



# **FINANCE COMMITTEE APPROPRIATIONS BOOKLET**

**ANNUAL TOWN MEETING  
FY 2024**

**APRIL 25, 2023**



To Newbury Voters,

Newbury Annual Town Meeting will be held on **Tuesday, April 25, 2023, at 7:00pm** in gymnasium of the Newbury Elementary School on Hanover Street.

### **Annual Town Meeting (ATM):**

The purpose of the ATM is to vote on the budget recommendations and bylaw changes for fiscal year 2024 (FY24) which begins on July 1, 2023. The Finance Committee is required to make a recommendation to the Town Meeting on those articles that call for the appropriation/expenditure of funds.

To this end, after the warrant articles are approved by the Select Board, the Finance Committee reviews each article. We ask questions about funding sources, timing, estimates, etc. and then take a vote on each article. Our votes and rationales are then presented in the attached Finance Committee Booklet. Votes are recorded as yea, nay or abstain in the booklet. (For example, a 4-2-1 would mean 4 members recommend, 2 members don't recommend, and 1 member abstained.) This year our votes extended across two meetings.

On Tuesday, April 4<sup>th</sup> the five members in attendance unanimously (5-0-0) recommended Article 3 and Articles 5 – 17. Highlights include:

- Article 5 seeks approval of the Town's annual operating budget of \$23.4M
- Article 15 seeks approval for \$150,000 for roof repairs at the Newbury Elementary School
- Article 16 seeks approval for \$72,645 for the purchase of a dump truck
- Article 17 seeks approval of the transfer of \$1,000,000 from Free Cash to the Town Hall Project account

On Friday, April 7<sup>th</sup> after extensive discussion, many questions, and answers with representatives from the Municipal Building Committee the six Finance Committee members present unanimously (6-0-0) recommended Article 18. "... \$11,775,000 ... to pay the costs of designing, constructing, reconstructing, furnishing, and equipping the Town Hall..." at 25 High Road.

### **Financial Health of Newbury**

The adoption of codified Financial Management Policies for the Town of Newbury, by the Select Board in September 2017 guides the planning and budgeting process. These policies were adopted to ensure the continued robust financial health of the Town of Newbury, provide the public with confidence that the Town officials respect their responsibility for fiscal stewardship, and demonstrate to bond rating agencies that the Town has thoughtfully prepared for its financial future.

Through this diligence the Town's financial condition remains solid with the current balances in our reserve funds as follows:

- |                      |             |
|----------------------|-------------|
| • Free Cash          | \$3,466,324 |
| • Stabilization Fund | \$ 277,672  |
| • Land Sale Fund     | \$ 58,875   |
| • Reserve Fund       | \$ 131,729  |

**We encourage all voters to review the articles and rationales provided for each of the warrant articles. Please plan on attending the Annual Town Meeting on Tuesday, April 25, 2023, at 7:00 PM at the Newbury Elementary School. Your participation matters.**

The Newbury Finance Committee

Erica Coles Jacobsen, Chair  
Joseph Ali  
Thomas Howard  
Frank Visconti

Marshall Jespersen, Vice Chair  
Gene Case  
Susan Noyes

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# ANNUAL TOWN MEETING

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**TOWN OF NEWBURY  
ANNUAL TOWN MEETING  
APRIL 25, 2023**

ESSEX SS.

TO: ONE OF THE CONSTABLES FOR THE TOWN OF NEWBURY, MASSACHUSETTS

GREETINGS:

IN THE NAME OF THE COMMONWEALTH OF MASSACHUSETTS, YOU ARE HEREBY DIRECTED TO NOTIFY AND WARN THE INHABITANTS OF THE TOWN OF NEWBURY, QUALIFIED TO VOTE IN TOWN AFFAIRS, TO MEET AT THE **NEWBURY ELEMENTARY SCHOOL GYMNASIUM AT 63 HANOVER STREET** IN SAID TOWN OF NEWBURY ON TUESDAY, THE **25<sup>TH</sup> DAY OF APRIL 2023**, AT 7:00 P.M., TO ACT ON THE FOLLOWING ARTICLES, VIZ:

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## GENERAL GOVERNMENT MATTERS

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**ARTICLE 1.** To meet in our respective voting districts on Tuesday, May 9, 2023, the polls will open at 7:00 AM and close at 8:00 PM, to vote on the following offices:

Pct. 1 – Firefighter’s Memorial Hall, 3 Morgan Ave.

Pct. 2 – Newbury Town Library – 0 Lunt St.

<u>Position</u>	<u>Term</u>
Board of Assessors (1)	Three Years
Board of Health (1)	Three Years
Constable (1)	Four Years
Fish Commissioner (1)	Three Years
Fish Commissioner (1)	One Year
Library Trustee (2)	Three Years
Moderator	Three Years
Planning Board (1)	Five Years
Select Board (2)	Three Years
Town Clerk	One Year
Tree Warden	Three Years
Triton Regional School Committee - Newbury	Three Years
Triton Regional School Committee - Rowley	Three Years
Triton Regional School Committee - Salisbury	Three Years
Trustee of First Settlers Burial Ground	Three Years

**ARTICLE 2.** To receive the reports of the Select Board, School Committee, Regular and Special Committees, and all other Town Officers, or take any other action in relation thereto.

