804	31,288	34,872	29,598	29,598	(5,274)	-15.1%
TOTAL HUMAN SERVICES:	674,682	743,387	811,587	848,466	848,466	36,879	4.5%

FY25 Omnibus Budget							
	FY 2022	FY 2023	FY 2024	FY 2025		Change from FY24	
	Expended	Expended	Approved Budget	Select Board	FinCom Proposed	\$	%
CULTURE & RECREATION							
28 LIBRARY							
Salary & Wages	260,013	282,899	307,665	317,950	317,950	10,285	3.3%
Expenses	38,461	33,000	33,000	33,000	33,000	-	0.0%
Books and Periodicals	71,241	78,000	81,569	82,000	82,000	431	0.5%
SUBTOTAL	369,715	393,899	422,234	432,950	432,950	10,716	2.5%
29 RECREATION							
Salary & Wages	1,335	2,700	5,072	6,332	6,332	1,260	24.8%
Recreation Expenses	16,000	19,085	33,200	10,900	10,900	(22,300)	-67.2%
Action Cove Expenses	1,826	3,000	-	-	-	-	n/a
SUBTOTAL	19,161	24,785	38,272	17,232	17,232	(21,040)	-55.0%
30 MILL POND OPERATING EXPENSES							
Mill Pond Operating Expenses	188	2,100	2,100	2,100	1,000	(1,100)	-52.4%
SUBTOTAL	188	2,100	2,100	2,100	1,000	(1,100)	-52.4%
31 BANDSTAND							
Expenses	6,000	6,000	8,000	8,000	8,000	-	0.0%
SUBTOTAL	6,000	6,000	8,000	8,000	8,000	-	0.0%
32 HISTORICAL COMMISSION							
Expenses	-	600	600	600	600	-	0.0%
SUBTOTAL	-	600	600	600	600	-	0.0%
33 CULTURAL COUNCIL							
Cultural Council Expenses	-	100	100	100	-	(100)	-100.0%
SUBTOTAL	-	100	100	100	-	(100)	-100.0%
TOTAL CULTURE & RECREATION:	395,064	427,484	471,306	460,982	459,782	(11,524)	-2.4%
DEBT SERVICE							
34 DEBT SERVICE							
Principal	305,000	295,000	-	-	-	-	n/a
Interest	8,950	5,900	-	-	-	-	n/a
SUBTOTAL	313,950	300,900	-	-	-	-	n/a
TOTAL DEBT SERVICE:	313,950	300,900	-	-	-	-	n/a
BENEFITS							
35 ESSEX COUNTY RETIREMENT FUND							
Essex Regional Retirement Assess	731,432	805,420	675,135	911,931	911,931	236,796	35.1%
SUBTOTAL	731,432	805,420	675,135	911,931	911,931	236,796	35.1%
36 UNEMPLOYMENT COMPENSATION							
Unemployment Insurance	439	1,500	1,200	1,200	1,200	-	0.0%
SUBTOTAL	439	1,500	1,200	1,200	1,200	-	0.0%
37 EMPLOYEES' HEALTH INSURANCE							
Group Insurance	406,997	481,857	527,865	547,440	527,440	(425)	-0.1%
SUBTOTAL	406,997	481,857	527,865	547,440	527,440	(425)	-0.1%
38 MEDICARE INSURANCE (FICA)							
FICA Insurance	52,412	51,485	61,421	64,185	64,185	2,764	4.5%
SUBTOTAL	52,412	51,485	61,421	64,185	64,185	2,764	4.5%
39 INSURANCE AND BONDS							
Insurance and Bonds	187,002	199,865	219,643	212,538	212,538	(7,105)	-3.2%
SUBTOTAL	187,002	199,865	219,643	212,538	212,538	(7,105)	-3.2%
TOTAL BENEFITS:	1,378,282	1,540,127	1,485,264	1,737,294	1,717,294	232,030	15.6%
TRANSFERS - STABILIZATION							
40 Transfers Out - to Stabilization	500,000	500,000	600,000	600,000	600,000	-	0.0%
Transfers In - from School Stabilization			(200,000)	(200,000)	(200,000)	-	
SUBTOTAL	500,000	500,000	400,000	400,000	400,000	-	0.0%
GRAND TOTAL OMNIBUS BUDGET	16,786,777	17,364,056	17,910,574	18,787,102	18,729,152	818,578	4.6%

WATER ENTERPRISE FUND

ARTICLE 5: In accordance with the provisions of Chapter 38 of the Acts of 1936, to see what instructions, rules, and regulations the Town may wish to impose on the Board of Water Commissioners, or take any other action relative thereto. *By request of the Board of Water Commissioners.*

ARTICLE 6: To see if the Town will vote to appropriate, in anticipation of Water Department revenues, the sum of \$1,272,462.00 of which \$327,672.00 for salaries and wages, which include \$1,700.00 for Water Commissioners’ Stipends; \$54,200.00 for insurances; \$442,653.00 for expenses; \$353,033.00 for debt service; \$20,000.00 for extraordinary and unforeseen expenses; and \$74,904.00 for budgeted surplus; and that \$58,440.00 be raised and appropriated in the General Fund and be allocated to the Water Enterprise Fund for indirect costs, or take any other action relative thereto. *By request of the Board of Water Commissioners.*

FinCom Recommendation:

Approve: 3-1-1

Select Board Recommendation:

Approve: 1-2-0

ANNUAL APPROPRIATIONS

ARTICLE 7: To see if the Town will vote to transfer and/or appropriate the sum of \$10,364.00 from the Septic Loan Revolving Account for the repayment of debt service, or take any other action relative thereto. *By request of the Board of Health.*

FinCom Recommendation:

Approve: 4-0-1

Select Board Recommendation:

Approve: 3-0-0

Rationale for Approval: *In 2001, the Town enrolled in a 20-year state-financed program to loan residents money to help them rebuild septic systems that did not conform to Title V. This State program offered 0% loans to communities, which in turn provided low-interest betterment loans to eligible homeowners with failed septic systems. The program has been administered by the local Board of Health, and the Town loaned money at a rate of 3% (to cover the cost of administration). The homeowners repay the loan money to the Town, which in turn reimburses the Commonwealth. Neither the Town nor the Commonwealth profits from this transaction. The Town has been making these payments since 2001, with the amount based on the number of borrowers. This year the amount is \$10,364, and this year’s payment will fully extinguish this loan. This program is no longer open to new participants.*

Funding Source: *Septic Loan Revolving Account*

Sunset Date: *N/A*

ARTICLE 8: To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$113,673.00 for the Pension Liability Stabilization Fund, or take any other action relative thereto. *By request of the Select Board.*

FinCom Recommendation:

Approve: 5-0-0

Select Board Recommendation:

Approve: 2-0-0

Rationale for Approval: *The Town established a Pension Liability Stabilization fund several years back and has been putting in an amount equal to 10% of the annual billing amount it receives each year from the Essex Regional Retirement System. This year it is proposed that the funding rate be increased to 11.5%. Doing so will allow us to keep to the schedule that was established last year whereby we expect to have sufficient funds to smooth out future pension expense increases to 2% a year. In essence, the Essex Regional Retirement System is scheduled to increase their annual billings by a higher rate, but the use of this Stabilization Fund in the future will lower the cost to taxpayers in those years. It is very appropriate to use accumulated surplus (Free Cash) to lower future expenses since the pension obligation relates to past underfunding of the pension requirements. This past underfunding was endemic to all Massachusetts retirement systems but must be caught up no later than 2040. Our retirement system expects to be fully funded around 2036.*

Funding Source: *Free Cash*

Sunset Date: *N/A*

ARTICLE 9: To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$25,500.00 for contribution to the Other Post-Employment Benefits (OPEB) Stabilization Fund, or take any other action relative thereto. *By request of the Select Board.*

FinCom Recommendation:

Approve: 4-0-1

Select Board Recommendation:

Approve: 2-0-0

Rationale for Approval: *Established at April 2010 Town Meeting, West Newbury's Other Postemployment Benefits (OPEB) Stabilization Fund is designed to fund benefits obligated to the Town's eligible current and future retirees. This year's transfer to the fund is recommended at 10% of the June 30, 2023 OPEB liability, as calculated by the Town's independent OPEB Actuary. An annual financial commitment to OPEB is considered a "best financial practice" by the Massachusetts Department of Revenue in order to ensure that resources are available to meet the Town's future obligations. Similar to the previous article (Pension Liability Stabilization) the Town (with Town Meeting approval) can draw from this fund in future years in order to reduce/stabilize costs to future years' taxpayers. This article is unanimously supported by the Finance Committee.*

Funding Source: *Free Cash*

Sunset Date: *N/A*

ARTICLE 10: To see if the Town will vote to appropriate \$40,000 from the PEG Access and Cable Related Fund for the purposes of funding its FY 2025 cable-related expenses pursuant to the provisions of M.G.L. Chapter 44, Section 53F³/₄; or take any other action relative thereto. *By request of the Cable Advisory Committee.*

FinCom Recommendation:

Approve: 5-0-0

Select Board Recommendation:

Approve: 3-0-0

Rationale for Approval: *The Finance Committee recommends approval of this Article. The Town receives quarterly franchise fees from Verizon and Comcast pursuant to license agreements that allow them to provide cable communications services within the Town. These fees have averaged about \$60,000 per year for the past three years and are deposited in an account designated for cable related Public, Educational, and Governmental expenses. (“PEG” Account). The balance in this account is currently around \$243,000. This Article would allow the Cable Advisory Committee to spend up to \$40,000 from this account in FY2025 to expand cable facilities in Town properties, fund public and educational programming, and pay cable related expenses. The Town expects to be working on renewals of both multi-year license agreements during FY2025, and this appropriation will also be available to fund any related legal expenses so that these costs would not draw from the General Fund legal services budget.*

Funding Source: PEG Access and Cable Related Fund

Sunset Date: N/A

ARTICLE 11: 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 amounts that may be spent during the fiscal year beginning on July 1, 2024 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 5.1 Summer Recreation Revolving Fund	\$ 75,000.00
▪ Section 5.2 GAR Library Fines and Penalties Revolving Fund	\$ 10,000.00
▪ Section 5.3 Police Vehicle Revolving Fund	\$ 20,000.00
▪ Section 5.4 Pipestave/Mill Pond Care and Maintenance Revolving Fund	\$ 5,000.00
▪ Section 5.5 Electric Vehicle Charging Stations Revolving Fund	\$ 10,000.00
▪ Section 5.6 Curbside Collection of Trash, Recycling and Food Waste Revolving Fund	\$ 50,000.00
▪ Section 5.7 Council on Aging Program Revolving Fund	\$ 30,000.00

By request of the Select Board.

FinCom Recommendation:

Approve: 4-0-1

Select Board Recommendation:

Approve: 3-0-0

Rationale for Approval: *The Finance Committee supports this as a measure to comply with the statute simplifying the annual appropriation for revolving funds. This Article authorizes those departments with revolving funds to use the fees and monies collected, pursuant to our Revolving Fund Bylaw, up to the limits specified in this Article.*

ARTICLE 12: To see if the Town will vote to allocate and/or reserve from the Community Preservation Fund annual revenues, the amounts recommended by the Community Preservation Committee for committee administrative expenses, community preservation projects and other expenses in the Fiscal Year beginning July 1, 2024, with each item to be considered a separate appropriation:

- Appropriate \$36,500.00 from FY 2025 estimated revenues for Committee Administrative Expenses.
- Reserve \$73,000.00 from FY 2025 estimated revenues for Community Housing Reserve.
- Reserve \$73,000.00 from FY 2025 estimated revenues for Historic Resources Reserve.
- Reserve \$73,000.00 from FY 2025 estimated revenues for Open Space & Recreation Reserve.
- Reserve \$474,500.00 from FY 2025 estimated revenues for Budgeted Reserve.

or take any other action relative thereto. *By request of the Community Preservation Committee.*

FinCom Recommendation:

Approve: 5-0-0

Select Board Recommendation:

Approve: 3-0-0

Rationale for Approval: *The article presents to the Town an annual allocation of Community Preservation Act (CPA) funds, as required under state law. In 2006, the Town adopted the CPA, which enables the Town to assess an annual 3% surcharge on resident real estate tax bills. CPA Funds are able to be allocated toward the following uses: 1) open space/recreational, 2) community housing, and 3) historical preservation. This article contains the Community Preservation Committee's (CPC) recommended distribution, which earmarks the required minimum 10% to each of the three categories plus a maximum of 5% to administration. Town Meeting must approve appropriation of funds in any of the three CPA areas, and the CPC has oversight of CPA administrative expenses. Roughly two-thirds of CPA funds currently available were raised from the local property tax surcharge, with the balance of funds from matching state aid, based on a Department of Revenue formula for disbursements to participating cities and towns each year. CPA accounts also benefit from bank interest and earnings on investments. Additionally, towns such as West Newbury, which have committed to the maximum 3%, receive bonus rounds of funding, if available.*

Funding Source: *Community Preservation Fund Annual Revenues* ***Sunset Date:*** *N/A*

ARTICLE 13: To see if the Town will vote to transfer and/or appropriate from Community Preservation Act funds, Community Housing Reserve, the sum of \$60,904.00 into the West Newbury Affordable Housing Trust, or take any other action relative thereto. *By request of the Community Preservation Committee.*

FinCom Recommendation:

Approve: 5-0-0

Select Board Recommendation:

Approve: 3-0-0

Rationale for Approval: *The West Newbury Affordable Housing Trust was established by Town Meeting for the purpose of supporting and creating low-and moderate-income housing in West Newbury. The Community Preservation Committee and Affordable Housing Trust review AHT funding uses and responsibilities annually. The annual review also includes a request to transfer the previous year's allocation of a minimum of 10% of total annual CPA funds toward Community Housing. That amount is not known precisely until closeout of the Town's annual audit, so the funds proposed for transfer represent the actual 10% dollar amount from the previous fiscal year.*

The Finance Committee recommends approval of this article in keeping with the Community Preservation Act Grant Agreement in place between the AHT and the CPC, dated August 7, 2023. This agreement was put in place to ensure that the AHT's financial records maintain separate accounting for the CPA

Community Housing Funds, since the CPA statute establishes eligible uses for CPA funds that vary somewhat from non-CPA Trust funds. Funds transferred to the AHT may be used for the acquisition, creation, preservation and support of community housing in West Newbury. The benefit to the Town will be ongoing efforts to support new and existing affordable housing in West Newbury.

