

TOWN OF NEWBURY
ANNUAL TOWN MEETING
APRIL 30, 2024
TRITON REGIONAL HIGH SCHOOL
112 ELM STREET

Call to order at 7:05 was declared by the Moderator, Richard Bazirgan.

The Moderator declared that the quorum was met.

The Pledge of Allegiance was led by Select Board Chair, Alicia Greco.

Constable David Baulkus read the Return of Service.

Members of the Select Board were introduced: Chair, Alicia Greco, Vice Chair, William DiMaio, Clerk, Leslie Matthews, Dana Packer and Geoffrey Walker.

Members of the Finance Committee were introduced: Chair, Erica Jacobsen, Vice Chair Joseph Ali, Gene Case, Patrick Heffernan, Richard Keys, Vanessa Rossi, Frank Visconti.

Town Clerk - Gretchen Girard, Planning Director - Martha Taylor and Asst. Town Planner - Kristen Grubbs, were also introduced.

Moderator introduced Non-Resident Town Employees and a motion was made and seconded to allow the non-resident employees to speak during the meeting as appropriate.

Lisa Mead - Town Counsel, Tracy Blais - Town Administrator, David Fields - Asst. Town Administrator, Eva Pastor - Town Accountant, Patricia Fisher - Police Chief, David Evans - Fire Chief, James Sarette - DPW Director/Facilities Manager, Ethan Cohen - PEG Productions Specialist, Jonathon Temple - IT Director, Brian Forget - Superintendent Triton, Bryan Perry - Business Manager, Maureen Lynch - Whittier Superintendent, Kara Kosmes - Whittier Business Manager, Ian Burns and Kayla Rennie - Merrimack Valley Planning Commission, Kristin Kassner - State Representative.

Turning Technologies presentation on use of electronic voting devices by Jessica Mancini.

GENERAL GOVERNMENT MATTERS

ARTICLE 1. To meet in our respective voting districts on Tuesday, May 14, 2024, 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)	Three Years
Fish Commissioner (1)	Three Years
Fish Commissioner (1)	Three Years

Library Trustee	(2)	Three Years
Planning Board	(1)	Five Years
Planning Board	(1)	One Year
Select Board	(2)	Three Years
Town Clerk		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.

Chair Alicia Greco

Motion: I move that the Town accept the reports of the Town Officers, Boards, and Committees as printed in the 2023 Town Report without ratification or authorization of any action.

Motion moved and seconded. 272 in favor, 11 opposed.

Motion passed.

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		\$66,475.32
Tree Warden		\$ 5,202.00
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: 7-0-0

Rationale: This article sets the salaries and compensation for elected officials.

Vice Chair William DiMaio

Motion: I move that the Town fix the salaries and compensation of the elective officers as listed in Article 3.

Motion moved and seconded. 287 in favor and 32 opposed

Motion passed.

CITIZEN'S PETITION

ARTICLE 4. Will the town of Newbury support an initiative to the Select Board to submit a Home Rule Petition which permits the Town to adopt a bylaw which will restrict the use of second-generation anticoagulant rodenticides (SGARs) on privately owned properties, as has been enacted by Select Board on town-owned properties; whereas these rat poisons pose a danger not only to their intended targets but also to wildlife, pets, and humans; eliminating SGARs from our environment would help protect our ecosystem; such Home Rule Petition and later adopted bylaw would provide an educational component to help citizens keep their properties rodent-free and also provide an integrated pest management plan (IPM), overseen by the Board of Health, to implement rodent control; or will the town act on any action related thereto?

(Inserted at the request of Kathleen Downey and ten registered voters.)

Kathleen Downey

Motion: WHEREAS, Town Meeting wishes to protect the health and welfare of Newbury, its residents, visitors, and local wildlife by reducing the use of second-generation anticoagulant rodenticides (SGARs); instead promote Integrated Pest Management strategies. WHEREAS, SGARs are more likely than first-generation anticoagulants to kill non-target animals who feed on poisoned prey or carcasses and remain longer in animal tissues; as such, SGARs pose greater risks to non-target species including pets and wildlife and put children at risk of poisoning when coming into contact with highly toxic SGARs. WHEREAS, it is in the best interest of public health to eliminate the use of toxic rodenticides on land, ponds, and waterways as the Newbury Select Board decreed in January 2024 related to SGARs on town-owned properties; to further encourage the reduction and elimination of toxic rodenticides—specifically, SGARs—on privately owned properties. WHEREAS, the Town of Newbury finds that a balanced and healthy ecosystem is vital to the health of the Town and its residents and visitors; as such it is also in need of protection from exposure to SGARs, not only on town-owned properties but also on both privately owned and managed properties.

THEREFORE, BE IT RESOLVED THAT: A. Residents are urged to pass this initiative with a YES vote on Article 4. Should Article 4 pass at town meeting, Select Board would file a home rule petition in the state legislator to allow the Town of Newbury to adopt a bylaw restricting the use of SGARs on private lands. As with the Select Board's recent decree prohibiting SGARs on town-owned properties, waivers would be available, determined by the Board of Health, in instances of severe infestation.

B. The Town of Newbury continue its current work relating to town-owned properties to develop and implement an Integrated Pest Management Policy and/or set of practices with the goal of eliminating use of SGARs by or on behalf of privately owned, municipal property owning, or managing entities. C. The Town of Newbury engage in public education and outreach efforts about the benefits of Integrated Pest Management policies and practices on privately owned land and in general.

(4/15/24)

Moderator opened the floor for citizens discussion. Nicole Bloor, 13 River Street and Carolyn Casey, 6 Forrest Street both advocated to pass the motion. Bruce Parks of Austin Lane called for a balance of rodent control and deal with rodents as necessary.

The Moderator closed the floor before all citizens had spoken that wished to speak. A vote was taken to open the floor again to speak.

Motion moved and seconded. **268 in favor, 34 opposed.**

Discussion ended and the Moderator made the motion to vote on Article 4.

Motion moved and seconded. **269 in favor, 69 opposed.**
Motion passed.

APPROPRIATIONS

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 2025;

General Government	\$ 2,886,576.00
Public Safety	3,679,435.00
Education	12,461,652.00
DPW	1,446,005.00
Human Services	519,416.00
Culture & Recreation	471,084.00
Debt Service	854,529.00
Benefits	2,265,386.00
Total Budget	\$24,584,083.00

or take any other action in relation thereto

Select Board Recommendation: 5-0-0

Finance Committee Recommendation: 7-0-0

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

Select Board Clerk Leslie Matthews

Motion: I move that the Town raise and appropriate the sum of \$24,140,100 and transfer \$443,983 from the Special Assessment Fund to fund the operation of the Town in Fiscal Year 2025.

Erica Jacobsen, Chair of the Finance Committee presented an overview of the Town Meeting process and a financial overview of the Town's operating budget for Fiscal 2025.

Motion to Amend to reduce budget to 23,415 million was made by Jim Moran, 104 Elm Street. A motion was moved and seconded, **73 in favor, 247 opposed.** Motion did not pass.