**ARTICLE 3.** To see if the Town will fix the salaries and compensation of certain elective officers of the Town as follows:

Town Moderator		\$ 500.00
Select Board	Each Member	\$ 7,500.00
Board of Assessors	Chair	\$ 3,500.00
Board of Assessors	Each Member	\$ 2,500.00
Town Clerk		\$65,171.88
Tree Warden		\$ 5,000.00
Fish Commissioner	Each Member	\$ 1,300.00
Planning Board	Chair	\$ 1,500.00
Planning Board	Each Member	\$ 1,000.00
Board of Health	Chair	\$ 1,500.00
Board of Health	Each Member	\$ 1,000.00

**Select Board Recommendation:** 5-0-0  
**Finance Committee Recommendation:** 5-0-0  
**Rationale:** This article sets the salaries and compensation for elected officials.

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## CITIZEN’S PETITIONS

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**ARTICLE 4. Resolution in Support of Changing the State Flag & Seal of Massachusetts**

**Whereas** The history of the Commonwealth of Massachusetts is replete with instances of conflict between the European Colonists and the Native Nations of the region, who first extended the hand of friendship to the Colonists on their shores in 1620, and helped them to survive starvation during the settlements first winter on their land;

**Whereas** members of the Native Nation for whom the Commonwealth of Massachusetts is named were ambushed and killed by Myles Standish, first commander of the Plymouth Colony, at Wessagusett (now Weymouth) in April of 1623, barely two years after the Pilgrims arrived;

**Whereas** the Colonial broadsword held by a white hand above the head of the Indigenous person on the Massachusetts Flag and Seal is modeled after Myles Standish’s own broadsword, borrowed for that purpose from the Pilgrim Hall in Plymouth by the illustrator Edmund Garrett in 1884;

**Whereas** the belt binding the Native’s cloak on the Flag and Seal is modeled after a belt worn by Metacomet, known to the English as King Philip, who was among the Indigenous leaders that resorted to a mutually destructive war in 1675-76 in defense of Native lands against Colonial encroachment;

**Whereas** the proportions of the body of the Indigenous person on the Flag and Seal were taken from the skeleton of an Indigenous person unearthed in Winthrop, the bow modeled after a bow taken from an Indigenous man shot and killed by a colonist in Sudbury in 1665, and the facial features taken from a photograph of an Ojibwe chief from Great Fall, Montana, considered by the illustrator to be a “fine specimen of an Indian”, though not from Massachusetts;

**Whereas** the history of relations between Massachusetts since Colonial times and the Native Nations who continue to live within its borders includes the forced internment of thousands of so-called “praying Indians” on Deer Island, in Boston Harbor, where they died by the hundreds of exposure in the winter of 1675, the enslavement of Indigenous people in Boston, Bermuda, and the Caribbean Islands, the offering of 40 pounds sterling as bounty for the scalps of Indigenous men, women and children in Massachusetts beginning in 1686, increased to 100 pounds sterling for the scalps of Indigenous adult males in 1722, half that amount for Indigenous women and children;

**Whereas** Indigenous people were legally prohibited from even stepping foot into Boston from 1675 until 2004, when that Colonial law was finally repealed;

**Whereas** the 400<sup>th</sup> anniversary of the landing of the Colonists at Plymouth Plantation, which gave rise to the long chain of genocide wars and deliberate government policies of cultural destruction against Native Nations of this continent, occurred in the year 2020, affording every citizen of the Commonwealth a chance to reflect upon this history and come to an appreciation of the need for better relations between the descendants of the Colonial immigrants and the Native Nations of the Commonwealth;

**Whereas** the land area once now known as the Town of Newbury, shares a rich Native history with modern tribal Nations such as the Abenaki and the Mi’kmaq, who have lived here for thousands of years before the first colonial settlers arrived, in 1635;

Now, therefore, **BE IT RESOLVED** that the Town of Newbury hereby adopts this resolution in support of the work of the Special Commission Relative to the Seal and Motto of the Commonwealth, established by a Resolve of the General Court in 2021 and appointed by the Governor **to recommend changes to the current flag and seal of Massachusetts**, and in support of a new seal and motto for the Commonwealth that may better reflect our aspirations for harmonious and respectful relations between all people who now call Massachusetts home. The town clerk shall forward a copy of this resolution to Sen. Marc Pacheco and Rep. Antonio Cabral, co-chairs of the Joint Committee on State Administration, who serve as members of the Special Commission Relative to the Seal and Motto of the Commonwealth, and to Rep. Leonard Mirra and Sen. Bruce Tarr, with the request that they support the work of the aforementioned Special Commission and a new flag and seal for the Commonwealth.

Submitted by: Annah Powers, 32 Main St and others

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## APPROPRIATIONS

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**ARTICLE 5.** To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide to meet the salaries and wages of Town Officers and employees, expense and outlays of the Town Departments, and other sundry and miscellaneous, but regular expenditures necessary for the operation of the Town for Fiscal Year 2024;

General Government	\$ 2,743,242
Public Safety	3,493,218
Education	11,630,402
DPW	1,457,674
Human Services	511,097
Culture & Recreation	451,648
Debt Service	921,471
Benefits	2,236,986
<b>Total Budget</b>	<b>\$23,445,738</b>

or take any other action in relation thereto.