Funding Source: CPA Funds, Community Housing Reserve **Sunset Date:** N/A

ADDITIONAL APPROPRIATIONS

ARTICLE 14: To see if the Town will vote to transfer from Free Cash the sum of \$200,000.00 into the Stabilization Fund, or take any other action relative thereto. *By request of the Select Board.*

FinCom Recommendation: Approve: 3-0-0
Select Board Recommendation: Approve: 5-0-0

Rationale for Approval: *This transfer of \$200,000 from Free Cash to the general stabilization fund will augment the \$600,000 being raised & appropriated under the operating budget (article 4). We are asking Town Meeting to draw down a large amount this year from the stabilization fund for certain significant capital purchases. By moving \$200,000 from Free Cash in addition to the budgeted \$600,000 from the operating budget, we will maintain a reasonable level in our stabilization fund for future use. Please see also a related Article 19 which deals with a method to separate out capital funds from the general stabilization fund. Action under Article 14 is not dependent on Article 19.*

Funding Source: Free Cash **Sunset Date:** N/A

ARTICLE 15: To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$57,000.00 to fund the purchase and equipping of a police cruiser, including all incidental and related costs, for use by the Police Department, or take any other action relative thereto. *By request of the Select Board.*

FinCom Recommendation: Approve: 4-0-0
Select Board Recommendation: Approve: 3-0-0

Rationale for Approval: *The Finance Committee recommends this article to transfer and/or appropriate funding for a planned replacement cruiser during FY25 as part of the police cruiser scheduled replacement cycle. The approved FY2023 operating budget carried \$40,000 for a replacement cruiser – however a purchase was paused for one budget cycle as the next cruiser due for replacement was in relatively good shape with low mileage. The police department also collects administrative fees when a police vehicle is used for traffic details. The fees are held in the Police Cruiser Revolving Fund to offset the remaining cost of the purchase. In order to supplement the appropriation proposed by this article, in order to support the total purchase price, a draw from that fund is expected to take place in FY2025.*

Budgetary quotes were received in February 2024 for 2025 Ford all-wheel-drive utility vehicles for both hybrid and gas models (the proposed dollar amount would cover the hybrid cost, ~\$3k more than gas). The

West Newbury Police Department is weighing the pros and cons of hybrid and gas cruisers based on its experiences with its current fleet, and research on vehicle performance and hybrid technology. The Police Chief will make a final selection between a hybrid or gas vehicle based on availability and further evaluation of hybrid technology.

Funding Source: Stabilization

Sunset Date: 6/30/2025

ARTICLE 16: To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$90,000.00 to fund the purchase and installation of a generator for the Town Annex, located at 379 Main Street, including all incidental and related costs, or take any other action relative thereto. *By request of the Facilities Manager.*

FinCom Recommendation:

Approve: 5-0-0

Select Board Recommendation:

Approve: 3-0-0

Rationale for Approval: *The Town Annex is not currently served by the generator that supports the Town Office building. As a result, the Town Annex cannot be used as an emergency shelter in case of a Town wide emergency. A new generator will supply power to the Annex in the event of an emergency. The Finance Committee recommends this article.*

Funding Source: Stabilization

Sunset Date: 6/30/2026

ARTICLE 17: To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$41,540.00 to fund the purchase of additional boom mower accessories for the DPW MT7 Trackless Vehicle, including all incidental and related costs, or take any other action relative thereto. *By request of the Highway Superintendent.*

FinCom Recommendation:

Approve: 5-0-0

Select Board Recommendation:

Approve: 3-0-0

Rationale for Approval: *The Town recently purchased a new Trackless MT7 municipal sidewalk tractor. The original purpose for this machine was snow removal, which would leave the machine idle for all but the winter months. Purchasing additional accessories, mainly a hydraulic boom flail mower, will enable year-round use of the machine. It will also improve the health and safety of mowing operations by allowing the operator to mow looking forward, instead of looking back over their shoulder as is necessary with the current equipment. This flail mower will be used in addition to – not instead of – existing DPW equipment. The Finance Committee recommends approval of this article.*

Funding Source: Stabilization

Sunset Date: 6/30/2026

ARTICLE 18: To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$40,000.00 to fund costs associated with the study of River Road, or take any other action relative thereto. *By request of the Select Board.*

FinCom Recommendation:

Approve: 5-0-0

Select Board Recommendation:

Approve: 3-0-0

Rationale for Approval: *The Finance Committee recommends approval of this article. This funding will be for a continuation of the River Road assessment that was supported by a \$25,000 Town Meeting appropriation and an additional \$150,000 in state funding from the Municipal Vulnerability Preparedness (MVP) Action Grant. The grant-funded work, which will be complete by June 30, 2024, will include data on existing conditions, vulnerability assessments, and options for short and long-term mitigation. This is expected to lead to immediate follow-up actions by the Town, including support with project engineering, geotechnical services and permitting.*

It is assumed that mitigation efforts to combat sea-rise and erosion will be very costly and likely well beyond the capabilities of the Town to fund on its own. One of the Town’s primary goals in proposing funding during for this Town Meeting is to advance this initiative sufficiently to best position it to benefit from additional state and federal funding grant funding in FY2025 and beyond.

Funding Source: Free Cash

Sunset Date: 6/30/2025

BY-LAWS - OTHERS

ARTICLE 19: To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 40, Section 5B, to create a special-purpose Municipal Stabilization Fund to be known as the Capital Stabilization Fund, for the purpose of funding future capital expenditures, or take any other action relative thereto. *By request of the Select Board.*

FinCom Recommendation:

Approve: 5-0-0

Select Board Recommendation:

Approve: 2-0-0

Rationale for Approval: *We have always had a general stabilization fund, as is good practice and recommended by the Department of Revenue. We have been putting our funds intended for future capital item purchases into this general account. However, the existing Stabilization Fund is a general purpose fund, and its use is not restricted to Capital projects. Since our intentions are to fund capital purchases, we should not put them into an account which may be used for any purpose. Best practice is to fund a special-purpose Capital Stabilization Fund which can be specifically added to and/or drawn down from based upon future Town Meeting warrant articles and votes. The amount in this fund can also more easily be compared to the spreadsheet schedules that the Town Manager maintains of planned future purchases, and which are the subject of focused annual public review with the Capital Improvements Committee. Discussions would then be more easily had about the sufficiency of the fund balance. This special-purpose fund is more easily accessed by a simple majority vote at Town Meeting.*

A general stabilization fund would still exist and would contain funds in it sufficient to serve as the Town's emergency fund. Any funds coming out must have a positive two-thirds vote at Town Meeting. It is harder to draw from than free cash or this special-purpose fund because emergency funds should be drawn last. What level of funds should remain in the general stabilization fund would be a matter for future analysis and discussion, but please keep in mind natural disasters such as tornadoes, earthquakes, flooding and the like. The amounts needed under such emergency situations can be large, and any related insurance or state/federal monies to reimburse such expenses may be slow to come, if indeed the occurrence is covered adequately or at

all. There are many reasons to maintain an adequate emergency fund. No action can be made to the current general stabilization fund balance without future Town Meeting action. Please stay tuned.

ARTICLE 20: To see if the town will vote to accept the provisions of Massachusetts General Laws Chapter 40, Section 5B, to create a special-purpose Municipal Stabilization Fund to be known as the Water Pension Liability Stabilization Fund, for the purpose of funding future pension liabilities for Water Department employees and retirees, or take any other action relative thereto. *By request of the Select Board.*

FinCom Recommendation:

Approve: 4-0-1

Select Board Recommendation:

Approve: 3-0-0

Rationale for Approval: *Through its annual budget, the Water Department has allocated its annual share of that year's pension obligation the Town owes to the Essex Regional Retirement System (ERRS). However, the Water Department has not yet set aside funds for future years' pension liabilities. Nearly a decade ago, the Town established a stabilization fund for its future pension liabilities, and this article will allow the Water Department Enterprise Fund to have its own such stabilization fund.*

The purpose of the fund is to provide monies from the Water Department's retained earnings balance ahead of future ERRS billings, which are projected to go up every year until about 2036. This new stabilization fund will be used to smooth out the annual charges to the water ratepayers. In essence, funds already accumulated in its surplus (retained earnings) will be used to offset future pension charges.

As with the Town's pension obligations, it is very appropriate to use accumulated surplus, such as water retained earnings, since the pension obligation relates to past underfunding of the pension requirements. This past underfunding was endemic to all Massachusetts retirement systems but must be caught up no later than 2040.

ARTICLE 21: To see if the Town will vote to amend the West Newbury Town Bylaws, by repealing Title XXV (West Newbury Wetlands Protection By-Law) in its entirety, and inserting in its place a new Title XXV (Wetlands Protection By-Law), with the proposed bylaw on file and available for viewing in the Town Clerk's Office; 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 Bylaws; or to take any other action relative thereto. *By request of the Conservation Commission.*

FinCom Recommendation:

Disapprove: 2-3-0

Select Board Recommendation:

Approve: 3-0-0

Rationale for Disapproval: *The Finance Committee recommends disapproval of this article. This is a complicated and far-reaching topic; however, a concise explanation of our recommendation is as follows:*

It is difficult to overstate the importance of wetland resource areas to a community. Wetlands, floodplains, riverfront areas, and adjacent buffer zones are critical to water and environmental quality as well as animal and human habitats. These are facts that are indisputable, and the Conservation Commission (ConCom) plays an outsized role in ensuring that these resources are protected and preserved for the common good.

What is up for debate is the notion that the Town needs a local bylaw to supplement the state Wetlands Protection Act and regulations, to adequately protect our local wetlands and other regulated resource areas (such as riverfront, vernal pools, etc.). Such local bylaws have become in vogue since 2006, when the Massachusetts Association of Conservation Commissions (MACC) published a model bylaw for local adoption. This is allowed by the “Home Rule” provision of the Massachusetts Constitution, which allows local jurisdictions to implement additional regulation to expand wetlands protection to meet local needs.

However, the majority of the Finance Committee believes that it has not been clearly demonstrated that wetlands in our Town are not adequately protected by the state law and regulations, as administered locally by the ConCom. The state Wetlands Protection Act and Regulations have been updated numerous times over the years, and are being amended now to reflect the changing goals and current conditions. While there may be a small number of specific wetland issues that could benefit from additional protections – such as increasing the buffer around vernal pools, or implementing a “no build, no disturb” zone within the existing 100-foot buffer zone of protected areas – the currently proposed bylaw is overly expansive and creates an added layer of regulation to other matters that are already sufficiently covered by the state regulations as implemented.

The Finance Committee also takes issue with the proposed financial fine structure. ConCom has portrayed the goal of most interactions with the public as geared towards “education,” with fines being a last resort, however we feel the proposed language is overly absolute and heavy-handed. The criteria for fines, and the proposed bylaw as a whole, lacks limiting terms such as “by more than de minimis amounts” or “significantly adverse” which in our experience are standard legal terms for providing context to interpretation. Secondly, the ConCom's administrative policy regarding issuance of local fines, including for state DEP violations, is not yet fully formulated, leaving questions as to how this new fine structure would play out in practice.

In addition, the proposed local bylaw can be expected to add costs to residents through additional fees and costs for separate appeals of local bylaw decisions to court, and to the Town for ConCom staff and the Town's legal counsel to respond to appeals of ConCom decisions in court. In summary, it has not been shown that West Newbury is not able to adequately protect wetlands without a bylaw; nor has it been shown that the Town's wetland resources are at substantially greater risk, when the Town is not a location targeted to major sources of development and pollution, such as industrial parks and commercial centers, that could justify the scope and scale of this proposed bylaw.

ARTICLE 22: To see if the Town will vote to amend the West Newbury Town Bylaws, Title VI (Animal By-Law), to require the leashing of dogs on Town-owned land, with the proposed bylaw amendments on file and available for viewing in the Town Clerk's Office; and further to authorize the Town Clerk's office to make any non-substantive, ministerial changes to the numbering and formatting to ensure consistency with the remainder of the Bylaws; or take any other action relative thereto. *By request of the Select Board.*

FinCom Recommendation:

Will of the people

Select Board Recommendation:

Approve: 2-1-0

Note regarding Rationale: *The Finance Committee did not take this warrant article up for consideration. This "no action, no recommendation" does not reflect upon the warrant article one way or the other. The individual members of the committee will participate along with the other voters at Town Meeting as we all discuss and deliberate before voting, thus establishing the "will of the people".*

ARTICLE 23: To see if the Town will vote to amend the West Newbury Town Bylaws, Title I (Original By-Laws), Section 8; and further to amend the West Newbury Town Bylaws, Title VIII (Finance Committee By-Law; with the proposed bylaw amendments on file and available for viewing in the Town Clerk’s Office, 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 rest of the Town Bylaws, or take any other action relative thereto. *By request of the Finance Committee.*

FinCom Recommendation:

Approve: 5-0-0

Select Board Recommendation:

Approve: 3-0-0

Rationale for Approval: *Currently, the Finance Committee By-Laws establish a quorum of four members irrespective of the number currently appointed and serving. The proposed amendment would change the quorum to a majority of those currently appointed and serving. The Finance Committee oftentimes has only five members and had recently briefly dropped to a low of four members. When we are in a budget cycle in the spring and the fall, there is not much flexibility in our schedule. We must meet often and regularly. Having what is an onerous and unusual quorum requirement interferes with conducting the business of the Town.*

Other changes align the budgeting process with the adoption of the West Newbury Town Manager Act in 2017, acknowledges that we have a Vice-Chair, removes the Secretary position (but not the requirement to provide minutes), uses the term Select Board instead of Selectmen as well as some minor wordsmithing for good measure.

ARTICLE 24: To see if the Town will vote to amend the West Newbury Town Bylaws, Title XX (Town Meeting/Elections), to add the following sub-section at the end of the section:

“VOTES TO BE DECLARED BY MODERATOR BY-LAW

The Moderator may take all votes requiring a two-thirds majority in the same manner in which they conduct the taking of a vote when a majority vote is required.”

a copy of which are on file and available for viewing in the Town Clerk’s Office, and further to authorize the Town Clerk’s office to make any non-substantive, ministerial changes to numbering and formatting, so as to ensure consistency with the rest of the Town Bylaws, or take any other action relative thereto. *By request of the Select Board.*

FinCom Recommendation:

Will of the people

Select Board Recommendation:

Approve: 2-0-0

Rationale for Approval: *This article allows the Moderator to declare the vote results of motions requiring two-thirds majority just as the Moderator now does for motions needing a majority vote. The intent is to dispense with floor tallies when the results are apparent to all in attendance. Currently, all motions requiring two-thirds votes are required to be tallied even when the results are obvious. Making this change is expected to streamline the town meeting process, and treats two-third votes in the same manner we have treated majority votes all these years.*

ARTICLE 25: To see if the Town will vote to amend the West Newbury Zoning By-Law, Section 2 (Definitions), including all internal citations therein, a copy of which is on file with the Town of West Newbury Town Clerk and is updated through October 23, 2023 (the “Existing Zoning By-law”), with the proposed bylaw amendments on file and available for viewing in the Town Clerk’s Office, 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 rest of the Zoning By-Law, or take any other action relative thereto. *By request of the Planning Board.*

FinCom Recommendation:

Will of the people

Select Board Recommendation:

Approve: 3-0-0

***Note regarding Rationale:** The Finance Committee did not take this warrant article up for consideration. This "no action, no recommendation" does not reflect upon the warrant article one way or the other. The individual members of the committee will participate along with the other voters at Town Meeting as we all discuss and deliberate before voting, thus establishing the "will of the people".*

ARTICLE 26: To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 59, Section 5N, authorizing the Town to establish a program to allow qualifying veterans to volunteer services to the town in exchange for a reduction in the veteran’s real property tax obligations, or take any other action relative thereto. *By request of the Select Board.*

FinCom Recommendation:

Approve: 5-0-0

Select Board Recommendation:

Approve: 2-0-0

***Rationale for Approval:** This local-option state law is similar to an existing program whereby the Town allows residents over 65 to volunteer in Town to help reduce their tax bill. The Finance Committee recommends approval of this article to allow veterans, or the spouse of a deceased or disabled veteran, to volunteer for the town offices in exchange for a reduction to their property tax bill. By statute, the maximum reduction per year will be limited to \$1,500 with amounts varying based on documented hours of service.*

This will be a financial benefit to our veterans as well as help the town offices fulfill its duties without incurring additional payroll expenses.