A motion was made to vote on original article.

Motion moved and seconded. **264 in favor, 45 opposed.**

Motion passed.

	FY 2024 Budget	FY 2025 Budget	FY 2025 Inc (Dec)
MODERATOR			
Town Moderator Stipend	500	500	-
Town Moderator Expense	50	50	-
SELECTMEN			
Selectmens' Stipends	37,500	37,500	-
Selectmen's Office Salary & Wages	102,741	53,500	(49,241) (2,820)
Selectmen's Expense	19,820	17,000	-
ADMINISTRATION & FINANCE			
Administration & Finance Salary & Wages	519,060	529,269	10,209
Tax Title & Foreclosure	10,000	10,000	-
Admin & Finance Expense	63,291	68,049	4,758
FINANCE COMMITTEE			
Finance Committee Salary & Wages	-	-	-
Finance Committee Expense	5,000	5,000	-
Reserve Fund	150,000	150,000	-
ASSESSORS			
Assessors' Stipend	8,500	8,500	-
Assessor's Salary & Wages	145,415	149,594	4,179
Assessor's Vehicle Allowance	1,200	3,000	1,800
Assessor's Expense	49,400	47,300	(2,100)
OUTSIDE AUDIT			
Audit Town Books	32,000	32,000	-
TOWN COUNSEL			
Legal Services	100,000	110,000	10,000
HUMAN RESOURCES BOARD			
Human Resources Board Expense	500	500	-
Management Transfer Expense	-	-	-
IT/COMMUNICATIONS			
IT Salary & Wages	94,554	96,445	1,891

IT Expense	80,000	100,000	20,000
POSTAGE			
Postage Expense	25,000	27,000	2,000
TOWN CLERK			
Town Clerk Salary & Wages	99,516	99,670	154
General Code Updates	10,500	10,500	-
Records Preservation	5,100	5,400	300
Town Clerk Expense	12,500	14,000	1,500
ELECTIONS			
Elections	18,000	24,000	6,000
REGISTRARS			
Registrars of Voters Salaries	800	800	-
CONSERVATION COMMISSION			
Conservation Salary & Wages	84,049	81,600	(2,449)
Conservation Vehicle Allowance	1,800	1,800	-
Plum Island Beach Management	14,500	14,500	-
Conservation Expense	2,000	2,000	-
TREE WARDEN			
Tree Warden Salary & Wages	5,100	5,202	102
Tree Warden Expense	25,000	25,000	-
SHELLFISH CONSTABLE			
Shellfish Commissioner Stipends	4,500	4,500	-
Shellfish Constable Salary & Wages	31,270	26,861	(4,409)
Shellfish Constable Expense	3,413	4,825	1,412
PLANNING BOARD			
Planning Board Stipend	6,500	6,500	-
Planning Salary & Wages	170,640	174,242	3,602
Pictometry, MIMAP, Assessor's Maps	9,430	9,430	-
Planning Expense	7,630	7,775	145
MVPC Dues	2,563	2,627	64

ZONING BOARD

Zoning Salary & Wages	-	-	-
Zoning Expense	1,000	2,500	1,500

PUBLIC BUILDINGS

Public Buildings Utilities	158,400	158,400	-
Public Buildings Repairs, Maintenance & Improvements	90,000	90,000	-
Town Hall Lease Expense	187,803	251,280	63,477
Public Building Property Related Services	66,595	61,595	(5,000)

TOWN REPORTS

Town Reports	250	250	-
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INSURANCE EXPENSE

Insurance Expense	200,104	206,112	6,008
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PROFESSIONAL & TECHNICAL SERVICES

Professional & Technical Services	130,000	150,000	20,000
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GENERAL

2,793,494	2,886,576	93,082
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GOVERNMENT**POLICE DEPARTMENT**

Police Salary & Wages	1,288,881	1,320,396	31,515
Police Other Administrative Wages	20,400	20,808	408
Police Expense	191,874	196,671	4,797
Emergency Management Expenses	10,000	10,000	-
Police Capital Outlay	61,430	10,000	(51,430)

FIRE DEPARTMENT

Fire Dept Officers' Stipends	26,000	26,000	-
Fire Dept Salary & Wages	730,393	812,227	81,834
Fire Dept Call Wages	90,000	95,000	5,000
Fire Dept Training Wages	35,121	38,281	3,160
Fire Dept Operations/Maintenance Expense	183,921	185,000	1,079
Fire Dept Lease Payments	70,000	70,000	-
Fire Dept Capital Lease Expense	236,907	331,072	94,165

Fire Insurance Premiums	20,000	20,000	-
Fire Capital Outlay	-		
INSPECTIONAL SERVICES			
Inspectional Services Stipends	34,000	34,000	-
Inspectional Services Salary & Wages	154,289	161,820	7,531
Inspector's Vehicle Allowance	5,100	5,100	-
Inspectional Services Expense	20,000	20,000	-
WEIGHTS & MEASURES			
Sealer Weights & Measurers Service Fees	2,500	2,500	-
PUBLIC SAFETY DISPATCH			
Public Safety Dispatchers Salary & Wages	200,432	205,020	4,588
Public Safety Dispatch Expense	31,470	32,257	787
ANIMAL CONTROL			
Animal Control Stipend	-	-	-
Animal Control Assessment & Expenses	50,000	52,783	2,783
PARKING CLERK			
Parking Clerk Stipend	5,000	5,000	-
Parking Clerk Expense	3,000	3,000	-
	FY 2024	FY 2025	FY 2025
	Budget	Budget	Inc (Dec)
GREENHEAD ASSESSMENT			
Greenhead Assessment	7,500	7,500	-
HYDRANT SERVICE			
Hydrant Service	15,000	15,000	-
PUBLIC SAFETY	3,493,218	3,679,435	186,217
EDUCATION			
Triton Regional Operating Assessment	11,222,955	12,022,797	799,842
Triton Regional Debt Service Assessment	50,342	49,593	(749)
Whittier Regional Operating Assessment	282,248	296,360	14,112
Whittier Regional Capital Assessment	23,112	23,112	-

Essex North Shore Agricultural & Tech Assmt	66,465	69,790	3,325
EDUCATION	11,645,122	12,461,652	816,530
DPW			
DPW Salary & Wages	702,674	724,005	21,331
Highway Maintenance Expense	195,000	195,000	-
Road Improvement Program	250,000	250,000	-
DPW Capital Outlay	50,000	50,000	-
SNOW REMOVAL			
Snow & Ice Removal	200,000	200,000	-
STREET LIGHTING			
Street Lighting	19,900	17,000	(2,900)
STORM WATER MANAGEMENT			
Storm Water Expense	15,000	10,000	(5,000)
BEAVER MANAGEMENT			
Beaver Management Expense	5,000	0	(5,000)
DPW	1,437,574	1,446,005	8,431
BOARD OF HEALTH			
Board of Health Stipends	3,500	3,500	-
Health Salary & Wages	117,531	119,830	2,299
Health Expense	72,033	80,000	7,967
COUNCIL ON AGING			
Council on Aging Salary & Wages	176,290	179,816	3,526
Council on Aging Expense	51,593	54,093	2,500
VETERANS			
Veterans' Assessment	35,233	27,260	(7,973)
Veterans' Service Benefits	54,917	54,917	-
HUMAN SERVICES	511,097	519,416	8,319

LIBRARY

Library Salary & Wages	275,278	280,784	5,506
Library Utilities & Maintenance	56,100	63,000	6,900
Library Expense	108,470	114,800	6,330

HISTORICAL COMMISSION

Historical Salary & Wages	5,000	5,500	500
Historical Expense	1,800	2,000	200

ARTICLE 6. To see if the Town will vote to raise and appropriate the sum of \$100,000.00, to be added to the Stabilization Fund; or take any other action in relation thereto.

