



TOWN OF WEST NEWBURY

James RW Blatchford
Town Clerk

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West Newbury, MA 01985
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townclerk@wnewbury.org

October 30, 2023

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

Dear Mr. Jennings:

The following is a report of the items voted at the Fall Special Town Meeting which convened on October 23, 2023 and adjourned the same date, together with other votes affecting the finances of the Town.

Pursuant to the Warrant issued by the Select Board on October 5, 2023, which was posted on October 6, 2023 according to law by Constable Brian Richard, who made proper return of his doings thereon, the Fall Special Town Meeting was to be held on October 23, 2023, indoors in the Town Annex, 379 Main Street, West Newbury, MA. The meeting was called to order at 7:09 PM by the Moderator Kathleen C. Swallow upon report of a quorum of 90 or more registered voters from the Board of Registrars. A total of 162 voters were in attendance. The Town Clerk, James RW Blatchford, read the return of service. The Town Moderator introduced Town Officials. There were no objections to non-resident Town Officials who were in attendance addressing the meeting, if necessary.

Prior to Article 1 Select Board Chair Wendy Reed moved to waive the reading of the Articles for this Town Meeting.

The motion was properly seconded from the floor.

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

ARTICLE 1.

Tree Committee Chair Fred Chanania gave a report on their recent activities. He reported that the inoculation of ash trees against the Emerald Ash Borer had been undertaken, with 89

trees surviving. He spoke about the potential future purchase of trees in bulk to help replace the infected population. He concluded by mentioning the associate vacancy on the Committee if anyone was interested in joining.

Select Board member Richard Parker spoke on behalf of the Climate Change and Resiliency Committee, of which he is also a member. He reported that activities surrounding the Municipal Vulnerability Preparedness Grant were ongoing to help protect River Road and surrounding areas from flooding, erosion, and other extreme weather events. Efforts include surveying the affected areas and finding ways of future remediation and shoreline stabilization. He said there would be a drone flying event hopefully by the end of this year, and that they would continually be open to resident engagement and feedback.

Energy and Sustainability Committee Chair Arthur “Chip” Wallace gave a report on their activities. He outlined the Town and Committee’s work on the municipal energy aggregation plan and the solar site feasibility study.

Pentucket School Committee member Dena Trotta spoke on behalf of the Pentucket Regional School Committee. She reported that the District had made strides in getting back to the levels of staffing and resources with the recent Proposition 2 ½ Override. She highlighted the improvement of MCAS scores of Pentucket students, and the successful opening of the ADA-compliant playground at Page School.

Finance Committee Chair Rob Phillips gave a report on their activities. He highlighted the cooperation and joint meetings between Select Board and Finance Committee in the run-up to Town Meeting, which helped to streamline the pre-Town Meeting meetings, and that all articles were approved unanimously by both the Select Board and Finance Committee. He pointed out that there would be no article this year to lower the property tax rate. This year it would be paused and evaluated to see if this is the best use for Free Cash in West Newbury with a large number of potential projects coming up over the next several years.

ARTICLE 2.

Water Commission Chair Bob Janes moved that the Town vote to decrease the Expenses line of the FY24 Water Department budget, as adopted under the Motion for Article 6 of the Annual Town Meeting on April 24, 2023, by reducing the approved amount to \$375,027.00.

The motion was seconded by Select Board Chair Wendy Reed.

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

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

ARTICLE 3.

Select Board Chair Wendy Reed moved that the Town vote to adjust the following Line Items as set forth in the Fiscal Year 2024 Town Omnibus Budget adopted under the Motion for Article 4 of the Annual Town Meeting on April 24, 2023:

- 3 – Town Manager Technology Expenses; increase from \$70,032 to \$76,455
- 9 – Board of Registrars Salary & Wages; increase from \$6,800 to \$8,400
- 9 – Board of Registrars Expenses; increase from \$8,250 to \$10,170
- 25 – Board of Health Steele Landfill Monitoring; increase from \$36,315 to \$36,915

and that the Town vote to raise and appropriate a sum or sums of money as may be necessary to defray the expenses of the Town for Fiscal Year 2024.

The motion was seconded by Select Board member Richard Parker.

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

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

ARTICLE 4.

Select Board Chair Wendy Reed moved that the Town vote to adjust the following Line Items as set forth in the Fiscal Year 2024 Town Omnibus Budget adopted under the Motion for Article 4 of the Annual Town Meeting on April 24, 2023:

- 21 – Pentucket Regional School Assessment; decrease from \$7,871,758 to \$7,862,142
- 21 – Pentucket Capital Assessment; increase from \$1,123,070 to \$1,154,371
- 22 – Essex North Shore Ag & Tech School; increase from \$46,327 to \$94,110

and that the Town vote to raise and appropriate a sum or sums of money as may be necessary to defray the expenses of the Town for Fiscal Year 2024.