CITIZEN PETITIONS

ARTICLE 27: To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$100,000 to fund the costs associated with the creation of a district under MGL c. 40R for Town of West Newbury-owned lots identified on the assessors maps R13-131 (the Mullen property), R13-130 (the driveway for the Mullen property), and/or R10-34 (the Soldiers and Sailors property) (the “Properties”); to prepare an Request for Proposals (the “RFP”) for the disposal of all or any portion of the Properties, said work to satisfy the requirements of the MBTA Housing Requirements as described in Section 3A of MGL c. 40A and with the goal of maximizing the number of possible affordable housing units; and to authorize the Selectmen to

dispose, by sale or lease, all or any portion of the Properties, subject to the RFP and other procurement requirements; or take any other action relative thereto. *By request of citizen petition.*

FinCom Recommendation:

Disapprove: 0-5-0

Select Board Recommendation:

Disapprove: 0-3-0

Rationale for Disapproval: *While it is good of the Petitioner to remind the Town of its need to improve the diversity of its housing stock, it has not been established how the Mullen and Soldiers & Sailors properties might best fit into that goal. As presented by the lead Petitioner, these sites could be designated as a Chapter 40R or it could be Chapter 40A Section 3A (MBTA). These zoning tools available to us have pluses attached to them as well as minuses. And they may not be the best path forward to improve housing diversity as it relates to these Town-owned properties.*

What is needed is a comprehensive study so that the Town Administration can come back to Town Meeting with a complete plan. This would take into consideration work already in place or underway, by them and by others, directly related to the question of housing diversity. That plan could include the Mullen property specifically but would also likely incorporate other possible solutions not necessarily limited to two State zoning solutions, nor to one specific area. Whatever comes back needs to be intelligently crafted considering the many complexities of needs and solutions that housing in Massachusetts presents. Again, the petition is a good reminder that housing diversity is a high priority for West Newbury. Over the coming months we should be able to better establish the path forward through a related warrant article submitted by the Select Board at this Town Meeting.

Funding Source: *Free Cash*

Sunset Date: *6/30/2025*

ARTICLE 28: To see if the Town will recommend to the Select Board that they file a home rule petition with the General Court substantially as follows, viz:

“Notwithstanding Section 1 of Chapter 51 of the General Laws or any other general or special law to the contrary, any citizen who:

1. is 16 years of age or older, and
2. meets the qualifications to be registered as a voter pursuant to Section 1 of Chapter 51 of the General Laws, except that of age, and
3. is a resident of the Town of West Newbury at the time he, she, or they registers or pre-registers to vote pursuant to said Chapter 51,

may vote therein in all town elections, participate and vote in all town meetings, participate and vote in town caucuses, and sign all nominating, warrants, and other petitions authorized by town bylaws.

A person shall be a pre-registered or registered voter of at least sixteen (16) years of age to be eligible to serve in appointed town boards, committees, commissions, or other official positions.”

By request of citizen petition.

FinCom Recommendation:
Select Board Recommendation:

Will of the people
Approve: 2-1-0

Note regarding Rationale: *The Finance Committee did not take this warrant article up for consideration. This "no action, no recommendation" does not reflect upon the warrant article one way or the other. The individual members of the committee will participate along with the other voters at Town Meeting as we all discuss and deliberate before voting, thus establishing the "will of the people".*

**TOWN OF WEST NEWBURY
COMMONWEALTH OF MASSACHUSETTS
WARRANT – SPECIAL TOWN MEETING
MONDAY, APRIL 29, 2024 @ 7:00pm**

Essex, ss.

To any of the Constables of the Town of West Newbury:

In the name of the Commonwealth, you are hereby required to notify and warn all the inhabitants of the Town of West Newbury, who are qualified to vote in the elections and Town affairs, to meet at the **Page School, located at 694 Main Street, at 7:00 p.m. on Monday April 29, 2024**, to act upon or take any other action relative to all of the following articles:

SPECIAL TOWN MEETING

ARTICLE 1: To see if the Town will vote to revoke its acceptance of the fourth paragraph of Mass. Gen. Laws Ch. 40 Sec. 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 an Opioid Settlement Stabilization Fund established under Mass. Gen. Laws Ch. 40 Sec. 5B, to be effective for the fiscal year beginning on July 1, 2024, or take any other action relative thereto. *By request of the Select Board.*

FinCom Recommendation:

Approve: 5-0-0

Select Board Recommendation:

Approve: 2-0-0

***Rationale for Approval:** This is pure housekeeping. The State decided to make things easier to administer any funds received by the Town through several opioid settlements. It does not change how we can use the funds, just the way we account for them. Due to a change in State law adopted in December 2023, this stabilization fund is no longer needed. There is a related warrant article that allows the Town to transfer the existing funds into a special revenue fund. The funds in the special revenue fund can be expended without Town Meeting appropriation for the purposes allowable under these existing opioid settlement agreements.*

ARTICLE 2: To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$44,000.00 to fund the replacement of Well Pump #1, including distribution lines, valves, and related equipment to produce water at the Well Field, including all incidental and related expenses, or take any other action relative thereto. *By request of the Board of Water Commissioners.*

FinCom Recommendation:

Approve: 5-0-0

Select Board Recommendation:

Approve: 3-0-0

***Rationale for Approval:** The Water Department's request for funds to replace the failing 40-year-old infrastructure at our wellfield #1 is long overdue. Our wellfield system has two sources of water, each with its own pump and related infrastructure. These two sources produce roughly two thirds of our town's water*

supply. Having both sources of water running assure we are less reliant on Newburyport water, which is more expensive than our cost to produce from our own wells. The replacement of this pump at wellfield #1, a related vacuum pump, as well as the necessary pipe, valves and fittings will go a long way to maximize our water production. The funds will also be used to upgrade the Win 911 and reconfigure the SCADA, both of which allow the Water Department to respond to any issues with the pump in a timely manner.

Funding Source: *Water Stabilization Fund*

Sunset Date: *6/30/2025*

ARTICLE 3: To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$60,000.00 to fund costs associated with identification and evaluation of sites with potential to support development of public well fields, including all incidental and related expenses, or take any other action relative thereto. *By request of the Select Board.*

FinCom Recommendation:

Approve: 5-0-0

Select Board Recommendation:

Approve: 3-0-0

Rationale for Approval: *Voters at the October 2023 special town meeting approved funding for a Town-wide study of locations with potential to support development of a new public water source. A consultant has undertaken extensive study, including review of decades of prior records on file regarding site exploration over the years. The Select Board and Board of Water Commissioners are reviewing the consultant's recommendations to evaluate sites, and have determined that on-site testing will be advantageous in at least one location. This article would provide the funding for site evaluation, including drilling tests if warranted, to determine the viability of one or more of these sites in terms of water quantity and quality. Prior to conducting any such testing, the Town would secure a purchase option on any such privately-owned sites.*

Identification and permitting of a Town water source is likely to be a multi-year process. Given that the Town is paying consumer rates to the City of Newburyport to supplement its water supply, and there is no guarantee that this additional water will continue to be available indefinitely, it is a top priority to identify a new public water source. This article will fund the next step in this process and is critical in moving the effort forward.

Funding Source: *Free Cash*

Sunset Date: *6/30/2026*

ARTICLE 4: To see if the Town will vote to transfer from Community Preservation Act funds, Undesignated Reserve, the sum of \$30,000.00 for the purpose of funding a Pickleball Court Site Feasibility and Design study, or take any other action relative thereto. *By request of the Community Preservation Committee.*

FinCom Recommendation:

Approve: 5-0-0

Select Board Recommendation:

Approve: 3-0-0

Rationale for Approval: *The objective of this study will be to identify the most appropriate and cost-effective location on a Town owned parcel for future construction of a 4-6 court Pickleball facility, and to design, permit and procure its construction. The scope of work to be undertaken by this study is:*

- *Initial Public Meeting, Kickoff Meeting & Base Plans for 3 Town Owned Parcels*
- *Site Evaluations and Schematic Design*

- *Opinion of Probable Cost & Public Presentation for the 3 sites*
- *Site Survey, Design and Procurement Support one preferred site determined by Town*

The intention is to be ready with construction cost details in time for the CPC applications for Spring 2025 Special Town Meeting. This project has been discussed by the Council on Aging and Parks & Recreation Commission, in addition to its sponsorship by the Select Board and favorable recommendation by the Community Preservation Committee. At Parks & Recreation Commission meetings when this has been discussed there has been a full room of interested residents, with many writing letters of support.

Since there are very few recreational facilities in Town that are geared toward residents of all ages, the addition of these courts would be a benefit to the Town as a whole. The Finance Committee recommends approval of this article as a first step toward satisfying a strong demand from adults and senior citizens for outdoor Pickleball courts in Town.

Funding Source: CPA Funds, Undesignated Reserves

Sunset Date: 6/30/2025

ARTICLE 5: To see if the Town will vote to transfer from Community Preservation Act funds, Undesignated Reserve, the sum of \$10,000.00 for administrative and legal costs associated with the acquisition and protection, by conservation restriction, of certain parcels of land containing a total of 32 acres, more or less, which parcels are located on Poor House Lane, shown on Assessors’ Map R14 as Parcels 30 and 30F (also known as “Sawmill Brook Conservation Area”), or take any other action relative thereto. *By request of the Community Preservation Committee.*

FinCom Recommendation:

Approve: 5-0-0

Select Board Recommendation:

Approve: 3-0-0

Rationale for Approval: *This successful land acquisition project resulted from a partnership with Essex County Greenbelt and award of state LAND Grant of \$394,000. Because the Town is the property owner in this project, rather than the holder of the Conservation Restriction as has been typical in past Greenbelt partnerships, there have been administrative and legal costs that weren't anticipated at the time CPA funding was proposed in spring 2023. Additionally, receipt of the LAND Grant has required additional work that wasn't included in the original CPA funding application. This includes surveying, installation of parking and signage, and preparation and submittal of a Management Plan, all of which are necessary in order to receive the awarded grant funds. Since the exact costs required to comply with LAND Grant requirements are still unknown, the \$10,000 amount being requested is likely a high estimate, and any unused funds will be returned to the CPA Undesignated Fund.*

Funding Source: CPA Funds, Undesignated Reserves

Sunset Date: 6/30/2025

ARTICLE 6: To see if the Town will vote to transfer from Community Preservation Act funds, Historical Preservation Reserve, the sum of \$4,000.00 for the purpose of funding the removal of trees and brush from the Quaker Cemetery, including all incidental and related expenses, or take any other action relative thereto. *By request of the Community Preservation Committee.*

FinCom Recommendation:
Select Board Recommendation:

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

Rationale for Approval: *The removal of dead trees is viewed as integral to maintaining the integrity of the historical headstones in this Town-owned cemetery. The maintenance, clean-up and beautification of the Quaker Cemetery will continue to enhance this historical Town asset. The use of CPC funds for this purpose is advantageous, and the CPC voted unanimously in favor of expending these funds for this purpose.*

Funding Source: CPA Funds, Historical Preservation Reserve **Sunset Date:** 6/30/2025

ARTICLE 7: To see if the Town will vote to transfer from available funds the sum of \$75,000.00 to fund costs for consulting and/or legal services related to planning and drafting of zoning amendments, as may be necessary to remain in compliance with Massachusetts General Laws Chapter 40A, Section 3A (the “MBTA Communities Act,” so-called), which may include drafting and proposing one or more zoning overlay districts pursuant to Massachusetts General Laws Chapter 40R (“Smart Growth Zoning,” so-called), or take any other action relative thereto. *By request of the Select Board.*

FinCom Recommendation:
Select Board Recommendation:

Approve: 5-0-0
Approve: 2-1-0

Rationale for Approval: *The Town has expended significant time and effort toward evaluating policy options to comply with the MBTA Communities Act, a state zoning mandate enacted in late 2022. The planning and zoning work undertaken to date were supported by a \$67,500 state grant, matched by \$7,500 of local funds approved by Town Meeting. These efforts supported extensive planning and design efforts, and produced detailed zoning proposals taken up by the Planning Board during public hearings this spring. However, the Board opted to table the proposals during the present Town Meeting cycle, allowing further consideration as we look ahead to a December 31, 2025 deadline to achieve compliance with the law.*

At the same time, the Town is also at the early stages of investigating whether it may be beneficial to further explore Mass. Gen. Laws Ch. 40R – “Smart Growth Zoning” – as an alternative means of complying with the MBTA Communities Act. The legal framework and the administrative process requirements for each of these laws differ significantly, and it would require significant additional effort to determine if this approach could in fact result in a better long-term plan for the Town. This article would authorize funds to support planning and legal services as needed, to build on work that has been completed to date, and to fully evaluate the range of policy options available to the Town. This work will benefit from sustained public participation.

Funding Source: Free Cash

Sunset Date: 6/30/2026

ARTICLE 8: To see if the Town will vote to transfer from available funds the sum of \$82,000.00 to fund unbudgeted personnel costs, or take any other action relative thereto. *By request of the Select Board.*

FinCom Recommendation:
Select Board Recommendation:

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

Rationale for Approval: *Police and Dispatch overtime will cause a deficit in in these two budget lines for the current FY2024. In addition, the new Union contract amounts for the department's FY2025 wages are not yet know. The amount of money requested is expected to satisfy these two issues. Making payroll is imperative for any organization. The simplest manner to manage the shortfall is to use Free Cash. Any unexpended funds will be returned to Free Cash.*

Funding Source: *Free Cash*

Sunset Date: *6/30/2025*

ARTICLE 9: To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$8,265.00 to fund mandatory environmental testing at the former Steele Landfill and adjacent sites, as required by the Massachusetts Department of Environmental Protection under the former landfill’s post-closure monitoring plan, or take any other action relative thereto. *By request of the Board of Health.*

FinCom Recommendation:

Approve: 5-0-0

Select Board Recommendation:

Approve: 3-0-0

Rationale for Approval: *The Finance Committee recommends this article to fund PFAS testing at the Steele Landfill and surrounding residential wells within 500 feet. This testing is mandated by the Massachusetts Department of Environmental Protection as part of the landfill post-closure monitoring plan, and is required to take place this spring. MassDEP communicated these new requirements to the Board of Health since the most recent Town Meeting, so previously-budgeted funds for landfill monitoring are insufficient for the expense. Any additional testing is expected to be captured in future year’s operating budget requests.*

Funding Source: *Free Cash*

Sunset Date: *6/30/2025*

ARTICLE 10: To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$50,000.00 to fund the removal of high hazard trees within public roadway rights-of-way, including all incidental and related expenses, or take any other action relative thereto. *By request of the Select Board.*

FinCom Recommendation:

Approve: 5-0-0

Select Board Recommendation:

Approve: 3-0-0

Rationale for Approval: *The Finance Committee recommends approval of this article. The DPW budget already contains funds to perform tree removal along roadways, however this sum has not been adequate to address the full needs of the town in light of increasing costs, and increasing tree mortality resulting in part from invasive species. This article will provide an additional \$50,000 of funding, with a specific focus on ash trees, of which 373 have been identified along roadways as candidates for removal.*

Tree removal work is largely performed by contractors due to the dangerous and specialized nature of the work, and the cost to obtain and maintain the necessary vehicles and equipment to do this work in compliance with workplace safety requirements. The Town has considerable experience with budgeting for non-ash tree removal, however ash is a very hard wood (baseball bats are often made of ash) and can be more difficult to remove than normal trees. In funding this work separately from the DPW budget, the production rates and

costs can be better understood, for potential incorporation into future budgets. Please note, the \$50,000 is not nearly enough to address the full inventory of ash trees – it is merely a starting point for a more concerted effort, as decided by the Town.