Select Board Recommendation: 5-0-0

Finance Committee Recommendation: 7-0-0

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 \$217,798.66.

Select Board Member Dana Packer

Motion: I move that the Town raise and appropriate the sum of \$100,000 to be added to the Stabilization Fund.

Motion moved and seconded. 246 in favor, 39 opposed.

Motion passed.

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

Select Board Recommendation: 5-0-0

Finance Committee Recommendation: 7-0-0

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 \$1,386,011.

Select Board Member Geof Walker

Motion: I move that the Town Transfer the sum of \$200,000 from Free Cash to be added to the Other Post Employment Benefits Trust Account.

Motion moved and seconded. **261 in favor, 49 opposed.**
Motion passed.

ARTICLE 8. To see if the Town will vote to transfer or appropriate the sum of \$85,000.00, 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: 5-0-0

Finance Committee Recommendation: 7-0-0

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 \$993,302.36.

Select Board Chair Alicia Greco

Motion: I move that the Town appropriate the sum of \$85,000 from the Receipts Reserved Cable Television PEG Access Special Revenue Fund to support PEG access service and programming.

Motion moved and seconded. **256 in favor, 54 opposed.**
Motion passed.

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	\$59,552.00

or take any other action in relation thereto.

Select Board Recommendation: 5-0-0

Finance Committee Recommendation: 7-0-0

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 \$139,512.47 and the Municipal Waterway Improvement and Maintenance Fund is \$81,452.12.

Select Board Vice Chair William DiMaio

Motion: I move that the Town authorize the total expenditures for the following revolving funds for the Fiscal Year beginning July 1, 2024 to be expended in accordance with Chapter 35 of the Code of the Town of Newbury:

Recreation Revolving Fund	\$50,000.
Municipal Waterway Improvement and Maintenance Fund	\$59,552

Motion moved and seconded. 284 in favor, 27 opposed.

Motion was passed.

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	\$ 125,895.00
Expenses	107,215.00
Capital Outlay	12,000.00
Debt Service	0.00
Insurance	5,000.00
Medicare	2,195.00
Indirect Costs	66,904.00
Extraordinary/Unforeseen	12,000.00
Prior Year Deficit	0.00
Total:	\$ 331,209.00

And further that \$331,209.00 be raised as follows:
Departmental Receipts \$331,209.00

or take any other action in relation thereto.

Select Board Recommendation: 5-0-0

Finance Committee Recommendation: 7-0-0

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.*

Select Board Clerk Leslie Matthews

Motion: I move that the Town appropriate the following sums of money to operate the Ambulance Enterprise Fund:

Salaries & Wages	\$115,500
Expenses	98,364
Capital Outlay	12,000
Debt Service	0
Insurance	5,000
Medicare	2,195
Indirect Costs	62,518
Extraordinary/Unforeseen	12,000
Prior Year Deficit	0
Total:	\$307,577

And further that \$307,577 be raised as follows:

Motion moved and seconded. 298 in favor, 18 opposed.

Motion passed.

ARTICLE 11. To see if the Town will vote in accordance with the provisions of G.L. c. 44 §21C to authorize the Select Board to enter into lease purchase financing agreements to acquire equipment or improve a capital asset that may be financed by the issuance of debt under G. L. c. 44 or otherwise allowed by law, for a term up to the useful life of the property and to be procured in accordance with appropriate procurement laws or take any other action in relation thereto.

Select Board Recommendation: 5-0-0

Finance Committee Recommendation: 7-0-0

Rationale: Approval of this article allows the town to enter into lease agreements for the purchase of a new ambulance and a new multipurpose piece of fire apparatus.

Select Board Member Dana Packer

Motion: I move that the Town vote to authorize the Select Board to enter into lease purchase financing agreements for the purchase of a new ambulance and a wild land urban interface fire apparatus.

2/3 Vote Required

Motion moved and seconded. 282 in favor, 29 opposed.

Motion passed.

ARTICLE 12. To see if the Town will vote to transfer from Ambulance Enterprise Free Cash the sum of \$146,043.00 for the following specific purposes outlined below:

Lease a fully equipped ambulance	\$80,043.00
Purchase a power load stretcher	\$66,000.00

or take any other action in relation thereto.

Select Board Recommendation: 5-0-0

Finance Committee Recommendation: 7-0-0

Rationale: It is recommended that the 2003 ambulance be taken out of service as it is approaching the end of its life expectancy. It is imperative that ambulances be maintained in high operational condition in order to best serve the public.

Power Load Stretchers are used to prevent a possible career ending injury due to lifting conventional stretchers loaded with patients. This new stretcher will minimize the potential for injuries.

These purchases have been approved by the Capital Planning Committee.

Select Board Member Geoff Walker

Motion: I move that the Town transfer the sum of \$146,043 from the Ambulance Enterprise Free Cash Account to lease a fully equipped ambulance and purchase a power load stretcher.

Motion moved and seconded. 298 in favor, 18 opposed.

Motion passed.

ARTICLE 13. To see if the Town will vote to transfer from Free Cash the sum of \$2,217,499.00. for the following specific purposes outlined below:

Morgan Ave Fire Station Floor Replacement	\$ 60,000.00
Purchase Fire Department Turn Out Gear	\$ 35,000.00
OPEB Actuarial Valuation	\$ 7,000.00
Library HVAC Replacement	\$ 125,000.00
Library Roof Replacement	\$ 650,000.00
Elementary School Roof Replacement	\$ 150,000.00
Elementary School HVAC Replacement	\$1,000,000.00
Elementary School Parking Lot Paving	\$ 90,000.00
Lower Green School House Roof Replacement	\$ 100,000.00
Unpaid Bill	\$ 499.00

or take any other action in relation thereto.

Select Board Recommendation: 3-2-0

Finance Committee Recommendation: 7-0-0

Rationale: *The above list comprises the majority of the Town's proposed spending from Free Cash in FY 2025. The following capital projects have been approved by the Capital Planning Committee:*

Morgan Ave Fire Station Floor Replacement	\$ 60,000.00
Purchase Fire Department Turn Out Gear	\$ 35,000.00
Library HVAC Replacement	\$ 125,000.00
Library Roof Replacement	\$ 650,000.00
Elementary School Roof Replacement	\$ 150,000.00
Elementary School HVAC Replacement	\$1,000,000.00
Elementary School Parking Lot Paving	\$ 90,000.00
Lower Green School House Roof Replacement	\$ 100,000.00

The OPEB Actuarial Valuation is updated every two years in order to ascertain the town's unfunded liability. The \$7,000 fee will fund the cost of this study.

