

**TOWN OF NEWBURY
ANNUAL TOWN MEETING
APRIL 27, 2021**

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 **TRITON REGIONAL HIGH SCHOOL AUDITORIUM AT 112 ELM STREET** IN SAID TOWN OF NEWBURY (BYFIELD) ON TUESDAY, THE **27TH DAY OF APRIL 2021**, AT 7:00 P.M., TO ACT ON THE FOLLOWING ARTICLES, VIZ:

GENERAL GOVERNMENT MATTERS

ARTICLE 1. To meet in our respective voting districts on Tuesday, May 11, 2021, 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>
Select Board (2)	Three Years
Assessor	Three Years
Board of Health	Three Years
Constable	Three Years (unexpired term)
Constable	Four Years
Fish Commissioner	Three Years
Library Trustee (2)	Three Years
Planning Board	Five Years
Town Clerk	Three Years
Triton Regional School Committee- Newbury	Three Years
Triton Regional School Committee - Rowley	Three Years
Triton Regional School Committee – Rowley	Two Years (unexpired term)
Triton Regional School Committee - Salisbury	Three Years
Trustee 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		\$63,538.00
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

CITIZEN'S PETITIONS

ARTICLE 4. To see if the Town will vote to change the date of the celebration of Halloween, including the practice of "Trick or Treat" from the 31st of October to the first Saturday after the 31st of October unless the 31st of October falls on a Saturday, in which case the celebration will be held on the 31st of October in that year.

Sponsored by: Marshall Jespersen

ARTICLE 5. "To see if the Town will vote to amend the Town of Newbury General Bylaws to require a two thirds vote of town meeting members to adopt or amend all changes to chapter 95 wetlands bylaw".

Sponsored by: Bob Connors

APPROPRIATIONS

ARTICLE 6. 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 2022;

General Government	\$ 2,535,707.00
Public Safety	3,102,244.00
Education	10,856,194.00
DPW	1,364,262.00
Human Services	353,132.00
Culture & Recreation	373,410.00
Debt Service	1,084,713.00
Benefits	1,865,814.00
Total Budget	\$21,535,476.00

or take any other action in relation thereto.

ARTICLE 7. To see if the Town will vote to raise and appropriate the sum of \$100,000.00, or any other sum, to be added to the Stabilization Fund; or take any other action in relation thereto.

ARTICLE 8. To see if the Town will vote to raise and appropriate the sum of \$200,000.00, or any other sum, to fund Other Post-Employment Benefits; or take any other action in relation thereto.

ARTICLE 9. To see if the Town will vote to raise and appropriate the sum of \$25,000.00, or any other sum, for Storm Water Management purposes; or take any other action in relation thereto.

ARTICLE 10. To see if the Town will vote to transfer or appropriate the sum of \$95,050.00, 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.

ARTICLE 11. 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, 2021 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	\$55,000.00

or take any other action in relation thereto.

ARTICLE 12. 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	\$ 96,710.00
Expenses	92,360.00
Capital Outlay	12,000.00
Debt Service	0.00
Insurance	5,000.00
Medicare	1,500.00
Indirect Costs	59,046.00
Extraordinary/Unforeseen	12,000.00
Prior Year Deficit	0.00
Total:	\$ 278,616.00

And further that \$278,616.00 be raised as follows:

Departmental Receipts \$278,616.00

or take any other action in relation thereto.

ARTICLE 13. To see if the town will vote to transfer from available funds the sum of \$4,895.00 to pay the following outstanding bill from Fiscal Year 2020:

Patriot Properties Inc.	\$4,800.00
Keep it Safe	95.00

Or take any other action in relation thereto.

ARTICLE 14. To see if the Town will vote to transfer the sum of \$6,472.61 or any other sum, from the Receipts Reserved for Appropriation Account to the Town Hall Project Account, or take any other action in relation thereto.