Funding Source: Free Cash

Sunset Date: 6/30/2025

ARTICLE 11: To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$18,000.00 to fund engineering and surveying services for the permitting of the Page School/Pipestave/Route 113 intersection and crosswalk, or take any other action relative thereto. *By request of the Select Board.*

FinCom Recommendation:

Approve: 4-0-0

Select Board Recommendation:

Approve: 3-0-0

Rationale for Approval: *The Finance Committee recommends approval of this article to allow the Town to continue the permitting process with MassDOT for a new crosswalk and blinker connecting Page School to Pipestave Hill. The crosswalk, once completed, will provide improved safety for all pedestrian and equestrian traffic crossing Main Street.*

The design review process with MassDOT, thus far, has yielded some unforeseen difficulties that have required additional engineering study and survey. The costs proposed here are necessary to respond to comments received from MassDOT during the permitting process to date, and this work will allow the Town to achieve the 25% threshold in the MassDOT design review process. The work funded by this article will evaluate several options, along with cost estimates, to accomplish the requirements of MassDOT that would allow the crosswalk project to go forward.

Funding Source: Free Cash

Sunset Date: 6/30/2026

ARTICLE 12: To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$50,000.00 to fund engineering and permitting expenses for the replacement of culverts on Coffin Street, or take any other action relative thereto. *By request of the Select Board.*

FinCom Recommendation:

Approve: 5-0-0

Select Board Recommendation:

Approve: 3-0-0

Rationale for Approval: *The Finance Committee recommends approval of this article. These two (2) culverts failed during flooding in September 2023, and both require replacement and likely resizing. These are the next of many culverts throughout town that will require replacement. In order to comply with regulatory requirements, culvert replacements must be designed and engineered, typically including wetlands delineations and survey, in order to meet local and state permitting requirements. This funding is solely for engineering and permitting. The cost of actual construction will be additional, and can be better estimated once project engineering and permitting is complete.*

Funding Source: Free Cash

Sunset Date: 6/30/2025

ARTICLE 13: To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$50,000.00 to fund assessments of and repairs to the Page School elevators, including all incidental and related expenses, or take any other action relative thereto. *By request of the Select Board.*

FinCom Recommendation: Approve: 5-0-0
Select Board Recommendation: Approve: 3-0-0

Rationale for Approval: *The Finance Committee recommends approval of this article. The subject elevator failed inspection in January, 2024 and requires additional repairs in order to pass. Some repairs have been and will be funded by Pentucket as part of their operating budget, but based on the Pentucket Regional Agreement, once the costs of school repairs exceed a certain threshold, they become the host Town's financial responsibility. As an aside, both elevators in the building are 45 years old and no longer meet building code requirements. Full replacements of the existing elevators would be a massive undertaking and expense. Given that the Town is in the midst of an in-depth conditions assessment of the Page School, it would make sense to delay any elevator replacement projects until clarity is gained on the building as a whole.*

Pentucket has hired a new elevator maintenance contractor with a proven track record for successfully upkeeping elevators under the Town's direct oversight. The contractor has inspected the elevator in question, and ascertained that minor repairs to the hydraulic lift piston will return the elevator to good working order for the intermediate term, at an economical cost to the Town.

Funding Source: *Free Cash*

Sunset Date: *6/30/2025*

ARTICLE 14: To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$62,000.00 to fund the replacement and repair of the flooring at the Town Annex, including all incidental and related expenses, or take any other action relative thereto. *By request of the Select Board.*

FinCom Recommendation: Approve: 5-0-0
Select Board Recommendation: Approve: 3-0-0

Rationale for Approval: *The Finance Committee recommends approval of this article. A portion of the flooring in the Annex is scheduled for replacement in order to repair a sanitary sewer line. There are non-friable Asbestos Containing Materials (ACM) in the existing tile flooring that sits underneath the carpet, and this would need to be abated as part of the replacement process. Rather than repair the floor piecemeal, it makes sense to replace the entire Annex flooring, which is due for replacement.*

Funding Source: *Stabilization*

Sunset Date: *6/30/2026*

ARTICLE 15: To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$50,000.00 to fund the replacement and repair of a portion of the Page School flooring, including all incidentals and related expenses, or take any other action relative thereto. *By request of the Select Board.*

FinCom Recommendation: Approve: 5-0-0
Select Board Recommendation: Approve: 3-0-0

Rationale for Approval: *Due to the age of the Page School and the construction method used to construct the floors, sections of the concrete base floors at multiple locations in the hallways require major repairs. These floor deficiencies are trip hazards to the public and should be repaired to ensure public safety. Multiple sections have been replaced over the years and repairs should be continued on an as-needed basis. The Finance Committee recommends this article.*

Funding Source: *Stabilization*

Sunset Date: *6/30/2026*

ARTICLE 16: To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$23,835.00 to fund maintenance and repairs to the Public Safety Complex, including all incidental and related expenses, or take any other action relative thereto. *By request of the Select Board.*

FinCom Recommendation:

Approve: 4-0-0

Select Board Recommendation:

Approve: 3-0-0

Rationale for Approval: *This expenditure is desirable due to the importance of maintaining the appearance of the Public Safety Complex, a major Town asset. The DPW, largely through its in-house facilities maintenance labor, will conduct the majority of this work, thus saving the taxpayers significant costs. This project is intended to protect the exterior from the elements, via routine painting and spot replacement of the deteriorated exterior trim. Interior painting will also be carried out, especially in high-traffic locations. This investment will ensure proper maintenance of this important Town-owned property.*

Funding Source: *Stabilization*

Sunset Date: *6/30/2026*

ARTICLE 17: To see if the Town will vote to transfer and/or appropriate from available funds a sum to fund the replacement of the telecommunications systems in the Town Offices, the Public Safety Complex, and the G.A.R. Memorial Library, including all incidental and related expenses, or take any other action relative thereto. *By request of the Select Board.*

FinCom Recommendation:

Will vote on April 25th

Select Board Recommendation:

Will vote on April 25th

Rationale for Approval: *Town Meeting previously appropriated \$65,000 to support this project, which will fully replace communications equipment and infrastructure in three primary public buildings. Town management and staff uniformly view this project as long overdue, as the current system causes daily operational challenges and customer inconveniences at the Town Offices. After extensive research involving many Town departments and the Town's IT consultant, the Town initiated a procurement process for this project in 2023. Following the pre-submission meeting and walkthrough, the Town departments involved updated the project scope (for the 1910 Building) to include replacement, rerouting and upgrade of all telecom and network cabling. This expanded scope will result in a better telecom network, and will advance the Town's cybersecurity efforts and reduce its cyber liability exposure.*

The Town issued addenda to the RFP in order to notify prospective vendors of the expanded scope, and to extend the response time to receive proposals until April 24, 2024. The Select Board and the Finance Committee will meet the following evening (April 25th), review the procurement team's recommendation, and

vote its recommendations regarding this article. Subject to obtaining sufficient funding, it is anticipated that a contract to complete this work would be awarded before the end of the current fiscal year 2024.

Funding Source: *Stabilization*

Sunset Date: *6/30/2025*

ARTICLE 18: 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 and installation of an electronic keyless entry system for the Town Offices, including all incidental and related expenses, or take any other action relative thereto. *By request of the Select Board.*

FinCom Recommendation:

Approve: 4-0-0

Select Board Recommendation:

Approve: 3-0-0

Rationale for Approval: *The Finance Committee recommends this article to replace the current outdated manual lock and key system with an electronic keying system. This will update the building security with a more secure and convenient system for staff, public committees and rental users to enter the Town Office building, and provide an audit trail of building users accessing the building during off-hours. This investment will help the Town respond to recommendations from Town management, as well as from the Town's insurance provider and the Massachusetts Department of Labor Standards.*

Funding Source: *Stabilization*

Sunset Date: *6/30/2026*

ARTICLE 19: To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$560,000.00 to fund the replacement of a Fire Pumper truck, including all equipment and related expenses, or take any other action relative thereto. *By request of the Board of Fire Engineers.*

FinCom Recommendation:

Approve: 4-0-0

Select Board Recommendation:

Approve: 3-0-0

Rationale for Approval: *The current vehicle was purchased new in 1984 and refurbished in the late 1990's to replace the water tank and body. Throughout its long life, the front mounted water pump has been rebuilt several times to replace seals, valves, and other costly repairs. Beginning in 2017 the Board of Fire Engineers began researching grants to fund the replacement of this vehicle. The Town applied several times for the FEMA Assistance to Firefighter Grant - Apparatus Replacement Program and each time were denied. During this time, the vehicle continued to pass NFPA-compliant pump testing and has remained in service. However, over the last 2 years, the tanker has no longer passed its required testing and annual preventative maintenance, indicating it is due for replacement. The Finance Committee recommends this article.*

Funding Source: *Stabilization*

Sunset Date: *6/30/2025*

ARTICLE 20: To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$350,000.00 to fund the purchase and equipping of a Plow Truck, including all incidental and related expenses, for use by the Department of Public Works, or take any other action relative thereto. *By request of the Select Board.*

FinCom Recommendation:
Select Board Recommendation:

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

Rationale for Approval: *This purchase will assist the DPW to continue to operate reliably and efficiently. The existing DPW plow truck, which this new purchase is intended to replace, dates to 2011 and has been heavily utilized in the past 13 years, including over 36,000 miles and almost >2950 hours of run time. The current vehicle has major body and frame rust and is one of the Town's 3 full sized plow trucks. It is important to note that Select Board Policy #5, which states that all new DPW and other Town construction equipment, vehicles and similar investments, should be electric powered or 'transitional', (i.e., hybrid) vehicles. In the case, upon investigation, no such functionally viable and suitable EV/hybrid plow truck vehicles were found.*

Funding Source: *Stabilization*

Sunset Date: *6/30/2025*

ARTICLE 21: To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$33,500.00 to fund the purchase and equipping of a Zero-Turn Mower, including all incidental and related expenses, for use by the Department of Public Works, or take any other action relative thereto. *By request of the Select Board.*

FinCom Recommendation:
Select Board Recommendation:

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

Rationale for Approval: *This purchase will allow the DPW to continue operating efficiently and support the DPW's current and expanding role in maintaining Town fields and properties. The intended new purchase, a Kubota zero-turn mower, is intended to replace a 2002 mower, which is experiencing overheating, electrical issues, and difficulty finding replacement parts. In addition, the climate-controlled cab of the new mower will help protect the operator, a Town employee, from heat, dust and noise. Similarly to Article #20 above, Select Board Policy #5, which states that all new DPW and other Town construction equipment, vehicles and similar investments, should be electric powered or 'transitional', (i.e., hybrid) vehicles. In the case, upon investigation, no such functionally viable and suitable EV/hybrid options were found.*

Funding Source: *Stabilization*

Sunset Date: *6/30/2025*

ARTICLE 22: To see if the Town will vote to transfer and/or appropriate the sum of \$3,846.12 from Free Cash into a Special Revenue Fund pursuant to Chapter 77, Section 197 of the Acts of 2023, or take any other action relative thereto. *By request of the Select Board.*

FinCom Recommendation:
Select Board Recommendation:

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

Rationale for Approval: *Currently any opioid settlement funds that the Town has received reside in our Free Cash. The State has recently decided to allow towns to manage these funds in a simpler manner than its initial requirements. Gone will be the Opioid Settlement Stabilization Account. Enter a Special Revenue Fund where funds can be expended according to the terms of the settlement agreements. The Chief Executive Officer of the Town is responsible for properly managing these funds. There is a related article on the Annual*

Town Meeting warrant which dissolves the prior mechanism for managing these funds since it is no longer needed.

Funding Source: Free Cash

Sunset Date: N/A

ARTICLE 23: To see if the Town will vote to transfer and/or appropriate from available funds the sum of \$7,841.02 to fund the payment of unpaid bills incurred during prior fiscal years, or take any other action relative thereto. *By request of the Select Board.*

FinCom Recommendation:

Approve: 5-0-0

Select Board Recommendation:

Approve: 3-0-0

Rationale for Approval: *The Finance Committee recommends approval of this article. This amount is comprised in part by a June 2023 police detail charge that was not collectible. The large majority of this sum, however, is from a National Grid electric meter that was no longer communicating with National Grid, and actual usage was not getting billed for. The Town did not receive notice of this NGrid error until early 2024, long after the July 15th deadline by which last fiscal year's budget needed to be either expended or encumbered. Expenses incurred in a prior fiscal year, and not either expended or encumbered prior to the deadline, require a 4/5 majority vote at Special Town Meeting.*

Funding Source: Free Cash

Sunset Date: N/A

ARTICLE 24: To see if the Town will vote to transfer and/or appropriate from available funds a sum to fund the existing year snow and ice deficit for fiscal year 2024, or take any other action relative thereto. *By request of the Highway Superintendent.*

FinCom Recommendation:

Will review at meeting on April 25th

Select Board Recommendation:

Will review at meeting on April 25th

Rationale for Approval: *As of the publication date of the Finance Committee booklet, the funds budgeted for Snow & Ice removal have not exceeded budgeted costs in the current fiscal year. However, the snowstorm in early April resulted in recent costs, and Town staff are working to obtain any/all outstanding invoices for processing. If the recent costs push this budget line to a deficit, Town Meeting will be asked to authorize supplemental appropriations through a process authorized by the Massachusetts general laws.*

Funding Source: Free Cash

Sunset Date: N/A

ARTICLE 25: To see if the Town will vote to:

1. extend the sunset clause as adopted under the Motion for Article 16 of the Annual Town Meeting on May 22, 2021, which authorized \$600,000.00 from the Stabilization Fund for costs and expenses pertaining to the Town's share of the reconstruction of the Middle Street Bridge, for three (3) additional years, until June 30, 2027;
2. and further to eliminate the sunset clause as adopted under the Motion for Article 3 of the Special Town Meeting on May 14, 2022, which appropriated \$28,000.00 from

- Free Cash for costs associated with the preparation of a Historic Preservation Restriction, and costs associated with disposition, for the Soldiers and Sailors Memorial Building, located on Assessors' parcel R10-34, located at 363 Main Street;
3. and further to extend the sunset clause as adopted under the Motion for Article 18 of the Annual Town Meeting on May 14, 2022, which authorized \$65,000.00 from the Stabilization Fund for all costs and expenses pertaining to the replacement of the Town Offices telecommunications system for one (1) additional year, until June 30, 2025;
 4. and further to extend the sunset clause as adopted under the Motion for Article 6 of the Special Town Meeting on May 14, 2022, which authorized \$47,845.00 from Free Cash to fund several facility improvements throughout the town, for one (1) additional year, until June 30, 2025;
 5. and further to extend the sunset clause as adopted under the Motion for Article 17 of the Annual Town Meeting on May 14, 2022, which appropriated \$35,900.00 from the Stabilization Fund for all costs and expenses pertaining to the relocation of the Department of Public Works (DPW) work station from the Highway Divisions Garage, for one (1) additional year, until June 30, 2025;

or take any other action relative thereto. *By request of the Select Board.*

FinCom Recommendation:

Approve: 5-0-0

Select Board Recommendation:

Approve: 3-0-0

Rationale for Approval: *From time to time it becomes necessary to extend the previously agreed 'sunset dates' for various projects throughout town. While setting sunset dates is important so allocated funds are spent in a timely manner, and don't tie up funds unnecessarily, occasionally a project has an unforeseen delay. In this article are five such occurrences. In most cases the extension requested is one additional year, to June 30, 2025, but in the case of funds allocated to the Middle Street Bridge reconstruction project, a full 3 years is requested, due to the complexity and lengthy timeframe of this project. The proposed FY2027 extended sunset for the Middle Street Bridge aligns with the deadline for expenditure of the \$1,000,000 MassWorks grant and the \$750,000 MassDOT Small Bridge Grant awarded for this project in recent months.*

**APPENDIX A – 2024 Annual Town Meeting
Capital Improvements Committee
CIC FY25 CAPITAL PROJECT RANKINGS**

The Town Bylaws prescribe that no Town Meeting vote for capital improvements take place unless considered in the annual report of the Capital Improvements Committee (CIC).