The Town's Fiscal Year closes on June 30th. We are allowed to pay bills through July 15th. Every now and then bills arrive past the July 15th deadline. This bill—for an advertisement in the local newspaper—requires Town Meeting action (4/5 vote of approval) in order for it to be paid.

Select Board Chair Alicia Greco

Motion: I move that the Town transfer from Free Cash the sum of \$2,217,000 for the items noted in the Finance Committee Appropriation Booklet.

The Moderator opened the floor up for discussion. An amendment was introduced by Selectman Packer and another by resident Jim Moran of 104 Elm Street. These amendments were discussed at length. A vote was taken to pass the amendments but vote did not pass.

*The original Motion was moved and seconded. **282 in favor, 36 opposed.***

Motion passed.

Select Board Chair Alicia Greco

Motion: I move that the Town transfer from Free Cash the sum of \$499 to pay the unpaid bill as noted in the Finance Committee Appropriation Booklet.

4/5 Vote Required

*Motion was moved and seconded. **307 in favor, 12 opposed.***

Motion passed.

Bylaws

ARTICLE 14: To see if the Town will vote to amend the Town of Newbury Zoning Bylaw by adding a new section 87-4.G, MBTA Communities Multi-Family Overlay District and amend the Zoning Map to reflect the Zoning District as follows:

Article IV REGULATIONS OF OVERLAY DISTRICT

§97-4.G. MBTA Communities Multi-Family Overlay District (MCMOD)

(1) Purpose

The purpose of the MBTA Communities Multi-Family Overlay District (MCMOD) is to allow multi-family housing as of right in accordance with Section 3A of the Zoning Act (Massachusetts General Laws Chapter 40A). This zoning will allow for opportunities to:

- (a) Increase the production of a range of housing units to meet existing and anticipated housing needs; and
- (b) Increase the diversity of housing and provide more housing choice to meet the needs of residents of different age groups, household compositions, and income levels.

(2) Establishment and Applicability

This MCMOD is an overlay district having a land area of approximately 50.1 acres in size that is superimposed over the underlying zoning district(s) and is shown on the Zoning Overlay and Resource Districts Map.

- (a) **Applicability of MCMOD.** An applicant may develop multi-family housing located within the MCMOD in accordance with the provisions of this Section 97-4.G.
- (b) **Underlying Zoning.** The MCMOD is an overlay district superimposed on all underlying zoning districts. The regulations for uses, dimensions, and all other provisions of the Zoning Bylaw governing the respective underlying zoning district(s) shall remain in full force, except for uses allowed as of right in the MCMOD. Uses that are not identified in this § 97-4.G. are governed by the requirements of the underlying zoning district(s). Within the boundaries of the MCMOD, a developer may elect either to develop a Project in accordance with the requirements of this Section 97-4.G., or to develop in accordance with requirements of the regulations for uses,

dimensions, and all other provisions of the Zoning Bylaw governing the underlying zoning district.

- (c) **Relationship of MCMOD to Other Zoning Provisions.** Notwithstanding any other provision of this bylaw to the contrary, including any other provision which requires a special permit for development on land (property) which is included in this Overlay District, no development undertaken pursuant to this Section 97-4.G. shall require a permit under zoning other than the Site Plan Review as set for in Section 97-4.G.(7) below.
- (d) **Sub-districts.** The MCMOD contains the following sub-districts, all of which are shown on the map titled "Proposed 3A Subdistricts, Town of Newbury":
- 01) Newbury North – Sub-District A (North-A), which is generally comprised of certain parcels along the intersection of U.S. Route 1, Middle Road, and Hanover Street;
 - 02) Newbury North – Sub-District B (North-B), which is generally comprised of certain parcels along Hanover Street;
 - 03) Newbury South – Sub-District A (South-A), which is generally comprised of a certain parcel along Kent Way;
 - 04) Newbury South – Sub-District B (South-B), which is generally comprised of a certain parcel along Central Street.

(3). Definitions.

For purposes of this Section, the following definitions shall apply. Otherwise, section 97-11(D) shall apply.

- (a) **Affordable Housing Restriction.** A use or deed restriction acceptable in form and substance to Massachusetts Executive Office of Housing and Livable Communities (HLC) and the Town that imposes restrictions on Affordable Housing Units to make such units affordable to Income Eligible Households which meets the requirements of HLC's Local Initiative Program (LIP) or any successor program established by HLC for purposes of Subsidized Housing Inventory (SHI) eligibility; and causes the Affordable Housing Units to be eligible for inclusion on the SHI. An Affordable Housing Restriction shall run with the land in perpetuity or for the maximum period of time allowed by law, and be enforceable under the provisions of Chapter 184, §§ 26, 31, and 32 of the Massachusetts General Laws.
- (b) **Affordable Housing Unit.** A housing unit in a development subject to this bylaw that is required to be sold or rented to, as applicable, and occupied by an Income Eligible Household.
- (c) **Applicant.** A person, business, or organization that applies for a building permit, Site Plan Review, or Special Permit.
- (d) **Area Median Income (AMI).** The area median household income as determined by the U.S. Department of Housing and Urban Development (HUD), adjusted for household size, for the metropolitan area that includes the Town.
- (e) **As of right.** Development that may proceed under the Zoning in place at time of application without the need for a special permit, variance, zoning amendment, or other discretionary zoning approval.
- (f) **Building coverage.** The maximum area of the lot that can be attributed to the footprint of the buildings (principal and accessory) on that lot. Building Coverage does not include surface parking.
- (g) **HLC.** The Massachusetts Executive Office of Housing and Livable Communities, or any successor agency.
- (h) **Income Eligible Household.** A household of one or more persons whose annual income does not exceed 80% of AMI and meets the applicable requirements established by HLC's LIP.
- (i) **Local Initiative Program (LIP).** A program administered by HLC pursuant to 760 CMR 56.00 to develop and implement local housing initiatives that produce low- and moderate-income housing, with or without a comprehensive permit issued pursuant to Chapter 40B, §§ 20 through 23 of the Massachusetts General Laws.

- (j) **Lot.** An area of land with definite boundaries that is used or available for use as the site of a building or buildings.
- (k) **MBTA.** Massachusetts Bay Transportation Authority.
- (l) **Mixed-use development.** Development containing a mix of residential uses and non-residential uses, including, commercial, institutional, industrial, or other uses.
- (m) **Dwelling, Multi-Family.** A building designed for, or containing, three (3) or more residential dwelling units.
- (n) **Open space.** Contiguous undeveloped land within a parcel boundary
- (o) **Parking, surface.** One or more parking spaces without a built structure above the space. A solar panel designed to be installed above a surface parking space does not count as a built structure for the purposes of this definition.
- (p) **Permit Granting Authority.** The Permit Granting Authority (PGA) shall include the Planning Board for the issuance of permits.
- (q) **Residential dwelling unit.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- (r) **Section 3A.** Section 3A of the Massachusetts General Laws Chapter 40A, the Zoning Act.
- (s) **Site plan review authority.** The Planning Board shall have authority over site plan review
- (t) **Subsidized Housing Inventory (SHI).** The list compiled by HLC containing the count of eligible low- or moderate-income housing by a city or town pursuant to 760 CMR 56.00, Chapter 40B of the Massachusetts General Laws, and applicable HLC guidelines.
- (u) **Sub-district.** An area within the MCMOD that is geographically smaller than the MCMOD district and differentiated from the rest of the district by use, dimensional standards, or development standards.