**Select Board Recommendation:** 5-0-0

**Finance Committee Recommendation:** 5-0-0

**Rationale:** *This article seeks approval of the Town's annual operating budget. See appendix for full budget details.*

**ARTICLE 6.** To see if the Town will vote to raise and appropriate the sum of \$150,000.00, or any other sum, to be added to the Stabilization Fund; or take any other action in relation thereto.

**Select Board Recommendation:** 5-0-0

**Finance Committee Recommendation:** 5-0-0

**Rationale:** *In layman's terms the Stabilization Fund is the Town's savings account. The annual appropriation of funds into the Stabilization Fund in conjunction with a schedule of capital replacements and building repairs are critical components of sound fiscal policy. This "savings plan" enables the Town to pay for major expenditures from available funds, thus avoiding costly short-term bonding. Annual funding of the Stabilization Fund also enables the Town to spread out the cost of major purchases over a period of time, thus stabilizing the tax burden. Funding the Stabilization Fund is our best means of planning for future capital expenses.*

*The current balance in the Stabilization Fund, before this transfer, is \$277,672.37.*

**ARTICLE 7.** To see if the Town will vote to transfer from available funds the sum of \$200,000.00, or any other sum, to fund Other Post-Employment Benefits; or take any other action in relation thereto.

**Select Board Recommendation:** 5-0-0

**Finance Committee Recommendation:** 5-0-0

**Rationale:** The Town of Newbury provides healthcare and life insurance benefits to its retirees and their spouses and dependents. The amount Newbury pays is uniform across all groups. All employees who retire directly from Newbury and meet the eligibility criteria may participate. The Governmental Accounting Standards Board (GASB) states that the post-retirement benefits, like pensions, are a form of deferred compensation. Accordingly, these benefits should be recognized when earned by employees, rather than when paid out.

The current unfunded liability of the town is \$6.3 million. Our trust fund balance if funded will be \$1,011,360.

**ARTICLE 8.** To see if the Town will vote to transfer or appropriate the sum of \$95,000.00, or any other sum, from the Receipts Reserved Cable Television PEG Access Special Revenue Fund, for the support of PEG access service and programming; or take any other action in relation thereto.

**Select Board Recommendation:** 4-1-0

**Finance Committee Recommendation:** 5-0-0

**Rationale:** This appropriation funds the Town's media operation; including wages, equipment, and various other costs associated with cable access programming. The current balance in the PEG Access Special Revenue Fund is \$885,212.84.

**ARTICLE 9.** To see if the Town will vote to authorize the total expenditures for the following revolving funds pursuant to G.L. c. 44 Section 53E ½ for the fiscal year beginning July 1, 2023 to be expended in accordance with the bylaws heretofore approved;

Fund	Spending Limit
Recreation Revolving Fund	\$50,000.00
Municipal Waterways Improvement and Maintenance Fund	\$59,553.00

or take any other action in relation thereto.

**Select Board Recommendation:** 5-0-0

**Finance Committee Recommendation:** 5-0-0

**Rationale:** The appropriation made under these revolving funds will be used to fund the recreation and harbormaster programs and maintenance for the year. The current balance in the Recreation Revolving Fund is \$138,408.71 and the Municipal Waterway Improvement and Maintenance Fund is \$62,287.84.

**ARTICLE 10.** To see if the Town will vote to raise and appropriate or transfer from available funds the following sums, or any other sums, to operate the Ambulance Enterprise;

Salaries & Wages	\$ 115,500.00
Expenses	98,364.00
Capital Outlay	12,000.00
Debt Service	0.00
Insurance	5,000.00
Medicare	2,195.00
Indirect Costs	62,518.00
Extraordinary/Unforeseen	12,000.00
Prior Year Deficit	0.00
Total:	\$ 307,577.00

And further that \$307,577.00 be raised as follows:  
Departmental Receipts \$307,577.00

or take any other action in relation thereto.

**Select Board Recommendation:** 5-0-0

**Finance Committee Recommendation:** 5-0-0

**Rationale:** The presentation above is the operating budget for the Ambulance Enterprise Fund and represents the cost of providing this service to our residents. The Ambulance Enterprise Fund continues to be self-supporting.

**ARTICLE 11.** To see if the town will vote to transfer from available funds the sum of \$6,039.43 to pay the following outstanding bill from Fiscal Year 2022:

Morton Salt \$6,039.43

Or take any other action in relation thereto.

**Select Board Recommendation:** 5-0-0

**Finance Committee Recommendation:** 5-0-0

**Rationale:** The Town's Fiscal Year closes on June 30<sup>th</sup>. We are allowed to pay bills through July 15<sup>th</sup>. Every now and then bills arrive past the July 15<sup>th</sup> deadline. These bills require Town Meeting action (4/5 vote of approval) in order for them to be processed.