ARTICLE 15. To see if the Town will vote to transfer the sum of \$574,323.50, or any other sum, from the Overlay Surplus to the Town Hall Project Account; or act in relation thereto.

ARTICLE 16. To see if the Town will vote to transfer the sum of \$1,500,000.00, or any other sum, from Free Cash to the Town Hall Project Account; or act in relation thereto.

ARTICLE 17. To see if the Town will vote to transfer the sum of \$100,000.00, or any other sum, from the Stabilization Fund to make repairs to the Newbury Elementary School Roof; or act in relation thereto.

ARTICLE 18. To see if the Town will vote to transfer the sum of \$13,820.00, or any other sum, from the Stabilization Fund to purchase lawn mower; or act in relation thereto.

ARTICLE 19. To see if the Town will vote to transfer the sum of \$54,625.00, or any other sum, from the Stabilization Fund to purchase a dump truck; or act in relation thereto.

ARTICLE 20. To see if the Town will vote to transfer the sum of \$5,000.00, or any other sum, from Free Cash to fund a Newbury Celebration Event; or act in relation thereto.

ARTICLE 21. To see if the Town will vote to transfer the sum of \$50,000.00, or any other sum, from Free Cash, to construct a Basketball Court at the Central Street Recreation Area; or take any other action in relation thereto.

Bylaws

ARTICLE 22. To see if the Town will vote to petition the General Court to amend Chapter 460 of the Acts of 2008, An Act Establishing a Selectmen-Administrator Form of Government for the Town of Newbury as follows:

- The title "Board of Selectmen" or "selectmen" shall be changed to "Select Board" throughout the Act.

SECTION 13

The following change shall be made:

- The title "town planner" shall be changed to "planning director"

SECTION 15

The following changes shall be made, (**bold and underline new** and ~~strike-through~~ removed):

Prior to the last day of March ~~At least 90 days before the annual town meeting, the town administrator shall submit in writing to the board of selectmen a careful detailed estimate of the probable expenditures of the town government for the ensuing fiscal year, stating the amount required to meet the interest and maturing bonds and notes or other outstanding indebtedness of the town, and showing specifically the amount necessary to be provided for each fund and department, together with a statement of the expenditures of the town for the same purposes in the preceding year and an estimate of the expenditures for the current year. The town administrator shall also submit a statement showing all revenues received by the town in the preceding fiscal year together with an estimate of the receipts of the current year and an estimate of the amount of income from all sources of revenue exclusive of taxes upon property in the ensuing year. The town administrator shall report the probable amount required to be levied and raised by the taxation to defray all expenses and liabilities of the town. together with an estimate of the tax rate necessary to raise that amount. For the purposes of enabling the town administrator to make up the annual estimates of expenditures, all boards, offices, and committees of the town shall, during the first week of January at least 120 days before the annual town meeting, furnish all information in their possession and submit in writing to the town administrator a detailed estimate of the appropriations required for the efficient and proper conduct of their respective departments during the next fiscal year.~~

SECTION 16

The following changes shall be made, (**bold and underline new** and ~~strike-through~~ removed):

The board of selectmen shall consider the tentative budget submitted by the town administrator and make recommendations relative thereto as it considers expedient and proper in the interests of the town. ~~On or before the seventy fifth day before the annual town meeting, the board of selectmen shall transmit a copy of the budget, together with its recommendations relative thereto, to each member of the finance committee.~~ **The select board shall transmit a copy of the budget, together with its recommendation relative thereto, to each member of the finance committee, either at or before their joint meeting to finalize the budget for the following fiscal year.**

or take any action relative thereto.