(4) Permitted Uses

- (a) **Uses Permitted as of Right.** The following uses are permitted as of right within the MCMOD:
 - 01) Multi-family housing.
 - 02) Commercial Uses as allowed by the underlying zoning, when part of a mixed-use development

(5) Dimensional Standards

- (a) **Table of Dimensional Standards.** Notwithstanding anything to the contrary in this Zoning Bylaw, the dimensional requirements applicable in the MCMOD for all subdistricts are as follows:

Standard	Subdistricts North-A and South-A	Subdistricts North-B and South-B
Lot Size (square feet)		
Minimum	40,000	40,000
Height ¹		
Stories (Maximum)	3	2.5
Feet (Maximum)	40	35
Lot Coverage ²		
Minimum Open Space	40%	50%

¹ Exceptions. Limitations of height shall not apply to flagpoles, chimneys, radio and television antennae, windmills, silos, water tanks, public utility structures, solar panels, and similar non-inhabitable structures.

² Multi-Building Lots. In the MCMOD, lots may have more than one principal building.

Maximum Building Coverage	50%	40%
Setbacks (feet)		
Front yard setback	50	50
Rear yard setback	25	60
Side yard setback 1	25	60
Side yard setback 2	25	60
Density (Housing Units per Acre)		
Maximum	17	8
Parking		
Minimum # of parking spaces per unit	1 per one bedroom or studio 2 per two bedroom or greater	1 per one bedroom or studio 2 per two bedroom or greater

(6) Affordability Requirement

(a) Applicability

01) Any proposed multi-family residential or mixed-use development containing ten (10) or more rental or ownership dwelling units on any parcel or contiguous parcel(s) comprising a proposed site within the MCMOD shall be subject to the requirements of this section.

(b) Mandatory Provision of Affordable Units

01) As a condition of approval for a development subject to this section, a project shall contribute at least 10% of the total housing units in the development subject to this bylaw as Affordable Housing Units constructed or rehabilitated on the locus subject to the development under this Section 97-4.G.(6).

02) For purposes of this article, any calculation of required Affordable Housing Units that results in the fractional or decimal equivalent of one-half (0.50) or above shall be increased to the next highest whole number. Nothing in this bylaw shall preclude a developer from providing additional affordable units, or greater affordability, or both, than the minimum requirements.

03) As a condition for the approval of a project, all Affordable Housing Units shall be subject to an Affordable Housing Restriction. The Affordable Housing Restriction shall be approved by Town Counsel and HLC and shall be recorded at the Essex County Registry of Deeds prior to a building permit being issued for the project and a copy provided to the Planning Board and the Building Commissioner.

04) Affordable Housing Units shall be sold or rented, as applicable, to Income Eligible Households at sales prices or rents that are affordable to Income Eligible Households pursuant to an Affordable Housing Restriction.

(7) Site Plan Review

(a) **Applicability.** Site Plan Review is required for all multi-family or mixed-use projects in the MCMOD. An application for Site Plan Review shall be reviewed by the Permit Granting Authority in accordance with Section 97-9.

(b) **Requirements.** As part of any application for Site Plan Review for a project within the MCMOD, the Applicant must adhere to Article IX, Section 97-9 of this Zoning Bylaw.

01) As part of Site Plan Review, applicants shall, in addition to the submission requirements set forth in Section A of the Planning Board's "Site Plan Review Submission Requirements and Procedures," submit application materials detailing their adherence

with the General Design Standards and Guidelines outlined in Section (8) of this Section 97-4.G as well as adherence to Section 97-9.

- 02) Prior to submission of a Site Plan Review application for a project within the MCMOD, the Applicant shall file a request with the Planning Director for a mandatory pre-application conference to include, at a minimum, the Planning Director, the Building Commissioner, the Conservation Agent, the Health Director, the Police Chief, the Fire Chief, the DPW Director, and other staff or Board and Commission members as appropriate for the project. The purpose of this pre-application conference is to review with the Applicant the requirements and criteria for site plan approval for a project within the MCMOD and to address questions in order to give the Applicant advice and guidance prior to submitting a Site Plan Review Application, entering into binding commitments, and/or incurring substantial expense in the preparation of plans, surveys, and other data.

(8) Design Standards

(a) Intent

- 01) This section contains the required design standards and guidelines for the MCMOD that are intended to provide direction to a Project's planning and design.
- 02) These design standards are intended to ensure that the physical character of projects in the MCMOD will comply with the following guiding principles:
 - a) Building styles and materials reflect the vernacular styles of traditionally settled areas of Newbury and other similar communities in the region;
 - b) Materials used for streets, paths, landscape features, etc. also reflect those found locally;
 - c) Design features encourage pedestrian travel to and from and within the site and provide a safe and aesthetically attractive pedestrian environment;
 - d) Existing natural resources, native vegetation, and the natural topography of the site are preserved and integrated into the site design to the greatest extent practical;
 - e) Housing development aligns with the State's climate resiliency goals and follows current guidance for water and energy resource efficient design.

(b) Applicability

- 01) These design Standards shall apply to any proposed multifamily or mixed-use development in the MCMOD.
- 02) The Planning Board may waive the design Standards provided that the Board determines that such waiver will substantially further the purposes and intent of this section.

(c) Site Design, Open Space and Landscaping

- 01) Projects shall be sited to maximize opportunities for creating usable, attractive, well-integrated Open Space.
- 02) Acceptable activities within the minimum required Open Space include natural areas (including wetlands and surface waters), wildlife and native plant habitat, landscape plantings, agricultural activities, low-impact design stormwater management, non-motorized trails, and other low-impact activities. Open Space shall not contain habitable structures.
- 03) Open Space shall be planned as a single contiguous area and, to the extent practicable, configured contiguously with any abutting conservation open areas.
- 04) Open Space intended for public use shall have direct access from one or more streets, pedestrian ways, sidewalks, and/or other public access.

- 05) Landscape design shall strive to provide greenery so that streets and access drives are lined with shade trees, large paved areas are visually divided and screened, and buffers are provided within and around the Project.
- 06) Landscaped areas shall be planted with drought-tolerant species which do not require any automatic irrigation systems.
- 07) Plantings shall be native species and shall not include species on the Massachusetts Prohibited Plant list, as may be amended.
- 08) Light levels for exterior lighting shall meet or exceed the minimum design guidelines defined by the Illuminating Engineering Society of North America (IESNA) and shall provide illumination necessary for safety and convenience while preventing glare and overspill onto adjoining properties and reducing the amount of skyglow. The color temperature of exterior lighting shall not exceed 3000 K.
- 09) Parking and circulation on the site shall be organized so as to reduce the amount of impervious surface.