**ARTICLE 12.** To see if the Town will vote to transfer from available funds the sum of \$50,000.00 or any other sum, to purchase Firearms; or take any other action in relation thereto.

**Select Board Recommendation:** 5-0-0

**Finance Committee Recommendation:** 5-0-0

**Rationale:** It is recommended that the Police Department's Firearms be scheduled for replacement every 10 years. This proposal includes upgrading the patrol pistols to the best practice models, tritium night sites with stream light flashlights. Department long guns will also be replaced.



*This project has been approved by the Capital Planning Committee.*

**ARTICLE 13.** To see if the Town will vote to transfer from available funds the sum of \$11,000.00 or any other sum, to purchase solar powered speed signs; or take any other action in relation thereto.

**Select Board Recommendation:** 5-0-0

**Finance Committee Recommendation:** 5-0-0

**Rationale:** The traffic calming RADAR display signs are intended to dynamically inform motorists of the speed limit and their current speeds. Violators react and slow to the appropriate speed. These signs will be deployed in areas where speeding is identified as an issue.

*This project has been approved by the Capital Planning Committee.*

**ARTICLE 14.** To see if the Town will vote to transfer from available funds the sum of \$13,500.00 or any other sum, to purchase flashing crosswalk beacon systems; or take any other action in relation thereto.

**Select Board Recommendation:** 5-0-0

**Finance Committee Recommendation:** 5-0-0

**Rationale:** The solar powered crosswalk devices will be strategically deployed to assist in safer crossing at Hanover, Elm and School Streets.

*This project has been approved by the Capital Planning Committee.*

**ARTICLE 15.** To see if the Town will vote to transfer from available funds the sum of \$150,000.00, or any other sum, to make repairs to the Newbury Elementary School Roof; or take any other action in relation thereto.

**Select Board Recommendation:** 5-0-0

**Finance Committee Recommendation:** 5-0-0

**Rationale:** In 2019 the Town hired IRC Roof Management Services to review the roof conditions at the Newbury Elementary School. The most immediate repairs were completed in the first year of the project. This year the DPW expects to replace an additional 10,000 square feet. We expect the project to take approximately 8 years in total to complete.

*This project has been approved by the Capital Planning Committee.*

**ARTICLE 16.** To see if the Town will vote to transfer from available funds the sum of \$72,645.00, or any other sum, to purchase a dump truck; or take any other action in relation thereto.

**Select Board Recommendation:** 5-0-0

**Finance Committee Recommendation:** 5-0-0

***Rationale:*** Approval of this article will allow the Town to replace a 2013 Chevy 3500 dump truck with 99,253 miles. This vehicle was originally scheduled for replacement in 2023 but we were able to get an additional year of service out of it. This is a front-line piece of equipment that is used on a daily basis.

*This purchase has been approved by the Capital Planning Committee.*

**ARTICLE 17.** To see if the Town will vote to transfer from available funds the sum of \$1,000,000.00, or any other sum, to the Town Hall Project Account; or take any other action in relation thereto.

***Select Board Recommendation:*** **3-1-1**

***Finance Committee Recommendation:*** **5-0-0**

***Rationale:*** Town Meeting has approved the establishment of a Town Hall Project Account as a “savings account” to mitigate the annual tax burden when the time comes to build the new Town Hall, and it looks like the time has come. Unexpended appropriation/project balances have been transferred into this account previously and this article will transfer another \$1,000,000.00 into the account as well.

*The balance available to offset the municipal borrowing should this article be approved is \$5,089,608.*

**ARTICLE 18.** To see if the Town will appropriate \$11,775,000.00 or any other amount, to pay costs of designing, constructing, reconstructing, furnishing and equipping the Town Hall, including the payment of all costs incidental and related thereto; to determine whether this amount should be raised by transfer from available funds, borrowing or otherwise; or take any other action in relation thereto.

***Select Board Recommendation:*** **3-1-1**

***Finance Committee Recommendation:*** **6-0-0**

***Rationale:*** Approval of this article would appropriate the funding necessary to move forward with building a new Town Hall at 25 High Rd. In addition, it gives the Treasurer the authorization, with the Select Board’s approval, to borrow money to fund the project.

*This project requires approval of both this article and approval of the ballot question which will appear on the May 9, 2023 election ballot.*

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## Bylaws

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**ARTICLE 19.** To see if the Town will vote to accept Massachusetts General Laws Chapter 59, Section 5C1/2, which provides for an additional real estate exemption for taxpayers, as defined by state law, who are granted personal exemptions on their domiciles under Massachusetts General Laws Chapter 59, Section 5, Clauses 22 (a-f), for qualifying veterans and surviving spouses, and to provide that the additional exemption shall be up to 100 percent of the personal

exemption, to be effective for exemptions granted for any fiscal year beginning of after July 1, 2023; or take any other action in relation thereto.