ARTICLE 23. To see if the Town will vote to amend Article XI, section 97-11.C of the Town of Newbury Zoning By-Law, by revising the current subsection C as follows, with new language indicated by **bold underline** and deleted language indicated by ~~strikethrough~~:

Section 97-11 Administration

C. Special Permits. — ~~Public Hearing. [Amended 4-24-2001ATM, Art. 27]~~

- 1. Procedures and Filing Requirements. An application for a special permit shall be filed in accordance with the following:**

a. Procedures. Any special permit which shall hereafter be issued under this By-Law, whether by the Selectmen, by the Planning Board, or by the Zoning Board of Appeals, shall be issued only following a public hearing held within 65 days after the filing of a petition or application with said Selectmen, Planning Board, or Zoning Board of Appeals, as appropriate, and provided that said applicant and/or petitioner has furnished written notice by U.S. Mail, certified or registered, not less than 21 days prior to said public hearing to all adjoining owners-abutters and furnished evidence of such written notice to the Selectmen, Planning Board, or Zoning Board of Appeals, as appropriate, a copy of which petition or application shall forthwith be given to the Town Clerk by the applicant. Any special permit granted under this By-Law shall lapse 2 years from the date of the granting of such permit (including time required to pursue or await the determination of an appeal from the grant thereof) if a substantial use thereof has not sooner commenced, or, in the case of a permit for construction, if such construction has not begun by such date, unless such failure is for good cause. Uses, whether or not on the same parcel as activities permitted as a matter of right, accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production, may be permitted upon the issuance of a special permit by the Selectmen providing the Selectmen find that the proposed accessory use does not substantially derogate from the public good. Petitions or applications for special permits under the By-Law shall be submitted to and reviewed by the following (such reviews may be held either jointly or severally): the Board of Health, the Planning Board, the Conservation Commission and any other Board or Commission of the Town to which petition or application to be submitted for review. Any such Board or Commission to which petitions or applications are referred for review shall make such recommendations as they deem appropriate and shall send copies thereof to the Selectmen, Planning Board, or zoning Board of Appeals, as applicable, and to the applicant; provided, however, that failure of any such Board or Commission to make recommendations within 35 days of receipt by such Board or Commission of the petition or application shall be deemed lack of opposition thereto.

b. Granting Authority. **Except where otherwise designated herein or in the Table of Use Regulations, the Zoning Board of Appeals shall act as the SPGA.** When a five-member Planning Board has been designated as the special permit-granting authority, one associate member may be authorized for a one-year term. The Board of Selectmen shall authorize/appoint the associate member who, upon the designation of the Chairman of the Planning Board, shall sit on the Board for the purposes of acting on a special permit application in the case of absence, inability to act or conflict of interest on the part of any member or in the event of a vacancy on the Board. [Added 4-22-2003 ATM, Art. 8]

2. **Criteria. Special permits shall be granted by the SPGA, unless otherwise specified herein, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the Town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any other specific factors that may be set forth in this By-Law, the determination shall include consideration of each of the following criteria:**

- a. **Social, economic, or community needs which are served by the proposal;**
- b. **Traffic flow, volume, and vehicular and pedestrian safety, including traffic related**

to parking and loading;

- c. Adequacy of utilities and other public services;
- d. Neighborhood and community character;
- e. Impacts on adjacent properties, neighborhoods, and zoning districts;
- f. Impacts on the natural environment;
- g. Potential fiscal impact, including impact on Town services, tax base, and employment; and
- h. Consistency with the most recent Town of Newbury Master Plan.

3. **Conditions.** Special permits may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the SPGA may deem necessary to serve the purposes of this By-Law including, but not limited to, the following: front, side, or rear yards greater than the minimum required by this By-Law; screening buffers or planting strips, fences, or walls; exterior lighting; modification of the exterior appearance of the structures; limitation upon the size, number of occupants, method and time of operation for the duration of permit, or extent of facilities; regulation of number, location of driveways or other traffic features; and off-street parking or loading or other special features beyond minimum required by this By-Law. Such conditions shall be imposed in writing, and the applicant may be required to post bond or other security for compliance with said conditions in an amount satisfactory to the SPGA.

or take any other action in relation thereto.