(d) Building and Structure Placement

- 01) Placement of buildings and structures in the Overlay District shall:
 - a) Provide for a landscaped buffer between buildings or structures and properties adjacent to the Overlay District;
 - b) Orient buildings to any adjacent usable open space, with access to the building onto or accessible to the usable open space;
 - c) Orient structures to provide pedestrian entrances to any adjoining sidewalks;
 - d) Locate trash collection and dumpster locations in appropriate locations, screened to avoid adverse impacts on properties adjacent to the Overlay District;
 - e) Minimize the visual impact of the development from the street by locating lower buildings closest to the street frontage and taller buildings in the interior of the parcels.

(e) Building Massing, Articulation, and Architecture

- 01) Architecture shall demonstrate the cohesive planning of the development and present a clearly identifiable design feature throughout. It is not intended that buildings be totally uniform in appearance or that designers and developers be restricted in their creativity. The following standards shall apply:
 - a) To reduce a building's perceived mass, building façades shall be divided into smaller scale horizontal and vertical components, through use of changes in plane and changes in color, material, and texture.
 - b) For multi-family buildings of three stories, building design shall maintain a distinction between upper and lower floors. Primary building entrances shall be accentuated. Design features can include covered porches, porticos, and other pronounced architectural forms.
 - c) Buildings shall have pitched roofs typical of historic building types in Newbury, with a pitch between 5:12 and 12:12.
 - d) Side and rear façades shall be generally consistent with the primary façade's architectural style.
 - e) Accessory buildings shall be in the same style as the primary building(s).
 - f) Mechanical equipment at grade, attached to, or on the rooftops shall be screened from view or made an integral part of the overall design of the building.
 - g) All utility, service, loading, and trash collection areas shall be screened or enclosed by plantings, walls, or solid fencing, or a combination thereof. Enclosures shall be designed to be compatible with the architecture of the adjacent building.

02) Building Materials

- a) Materials such as brick, stone, wood clapboard, and cementitious siding such as Hardi-plank shall be used for siding, particularly where visible at the pedestrian level.
- b) Architectural asphalt shingles are preferred for roofing.

(f) Pedestrian Amenities and Connections

- 01) Sidewalks shall be a minimum of 5 feet in width, and shall be constructed of concrete, brick pavers, precast pavers, stone, or similar materials.
- 02) Off-street walking trails may be constructed of crushed stone, stone dust, or wood.
- 03) All elements of the pedestrian network shall be accessible to the physically disabled in accordance with the Americans with Disabilities Act and the Massachusetts Architectural Access Board (AAB) or other applicable regulations.
- 04) Pedestrian access shall be provided to link buildings with open spaces, parking areas, recreation facilities, and sidewalks on adjacent properties wherever practical.
- 05) Site planning shall include consideration of future access to bike paths, parks, playgrounds, residential neighborhoods, other businesses, and transportation facilities.

(g) Resource Efficiency

- 01) Applicants shall use energy- and water-efficient systems and site designs, resource-efficient materials, and methods of construction that limit the project's environmental impact and minimize regular maintenance costs. This may include but is not limited to:
 - a) Building orientation appropriate for use of solar or other renewable energy collection;
 - b) Electric vehicle charging stations;
 - c) LED and dark sky compliant light fixtures; and
 - d) Technologies to minimize water demand throughout site design.

(9) Decision

The Permit Granting Authority shall make and issue decisions within 180 days of the filing of a complete application as certified by the Planning Director. The time within which the Planning Board must act on an application may be extended upon mutual agreement in writing upon request of the Applicant.

- (a) Final action of the Permit Granting Authority shall include one of the following:
 - 01) Approval based on a determination that the proposed project complies with the criteria and design standards set forth in this section and section 97-9(A)(6) of the Zoning Bylaw.
 - 02) Approval subject to any site plan and design performance conditions, modification, and restrictions the Permit Granting Authority may deem necessary to ensure the health, safety, and general welfare of the community.
 - 03) Disapproval of the application for the reasons of an incomplete application.

(10) Recording

Any permit issued hereunder shall be recorded in the Essex South Registry of Deeds and no building permit shall issue until a copy of the recorded permit is provided to the Building Inspector and the Planning Director.

(11) Lapse

Approval for a project shall lapse after two years from the date of issuance, unless any construction work contemplated thereby shall have commenced and proceeded in good faith continuously to

completion, except for good cause. This two-year period shall not include time required to pursue or await determination of an appeal filed pursuant to G.L. c. 40A, §§ 8 and 17 (Appeals to permit granting authority). Site Plan approval may, for good cause, in the sole opinion of the Planning Board, be extended in writing by the Board upon the written request of the applicant.

or take any other action in relation thereto.

Select Board Recommendation: 4-1-0

Finance Committee Recommendation: 6-1-0

Rationale: Adoption of this zoning bylaw and associated map amendment will allow the Town to achieve full compliance with Massachusetts General Law Chapter 40A, Section 3A, The MBTA Communities Act, which requires that the 177 cities and towns in Massachusetts which have been designated “MBTA Communities” establish “at least 1 district of reasonable size in which multi-family housing is permitted as of right,” or, in other words, in which buildings containing three (3) or more residential dwelling units are allowed without the need for any special permits or waivers under zoning. The proposed bylaw provides for creation of a multi-family overlay district with four separate sub-districts, two in the northern end of town and two in the southern end of town. This overlay district will lie on top of the existing underlying zoning and expand the types of potential development allowed in those areas without replacing the existing zoning or allowed uses that are already in place. Multi-family and mixed-use projects in this overlay district will require Site Plan Review and be subject to all applicable state environmental regulations, including the Wetlands Protection Act and Title 5. This zoning will allow for opportunities to increase the production of a range of housing units to meet existing and anticipated housing needs and to increase the diversity of housing and provide more housing choice to meet the needs of residents of different age groups, household compositions, and income levels. The State’s requirement is only to zone for multi-family housing; it does not mandate any construction of multi-family housing.

Select Board Vice Chair William DiMaio

Motion: I move that the Town approve Article 14 to amend the zoning map and the zoning bylaw as printed in the warrant.

Ian Burns from Merrimack Valley Planning Commission presented a slide show and opened the floor up for discussion. A discussion ensued.

Motion was moved and seconded. 234 in favor and 80 opposed.

Motion passed.

ARTICLE 15: To see if the Town will vote to amend the Code of the Town of Newbury, Chapter 97, Zoning, Article IV, REGULATIONS OF OVERLAY DISTRICTS, § 97-4.C. Wireless Communications Facilities, and Attachment 1 – Zoning Overlay and Resource Districts Map to modify the boundaries of the Wireless Communications Tower District as follows (with new language indicated by **bold underline** and deleted language indicated by ~~strikethrough~~):

1. Amend Section 97-4.C.2.a) by revising subsection (1) and adding new subsections (2) and (3), so that this Section reads as follows:
2. Tower Use Restrictions.