**Select Board Recommendation:** 5-0-0

**Finance Committee Recommendation:** 5-0-0

**Rationale:** *This article would allow us to double the exemptions received by Newbury residents.*

**ARTICLE 20.** To see if the Town will vote to initiate the process to aggregate electrical load pursuant to M.G.L. c. 164, § 134 and, further, to adopt the following resolution:

WHEREAS, the Commonwealth of Massachusetts has engaged in a process to establish a competitive market place through the restructuring of the electricity market; and

WHEREAS, citizens of Newbury have a substantial economic and social interest in terms of greater customer choice and opportunities for savings in this restructured market; and

WHEREAS, the Town of Newbury hereby finds that it may be in the interest of its citizens who are electric ratepayers, both residential and commercial/industrial, to develop and secure such approvals and enter into appropriate agreements with consultants, experts and attorneys in connection with the establishment and operation of an electricity aggregation plan.

BE IT THEREFORE RESOLVED that the Town of Newbury hereby:

Publicly declares its intent to become an aggregator of electric power on behalf of its residential and business electric customers and to reestablish such plan if its operation is suspended; and

To negotiate and enter into such contracts for power supply pursuant to the plan or services for such plan, with the understanding that if a power supply contract is executed, individual consumers would retain the option not to participate in the aggregation plan and, instead, to choose any electricity alternatives they desire and, further; or take any other action in relation thereto.

**Select Board Recommendation:** 5-0-0

**Finance Committee Recommendation:** No Recommendation

**Rationale:** *This article would allow the Town to initiate the process as set forth in G.L. c.164 §134 to aggregate the electrical load for the Town and to adopt the resolution as set forth in Article 20.*

**ARTICLE 21.** To see if the Town will vote to amend the Town of Newbury Bylaws by adding a new Section 118, Temporary Repairs to Private Ways to read as follows:

## **Chapter 118: Temporary Repairs to Private Ways**

### **§ 118-1. Purpose and Applicability**

- 1) Pursuant to Massachusetts General Laws Chapter 40, Section 6N, the Select Board is hereby authorized to make temporary repairs to private ways which have been open to the public for a period of at least five (5) years and have a current paved condition, out of funds appropriated for said purpose by Town Meeting. Repair does not mean new construction.
- 2) The repairs shall be those required by public necessity, including but not limited to:
  - a) The necessity of providing adequate passable ways for public safety vehicles and other Town vehicles from public ways to private residences and Town-owned land and facilities.
  - b) The Select Board upon recommendation by the Director of Public Works, shall make the determination of public necessity.

### **§ 118-2. Types of Repairs**

- 1) The repairs must be temporary in nature, such as filling, grading, patching and surface coating, and may include such repairs to existing drainage swales, conduits and structures as are necessary to preserve the integrity of surface repairs to the roadway, and shall not be such as to constitute a reconstruction of the roadway.
- 2) The work may include removal of brush or limbs to the extent they are impeding safe passage on the way.
- 3) The repairs shall not include the construction of new drainage structures or features.
- 4) The temporary repair shall have a minimum expected life equal to five (5) years.

### **§ 118-3. Petition**

A minimum of two-thirds (2/3) of the owners of property abutting the portion of the way proposed to be repaired must petition for the repair, with each lot ownership entity counting as one. The Select Board is authorized to waive this requirement.

### **§ 118-4. Status of Way**

- 1) This bylaw does not confer any obligation or duty on the Town or its agents to either initially place or to thereafter maintain and repair said private ways so that they are reasonably safe and convenient for travel by being free from defects or want of repair.
- 2) The making of such temporary repairs to private ways, no matter how often or to what extent, does not constitute an acceptance by the Town of such private ways as public ways, nor does it constitute a way being "maintained and used as a public way" under the Massachusetts Subdivision Control Law.
- 3) Any private way repaired under the provisions of this bylaw need not be brought up to full Town standards and may continue to remain a private way. Repaired private ways may be brought to Town Meeting for acceptance as a public way by completing the steps required to construct a new way under the Town's Subdivision Control Regulations, which may be amended from time to time or otherwise as allowed by law. The Town shall have no obligation to pay for the improvements of a road to bring it up to Subdivision Standards.

### **§ 118-6. Liability**

The Town, in making repairs under this section shall not be liable for any damages to persons or property caused by negligent repair or maintenance of the private way.

### **§ 118-7. Indemnity Agreement**

1) No repair of a private way shall be undertaken until the Select Board has in its possession agreements executed by at least two-thirds (2/3rds) of abutting owners on the portion of the way to be repaired holding the Town harmless from any additional damage arising from any negligent repair, and which includes the following provisions:

- a) that the Town assumes no liability to any owners by making the repairs;
- b) jointly and severally, to indemnify and hold harmless the Town with respect to such statutory liability and any and all other liability for claims of injury, death or property damage to such owners or third parties caused by alleged defects in the way, including attorneys' fees and other costs of defense;
- c) that should the Town decide not to continue to provide temporary repairs to such way, the owners will themselves keep such way in good repair so as to minimize the liability of the Town for having undertaken such repairs;
- d) that such repair shall not constitute "maintenance" of such way, so as to give the way the status of a way "maintained and used as a public way" under the Massachusetts Subdivision Control Law; and
- e) that if assessed for repairs, the owners will not appeal the amount of the assessment and agree that the assessment may be apportioned over the number of years of the expected lifetime of the repair to be determined by the Select Board.