In accordance with its charge, the CIC provided its draft report and recommendations to the Select Board by memorandum dated March 18, 2024, with a final report (updated to reflect changes to articles occurring after March 18th) dated April 4, 2024.

The CIC was initially presented with twenty-one proposed projects during the FY25 budget cycle which qualified as capital expenditures. Six were withdrawn during the process. The CIC recommendations on the remaining fifteen proposals are summarized as follows:

Summary of CIC Recommendations on Warrant Articles

<u>Article #</u>	<u>Description</u>	<u>Ranking</u>	<u>Proposed Authorization</u>
STM #19	Fire tanker replacement	1	\$ 560,000.00
STM #15	Page School flooring	2	\$ 50,000.00
STM #2	Replace water wellfield pump #1, piping and check valves	3	\$ 44,000.00
ATM #15	Police cruiser replacement	4	\$ 57,000.00
STM #14	Annex flooring replacement	5	\$ 62,000.00
STM #12	Coffin Street culvert design, engineering, and permitting	6	\$ 50,000.00
STM #20	DPW dump truck with plow replacement	7	\$ 350,000.00
STM #17	Telecom replacement/ upgrades at Town Offices, Public Safety Complex, and Library	8	To be determined*
STM #13	Page School elevator engineering and repairs	9	\$ 50,000.00
ATM #17	Boom mower for DPW trackless MT7 tractor	10	\$ 41,540.00
ATM #16	Installation of generator for Annex	11	\$ 90,000.00
STM #21	Replacement of DPW zero-turn mower	12	\$ 33,000.00
ATM #18	River Road planning / engineering services	13	\$ 40,000.00
STM #16	Public Safety Complex interior/exterior painting and improvements	14	\$ 23,835.00
STM #18	Electronic keying system at Town Offices	15	\$ 28,000.00

** Procurement process ongoing. Bids due on April 24, 2024. Project cost, with Select Board and Finance Committee recommendations, will be presented at Town Meeting.*

The Committee also proposed a budget contribution of \$800,000.00 to stabilization to support future capital expenditures.

More information about the CIC, including the Capital Improvements Program, can be found at: <https://www.wnewbury.org/capital-improvements-committee>

APPENDIX B – 2024 Annual Town Meeting
Article 21
TOWN BYLAWS

Article 21. Proposed deletion and replacement of the West Newbury Town Bylaws Section XXV. West Newbury Wetlands Protection By-Law.

Editing Notes:

- Text with strike-through: Language is not proposed for amendment.
- ~~Text with Strikethrough:~~ Language that is proposed for deletion.

CURRENT BY-LAW PROPOSED FOR DELETION:

XXV. WEST NEWBURY WETLANDS PROTECTION BY-LAW

~~WEST NEWBURY WETLANDS PROTECTION BY-LAW [Adopted at the adjourned Annual Town Meeting May 11, 1988, approved by the Attorney General July 28, 1988, and posted according to law August 29, 1988.]~~

~~That the Town of West Newbury adopts the provisions of M.G.L., CH.131, Sec. 40 and 310 CMR 10:00 as the West Newbury Wetlands Protection By-Law.~~

~~The Conservation Commission may adopt regulations and fees for permits for work within an area subject to the state wetlands protections act and regulations, in addition to the \$25.00 fee for Notices of Intent charged under M.G.L. c.131, sec. 40.~~

~~Town, county, state and federal projects are exempt from any fees imposed under this By Law.~~

~~Any fees imposed under this By Law will be refunded if a project is denied by the West Newbury Conservation Commission.~~

~~Permits are valid for three (3) years, as provided under state law.~~

~~Any determination or decision resulting from the administrative appellate process set forth in M.G.L. c. 131, sec. 40 and 310 CMR 10:05 (7) and/or judicial appeals of the determination or decision of that administrative process pursuant to M.G.L. c.30A will be adopted by the West Newbury Conservation Commission as the Commission's determination or decision under this By-Law after the exhaustion of all the appellate remedies described above.~~

NEW BY-LAW PROPOSED FOR ADOPTION:

XXV. WETLANDS PROTECTION BY-LAW

Sections:

- | | |
|------------------------|---------------------------------------|
| 1. Purpose | 3. Exemptions & Exceptions |
| 2. Jurisdiction | 4. Definitions |

5. Burden of Proof
6. Applications, Fees, & Outside Consultants
7. Notice, Public Hearings, and Public Meetings
8. Decisions and Conditions
9. Security
10. Appeals

11. Enforcement
12. Regulations
13. Relation to Wetlands Protection Act
14. Severability
15. Effective Date

1. Purpose

The purpose of this bylaw is to protect the wetlands, water resources, flood-prone areas, and adjoining upland areas in the Town of West Newbury by regulating activities deemed by the Conservation Commission (“Commission”) likely to have a significant or cumulative adverse effect on resource area values deemed important to the community (collectively, the “resource area values protected by this bylaw”), including but not limited to the following:

- 1.1 Public or private water supply;
- 1.2 Groundwater supply;
- 1.3 Flood control;
- 1.4 Erosion and sedimentation control;
- 1.5 Storm damage prevention including coastal storm flowage;
- 1.6 Water quality;
- 1.7 Prevention and control of water pollution;
- 1.8 Agriculture;
- 1.9 Fisheries, including aquaculture;
- 1.10 Wildlife habitat;
- 1.11 Rare species habitat, including rare plant and animal species; and
- 1.12 Recreation.

This bylaw is subject, however, to the rights and benefits accorded to agricultural uses and structures of all kinds under the laws of the Commonwealth and other relevant bylaws of the Town of West Newbury.

This bylaw is intended to utilize the Home Rule authority of West Newbury to protect the resource areas under the Wetlands Protection Act (G.L. c.131, §40; the Act) to a greater degree, to protect additional resource areas beyond those protected in the Act recognized by the Town as significant, to protect all resource areas for their additional values beyond those identified in the Act, and to impose, in local regulations and permits, Orders of Conditions, and Determinations of Applicability additional standards and procedures in addition to those of the Act and regulations thereunder (310 CMR 10.00).

2. Jurisdiction

Except as permitted by the Commission or as provided in Section 3 of this bylaw, no person shall remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following resource areas (collectively the “resource areas protected by this bylaw”):

- 2.1 Any freshwater or coastal wetlands, isolated wetlands, marshes, wet meadows, bogs, swamps and adjoining land extending out to a distance of 100 feet, known as the Buffer Zone;
- 2.2 Any freshwater or coastal bank or beach bordering on any lake, pond, reservoir, river, stream, brook, or creek and adjoining land extending out to a distance of 100 feet, known as the Buffer Zone;

- 2.3 Any perennial rivers, streams, brooks and creeks and lands adjoining these resource areas out to a distance of 200 feet, known as the Riverfront Area;
- 2.4 Any land under the aforementioned waterbodies and waterways;
- 2.5 Any vernal pools and adjoining land extending out 100 feet, known as the Vernal Pool Habitat;
- 2.6 Any lands subject to flooding;
- 2.7 Any lands subject to tidal action; and
- 2.8 Any lands subject to coastal storm flowage.

Said resource areas shall be protected whether or not they border surface waters.

3. Exemptions and Exceptions

The following exemptions shall apply:

3.1 Activities in the Buffer Zone and Riverfront Area Pursuant to 310 CMR 10.02 (2)(a) and (b) and as may be Amended by the Massachusetts Department of Environmental Protection (“MassDEP”)

The exemptions provided in the Wetlands Protection Act (G.L. c. 131 §40, the Act) and regulations (310 CMR 10.00) shall apply under this bylaw provided that advance written notice of at least 72 hours has been given to the Commission or its agent before the commencement of work and provided that the work also conforms to any performance standards and design specifications as written in the Act and regulations and to any performance standards and design specifications in regulations adopted by the Commission.

3.2 Emergency Projects

Projects necessary for the protection of the health and safety of the public, provided that the work is to be performed by or has been ordered to be performed by an agency of the Commonwealth or a political subdivision thereof and provided that advance notice, oral or written, has been given to the Commission or its agent before the commencement of work or within 24 hours after the commencement and provided that the Commission or its agent certifies the work as an emergency project and provided that the work is performed only for the time and place certified by the Commission or its agent for the limited purposes necessary to abate the emergency. Upon failure to meet these and other requirements of the Commission, the Commission may, after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.

3.3 Agriculture

Work performed for normal maintenance or improvement of land in agricultural and/or aquacultural use as defined by the Wetlands Protection Act (G.L. c.131, §40; the Act) and regulations thereunder (310 CMR 10.00).

3.4 Routine Mowing and Maintenance of Lawns, Gardens, and Landscaped Areas

The routine mowing and maintenance of lawns, gardens, and landscaped areas shall be exempt from this bylaw provided that these areas were lawfully in existence on the effective date of this bylaw or were created after such date in accordance to any performance standards and design specifications in regulations adopted by the Commission.

4. Definitions

The following definitions shall apply in the interpretation and implementation of this bylaw.

The term "agriculture" shall refer to the definition provided by G.L. c. 128, §1A.

The term "alter" shall include, without limitation, the following activities when undertaken to, upon, within, or affecting resource areas protected by this bylaw:

- a. Removal, excavation, or dredging of soil, sand, gravel, or aggregate materials of any kind;
- b. Changing of preexisting drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, or flood retention characteristics;
- c. Drainage, or other changing of water level or water table;
- d. Dumping, discharging, or filling with any material which may degrade water quality;
- e. Placing of fill, or removal of material, which would alter elevation;
- f. Driving of piles, erection, or expansion of buildings or structures of any kind;
- g. Placing of obstructions or objects in water;
- h. Destruction of plant life including but not limited to cutting or trimming of trees, shrubs, and other vegetation;
- i. Changing temperature, biochemical oxygen demand, or other physical, biological, or chemical characteristics of any waters;
- j. Any activities, changes, or work that may cause or tend to contribute to pollution of any body of water or groundwater;
- k. Incremental activities which have, or may have, a cumulative adverse effect on the resource areas protected by this bylaw; and/or
- l. Increasing the volume of untreated stormwater directed to a resource area.

The term "bank" shall include the land area which normally abuts and confines a water body; the lower boundary being the mean annual low flow level, and the upper boundary being the first break in the slope observed in the field or the mean annual high water line, whichever is higher.

The term "cumulative adverse effect" shall mean the adverse effects of activities regulated under this bylaw which may be individually insignificant to the interests and values under this bylaw, but when considered in relation to other past or present activities in a given area may be significant to said interests and values in the aggregate.

The term "interests" shall mean the resource area values and resource areas protected by this bylaw.

The term "isolated wetlands" means freshwater wetlands not bordering on a water body and at least 5,000 square feet in surface area.

The term "permit" shall mean a document issued by the Commission solely under this bylaw or regulations promulgated hereunder.

The term "pond" shall follow the definition of 310 CMR 10.04, and as may be amended, except a size threshold of 5,000 square feet shall apply.

The term "rare species" shall include, without limitation, all vertebrate and invertebrate animals and all plant species listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife, the United States Fish and Wildlife Service, and/or the National Oceanic and Atmospheric Administration regardless of whether the habitat in which they occur has been previously identified and/or mapped by the Massachusetts Division of Fisheries and Wildlife Natural Heritage and Endangered Species Program.

The term "vernal pool" shall include, in addition to scientific definitions found in the regulations under the Wetlands Protection Act, any confined basin or depression not occurring in existing lawns, gardens, landscaped areas or driveways which, at least in most years, holds water for a minimum of two continuous months during the spring and or summer, is free of adult predatory fish populations, and provides essential breeding and rearing habitat functions for amphibian, reptile or other vernal pool community species which have been found in the basin or depression. The boundary of the vernal pool is the mean annual high-water line defining the depression. A vernal pool may be subject to jurisdiction hereunder regardless of whether it has been certified by the Massachusetts Division of Fisheries and Wildlife's Natural Heritage and Endangered Species Program.

The term "written notice" shall include notice by electronic mail.

Except as otherwise provided in this bylaw or in associated regulations of the Commission, the definitions of terms and the procedures in this bylaw shall be as set forth in the Wetlands Protection Act (G.L. c. 131, §40) and regulations (310 CMR 10.00).

5. Burden of Proof

The applicant for a permit, Notice of Intent, or Request for Determination of Applicability to perform any work in a resource area protected by this bylaw shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application will not have significant or cumulative adverse effects on the interests protected by this bylaw.

Failure to provide adequate evidence to the Commission supporting this burden shall be sufficient cause for the Commission to:

- a. Deny a permit or Order of Conditions; or
- b. Issue a positive Determination of Applicability; or
- c. Issue a permit, Order of Conditions, or Negative Determination of Applicability with conditions; or
- d. Continue a public hearing or public meeting to another date at the Commission's discretion and with the applicant's permission, to enable the applicant or others to present additional evidence upon such terms and conditions the Commission deems reasonable.

6. Applications, Fees, & Outside Consultants

6.1 Application

A written application shall be filed with the Commission to perform activities that may impact resource areas protected by this bylaw. No activities under the jurisdiction of this bylaw shall commence without receiving and complying with a permit, Order of Conditions, or Determination of Applicability issued pursuant to this bylaw.

6.2 Request for Determination of Applicability (RDA)

Any person desiring to know whether or not a proposed activity or an area is subject to this bylaw may request, in writing, a Determination of Applicability from the Commission. The Commission shall accept a Request for Determination of Applicability (RDA) under the Wetlands Protection Act (G.L. c. 131 §40) and regulations (310 CMR 10.00) as an RDA under this bylaw where the RDA is sufficient to meet the requirements of the bylaw and any regulations promulgated thereunder. The Commission may require additional materials or information in addition to the plans and specifications required to be filed by an applicant

under the Wetlands Protection Act (G.L. c. 131 §40) and regulations (310 CMR 10.00), in order to fulfill the requirements of this bylaw and any regulations promulgated thereunder. The decision issued by the Commission for an RDA filing is a Determination of Applicability.

Any person desiring only to confirm delineations of resource area(s) on site shall file an Abbreviated Notice of Resource Area Delineation (ANRAD).

6.3 Abbreviated Notice of Resource Area Delineation (ANRAD)

Any person desiring to confirm, for purposes of this bylaw, the limits of resource areas on a site may file an Abbreviated Notice of Resource Area Delineation (ANRAD) with the Commission. This application shall include such information and plans as are set forth in the regulations of the Commission to describe and define the wetland resource areas. The Commission shall accept an ANRAD under the Wetlands Protection Act (G.L. c. 131 §40) and regulations (310 CMR 10.00) as an ANRAD under this bylaw where the ANRAD is sufficient to meet the requirements of the bylaw and any regulations promulgated thereunder. The Commission may require additional materials or information in addition to the plans and specifications required to be filed by an applicant under the Wetlands Protection Act (G.L. c. 131 §40) and regulations (310 CMR 10.00), in order to fulfill the requirements of this bylaw and any regulations promulgated thereunder.

The decision issued by the Commission for an ANRAD filing is an Order of Resource Area Delineation (ORAD).