- a) A Wireless Communications Tower District (WCTD) has been created to enable wireless communications services to operate on tower-mounted facilities. A Wireless Communications Tower (WCT) may be erected by special permit in the following locations:
- (1) Business/ and Light Industrial District;
 - (2) An area in the Agricultural-Residential District on the northerly and southerly sides of Elm Street encompassing Lot 18 on FY2024 Assessors Map R-17 and Lot 60 on FY2024 Assessors Map R-01;
 - (3) An area in the Agricultural-Residential District on the easterly side of High Road encompassing Lot 36 on FY2024 Assessors Map R-32.
2. Amend Attachment 1 – Zoning Overlay and Resource Districts Map to change “Wireless Communications Service Overlay District” to “Wireless Communications Tower District” and to show the new boundaries for the Wireless Communications Tower District.

or take any other action in relation thereto.

Select Board Recommendation: *Recommendation Not Required*
Finance Committee Recommendation: *Recommendation Not Required*
Rationale: *No action will be taken on this article.*

Select Board Clerk Leslie Matthews

Motion: I move No Action

ARTICLE 16: To see if the Town will vote to change the use of the surface of landfill including five (5) feet below the surface located at 75 Boston Road, Town of Newbury Assessor’s Map R36 Lot 27 (the “Property”) to be used for general municipal purposes and authorize the Board of Selectmen to negotiate and enter into a lease for the Property for a term of up to thirty (30) years on terms it determines to be in the best interest of the Town, or take any action in relation thereto.

Select Board Recommendation: *5-0-0*
Finance Committee Recommendation: *Recommendation Not Required*

Rationale: Articles 16, 17, and 18 all pertain to a 573.3 kW (DC) ground- mounted solar photovoltaic installation proposed to be constructed on the Town’s landfill at 75 Boston Road by Alliance Clean Energy, Inc. Article 16 authorizes the use of the landfill for general municipal purposes and authorizes the Select Board to enter into a lease agreement for use of the property by another entity for a term of up to 30 years. Article 17 authorizes the Select Board to enter into an Alternative On-Bill Credit Agreement with Alliance Clean Energy, Inc., for purchase of the energy that will be produced by the solar installation. Article 18 authorizes the Select Board and the Board of Assessors to negotiate and enter into and execute a tax agreement with Alliance Clean Energy, Inc., for the solar installation.

Select Board Member Dana Packer

Motion: I move that the Town approve Article 16 as printed in the warrant
2/3 Vote Required

Motion was moved and seconded. 187 in favor and 26 opposed.
Motion passed by 2/3 vote.

ARTICLE 17: To see if the Town will vote to authorize the Select Board to negotiate and enter into an Alternative On Bill Credit Agreement with Alliance Clean Energy, Inc. or its assigns, on terms it determines to be in the best interest of the Town for a term of 30 years pursuant to G.L. c. 25A §11C for the purchase of energy related to the development of a 573.33 kW (DC) +/- solar facility to be located at the site of the landfill at 75 Boston Road, Town of Newbury Assessor's Map R36 Lot 27 (the "Property"), or take any action in relation thereto.

Select Board Recommendation:

5-0-0

Finance Committee Recommendation:

Recommendation Not Required

Rationale: See rationale under article 16

Select Board Member Geoff Walker

Motion: I move that the Town approve article 17 as printed in the warrant.

Motion was moved and seconded. 195 in favor and 24 opposed.

Motion passed.

ARTICLE 18: To see if the Town will vote in accordance with G.L. c. 59, Sec 38H to authorize the Select Board and the Board of Assessors to negotiate and to enter into and execute a Tax Agreement with Alliance Clean Energy Inc., or its assigns, for a period of up to twenty (20) years, whereby Alliance Clean Energy Inc., will pay the Town a sum of money per year relative to a photovoltaic solar facility to be located on at 75 Boston Road, Town of Newbury Assessor's Map R36 Lot 27; or pass any vote or take any action in relation thereto.

Select Board Recommendation:

5-0-0

Finance Committee Recommendation:

Recommendation Not Required

Rationale: See rationale under article 16

Select Board Chair Alicia Greco

Motion: I move that the Town approve article 18 as printed in the warrant.

Motion was moved and seconded. 194 in favor and 25 opposed.

Motion passed.

ARTICLE 19: To see if the Town will vote to authorize the Select Board to petition the General Court of the Commonwealth of Massachusetts to amend Section 5 of Chapter 460 of the Acts of 2008 as follows (underline and bold new, ~~cross-out~~ removed) ;

Chapter 460 of the Acts of 2008, Section 5:

SECTION 5. A member of the ~~selectmen~~ select board, or of the regional school committee, or of the finance committee, during the term for which the member was elected or appointed, shall be ineligible either by election or appointment to hold any other town office. Any other person appointed by the select ~~board men~~ or town administrator to a town office under this act or of any general or special law shall be eligible during the term of said office to appointment to any other town office, except that the town accountant shall not be eligible to ~~hold~~ **hold** the position of town treasurer or the position of town collector. The town administrator, subject to applicable General Laws relating thereto, may assume the duties of an office which he is authorized to fill by appointment. The first sentence hereof shall not apply to members of the Finance Committee who may be appointed to serve on the Capital Planning Committee but shall be ineligible either by election or appointment to hold any other

town office. At no time shall more than two (2) members of the Finance Committee serve on the Capital Planning Committee.

SECTION 21: The term “town office” as used in this Act shall be considered any position either elected by registered voters of the town or appointed by the Newbury select board, town administrator, or other town board or committee who’s jurisdiction extends to the Newbury town limits and is not part of any greater regional or county organization or office.

And further that the Select Board shall be authorized to make corrections and adjustments to the foregoing language in the context of approval of this amendment.

Or take any other action relative thereto.

Select Board Recommendation: 4-1-0

Finance Committee Recommendation: *FinCom Recommendation Not Required*

Rationale: *Passage of this article will resolve a conflict between Section 3 of the Acts of 2008 and the CPC By-law allowing two members of the Finance Committee to serve on the Capital Planning Committee.*

Select Board Vice Chair William DiMaio

Motion: I move that the Town authorize the Select Board to petition the General Court of the Commonwealth of Massachusetts to amend Section 5 of Chapter 460 of the Acts of 2008 as noted in the Finance Committee Appropriations Booklet.

Motion was moved and seconded. 194 in favor, 25 opposed.

Motion passed.

ARTICLE 20: To see if the Town will vote to dissolve the existing Newbury Improvement Trust, voted in at Town Meeting on October 25, 2005, and that any remaining net assets of the Trust shall be transferred to the Town and held by the Select Board for such purposes as they were received by the Trust, if any and if not, for the purposes so set forth in the Trust such that any remaining net assets of the Trust may be distributed by the Select Board, including but not limited to in kind distribution, without need for further appropriation, and that the powers of the Trustees shall continue for purposes of affecting the dissolution contemplated hereunder, until such time as the affairs of the Trust are concluded, or take any other action in relation thereto.