#### **§ 118-8. Continually Open to Public Use**

The indemnity agreement required in Section 118-7 shall provide that any private way for which repairs and maintenance are performed pursuant to this bylaw shall remain open to public use for a period of at least twenty (20) years.

#### **§ 118-9. Severability**

If any portion of this bylaw should be determined by a court of competent jurisdiction to be invalid, such invalidity shall not affect the validity of this bylaw as a whole or impact any other portion thereof.

Or take any other action in relation thereto.

**Select Board Recommendation:**

**5-0-0**

**Finance Committee Recommendation:**

**No Recommendation**

**Rationale:** *Passage of this article allows the Town, at the discretion of the DPW Director, to use public resources on private roadways when necessary. In 2015 we were made aware of the fact that the Town did not have an inventory of town accepted roadways so we worked with a consultant and the Town Clerk's Office to establish one. From time to time we identify a roadway listed as public that should be private and vice versa. This allows the DPW to plow/repair these roadways as necessary.*

## APPENDIX

	FY 2023	FY 2024	FY 2024
	Budget	Recommended Budget	Recommended Inc (Dec)
<b>MODERATOR</b>			
Town Moderator Stipend	500.00	500.00	-
Town Moderator Expense	50.00	50.00	-
SUBTOTAL	550.00	550.00	-
<b>SELECT BOARD</b>			
Select Board Stipends	37,500.00	37,500.00	-
Select Board Office Salary & Wages	61,510.00	62,741.00	1,231.00
Select Board Expense	19,795.00	19,820.00	25.00
SUBTOTAL	118,805.00	120,061.00	1,256.00
<b>ADMINISTRATION &amp; FINANCE</b>			
Admin & Finance Salary & Wages	506,939.00	519,060.00	12,121.00
Tax Title & Foreclosure	10,000.00	10,000.00	-
Admin & Finance Expense	58,671.00	63,291.00	4,620.00
SUBTOTAL	575,610.00	592,351.00	16,741.00
<b>FINANCE COMMITTEE</b>			
Finance Committee Salary & Wages	-	-	-
Finance Committee Expense	5,000.00	5,000.00	-
Reserve Fund	150,000.00	150,000.00	-
SUBTOTAL	155,000.00	155,000.00	-
<b>ASSESSORS</b>			
Assessors' Stipend	8,500.00	8,500.00	-
Assessor's Salary & Wages	143,544.00	145,415.00	1,871.00
Assessor's Vehicle Allowance	1,200.00	1,200.00	-
Assessor's Expense	49,400.00	49,400.00	-
SUBTOTAL	202,644.00	204,515.00	1,871.00
<b>OUTSIDE AUDIT</b>			
Audit Town Books	25,000.00	32,000.00	7,000.00

	FY 2023	FY 2024	FY 2024
	Budget	Recommended	Recommended
		Budget	Inc (Dec)
SUBTOTAL	25,000.00	32,000.00	7,000.00
<b>TOWN COUNSEL</b>			
Legal Services	115,000.00	100,000.00	(15,000.00)
SUBTOTAL	115,000.00	100,000.00	(15,000.00)
<b>HUMAN RESOURCES BOARD</b>			
Human Resources Board Expense	500.00	500.00	-
SUBTOTAL	500.00	500.00	-
<b>IT/COMMUNICATIONS</b>			
IT Salary & Wages	92,700.00	94,554.00	1,854.00
IT Expense	64,000.00	80,000.00	16,000.00
SUBTOTAL	156,700.00	174,554.00	17,854.00
<b>POSTAGE</b>			
Postage Expense	20,000.00	25,000.00	5,000.00
SUBTOTAL	20,000.00	25,000.00	5,000.00
<b>TOWN CLERK</b>			
Town Clerk Salary & Wages	107,047.00	99,516.00	(7,531.00)
General Code Updates	6,000.00	10,500.00	4,500.00
Records Preservation	15,100.00	5,000.00	(10,100.00)
Town Clerk Expense	10,250.00	12,500.00	2,250.00
SUBTOTAL	138,397.00	127,516.00	(10,881.00)
<b>ELECTIONS</b>			
Elections	18,000.00	18,000.00	-
SUBTOTAL	18,000.00	18,000.00	-
<b>REGISTRARS</b>			
Registrars of Voters Salaries	800.00	800.00	-
SUBTOTAL	800.00	800.00	-
<b>CONSERVATION COMMISSION</b>			
Conservation Salary & Wages	72,195.00	73,639.00	1,444.00