The motion was seconded by Select Board member Christopher Wile.

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

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

ARTICLE 5.

Select Board Chair Wendy Reed moved that the Town vote to transfer from Free Cash the sum of \$67,514.00 to the Pension Liability Stabilization Fund.

The motion was seconded by Select Board member Richard Parker.

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

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

ARTICLE 6.

Select Board Chair Wendy Reed moved that the Town vote to transfer from Free Cash the sum of \$50,000.00 to fund the costs associated with identification and evaluation of sites with potential to support development of public well fields, including all incidentals and related expenses, with any remaining funds to be closed out to the general account fund balance at the close of Fiscal Year 2025.

The motion was seconded by Select Board member Christopher Wile.

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

There was a question from the floor, with regard to the use of Town Free Cash to pay for this Article and not Water Department funds. Select Board member Wile responded saying due to the potential need to purchase land by the Town in the future the Select Board could help with this evaluation. Further comments from the floor stressed the need for water security and the need to diversify our water sources with need for additional funds to come from the Town due to rate payers being unable to fund these projects alone. Chair of the Board of Water Commissioners gave a report from the Water Department regarding current use and water needs for the future of the Town. He asked for the Towns assistance to help the Water Department find and fund additional water sources in Town in the future. Additionally, the Board of Water Commissioner anticipates holding a hearing in the next calendar year regarding an increase to the current water rates.

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

ARTICLE 7.

Board of Assessors member Richard Baker moved that the Town vote to transfer from Free Cash the sum of \$20,000.00 for the purpose of engaging professional consultants relative to the FY25 assessing revaluation, including all incidental and related expenses, with any remaining funds to be closed out to the general account fund balance at the close of Fiscal Year 2025.

The motion was seconded by Select Board member Christopher Wile.

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

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

ARTICLE 8.

Select Board Chair Wendy Reed moved that the Town vote to transfer from Free Cash the sum of \$10,000.00 to fund the purchase and installation of police/fire audio recording, playback and archiving equipment for use by Police, Fire and Dispatch personnel, including associated training, setup costs, and all incidental and related expenses, with any remaining funds to be closed out to the general account fund balance at the close of Fiscal Year 2025.

The motion was seconded by Select Board member Richard Parker.

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

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

ARTICLE 9.

Select Board Chair Wendy Reed moved that the Town vote to transfer from Free Cash the sum of \$7,400.00 to fund the purchase and installation of gas meters for use by Fire personnel and other first responders, including associated training and setup costs, and all incidental and related expenses, with any remaining funds to be closed out to the general account fund balance at the close of Fiscal Year 2024.

The motion was seconded by Select Board member Christopher Wile.

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

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

ARTICLE 10.

Select Board Chair Wendy Reed moved that the Town vote to transfer from Free Cash the sum of \$12,000.00 to fund the purchase and installation of a portable speed monitoring trailer and pedestrian safety signs, including associated training and setup costs, and all incidental and

related expenses, with any remaining funds to be closed out to the general account fund balance at the close of Fiscal Year 2024.

The motion was seconded by Select Board member Richard Parker.

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

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

ARTICLE 11.

Open Space Committee member Carol Decker gave a report on both the invasive species management program funded at the Annual Town Meeting as well as the ongoing internship program being coordinated by the Conservation Agent, and how these are expected to be proposed as annually funded items within the next Town budget.

Open Space Committee member Carol Decker moved that the Town vote to transfer from Free Cash the sum of \$50,000.00 to fund the costs of conducting professional invasive species management on town-owned land, including all incidental and related expenses, with any remaining funds to be closed out to the general account fund balance at the close of Fiscal Year 2025.

The motion was seconded by Select Board member Richard Parker.

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

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

ARTICLE 12.

Open Space Committee member Carol Decker moved that the Town vote to transfer from Free Cash the sum of \$3,500.00 to fund the costs and expenses of operating an invasive species intern/steward program, which will identify, map, and remediate invasive species on public lands in the Town of West Newbury, including all incidental and related expenses, with any remaining funds to be closed out to the general account fund balance at the close of Fiscal Year 2024.

The motion was seconded by Select Board member Richard Parker.

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

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

ARTICLE 13.

Select Board Chair Wendy Reed moved that the Town vote to transfer from Free Cash the sum of \$2,430.00 to fund the payment of unpaid bills incurred during a previous fiscal year.

The motion was seconded by Select Board member Christopher Wile.