6.4 Notice of Intent (NOI)

Any Person desiring to perform activities regulated by this bylaw affecting resource areas protected by this bylaw shall first file a Notice of Intent (NOI) with the Commission. The Notice of Intent shall include such information and plans deemed necessary by the Commission to describe proposed activities and their effects on the resource areas protected by this bylaw. The Commission shall accept an NOI under the Wetlands Protection Act (G.L. c. 131 §40) and regulations (310 CMR 10.00) as an NOI under this bylaw where the NOI is sufficient to meet the requirements of the bylaw and any regulations promulgated thereunder. The Commission may require additional materials or information in addition to the plans and specifications required to be filed by an applicant under the Wetlands Protection Act (G.L. c. 131 §40) and regulations (310 CMR 10.00), in order to fulfill the requirements of this bylaw and any regulations promulgated thereunder.

The decision issued by the Commission for an NOI filing is an Order of Conditions (OOC).

6.5 Permit

For regulating activities affecting resource areas protected solely under this bylaw and not under the Wetlands Protection Act (G.L. c. 131 §40), the Commission may create a permit application. Any permit application and all processes relating to a permit application shall be outlined in the regulations promulgated under this bylaw.

The decision issued by the Commission for a permit application is a permit.

6.6 Fees

At the time of an application, the applicant shall pay a filing fee specified in the regulations of the Commission. The fee is in addition to that required by the Wetlands Protection Act (G.L. c. 131 §40) and regulations (310 CMR 10.00).

6.7 Fee Waiver

The Commission may waive fees specified in the regulations of the Commission for applications filed by a government agency, including a municipal department, board, or committee. The Commission may also waive fees specified in the regulations of the Commission for applications filed for projects the Commission finds have a net benefit to wetland resources and a primary purpose of restoring wetland ecological functions.

6.8 Consultants

The Commission may, at the expense of the applicant and in accordance with the provisions of G.L. c. 44 §53G and regulations promulgated by the Commission, impose reasonable fees upon applicants to secure outside consultants including engineers, wetlands scientists, wildlife biologists, or other experts to aid in the review of proposed projects presenting technical issues requiring additional expertise to assist the Commission in protecting resource areas. Such funds shall be deposited with the town treasurer, who shall create an account specifically for this purpose. Additional consultant fees may be requested where the requisite review is more expensive than initially calculated or new information requires additional consultant services. This is intended to apply only to assist in reviewing projects deemed by the Commission to be large or complex.

7. Notice, Public Hearings, and Public Meetings

7.1 Abutter Notification

Any person filing a Notice of Intent or Abbreviated Notice of Resource Area Delineation, or for an amendment to an Order of Conditions shall follow the abutter notification requirements set forth in the Wetlands Protection Act (M.G.L. c. 131 §40) and regulations, 310 CMR 10.05(4), and as may be amended by the MassDEP.

7.2 Public Notice

The Commission shall provide written notice given at the expense of the applicant at least five business days prior to the public hearing or public meeting by publication in a newspaper of general circulation in West Newbury or in any other manner approved by the MassDEP. Where applicable, notice given for public meetings and public hearings under this bylaw may be combined with notice given for public meetings and public hearings under the Wetlands Protection Act (G.L. c. 131, §40) and regulations (310 CMR 10.00).

7.3 Public Hearings & Public Meetings

The Commission shall commence a public hearing on any permit application, Notice of Intent, Abbreviated Notice of Resource Area Delineation, or request to amend a final Order of Conditions, or a public meeting on any Request for Determination of Applicability, within 21 days from receipt of a complete application, unless an extension is authorized in writing by the applicant.

The Commission shall have authority to request that an applicant agree to continue the public hearing or public meeting to a specific date announced at the hearing or meeting, for reasons

stated at the hearing or meeting, which may include the need for additional information or plans required of the applicant or others as deemed necessary by the Commission. In the event that the applicant objects to a continuance or postponement, the hearing or meeting shall be closed and the Commission shall take action on such information as is available.

The Commission may combine its public hearing or public meeting under this bylaw with the public hearing or public meeting conducted under the Wetlands Protection Act (M.G.L. c. 131 §40) and Regulations (310 CMR 10.00).

8. Decisions and Conditions

8.1 Decision

The Commission shall issue its decision as a permit, Order of Conditions, denial, Order of Resource Area Delineation, or Determination of Applicability within 21 calendar days of the close of the public hearing or public meeting, unless the applicant authorizes an extension in writing. The Commission shall take into account the extent to which the applicant has avoided, minimized and mitigated any adverse effect to the interests of this bylaw. Each case will be considered on its own merits. Due consideration shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing or public meeting. The Commission may, in an appropriate case, combine the permit, Order of Conditions, Order of Resource Area Delineation, or Determination of Applicability issued under this bylaw with the Order of Conditions, Order of Resource Area Delineation, or Determination of Applicability issued under the Wetlands Protection Act (G.L. c. 131 §40) and regulations (310 CMR 10.00).

8.2 Waivers

Upon written request, the Commission may waive specifically identified and requested procedures, design specifications, performance standards, or other requirements set forth in this bylaw or regulations, provided that:

- a. The Commission finds in writing after said public hearing that there are no reasonable conditions or alternatives that would allow the proposed activity to proceed in compliance with said bylaw or regulations; and
- b. That avoidance, minimization and mitigation have been employed to the maximum extent feasible; and
- c. The project, when considered in its entirety, would result in a net benefit of resource areas values; and
- d. The waiver is necessary to accommodate an overriding public interest or to avoid a decision that so restricts the use of the property as to constitute an unconstitutional taking without compensation.

8.3 Approvals

The Commission is authorized to approve a permit or Order of Conditions or issue a Negative Determination of Applicability when proposed work meets all applicable design specifications, performance standards and other requirements under this bylaw and in regulations of the Commission and where the work will not result in significant or cumulative adverse effects upon the interests protected by this bylaw, as determined by the Commission. Any permit, Order of Conditions, or Negative Determination of Applicability issued under this bylaw may differ from any such permit or Order of Conditions issued by the Commission under the provisions of the Wetlands Protection Act (G.L. c. 131 §40) and regulations (310 CMR 10.00)

(the “Act”), where the bylaw and regulations of the Commission are more protective of any resource area(s) than the Act.

8.4 Conditions

The Commission is authorized to impose conditions on any approved permit, Order of Conditions, or Negative Determination of Applicability that the Commission deems necessary to protect the interests of this bylaw or to ensure that a project or activity proceeds in accordance with any design specifications, performance standards and other requirements in regulations of the Commission. If an approved permit Order of Conditions, or Negative Determination of Applicability contains conditions, all activities shall be conducted in accordance with those conditions.

A permit or Order of Conditions may include conditions with requirements which shall be enforceable for a stated number of years, indefinitely, or until permanent protection is in place, and shall apply to all present and future owners of the land. These conditions may remain in full force and effect after issuance of a Certificate of Compliance if so noted on the Certificate of Compliance.

8.5 Entry

The Commission, its agents, officers, and employees shall have authority to request authorization to enter upon privately owned land to perform their duties under this bylaw subject to the constitutions and laws of the United States and the Commonwealth. They may make or cause to be made such examinations, surveys, or sampling as the Commission deems necessary, subject to the constitutions and laws of the United States and the Commonwealth. The refusal to authorize entry in connection with review of an application for a permit, Notice of Intent, Request for Determination of Applicability, or Abbreviated Notice of Resource Area Delineation shall be grounds for denial of that application.

8.6 Denials

The Commission is empowered to deny a permit or Order of Conditions or issue a Positive Determination of Applicability for reasons including, but not limited to:

- a. Failure to meet the requirements of this bylaw;
- b. Failure to submit necessary information and plans requested by the Commission;
- c. Failure to meet the design specifications, performance standards and/or other requirements in regulations of the Commission;
- d. Failure to meet the design specifications, performance standards and/or other requirements of the Wetlands Protection Act (G.L. c. 131 §40) and regulations (310 CMR 10.00);
- e. Failure to avoid or prevent significant or cumulative adverse effects upon the interests protected by this bylaw;
- f. The refusal to authorize entry of the Commission to a property in connection with review of an application for a permit, Notice of Intent, RDA or ANRAD; and/or
- g. Where no conditions are adequate to protect the interests of this bylaw, as determined by the Commission in its sole discretion as the issuing authority.

Any denial issued under this bylaw may differ from any such permit, Order of Conditions, denial, or Determination of Applicability issued by the Commission under the provisions of

the Act, where the bylaw and regulations of the Commission are more protective of any resource area(s) than the Act.

8.7 Amendments

An applicant may request an amendment to an Order of Conditions. Any request for an amendment to an OOC shall comply with MassDEP Wetlands Program Policy 85-4, and as may be modified or amended by MassDEP.

8.8 Expiration

A permit, Order of Conditions, Determination of Applicability, or Order of Resource Area Delineation shall expire three years from the date of issuance unless otherwise specified by the Commission at the time of issuance.

8.9 Extensions

Notwithstanding the above, the Commission in its discretion may extend a permit, Order of Conditions, or Order of Resource Area Delineation for one or more periods of up to three years each, upon written request from the applicant made at least 30 days prior to the expiration of the permit Order of Conditions, or Order of Resource Area Delineation.

8.10 Revocation

For good cause the Commission may revoke or modify any permit, Order of Conditions, Order of Resource Area Delineation, or other decision issued under this bylaw after notice to the holder, the public, abutters, and after a public hearing.

8.11 Recordation of Order of Conditions or Permit

No work proposed in any application shall be undertaken until the permit, Order of Conditions, or amended Order of Conditions issued by the Commission with respect to such work has been recorded in the Southern Essex District Registry of Deeds or, if the land affected is registered land, in the registry section of the Land Court for the Southern Essex District Registry of Deeds, and until the holder of the permit, Order of Conditions, or amended Order of Conditions certifies in writing to the Commission that the document has been recorded or registered.

9. Security

As part of a permit or Order of Conditions issued under this bylaw, in addition to any security required by any other municipal or state board, agency, or official, the Commission may require that the performance and observance of the conditions imposed thereunder, including conditions requiring mitigation work, be secured wholly or in part by one or both of the methods described below:

- A. By a proper bond, a deposit of money or negotiable securities under a written third-party escrow arrangement, or other undertaking of financial responsibility sufficient in the opinion of the Commission, to be released in whole or in part upon issuance of a Certificate of Compliance for work performed pursuant to the permit.
- B. By accepting a conservation restriction, easement, or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of the West Newbury Conservation Commission whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed. This

method of accepting a conservation restriction, easement, or other covenant shall be used only with the consent of the applicant.

10. Appeals

Any decision of the Commission issued under this bylaw and any regulations promulgated hereunder, shall be reviewable in the Essex County Superior Court in accordance with G.L. c. 249, §4.

11. Enforcement

11.1 Scope

No person shall remove, fill, dredge, build upon, degrade, or otherwise alter resource areas protected by this bylaw without the required authorization of the Commission, or cause, suffer, or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or an enforcement order issued pursuant to this bylaw. Any person who violates any provision of this section may be ordered to restore the property to its original condition and take other action deemed necessary to remedy such violations, or may be fined, or both.

11.2 Enforcement

The Commission, its agents, officers, and employees shall have authority to enforce this bylaw, its regulations, permits, Orders of Conditions, Orders of Resource Area Delineation, and Determinations of Applicability issued thereunder by letters, phone calls, electronic communication and other informal methods, violation notices, enforcement orders, non-criminal citations under G.L. c. 40 §21D, and civil and criminal court actions. Any person who violates provisions of this bylaw may be ordered to restore the property to its original condition and take other action deemed necessary to remedy such violations, or may be fined, or both.

11.3 Legal Action

Upon request of the Commission, the Select Board may authorize town counsel to take legal action for enforcement of this bylaw under civil law. Upon request of the Commission, the chief of police may take legal action for enforcement of this bylaw under criminal law. Municipal boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement.

11.4 Fines

Any person who violates any provision of this bylaw, or regulations, permits, Orders of Conditions, Orders of Resource Area Delineation, Determinations of Applicability, enforcement order, or other administrative orders issued thereunder, shall be punished by a fine set by the Commission at \$200 per violation. Each day or portion thereof during which a violation continues, or unauthorized fill or other alteration remains in place, shall constitute a separate offense, and each provision of the bylaw, regulations, permit, or administrative orders violated shall constitute a separate violation.

As an alternative to criminal prosecution in a specific case, the Commission may, in its sole discretion, issue citations with specific penalties pursuant to the non-criminal disposition procedure set forth in G.L. c. 40 §21D, which West Newbury has adopted in §XXVIII of the Bylaws of the Town of West Newbury.

As long as any person in violation demonstrates, in the sole judgement of the Commission, a reasonable, good faith effort to comply with this bylaw, the Commission may refrain from issuing fines. However, the Commission may resort to issuing fines when the violator ceases to demonstrate a reasonable, good faith effort toward achieving compliance. This provision does not preclude the Commission from exercising its prosecutorial discretion to issue fines or preclude the Commission from simultaneously ordering mitigation and/or restoration of the affected resource areas.

11.5 Appeal of Fines

In addition to the appeal provisions under G.L. c. 40, §21D, persons fined may appeal in writing to the Commission within 21 days of issuance.

11.6 Vacate Fines

The Commission may vacate fines where compliance has been established or where the issuance of fines is inconsistent with the interests of this bylaw. The Commission may suspend fines as long as the person in violation demonstrates a reasonable, good faith effort toward obtaining compliance. The Commission may restore suspended fines at any time during an existing violation. This provision does not preclude the issuance of fines in conjunction with orders for restoration or mitigation.

12. Regulations

The Commission may promulgate regulations after public notice and a public hearing to effectuate the purposes of this bylaw, effective when voted by the Commission and filed with the town clerk. At a minimum, these regulations shall reiterate the terms defined in this bylaw, define additional terms and requirements not inconsistent with the bylaw, impose filing and consultant fees, and include design specifications and performance standards which provide for undisturbed vegetative buffers extending from the edge of resource areas. Failure by the Commission to promulgate such regulations or a legal declaration of their invalidity, in whole or in part, by a court of law shall not act to suspend or invalidate the effect of this bylaw.

13. Relation to the Wetlands Protection Act

This bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act (G.L. c. 131 §40) and regulations (310 CMR 10.00) thereunder. It is the intention of this bylaw that the purposes, jurisdiction, authority, exemptions, regulations, specifications, standards, and other requirements shall be interpreted and administered as more protective than those of the Wetlands Protection Act (G.L. c. 131 §40) and regulations (310 CMR 10.00).

14. Severability

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any permit, Order of Condition, Order of Resource Area Delineation, Determination of Applicability, enforcement or other administrative orders which previously has been issued.

15. Effective Date

The effective date of this bylaw shall be the first day of the month following the approval of the bylaw by the Attorney General.

This bylaw shall not be applicable to activity that is the subject of a Notice of Intent, Request for Determination of Applicability, or Abbreviated Notice of Resource Area Delineation filed with the Commission pursuant to the provisions of the Wetlands Protection Act (G.L. c. 131 §40) and regulations (310 CMR 10.00) before the effective date of this bylaw. This bylaw shall not be applicable to activity that has been issued a permit, Order of Conditions, Order of Resource Area Delineation, or Determination of Applicability pursuant to the provisions of the Wetlands Protection Act (G.L. c. 131 §40) and regulations (310 CMR 10.00) before the effective date of this bylaw.

APPENDIX C – 2024 Annual Town Meeting
Article 22
TOWN BYLAWS

Article 22. Proposed amendments to the West Newbury Town Bylaws Title VI. Animal By-Law.