ARTICLE 24. To see if the Town will vote to adopt/ re-adopt and accept the provisions of Section 20 of Chapter 32B of the *Massachusetts General Laws*, as amended by Section 15 of Chapter 218 of the Acts of 2016, establishing an Other Post-Employment Benefits Liability Trust Fund; to authorize the Board of Selectmen and Treasurer to execute a declaration of trust creating an expendable trust for the purpose of holding monies appropriated to such fund; to designate the Treasurer as the trustee of such trust; to authorize the transfer of any and all monies currently held for the purpose of paying retiree health and life benefits to such trust; and to authorize the trustee to invest and reinvest the monies in such fund accordance with the Prudent Investor Rule established under Chapter 203C of the *Massachusetts General Laws*, or take any other action in relation thereto.

ARTICLE 25. To see if the Town will vote to amend the Newbury General By-laws by adding a new Chapter 8, Council on Aging, as follows:

Chapter 8 Council on Aging

8-1 Establishment: There is hereby established a Council on Aging for the purpose of coordinating and carrying out programs designed to meet the problems of the aging in coordination with programs of the department of elder affairs, pursuant to G.L. c. 40, sec. 8B.

8-2 Membership: Said Council shall consist of up to nine residents, appointed by the Select Board, each for a term of three years on a staggered basis so that three such members' terms expire each year. The Council on Aging shall annually choose a chairman and other such officers as it deems appropriate.

8-3 Regulations and Operation: The Council may adopt regulations from time to time in order to carry out the purpose of this Chapter and which are not inconsistent herewith.

Or take any other action relative thereto.


ARTICLE 26. To see if the Town will vote to accept the provision of G. L. c.59 section 5K to establish a program to allow persons over the age of 60 to volunteer to provide services to such city or town. In exchange for such volunteer services, the city or town shall reduce the real property tax obligations of such person over the age of 60 on her/his tax bills and any reduction so provided shall be in addition to any exemption or abatement to which any such person is otherwise entitled and no such person shall receive a rate of, or be credited with, more than the current minimum wage of the commonwealth per hour for services provided pursuant to such reduction nor shall the reduction of the real property tax bill exceed \$1,500 in a given tax year, or take any other action relative thereto.

ARTICLE 27. To see if the Town will vote to approve the updated and amended Triton Regional School Agreement, a copy of which is on file with the Office of the Town Clerk; or to take any other action relative thereto.

AND YOU ARE HEREBY DIRECTED TO SERVE THIS WARRANT BY POSTING AN ATTESTED COPY THEREOF IN EACH VOTING DISTRICT, FOURTEEN DAYS AT LEAST BEFORE THE TIME OF HOLDING SAID MEETING.

HEREOF, FAIL NOT, AND MAKE DUE RETURN OF THE WARRANT WITH YOUR DOINGS THEREON TO THE TOWN CLERK AT THE TIME AND PLACE AFORESAID.

GIVEN UNDER OUR HANDS THIS 30th DAY OF MARCH, 2021.



JR Colby, Chair



Alicia Greco, Vice Chair



Geoffrey Walker, Clerk



Michael Doyle

Geraldine Heavey

SELECT BOARD, TOWN OF NEWBURY

A TRUE COPY ATTEST

PURSUANT TO THE ABOVE WARRANT TO ME DIRECTED, I HEREBY NOTIFY AND WARN THE INHABITANTS OF THE TOWN OF NEWBURY, QUALIFIED TO VOTE IN TOWN AFFAIRS, TO MEET AT THE TIME AND PLACE MENTIONED FOR THE PURPOSE HEREIN NAMED.

DATE:
4/6/2021

CONSTABLE: 

PURSUANT TO THE ABOVE WARRANT TO ME DIRECTED, I HAVE NOTIFIED AND WARNED THE INHABITANTS OF THE TOWN OF NEWBURY, QUALIFIED TO VOTE IN TOWN AFFAIRS, TO MEET AT THE TIME AND PLACE MENTIONED FOR THE PURPOSE HEREIN NAMED.

DATE:
4/6/2021

CONSTABLE: 