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

The Moderator noted that passage requires a 9/10ths vote. With there being no discussion, the Town Moderator called for a vote, and declared that the Motion carried unanimously.

ARTICLE 14.

Open Space Committee Chair and CPC representative Graham Bacheller moved that the Town vote to appropriate and transfer from Community Preservation Act funds, pursuant to Massachusetts General Laws Chapter 44B, the sum of \$175,000, with \$73,529 from the Open Space and Recreation Fund Balance and \$101,471 from the Undesignated Fund Balance, in conformity with the applications submitted, for the purpose of acquiring a conservation restriction on a portion of the property located at 114 Ash Street, consisting of approximately 14 acres and being a portion of West Newbury Assessors Map 70 Lot 40, and costs incidental or related thereto, and to authorize the Select Board and/or the Conservation Commission to acquire said conservation restriction by purchase, gift, and/or eminent domain on such terms and conditions as the Select Board and/or the Conservation Commission deems appropriate; to authorize the Select Board, the Conservation Commission, and/or their designee to apply for, accept and expend funds from the Commonwealth of Massachusetts or other public or private sources to defray all or a portion of the costs of acquisition, including, but not limited to, grants and/or reimbursements from any federal, state or other grants or reimbursement programs in any way connected with the scope of this article, including but not limited to funds contributed by Essex County Greenbelt Association, which, together with the Town, will hold said conservation restriction; and, further, to authorize the Select Board, the Conservation Commission, and/or their designee to enter into any and all agreements and execute any and all documents necessary or convenient to effectuate the foregoing, with any remaining funds to be closed out to the Community Preservation Act Open Space and Recreation Fund Balance and the Undesignated Fund Balance in the same proportion as the amounts allocated herein, at the close of Fiscal Year 2025.

The motion was seconded by Select Board member Richard Parker.

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

Mr. Bacheller spoke on what he believes to be positive benefits of acquiring the property in question, protecting it and keeping it as farmland.

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

ARTICLE 15.

Planning Board member Raymond Cook moved that the Town vote to amend the West Newbury Zoning By-law by deleting Section 7 (Conditions of Use) in its entirety and replacing it with a new Section 7 (including Sections 7.1-7.9) (Nonconforming Uses and Structures), as set forth in Appendix C of the West Newbury Finance Committee Report (pages 15-18), dated October 23, 2023, and on file and available for inspection with the Town Clerk; and further to authorize the Town Clerk to make any non-substantive, ministerial changes to numbering and formatting to ensure consistency with the remainder of the Zoning By-law.

The motion was seconded by Select Board member Christopher Wile.

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

Mr. Cook spoke on the Article, saying that it would help streamline processes by allowing the Building Inspector to make rulings regarding certain nonconforming properties and structures.

The Moderator noted that passage requires a 2/3 vote. With there being no further discussion, the Town Moderator called for a vote, declared that the Motion carried with more than 2/3 in favor by a vote of 129 in favor to 3 against.

ARTICLE 16.

Select Board Chair Wendy Reed move that the Town vote to amend the West Newbury Town Bylaws by deleting Section XXXIX (Short Term Rentals) in its entirety, and further, to authorize the Town Clerk to make any non-substantive, ministerial changes to numbering and formatting to ensure consistency with the remainder of the Town Bylaws.

The motion was seconded by Select Board member Christopher Wile.

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

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

ARTICLE 17.

Planning Board member Raymond Cook moved that the Town vote to amend the West Newbury Zoning By-law by revising Section 2 (Definitions), and by adding a new Section 4.2.4

(Accessory Dwelling Units (ADU)), as set forth in Appendix D of the West Newbury Finance Committee Report (pages 19-20), dated October 23, 2023, and on file and available for inspection with the Town Clerk; and further to authorize the Town Clerk's office to make any non-substantive, ministerial changes to numbering and formatting to ensure consistency with the remainder of the By-law.

The motion was seconded by Select Board member Richard Parker.

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

Mr. Cook spoke in favor of the proposed Article. Diane Teed stated she was in favor of the ADUs but not standalone ADUs on a property, feeling that the application of the Bylaw was too broad, and it would compromise the Town's character. She suggested a separate by-right process for ADUs be developed. Several other speakers spoke in favor of this Article and the need for more housing, especially for multigenerational or caregiver living space, on the same property. Richard Baker spoke from the floor on his concern that multiple ADUs could be constructed on the same property, especially properties with large acreage. Mr. Cook spoke again, explaining this Bylaw allowed for only one ADU per property and the same setback requirements for current properties would apply to the ADUs as well.