Editing Notes:

- Text with no underline or strike-through: Language is not proposed for amendment.
- ~~Text with Strikethrough~~: Language that is proposed for deletion.
- Double-Underlined Text: Proposed new or updated language.

VI. ANIMAL DOG BY-LAW

DOG BY-LAW [*Adopted at the Annual Town Meeting April 28, 1986, approved by the Attorney General June 12, 1986, and posted according to law June 20, 1986. See also notes on amendments and additions at the end of the Bylaw.*]

Section 1. Dog Licensing

The Office of the Town Clerk shall be responsible for the licensing of dogs within West Newbury. All dogs three months or older must be licensed and tagged. Licenses are to be obtained by April 1 each year and will expire on the following March 31.

Section 2. License Fees

2.1 License and kennel fees shall be established and revised from time to time by the Town by vote ~~at Town Meeting~~ of the Select Board, based upon the recommendation of the Town ~~Clerk Fees Committee~~ and after the Select Board ~~of Selectmen~~ holds a public hearing on the proposed fees. License and kennel fees are intended to be sufficient to fund all related costs of the Animal Control Officer and Town Clerk, and any property damages caused by unidentified dogs within Town boundaries. A notice of the fee hearing shall be published in at least one local newspaper at least two weeks prior to the meeting.

2.2 Any license or kennel fee due on April 1 but remaining unpaid on May 1 ~~shall~~ may be subject to a supplemental fine of \$10.00 per dog; an additional fine of \$10.00 per dog ~~shall~~ may be charged if the fee remains unpaid on June 1, and likewise, an additional fine of \$10.00 per dog on July 1 and August 1.

Section 3. Animal Control Officer's Duties

3.1. The Animal Control Officer shall perform assigned duties in accordance with Chapter 140 of the General Laws of the Commonwealth of Massachusetts, and any other appropriate statutes relative hereto. The Animal Control Officer shall attend to all complaints and any other matters pertaining to dogs and shall take whatever action deemed necessary.

3.2 If the Animal Control Officer determines that a female dog in heat, even if confined, is attracting other animals, thus causing a disturbance or damage to neighboring property or public areas, the owner or keeper may be required to keep said animal, while in heat, in a kennel or to remove it from the area so that the nuisance is abated.

3.3 The Animal Control Officer ~~may~~ will require dog owners or keepers to restrain their dogs with a fixed-length, physical leash on all Town-owned property, and from running at large in on schools, school playgrounds, parks, trails and ~~or recreational areas.~~ Owners and keepers ~~may be required to restrain their dogs from running at large when the Animal Control Officer determines that any such dog is an annoyance, is dangerous or is known to cause damage in the neighborhood.~~

~~3.4.~~ 3.4. If the Animal Control Office determines that a dog’s behavior is causing a nuisance or is dangerous, they will require the owner to prevent such behavior. Dangerous or nuisance dog behavior, or other domesticated animals causing a nuisance. For the purpose of this Bylaw, dog behavior which is dangerous or a nuisance includes, but is not limited to, the following: molesting pedestrian passers-by or passing vehicles, including bicycles, attacking persons or domestic animals; or damaging public or private property. If the dog’s behavior continues, it will be considered a violation of Section 6 – Restraint of Dogs – and the owner will be subject to the fines and fees set forth therein.

~~3.3.2.:~~ No person owning, harboring, or having custody and/or control of 4 or more dogs shall permit such dogs to run at large in the Town of West Newbury at any time. A dog shall be deemed running at large when it is both off the premises of the owner or such person in custody or control of, and is not on a leash, or electronic leash collar (also known as an electric leash). Any violation of this Section shall be considered a violation of Restraining of Dogs and subject to the fines and fees set forth therein

3.5. Penalties:

A person who owns or keeps a dog, ~~or other domesticated animal,~~ shall be responsible for the following fees which require the service of the Animal Control Officer ~~in connection with any such dog or domesticated animal.~~

First Offense	Warning
Second Offense within twelve months	\$ 25.00 <u>50.00</u>
Third Offense, and any subsequent within twelve months of the first offense	\$ 75.00 <u>100.00</u>

Service of the Animal Control Officer is the response of the officer to a specific location, and requiring the removal, restraining or impounding of the dog or domesticated animal, whether occasioned by the request of a citizen, town official or otherwise. Fees shall be paid to the Town of West Newbury.

~~3.6.~~ 4. If the owner or keeper of a dog fails to comply with the order of the Animal Control Officer and does not appeal to the Select Board of Selectmen, as provided in the next section, the Animal Control Officer shall proceed to enforce said order as provided by law.

~~3.7.~~ 5. The Animal Control Officer having custody of a confined dog shall be allowed the sum of thirty-five ~~eight~~ dollars per day for the care of such dog, payable by the owner or keeper thereof, if known, otherwise from the dog fund.

Section 4. Appeal of Animal Control Officer Ruling

4.1. The owner or keeper of a dog, about which the Animal Control Officer issued an order under the above sections of this By-Law, may appeal said order in writing to the Select Board of Selectmen within ten days of the issuance of the order.

4.2. The Select Board of ~~Selectmen~~ shall hold a public hearing on the ruling and accept testimony from any and all interested parties, including the Animal Control Officer, after which the Board may overrule the Animal Control Officer, reach an agreement with the appellant, or instruct the Animal Control Officer to proceed with enforcement procedures as prescribed in Chapter 140, Section 173A of the General Laws.

Section 5. Applicability of Other Statutes

Notwithstanding the provisions of this By-Law, all other aspects of Chapter 140, Sections 136A through 175 shall still be in effect.

Section 6. Restraint of Dogs

No person owning, harboring or having custody or control of a dog shall permit such dog to be at large in the Town of West Newbury at any time, elsewhere than on the premises of the owner, except if such dog be on the premises of another person with the knowledge and consent of such person. Any dog which is not held firmly on a fixed-length, physical leash ~~or under the immediate control of such owner or keeper~~, may be fined and taken into custody of the Animal Control Officer. The owner shall be subject to:

1. A fine for violation of the Restraint Bylaw
2. Boarding fees for the number of days the animal is in the custody of the Animal Control Officer
3. Any necessary veterinary charges while the animal is in the custody of the Animal Control Officer

Fines:

First Offense	\$ 25.00 <u>50.00</u>
Second Offense	\$ 50.00 <u>100.00</u>
Third Offense and Subsequent Offenses	\$ 100.00 <u>200.00</u>

All town fees, fines, and charges shall be paid before the animal is returned to the owner or keeper.

This § shall be included within the scope of the provisions of Massachusetts General Laws, Chapter 40, § 21D, adopted at the fourth session of the 1995 Annual Town Meeting held on May 15, 1995, as § XXVIII, Enforcement of Town Bylaws. In addition to police officers, the Animal Control Officer shall also be an enforcing person for this section.

Dog License Fees

Neutered Male Dogs	_____ \$15.00
Spayed Female Dogs	_____ \$15.00
Male & Female Dogs	_____ \$25.00
Kennel:	_____
Not more than 4 dogs	_____ \$35.00
Not more than 10 dogs	_____ \$50.00
Over 10 dogs	_____ \$100.00

Section 7. Disposal of Waste

7.1. Duty to dispose. It shall be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by ~~his~~ their dog on any sidewalk, street, park, public way, public area or any private property of another. A copy of this section shall be given to every dog owner when licensing ~~his~~ their dog.

7.2. Duty to possess means of removal. No person who owns, possesses or controls a dog shall appear with such dog on any sidewalk, street, park, public area, or private property of another without the means of removing any feces left by such dog.

7.3. Method of removal. For the purpose of this section, the means of removal shall be any tool, implement or other device carried for the purpose of picking up and containing such feces which provides protection to the person and/or the public.

7.4. Method of disposal. Disposal shall be accomplished by transporting such feces to a suitable place for placement in a designated waste receptacle, or other suitable container which is regularly emptied by a refuse collector.

7.5. Exemption. This section shall not apply to service dogs accompanying any person physically incapable of collecting said waste.

7.6. Enforcement and fines. Violations of this section will result in a fine of \$50.00 for the first offense, and \$50.00 for the second and subsequent offenses within twelve months of a previous offense. This section may be enforced pursuant to the noncriminal disposition procedure of MGL Chapter 40, § 21 D and the Town Bylaws Section XXVIII, Enforcement of Town Bylaws. In addition to police officers, the Animal Control Officer shall also be an enforcing person for this section.

[Amendment Adding Section 3.5 to the Dog By-Law voted at the October 22, 1991, Special Town Meeting, Approved by the Attorney General on January 7, 1992, and posted according to law on January 9, 1992.]

[Amendment changing Section VI. "Dog Bylaw" to read "Animal By-Law" and the amendment to add Section 3.3.1. to the Animal Bylaw voted at the third session of the 1994 Annual Town Meeting held on June 16, 1994. Approved by the Attorney General on August 26, 1994, and posted according to law on August 31, 1994.]

[Amendment to Sections 2.2 and 3.3.1. adopted as Enforcement of Town By-Laws (See XXVIII) at the Annual Town Meeting, fourth session, held May 15, 1995, approved by the Attorney General June 28, 1995, and posted according to law July 10, 1995, allows the Animal Control Officer to act as an enforcing person in addition to Police Officers.]

[Amendment to add the section entitled "Restraint of Dogs" voted on May 3, 2001, at the second session of the 2001 Annual Town Meeting, and posted according to law on September 6, 2001. Fines were increased by an amendment voted on May 6, 2009 at the second session of the 2009 Annual Town Meeting, approved by the Attorney General on August 11, 2009 and posted according to law on August 20, 2009]

[Dog License Fees adopted under Article 20 of the 1986 Annual Town Meeting and approved by the Attorney General. Amendment voted at the 1990 Annual Town Meeting under Article 25, approved by the Attorney General on September 5, 1990, and posted according to law on October 22, 1990. Amendment voted at the 2003 Annual Town

Meeting under Article 16, approved by the Attorney General on July 30, 2003 and posted according to law on August 11, 2003]

[Amendment to add Section 3.3.2 was adopted at the Annual Town Meeting of April 27, 2015, approved by the Attorney General on May 26, 2015 and posted according to law on May 27, 2015]

[Amendment to add Section 7 was adopted at the Annual Town Meeting of May 23 2021, as Article 20, which was approved by the Attorney General on October 28, 2021 and posted according to law on November 3, 2021.]

APPENDIX D – 2024 Annual Town Meeting
Article 23
TOWN BYLAWS

Article 23. Proposed amendments to the West Newbury Town Bylaws Title I, Section 8 and Title VIII.

Editing Notes:

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- Double-Underlined Text: Proposed new or updated language.

I. TOWN OF WEST NEWBURY
BYLAWS AS ADOPTED AT A SPECIAL TOWN MEETING
HELD MAY 2, 1930s

SECTION 8. [Amended at the Special Town Meeting October 14, 1987, approved by the Attorney General November 24, 1987 and posted according to law on February 27, 1988. Amended at the Special Town Meeting held on November 4, 2013, approved by the Attorney General on February 27, 2014 and posted according to law on March 12, 2014, which added membership on the Investment Policy Committee.] In compliance with the provisions of law relating thereto, there shall be a Finance Committee consisting of six (6) qualified voters who shall not hold any other Town Office or position, except that one member of the Finance Committee shall be a member of the advisory Capital Improvements Committee and a member of the Finance Committee shall be a member of the Investment Policy Committee, and who shall be appointed by the Select Board ~~Selectmen~~, two (2) each year for a term of three (3) years, any vacancy arising may be filled by the Select Board ~~Selectmen~~ at any time. It shall be the duty of the Finance Committee to consider all municipal questions affecting the revenue, indebtedness or expenditures of the funds of the Town, and for this purpose the committee shall have access to all books and records of the Town.

VIII. FINANCES

FINANCE COMMITTEE BY-LAW [Adopted at the Annual Town Meeting, March 4, 1939, and posted according to law November 18, 1963.]

The Finance Committee shall annually elect a ~~chairman~~ and vice-chair ~~secretary~~ from its membership.

The ~~chairman~~ may call meetings whenever they ~~he~~ thinks advisable, but shall call meetings at the request of a majority ~~four members~~ of the committee then serving. A quorum for any meeting shall be a majority of those then serving ~~four members~~.

They shall meet at least ten days prior to the Annual Meeting each year and at least five days prior to any Special Town Meeting to prepare recommendations regarding all articles in the warrant, especially those involving the appropriation of money.

The committee shall confer with and advise the Select Board ~~of Selectmen~~ whenever so requested by the latter.

Prior to the Annual Meeting the Town Manager ~~Selectmen~~ shall submit to this committee the proposed budget for the next ensuing year, in accordance with the annual budget process set forth in Chapter 97 of the Acts of 2017 (An Act Establishing a Town Manager in the Town of West Newbury).

APPENDIX E – 2024 Annual Town Meeting
Article 25
ZONING BY-LAW

Article 25. Proposed amendments to the West Newbury Zoning Bylaw Section 2.

Editing Notes:

- Text with no underline or strike-through: Language is not proposed for amendment.
- ~~Text with Strikethrough:~~ Language that is proposed for deletion.
- Double-Underlined Text: Proposed new or updated language.
- NOTE: Definitions included in the Zoning Bylaw, and not included here, are **not** proposed for amendment.

SECTION 2. DEFINITIONS

For the purposes of this by-law certain terms and words are herein defined as follows:

Words used in the present tense include the future; words in the singular number include the plural and words in the plural number include the singular; the word “shall” is mandatory and not directory; the word “lot” includes the word “plot”; the word “land” includes the words “marsh” and “water”.

~~Accessory Building. A building not attached to any principal building, customarily incidental to and located on the same lot with the principal building.~~

~~Accessory Structure. A structure that is accessory to and incidental to that of the principal structure and that is located on the same lot.~~

~~Addition. An extension or increase in floor area, number of stories or height of a building or structure.~~

~~Apartment. A dwelling unit which occupies a part of a building, other parts of which may or may not be used as dwellings.~~

~~Apartment House. A building arranged, intended or designed to be occupied by two or more families living independently of each other.~~

~~ATM/Automatic Teller Machine. A drive in or walk in banking facility which either stands as a single structure or is attached to another building.~~

~~Basement. The part of the building which is wholly or partly below ground level. A story that is not a story above grade plane (see “story above grade plane”).~~

~~Boarding House. A building or premises, other than a hotel or bed & breakfast, for not more than four (4) persons, provided that the principal use is as a private residence, where rooms are let and where meals may be regularly served by prearrangement for compensation; not open to short term paying guests.~~

~~Building. A structure having a roof or cover for the shelter, housing, or permanent habitation for one (1) or more persons. Any structure used or intended for supporting or sheltering any use or occupancy.~~

Building Inspector/ Building Official. See Inspector of Buildings/Building Commissioner.

~~Child Care Center. A child care center or school-age child care program as defined in Massachusetts General Laws Chapter 15D, Section 1A.~~

Congregate Housing. A group living arrangement for elderly persons and persons with disabilities who cannot easily maintain their own housing, financially or otherwise, but who do not need nursing home care. The persons living together may care for themselves or may have ~~some~~ support services.

~~Cooperative. A system of ownership in which shares in a corporation are owned, entitling an owner or owners to occupancy of a portion of real estate owned by the corporation.~~

Cul-de-sac. A ~~dead-end~~ street with the closed end consisting of a turn around. Refer to the West Newbury Planning Board Rules and Regulations Governing the Subdivision of Land, as may be amended.