	FY 2023	FY 2024	FY 2024
	Budget	Recommended	Recommended
		Budget	Inc (Dec)
Conservation Vehicle Allowance	1,800.00	1,800.00	-
Conservation Expense	1,500.00	2,000.00	500.00
SUBTOTAL	89,995.00	91,939.00	1,944.00
<b>TREE WARDEN</b>			
Tree Warden Salary & Wages	5,000.00	5,100.00	100.00
Tree Warden Expense	25,000.00	25,000.00	-
SUBTOTAL	30,000.00	30,100.00	100.00
<b>SHELLFISH CONSTABLE</b>			
Shellfish Commissioner Stipends	3,900.00	4,500.00	600.00
Shellfish Constable Salary & Wages	42,013.00	31,270.00	(10,743.00)
Shellfish Constable Expense	31,000.00	3,413.00	(27,587.00)
SUBTOTAL	76,913.00	39,183.00	(37,730.00)
<b>PLANNING BOARD</b>			
Planning Board Stipend	6,500.00	6,500.00	-
Planning Salary & Wages	169,638.00	170,640.00	1,002.00
Pictometry, MIMAP, Assessor's Maps	9,430.00	9,430.00	-
Planning Expense	6,090.00	7,630.00	1,540.00
MVPC Dues	2,753.00	2,563.00	(190.00)
SUBTOTAL	194,411.00	196,763.00	2,352.00
<b>ZONING BOARD</b>			
Zoning Salary & Wages	-	-	-
Zoning Expense	1,000.00	1,000.00	-
SUBTOTAL	1,000.00	1,000.00	-
<b>PUBLIC BUILDINGS</b>			
Public Buildings Utilities	144,500.00	158,400.00	13,900.00
Public Buildings Repairs, Maintenance & Improvements	90,000.00	90,000.00	-
Town Hall Lease Expense	182,333.00	187,803.00	5,470.00
Public Building Property Related Services	50,075.00	66,595.00	16,520.00



	FY 2023	FY 2024	FY 2024
	Budget	Recommended	Recommended
		Budget	Inc (Dec)
SUBTOTAL	466,908.00	502,798.00	35,890.00
Town Reports	250.00	250.00	-
SUBTOTAL	250.00	250.00	-
<b>INSURANCE EXPENSE</b>			
Insurance Expense	190,575.00	200,104.00	9,529.00
SUBTOTAL	190,575.00	200,104.00	9,529.00
<b>PROFESSIONAL &amp; TECHNICAL SERVICES</b>			
Professional & Technical Services	130,000.00	130,000.00	-
SUBTOTAL	130,000.00	130,000.00	-
<b>GENERAL</b>	2,707,058.00	2,742,984.00	35,926.00
<b>GOVERNMENT</b>			
<b>POLICE DEPARTMENT</b>			
Police Salary & Wages	1,148,151.00	1,288,881.00	140,730.00
Police Other Administrative Wages	20,000.00	20,400.00	400.00
Police Expense	192,930.00	191,874.00	(1,056.00)
Emergency Management Expenses	10,000.00	10,000.00	-
Police Capital Outlay	42,000.00	61,430.00	19,430.00
SUBTOTAL	1,413,081.00	1,572,585.00	159,504.00
<b>FIRE DEPARTMENT</b>			
Fire Dept Officers' Stipends	26,000.00	26,000.00	-
Fire Dept Salary & Wages	689,970.00	730,393.00	40,423.00
Fire Dept Call Wages	98,100.00	90,000.00	(8,100.00)
Fire Dept Training Wages	33,449.00	35,121.00	1,672.00
Fire Dept Operations/Maintenance Expense	176,847.00	183,921.00	7,074.00
Fire Dept Lease Payments	70,000.00	70,000.00	-
Fire Dept Capital Lease Expense	236,907.00	236,907.00	-
Fire Insurance Premiums	20,000.00	20,000.00	-
Fire Capital Outlay	-	-	-

	FY 2023	FY 2024	FY 2024
	Budget	Recommended	Recommended
		Budget	Inc (Dec)
SUBTOTAL	1,351,273.00	1,392,342.00	41,069.00
Inspectional Services Stipends	34,000.00	34,000.00	-
Inspectional Services Salary & Wages	152,232.00	154,289.00	2,057.00
Inspector's Vehicle Allowance	5,100.00	5,100.00	-
Inspectional Services Expense	18,500.00	20,000.00	1,500.00
SUBTOTAL	209,832.00	213,389.00	3,557.00
<b>WEIGHTS &amp; MEASURES</b>			
Sealer Weights & Measurers Service Fees	2,500.00	2,500.00	-
SUBTOTAL	2,500.00	2,500.00	-
<b>PUBLIC SAFETY DISPATCH</b>			
Public Safety Dispatchers Salary & Wages	163,846.00	200,432.00	36,586.00
Public Safety Dispatch Expense	2,700.00	31,470.00	28,770.00
SUBTOTAL	166,546.00	231,902.00	65,356.00
<b>ANIMAL CONTROL</b>			
Animal Control Stipend	26,561.00	-	(26,561.00)
Animal Control Assessment	4,050.00	50,000.00	45,950.00
SUBTOTAL	30,611.00	50,000.00	19,389.00
<b>PARKING CLERK</b>			
Parking Clerk Stipend	5,000.00	5,000.00	-
Parking Clerk Expense	3,000.00	3,000.00	-
SUBTOTAL	8,000.00	8,000.00	-
<b>GREENHEAD ASSESSMENT</b>			
Greenhead Assessment	7,500.00	7,500.00	-
SUBTOTAL	7,500.00	7,500.00	-
<b>HYDRANT SERVICE</b>			
Hydrant Service	15,000.00	15,000.00	-
SUBTOTAL	15,000.00	15,000.00	-