Select Board Recommendation: 5-0-0

Finance Committee Recommendation: 7-0-0

Rationale: *The Newbury Improvement Trust was formed on January 23, 2006 for the purpose of providing funding for the betterment and beautification of the Town of Newbury, as well as for the town celebrations and the making of capital improvements upon the terms adopted under Article 6 of the Special Town Meeting held on October 25, 2005.*

The Trust currently has a balance of \$4,061.10, the majority of which was donated for the purpose of creating a senior center. By dissolving the trust, the funds will be under the control of the Select Board and will be used by the Senior Center.

Select Board Clerk Leslie Matthews

Motion: I move that the Town vote to dissolve the Newbury Improvement Trust and that any remaining assets of the Trust shall be held by the Select Board to be used for such purposes as they were received by the Trust, if any and if not, for the purposes so set forth in the Trust

such that any remaining net assets of the Trust may be distributed by the Select Board, including but not limited to in kind distribution, without need for further appropriation, and that the powers of the Trustees shall continue for purposes of affecting the dissolution contemplated hereunder, until such time as the affairs of the Trust

*Motion was moved and seconded. 192 in favor and 16 opposed.
Motion passed.*

ARTICLE 21: To see if the Town will vote to revoke General Laws Chapter 44, Section 53 F3/4, which established, more than three (3) years ago, a special revenue fund known as the PEG Access and Cable Related Fund, which reserved cable franchise fees and other cable-related revenues for appropriation to support PEG access services and oversight and renewal of the cable franchise agreement. Instead the special revenue fund will cease as of fiscal year 2026 which begins on July 1, 2025; at which time the balance of the special revenue fund and any future cable franchise fees and cable related revenue will be deposited into the general fund which will thereafter by appropriation, support PEG access services and oversight and renewal of the cable franchise agreement; or take any other action in relation thereto.

Select Board Recommendation: 3-2-0
Finance Committee Recommendation: 7-0-0

Rationale: *In October of 2015 the Town voted to accept the provisions of Chapter 44, section 53 F3/4 of the Massachusetts General Laws to establish a PEG Access and Cable Related Fund as a special revenue account effective Fiscal Year 2016. Prior to that all fees collected from customers by cable companies were deposited directly into the general fund.*

The funds were segregated in the hopes that a 501c3 may be interested in taking over the public, educational and government (PEG) programming operations and the funds would be available for their use. To date, that has not happened and there is a balance of \$908,302.36 in the special revenue fund.

If revoked, these funds would be closed out to the Town's general fund to later be certified as Free Cash. The PEG operations would remain the same as they are today, but the funding of this operation would appear as part of the line item budget annually.

Select Board Member Dana Packer

Motion: I move that the Town revoke General Laws Chapter 44, Section 53 F3/4, which established, more than three (3) years ago, a special revenue fund known as the PEG Access and Cable Related Fund, as of July 1, 2025 at which time the balance of the special revenue fund and any future cable franchise fees and cable related revenue will be deposited into the general fund.

*Prior to the vote citizens spoke for and against the article.
A motion was moved and seconded. 93 in favor, 106 opposed.
Motion did not pass.*

ARTICLE 22: To see if the Town will vote to amend the Town of Newbury General Bylaws, Chapter 56 "Dogs and Other Animals" and Chapter 109 "Animals" as follows (underline and bold is new language and ~~cross through~~ is omitted language):
Chapter 56, Section 56-1 (D) Licensing:

~~D. Anyone maintaining such a kennel without a proper license shall be subject to a \$100 fine. Each day shall constitute a violation. Any violation of this subsection shall be punished by a fine of \$50. Each day shall constitute a violation.~~

Chapter 56, Section 56-2:

§ 56-2 Enforcement.

~~A. The Animal Control Officer shall be the enforcement authority under this bylaw. attend to all complaints and other matters pertaining to dogs and may take whatever legal action he thinks is necessary.~~

~~B. If the Animal Control Officer determines that a bitch in heat, even when confined, is attracting other dogs thus causing a disturbance or damage to neighboring property or public areas, he may require the owner or keeper of said bitch to keep her in a kennel or remove her from the area until out of heat. The Animal Control Officer is authorized to require owners or keepers of dogs to restrain their dogs from running at large in schools, school playgrounds, parks or public recreation areas.~~

~~[Amended 4-27-1999 ATM, Art. 16; 5-24-2011 ATM, Art. 11; 5-22-2012 ATM, Art. 17; 11-12-2019 STM, Art. 13]~~

~~C. The ACO is authorized to charge a fee of \$25 for any pick up. A fee of \$50 will be assessed for each subsequent offense.~~

~~[Added 4-27-1999 ATM, Art. 17]~~

56-3 At Large Intact Dogs

Any person who owns, possesses or controls an intact dog, whether the dog be male or female, shall cause such dog to be confined in a building or secure enclosure in such a manner that such dog cannot come in contact with another animal except for planned breeding, or the dog must be on a leash no longer than six feet in length with a capable adult. A violation of this subsection shall be punishable by a fine of \$50 per offense.

Add the following section to Chapter 56 as follows:

56-4 Calls to Confine and Impounding

A. Upon calls to domesticated animals (except dogs), the Animal Control Officer, or any other officer authorized to enforce this bylaw shall assess a charge of \$50 per call.

B. A person who owns or keeps a dog within the territorial limits of the Town of Newbury, whose dog was picked up and impounded at the Town holding facility, shall be charged a pick up fee of \$40 per day or part thereof.

C. The owner or keeper may obtain the release of an impounded dog as follows:

Providing proof of Town of residence valid dog registration

Providing proof of valid rabies vaccination

Providing photo ID

Providing full payment of all shelter fees and fines, if any before the dog is released.

D. Dogs impounded and unclaimed by the owner or keeper after such a ten-day period shall be disposed of in accordance with the provisions of MGL c. 140, Section 151A.

E. Any dog, cat or domesticated animal impounded due to a medically incapacitated owner and or an incarcerated owner shall be held for no longer than 14 days. After 14 days the owner, next of kin, attorney or otherwise legally responsible person shall:

-Pick up the animal

or

-Surrender the animal to Animal Control Custody

The animal may be released to the above mentioned person with proof of valid T *Rationale: Now that Animal Control Services are provided under a regional agreement, the ACO has suggested the by-law changes above to create more structure and cohesiveness in terms of fines, pick up fees, etc. amongst the members communities.*

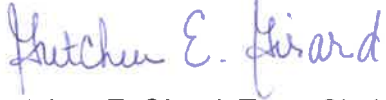
Select Board Member Geoff Walker

Motion: I move No Action.

Motion to adjourn was made by the Moderator. The motion was seconded and the meeting was adjourned at 10:03 PM.

A total of 352 registered voters attended the meeting.

Respectfully submitted,

A handwritten signature in blue ink that reads "Gretchen E. Girard". The signature is written in a cursive style with a large initial 'G'.

Gretchen E. Girard, Town Clerk