Dwelling Unit. ~~One (1) or more rooms with cooking, living, sanitary and sleeping facilities arranged for the use of one (1) or more persons living together as a single housekeeping unit. A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.~~

Farming. The use of land for agriculture as defined in Massachusetts General Laws Chapter 128, Section 1.A., as may be amended.

Floor Area. Floor area shall be the cumulative floor area, ~~of all levels~~ within the perimeter of the outside walls of the building under consideration, without deduction for hallways, stairs, closets, thickness of walls, columns or features. In the case of a multi-unit building, the center of the common wall shall be included.

Frontage. The linear extent of a lot measured along a constructed street ~~right-of~~ or way from the intersection of one side lot line to the intersection of the other side lot line of the same lot, which can be used for access to the lot but not including any portion thereof devoted to a right-of-way or a driveway serving more than one lot unless a special permit for a common driveway has been approved by the Planning Board.

Frontage at corner lot. ~~At a corner, frontage shall be measured to the point of intersection of the extension of the sideline of the rights-of way. (see diagram in Appendix One).~~ Frontage at a corner lot shall be measured on the side of the lot that will be used to access the property and the proposed construction will front on.

Frontage on Curved Streets and in Cul-De-Sacs. For lots fronting on curved streets and cul-de-sacs, the frontage distance shall be determined by measuring the cumulative linear distances along the curves and any tangent sections there between, where the lot fronts on the street. ~~See diagram in Appendix One.~~

Gasoline Station. An establishment which provides for the refueling of and servicing of motor vehicles and operations incidental thereto, and may include facilities for lubricating, washing or otherwise servicing motor vehicles, but not including the painting thereof by any means.

Hotel. A building, or portion thereof, or a group of buildings on a single lot, intended to be used for the temporary occupancy of ~~three (3) or more~~ short-term paying guests ~~who are lodged~~, with or without meals, and in which major provision for cooking may be made in a central kitchen but may not be in the individual rooms or suites.

Inspector of Buildings/ Building Commissioner. The administrative chief of the building department in a municipality who is charged with the enforcement of 780 CMR in accordance with M.G.L. c. 143 §§ 3 and 3A as well as the enforcement of the Zoning ~~Bylaw~~ By-Law.

Kindergarten. ~~A school or class of young children, usually from four (4) to six (6) years of age.~~

Loading Space, Off-Street. An off-street space ~~or berth~~, on the same lot with a building, for the temporary parking of vehicles while loading or unloading merchandise or material, and which has access to a street or other appropriate means of ingress or egress.

Lodging House. A one-family dwelling where one or more occupants are primarily permanent in nature and rent is paid for guest rooms.

Lot Area. ~~The area of a lot exclusive of any area in a street or way, public or private.~~ The area of the horizontal plane of a parcel of land bounded by the front, side and rear lot lines.

Maximum Building Coverage. The maximum permissible area that may be covered by the ground floor area of all buildings, portions or that building and appurtenances on a lot when viewed from above; to be measured as a percent of the required minimum lot area in the zoning district where the lot is located.

Non-Conforming Lot. A non-conforming lot is an existing lawful lot, which does not conform to the regulations for the district in which it is located and which existed at the time of the publication of notice of the hearing before the Planning Board respecting the regulation to which it does not conform as described in M.G.L. 40A § 6.

Non-Conforming Use. A non-conforming use of land or building is an existing lawful use of land or building which does not conform to the regulations for the district in which such use of land or building exists and which existed at the time of publication of notice of the hearing before the Planning Board respecting the regulation to which it does not conform as described in M.G.L. 40A § 6.

Nursery School. ~~A place for group pre-school training of children.~~

Principal Use. The ~~main~~ primary use of land or structures on a lot, as determined by the Inspector of Buildings.

Screened Area. ~~A section shielded from view from adjacent areas by fencing, hedges or trees.~~

Story. That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

Story Above Grade Plane. Any story having its finished floor surface entirely above grade plane, or in which the finished surface of the floor next above is either of the following:

1. More than 6 feet above grade plane.
2. More than 12 feet above the finished ground level at any point.

Stream, Bank of. Rising ground bordering a flowing body of water as defined in 310 CMR 10 of Massachusetts Regulations.

Structure. Any construction, erection, assemblage or other combination of materials upon the land, necessitating pilings, footings or a foundation for attachment to the land including swimming pools two (2) feet or more deep or having a surface of seventy-five (75) or more square feet and including all swimming pools permanently equipped with a water circulating system. That which is built or constructed.

Swimming Pool: An artificial pool of water or a natural pool altered to have a depth of two (2) feet or more at any point or seventy-five (75) or more square feet of surface and used for swimming or bathing, located indoors or outdoors, together with the equipment, and appurtenances used in connection with the pool.

Town House. A single family dwelling attached to another single family dwelling, in such a manner that each dwelling has a floor at ground level and front and rear access to the outside.

Role of the Finance Committee: The Finance Committee is an appointed, standing committee consisting of six qualified voters. The Finance Committee is specifically chartered with the following responsibilities:

- Prepare recommendations regarding all Articles in the warrant, especially those involving the appropriation of money.
- Consider all municipal questions affecting the revenue, indebtedness or expenditures of the funds of the Town, and for this purpose the committee shall have access to all books and records of the Town.
- Present the Annual Budget to the Town.
- Confer with and advise the Select Board whenever so requested.
- One member of the Finance Committee shall be a member of the advisory Capital Improvements Committee.
- Authorize transfers from the Reserve Fund.
- Authorize year-end budget line item transfers.

In addition to these statutory responsibilities, the Finance Committee serves as your investigative agent to make sure that all proposed expenditures are thoroughly vetted before they come before the Town.

GLOSSARY

1. **Article:** The topic to be considered and voted at Town Meeting.
2. **Assessment:** The Board of Assessors judgment of the value of a property.
3. **Bond:** A means to raise money through the issuance of debt. The Town (borrower) promises in writing to repay a specified sum of money, alternately referred to as face value, par value or bond principal, to the buyer of the bond on a specified future date (maturity date), together with periodic interest at a specified rate. The term of a bond is always greater than one year.
4. **Capital Expenditure:** An expense for a tangible asset or project that costs at least \$10,000 and has a useful life of at least 5 years.
5. **Chapter 70:** The Chapter of Massachusetts law that governs the funding of the schools. The formula is designed to distribute state aid to help establish educational equity among municipal and regional school districts. It is also the name for the largest part of state funding to schools.
6. **Chapter 90:** The Chapter of Massachusetts law that governs the funding of roads and highway improvements. It is also the common name for the largest part of state funding to highways.
7. **Cherry Sheet:** State aid to the Town, so called as they used to be printed on red paper.
8. **Credit Rating:** The evaluation given by lenders indicating the Town's ability to repay a Loan or Bond. A good credit rating allows the Town to borrow at a lower interest rate.
9. **Free Cash:** Funds remaining from the operations of a previous fiscal year (June 30) which may be appropriated after they have been certified by the Massachusetts Department of Revenue. These include unspent appropriations and revenue collected in excess of estimates.

10. **Levy:** The revenue the Town can raise through real and personal property tax and motor vehicle excise taxes.
11. **Levy Limit:** The maximum tax amount the Town can levy in a given year. The limit can grow 2 ½% of the prior year's levy limit plus new growth and any overrides.
12. **New growth:** The taxing capacity and thereby revenue added by new construction and other increases in the property tax base.
13. **Operating Expenses:** The budget for routine, recurring expenses during the fiscal year starting on July 1 through June 30. It includes all labor and expenses. Typical examples are Police and Fire Department salaries, the Town's assessment from the Pentucket Regional School District, road repairs, snow removal and the solid waste pickup (trash) contract.
14. **Override:** Proposition 2 ½ allows a Town to increase the Town's taxes greater than 2 ½% by one of 3 methods, if approved by the voters:
 - a. Capital Outlay Expenditure Override– allows override of Prop 2 ½, only for a one-time purchase.
 - b. Debt Exclusion Override–allows over-ride of Prop 2 ½ only for the term of the debt repayment schedule.
 - c. General Override–increases the total tax beyond 2 ½% permanently.
15. **Pension Obligations:** Contributions to the Essex Regional Retirement Board and to the Other Post-Employment Benefits (OPEB) for eligible Town employees to pay for negotiated benefits.
16. **Pentucket Regional School District (PRSD) Assessment:** What the Town must pay to the PRSD each year for the schools. It includes:
 - a. Minimum contribution established by the Massachusetts Department of Education based on Town demographics, real estate values, and income.
 - b. Other Assessment. Remainder of operating budget of the PRSD, which is calculated based on the number of West Newbury pupils in the district.
 - c. Capital assessment is the district wide debt service on borrowing also apportioned based on the number of West Newbury pupils in the district and some Green Repair town specific debt and reimbursements.
17. **Proposition 2 ½:** The state law that limits the amount of increase in total real estate taxes, which the Town may assess, to a maximum of 2 ½% per year on existing properties. It does not include taxes that may be levied on new construction or additions (so called new growth).
18. **Raise and Appropriate:** Town Meeting authorization to expend a certain amount of money for a specific purpose by raising that amount of taxes to pay for that expenditure.
19. **Sources of Revenue:** Local receipts collected by the Town such as boat and auto excise tax taxes, fines and interest, real estate property taxes, state aid and grants.
20. **Stabilization Account:** A general savings account deposited into or withdrawn from at Town Meetings with a 2/3 vote. West Newbury has historically used this account to save for capital expenditures, but it is eligible for any lawful purpose.
21. **Special Purpose Stabilization Account:** A special purpose savings account deposited into or withdrawn from at Town Meetings with a simple majority vote. West Newbury has established accounts such as the School Stabilization, Pension Liability, and OPEB Liability accounts.

TOWN MEETING: IMPACTS ON TOWN ACCOUNTS

Balances Report		Estimated							Unreserved: Available for Appropriation				
		Town Stabilization	Pension Stabilization	OPEB Stabilization	School Stabilization	Town Free Cash	Water Stabilization	Water Retained Earnings	CPC Comm Housing	CPC Historical	CPC Open Space & Rec	CPC Undesig	CPC Reserve
1/1/2024		2,319,258	414,985	2,520,755	611,565	2,163,473	411,753	520,386	60,904	363,114	0	2,776,597	
April 2024 Special Town Meeting	Art #												
Replace Water Pump	2						(44,000)						
Testing Potential Water Site(s)	3					(60,000)							
Pickleball Feasibility Study	4											(30,000)	
Sawmill Brook Admin Costs	5											(10,000)	
Quaker Cemetery Tree/Brush Removal	6								(4,000)				
Zoning/legal consulting: MBTA Communities; housing; 40R	7					(75,000)							
Unbudgeted Personnel Costs	8					(82,000)							
Post-Closure Landfill Testing	9					(8,265)							
High Hazard Tree Removal	10					(50,000)							
Page/Pipestave/Main St. crosswalk	11					(18,000)							
Coffin Street culverts (permitting)	12					(50,000)							
Page School elevators	13					(50,000)							
Annex flooring replacement	14	(62,000)											
Page School flooring repairs	15	(50,000)											
Public Safety Complex repairs	16	(23,835)											
Telecom replacement: Town Offices, Public Safety Complex, Library	17	TBD											
Town Offices electronic keying	18	(28,000)											
Replace Fire Pumper Truck	19	(560,000)											
Replace DPW Plow Truck	20	(350,000)											
Replace DPW Zero-Turn Mower	21	(33,500)											
Transfer Opioid Settlement Funds	22					(3,846.12)							
Prior Year Unpaid Bills	23					(7,841.02)							
Snow & Ice Deficit	24					TBD							
Estimated Balances after STM		1,211,923	414,985	2,520,755	611,565	1,758,521	367,753	520,386	60,904	359,114	0	2,736,597	0
April 2024 Annual Town Meeting	Art #												
Transfer from School Stabilization	3				(200,000)								
Omnibus Budget	4	600,000											
Pension Liability Stab. Fund	8		113,673			(113,673)							
OPEB Stabilization Fund	9			25,500		(25,500)							
CPA FY24 Estimated Receipts	12								73,000	73,000	73,000	(36,500)	511,000
CPA: Transfer funds to Affordable Housing Trust	13								(60,904)				
Transfer to Stabilization Fund	14	200,000				(200,000)							
Replace Police Cruiser	15	(57,000)											
Town Annex Generator	16	(90,000)											
Boom Mower for DPW Trackless Vehicle	17	(41,540)											
River Road planning/engineering	18					(40,000)							
Citizen Petition: 40R/MBTA Zoning	28					(100,000)							
Estimated Balances after ATM		1,823,383	528,658	2,546,255	411,565	1,279,348	367,753	520,386	73,000	432,114	73,000	2,700,097	511,000

NOTE: Estimated Balances after ATM do not account for other changes in account balances, such as Turnbacks (underspent budget line items; and underspent prior appropriations); Bank Interest; and Earnings-on-Investments. These amounts, in general, tend to increase the balances in Free Cash, and the Stabilization account, above what are shown here as estimated amounts.

Source: Angus Jennings, Town Manager, 4/12/24

REVENUES

4/1/2024							
Revenues:	Actual	Actual	Actual	Actual	In Process	Projected	Comments
	FY 2020	FY 2021	FY 2022	FY23	FY24	FY25	
Prior fiscal year levy limit	13,653,481	14,138,156	14,732,479	15,339,296	15,890,512	16,367,882	MassDOR levy limit, FY19 to FY24
Amended Prior Year Growth							
Tax Limit 2.5	341,337	353,454	368,312	383,482	397,263	409,197	Increase from prior year levy limit allowed by prop 2 1/2
New Growth	143,338	240,869	238,505	167,734	80,107	174,111	All but FY25 is actual. FY25 est based on 5 year average
General Overrides							
Debt Exclusions	627,864	1,268,041	1,194,433	1,311,703	1,579,716	1,579,972	FY25 net excluded debt service per debt schedules
Cherry Sheet Revenues	391,576	372,865	410,121	438,821	460,504	482,302	FY25 est. based on MA DOR Prelim Cherry Sheet estimates 1/24/2024
Local Receipts	1,367,652	1,452,520	1,500,809	1,594,147	1,417,320	1,478,782	All but FY24 and FY25 is actual. FY24 was estimated in FY24 tax rate recap. FY25 forecast by Finance Department.
Total Revenues	16,525,248	17,825,905	18,444,659	19,235,184	19,825,422	20,492,246	
Reserve for Abatements/Receivables	-165,005	-101,824	-118,754	-10,000	-20,000	-40,000	
Tax Title Purposes	0	0	0	0	0	0	Set aside of tax title purposes
Cherry Sheet Charges	-102,244	-82,578	-84,268	-84,882	-89,669	-91,501	Charges for services thru state and other agencies & Charter schools; FY25 estimated.
Total Offsets	-267,249	-184,402	-203,022	-94,882	-109,669	-131,501	
Revenue-Less Offsets	16,257,999	17,641,503	18,241,637	19,140,302	19,715,753	20,360,745	
Less Direct to Library	-7,491	-8,650	-9,403	-9,893	-11,485	-11,129	Goes directly to library; FY25 estimate
Net to Revenues to General Fund	16,250,508	17,632,853	18,232,234	19,130,409	19,704,268	20,349,616	
Less Prior Year Snow & Ice Deficit	0	0	0	0	0	0	
Less Prior Year Other Deficits	0	0	0	0	0	0	
Net Available for Operating Expenses	16,250,508	17,632,853	18,232,234	19,130,409	19,704,268	20,349,616	