	FY 2023 Budget	FY 2024 Recommended Budget	FY 2024 Recommended Inc (Dec)
<b>PUBLIC SAFETY</b>	3,204,343.00	3,493,218.00	288,875.00
Triton Regional Operating Assessment	10,779,633.00	11,222,955.00	443,322.00
Triton Regional Debt Service Assessment	51,039.00	50,342.00	(697.00)
SUBTOTAL	10,830,672.00	11,273,297.00	442,625.00
Whittier Regional Operating Assessment	268,021.00	282,248.00	14,227.00
Whittier Regional Capital Assessment	24,891.00	23,112.00	(1,779.00)
SUBTOTAL	292,912.00	305,360.00	12,448.00
Essex North Shore Agricultural & Tech Assmt	41,608.00	21,542.00	(20,066.00)
SUBTOTAL	41,608.00	21,542.00	(20,066.00)
<b>EDUCATION</b>	11,165,192.00	11,600,199.00	435,007.00
<b>DPW</b>			
DPW Salary & Wages	679,421.00	702,674.00	23,253.00
Highway Maintenance Expense	195,000.00	195,000.00	-
Road Improvement Program	250,000.00	250,000.00	-
DPW Capital Outlay	49,157.00	50,000.00	843.00
SUBTOTAL	1,173,578.00	1,197,674.00	24,096.00
<b>SNOW REMOVAL</b>			
Snow & Ice Removal	200,000.00	200,000.00	-
SUBTOTAL	200,000.00	200,000.00	-
<b>STREET LIGHTING</b>			
Street Lighting	30,000.00	30,000.00	-
SUBTOTAL	30,000.00	30,000.00	-
<b>STORM WATER MANAGEMENT</b>			
Storm Water Expense	25,000.00	25,000.00	-
SUBTOTAL	25,000.00	25,000.00	-

	FY 2023 Budget	FY 2024 Recommended Budget	FY 2024 Recommended Inc (Dec)
<b>BEAVER MANAGEMENT</b>			
Beaver Management Expense	5,000.00	5,000.00	-
SUBTOTAL	5,000.00	5,000.00	-
<b>DPW</b>	1,433,578.00	1,457,674.00	24,096.00
<b>BOARD OF HEALTH</b>			
Board of Health Stipends	3,500.00	3,500.00	-
Health Salary & Wages	115,278.00	117,531.00	2,253.00
Health Expense	71,161.00	72,033.00	872.00
SUBTOTAL	189,939.00	193,064.00	3,125.00
<b>COUNCIL ON AGING</b>			
Council on Aging Salary & Wages	172,680.00	176,290.00	3,610.00
Council on Aging Expense	50,581.00	51,593.00	1,012.00
SUBTOTAL	223,261.00	227,883.00	4,622.00
<b>VETERANS</b>			
Veterans' Assessment	31,270.00	35,150.00	3,880.00
Veterans' Service Benefits	55,000.00	55,000.00	-
SUBTOTAL	86,270.00	90,150.00	3,880.00
<b>HUMAN SERVICES</b>	499,470.00	511,097.00	11,627.00
<b>LIBRARY</b>			
Library Salary & Wages	269,635.00	275,278.00	5,643.00
Library Utilities & Maintenance	55,000.00	56,100.00	1,100.00
Library Expense	103,470.00	108,470.00	5,000.00
SUBTOTAL	428,105.00	439,848.00	11,743.00
<b>HISTORICAL COMMISSION</b>			
Historical Salary & Wages	5,000.00	5,000.00	-

	FY 2023	FY 2024	FY 2024
	Budget	Recommended	Recommended
		Budget	Inc (Dec)
Historical Expense	1,800.00	1,800.00	-
SUBTOTAL	6,800.00	6,800.00	-
<b>CELEBRATIONS</b>			
Veterans/Memorial Day	5,000.00	5,000.00	-
SUBTOTAL	5,000.00	5,000.00	-
<b>CULTURE &amp; RECREATION</b>	439,905.00	451,648.00	11,743.00
<b>DEBT SERVICE</b>			
Cost of Bonding	25,000.00	25,000.00	-
Long Term Debt Principal	700,133.00	596,402.00	(103,731.00)
Short Term Debt Interest	-	60,000.00	60,000.00
Long Term Debt Interest	276,880.00	240,069.00	(36,811.00)
SUBTOTAL	1,002,013.00	921,471.00	(80,542.00)
<b>DEBT SERVICE</b>	1,002,013.00	921,471.00	(80,542.00)
<b>EMPLOYEE BENEFITS</b>			
Essex Regional Retirement Assessment	964,163.00	1,131,739.00	167,576.00
Unemployment Expense	10,000.00	10,000.00	-
Health Insurance Expense	936,072.00	984,748.00	48,676.00
Dental Insurance Expense	35,899.00	35,899.00	-
Life Insurance Expense	2,000.00	2,500.00	500.00
Medicare Expense	66,975.00	72,100.00	5,125.00
SUBTOTAL	2,015,109.00	2,236,986.00	221,877.00
<b>BENEFITS</b>	2,015,109.00	2,236,986.00	221,877.00
	22,466,668.00	23,415,277.00	948,609.00