The Moderator noted that passage requires a 2/3 vote. With there being no further discussion, the Town Moderator called for a vote, declared that the Motion carried with more than 2/3 in favor by a vote of 112 in favor to 20 against.

ARTICLE 18.

Select Board Chair Wendy Reed moved that the Town vote to repeal the Personnel Bylaw, adopted at the third session of the 1999 Annual Town Meeting, in its entirety.

The motion was seconded by Select Board member Richard Parker.

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

Reed explained that the repeal was to bring the Town more in line with the Town Manager form of government with much of the current Bylaw being out of date or already included in the Personnel Policy.

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

ARTICLE 19.

Select Board Chair Wendy Reed moved that the Town vote to accept the provisions of Massachusetts General Laws Chapter 59, Section 21A, authorizing the Town to pay additional

compensation to the Assessors in an amount equal to ten percent of their regular compensation for full-time employees, but in no event greater than \$1,000 annually, and in an amount equal to ten percent of their regular compensation for part-time employees, but in no event greater than \$500 annually, upon attainment of a certificate by the International Association of Assessing Officers as a certified assessment evaluator or a certificate by the Association of Massachusetts Assessors as a certified Massachusetts assessor.

The motion was seconded by Select Board member Christopher Wile.

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

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

ARTICLE 20.

Select Board Chair Wendy Reed moved that the Town vote to accept the provisions of Massachusetts General Laws Chapter 41, Section 19K, authorizing the Town to pay additional compensation to the Town Clerk in an amount equal to ten percent of their regular compensation, but in no event greater than \$1,000 annually, upon completion of the necessary courses of study and training, and attainment of a certificate by the Massachusetts Town Clerks' Association as a certified Massachusetts municipal clerk.

The motion was seconded by Select Board member Christopher Wile.

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

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

ARTICLE 21.

Select Board Chair Wendy Reed moved that the Town vote to accept the provisions of Massachusetts General Laws Chapter 41, Section 108P, authorizing the Town to pay additional compensation to the Town Treasurer/Collector in an amount equal to ten percent of their regular compensation, but in no event greater than \$1,000 annually, upon completion of the necessary courses of study and training, and attainment of a certificate by the Massachusetts Collectors and Treasurers Association as a certified Massachusetts municipal collector or a certified Massachusetts municipal treasurer.

The motion was seconded by Select Board member Richard Parker.

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

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

ARTICLE 22.

Council on Aging Board member Marge Peterson moved that the Town vote to amend Section XL of the Town Bylaws as printed in Article 22 of the Warrant for the purpose of establishing a revolving fund for the Council on Aging, 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.

The motion was seconded by Select Board member Christopher Wile.

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

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

ARTICLE 23.

Council on Aging Board Chair Dianne Faulkner moved that the Town vote, pursuant to Massachusetts General Laws Chapter 44, Section 53E½, to set expenditure limits for the Council on Aging Revolving Fund at the maximum amount that may be spent during the fiscal year beginning on July 1, 2023 at \$30,000.

The motion was seconded by Select Board member Christopher Wile.

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

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

ARTICLE 24.

Select Board Chair Wendy Reed moved that the Town vote to establish a special purpose Stabilization Fund pursuant to Massachusetts General Laws Chapter 40, Section 5B, to be known as the Opioid Settlement Stabilization Fund, for the purpose of supplementing and strengthening resources for prevention, harm reduction, treatment, and recovery, in accordance with the purposes and subject to the requirements in the Massachusetts Abatement Terms; and that the Town vote to accept the fourth paragraph of Massachusetts General Laws Chapter 40, Section 5B, which allows the dedication, without further appropriation, of all receipts from settlements on behalf of the Town with persons and entities involved in the sale, distribution and manufacture of opioid products.

The motion was seconded by Select Board member Christopher Wile.

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

The Moderator noted that passage requires a 2/3 vote. With there being no discussion, the Town Moderator called for a vote, and declared that the Motion carried unanimously.

ADJOURNMENT

Select Board member Richard Parker moved to adjourn the 2023 Special Fall Town Meeting.

The motion was properly seconded from the floor.

With there being no discussion, the Town Moderator declared that the Motion passed unanimously.

Town Meeting adjourned at 8:45 P.M.

To access a full video recording of this Town Meeting, please use the link below:

<https://www.youtube.com/watch?v=zS2sRiAi-uY>

Attest:

James RW Blatchford
Town Clerk

cc: Town Accountant (2)
Town Treasurer
Police Chief
Conservation Agent
Building Inspector
Select Board
Board of Assessors
Board of Health

Planning Board
Board of Water Commissioners
Board of Fire Engineers
Open Space Committee
Finance Committee
Community Preservation Committee
Council on Aging